

Queen's Faculty of Law  
Achievements in Research and Scholarship

Annual Report 2008



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## INTRODUCTION

This report lists the scholarly activities and research achievements of the Queen's Faculty of Law for the calendar year 2008. The picture that emerges from this report is a law faculty that enjoys a rich and vibrant research culture in which excellence in legal scholarship is pursued along diverse lines and from diverse perspectives.

The record confirms, in particular, that this is a law school whose members are intensively engaged in legal discourse at a global level. Research activities took Queen's law professors around the world in 2008. Papers were delivered in (to give some examples) Tehran, Hong Kong, Dublin, Jerusalem, Oxford, Canberra, Washington and New York. The work of Queen's Law Faculty members is having a worldwide impact.

The record also confirms that Queen's law professors are committed to legal and policy debates at national, provincial and local levels. To give a few examples: they produced reports and studies for the federal Departments of Justice, Finance, and Foreign Affairs, for the Advisory Council on the Status of Women, and for the Royal College of Physicians and Surgeons of Canada; they made presentations to the Canadian Bar Association, the National Judicial Institute, the Federation of Law Societies, the Ontario Environmental Review Tribunal, the Canadian Society for the Investigation of Child Abuse, and the Frontenac County Law Society; and they made oral submissions to the Senate Committee on Aging and the House of Commons Standing Committee on the Status of Women.

Underlying these activities is a foundation of research that is being tested and published. In 2008, Queen's law professors produced an impressive range of publications in peer-assessed journals and books. Their articles appeared in leading Canadian law journals, like the McGill Law Journal, the University of Toronto Law Journal, the Queen's Law Journal, the Osgoode Hall Law Journal, and the Supreme Court Law Review, and internationally in, for example, the Florida State University Law Review, the Rutgers Journal of Law and Public Policy, the Leiden Journal of International Law, the Yale Law Journal, and the Cambridge Law Journal. They also wrote book chapters for volumes published by leading academic presses, including Oxford University Press and Cambridge University Press, as well as guides and casebooks for legal professionals and students.

2008 was the strongest year ever for those Queen's law professors who seek grant money from external funding agencies. Grants were obtained from the Social Science and Humanities Research Council of Canada (SSHRC) to fund research in a range of topics, including refugee law, privacy law, family law, tax law, constitutional law, and aboriginal law. In fact, a disproportionate share of SSHRC grant money awarded to Queen's University researchers generally went to Law Faculty members in 2008. The quality of their research is being recognized in the increasingly tough national competition for scarce research dollars in Canada.

This report indicates that Queen's is a place where leading legal scholars in Canada and beyond come to discuss their research. The Law Faculty hosted or co-hosted conferences and symposia on legal philosophy, tax law and constitutional law, and the visiting speakers programme brought to Queen's a long and impressive line-up of leading legal scholars from Canada and other countries.

Finally, in 2008 the Queen's Faculty of Law launched its doctoral (Ph.D.) programme in law to supplement its existing LL.M. programme (now celebrating its 40<sup>th</sup> year). This decision to expand graduate legal studies at Queen's is one clear manifestation of the Faculty's commitment to building a truly comprehensive and forward-looking research community.

Mark Walters  
Associate Dean (Graduate Studies & Research)

**Queen's Faculty of Law  
Achievements in Research and Scholarship for 2008**

**(January 2008 to December 2008)**

**BOOKS**

**Nicholas Bala**

(with Fidler, Birnbaum & Kavassalis), *Common Challenges in Custody Assessments: A Guide for Legal and Mental Health Professionals* (Toronto, Carswell, 2008).

**Allan Manson**

(with P. Healy, G. Trotter, J. Roberts and B. Ives), *Sentencing and Penal Policy: Cases, Materials and Commentary*, 2<sup>nd</sup> ed. (Toronto: Emond Montgomery, 2008).

**Donald Stuart**

(with R. Delisle & T. Quigley), *Learning Canadian Criminal Procedure*, 9<sup>th</sup> ed. (Toronto: Thomson Carswell, 2008).

**ARTICLES AND BOOK CHAPTERS**

**Bitá Amani**

Review of Ikechi Mgbeoji, *Global Biopiracy: Patents, Plants, and Indigenous Knowledge* (2008) 46 Osgoode Hall Law Journal, 50<sup>th</sup> Anniversary Special Environmental Issue.

**Martha Bailey**

“Dwelling Among Us” in Lynn Wardle, ed., *What's the Harm?: Does Legalizing Same-Sex Marriage Really Harm Individuals, Families or Society?* (American University Press, 2008).

“Closed Off From the World” a review of *The Secret Lives of Saints: Child Brides and Lost Boys in a Polygamous Mormon Sect* by Daphne Bramham in (July/August 2008) Literary Review of Canada.

**Nicholas Bala**

(with Leschied), “Court-Ordered Assessments In Ontario Child Welfare Cases: Review And Recommendations For Reform” (2008), 24 Canadian Journal of Family Law 1-56.

“Youth as Offenders and Victims in the Criminal Justice System: A Charter Analysis – Recognizing

Vulnerability” (2008), 40 Supreme Court Law Review 595-625; appearing also in J. Cameron & J. Stribopoulos (eds.), *The Charter and Criminal Justice: Twenty-Five Years Later* (Toronto: LexisNexis, 2008).

(with Jaffe, Johnston, & Crooks) “Custody Disputes Involving Allegations of Domestic Violence: The Need for Differentiated Approaches to Parenting Plans” (2008), 46 Family Court Review 500-522.

(with C. Cesaroni), “Deterrence as a Principle of Youth Sentencing: No Effect on Youth, but a Significant Effect on Judges” (2008), 34 Queens Law Journal 447-481.

(with Jaffe & Crooks), “Spouse Abuse and Child Custody Disputes: The Need for a New Framework for the Family Court,” in Tutty & Ursel (eds.), *What's Law Got to do With It: The Law, Specialized Courts and Domestic Violence in Canada* (Toronto: Cormorant Press, 2008), 254 – 271.

Review of: Howe & Covell, edits., *A Question of Commitment: Children's Rights in Canada*, for publication in *Canadian Public Policy* (2008).

(with Fidler), “Parental Alienation: Everyone Loses,” *Lawyers Weekly*, June 27, 2008, p. 11.

### **Arthur Cockfield**

“Developing a Tax Strategy for NAFTA Countries” (2006) 42 Tax Notes International 975, reprinted in A. Usha (ed.), *Tax Law: Global Perspectives* (India: Icfai University Press, 2007).

Op-ed: *He Knows When You're Awake ...*, Ottawa Citizen, Dec. 11, 2008, reprinted in Montreal Gazette, Vancouver Sun, Windsor Star, Calgary Herald, Edmonton Journal, Victoria Colonist-Times and other newspapers

Op-ed: *Expand New Tax Benefit for Working Families*, Kingston Whig-Standard, Oct. 16, 2008

Op-ed: *Use Tax to Open U.S Border*, National Post, Sept. 5, 2008

### **Lisa Dufraimont**

“The Jury and Evidence Law: A Reassessment” (2008) 53 McGill Law Journal 199-242.

“Regulating Unreliable Evidence: Can Evidence Rules Guide Juries and Prevent Wrongful Convictions?” (2008) 33 Queen's Law Journal 261-326.

“R. v. Ferguson and the Search for a Coherent Approach to Mandatory Minimum Sentences under Section 12” (2008) 42 Supreme Court Law Review 459-478.

“The Common Law Confessions Rule in the Charter Era: Current Law and Future Directions” (2008) 40 Supreme Court Law Review 249-269, reprinted in Jamie Cameron & James Stribopoulos (eds.), *The Charter and Criminal Justice: Twenty-Five Years Later* (Markham, Ont.: LexisNexis, 2008) 249-269.

“R. v. Dinardo: Troubling Issues Regarding Prior Consistent Statements” 57 Criminal Reports (6<sup>th</sup>) 76-78.

Annotation to R. v. Stirling, (2008) 54 Criminal Reports (6th) 229-30

Annotation to R. v. Simpson, (2008) 53 Criminal Reports (6th) 2-3

### **Larissa Katz**

“Exclusion and Exclusivity in Property Law” (2008), 58 University of Toronto Law Journal 275-315.

### **Erik Knutsen**

“Deconstructing Automobile Insurance Coverage in Canada” *Insurance, Risk Management, and Regulation Online Journal Series*, Social Sciences Research Network, Vol. 3, No. 28, Oct. 10, 2008 (American online SSRN pre-publication journal).

“The Causation Conundrum at the Court of Appeal,” *Ontario Trial Lawyers Association Medical Malpractice Newsletter* (August 2008).

“Concurrent Causation in Insurance,” *Lawyers Weekly*, March 21, 2008.

Guest Blogger (invited), Lawprawfsblog, February and March, 2008.

### **Hoi Kong**

“The Forms and Limits of Federalism Doctrine” (2008), 13 Review of Constitutional Studies 241.

“The Curious Incident at Ryerson University” (2008), 2 Canadian Legal Education Annual Review 157.

“Foreword: Open Federalism and the Spending Power” (2008), 34 Queen’s Law Journal i.

“The Spending Power, Constitutional Interpretation and Legal Pragmatism” (2008), 34 Queen’s Law Journal 305.

### **Nancy McCormack**

“User Comments and Reviews: Decline or Democratization of the Online Public Access Catalogue?” (2008) 3 Feliciter 129

“Beyond Print: A Survey of Educational and Documentary Film Collections in Canadian Law Libraries” (Autumn 2007) Canadian Law Library Review 184

(with Nicole Eva), “How Happy Are You? What Librarian’s Job Satisfaction Surveys Tell Us” (2008) 14 Access OLA 16.

“Project on International Courts and Tribunals” (Spring 2008) 27:3 TALL Newsletter 18.

“The Great Debate: First Negative Construction” (2007) 53:4 Feliciter 196.

(Review) “Canadian Contractual Interpretation Law” (Conference 2008) 33:3 Canadian Law Library Review 362 [Reprinted in Manitoba Bar Association’s (November 2008) Headnotes and Footnotes 14].

“The Honeymoon and After: A Review Essay on Alberto Manguel’s *The Library at Night* (February 2008) Academic Matters 28.

(Review) “Bank and Customer Law in Canada” (Spring 2008) 33:1 Canadian Law Library Review 278 [Reprinted in Manitoba Bar Association’s (August/September 2008) Headnotes and Footnotes 28].

