
Allard Law Student Wins Largest Case in LSLAP History

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Alexander Wind was in his first year at the Allard School of Law when a case came in that would not only confirm his decision to pursue a legal career, but test his skills against a seasoned lawyer, an invaluable experience for an aspiring professional.

It was a wrongful termination case that Wind took to the BC Human Right Tribunal through the Law Students' Legal Advice Program (LSLAP), a student-run organization offering free legal advice for low-income individuals.

Not only did Wind help the client and win the case, but the \$65,000 award is one of the largest awarded to an LSLAP client. "It reaffirmed for me the fact that you can do good as a lawyer and that your work can result in just and equitable outcomes," says Wind, 25, now going into his third year.

Wind initially joined LSLAP in his first year as a way to get practical legal experience. "Plus, you have the opportunity to help people," he says.

LSLAP is governed by the non-profit Greater Vancouver Law Students' Legal Advice Society (GVLSLAS), with day-to-day operations run by a six-member student executive board. All of the clinicians are law students, whose work is overseen by the program's two supervising lawyers.

The complainant in Wind's case was Manisha Rassi, who claimed she was discriminated against by her now-former employer, Brighton College Ltd., when it terminated her employment on the basis of mental disability. Rassi was diagnosed with depression and had filed a claim with the Workers' Compensation Board saying bullying and harassment at work had caused the condition. Rassi went on medical leave in April 2014 and was laid off a few months later.

In October 2014, she took the case to LSLAP. Wind, in turn, brought the case to the BC Human Rights Tribunal and, with the help of supervising lawyers Sarah Marsden (PhD '13) and Christopher Heslinga (JD '12), was able to get a hearing. That was despite attempts by Brighton College's lawyers to have the case dismissed, and after no settlement could be reached.

Wind says he was so busy preparing for the hearing that he didn't have a lot of time to feel nervous before or even while it was taking place.

"My biggest fear was missing a key piece of information or key argument, but I was able to channel that concern into working harder," Wind says. "Also, the other party's lawyer (and her legal assistant) were very professional and understanding when we were corresponding before the trial, which made me feel more comfortable."

Wind argued his client's case before the Human Rights Tribunal over three days in February 2016, during his second year of law school. For him, the first big challenge was the direct examination of Rassi. "There were a lot of exhibits I had to introduce as evidence and there was a lot of information I wanted her to get across to the tribunal member (the judge)," he says. Wind was able to overcome the challenge by having a very detailed list of information from his client, and checking it off as he verbalized it to the tribunal.

His hard work and planning, supported by LSLAP staff and lawyers, paid off. In a written judgment dated February, 26, 2016, a week after the case was heard, the tribunal ruled that Brighton College discriminated against Rassi "on the basis of her mental disability," in breach of section 13 of the Human RightsCode. The client was awarded \$55,919 for lost salary and commission and \$10,000 to compensate for "injury to her dignity, feelings and self-respect." Heslinga says the injury award is rare and a "significant amount" for these types of cases.

"It goes to prove how well Alex did in proving the client's personal experience in this process," says Heslinga. "The history and length of time he spent with the client helped with that." Wind says the experience taught him a great deal about his future profession, including the importance of gathering evidence and being able to prove each point to ensure it meets the legal test.

He was also pleasantly surprised to see how respectful opposing lawyers are to one another in a hearing, no matter how heated the arguments may get. The disclosure process was also transparent, in his experience.



Christopher Heslinga (left) and Alexander Wind (right)

“There were no tricks between lawyers,” Wind says, acknowledging that it’s different behaviour from what people often see from lawyers in fictional TV programs or in the movies. “All of the conduct between the lawyers was very up front. That was also reaffirming for me about going into the law profession.”

Wind was also pleasantly surprised with how much he enjoyed the cross-examination part of the hearing, and of course is thrilled by the win. “To see our efforts — the client’s and mine — be rewarded is very gratifying,” Wind says.

While he says good preparation prevented him from becoming overwhelmed during the lead up to the case and the hearing, “It was not until the trial was over that I really realized what a large task I had taken on. At that point, the feeling of having the trial complete was pretty sweet.

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