

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

**Annual Report 2009**



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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 2009. The report confirms that the Law Faculty continues to enjoy a rich and vibrant research culture in which excellence in legal scholarship is pursued along diverse lines and from diverse perspectives.

A review of this record suggests that Queen's Law Faculty members are engaged at the highest levels of scholarly analysis and debate in Canada and around the world. They continue to provide educational training for Canada's judiciary; to provide advice and opinions to departments of government; and to make submissions to parliamentary committees engaged in law reform. They publish their research in leading journals in Canada and worldwide. In 2009, Law Faculty members from Queen's presented their research in a variety of Canadian and American universities, but also in such countries as Australia, Spain, Italy, Austria, the Netherlands, China and the United Kingdom.

2009 was particularly noteworthy, however, for the efforts made by Queen's Law Faculty members to attract leading scholars and lawyers to Queen's from across the country and from around the world. Queen's Law hosted conferences and symposia on elder law, the independence of the Bar, gender equality and tax law, feminist constitutionalism, the work of junior scholars in Canada, and business law. It co-sponsored an important conference on Israel and Palestine held at York University that attracted considerable media attention. It ran highly successful speakers series on specialized areas of law (the International Speakers Series, the Law, Economics and Public Policy Workshop, and the Osler, Hoskin & Harcourt Distinguished Lectures in Business Law). In addition to these series, the general visiting speakers series brought twenty leading legal scholars to Queen's.

Finally, it is important to note that in November of 2009 the Law Faculty Board unanimously adopted the *Queen's Law Strategic Plan for Research, 2010-15*. This Plan identifies a number of areas in which the Faculty is committed to making further improvements and gains on the research and scholarship front. The Annual Report on research achievements within the Law Faculty for 2009 suggests that the Law Faculty is well positioned to follow through on the commitments it has made.

1 June 2010

Mark Walters  
Associate Dean (Graduate Studies & Research)

**Queen's Faculty of Law  
Achievements in Research and Scholarship for 2009**

**(January 2009 to December 2009)**

**BOOKS**

**Bernard Adell**

(with Joseph. E. Magnet) *The Canadian Charter of Rights and Freedoms after Twenty-Five Years* (Markham: Lexis-Nexis. 2009), pp. xlv + 428 [also published as (2009) *Supreme Court Law Review* (second series), v. 45]

**Bitá Amani**

*State Agency and the Patenting of Life in International Law: Merchants and Missionaries in a Global Society*, (United Kingdom: Ashgate Publishing Inc., 2009)

**Nicholas Bala**

(with Anand) *Youth Criminal Justice Law*, 2<sup>nd</sup> edition (Toronto: Irwin Law, 2009) [755 pages]

**Arthur Cockfield**

(with David Kerzner) *The Manager's Guide to International Taxation* (featuring tax novella 'La Brienza Winery: Tax Trouble in Wine Country')(Toronto: Thomson Reuters (Toronto: Carswell, 2009)

(with Martha O'Brien) *Student Edition of the Income Tax Act* (featuring tax novella 'How to Manage a Difficult Tax Partner')(Toronto: Thomson Reuters (Toronto: Carswell, 2009)

**Lisa Dufraimont**

(with Ronald J. Delisle), *Canadian Evidence Law in a Nutshell*, 3<sup>rd</sup> ed. (Toronto: Carswell, 2009)

**Donald Stuart**

(with R. Delisle and S. Coughlan), *Learning Canadian Criminal Law*, 11<sup>th</sup> ed. (Toronto: Carswell, 2009)

**ARTICLES AND BOOK CHAPTERS**

**Sharryn Aiken**

“National Security and Canadian Immigration: Deconstructing the Discourse of Trade-Offs” in François Crépeau (ed.), *Les migrations internationales contemporaines: Une dynamique complexe au coeur de la globalisation* (Montreal : Presses de l’Université de Montréal, 2009), pp.172 - 199

### **Bitá Amani**

(with Dr. Martha Bailey, Professor Bev Baines, and Ms. Amy Kaufman) “Expanding Recognition of Foreign Polygamous Marriages: Policy Implications For Canada”, (2008) 25 N.J.C.L. 1-295

### **Martha Bailey**

“Developments in Private International Law” (2009) *Supreme Court Law Review*

“Reform not Revolution,” in William Atkin, ed. *International Survey of Family Law* (Jordons, 2009)

### **Beverley Baines**

“Contextualism, Feminism, and a Canadian Woman Judge” (2009) *Feminist Legal Studies* 27-42

“Expanding Recognition of Foreign Polygamous Marriages: Policy Implications for Canada”, (2008-2009) 25 *National Journal of Constitutional Law* 83-131 (with Martha Bailey, Bitá Amani, and Amy Kaufman); reprinted by invitation from Angela Campbell et al (eds.), *Polygamy in Canada: Legal and Social Implications for Women and Children* (Ottawa: Status of Women, 2005)

“But Was She a Feminist Judge?” in Kimberley Brooks (ed.), *One Woman’s Difference: The Contributions of Justice Bertha Wilson* (Vancouver: UBC Press, 2009), pp. 211-228

“Must Feminists Support Entrenchment of Sex Equality: Lessons from Quebec” in Susan H. Williams (ed.), *Constituting Equality: Gender Equality and Comparative Constitutional Law* (Cambridge: Cambridge University Press, 2009), pp. 137-156

“Must Feminists Identify as Secular Citizens: Lessons from Ontario” in Linda C. McClain and Joanna Grossman (eds.), *Gender Equality: Dimensions of Women’s Equal Citizenship* (Cambridge: Cambridge University Press, 2009), pp. 83-106

“The Constitutional Challenge of Polygamy”, *The Lawyers Weekly* vol. 28, no. 46, April 17, 2009, p. 7

### **Nicholas Bala**

"Evaluating the Youth Criminal Justice Act After Five Years – A Qualified Success" (2009), 51 *Canadian Journal of Criminology and Criminal Justice* 131-168

(with Birnbaum) “The Child’s Perspective on Legal Representation: Young Adults Report on Their Experiences with Child Lawyers” (2009), 25 *Canadian Journal of Family Law* 11-71

(with Jaffe & Crooks), “Seeking a Road Less Traveled: Reconsidering the Journeys Taken by Victims of Domestic Violence in Family Court” (2009), 6(3) *Journal of Child Custody* 169-188

(with Lee, Lindsay & Talwar), "The Competency of Children to Testify: Psychological Research Informing Canadian Law Reform" (2009), 17 *International Journal of Children's Rights* 1- 25

"R v D.B.: The Constitutionalization Of Adolescence" (2009), 47 *Supreme Court Law Review* 211-234

(with Roberts), "Restraining the Use of Custody for Young Offenders: The Canadian Approach" in von Hirsch, Ashworth & Roberts (eds.), *Principled Sentencing: Readings on Theory and Policy* (Oxford: Hart Publishing, 2009), pp. 338-341

"Let's Not Oversimplify Domestic Violence," *Lawyers Weekly*, April 17, 2009

### **Arthur Cockfield**

"The Taxation of Permanent Establishments in Canada", (2009), 63 *Bulletin for International Taxation* 374 [forthcoming translation into Mandarin in *Taxation Translation Journal*, 2010]

"Protecting the Social Value of Privacy in the Context of State Investigations Using New Technologies" in Jilla Ramakistaiah (ed.), *State Surveillance and Privacy Exception* (Hyderabad, India: Amicus Books, Icfai University Press, 2009) [reprint of an article published at (2007) 40 *University of British Columbia Law Review* 421]

(with Jason Pridmore) "A Synthetic Theory of Law and Technology", in Prasana Rani (ed.) *Law and Technology: An Interface* (India: Amicus Books, Icfai University Press, 2009) [reprint of an article published at 8 *Minnesota Journal of Law, Science and Technology* 475 (2007)]

### **Lisa Dufraimont**

"R. v. Griffin and the Legacy of Hodge's Case" (2009), 67 *Criminal Reports* (6<sup>th</sup>) 74

### **David Freedman**

"Unjust Enrichment Claims Against the Estate Based on the Provision of Services to the Deceased" (2009), 29 *Estates, Trusts and Pensions Journal* 59

"Putting the Brakes on POA Fraud" (OBA < Briefly Speaking, March/09)

### **Joshua Karton**

"Contract Law in International Arbitration: the Case of Suspension of Performance" (2009) 58 *International and Comparative Law Quarterly* 863

(with Lorraine de Germiny) "Can the CISG Advisory Council Affect the Homeward Trend?" (2009), 13 *Vindobona Journal of International Commercial Law and Arbitration* 71

(with Lorraine de Germiny) "Has the CISG Advisory Council Come of Age?" (2009), 27 *Berkeley Journal of International Law* 448

### **Larissa Katz**

“A Traditionalist’s Property Jurisprudence” in Kim Brooks (ed.), *Justice Bertha Wilson: One Woman’s Difference* (Vancouver: University of British Columbia Press, 2009)

### **Erik Knutsen**

“Seeking Leave to Appeal to the Supreme Court of Canada for Personal Injury Cases” in *The Litigator: Journal of the Ontario Trial Lawyers Association* (July 2009)

“Defining “Accident:” Abandoning Prior Tortured Approaches”, *Lawyers Weekly* (March 27, 2009)

### **Nancy McCormack**

“Peer Review and Legal Publishing: What Law Librarians Need to Know about Open, Single-Blind, and Double-Blind Reviewing” (2009), 101 *Law Library Journal* 59 [listed on SSRN's Top Ten download list for LIAD: Legal Information & Legal Education (Topic), LIP: Legal Information Publishing & Licensing (Topic) and LIS: Legal Information Practices (Topic).]