(Review) “The Law of Libraries and Archives” (2008) 69 College and Research Libraries 83

(Review) “Law of Publication Bans, Private Hearings and Sealing Orders” (Winter 2007) 32:5 Canadian Law Library Review 238 [Reprinted in Manitoba Bar Association’s (April 2008) Headnotes and Footnotes 18].

(Review) “Life Sciences Law in Canada” (Autumn 2007) 32:4 Canadian Law Library Review 201.

### **Cherie Metcalf**

“Compensation as Discipline in the Justified Limitation of Aboriginal Rights: The Case of Forest Exploitation” (2008), 33 Queen’s Law Journal 385-452.

(with T. Bubela, E. Beas Rodriguez, K Nnadozie, E. Rodriguez, J. Carbone), “Respecting, Promoting, and Protecting Traditional Knowledge: A comparative Case Study of Brazil, Kenya and Northern Canada” (The Innovation Partnership, 2008).

### **Paul Miller**

(with J. Johnston), “Consent and Private Liability in Clinical Research” in O.P. Corrigan, K. Liddell, J. McMillan, M. Richards & C. Weijer (eds.), *The Limits of Consent: A Socio-ethical Approach to Human Subject Research in Medicine* (Oxford: Oxford University Press, 2009).

(with C. Weijer), “Beyond Consent: The Trust-Based Obligations of Physicians to Patients in Clinical Research” in O.P. Corrigan, K. Liddell, J. McMillan, M. Richards & C. Weijer (eds.), *The Limits of Consent: A Socio-ethical Approach to Human Subject Research in Medicine* (Oxford: Oxford University Press, 2009).

### **Bruce Pardy**

“The Pardy-Ruhl Dialogue on Ecosystem Management, Part V: Discretion, Complex-Adaptive Problem Solving, and the Rule of Law” (2008), 25 Pace Environmental Law Review 341.



“Separation of Powers in the Ivory Tower: An Organizing Principle for University Governance”, (2008), 5 Rutgers Journal of Law and Public Policy 372.

“Goods, Services and Systems: A Review of Ruhl, Kant & Lant’s The Law and Policy of Ecosystem Services” (2008), 46 Osgoode Hall Law Journal 445.

### **Patricia Peppin**

(with R. Mykitiuk) “Gender Equity and Clinical Trials in Canada: Aspiration or Achievement?” (2008), 1 International Journal of Feminist Approaches to Bioethics 100-124.

“Vaccines and Emerging Challenges for Public Health Law” in T.M. Bailey, T. Caulfield & N.M. Ries (eds.), *Public Health Law & Policy in Canada* 2<sup>nd</sup> ed. (Markham: LEXISNEXIS, 2008), 133-177.

“Litigating Antidepressants: Challenging Constructs of Health in Pharmaceutical Promotion” in B. Bennett, T. Carney and I. Karpin (eds.), *Brave New World of Health* (Sydney: Federation Press, 2008), 166-181.

### **Michael Pratt**

“Contract: Not Promise”, 35 Florida State University Law Review 801 (2008).

### **Darryl Robinson**

“The Identity Crisis of International Criminal Law” (2008), 21 Leiden Journal of International Law 925-963.

(with D.K. Piragoff), “Article 30” in Otto Triffterer (ed.), *Commentary on the Rome Statute of the International Criminal Court* (Oxford: Hart Publishing 2008).

### **Donald Stuart**

“Charter Standards for Investigative Powers: Have the Courts Got the Balance Right?” (2008), 40 Supreme Court Law Review 1-53.

Annotation to *R. v. Washington* (2008) 52 C.R. (6<sup>th</sup>) 132

Annotation to *R. v. Malanca* (2008) 53 C.R. (6<sup>th</sup>) 228

Annotation to *R. v. Kanda* (2008) 53 C.R. (6<sup>th</sup>) 331

“Beatty: Charter Standard of Marked Departure for All Crimes of Negligence” (2008) 54 C.R. (6<sup>th</sup>) 33

Annotation to *R. v. Harrison* (2008) 55 C.R. (6<sup>th</sup>) 39

Annotation to *R. v. Smith* (2008) 55 C.R. (6<sup>th</sup>) 92

“Revitalising Section 8: Individualised Reasonable Suspicion is a Sound Compromise for Routine Dog Sniffer Use” (2008) 55 C.R. (6<sup>th</sup>) 376

Annotation to *R. v. S. (J.H.)* (2008) 57 C.R. (6<sup>th</sup>) 79

Annotation to *R. v. Kapp* (2008) 58 C.R. (6<sup>th</sup>) 1

Annotation to *R. v. Swan* (2008) 58 C.R. (6<sup>th</sup>) 126

## **Malcolm Thorburn**

“Justifications, Powers and Authority”, 117 *Yale Law Journal* 1070 (2008).

“The Constitution of Criminal Law”, 3 *Criminal Law and Philosophy* xxx (2008).

## **Mark Walters**

“Legal Humanism and Law as Integrity” (2008), 67 *Cambridge Law Journal* 352-375

“The Jurisprudence of Reconciliation: Aboriginal Rights in Canada” in Will Kymlicka & Bashir Bashir (eds.), *The Politics of Reconciliation in Multicultural Societies* (Oxford: Oxford University Press, 2008), chapter 8, pp. 165-191.

“Written Constitutions and Unwritten Constitutionalism” in Grant Huscroft (ed.), *Expounding the Constitution: Essays in Constitutional Theory* (Cambridge: Cambridge University Press, 2008), chapter 10, pp. 245-276.

“Human Rights at Common Law and under the Constitution Act, 1867” in Leonard Rotman (ed.), *Constitutional Law: Cases, Commentary and Principles* (Toronto: Carswell, 2008), chapter 15, pp. 733-767.

## **Mark Weisberg**

“Silence in the Classroom,” *Silences* (Society for Teaching and Learning in Higher Education 2008).

## **REPORTS AND STUDIES FOR GOVERNMENTS AND OTHER ORGANIZATIONS**

### **Nicholas Bala**

(with Paetsch, Bertrand & Thomas), *Testimonial Support Provisions for Children and Vulnerable Adults (Bill C-2): Case Law Review & Perceptions of the Judiciary*, Canadian Research Institute for Law & the Family, for the Department of Justice Canada (March 2008).

(with Fagnan), *Child Witness Electronic Benchbook*, National Judicial Institute, 2008 edition.

### **Arthur Cockfield**

*Finding Silver Linings in the Storm: An Evaluation of Recent Canada-US Crossborder Tax Developments*, C.D. Howe Institute Commentary no. 272 (2008)

*Examining Policy Options for the Taxation of Outbound Direct Investment: A Report for the Advisory Panel on Canada's System of International Taxation* (Ottawa: Dept. of Finance, forthcoming 2008).

## **Kathleen Lahey**

*What About women? Gender analysis of Discussion Paper on New Brunswick's Tax System* (Fredericton N.B.: Advisory Council on the Status of Women, 2008).

“Where are the women? Gender analysis of direct expenditures, tax revenues, and tax expenditures in Budget 2008” (Ottawa: House of Commons, Standing Committee on the Status of Women, 2008).

“Gender analysis of ‘tax-free savings’ and income splitting with TFSA’s” (Ottawa: House of Commons, Standing Committee on the Status of Women, 2008).

“Gender Analysis of Tax Measures in Budgets 2006 and 2007” (Ottawa: House of Commons, Standing Committee on the Status of Women, 2008).

“Gender training: Budgetary allocations for child care” (Ottawa: House of Commons, Standing Committee on the Status of Women, 2008).

## **Paul Miller**

(with S. Choudhry & A. Campbell), *Primer on the Legal Regulation of the Physician-Patient Relationship* (Ottawa: Royal College of Physicians and Surgeons of Canada Bioethics Education Project, 2008) (68 pgs).

(with S. Choudhry), *Primer on Health Systems Law and Policy* (Ottawa: Royal College of Physicians and Surgeons of Canada Bioethics Education Project, forthcoming) (83 pgs).

## **Darryl Robinson**

*Report of the Genocide Curriculum Review Committee* (independent experts report to the Toronto District School Board, with Professors Howard Adelman and Doris Bergen).

*Transitional Justice Mechanisms in Fragile States: Lessons Learned and Best Practices* (DFAIT, Ottawa, December 2008).

## **CONFERENCES, SEMINARS AND WORKSHOPS**

### **Sharryn Aiken**

“In/security in the Shadow of 9/11: The Impact of Anti-Terrorism Measures on Refugee Diasporas”, paper and panel chair for “A Workshop On Sri Lankan Diasporas And Global Engagement”, Ryerson University, Toronto, September 26, 2008.

“The International Impact of Canada’s Refugee Policies”, Keynote Speaker, Inaugural Conference of the Canadian Association of Refugee and Forced Migration Studies, June 18, 2008.

“Legal Exceptionalism, Immigration Security and Diasporic (Non)Citizens”, paper presented at the Joint Annual Meeting of the Law and Society Association and the CLSA, Montreal, May 31, 2008.

“The Changing Landscape of Justice and Security in Canada: The European Union and EU-Canada Relations”, Workshop Commentator, Faculty of Law, University of Toronto, May 4, 2008.

“From Slavery to Expulsion: Racism and Canadian Immigration Law”, Address in Honour of International Day for the Elimination of Racial Discrimination, Trent University, Peterborough, Ontario, March 20, 2008.

### **Bitu Amani**

“Defining E-Topia: Emerging Internet Privacy Issues and the Challenge Posed to Protecting Genetic Information” presented at the Second International Medical Ethics Congress, Tehran, Iran, April 16-18, 2008.

“Consuming ‘DNA as Chemicals’ and Chemicals as Food: A Fresh Policy Perspective for Women’s Health”, solicited paper, presented at Public Workshop and Gender and Environmental Health Symposium, Consuming Chemicals: Implication for Women’s Health Lecture Series, organized by NNEWH.

“Biopatenting after the Supreme Court of Canada”, Oxford Centre for Intellectual Property Research, May 13, 2008.

“Patenting Life after the Supreme Court of Canada”, Leeds University Centre for International Governance, May 8, 2008.

Commentator and panel discussant, The Future of Food Conference, Centre for International Governance, Leeds University, May 9, 2008.

“Critically Assessing Genetic Research, the Human Genome Diversity Project, and Biopatenting” for Samantha King’s course, Queen’s University, School of Kinesiology & Health Studies and Women’s Studies, *Race, Class, Gender, and the Study of Health*, November 12.

“I Am Canadian: Recognition of Foreign Polygamous Marriages and Socio-Legal Considerations for New Immigrants” presented to social workers and professionals servicing immigrant communities, Costi Immigration Services, Toronto, October 2008, <http://www.costi.org/>.

