

TRIBUTE TO PROFESSOR JUDITH MOSOFF

The Peter A. Allard School of Law lost an important member of our community to cancer on 20 December 2015. Professor Judith Mosoff was a faculty member at the law school for 24 years, where she made significant contributions to the faculty's clinical and academic programs. Her teaching focused on subjects related to administrative law, criminal law, disability law, children and the law and, most recently, she played an integral role in developing a new course in Ethics and Professionalism. Even when teaching in the academic stream, Professor Mosoff often incorporated a clinical component, for example, placing students in her Disability Law or Children and the Law classes with community organizations for which students would write research papers or reports. She used these opportunities to push law students to explore the ethical issues arising when representing marginalized client groups.

Professor Mosoff's published works often began with, or were inspired by, one of her earlier experiences in legal practice, making her academic writing especially meaningful. The experience that shaped Professor Mosoff's work most profoundly was her work representing clients with psychiatric disabilities at the former Riverview Hospital and the Forensic Psychiatric Hospital. This work, in turn, drove her research agenda as a scholar. Arguably her most significant scholarly contribution emerged from her work on law and mothers with mental health issues. Her well-known 1993 article "Motherhood, Madness, and Law"¹ began with a story from her time at Riverview and, specifically, the circumstances of one young woman who, while civilly committed, was dealing with the province's attempt to apprehend her daughter. This article was groundbreaking for its exploration of how mental health law, child protection law, and psychiatric

¹ (1995) 45:2 UTLJ 107.

expertise intersect in a way that dramatically disadvantages mothers with psychiatric disabilities. Her paper “Reproductive Technology and Disability: Searching for the ‘Rights’ and Wrongs in Explanation”² began with a story about her client, whose doctors did not believe she was pregnant, and gave her antipsychotic medication which had a devastating impact on her fetus. Her client’s story, she said, “began [her] thinking about disability, reproduction, parenting and the role of medical control.”³

Professor Mosoff returned to child protection for mothers with mental disabilities nearly two decades later, hoping to find that something had changed, and was working on this research when she became ill. Because she was unable to complete this important work, her colleagues Professor Isabel Grant and Professor Emerita Susan Boyd undertook to do so, along with her research assistant Ruben Lindy. The article that resulted appears in this issue of the *UBC Law Review* and is entitled “Intersecting Challenges: Mothers and Child Protection Law in BC”.

The scope of Professor Mosoff’s scholarly work went well beyond the topic of child protection. She was well-known for her scholarship on disability and disability rights. She challenged the legal system to grant human rights to persons with disabilities and the human rights paradigm to address disability rights in a fulsome manner.⁴ She wrestled with the rights of mature minors to refuse potentially life-saving treatment⁵ and with the constitutionality of corporal punishment.⁶

Professor Mosoff put enormous energy into activism for persons with disabilities through organizations such as the Canadian Association For Community Living (CACL), where she was the founding member of the

² “Reproductive Technology and Disability: Searching for the ‘Rights’ and Wrongs in Explanation” (1993) 16:1 Dal LJ 98 at 98.

³ *Ibid.*

⁴ See “Excessive Demand on the Canadian Conscience: Disability, Family, and Immigration” (1999) 26:3 Man LJ 149; “Is the Human Rights Paradigm ‘Able’ to Include Disability: Who’s In? Who Wins? What? Why?” (2000) 26:1 Queen’s LJ 225.

⁵ “‘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) 63:1 UNBLJ 238.

⁶ See e.g. Judith Mosoff & Isabel Grant, “Upholding Corporal Punishment: For Whose Benefit?” (2005) 31:1 Man LJ 177.

CACL Strategic Litigation Committee, and the Council of Canadians with Disabilities (CCD). She was a member of the federal government's Mental Health Commission and was also a committed feminist who volunteered with the Women's Legal Education and Action Fund (LEAF) on cases involving disability and gender. Professor Mosoff believed that strategically selected litigation could further the interests of persons with disabilities but was cautious about relying on it as a primary strategy for reform. Her greatest passion, and one of her greatest legacies, was the formation of Steps Forward, an inclusive post-secondary initiative that facilitates and supports young adults with intellectual disabilities attending BC post-secondary institutions.⁷ Professor Mosoff played an integral role in developing support from both the educational institutions and provincial governments for inclusive post-secondary education.⁸ Thanks to her energy and commitment, a generation of young adults with developmental disabilities in BC now has access to an inclusive university or college education, a legacy we hope will continue for many future generations. Steps Forward is currently taking donations towards a Judith Mosoff bursary or scholarship to support future students. Anyone interested in finding out more information should go to <www.steps-forward.org>.

⁷ "Steps Forward", online: <www.steps-forward.org>.

⁸ See generally Judith Mosoff, Joe Greenholtz & Tamara Hurtado, *Assessment of Inclusive Post-Secondary Education for Young Adults with Developmental Disabilities* (Canadian Council on Learning, November 2009), online: <www.steps-forward.org>.