(with Nicole Eva), “Legally Satisfied: A Survey of Law Library Workers and Job Satisfaction” (2009) 33 *Canadian Journal of Information and Library Science* 39

“Nothing Gold Can Stay” - A review essay of Lucien X. Polastron, *Books on Fire: The Destruction of Libraries Throughout History* and Fernando Baez, *A Universal History of the Destruction of Books?* (January 2009) Academic Matters, online: Academic Matters <<http://www.academicmatters.ca/>>

"When Weeding Hits the Headlines: How to Stop Your Library from Making (That Kind of) News" (2008) 54:6 *Feliciter* 277

"The Law of War" (2008) 28:1 *TALL Quarterly* 12

“Editorial” (2009) 34:3 *Canadian Law Library Review* 95.

“Conference Session Summary, Plenary #3: Planning for Palliative and End of Life Care: What I need to Know about the Law; What I Need to Ask the Lawyer” (2009) 34:3 *Canadian Law Library Review* 109

“Research Matters: Recent Research by CALL/ACBD Members” (2009) 34:3 *Canadian Law Library Review* 101

(Review) “Survey Evidence and the Law Worldwide: A Reference Text for Lawyers, Jurists and Social Scientists (Summer 2009) 34:2 *Canadian Law Library Review* 77.

(Review) “Consent and the Law” (Autumn 2008) 33:4 *Canadian Law Library Review* 426.

(Review) “Effective Written Advocacy” (Spring 2009) 34:1 *Canadian Law Library Review* 34 [Reprinted in the Manitoba Bar Association’s (June/July 2009) *Headnotes and Footnotes* 18].

### **Cherie Metcalf**

“Emerging Paradigms of Rationality: Theory & Applications” (2009) 35 *Queen’s Law Journal* 1

### **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)

### **Michael Pratt**

“The Enforcement of Promises”, in D. Percy & S. Ben-Ishai (eds.), *Contracts: Cases & Commentaries*, 8th edition, (Toronto: Carswell, 2009)

“Mistake” in D. Percy & S. Ben-Ishai (eds.), *Contracts: Cases & Commentaries*, 8th edition (Toronto: Carswell, 2009)

### **Darryl Robinson**

“The Two Liberalisms of International Criminal Law”, in Carsten Stahn and Larissa van den Herik (eds.), *Future Perspectives on International Criminal Law* (Cambridge: Cambridge University Press, 2009)

“Legality and Our Contradictory Commitments: Some Thoughts About How We Think”, *Proceedings of the 103<sup>rd</sup> Annual Meeting of the American Society of International Law* (2009)

### **Donald Stuart**

Annotation to *C.(R.) v. McDougall* (2009) 61 C.R. (6<sup>th</sup>) 1

“Bail: Decisions on Effect of New Amendments in Firearms Cases” (2009) 61 C.R. (6<sup>th</sup>) 136

Annotation to *R. v. Luedecke* (2009) 61 C.R. (6<sup>th</sup>) 139

Annotation to *R. v. McNeil* (2009) 62 C.R. (6<sup>th</sup>) 1

Annotation to *R. v. S.(J.H.)* (2009) 63 C.R. (6<sup>th</sup>) 79

Annotation to *R. v. Winnmill* (2009) 63 C.R. (6<sup>th</sup>) 224

Annotation to *R. v. Patrick* (2009) 64 C.R. (6<sup>th</sup>) 1

“Twin Myth Hypotheses in Rape Shield Laws are Too Rigid and Darrach is Unclear” (2009) 64 C.R. (6<sup>th</sup>) 74

Annotation to *R. v. Im* (2009) 64 C.R. (6<sup>th</sup>) 157

Annotation to *R. v. Stucky* (2009) 65 C.R. (6<sup>th</sup>) 46

Annotation to *R. v. Phillion* (2009) 65 C.R. (6<sup>th</sup>) 255

“Welcome Flexibility and Better Criteria for Section 24(2)” (2009) 66 C.R.. (6<sup>th</sup>) 82

Annotation to *R. v. Craig* (2009) 66 C.R. (6<sup>th</sup>) 201

Annotation to *R. v. Godin* (2009) 67 C.R. (6<sup>th</sup>) 95

Annotation to *R. v. Heyden* (2009) 67 C.R. (6<sup>th</sup>) 174



Annotation to *R. v. Lindsay* (2009) 68 C.R. (6<sup>th</sup>) 279

### **Malcolm Thorburn**

“Accountability and Proportionality in Youth Sentencing”, 55 *Criminal Law Quarterly* 285 (2009)

“Why Only the State May Decide When Sanctions are Appropriate”, in Paul Robinson Kim Ferzan and Steve Garvey (eds.), *Criminal Law Conversations* (Oxford: Oxford University Press, 2009)

“Decision Rules and Conduct Rules: A Liberal Criminal Law Cannot be Reduced to these two Types of Rules”, in Paul Robinson Kim Ferzan and Steve Garvey (eds.), *Criminal Law Conversations* (Oxford: Oxford University Press, 2009)

### **Mark Walters**

“Promise and Paradox: The Emergence of Indigenous Rights Law in Canada” in Shin Imai, Kent McNeil and Benjamin J. Richardson (eds.), *Indigenous Peoples and the Law: Comparative and Critical Perspectives* (Oxford: Hart Publishing, 2009)

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

### **Nicholas Bala**

(with P.J.Carrington & J.V. Roberts), *Youth Justice Reform in Canada: Reducing Use of Courts and Custody Without Increasing Youth Crime* (Prepared for the Independent Commission on Youth Crime and Anti-social Behaviour in England and Wales, a body organized by the Police Foundation)

### **Arthur Cockfield**

‘Fighting Terror while Protecting Free Speech’, Report for Department of Justice in 2009

### **Allan Manson**

Contributing Author, Uniform Law Conference of Canada Task Force, Taking Into Account Pre-Sentence Custody and the Availability of Certain Sentencing Measures, [presented to U.L.C.C. Annual Meeting, Ottawa, August 9-13, 2009]

## **CONFERENCES, SEMINARS AND WORKSHOPS**

### **Bernard Adell**

“Collective Bargaining Rights and Geographic Borders: Looking at the Canadian Law in the Light of the European Court of Justice decision in Laval,” presented at the meeting of the U.S.-

Canadian Branch, International Society for Labour and Social Security Law, Northwestern University, Chicago

“A Naive Labour Lawyer Stumbles into a Rough Neighbourhood: Comparative Corporate Governance,” presented in the graduate course on Labour Law in a Global Economy, Faculty of Law, University of Sydney, Australia

### **Sharryn Aiken**

“The Promise and Peril of Litigating Migrant Rights”, workshop paper for “Putting Citizenship in Motion: Migrant Activism, Mobile Citizenship and the Politics of Movement”, McMaster University, Hamilton, October 24, 2009

“Field Notes from a Conference Organizer”, paper for “Israel/Palestine: Mapping Models of Statehood and Paths to Peace”, Glendon Campus, Toronto, June 24, 2009 (conference co-organizer)

“Who gets in and who gets to stay: Systemic Discrimination in Canada’s Immigration Program”, paper for International Conference on Feminist Constitutionalism, Queen’s University, February 28, 2009

“Human Rights, Politics and the Hippocratic Oath: Exploring Physicians' Roles in Conflict Situations”, Speaker, Munk Centre for International Studies, University of Toronto, November 2, 2009

“*The reason for war was war: A Reappraisal of Anil's Ghost in the Aftermath of Genocide*”, Speaker, Radical Readers Seminar, Faculty of Law, University of Ottawa, Monday October 26, 2009

“(Re)-Presenting Tamils: Media, Human Rights and Transnational Politics”, Panel Organizer, Chair and Discussant, Fourth Annual Tamil Studies Conference, University of Toronto, May 22, 2009

“Terrorism, Human Rights and the Independence of the Bar”, paper for The Chief Justice of Ontario’s Advisory Committee on Professionalism, 12<sup>th</sup> Colloquium on the Legal Profession: “The Independence of the Bar and if it Matters”, Queen’s University, Kingston, March 10, 2009

### **Bitu Amani**

“Regulatory Diversity, an Imperative for the Bioeconomy: Biopatenting, TRIPS, and the Public Interest in Sectors of Vital Importance” Michael Trebilcock Tribute Symposium, University of Toronto, Faculty of Law, Oct.1-2.