### **Beverley Baines**

“Religion and Polygamy: Big Love vs Two Persons” at the 7<sup>th</sup> Annual Charter Conference, Ontario Bar Association, Toronto, 26 September 2008.

### **Nicholas Bala**

“Child Witness Reforms: Judicial Perceptions Survey & Case Law Review,” Annual Meeting of Canadian Research Institute for Law and the Family, Lake Louise, Alta, May 3, 2008

## **Nicholas Bala**

“Canada’s Youth Criminal Justice Act after Five Years: Changing Responses to Young Offenders”, British Columbia Youth Justice Provincial Forum (B.C. Ministry of Children and Families) Vancouver, B.C., Feb. 6, 2008.

## **Kevin Banks**

“The Impact of the BC Health Decision on Canada’s International Labour Obligations”, presented February 27, 2008 to an invited Roundtable entitled “The Canadian Charter and the Right to Collective Bargaining”.

## **Arthur Cockfield**

“Protecting Privacy Interests under Enhanced Cross-border Tax Information Sharing: Towards a Multilateral Taxpayer Bill of Rights”, McGill University/University of Wisconsin Workshop on ‘Tracking our Fiscal Footprint: Assessing the Impact of Conventional International Tax Standards on Low-Income Countries’, (Montreal) Oct. 27, 2008.

“Protecting Privacy Interests under Enhanced Cross-border Tax Information Sharing”, University of Montreal Workshop on ‘Meeting the Normative Challenges of International Tax Policy’, (Montreal) Aug. 28, 2008.

“Evaluating the Non-Discrimination Article in the OECD Model Tax Treaties: The Relationship between Trade and Tax Policy”, Invitational Seminar on the OECD Project on Taxation and Non-Discrimination: A Reconsideration, International Tax Center (Leiden, The Netherlands), April 14, 2008.

“The Theory and Reality of Taxing Foreign Direct Investment: Contributions by Alex Easson”, Globalization and the Impact of Tax on International Investments: A Symposium in Honour of the Late Alex Easson, Queen’s University Faculty of Law (Kingston), Feb. 29, 2008.

“Protecting Privacy in the Context of Enhanced Cross-border Tax Information Exchanges”, James Housman Tax Workshop (Toronto), Nov. 28, 2007.

“Generating Insights into Law and Technology Theories: The Next Step”, Panel of Law and Technology Theory, Annual Law and Society Meeting (May 15, 2008)(Montreal)

“The Impact of Technology on Culture”, Leaders of the Wired World, insight Conference (Ottawa), Jan. 27, 2008

## **Lisa Dufraimont**

“*R. v. Ferguson* and the Search for a Coherent Approach to Mandatory Minimum Sentences under Section 12” (Paper presented to the 2007 Constitutional Cases Conference, Toronto, Ontario, 18 April 2008).

## **Lynne Hanson**

“Redefining Capacity to Enable Effective Treatment of Addiction” - Paper presented at Queen's Health and Human Rights Conference, Saturday, October, 4, 2008, Kingston ON.

## **Larissa Katz**

“Governing Through Owners”, presented:

- faculty workshop at Radzyner School of Law, Interdisciplinary Centre, Herzliya, Israel, 2008, May 2008
- “Issues in Property Theory” workshop, at New York University, July 2008.

“The Concept of Formal Ownership,” presented at:

- “The Public Nature of Private Property” symposium, Georgetown Law Centre, November 2008
- New York University, Property Theory Workshop (2008)
- Australia National University, Legal Theory Series, December 2008.

## **Kathleen Lahey**

“Removing fiscal barriers to women’s employment in Israeli taxation”, Tel Aviv: Women’s Budget Forum, Adva, 2008.

“International taxation, women, and gender analysis: From the ‘race at the bottom’ to equality”, Montreal: Tracking Our Fiscal Footprint: Assessing the Impact of Conventional International Tax Standards on Low-Income Countries, co-sponsored McGill Faculty of Law and University of Wisconsin College of Law, Oct., 2008

“Implications of *Beyond (Straight and Gay) Marriage*, by Nancy Polikoff”, chair. Montreal: Law and Society/Canadian Law and Society Association, May, 2008.

“Same-sex tax issues in transnational perspective: Canada and the United States”, Montreal: Law and Society/Canadian Law and Society Association, May, 2008.

“Gender analysis of direct expenditures, tax revenues, and tax expenditures in Budget 2008”, Ottawa: International Development Research Centre, conference on Making Tax Reforms Work for Women, March, 2008.

“International economic transactions, taxation, and women: The critical role of gender analysis”, Queen’s University Faculty of Law Symposium on International Taxation, Kingston, February, 2008.

## **Allan Manson**

“A Principled Approach to Mitigation”, presented on Feb. 24, 2008 at Bar Ilan University Sentencing Symposium (Israel).

“Mitigation and Aggravation: Searching for Principles”, presented Feb.28, 2008 at Worcester College Sentencing Symposium, Oxford University.

### **Nancy McCormack**

Speaker - CALL Academic Special Interest Group - Law Library Leadership Institute, Career Advancement Strategies Session. Saturday May 24, 2008, Canadian Association of Law Libraries Conference, Saskatoon, Saskatchewan

### **Cherie Metcalf**

“The (Ir)relevance of Constitutional Protection for Property Rights?: Comparisons for Takings in Canada and the United States”, presented at the Harvard-Stanford International Junior Faculty Forum (October 2008), the Canadian Law and Economic Association Annual Meeting (Sept 2008), and the Young Scholars Conference, McGill University (January 2008).

“The Private Diffusion of Public Law: Third Party Rankings as Regulation by Information”, Canadian Economics Association, Annual Meeting (June 2008).

“Aboriginal Rights, Participatory Governance and Traditional Knowledge” Canadian Bar Association, Aboriginal Law CLE Conference Panel (February 2008).

### **Bruce Pardy**

“Separation of Powers in the Ivory Tower: An Organizing Principle for University Governance” at 2008 Annual Meeting of the Association of American Law Schools, poster presentation, New York, January 2008.

“Corporate Legal Identity and the Role of Government” at The New Wild West: Canadian Multinationals in the Global South, Queen’s University, March 2008.

“Encouraging Environmentally Sustainable Communities” at Environmental Stewardship Workshop, School of Urban and Regional Planning, Queen’s University, March 2008.

“Water Law 101” at 2008 International Development Conference, Queen’s University, March 2008.

“Climate Change and the Kyoto Protocol: Perspectives and Prospects”, panelist, at 2008 Commerce and Engineering Environmental Conference, Queen’s University School of Business, March 2008.

“Torts, Egalitarianism, and Distributive Justice”, reader and commentator, 2008 Joint Meeting of the Canadian Law & Society Association and International Law & Society Association, Montreal, May 2008.

“Applying Sunstein’s Libertarian Paternalism”, organizer and chair, 2008 Joint Meeting of the Canadian Law & Society Association and International Law & Society Association, Montreal, June 2008.

“Models of Environmental Governance: Moving from the Specific to the General”, organizer and chair, 2008 Joint Meeting of the Canadian Law & Society Association and International Law & Society Association, Montreal, June 2008.

“Climate Change Sense and Nonsense: Bandwagons, Boondoggles, and Boundless Hot Air” Collingwood Georgian Triangle Lifelong Learning Institute, Collingwood, 26 September 2008.

“Carbon Pricing in Canada: What’s Wrong with This Picture?” at Carbon Pricing and Environmental Federalism, Institute of Intergovernmental Relations and Queen’s Institute for Energy and Environmental Policy, Kingston, October 2008.

### **Patricia Peppin**

“Gender Equity and Clinical Trials”, Gender Equity Workshop, Faculty of Law, University of Sydney, July 2008.

### **Michael Pratt**

“Promises and Obligations”, presented at Symposium on Contracts and Promises, Georgetown University Law Center, Washington D.C., October 2008, Workshop on Promises and Agreements, Rice University, Houston, Texas, October 2008, and the Department of Philosophy, Queen’s University, November 2008.

“Damages for Breach of Contracts with Alternative Performances”, Fourth International Conference on Contract Law. McGeorge School of Law, University of the Pacific. Sacramento, February 2008.

### **Darryl Robinson**

“The Identity Crisis of International Criminal Law”, presented at Washington University in St Louis, Roundtable in Public International Law and Legal Theory, St. Louis, and the Law Faculty Workshop at the University of Toronto (2008).

“Imagination’s Limits: The Assumptions of the Rome Conference and their Transformation in Practice”, Canadian Council of International Law Annual Conference, Ottawa (2008)

“The ICC and the Rule of Law: Contributions or Complications”, Judge Advocate General Conference on the Rule of Law, Ottawa.

Panel chair, “International Law from the Commanding Heights”, First Conference of the Toronto Group of the Study of International, Transnational and Comparative Law, Toronto.

### **Donald Stuart**

“A Case for a General Part: Canadian Experience with Stephen’s Code since 1892 and an Entrenched Charter since 1982” presented to a plenary session at The International Society For The Reform of Criminal Law, *Conference on Codifying the Criminal Law: Modern Initiatives* at Dublin Castle, Ireland, July 11-15, 2008.



## **Malcolm Thorburn**

“The Constitution of Criminal Law”, presented at:

- Oxford University Jurisprudence Discussion Group, 1 May 2008
- Hebrew University of Jerusalem, Israel, 22 May 2008 (at “Criminal Law in Times of Emergency” conference).

“The Moral Responsibilities of Criminal Justice Officials,” Invited commentator, Osgoode Hall Law School and York University Department of Philosophy, Toronto, Canada (24 October 2008).

“Three Models of the Criminal Law: Deterrence, Accountability and the Rule of Law”, presented at Australian National University College of Law, 11 December 2008.

## **Mark Walters**

“Jurisdiction, Functionalism and Constitutionalism in Canadian Administrative Law” presented at the “Joint Conference on Effective Judicial Review: A Cornerstone of Good Governance”, organized by the Centre for Public Law, University of Cambridge, and the Chinese University of Hong Kong, at Hong Kong, 10-12 December 2008.

“Respecting Deference as Respect”, presented at the Roundtable on *Dunsmuir*, University of Toronto Faculty of Law, 4 June 2008.

## **Mark Weisberg**

“Writing and/as Learning”, Workshop at Teaching and Learning Symposium, Queen’s University, December 2008 (with several others).

“Images of doctors and lawyers: An inter-faculty experience”. Presentation at Narrative Matters: Storying OurWorld Conference, May 2008 (with Jackie Duffin and Shayna Watson).

