

death was a transition and not a termination. It was his wish that his passing not be mourned, but that it be celebrated with more music than speeches. On Sunday, February 28, 2016, Russ's friends gathered together for a celebration of Russ's life at the St. James Community Square Hall in Vancouver. The gathering was filled with fond memories, with more laughter than tears. The Mutts played, ukuleles strummed, the crowd sang along when they knew the words. Selections from Bob Dylan, the Band, George Harrison, and even Monty Python set a mood that Russ most certainly would have approved of. Russ even made an appearance himself in the form of a video performance recorded at an old fishing lodge, while on holidays at Sproat Lake. In every respect, it was a perfect celebration of the life of a very special friend. As his sister Jane remarked, "Russ would be pissed about missing this."

Our friend Russ MacKay has gone off on the great adventure. We will miss his humour, his serenity, his compassion, his "attitude of gratitude". We will miss his wise counsel, his sharing and his powerful example. When each of us composes our own list of things to be grateful for, high on that list will be the gift of having had Russ MacKay in our lives.

God, we miss that guy.

The Honourable Judges Kenneth Stkilnick and Ian Aikenhead



Judith Paula Mosoff

The University of British Columbia and the Peter A. Allard School of Law lost an important member of our community to cancer, on December 20, 2015. Judith died at home having been cared for by her devoted partner Jim Russell, her children Ben and Leah, her mother Sara and her lifelong friend Nancy Goodman. She is also survived by her brother Mark.

She fought this last battle with the same dogged spirit that enabled her to accomplish so much in her life—try everything and stop at nothing.

Judith began her career as a psychology instructor at Ryerson University in Toronto in 1970, having graduated with a B.A. in psychology from the Uni-



versity of Toronto and an M.A. from York. While a student she married her high school sweetheart, Dr. Ron Sax. Although the marriage ended, she and Ron remained friends until his death in 2001. Disheartened with psychology, she came to UBC's Department of Sociology on sabbatical in 1977 looking for a career change. At UBC she met Jim Russell, then a graduate student, who would become her lifelong partner. They wrote their LSATs together and headed to law school at UBC (Class of '83). Their first child Ben was born the year they graduated.

Although Judith started out in private practice, she soon moved to the Community Legal Assistance Society ("CLAS"). There she was director of the Mental Patients Advocacy Project, which represented individuals detained in psychiatric facilities. Judith met her close friend Peter Carver while working at CLAS. This work shaped her research agenda and her teaching for decades to come. Judith left legal practice and enrolled in the LL.M. program at UBC after her daughter Leah was born in 1989.

In 1991, Judith joined the faculty of law at UBC as a clinical instructor and was coordinator for the faculty's Clinical Legal Program. Once in the academic stream, she taught a variety of courses over the years, including administrative law, criminal law, regulatory state, perspectives on law, disability law, children and the law, and, most recently, legal ethics and professionalism. Judith's passion for teaching lay in the clinical context, as she believed that students learned best by doing, and by engagement with ethical problems as they arise in practice. Even after she moved to more traditional teaching, she continued to incorporate clinical elements. In her disability course, for example, students were placed with community groups and their course papers were based on work done for the placement. Judith was committed to developing a sense of social responsibility in young lawyers and to giving students a context from which to think about and discuss the role of law in pursuing social justice. In 2014 she began supervising UBC's externship program in the Provincial Court, the perfect mix of clinical and classroom instruction for Judith.

Judith's research articles often began with, or were inspired by, a story or a hypothetical or a legal decision, often related to her experience in practice. Her first article used her experience as counsel for an HIV-infected prisoner to explore the social and ethical issues that arise from undertaking public interest litigation.¹ Her second article began with a story from her time as a lawyer "representing psychiatric patients on the grounds of a large medieval-looking turn-of-the-century mental hospital in British Columbia".² Her client's story, she said, began her thinking about disability, reproduction, parenting and the role of medical control.

Judith never avoided complex issues that many might shy away from. Her last published article examined when the legal system should intervene to protect the life of an adolescent with mental health issues who is engaging in life-threatening behaviour.³ This article addressed the tricky balance between the autonomy interests of adolescents who are evolving into adulthood and the best interests of the child.