“Biopatenting Law and Industrial Policy Discourse: The Limits of Agents and Audiences”, presented at the “Canadian Intellectual Property Academy Conference”, organized by Western University, Toronto, November 19-21.

“Current Issues in IP For Women: Women as Subjects of Research and Objects of Property”, Second Annual Women and IP Roundtable, hosted by IP Osgoode and the Institute for Feminist Legal Studies, Toronto, November 6.

## **Martha Bailey**

“Should Canada Criminalize Polygamy?” delivered at the Canadian Constitutional Forum in Toronto, October 2009

## **Beverley Baines**

“Is Constitutionalism Bad for Intersectional Feminists” at the International Association of Law Schools Conference on Constitutional Law, American University Washington College of Law and Georgetown University Law Centre, Washington, DC, 11-12 September 2009.

“Feminist Judges, Feminist Adjudication and Feminist Legal Scholars” at the Workshop on Gender and Judging, International Institute for the Sociology of Law, Onati, Spain, 11-12 June 2009.

“Polygamy’s Fate: What will four women on the Supreme Court of Canada decide?” at the International Conference on Feminist Constitutionalism, Queen’s University, Kingston, 28 February – 1 March, 2009.

“But Was She a Feminist Judge?” at the *One Woman’s Difference: The Contributions of Justice Bertha Wilson* book launch, Ontario Bar Association/LEAF, Toronto, 3 December 2009.

“Must Feminists Identify as Secular Citizens: Lessons from Ontario” on the Theorizing Dimensions of Women’s Equal Citizenship panel at the 2009 American Political Science Association Annual Meeting, Toronto, 4 September 2009.

## **Nicholas Bala**

“*R v D.B.: The Constitutionalization Of Adolescence*,” Annual Constitutional Law Conference, Osgoode Hall Law School, April 17, 2009

(with Evans), Hearing the Voices of Children in Canada’s Criminal Justice System: Recognizing Capacity and Facilitating Testimony, 5<sup>th</sup> World Congress on Family Law & Children’s Rights, Halifax, August 25, 2009

(with Birnbaum), “Towards the Differentiation of “High Conflict” Families: An Analysis of Social Science Research and Canadian Case Law,” 5<sup>th</sup> World Congress on Family Law & Children’s Rights, Halifax, August 24, 2009

“Why Canada’s Prohibition of Polygamy is Constitutionality Valid and Sound Social Policy,” Canadian Constitutional Foundation, 3<sup>rd</sup> Annual Law Conference, Toronto, Oct. 3, 2009

Panellist on “Meaning and Interpretation of the Best Interests Principle” at Conference on Best Interest of the Child: Meaning and Application in Canada at Centre for Constitutional Rights, University of Toronto, Feb. 27, 2009

“The Y.C.J.A. After Six Years: Setting the Context”, Canadian Research Institute for Law & the Family Annual Meeting, Lake Louise, Alta., May 2, 2009

Panellist on Family Law at Queen's University-AFCC conference on Family & Children's Law, Kingston, May 8, 2009

"Adult Sanctions for Youth: Canada," Consultation on Juvenile Justice, Inter-American Commission on Human Rights, Washington D.C., August 31, 2009

### **Kevin Banks**

"The New Labour Law Constitutionalism", presented to the Annual Meeting of the Canada-U.S. Law Institute, March 2009 at Case Western Reserve University, Cleveland, Ohio USA

"Trade, Labour and International Governance", presented to the Annual Meeting of the Law and Society Association, May 2009, Denver, Colorado, USA

### **Arthur Cockfield**

"Alternative Permanent Establishments", International Fiscal Association Annual Congress, Vancouver, Sept. 2, 2009 [as Panel Secretary and Commentator]

"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"; University of Waterloo Deloitte Tax Workshop, Aug. 25, 2009 (Toronto)

### **Lynne Hanson**

Panel Moderator on Abortion and Reproductive Rights, International Conference on Feminist Constitutionalism, Queen's University Faculty of Law, Donald Gordon Centre, February 28 - March 1, 2009, Kingston ON

### **Tsvi Kahana**

(with Rachel Stephenson) "Popular Constitutionalism, Enlarged Mentality, and Delegation" presented at the *International Conference on Feminist Constitutionalism*, Queen's University (1 March 2009)

"A Constitutional Transition to Bi-Nationalism – Practice and Theory", presented at *Israel/ Palestine: Mapping Models of Statehood and Paths to Peace*, York University (22-24 June 2009)

### **Joshua Karton**

Invited speaker, "Can the CISG-AC Affect Homeward Trend?" *Issues on the CISG Horizon* (Vienna, April 2, 2009)

### **Larissa Katz**

"A Jurisdictional Principle of Abuse of Rights", presented at:  
- McGill Law School, Anglo-American Property Theory Workshop, 2009

- Cornell Law School, Progressive Property Theory Workshop, 2009
- University of Colorado, Property Works-in-Progress Conference, 2009

“Red Tape and Gridlock”, presented at:

- McGill University, Faculty of Law, Legal Theory Workshop
- American Association of Law Schools 2009 General Meeting, Speaker on Panel, “Hernando de Soto in a Modern Market Economy”

### **Erik Knutsen**

“Confusion About Causation in Insurance: Solutions for Catastrophic Losses” Asia-Pacific Risk and Insurance Association Annual Conference, Peking University, Beijing, China (July 20, 2009)

Co-presenter with Janet Walker, “Litigation Funding and Costs in Canada,” Litigation Funding and Costs Conference, Oxford University Centre for Socio-Legal Studies, (July 6, 2009)

Moderator, “Convergence in ‘Dispute Resolution’ Processes,” International Association of Procedural Law 2009 Conference, Toronto, ON (June 4, 2009)

“Keeping Settlements Secret,” PrawfsFest Junior Scholars Conference, Florida State University College of Law, Tallahassee, FL (April 29, 2009)

“Default Rules for Concurrent Causation in Insurance Contracts” Queen’s University Law, Economics, and Public Policy Speaker Series, Queen’s University, Kingston, ON (February 2, 2009)

“Secret Settlements,” Young Scholars’ Conference – McGill - Queen’s University Faculty of Law, Queen’s University, Kingston, ON (January 23, 2009)

“Default Rules for Concurrent Causation in Insurance Contracts” Association of American Law Schools Insurance Law Section-sponsored poster presentation, AALS Annual Meeting, San Diego, CA (January 10, 2009)

### **Nancy McCormack**

“The Pursuit of Happiness: Job Satisfaction in Canadian Law Libraries” Presentation at the Canadian Association of Law Libraries Conference, Halifax, May 25, 2009

### **Cherie Metcalf**

“Measuring the Impact of Judicial Adjustments to Property Rights: Resource Industries and Aboriginal Rights in Canada” (with Jaimie Graham), Canadian Law & Economics Association, Annual Meetings (Oct. 2009, U of T)

“The (Ir)relevance of Constitutional Protection for Property Rights?: Compensation for Takings in Canada and the U.S.” Emory University, Faculty of Law Colloquia (April 2009)

“Aboriginal Rights, Participatory Governance & Traditional Knowledge”, presented at:

- Society for Environmental Law & Economics, Inaugural Conference (March 2009, U.B.C.)
- Canadian Junior Legal Scholars Conference (January 2009)

### **Paul Miller**

“Physician Refusal of Inappropriate Treatment Demands,” Global Health Seminar Series, Queen’s University School of Medicine, Kingston, ON – November 25, 2009

### **Patricia Peppin**

“Psychiatric Imagery: Corporate Construction of Minds Through Pharmaceutical Advertising” presented at the International Academy of Law and Mental Health Congress at N.Y. U. Law School, New York City, July 2010

“Drug Imagery and Legal Imaginary: Assessing the Information in Drug Advertising” presented as a plenary address to the University of Sydney Faculty of Law and Faculty of Medicine Global Health Day, August, 2009

Panellist on Chronic Diseases at the University of Sydney Faculty of Law and Faculty of Medicine Global Health Day, August, 2009