“Writing about our teaching”. 3 hr. Workshop at Narrative Matters: Storying Our World Conference, May 2008.

## **PRESENTATIONS TO PROFESSIONAL, JUDICIAL, GOVERNMENTAL AND LEGISLATIVE BODIES**

## **Nicholas Bala**

“Judicial Notice, Common Sense, Expert Evidence and Assessments: Understanding the Family Context”, National Family Law Program, National Judicial Institute, Quebec City, Feb. 13, 2008.

“Principles for Adult Sentencing Under the Y.C.J.A.:The Most Severe Sentence for the Most Serious Young Offenders”, Criminal Justice Seminar, National Judicial Institute, Victoria B.C., March 28, 2008.

“Child Support for Adult Children: When Does Economic Childhood End?” (with Feehan), Ontario Bar Association, *Family Law and the Child*, Toronto, April 23, 2008.

“Expert Evidence, Assessments and Judicial Notice: Understanding the Family Context”, Family Law Summit of Law Society of Upper Canada, Toronto, June 11, 2008.

“Spousal Support: Entitlement & Review Orders” (M. Maur), National Family Law Program of the Federation of Law Societies, Deerhurst, Ontario, July 15, 2008.

“Making Plans for Custody & Access Cases with Allegations of Spousal Violence: The Need for Differentiated Responses,” Office of the Children’s Lawyer, Workshop for Clinical Investigators, Toronto, Jan. 19, 2008.

“Access Compliance: Understanding Problems, Developing Solutions,” Federal-Provincial-Territorial Meeting on Access Compliance, Ottawa, Jan. 22, 2008.

“Judicial Notice, Common Sense, and Assessments in Child Welfare Proceedings,” National Family Law Program, National Judicial Institute, Quebec City, Feb. 14, 2008.

Roundtable participant on child welfare issues related to pediatric forensic pathology at the Goudge Inquiry, Toronto, Feb. 21, 2008.

Introduction to Child Welfare, Evidentiary Issues in Child Welfare, Child & Spousal Support, *Family Law Primer*, Ontario Superior Court and Ontario Court of Justice, Cambridge, Ont., April 13- 18, 2008.

“Child & Vulnerable Adult Witness Reforms: Judicial Perceptions Survey & Case Law Review on Bill C-2,” Department of Justice Canada, Montreal, April 22, 2008.

“Inadequate Forensic Pathology Reports: Child Welfare Issues” and “Separation, Access & Custody: The Implications of Spousal Violence,” Canadian Society for the Investigation of Child Abuse, Calgary, Alberta, May 13, 2008.

Advanced Institute for Judicial Officers & Domestic Violence in Separating Families: Dilemma and Debates in Developing Parenting Plans, Association of Family and Conciliation Courts Annual Conference, Vancouver, May 28 – 30, 2008.

“Alienation and Access for Very Young Children,” National Judicial Institute Program, on “Child Development and Best interests Decisions,” Deerhurst, Ontario, July 12 & 13, 2008.

“Child Support for Adult Children: When Does Economic Childhood End?,” Frontenac Law Association Legal Conference, Gananoque, Oct. 3, 2008 (presented by Mary Jo Maur).

### **Arthur Cockfield**

“International Tax Reform: What Needs Doing Now”, Business Tax Reform in Canada: The Unfinished Agenda, C.D. Howe Institute (Toronto) April 10, 2008.

**Lisa Dufraimont**

“Jury Selection and Cultural/Racial/Ethnic Identity” (Educational seminar presented at the National Judicial Institute conference, Challenges of the Multicultural Courtroom: Essential Tools for Canadian Judges, December 11, 2008).

**Erik Knutsen**

“Secret Settlements in Civil Litigation” Cornwall Public Inquiry, Dec. 4, 2008.

**Kathleen Lahey**

“What About women? Gender analysis of Discussion Paper on New Brunswick’s Tax System”, Fredericton: N.B. Advisory Council on the Status of Women, August, 2008.

“Gender analysis of retirement resources” Ottawa: Senate Committee on Aging, May, 2008.

“Gender training: Budgetary allocations for child care”, Ottawa: House of Commons, Standing Committee on the Status of Women, May, 2008.

“Gender analysis of ‘tax-free savings’ and income splitting with TFSA’s”, Ottawa: House of Commons, Standing Committee on the Status of Women, April, 2008.

Critique of the Department of Finance ‘Gender Analysis of Tax Measures in Budgets 2006 and 2007.’ Ottawa: House of Commons, Committee on the Status of Women, April, 2008.

“Where are the women? Gender analysis of direct expenditures, tax revenues, and tax expenditures in Budget 2008”, Ottawa: House of Commons, Committee on the Status of Women, March, 2008.

“Gender analysis of Budget 2008”, Ottawa: International Women’s Day on the Hill, March, 2008.

“A taxing issue: Tax policies and women in Canada’s modern economy”, New York: U.N. Commission on the Status of Women, 52<sup>nd</sup> session, February, 2008.

**Bruce Pardy**

“The International Context and a Skeptic’s Lament” at Turning the Corner or Hitting the Wall: Climate Change Law & Policy in the Post-Kyoto Era, speaker, chair, and organizer, Program at the Ontario Environmental Review Tribunal, Toronto, April 2008.

**Darryl Robinson**

“Innovations in Enforcing International Humanitarian Law”, DFAIT workshop on international humanitarian law, Ottawa.

## GRANTS AND FUNDED RESEARCH

### **Sharryn Aiken**

Co-Applicant with Susan McGrath (Principal Investigator, Centre for Refugee Studies/York) – awarded a \$2.1 million SSHRC Knowledge Clusters grant for *A Canadian Refugee Research Network: Globalizing Knowledge*.

Collaborator on a \$2.5 million SSHRC MCRI grant (*The New Transparency: Surveillance and Social Sorting*).

### **Bitá Amani**

“The European Perspective on Biopatenting” Brocher Foundation, Geneva, Switzerland (awarded 9000CHF and accommodation in Geneva, 3 month term, accepted 2 months and 5900CHF due to personal circumstances); sojourns to institutional partners: Oxford University Research Centre in Intellectual Property and Leeds University, School of Law, Centre for International Governance.

“Consuming “DNA as Chemicals” and Chemicals as Food: A Fresh Policy Perspective for Women’s Health”, one of six competitively selected article abstracts by Committee of the Advisory Board for inclusion in book, Dayna Scott (ed.) *Consuming Chemicals: Implications for Women’s Health*, Commissioned by the National Network on Environment’s and Women’s Health (NNEWH, one of four Centres of Excellence for Women’s Health, funded by the Bureau of Women’s Health and Gender Analysis, Health Canada and is part of the York Institute for Health Research located at York University). Includes an academic presentation (York University, Toronto) and a policy presentation (Health Canada Policy Forum, Ottawa) with a supplementary policy report (\$4000.00).

Principal’s Fund, Queen’s University, Genomics Privacy Paper Presentation, Medical Ethics Congress in Iran (\$750).

Law Foundation of Ontario, Conference Travel/Research Presentations (\$1500).

### **Nicholas Bala**

Principal Investigator for the SSHRC-funded Child Witness Project (\$165,000). His co-investigators are Profs Lee (Institute of Child Study, Psychology, U of T), Lindsay (Psychology, Queen's) and Talwar (Educational Psychology, McGill).

Co-Investigator for a SSHRC-funded study on high conflict divorces (\$135,000). The Principal Investigator is Rachel Birnbaum (Social Work, UWO), and the other co-investigators are Profs Jaffe (Psychology, UWO) and McLeary (Nursing, Brock).

### **Arthur Cockfield**

2.5 million dollar Major Collaborative Research Initiative grant from SSHRC for the Surveillance Project, which explores the legal, moral and social issues surrounding surveillance, privacy and data collection.

Sole-applicant and Principal Investigator of a SSHRC application entitled: *Protecting Taxpayer Privacy under Enhanced Cross-border Tax Information Exchanges: A Law and Technology Perspective* (\$77,730).

### **Tsvi Kahana**

Co-Applicant with Sara Slinn (Principal Investigator, Osgoode) in a SSHRC application entitled: *Employer Speech: Effects and Limits of Employer Anti-Union Campaigns During Union Organizing* (\$57,977).

### **William Flanagan**

In March 2007, Dean William Flanagan received \$1.6 million in funding from the International Development Research Centre for a four year project entitled *Prevention, Care and Support for Vulnerable Populations at Risk of HIV/STI in Shanghai, China*.

### **Mark Walters**

Principal Investigator and sole applicant on a SSHRC-funded project entitled: *The Jurisprudence of Reconciliation: Towards an Intersocietal Conception of the Rule of Law in Canada*(\$110,750).

## **CONFERENCES AND SYMPOSIA HOSTED BY THE QUEEN'S FACULTY OF LAW**

“The Kant Law Symposium: An international symposium on the legal and political philosophy of Immanuel Kant”, organized by Professor Malcolm Thorburn and held in the Queen’s Faculty of Law, October 17, 2008 (at this symposium Arthur Ripstein (Faculty of Law and Department of Philosophy, University of Toronto), discussed and defended his new book *Force and Freedom* (Harvard University Press, forthcoming).

“Globalization and the Impact of Tax on International Investments: A Symposium in Honour of the Late Alex Easson”, co-chaired by Professor Art Cockfield and Gabe Hayos, KPMG, and held at the Queen’s Faculty of Law February 29, 2008.

“Open Federalism and the Spending Power: A Symposium on Constitutional and Political Federalism”, organized by Professor Hoi Kong and Marc-Antoine Adam, Government of Québec Intergovernmental Affairs Department, and co-hosted by the Institute of Intergovernmental Relations and the Faculty of Law, Queen's University, held January 25-26, 2008.

## **VISITORS TO THE LAW FACULTY**

Iddo Porat, Ramat Gan Law School, “Why All Attempts to Make Judicial Review Balancing Principled Fail”

Lee Anne Fennell, University of Chicago, “Homeownership 2.0”

Daphne Barak-Erez, Tel Aviv University, " Symbolic Constitutionalism: On Sacred Cows and Abominable Pigs”

The Honourable Mr. Justice David Doherty, Ontario Court of Appeal, "What is a Miscarriage of Justice?"