While she challenged the legal system to grant human rights to persons with disabilities, Judith also challenged the human rights paradigm to address disability rights in a fulsome manner. Her article "Excessive Demand on the Canadian Conscience: Disability, Family, and Immigration"⁴ was followed by "Is the Human Rights Paradigm 'Able' to Include Disability: Who's In? Who Wins? What? Why?"⁵ In 2009, Judith used two Supreme Court of Canada decisions to argue that a broad vision of an inclusive workplace had not been carried forward when addressing employees with disabilities that do not fit into standard medical frameworks, such as chronic fatigue syndrome.⁶ Two of her articles on human rights and disability, as well as one on corporal punishment, were published with her colleague and friend Professor Isabel Grant.⁷

Judith's most significant scholarly contribution arguably came out of her work on law and mothers with mental health issues. Her well-known article "Motherhood, Madness, and Law"⁸ was groundbreaking for its exploration of how mental health law and child protection law intersect in a way that dramatically affects women with psychiatric disabilities. Together with "A Jury Dressed in Medical White and Judicial Black': Mothers with Mental Health Histories in Child Welfare and Custody",⁹ this work is a rare Canadian example of in-depth scholarly consideration of how the ideology of motherhood intersects with attitudes about mental illness in judicial decision-making about parental fitness. Judith challenged judges on their deference to psychiatric evidence used to undermine women who experience multiple axes of disadvantage. She was working on a new paper on this subject when she became ill.

Perhaps the project that meant most to Judith was her role as a founding member of STEPS Forward, a provincial initiative supporting students with developmental disabilities to access inclusive post-secondary education. Collaborating with universities and colleges to set up local inclusive post-secondary education initiatives was an incredible accomplishment for Judith, shared with her dear friend Tamara Hurtado and others. Judith's vision of the university community as a diverse and inclusive community of learners, including students with developmental disabilities, was instrumental in making inclusive post-secondary education a reality at UBC and

across the province. Securing permanent sustainable funding was an ongoing challenge, one to which Judith devoted tireless energy. As a result of her unending commitment, a generation of young adults with developmental disabilities in B.C. now has access to an inclusive university or college education.¹⁰

Judith was committed to using law for social change but law was not her greatest passion. She simply had too many other passions to put law first on the list. Judith loved films and books; she spent hours volunteering at the Vancouver International Film Festival each year. She integrated film into her teaching by, for example, inviting her students to a lunchtime film series that included movies representing disability. She was also an adventurous traveler. In recent years, she travelled to India with her friend Nancy, where they volunteered in an orphanage and explored the country. She was invited to Beijing through International Bridges to Justice in 2014 where she worked on disability issues and criminal justice. New York City was a favourite destination: she loved theatre, art galleries and museums, and simply wandering the streets.

Judith's greatest passions were her children Ben and Leah. Her endless pride in Ben and Leah, and in the remarkable adults they have both become, suggest that they will live on as her proudest legacy.

Judith's energy and commitment to improving the lives of persons with disabilities will also live on in the body of scholarship she produced, in the students she taught, and in the communities of scholars and activists with whom she worked. She will be missed.

Susan B. Boyd and Isabel Grant

ENDNOTES

1. "Do the Orthodox Rules of Lawyering Permit the Public Interest Advocate to 'Do the Right Thing?': A Case Study of HIV-Infected Prisoners" (1992) 30:4 *Alta L Rev* 1258.
2. "Reproductive Technology and Disability: Searching for the 'Rights' and Wrongs in Explanation" (1993) 16:1 *Dalhousie LJ* 98 at 98.
3. "Why Not Tell it Like It Is?: The Example of *PH v. Eastern Regional Integrated Health Authority, A Minor in a Life-Threatening Context*" (2012) 63 *UNBLJ* 238.
4. (1999) 26:2 *Man LJ* 149.
5. (2000) 26:1 *Queen's LJ* 225.
6. "Lost in Translation?: The Disability Perspective in *Honda v Keays* and *Hydro-Québec v Syndicat*" (2009) 3 *McGill JL & Health* 137.
7. "Hearing Claims of Inequality: *Eldridge v British Columbia (AG)*" (1998) 10:1 *CJWL* 229; "Disability and Performance Standards Under the Ontario Human Rights Code" (2002) 1:2 *JL & Equality* 205; "Upholding Corporal Punishment: For Whose Benefit?" (2005) 31:1 *Man LJ* 177.
8. (1995) 45:2 *UTLJ* 107.
9. In Susan B Boyd, ed, *Challenging the Public/Private Divide: Feminism, Law, and Public Policy* (University of Toronto Press, 1997) 227.
10. Judith Masoff, Joe Greenholtz and Tamara Hurtado, *Assessment of Inclusive Post-Secondary Education for Young Adults with Developmental Disabilities* (Canadian Council on Learning, November 2009).