Curriculum Network Meetings of Health Law Teachers, Halifax, May 2009 and Montreal, Quebec, October 2009

### **Michael Pratt**

‘Promissory Disclaimers.’ Rice University, February 2009

### **Darryl Robinson**

“Legality and Our Contradictory Commitments: Some Thoughts About How We Think”. American Society of International Law, March 2009

“The Mysterious Mysteriousness of Complementarity.” Conference on the ICC and Complementarity, Peace Palace, the Hague, September 2009

Implications of the *Katanga* Decision (Chair), Conference on the ICC and Complementarity, Grotius Centre, the Hague, September 2009

### **Donald Stuart**

“The McLachlin Court’s First Decade” Criminal Justice – Many More Kudos than Brickbats” – presented to the C.B.A. conference in Ottawa on June 19, 2009. It will be published in a conference book

“Welcome Flexibility and Better Criteria From the Supreme Court of Canada for Exclusion of Evidence Obtained in Violation of the Canadian Charter of Rights and Freedoms” –

presented to “The Future of the Exclusionary Rule: American and International Perspectives” on October 9, 2009 at Southwestern Law School, Los Angeles, California

### **Malcolm Thorburn**

“Criminal Law as Public Law: Police Powers and Justification,” presented at:

- Faculty Workshop, Cornell Law School, Ithaca, NY, USA (13 November 2009)
- Faculty Workshop, Brooklyn Law School, Brooklyn, NY, USA (19 October 2009)
- Faculty Workshop, University of Syracuse College of Law, USA (13 October 2009)
- Conference on the Philosophical Foundations of Criminal Law, Rutgers School of Law, Newark, NJ, USA (25-26 September 2009)

“Reinventing the Night-watchman State?,” Symposium in Honour of Michael Trebilcock, Faculty of Law, University of Toronto, Canada (1-2 October 2009)

“Accountability and Proportionality in Youth Sentencing,” National Judicial Institute of Canada Conference, Toronto, Canada (25-27 February 2009)

“The Constitution of Criminal Law,” Young Canadian Legal Scholars Conference, Queen’s University Faculty of Law, Kingston, Canada (23 January 2009)

“Constitutionalism and the Limits of the Criminal Law,” Conference on Criminalization, University of Glasgow, Scotland (10-11 September 2009)

### **Mark Walters**

“Your Sovereign and our Father?: The Imperial Crown and the Idea of Legal-Ethnohistory” presented at a symposium entitled “The Transposition of Empire” held at the Monash Centre of European Studies in Prato, Italy, 20-22 April 2009

“Legality as Reason: Dicey and Rand and the Rule of Law” presented at a conference entitled “The Legacy of *Roncarelli v. Duplessis* – 1959-2009, organized by the Université de Sherbrooke and University of Toronto, North Hatley, Quebec, 18 & 19 September 2009

“The bond of friendship between you & us...?: Writing a History of Aboriginal Law in Canada”, presented at the Osgoode Society Symposium on Canadian Legal History, held in celebration of the 30<sup>th</sup> anniversary of the Osgoode Society for Canadian Legal History at Osgoode Hall, Toronto, Ontario, 30 October 2009

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

### **Sharryn Aiken**

“Temporary Foreign Workers Program”, Instructor, Metro Toronto Chinese and Southeast Asian Legal Clinic Immigration Law Training, Toronto, November 30, 2009

“Illusionary Justice: Threats to the Rule of Law and Human Rights in Sri Lanka”, Speaker, Panel Organized by Lawyers Rights Watch Canada and Amnesty International, Law Society of Upper Canada, Toronto, November 16, 2009

### **Martha Bailey**

“Unmarried Couples” delivered at the National Judicial Institute in Ottawa, November 2004

### **Nicholas Bala**

(with Hunt & McCarney), “Alienation – Myths, Realities and Uncertainties: Canadian Cases 1989-2009,” Family Law Seminar of British Columbia Supreme Court & National Judicial Institute, Kelowna, B.C., May 20, 2009

(with Epstein), “Summary of Access to Justice Reforms for Ontario Families” at Ontario Bar Association program on Creating a Family Law Process That Works, Toronto, Nov. 21-23, 2009

“Deterrence as A Principle of Youth Sentencing: No Effect on youth But a Significant Effect on Judges,” National Judicial Institute, program on Judging Effectively Under the *Youth Criminal Justice Act*, Toronto, February 26, 2009

“Domestic Violence in Family Proceedings: Recognizing the Nature & Effect of Violence,” Family Law Summit 2009, Law Society of Upper Canada, Toronto, June 12, 2009

Responding to Alienation: Introduction to Concepts & Canadian Legal Responses, Ontario Court of Justice, Family Law Education Program, Sept. 23, 2009, Huntsville, Ontario

“Parental Alienation: Concepts & Legal Responses,” Open Bar program of Ontario Court of Justice, Toronto, Oct. 5, 2009

(with Bloomenfeld), “Young Persons in the Court of Queen’s Bench,” Manitoba Court of Queen’s Bench Education Seminar, Winnipeg, Oct. 29, 2009

### **Arthur Cockfield**

“Fighting Terror while Protecting Free Speech”, Department of Justice, Ottawa, March 8, 2009 [paper presentation to Department of Justice anti-terrorism group and constitutional law group]

### **David Freedman**

‘Criminal Law Issues’ and ‘POA Fraud’, both delivered at the CBA National Elder law Conference held in Kingston in June/09

‘Exercise of Discretionary Powers by a Trustee: Update, delivered at Trust, Trustees, Trusteeship conference held September/09, Ontario Bar Association

‘Elder Law’, delivered at FLA Estates and Trusts event in March/09



'Unjust Enrichment: Principles', delivered at FLA Estates and Trusts event in October/09

For the Estate Planning Council of Ontario: 'Dependants' Relief, delivered at EPC event in April/09

**Erik Knutsen**

"Clarifying Causation in Canada," Ontario Trial Lawyers Association Annual Spring Conference, Toronto, ON (May 27, 2009)

**Allan Manson**

Judicial Methodology, Canadian Association of Provincial Court Judges, New Judges Programme, Lac Carling, P.Q., April 20, 2009

Canadian Sentencing Principles and Community Options, Presented to Delegation of Visiting Vietnamese Judges (sponsored by CIDA) Ottawa, December 7, 2009

**Darryl Robinson**

Participated in discussions with the Department of Foreign Affairs Sudan InterAgency Reference Group to provide recommendations on Canadian policy concerning International Criminal Court arrest warrants against Sudanese President Omar Al-Bashir

**GRANTS AND FUNDED RESEARCH**

**Sharryn Aiken**

SSHRC Aid to Research Workshops and Conferences in Canada - \$19,750 – to support "Israel/Palestine: Mapping Models of Statehood and Paths to Peace", a conference held in June 2009 at York University (prepared by the three-person conference organizing committee, which included Prof. Aiken, and submitted by Prof. Bruce Ryder)

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* – 2007 (ongoing)

Collaborator on a \$2.5 million SSHRC MCRI grant (*The New Transparency: Surveillance and Social Sorting* – 2007 (ongoing)

**Bitu Amani**

Law Foundation of Ontario, Small Grant Program (with Kathy Lahey) for the workshop: “Women, Equality, and Fiscal Policy: Gender Analysis of Taxes, Spending, and Budgets,” organized by Feminist Legal Studies Queen’s -- \$15,000

“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). – 2008 (ongoing)

### **Nicholas Bala**

National Judicial Institute -- \$20,000 to fund the “Parental Alienation Project” of Prof. Bala and Dr Barbara Fidler and Michael Saini

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) – 2008 (ongoing)

### **Arthur Cockfield**

Canadian Federation for the Humanities and Social Sciences publication grant, to support the publication of a book on ‘Globalization and Its Tax Discontents’ to be published by University of Toronto Press - \$10,000

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 – 2008 (ongoing)

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) – 2008 (ongoing)

### **William Flanagan**

\$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* – 2007 (ongoing)

### **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) – 2008 (ongoing)

**Erik Knutsen**

Queen's Research Advisory Council Grant - Torts and police pursuits -- \$5000

**Allan Manson**

Charles Gonthier Research Fellowship, awarded by the Canadian Institute for Administration of Justice – \$6000 to fund research on the law of sentencing

**Paul Miller**

Canadian Institutes of Health Research Operating Grant - Ethics and Regulation of Clinical Research - \$310,924 – 2008 (ongoing)

**Malcolm Thorburn**

SSHRC standard research grant (co-applicant) to fund research on “Constitutionalism and Law Enforcement” - \$95,000 (2009-12)