Heidi Hurd, Dean, University of Illinois School of Law, " The Morality of Mercy"

Ron McCallum, Dean, University of Sydney Faculty of Law, "Developments in Australian Legal Education: Lessons for Other Nations"

Christina Rodriguez, New York University, " Immigration and Inevitability"

David Fontana, George Washington University, " Secondary Constitutional Review: Lessons from the New British System of Constitutional Review"

Matthew Groves, Monash University, " Judicial Review of Administrative Action in the High Court of Australia"

Bradley Wendel, Cornell University, " Politics and Government Lawyers"

Michael Moore, University of Illinois , " Causing, Aiding and the Superfluity of Accomplice Liability"

Patrick Glenn, McGill University, " Globalization and National Legal Traditions"

Alan Brudner, University of Toronto, " Subjective Fault for Crime: A Reinterpretation"

Sheryll Cashin, Georgetown Law Centre, "Race, Class and the American Dream"

Laura Underkuffler, Duke University, "Captured by Evil: The Idea of Corruption in Law"

Dr. J.A. Corry Memorial Lecture: John Gardner, Oxford University, "H.L.A. Hart's Punishment and Responsibility: Forty Years On"

Catriona Gibson Memorial Lecture: Victor Tadros, University of Warwick, "Wrongs and Crimes"

McCarthy Tetrault Information Technology Visitorship: Rosemary Coombe, York University, "A Broken Record: Music as a Subject of Cultural Rights"

Law & Economics Discussion Group: Shi Ling Hsu, U.B.C., "The Identifiability Bias in Environmental Law"

Laurence Ashworth, Queen's University School of Business, "Advertising Deception, Correction and the Defensive Consumers"

The Honourable Mr. Justice Marshall Rothstein, Supreme Court of Canada, "Law and Economics in Legal Practice"

Lynda Haverstock, Former Lieutenant Governor of Saskatchewan, "Legal Role of the Lieutenant Governor in Modern Canadian Society"

David Fontana, George Washington University, “Secondary Constitutional Review: Lessons from the New British System of Constitutional Review”

Matthew Groves, Monash University, “Judicial Review of Administrative Action in the High Court of Australia”

Bradley Wendel, Cornell University, “Politics and Government Lawyers”

Michael Moore, University of Illinois, “Causing, Aiding and the Super#uity of Accomplice Liability”

Patrick Glenn, McGill University, “Gloablization and National Legal Tradition”

Alan Brudner, University of Toronto, “Subjective Fault for Crime: A Reinterpretation”

Sheryll Cashin, Georgetown Law Centre, “Race, Class and the American Dream”

Robert Hockett, Cornell University, “The Impossibility of Paretian Prescription: Preferences, Principles and Imperatives in Law and Economics”

Stephen Gardbaum, UCLA School of Law, “The Myth and Reality of American Constitutional Exceptionalism”, 15 September 2008.

Adrian Vermeule, Harvard Law School, “The Force of Majority Rule”, 19 September 2008.

Jonathan Nash, Tulane University Law School, “Null Preemption”, 29 September 2008 (Law, Economics and Public Policy Workshop paper).

Jens Ohlin, Cornell Law School, “The Bounds of Necessity”, 6 October 2008.

Dan Usher, Queen’s Department of Economics, “Why the Legal system is Less Effcient than Income Tax in Redistributing Income”, 10 October 2008 (Law, Economics and Public Policy Workshop paper).

Elizabeth Minde, Kilimanjaro Women Information Exchange and Consultancy, “HIV/AIDS: the View from Tanzania”, 20 October 2008 (The 2008 Willis G. Cunningham Memorial Lecture).

Margaret Thornton, Australia National University, “The Law School, the Market, and the New Knowledge Economy”, 23 October 2008.

Eduardo Peñalver, Cornell Law School, “Land Virtues”, 27 October 2008.

Steven Nafziger, Williams College, “Democracy in Tsarist Russia? The Case of the Zemstvo”, 13 November 2008.

# Queen's Law Faculty Members: Achievements in Research and Scholarship for 2008

(January 2008 to December 2008)

## SHARRYN AIKEN

### Conferences, Seminars and Workshops

“In/security in the Shadow of 9/11: The Impact of Anti-Terrorism Measures on Refugee Diasporas”, paper and panel chair for “A Workshop On Sri Lankan Diasporas And Global Engagement”, Ryerson University, Toronto, September 26, 2008.

“The International Impact of Canada’s Refugee Policies”, Keynote Speaker, Inaugural Conference of the Canadian Association of Refugee and Forced Migration Studies, June 18, 2008.

“Legal Exceptionalism, Immigration Security and Diasporic (Non)Citizens”, paper presented at the Joint Annual Meeting of the Law and Society Association and the CLSA, Montreal, May 31, 2008.

“The Changing Landscape of Justice and Security in Canada: The European Union and EU-Canada Relations”, Workshop Commentator, Faculty of Law, University of Toronto, May 4, 2008.

“From Slavery to Expulsion: Racism and Canadian Immigration Law”, Address in Honour of International Day for the Elimination of Racial Discrimination, Trent University, Peterborough, Ontario, March 20, 2008.

### Grants and Funded Research

Co-Applicant with Susan McGrath (Principal Investigator, Centre for Refugee Studies/York) – awarded a \$2.1 million SSHRC Knowledge Clusters grant for *A Canadian Refugee Research Network: Globalizing Knowledge*.

A collaborator on a \$2.5 million SSHRC MCRI grant (*The New Transparency: Surveillance and Social Sorting*).

## BITA AMANI

### Articles and Book Chapters

Review of Ikechi Mgbeoji, *Global Biopiracy: Patents, Plants, and Indigenous Knowledge* (2008) 46 Osgoode Hall Law Journal, 50<sup>th</sup> Anniversary Special Environmental Issue.



## **Conferences, Seminars and Workshops**

“Defining E-Topia: Emerging Internet Privacy Issues and the Challenge Posed to Protecting Genetic Information” presented at the Second International Medical Ethics Congress, Tehran, Iran, April 16-18, 2008.

“Consuming ‘DNA as Chemicals’ and Chemicals as Food: A Fresh Policy Perspective for Women’s Health”, solicited paper, presented at Public Workshop and Gender and Environmental Health Symposium, Consuming Chemicals: Implication for Women’s Health Lecture Series, organized by NNEWH.

“Biopatenting after the Supreme Court of Canada”, Oxford Centre for Intellectual Property Research, May 13, 2008.

“Patenting Life after the Supreme Court of Canada”, Leeds University Centre for International Governance, May 8, 2008.

Commentator and panel discussant, The Future of Food Conference, Centre for International Governance, Leeds University, May 9, 2008.

“Critically Assessing Genetic Research, the Human Genome Diversity Project, and Biopatenting” for Samantha King’s course, Queen’s University, School of Kinesiology & Health Studies and Women’s Studies, *Race, Class, Gender, and the Study of Health*, November 12.

“I Am Canadian: Recognition of Foreign Polygamous Marriages and Socio-Legal Considerations for New Immigrants” presented to social workers and professionals servicing immigrant communities, Costi Immigration Services, Toronto, October 2008, <http://www.costi.org/>.

## **Grants and Funded Research**

“The European Perspective on Biopatenting” Brocher Foundation, Geneva, Switzerland (awarded 9000CHF and accommodation in Geneva, 3 month term, accepted 2 months and 5900CHF due to personal circumstances); sojourns to institutional partners: Oxford University Research Centre in Intellectual Property and Leeds University, School of Law, Centre for International Governance.

“Consuming “DNA as Chemicals” and Chemicals as Food: A Fresh Policy Perspective for Women’s Health”, one of six competitively selected article abstracts by Committee of the Advisory Board for inclusion in book, Dayna Scott (ed.) *Consuming Chemicals: Implications for Women’s Health*, Commissioned by the National Network on Environment’s and Women’s Health (NNEWH, one of four Centres of Excellence for Women’s Health, funded by the Bureau of Women’s Health and Gender Analysis, Health Canada and is part of the York Institute for Health Research located at York University). Includes an academic presentation (York University, Toronto) and a policy presentation (Health Canada Policy Forum, Ottawa) with a supplementary policy report (\$4000.00).

Principal’s Fund, Queen’s University, Genomics Privacy Paper Presentation, Medical Ethics Congress in Iran (\$750).

Law Foundation of Ontario, Conference Travel/Research Presentations (\$1500).

### **Fellowships, Visitorships, etc.**

Visiting Scholar, Researcher and Lecturer, Oxford University Intellectual Property Research Centre.

Visiting Scholar, Researcher and Lecturer, Leeds University School of Law, Centre for International Governance.

### **Conferences organized**

“Regulating Biopatenting: A Case for Contrast or Convergence?” Organizer, Chair and Moderator of full day interdisciplinary workshop addressing biopatenting at its intersection with bioenergy, agriculture and food security, and health in national and international regulatory contexts, held at the Brocher Foundation, Geneva, Switzerland, June 27, 2008.

## **MARTHA BAILEY**

### **Articles and Book Chapters**

“Dwelling Among Us” in Lynn Wardle, ed., *What’s the Harm?: Does Legalizing Same-Sex Marriage Really Harm Individuals, Families or Society?* (American University Press, 2008).

“Closed Off From the World” a review of *The Secret Lives of Saints: Child Brides and Lost Boys in a Polygamous Mormon Sect* by Daphne Bramham in (July/August 2008) *Literary Review of Canada*.

## **BEVERLEY BAINES**

### **Conferences, Seminars and Workshops**

“Religion and Polygamy: Big Love vs Two Persons” at the 7<sup>th</sup> Annual Charter Conference, Ontario Bar Association, Toronto, 26 September 2008.

## **NICHOLAS BALA**

### **Books**

(with Fidler, Birnbaum & Kavassalis), *Common Challenges in Custody Assessments: A Guide for Legal and Mental Health Professionals* (Toronto, Carswell, 2008).

### **Articles and Book Chapters**

(with Leschied), “Court-Ordered Assessments In Ontario Child Welfare Cases: Review And Recommendations For Reform” (2008), 24 *Canadian Journal of Family Law* 1-56.

“Youth as Offenders and Victims in the Criminal Justice System: A Charter Analysis – Recognizing Vulnerability” (2008), 40 Supreme Court Law Review 595-625; appearing also in J. Cameron & J. Stribopoulos (eds.), *The Charter and Criminal Justice: Twenty-Five Years Later* (Toronto: LexisNexis, 2008).

(with Jaffe, Johnston, & Crooks) “Custody Disputes Involving Allegations of Domestic Violence: The Need for Differentiated Approaches to Parenting Plans” (2008), 46 Family Court Review 500-522.

(with C. Cesaroni), “Deterrence as a Principle of Youth Sentencing: No Effect on Youth, but a Significant Effect on Judges” (2008), 34 Queens Law Journal 447-481.