Borden Ladner Gervais LLP Research Fellowship - “Police Powers and the Rule of Law: New Challenges in the Age of Privatization” -- \$12,000

**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) – 2008 (ongoing)

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

“Israel/Palestine: Mapping Models of Statehood and Paths to Peace”, June 22-24, 2009, co-sponsored by Queen's University and York University and held at York University; co-organized by Professor Sharryn Aiken of Queen's University Faculty of Law and Professors Susan Drummond, Mazen Masri and Bruce Ryder of Osgoode Hall Law School

“Elder Law: Theory and Practice”, June 12-13, 2009; Donald Gordon Conference Centre, Queen's University, Kingston; presented by the Canadian Bar Association's National Elder Law Section, the Continuing Legal Education Committee, Queen's Law and the Frontenac Law Association, and sponsored by Queen's Law and the Frontenac Law Association

Twelfth Colloquium on the Legal Profession: “The Independence of the Bar and if it Matters”, Tuesday, March 10, 2009, presented by the Chief Justice of Ontario's Advisory Committee on Professionalism

“Women Equality and Fiscal Policy: Gender Analysis of Taxes, Spending, and Budgets”, co-organized by Queen's Law professors Bitu Amani and Kathleen Lahey, Coordinators of Feminist

Legal Studies Queen's (FLSQ); funded by the Law Foundation of Ontario and Queen's Law, Faculty of Law, Queen's University, Kingston Ontario, March 7, 2009

“International Conference on Feminist Constitutionalism”, organized by Professors Beverley Baines and Tsvi Kahana of Queen's Law, and Professor Daphne Barak-Erez of the University of Tel Aviv; sponsored by the Law Foundation of Ontario, Office of the Principal and Office of Research Services at Queen's University, the Faculty of Law at Queen's University, the Faculty of Law at the University of Tel Aviv, and Feminist Legal Studies Queen's; February 28, 2009 - Sunday March 1, 2009

Junior Scholars Conference/La Conférence des jeunes juristes universitaires; organized by Professor Cherie Metcalf, Queen's Faculty of Law; sponsored by the Law Foundation of Ontario and the Faculty of Law at Queen's University; Macdonald Hall, Queen's University, Kingston, Ontario, January 23, 2009

Panel Discussion of *BCE Inc. v. 1976 Debenture Holders*, April 8, 2009, sponsored by the Class of Queen's Law '80 Visiting Lecturer Fund (panellists: Alexander Moore, Davies Ward Phillips & Vineberg LLP, counsel for BCE Inc. and Bell Canada; Paul Macdonald, McMillan LLP, counsel for the Group of 1997 Debenture Holders; and John Finnigan, Thornton Grout Finnigan LLP, for the Group of 1976 Debenture Holders and Group of 1996 Debenture Holders; hosted by distinguished business law scholar Professor Christopher Nicholls, a member of the Faculty of Law at the University of Western Ontario

## **VISITORS TO THE LAW FACULTY IN 2009**

### **Named Lectures**

Reva Seigal, Yale Law School, J.A. Corry Memorial Lecture/International Conference on Feminist Constitutionalism – 28 February 2009

Richard Fallon, Harvard Law School – the Catriona Gibson Memorial Lecture – 12 March 2009

Ellen Waldman, Thomas Jefferson School of Law – “The Lessons of Baby Doe: Politicizing Clinical Decision-Making”, the Willis G. Cunningham Memorial Lecture – 23 March 2009

Joshua Dressler, Ohio State University College of Law, the Ryan Memorial Visitor Lecture – 16 March 2009

### **Visiting Speakers Series**

Evan Criddle, Syracuse University College of Law – “Countermajoritarianism Presidential Administration” – 19 January 2009

Sarah Harding, Chicago-Kent College of Law – “The Limits of Constitutional Property Rights” – 9 February 2009

Victoria Nourse, Emory Law School – “The Criminal Law and the Majoritarian Anxiety” – 23 February 2009

Hamish Stewart, University of Toronto Faculty of Law – “Criminal Law Defences and the Constitution” – 2 March 2009

Matthew Adler, University of Pennsylvania Law School – “The Rule of Recognition and Constitutional Interpretation” – 5 March 2009

Leslie Green, Oxford University – 9 March 2009

Jedediah Purdy, Duke University – “The Politics of Nature” - 18 September 2009

G.R. Sullivan, University College London – “Conduct and Proof of Conduct: Two Fundamental Conditions for the Imposition of Criminal Liability” – 21 September 2009

Andrew Ashworth, Vinerian Professor of English Law, Oxford University – “Preventive Function of Criminal Law” -- 28 September 2009

Dennis Klimchuk, University of Western Ontario -- “The Rule of Private, Common Law” -- 16 October 2009

Justice Johannes van der Westhuizen, South African Constitutional Court -- “Judicial independence and the rule of law in South Africa and other systems” -- 19 October 2009

Kevin Stack, Vanderbilt University -- “The Concept of Law in the Age of Administration” -- 26 October 2009

Daniel Markovits, Yale University -- “Love and Promising” – 5 November 2009

Anthony Forsyth, Director, Workplace & Corporate Law Research Group, Monash University, Melbourne, and Co-Editor, Australian Journal of Labour Law 10 November 2009

Ben Zipursky, Fordham University -- “Wrongs, not Accidents: Civil Recourse and Civil Wrongs in the Law of Torts” -- 16 November 2009

Ronald Dimock (Law '74), Dimock Stratton LLP -- 30 November 2009 (Alumni Speakers Series)

### **Law, Economics and Public Policy Workshop**

Angela Redish, UBC (Economics) – “Financial Crisis, Banking & Monetary Policy: Lessons from History for Today’s Policymakers” 26 February, 2009

Matthew Adler, University of Pennsylvania Law School – “Well-being and Equity: A Framework for Policy Analysis – 6 March 2009

Henry Smith, Harvard University, "Modularity in Property, Intellectual Property, and Organizations", 14 September 2009 (Law, Economics and Public Policy Workshop)

Tim Edgar, University of Western Ontario -- "Financial Instability, Tax Policy, and Tax Expenditures" -- 5 October 2009 (Law, Economics and Public Policy Workshop)

Daniel Markovits, Yale University -- "Exposure to Ideology & Distributional Preferences" -- 6 November 2009

### **International Speakers Series**

Professor Don Hubert, University of Ottawa, "The Responsibility to Protect and the International Politics of Civilian Protection" -- 23 February 2009

His Excellency, Omar Samad, Ambassador of Afghanistan to Ottawa, "The Challenges of Transition in Afghanistan" -- 19 March 2009

Professor Jagdish Bhagwati, Columbia University (Distinguished Speaker): "Containing the Protectionist Threat Today", 3 April 2009

Abousfian Abdelrazik, "Personal experiences with the State responses to the threat of terrorism" -- October 5, 2009 (hosted jointly with the Law Students' Society)

Cory Wanless, Klippensteins Barristers & Solicitors, "Holding Canadian corporations accountable for human rights violations abroad" -- 9 November 2009

Nikki Dryden, two-time Olympic swimmer for Canada and human rights lawyer, "Holding the International Olympic Committee accountable for its professed human rights values" -- November 25, 2009 (hosted jointly with the Human Rights Law Association)

### **Osler, Hoskin & Harcourt Distinguished Lectures in Business Law**

Professor William W. Bratton, Peter P. Weidenbruch, Jr. Professor of Business Law at the Georgetown University Law Center -- "Corporate Law's Persistent Debates" -- January 30, 2009

Professor Roberta Romano, Oscar M. Ruebhausen Professor of Law at Yale Law School and Director of the Yale Law School Center for the Study of Corporate Law -- "The Uncertain Future of the *Sarbanes-Oxley Act*" -- February 27, 2009

Professor Robert H. Sitkoff, John L. Gray Professor of Law at Harvard Law School -- "The Rise of the Statutory Business Trust" -- March 27, 2009

# Queen's Law Faculty Members: Achievements in Research and Scholarship for 2009

(January 2009 to December 2009)

## **BERNARD ADELL**

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

“Collective Bargaining Rights and Geographic Borders: Looking at the Canadian Law in the Light of the European Court of Justice decision in Laval,” presented at the meeting of the U.S.-Canadian Branch, International Society for Labour and Social Security Law, Northwestern University, Chicago

“A Naive Labour Lawyer Stumbles into a Rough Neighbourhood: Comparative Corporate Governance,” presented in the graduate course on Labour Law in a Global Economy, Faculty of Law, University of Sydney, Australia

### **Editorial Positions and Other Scholarly Contributions:**

Editor-in-Chief, Canadian Labour and Employment Law Journal

Faculty Advisor, Queen's Law Journal - supervised editing of theme issue (Fall 2009) on Emerging Patterns of Rationality

Coordinating editor, 8th edition of national labour law casebook (Labour and Employment Law: Cases, Materials and Commentary)

Member of Advisory Committee, Centre de recherche sur la mondialisation et le travail, Université de Montréal

## **SHARRYN AIKEN**

### **Articles and Book Chapters**

“National Security and Canadian Immigration: Deconstructing the Discourse of Trade-Offs” in François Crépeau (ed.), *Les migrations internationales contemporaines: Une dynamique complexe au coeur de la globalisation* (Montreal : Presses de l'Université de Montréal, 2009), pp.172 - 199

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

“The Promise and Peril of Litigating Migrant Rights”, workshop paper for “Putting Citizenship in Motion: Migrant Activism, Mobile Citizenship and the Politics of Movement”, McMaster University, Hamilton, October 24, 2009

“Field Notes from a Conference Organizer”, paper for “Israel/Palestine: Mapping Models of Statehood and Paths to Peace”, Glendon Campus, Toronto, June 24, 2009 (conference co-organizer)

“Who gets in and who gets to stay: Systemic Discrimination in Canada’s Immigration Program”, paper for International Conference on Feminist Constitutionalism, Queen’s University, February 28, 2009

“Human Rights, Politics and the Hippocratic Oath: Exploring Physicians' Roles in Conflict Situations”, Speaker, Munk Centre for International Studies, University of Toronto, November 2, 2009

“*The reason for war was war: A Reappraisal of Anil's Ghost in the Aftermath of Genocide*”, Speaker, Radical Readers Seminar, Faculty of Law, University of Ottawa, Monday October 26, 2009

“(Re)-Presenting Tamils: Media, Human Rights and Transnational Politics”, Panel Organizer, Chair and Discussant, Fourth Annual Tamil Studies Conference, University of Toronto, May 22, 2009

“Terrorism, Human Rights and the Independence of the Bar”, paper for The Chief Justice of Ontario’s Advisory Committee on Professionalism, 12<sup>th</sup> Colloquium on the Legal Profession: “The Independence of the Bar and if it Matters”, Queen’s University, Kingston, March 10, 2009

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

“Temporary Foreign Workers Program”, Instructor, Metro Toronto Chinese and Southeast Asian Legal Clinic Immigration Law Training, Toronto, November 30, 2009

“Illusionary Justice: Threats to the Rule of Law and Human Rights in Sri Lanka”, Speaker, Panel Organized by Lawyers Rights Watch Canada and Amnesty International, Law Society of Upper Canada, Toronto, November 16, 2009

### **Grants and Funded Research**

SSHRC Aid to Research Workshops and Conferences in Canada - \$19,750 – to support “Israel/Palestine: Mapping Models of Statehood and Paths to Peace”, a conference held in June 2009 at York University (prepared by the three-person conference organizing committee, which included Prof. Aiken, and submitted by Prof. Bruce Ryder)

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* – 2008 (ongoing)

A collaborator on a \$2.5 million SSHRC MCRI grant (*The New Transparency: Surveillance and Social Sorting*) – 2008 (ongoing)

### **Conferences Organized**

Member, Conference Organizing Committee, “Israel/Palestine: One State or Two?”, co-sponsored by Queen’s University and York University, June 22-24, 2009



## **Editorial Positions and Other Scholarly Contributions**

Editor-in-Chief, *Refuge*, Canada's Periodical on Refugees

Advisory Council Member, Department of Criminal Justice and Criminology, Ryerson University

National Co-Coordinator for Canada, University of Michigan Refugee Case Law Site. Responsible for selecting, summarizing and indexing interesting/innovative decisions of the Immigration and Refugee Board and Federal Court for inclusion on the site. see: <http://www.refugeecaselaw.org/>

Media commentary:

- "Deportations to Torture (response to Dec. 15 editorial)", co-authored, *Globe and Mail*, December 18, 2009
- "Tough-on-refugees policy reflects badly on Canada", op ed., co-authored, *Ottawa Citizen*, Nov. 27, 2009
- "We did nothing", op. ed. on Sri Lanka, *National Post* (4 May 2009)

## **BITA AMANI**

### **Books**

*State Agency and the Patenting of Life in International Law: Merchants and Missionaries in a Global Society*, (United Kingdom: Ashgate Publishing Inc., 2009)

### **Articles and Book Chapters**

(with Dr. Martha Bailey, Professor Bev Baines, and Ms. Amy Kaufman) "Expanding Recognition of Foreign Polygamous Marriages: Policy Implications For Canada", (2008) 25 N.J.C.L. 1-295

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

"Regulatory Diversity, an Imperative for the Bioeconomy: Biopatenting, TRIPS, and the Public Interest in Sectors of Vital Importance" Michael Trebilcock Tribute Symposium, University of Toronto, Faculty of Law, Oct.1-2.

"Biopatenting Law and Industrial Policy Discourse: The Limits of Agents and Audiences", presented at the "Canadian Intellectual Property Academy Conference", organized by Western University, Toronto, November 19-21.

"Current Issues in IP For Women: Women as Subjects of Research and Objects of Property", Second Annual Women and IP Roundtable, hosted by IP Osgoode and the Institute for Feminist Legal Studies, Toronto, November 6.

### **Grants and Funded Research**

Law Foundation of Ontario, Small Grant Program (with Kathy Lahey) for the workshop: “Women, Equality, and Fiscal Policy: Gender Analysis of Taxes, Spending, and Budgets,” organized by Feminist Legal Studies Queen’s -- \$15,000

“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) – 2008 (ongoing)

### **Fellowships and Awards**

Distinguished Visiting Scholar, Osgoode Hall Law School, Institute for Feminist Legal Studies

### **Conferences organized**

“Women Equality and Fiscal Policy: Gender Analysis of Taxes, Spending, and Budgets”, co-organized by Queen's Law professors Bitu Amani and Kathleen Lahey, Coordinators of Feminist Legal Studies Queen's (FLSQ); funded by the Law Foundation of Ontario and Queen's Law, Faculty of Law, Queen's University, Kingston Ontario, March 7, 2009

### **Editorial Positions and Other Scholarly Contributions**

Refereed submissions for: *Ottawa Law and Technology Journal*, *McGill Law Journal*, *University of Toronto Law Journal*, *University of Toronto Indigenous Law Journal*

Co-organizer of the Feminist Legal Studies Queen’s, a research group founded in 2007

## **MARTHA BAILEY**

### **Articles and Book Chapters**

“Developments in Private International Law” (2009) *Supreme Court Law Review*

“Reform not Revolution,” in William Atkin, ed. *International Survey of Family Law* (Jordons, 2009)

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

“Should Canada Criminalize Polygamy?” delivered at the Canadian Constitutional Forum in Toronto, October 2009

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

“Unmarried Couples” delivered at the National Judicial Institute in Ottawa, November 2009

### **Research Contracts**

Department of Justice – International Child Abduction -- \$1000

### **Editorial Positions and Other Scholarly Contributions**

Member of the Advisory Board of Canadian Journal of Family Law

Member of the Advisory Board of Teleheath Law

Reporter for the Hague Conference on Private International Law’s child abduction database

## **BEVERLEY BAINES**

### **Articles and Book Chapters**

“Contextualism, Feminism, and a Canadian Woman Judge” (2009) *Feminist Legal Studies* 27-42

“Expanding Recognition of Foreign Polygamous Marriages: Policy Implications for Canada”, (2008-2009) 25 *National Journal of Constitutional Law* 83-131 (with Martha Bailey, Bita Amani, and Amy Kaufman); reprinted by invitation from Angela Campbell et al (eds.), *Polygamy in Canada: Legal and Social Implications for Women and Children* (Ottawa: Status of Women, 2005)

“But Was She a Feminist Judge?” in Kimberley Brooks (ed.), *One Woman’s Difference: The Contributions of Justice Bertha Wilson* (Vancouver: UBC Press, 2009), pp. 211-228

“Must Feminists Support Entrenchment of Sex Equality: Lessons from Quebec” in Susan H. Williams (ed.), *Constituting Equality: Gender Equality and Comparative Constitutional Law* (Cambridge: Cambridge University Press, 2009), pp. 137-156

“Must Feminists Identify as Secular Citizens: Lessons from Ontario” in Linda C. McClain and Joanna Grossman (eds.), *Gender Equality: Dimensions of Women’s Equal Citizenship* (Cambridge: Cambridge University Press, 2009), pp. 83-106

“The Constitutional Challenge of Polygamy”, *The Lawyers Weekly* vol. 28, no. 46, April 17, 2009, p. 7.