(with Jaffe & Crooks), “Spouse Abuse and Child Custody Disputes: The Need for a New Framework for the Family Court,” in Tutty & Ursel (eds.), *What's Law Got to do With It: The Law, Specialized Courts and Domestic Violence in Canada* (Toronto: Cormorant Press, 2008), 254 – 271.

(with Paetsch, Bertrand & Thomas), *Testimonial Support Provisions for Children and Vulnerable Adults (Bill C-2): Case Law Review & Perceptions of the Judiciary*, Canadian Research Institute for Law & the Family, for the Department of Justice Canada (March 2008).

(with Fagnan), *Child Witness Electronic Benchbook*, National Judicial Institute, 2008 edition.

Review of: Howe & Covell, eds., *A Question of Commitment: Children's Rights in Canada*, for publication in *Canadian Public Policy* (2008).

(with Fidler), “Parental Alienation: Everyone Loses,” *Lawyers Weekly*, June 27, 2008, p. 11.

### **Conferences, Seminars and Workshops**

“Canada’s Youth Criminal Justice Act after Five Years: Changing Responses to Young Offenders”, British Columbia Youth Justice Provincial Forum (B.C. Ministry of Children and Families) Vancouver, B.C., Feb. 6, 2008.

### **Presentations to Professional, Judicial, Governmental and Legislative Bodies**

“Judicial Notice, Common Sense, Expert Evidence and Assessments: Understanding the Family Context”, National Family Law Program, National Judicial Institute, Quebec City, Feb. 13, 2008.

“Principles for Adult Sentencing Under the Y.C.J.A.: The Most Severe Sentence for the Most Serious Young Offenders”, Criminal Justice Seminar, National Judicial Institute, Victoria B.C., March 28, 2008.

“Child Support for Adult Children: When Does Economic Childhood End?” (with Feehan), Ontario Bar Association, *Family Law and the Child*, Toronto, April 23, 2008.

“Expert Evidence, Assessments and Judicial Notice: Understanding the Family Context”, Family Law Summit of Law Society of Upper Canada, Toronto, June 11, 2008.

“Spousal Support: Entitlement & Review Orders” (M. Maur), National Family Law Program of the Federation of Law Societies, Deerhurst, Ontario, July 15, 2008.

“Making Plans for Custody & Access Cases with Allegations of Spousal Violence: The Need for Differentiated Responses,” Office of the Children’s Lawyer, Workshop for Clinical Investigators, Toronto, Jan. 19, 2008.

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“Child Witness Reforms: Judicial Perceptions Survey & Case Law Review,” Annual Meeting of Canadian Research Institute for Law and the Family, Lake Louise, Alta, May 3, 2008

“Inadequate Forensic Pathology Reports: Child Welfare Issues” and “Separation, Access & Custody: The Implications of Spousal Violence,” Canadian Society for the Investigation of Child Abuse, Calgary, Alberta, May 13, 2008.

Advanced Institute for Judicial Officers & Domestic Violence in Separating Families: Dilemma and Debates in Developing Parenting Plans, Association of Family and Conciliation Courts Annual Conference, Vancouver, May 28 – 30, 2008.

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“Child Support for Adult Children: When Does Economic Childhood End?,” Frontenac Law Association Legal Conference, Gananoque, Oct. 3, 2008 (presented by Mary Jo Maur).

### **Grants and Funded Research**

Principal Investigator for the SSHRC-funded Child Witness Project (\$165,000). Professor Bala’s co-investigators are Profs Lee (Institute of Child Study, Psychology, U of T), Lindsay (Psychology, Queen's) and Talwar (Educational Psychology, McGill).

Co-Investigator for a SSHRC-funded study on high conflict divorces (\$135,000). The Principal Investigator is Rachel Birnbaum (Social Work, UWO), and the other co-investigators are Profs Jaffe (Psychology, UWO) and McLeary (Nursing, Brock).

## **KEVIN BANKS**

### **Conferences, Seminars and Workshops**

“The Impact of the BC Health Decision on Canada’s International Labour Obligations”, presented February 27, 2008 to an invited Roundtable entitled “The Canadian Charter and the Right to Collective Bargaining”.

## **ARTHUR COCKFIELD**

### **Articles and Book Chapters**

“Developing a Tax Strategy for NAFTA Countries” (2006) 42 Tax Notes International 975, reprinted in A. Usha (ed.), *Tax Law: Global Perspectives* (India: Icfai University Press, 2007).

*Finding Silver Linings in the Storm: An Evaluation of Recent Canada-US Crossborder Tax Developments*, C.D. Howe Institute Commentary no. 272 (2008)

*Examining Policy Options for the Taxation of Outbound Direct Investment: A Report for the Advisory Panel on Canada’s System of International Taxation* (Ottawa: Dept. of Finance, forthcoming 2008).

Op-ed: *He Knows When You’re Awake ...*, Ottawa Citizen, Dec. 11, 2008, reprinted in Montreal Gazette, Vancouver Sun, Windsor Star, Calgary Herald, Edmonton Journal, Victoria Colonist-Times and other newspapers

Op-ed: *Expand New Tax Benefit for Working Families*, Kingston Whig-Standard, Oct. 16, 2008

Op-ed: *Use Tax to Open U.S Border*, National Post, Sept. 5, 2008.

### **Conferences, Seminars and Workshops**

“Protecting Privacy Interests under Enhanced Cross-border Tax Information Sharing: Towards a Multilateral Taxpayer Bill of Rights”, McGill University/University of Wisconsin Workshop on ‘Tracking our Fiscal Footprint: Assessing the Impact of Conventional International Tax Standards on Low-Income Countries’, (Montreal) Oct. 27, 2008.

“Protecting Privacy Interests under Enhanced Cross-border Tax Information Sharing”, University of Montreal Workshop on ‘Meeting the Normative Challenges of International Tax Policy’, (Montreal) Aug. 28, 2008.

“Evaluating the Non-Discrimination Article in the OECD Model Tax Treaties: The Relationship between Trade and Tax Policy”, Invitational Seminar on the OECD Project on Taxation and Non-Discrimination: A Reconsideration, International Tax Center (Leiden, The Netherlands), April 14, 2008.

“The Theory and Reality of Taxing Foreign Direct Investment: Contributions by Alex Easson”, Globalization and the Impact of Tax on International Investments: A Symposium in Honour of the Late Alex Easson, Queen’s University Faculty of Law (Kingston), Feb. 29, 2008.

“Protecting Privacy in the Context of Enhanced Cross-border Tax Information Exchanges”, James Housman Tax Workshop (Toronto), Nov. 28, 2007.

“Generating Insights into Law and Technology Theories: The Next Step”, Panel of Law and Technology Theory, Annual Law and Society Meeting (May 15, 2008)(Montreal)

“The Impact of Technology on Culture”, Leaders of the Wired World, insight Conference (Ottawa), Jan. 27, 2008

### **Reports and Studies for Governments and other Organizations**

“International Tax Reform: What Needs Doing Now”, Business Tax Reform in Canada: The Unfinished Agenda, C.D. Howe Institute (Toronto) April 10, 2008.

### **Grants and Funded Research**

Member of team granted 2.5 million dollar Major Collaborative Research Initiative grant from SSHRC for the Surveillance Project, which explores the legal, moral and social issues surrounding surveillance, privacy and data collection.

Sole-applicant and Principal Investigator of a SSHRC application entitled: *Protecting Taxpayer Privacy under Enhanced Cross-border Tax Information Exchanges: A Law and Technology Perspective* (\$77,730).

### **Conferences organized**

“Globalization and the Impact of Tax on International Investments: A Symposium in Honour of the Late Alex Easson”, co-chaired by Professor Art Cockfield and Gabe Hayos, KPMG, and held at the Queen’s Faculty of Law February 29, 2008.

## **LISA DUFRAIMONT**

### **Articles and Book Chapters**

“The Jury and Evidence Law: A Reassessment” (2008) 53 McGill Law Journal 199-242.

“Regulating Unreliable Evidence: Can Evidence Rules Guide Juries and Prevent Wrongful Convictions?” (2008) 33 Queen’s Law Journal 261-326.

“R. v. Ferguson and the Search for a Coherent Approach to Mandatory Minimum Sentences under Section 12” (2008) 42 Supreme Court Law Review 459-478.

“The Common Law Confessions Rule in the Charter Era: Current Law and Future Directions” (2008) 40 Supreme Court Law Review 249-269, reprinted in Jamie Cameron & James Stribopoulos (eds.), *The Charter and Criminal Justice: Twenty-Five Years Later* (Markham, Ont.: LexisNexis, 2008) 249-269.

“R. v. Dinardo: Troubling Issues Regarding Prior Consistent Statements” 57 Criminal Reports (6<sup>th</sup>) 76-78.

Annotation to R. v. Stirling, (2008) 54 Criminal Reports (6th) 229-30

Annotation to R. v. Simpson, (2008) 53 Criminal Reports (6th) 2-3.

### **Conferences, Seminars and Workshops**

“R. v. Ferguson and the Search for a Coherent Approach to Mandatory Minimum Sentences under Section 12” (Paper presented to the 2007 Constitutional Cases Conference, Toronto, Ontario, 18 April 2008).

### **Presentations to Professional, Judicial, Governmental and Legislative Bodies**

“Jury Selection and Cultural/Racial/Ethnic Identity” (Educational seminar presented at the National Judicial Institute conference, Challenges of the Multicultural Courtroom: Essential Tools for Canadian Judges, December 11, 2008).

## **LYNNE HANSON**

### **Conferences, Seminars and Workshops**

“Redefining Capacity to Enable Effective Treatment of Addiction” - Paper presented at Queen's Health and Human Rights Conference, Saturday, October, 4, 2008, Kingston ON.

## **TSVI KAHANA**

### **Grants and Funded Research**

Co-Applicant with Sara Slinn (Principal Investigator, Osgoode) in a SSHRC application entitled: *Employer Speech: Effects and Limits of Employer Anti-Union Campaigns During Union Organizing* (\$57,977).

## **LARISSA KATZ**

### **Articles and Book Chapters**

“Exclusion and Exclusivity in Property Law” (2008), 58 *University of Toronto Law Journal* 275-315.

### **Conferences, Seminars and Workshops**

“Governing Through Owners”, presented:

- faculty workshop at Radzyner School of Law, Interdisciplinary Centre, Herzliya, Israel, 2008, May 2008
- “Issues in Property Theory” workshop, at New York University, July 2008.

“The Concept of Formal Ownership,” presented at:

- “The Public Nature of Private Property” symposium, Georgetown Law Centre, November 2008
- New York University, Property Theory Workshop (2008)
- Australia National University, Legal Theory Series, December 2008.