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

“Is Constitutionalism Bad for Intersectional Feminists” at the International Association of Law Schools Conference on Constitutional Law, American University Washington College of Law and Georgetown University Law Centre, Washington, DC, 11-12 September 2009.

“Feminist Judges, Feminist Adjudication and Feminist Legal Scholars” at the Workshop on Gender and Judging, International Institute for the Sociology of Law, Onati, Spain, 11-12 June 2009.

“Polygamy’s Fate: What will four women on the Supreme Court of Canada decide?” at the International Conference on Feminist Constitutionalism, Queen’s University, Kingston, 28 February – 1 March, 2009.

“But Was She a Feminist Judge?” at the *One Woman’s Difference: The Contributions of Justice Bertha Wilson* book launch, Ontario Bar Association/LEAF, Toronto, 3 December 2009.

“Must Feminists Identify as Secular Citizens: Lessons from Ontario” on the Theorizing Dimensions of Women’s Equal Citizenship panel at the 2009 American Political Science Association Annual Meeting, Toronto, 4 September 2009.

### **Conferences Organized**

Co-organized International Conference on Feminist Constitutionalism at Queen’s, Feb 28 -Mar 1, 2009 with Tsvi Kahana and Daphne Barak-Erez.

### **Editorial Positions and Other Scholarly Contributions**

Refereed submissions to: *Canadian Journal of Law and Society*, *Queen’s Law Journal*, *Alberta Law Review*

Referee for SSHRC research grant application

## **NICHOLAS BALA**

### **Books**

(with Anand) *Youth Criminal Justice Law*, 2<sup>nd</sup> edition (Toronto: Irwin Law, 2009)

### **Articles and Book Chapters**

"Evaluating the Youth Criminal Justice Act After Five Years – A Qualified Success" (2009), 51 *Canadian Journal of Criminology and Criminal Justice* 131-168

(with Birnbaum) “The Child’s Perspective on Legal Representation: Young Adults Report on Their Experiences with Child Lawyers” (2009), 25 *Canadian Journal of Family Law* 11-71

(with Jaffe & Crooks), “Seeking a Road Less Traveled: Reconsidering the Journeys Taken by Victims of Domestic Violence in Family Court” (2009), 6(3) *Journal of Child Custody* 169-188

(with Lee, Lindsay & Talwar), "The Competency of Children to Testify: Psychological Research Informing Canadian Law Reform" (2009), 17 *International Journal of Children’s Rights* 1- 25

“R v D.B.: The Constitutionalization Of Adolescence” (2009), 47 *Supreme Court Law Review* 211-234

(with Roberts), “Restraining the Use of Custody for Young Offenders: The Canadian Approach” in von Hirsch, Ashworth & Roberts (eds.), *Principled Sentencing: Readings on Theory and Policy* (Oxford: Hart Publishing, 2009), pp. 338-341

“Let’s Not Oversimplify Domestic Violence,” *Lawyers Weekly*, April 17, 2009

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

(with P.J.Carrington & J.V. Roberts), *Youth Justice Reform in Canada: Reducing Use of Courts and Custody Without Increasing Youth Crime* (Prepared for the Independent Commission on Youth Crime and Anti-social Behaviour in England and Wales, a body organized by the Police Foundation)

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

“*R v D.B.*: The Constitutionalization Of Adolescence,” Annual Constitutional Law Conference, Osgoode Hall Law School, April 17, 2009

(with Evans), Hearing the Voices of Children in Canada’s Criminal Justice System: Recognizing Capacity and Facilitating Testimony, 5<sup>th</sup> World Congress on Family Law & Children’s Rights, Halifax, August 25, 2009

(with Birnbaum), “Towards the Differentiation of “High Conflict” Families: An Analysis of Social Science Research and Canadian Case Law,” 5<sup>th</sup> World Congress on Family Law & Children’s Rights, Halifax, August 24, 2009

“Why Canada’s Prohibition of Polygamy is Constitutionality Valid and Sound Social Policy,” Canadian Constitutional Foundation, 3<sup>rd</sup> Annual Law Conference, Toronto, Oct. 3, 2009

Panellist on “Meaning and Interpretation of the Best Interests Principle” at Conference on Best Interest of the Child: Meaning and Application in Canada at Centre for Constitutional Rights, University of Toronto, Feb. 27, 2009

“The Y.C.J.A. After Six Years: Setting the Context”, Canadian Research Institute for Law & the Family Annual Meeting, Lake Louise, Alta., May 2, 2009

Panellist on Family Law at Queen’s University-AFCC conference on Family & Children’s Law, Kingston, May 8, 2009

“Adult Sanctions for Youth: Canada,” Consultation on Juvenile Justice, Inter-American Commission on Human Rights, Washington D.C., August 31, 2009

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

(with Hunt & McCarney), “Alienation – Myths, Realities and Uncertainties: Canadian Cases 1989-2009,” Family Law Seminar of British Columbia Supreme Court & National Judicial Institute, Kelowna, B.C., May 20, 2009

(with Epstein), “Summary of Access to Justice Reforms for Ontario Families” at Ontario Bar Association program on Creating a Family Law Process That Works, Toronto, Nov. 21-23, 2009

“Deterrence as A Principle of Youth Sentencing: No Effect on youth But a Significant Effect on Judges,” National Judicial Institute, program on Judging Effectively Under the *Youth Criminal Justice Act*, Toronto, February 26, 2009

“Domestic Violence in Family Proceedings: Recognizing the Nature & Effect of Violence,” Family Law Summit 2009, Law Society of Upper Canada, Toronto, June 12, 2009

Responding to Alienation: Introduction to Concepts & Canadian Legal Responses, Ontario Court of Justice, Family Law Education Program, Sept. 23, 2009, Huntsville, Ontario

“Parental Alienation: Concepts & Legal Responses,” Open Bar program of Ontario Court of Justice, Toronto, Oct. 5, 2009

(with Bloomenfeld), “Young Persons in the Court of Queen’s Bench,” Manitoba Court of Queen’s Bench Education Seminar, Winnipeg, Oct. 29, 2009

### **Grants and Funded Research**

National Judicial Institute -- \$20,000 to fund the “Parental Alienation Project” of Prof. Bala and Dr Barbara Fidler and Michael Saini

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) – 2008 (ongoing)

### **Editorial Positions and Other Scholarly Contributions**

Member of the Editorial Board of *Canadian Journal of Family Law*

Member of the Editorial Board of *Family Court Review*

Member of the Editorial Board of *Journal of Family Studies*

Guest editor of special issue on parental alienation of *Family Court Review*

Reviewer for Social Sciences & Humanities Research Council grant application

Refereed submissions for: *Osgoode Hall Law Review*, *Canadian Journal of Family Law* (3), and *Canadian Journal of Criminology and Criminal Justice*

### **Fellowships and Awards**

Law Society Medal – presented at Convocation, 23 September 2009, Toronto

Ontario Bar Association, Award for Excellence in Family Law, 2009 – presented June 10, 2009

Meyer Elkin Award for best article published in *Family Court Review* in previous year

## **KEVIN BANKS**

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

“The New Labour Law Constitutionalism”, presented to the Annual Meeting of the Canada-U.S. Law Institute, March 2009 at Case Western Reserve University, Cleveland, Ohio USA

“Trade, Labour and International Governance”, presented to the Annual Meeting of the Law and Society Association, May 2009, Denver, Colorado, USA

Invited participant, international symposium entitled Humaniser le commerce, organized by the Centre d'études sur l'intégration et la mondialisation de l'UQAM (CÉIM), Montreal, April 27 – 29, 2009

Invited participant, Symposium entitled Is There a Constitutional Right to Strike in Canada?, Faculty of Law, University of Toronto, December 5<sup>th</sup>, 2009

### **Editorial Positions and Other Scholarly Contributions**

Prepared funding submission for the proposed “Centre for Law in the Contemporary Workplace”, a new research institute in the Faculty of Law

Refereed submissions for: *Law and Social Inquiry*, *Queen's Law Journal*, *Canadian Journal of Labour and Employment Law*

Reviewed a grant application submitted to the Israel Science Foundation

## **ARTHUR COCKFIELD**

### **Books**

(with David Kerzner) *The Manager's Guide to International Taxation* (featuring tax novella ‘La Brienza Winery: Tax Trouble in Wine Country’)(Toronto: Thomson Reuters (Toronto: Carswell, 2009)

(with Martha O'Brien) *Student Edition of the Income Tax Act* (featuring tax novella ‘How to Manage a Difficult Tax Partner’)(Toronto: Thomson Reuters (Toronto: Carswell, 2009)