### **Conferences organized**

Co-organizer of the Property Law Workshop at the New York University School of Law, 2008.

## **ERIK KNUTSEN**

### **Articles and Book Chapters**

“Deconstructing Automobile Insurance Coverage in Canada” *Insurance, Risk Management, and Regulation Online Journal Series*, Social Sciences Research Network, Vol. 3, No. 28, Oct. 10, 2008 (American online SSRN pre-publication journal).

“The Causation Conundrum at the Court of Appeal,” *Ontario Trial Lawyers Association Medical Malpractice Newsletter* (August 2008).

“Concurrent Causation in Insurance,” *Lawyers Weekly*, March 21, 2008.

Guest Blogger (invited), Lawprawnsblog, February and March, 2008.

### **Presentations to Professional, Judicial, Governmental and Legislative Bodies**

“Secret Settlements in Civil Litigation” Cornwall Public Inquiry, Dec. 4, 2008.



## **HOI KONG**

### **Articles and Book Chapters**

“The Forms and Limits of Federalism Doctrine” (2008), 13 *Review of Constitutional Studies* 241.

“The Curious Incident at Ryerson University” (2008), 2 *Canadian Legal Education Annual Review* 157.

“Foreword: Open Federalism and the Spending Power” (2008), 34 *Queen’s Law Journal* i.

“The Spending Power, Constitutional Interpretation and Legal Pragmatism” (2008), 34 *Queen’s Law Journal* 305.

### **Conferences organized**

“Open Federalism and the Spending Power: A Symposium on Constitutional and Political Federalism”, organized by Professor Hoi Kong and Marc-Antoine Adam, Government of Québec Intergovernmental Affairs Department, and co-hosted by the Institute of Intergovernmental Relations and the Faculty of Law, Queen's University, held January 25-26, 2008.

## **KATHLEEN LAHEY**

### **Reports and Studies for Governments and other Organizations**

*What About women? Gender analysis of Discussion Paper on New Brunswick’s Tax System* (Fredericton N.B.: Advisory Council on the Status of Women, 2008).

“Where are the women? Gender analysis of direct expenditures, tax revenues, and tax expenditures in Budget 2008” (Ottawa: House of Commons, Standing Committee on the Status of Women, 2008).

“Gender analysis of ‘tax-free savings’ and income splitting with TFSAs” (Ottawa: House of Commons, Standing Committee on the Status of Women, 2008).

“Gender Analysis of Tax Measures in Budgets 2006 and 2007” (Ottawa: House of Commons, Standing Committee on the Status of Women, 2008).

“Gender training: Budgetary allocations for child care” (Ottawa: House of Commons, Standing Committee on the Status of Women, 2008).

### **Conferences, Seminars and Workshops**

“Removing fiscal barriers to women’s employment in Israeli taxation”, Tel Aviv: Women’s Budget Forum, Adva, 2008.

“International taxation, women, and gender analysis: From the ‘race at the bottom’ to equality”, Montreal: Tracking Our Fiscal Footprint: Assessing the Impact of Conventional International Tax Standards on Low-Income Countries, co-sponsored McGill Faculty of Law and University of Wisconsin College of Law, Oct., 2008

“What About women? Gender analysis of Discussion Paper on New Brunswick’s Tax System”, Fredericton: N.B. Advisory Council on the Status of Women, August, 2008.

“Implications of *Beyond (Straight and Gay) Marriage*, by Nancy Polikoff”, chair. Montreal: Law and Society/Canadian Law and Society Association, May, 2008.

“Same-sex tax issues in transnational perspective: Canada and the United States”, Montreal: Law and Society/Canadian Law and Society Association, May, 2008.

“International economic transactions, taxation, and women: The critical role of gender analysis”, Queen’s University Faculty of Law Symposium on International Taxation, Kingston, February, 2008.

### **Presentations to Professional, Judicial, Governmental and Legislative Bodies**

“Gender analysis of retirement resources” Ottawa: Senate Committee on Aging, May, 2008.

“Gender training: Budgetary allocations for child care”, Ottawa: House of Commons, Standing Committee on the Status of Women, May, 2008.

“Gender analysis of ‘tax-free savings’ and income splitting with TFSAs”, Ottawa: House of Commons, Standing Committee on the Status of Women, April, 2008.

Critique of the Department of Finance ‘Gender Analysis of Tax Measures in Budgets 2006 and 2007.’ Ottawa: House of Commons, Committee on the Status of Women, April, 2008.

“Where are the women? Gender analysis of direct expenditures, tax revenues, and tax expenditures in Budget 2008”, Ottawa: House of Commons, Committee on the Status of Women, March, 2008.

“Gender analysis of direct expenditures, tax revenues, and tax expenditures in Budget 2008”, Ottawa: International Development Research Centre, conference on Making Tax Reforms Work for Women, March, 2008.

“Gender analysis of Budget 2008”, Ottawa: International Women’s Day on the Hill, March, 2008.

“A taxing issue: Tax policies and women in Canada’s modern economy”, New York: U.N. Commission on the Status of Women, 52<sup>nd</sup> session, February, 2008.

## **ALLAN MANSON**

### **Books**

(with P. Healy, G. Trotter, J. Roberts and B. Ives), *Sentencing and Penal Policy: Cases, Materials and Commentary*, 2<sup>nd</sup> ed. (Toronto: Emond Montgomery, 2008).

### **Conferences, Seminars and Workshops**

“A Principled Approach to Mitigation”, presented on Feb. 24, 2008 at Bar Ilan University Sentencing Symposium (Israel).

“Mitigation and Aggravation: Searching for Principles”, presented Feb.28, 2008 at Worcester College Sentencing Symposium, Oxford University.

## **NANCY McCORMACK**

### **Articles and Book Chapters**

“User Comments and Reviews: Decline or Democratization of the Online Public Access Catalogue?” (2008) 3 *Feliciter* 129

“Beyond Print: A Survey of Educational and Documentary Film Collections in Canadian Law Libraries” (Autumn 2007) *Canadian Law Library Review* 184

(with Nicole Eva), “How Happy Are You? What Librarian’s Job Satisfaction Surveys Tell Us” (2008) 14 *Access OLA* 16.

“Project on International Courts and Tribunals” (Spring 2008) 27:3 *TALL Newsletter* 18.

“The Great Debate: First Negative Construction” (2007) 53:4 *Feliciter* 196.

(Review) “Canadian Contractual Interpretation Law” (Conference 2008) 33:3 *Canadian Law Library Review* 362 [Reprinted in Manitoba Bar Association’s (November 2008) *Headnotes and Footnotes* 14].

“The Honeymoon and After: A Review Essay on Alberto Manguel’s *The Library at Night* (February 2008) *Academic Matters* 28.

(Review) “Bank and Customer Law in Canada” (Spring 2008) 33:1 *Canadian Law Library Review* 278 [Reprinted in Manitoba Bar Association’s (August/September 2008) *Headnotes and Footnotes* 28].

(Review) “The Law of Libraries and Archives” (2008) 69 *College and Research Libraries* 83

(Review) “Law of Publication Bans, Private Hearings and Sealing Orders” (Winter 2007) 32:5 Canadian Law Library Review 238 [Reprinted in Manitoba Bar Association’s (April 2008) Headnotes and Footnotes 18].

(Review) “Life Sciences Law in Canada” (Autumn 2007) 32:4 Canadian Law Library Review 201.

### **Conferences, Seminars and Workshops**

Speaker - CALL Academic Special Interest Group - Law Library Leadership Institute, Career Advancement Strategies Session. Saturday May 24, 2008, Canadian Association of Law Libraries Conference, Saskatoon, Saskatchewan

## **CHERIE METCALF**

### **Articles and Book Chapters**

“Compensation as Discipline in the Justified Limitation of Aboriginal Rights: The Case of Forest Exploitation” (2008), 33 Queen’s Law Journal 385-452.

(with T. Bubela, E. Beas Rodriguez, K Nnadozie, E. Rodriguez, J. Carbone), “Respecting, Promoting, and Protecting Traditional Knowledge: A comparative Case Study of Brazil, Kenya and Northern Canada” (The Innovation Partnership, 2008).

### **Conferences, Seminars and Workshops**

“The (Ir)relevance of Constitutional Protection for Property Rights?: Comparisons for Takings in Canada and the United States”, presented at the Harvard-Stanford International Junior Faculty Forum (October 2008), the Canadian Law and Economic Association Annual Meeting (Sept 2008), and the Young Scholars Conference, McGill University (January 2008).

“The Private Diffusion of Public Law: Third Party Rankings as Regulation by Information”, Canadian Economics Association, Annual Meeting (June 2008).

“Aboriginal Rights, Participatory Governance and Traditional Knowledge” Canadian Bar Association, Aboriginal Law CLE Conference Panel (February 2008).

## **PAUL MILLER**

### **Articles and Book Chapters**

(with J. Johnston), “Consent and Private Liability in Clinical Research” in O.P. Corrigan, K. Liddell, J. McMillan, M. Richards & C. Weijer (eds.), *The Limits of Consent: A Socio-ethical Approach to Human Subject Research in Medicine* (Oxford: Oxford University Press, 2009).

(with C. Weijer), “Beyond Consent: The Trust-Based Obligations of Physicians to Patients in Clinical Research” in O.P. Corrigan, K. Liddell, J. McMillan, M. Richards & C. Weijer (eds.), *The Limits of Consent: A Socio-ethical Approach to Human Subject Research in Medicine* (Oxford: Oxford University Press, 2009).

(with S. Choudhry & A. Campbell), *Primer on the Legal Regulation of the Physician-Patient Relationship* (Ottawa: Royal College of Physicians and Surgeons of Canada Bioethics Education Project, 2008) (68 pgs).

(with S. Choudhry), *Primer on Health Systems Law and Policy* (Ottawa: Royal College of Physicians and Surgeons of Canada Bioethics Education Project, forthcoming) (83 pgs).

## **BRUCE PARDY**

### **Articles and Book Chapters**

“The Pardy-Ruhl Dialogue on Ecosystem Management, Part V: Discretion, Complex-Adaptive Problem Solving, and the Rule of Law” (2008), 25 *Pace Environmental Law Review* 341.

“Separation of Powers in the Ivory Tower: An Organizing Principle for University Governance”, (2008), 5 *Rutgers Journal of Law and Public Policy* 372.

“Goods, Services and Systems: A Review of Ruhl, Kant & Lant’s The Law and Policy of Ecosystem Services” (2008), 46 *Osgoode Hall Law Journal* 445.

### **Conferences, Seminars and Workshops**

“Separation of Powers in the Ivory Tower: An Organizing Principle for University Governance” at 2008 Annual Meeting of the Association of American Law Schools, poster presentation, New York, January 2008.

“Corporate Legal Identity and the Role of Government” at The New Wild West: Canadian Multinationals in the Global South, Queen’s University, March 2008.

“Encouraging Environmentally Sustainable Communities” at Environmental Stewardship Workshop, School of Urban and Regional Planning, Queen’s University, March 2008.

“Water Law 101” at 2008 International Development Conference, Queen’s University, March 2008.

“Climate Change and the Kyoto Protocol: Perspectives and Prospects”, panelist, at 2008 Commerce and Engineering Environmental Conference, Queen’s University School of Business, March 2008.

“Torts, Egalitarianism, and Distributive Justice”, reader and commentator, 2008 Joint Meeting of the Canadian Law & Society Association and International Law & Society Association, Montreal, May 2008.

“Applying Sunstein’s Libertarian Paternalism”, organizer and chair, 2008 Joint Meeting of the Canadian Law & Society Association and International Law & Society Association, Montreal, June 2008.

“Models of Environmental Governance: Moving from the Specific to the General”, organizer and chair, 2008 Joint Meeting of the Canadian Law & Society Association and International Law & Society Association, Montreal, June 2008.

“Climate Change Sense and Nonsense: Bandwagons, Boondoggles, and Boundless Hot Air” Collingwood Georgian Triangle Lifelong Learning Institute, Collingwood, 26 September 2008.

“Carbon Pricing in Canada: What’s Wrong with This Picture?” at Carbon Pricing and Environmental Federalism, Institute of Intergovernmental Relations and Queen’s Institute for Energy and Environmental Policy, Kingston, October 2008.

### **Presentations to Professional, Judicial, Governmental and Legislative Bodies**

“The International Context and a Skeptic’s Lament” at Turning the Corner or Hitting the Wall: Climate Change Law & Policy in the Post-Kyoto Era, speaker, chair, and organizer, Program at the Ontario Environmental Review Tribunal, Toronto, April 2008.

## **PATRICIA PEPPIN**

### **Articles and Book Chapters**

(with R. Mykitiuk) “Gender Equity and Clinical Trials in Canada: Aspiration or Achievement?” (2008), 1 *International Journal of Feminist Approaches to Bioethics* 100-124.

“Vaccines and Emerging Challenges for Public Health Law” in T.M. Bailey, T. Caulfield & N.M. Ries (eds.), *Public Health Law & Policy in Canada* 2<sup>nd</sup> ed. (Markham: LEXISNEXIS, 2008), 133-177.

“Litigating Antidepressants: Challenging Constructs of Health in Pharmaceutical Promotion” in B. Bennett, T. Carney and I. Karpin (eds.), *Brave New World of Health* (Sydney: Federation Press, 2008), 166-181.

### **Conferences, Seminars and Workshops**

“Gender Equity and Clinical Trials”, Gender Equity Workshop, Faculty of Law, University of Sydney, July 2008.

## **MICHAEL PRATT**

### **Articles and Book Chapters**

“Contract: Not Promise”, 35 *Florida State University Law Review* 801 (2008).

## **Conferences, Seminars and Workshops**

“Promises and Obligations”, presented at Symposium on Contracts and Promises, Georgetown University Law Center, Washington D.C., October 2008, Workshop on Promises and Agreements, Rice University, Houston, Texas, October 2008, and the Department of Philosophy, Queen’s University, November 2008.

“Damages for Breach of Contracts with Alternative Performances”, Fourth International Conference on Contract Law. McGeorge School of Law, University of the Pacific. Sacramento, February 2008.

## **DARRYL ROBINSON**

### **Articles and Book Chapters**

“The Identity Crisis of International Criminal Law” (2008), 21 *Leiden Journal of International Law* 925-963.

(with D.K. Piragoff), “Article 30” in Otto Triffterer (ed.), *Commentary on the Rome Statute of the International Criminal Court* (Oxford: Hart Publishing 2008).

*Report of the Genocide Curriculum Review Committee* (independent experts report to the Toronto District School Board, with Professors Howard Adelman and Doris Bergen).

*Transitional Justice Mechanisms in Fragile States: Lessons Learned and Best Practices* (DFAIT, Ottawa, December 2008).

### **Conferences, Seminars and Workshops**

“The Identity Crisis of International Criminal Law”, presented at Washington University in St Louis, Roundtable in Public International Law and Legal Theory, St. Louis, and the Law Faculty Workshop at the University of Toronto (2008).

“Imagination’s Limits: The Assumptions of the Rome Conference and their Transformation in Practice”, Canadian Council of International Law Annual Conference, Ottawa (2008)

“The ICC and the Rule of Law: Contributions or Complications”, Judge Advocate General Conference on the Rule of Law, Ottawa.

Panel chair, “International Law from the Commanding Heights”, First Conference of the Toronto Group of the Study of International, Transnational and Comparative Law, Toronto.

### **Presentations to Professional, Judicial, Governmental and Legislative Bodies**

“Innovations in Enforcing International Humanitarian Law”, DFAIT workshop on international humanitarian law, Ottawa.

## **DONALD STUART**

### **Books**

(with R. Delisle & T. Quigley), *Learning Canadian Criminal Procedure*, 9<sup>th</sup> ed. (Toronto: Thomson Carswell, 2008).

### **Articles and Book Chapters**

“Charter Standards for Investigative Powers: Have the Courts Got the Balance Right?” (2008), 40 *Supreme Court Law Review* 1-53.

Annotation to *R. v. Washington* (2008) 52 C.R. (6<sup>th</sup>) 132

Annotation to *R. v. Malanca* (2008) 53 C.R. (6<sup>th</sup>) 228

Annotation to *R. v. Kanda* (2008) 53 C.R. (6<sup>th</sup>) 331

“Beatty: Charter Standard of Marked Departure for All Crimes of Negligence” (2008) 54 C.R. (6<sup>th</sup>) 33

Annotation to *R. v. Harrison* (2008) 55 C.R. (6<sup>th</sup>) 39

Annotation to *R. v. Smith* (2008) 55 C.R. (6<sup>th</sup>) 92

“Revitalising Section 8: Individualised Reasonable Suspicion is a Sound Compromise for Routine Dog Sniffer Use” (2008) 55 C.R. (6<sup>th</sup>) 376

Annotation to *R. v. S. (J.H.)* (2008) 57 C.R. (6<sup>th</sup>) 79

Annotation to *R. v. Kapp* (2008) 58 C.R. (6<sup>th</sup>) 1

Annotation to *R. v. Swan* (2008) 58 C.R. (6<sup>th</sup>) 126.

### **Conferences, Seminars and Workshops**

“A Case for a General Part: Canadian Experience with Stephen’s Code since 1892 and an Entrenched Charter since 1982” presented to a plenary session at The International Society For The Reform of Criminal Law, *Conference on Codifying the Criminal Law: Modern Initiatives* at Dublin Castle, Ireland, July 11-15, 2008.

## **MALCOLM THORBURN**

### **Articles and Book Chapters**

“Justifications, Powers and Authority”, 117 *Yale Law Journal* 1070 (2008).

“The Constitution of Criminal Law”, 3 *Criminal Law and Philosophy* xxx (2008).

### **Conferences, Seminars and Workshops**

“The Constitution of Criminal Law”, presented at:

- Oxford University Jurisprudence Discussion Group, 1 May 2008
- Hebrew University of Jerusalem, Israel, 22 May 2008 (at “Criminal Law in Times of Emergency” conference).



“The Moral Responsibilities of Criminal Justice Officials,” Invited commentator, Osgoode Hall Law School and York University Department of Philosophy, Toronto, Canada (24 October 2008).

“Three Models of the Criminal Law: Deterrence, Accountability and the Rule of Law”, presented at Australian National University College of Law, 11 December 2008.

### **Conferences organized**

“The Kant Law Symposium: An international symposium on the legal and political philosophy of Immanuel Kant”, organized by Professor Malcolm Thorburn and held in the Queen’s Faculty of Law, October 17, 2008 (at this symposium Arthur Ripstein (Faculty of Law and Department of Philosophy, University of Toronto), discussed and defended his new book *Force and Freedom* (Harvard University Press, forthcoming).

## **MARK WALTERS**

### **Articles and Book Chapters**

“Legal Humanism and Law as Integrity” (2008), 67 *Cambridge Law Journal* 352-375

“The Jurisprudence of Reconciliation: Aboriginal Rights in Canada” in Will Kymlicka & Bashir Bashir (eds.), *The Politics of Reconciliation in Multicultural Societies* (Oxford: Oxford University Press, 2008), chapter 8, pp. 165-191.

“Written Constitutions and Unwritten Constitutionalism” in Grant Huscroft (ed.), *Expounding the Constitution: Essays in Constitutional Theory* (Cambridge: Cambridge University Press, 2008), chapter 10, pp. 245-276.

“Human Rights at Common Law and under the Constitution Act, 1867” in Leonard Rotman (ed.), *Constitutional Law: Cases, Commentary and Principles* (Toronto: Carswell, 2008), chapter 15, pp. 733-767.

### **Conferences, Seminars and Workshops**

“Jurisdiction, Functionalism and Constitutionalism in Canadian Administrative Law” presented at the “Joint Conference on Effective Judicial Review: A Cornerstone of Good Governance”, organized by the Centre for Public Law, University of Cambridge, and the Chinese University of Hong Kong, at Hong Kong, 10-12 December 2008.

“Respecting Deference as Respect”, presented at the Roundtable on *Dunsmuir*, University of Toronto Faculty of Law, 4 June 2008.

### **Grants and Funding**

Principal Investigator and sole applicant on a SSHRC-funded project entitled: *The Jurisprudence of Reconciliation: Towards an Intersocietal Conception of the Rule of Law in Canada* (\$110,750).

## **MARK WEISBERG**

### **Articles and Book Chapters**

“Silence in the Classroom,” *Silences* (Society for Teaching and Learning in Higher Education 2008).

### **Conferences, Seminars and Workshops**

“Writing and/as Learning”, Workshop at Teaching and Learning Symposium, Queen’s University, December 2008 (with several others).

“Images of doctors and lawyers: An inter-faculty experience”. Presentation at Narrative Matters: Storying OurWorld Conference, May 2008 (with Jackie Duffin and Shayna Watson).

“Writing about our teaching”. 3 hr. Workshop at Narrative Matters: Storying Our World Conference, May 2008.