### **Articles and Book Chapters**

“The Taxation of Permanent Establishments in Canada”, (2009), 63 *Bulletin for International Taxation* 374 [forthcoming translation into Mandarin in *Taxation Translation Journal*, 2010]

“Protecting the Social Value of Privacy in the Context of State Investigations Using New Technologies” in Jilla Ramakistaiah (ed.), *State Surveillance and Privacy Exception* (Hyderabad, India: Amicus Books, Icfai University Press, 2009) [reprint of an article published at (2007) 40 *University of British Columbia Law Review* 421]

(with Jason Pridmore) “A Synthetic Theory of Law and Technology”, in Prasana Rani (ed.) *Law and Technology: An Interface* (India: Amicus Books, Icfai University Press, 2009) [reprint of an article published at 8 *Minnesota Journal of Law, Science and Technology* 475 (2007)]

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

‘Fighting Terror while Protecting Free Speech’, Report for Department of Justice in 2009

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

“Alternative Permanent Establishments”, International Fiscal Association Annual Congress, Vancouver, Sept. 2, 2009 [as Panel Secretary and Commentator]

“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’; University of Waterloo Deloitte Tax Workshop, Aug. 25, 2009 (Toronto) [paper presentations]

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

“Fighting Terror while Protecting Free Speech”, Department of Justice, Ottawa, March 8, 2009 [paper presentation to Department of Justice anti-terrorism group and constitutional law group]

### **Grants and Funded Research**

Canadian Federation for the Humanities and Social Sciences publication grant, to support the publication of a book on ‘Globalization and Its Tax Discontents’ to be published by University of Toronto Press - \$10,000

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 – 2008 (ongoing)

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) – 2008 (ongoing)

### **Editorial Positions and Other Scholarly Contributions**

Editor of UNESCO Encyclopedia (honourary since 2005)



Organized blog on Human Autonomy, Technology and Law for a team of international researchers in March 2009: <http://techtheory.blogspot.com/>

## **LISA DUFRAIMONT**

### **Books**

(with Ronald J. Delisle), *Canadian Evidence Law in a Nutshell*, 3<sup>rd</sup> ed. (Toronto: Carswell, 2009)

### **Articles and Book Chapters**

“R. v. *Griffin* and the Legacy of *Hodge’s Case*” (2009) 67 *Criminal Reports* (6<sup>th</sup>) 74

### **Editorial Positions and Other Scholarly Contributions**

Associate Editor, *Criminal Reports*

Contributor to the *Criminal Essentials Eletter*, a monthly eletter distributed by the National Judicial Institute that reviews developments in criminal law for the benefit of Canadian judges

Reviewed submissions for *McGill Law Journal*, *Osgoode Hall Law Journal* and *Queen’s Law Journal*

## **DAVID FREEDMAN**

### **Articles and Book Chapters**

“Unjust Enrichment Claims Against the Estate Based on the Provision of Services to the Deceased” (2009), 29 *Estates, Trusts and Pensions Journal* 59

“Putting the Brakes on POA Fraud” (OBA < Briefly Speaking, March/09)

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

‘Criminal Law Issues’ and ‘POA Fraud’, both delivered at the CBA National Elder law Conference held in Kingston in June/09.

‘Exercise of Discretionary Powers by a Trustee: Update, delivered at Trust, Trustees, Trusteeship conference held September/09, Ontario Bar Association

‘Elder Law’, delivered at FLA Estates and Trusts event in March/09.

‘Unjust Enrichment: Principles’, delivered at FLA Estates and Trusts event in October/09.

For the Estate Planning Council of Ontario: ‘Dependants’ Relief’, delivered at EPC event in April/09.

### **Fellowships and Awards**

Widdifield Award, 2009 (awarded by the Canadian Bar Association)

## **LYNNE HANSON**

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

Panel Moderator on Abortion and Reproductive Rights, International Conference on Feminist Constitutionalism, Queen's University Faculty of Law, Donald Gordon Centre, February 28 - March 1, 2009, Kingston ON

## **TSVI KAHANA**

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

(with Rachel Stephenson) "Popular Constitutionalism, Enlarged Mentality, and Delegation" presented at the *International Conference on Feminist Constitutionalism*, Queen's University (1 March 2009)

"A Constitutional Transition to Bi-Nationalism – Practice and Theory", presented at *Israel/ Palestine: Mapping Models of Statehood and Paths to Peace*, York University (22-24 June 2009)

Comparative Constitutional Law Roundtable, George Washington University, March 6, 2009

### **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) – 2008 (ongoing)

### **Conferences Organized**

Co-organized International Conference on Feminist Constitutionalism at Queen's, Feb 28 -Mar 1, 2009 with Beverley Baines and Daphne Barak-Erez

### **Editorial Positions and Other Scholarly Contributions**

Co-Editor of the *Review of Constitutional Studies*

## **JOSHUA KARTON**

### **Articles and Book Chapters**

"Contract Law in International Arbitration: the Case of Suspension of Performance" (2009) 58 *International and Comparative Law Quarterly* 863

(with Lorraine de Germiny) "Can the CISG Advisory Council Affect the Homeward Trend?" (2009), 13 *Vindobona Journal of International Commercial Law and Arbitration* 71

(with Lorraine de Germiny) “Has the CISG Advisory Council Come of Age?” (2009), 27 *Berkeley Journal of International Law* 448

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

Invited speaker, “Can the CISG-AC Affect Homeward Trend?” *Issues on the CISG Horizon* (Vienna, April 2, 2009).

## **LARISSA KATZ**

### **Articles and Book Chapters**

“A Traditionalist’s Property Jurisprudence” in Kim Brooks (ed.), *Justice Bertha Wilson: One Woman’s Difference* (Vancouver: University of British Columbia Press, 2009)

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

“A Jurisdictional Principle of Abuse of Rights”, presented at:

- McGill Law School, Anglo-American Property Theory Workshop, 2009
- Cornell Law School, Progressive Property Theory Workshop, 2009
- University of Colorado, Property Works-in-Progress Conference, 2009

“Red Tape and Gridlock”, presented at:

- McGill University, Faculty of Law, Legal Theory Workshop
- American Association of Law Schools 2009 General Meeting, Speaker on Panel, “Hernando de Soto in a Modern Market Economy”

### **Editorial Positions and Other Scholarly Contributions**

Member of the editorial board of the *Property Law Review*

Reviewed book manuscript submitted to Yale University Press

Reviewed book manuscript submitted to Oxford University Press

Refereed article submission to *University of Toronto Law Journal*

Co-organizer of the Legal Theory Reading Group

Member of organizing committee of the Property Theory Workshop at NYU

Queen’s representative of the Private Law Theory Group

## **ERIK KNUTSEN**

### **Articles and Book Chapters**

“Seeking Leave to Appeal to the Supreme Court of Canada for Personal Injury Cases” in *The Litigator: Journal of the Ontario Trial Lawyers Association* (July 2009)

“Defining “Accident:” Abandoning Prior Tortured Approaches”, *Lawyers Weekly* (March 27, 2009)

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

“Confusion About Causation in Insurance: Solutions for Catastrophic Losses” Asia-Pacific Risk and Insurance Association Annual Conference, Peking University, Beijing, China (July 20, 2009)

Co-presenter with Janet Walker, “Litigation Funding and Costs in Canada,” Litigation Funding and Costs Conference, Oxford University Centre for Socio-Legal Studies, (July 6, 2009)

Moderator, “Convergence in ‘Dispute Resolution’ Processes,” International Association of Procedural Law 2009 Conference, Toronto, ON (June 4, 2009)

“Keeping Settlements Secret,” PrawfsFest Junior Scholars Conference, Florida State University College of Law, Tallahassee, FL (April 29, 2009)

“Default Rules for Concurrent Causation in Insurance Contracts” Queen’s University Law, Economics, and Public Policy Speaker Series, Queen’s University, Kingston, ON (February 2, 2009)

“Secret Settlements,” Young Scholars’ Conference – McGill - Queen’s University Faculty of Law, Queen’s University, Kingston, ON (January 23, 2009)

“Default Rules for Concurrent Causation in Insurance Contracts” Association of American Law Schools Insurance Law Section-sponsored poster presentation, AALS Annual Meeting, San Diego, CA (January 10, 2009)

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

“Clarifying Causation in Canada,” Ontario Trial Lawyers Association Annual Spring Conference, Toronto, ON (May 27, 2009)

### **Grants and Funded Research**

Queen’s Research Advisory Council Grant - Torts and police pursuits -- \$5000

### **Editorial Positions and Other Scholarly Contributions**

Refereed article submissions to *Queen’s Law Journal* and *Alberta Law Review*

Media commentary:

- “Saying Sorry Now A Little Easier: *Apology Act* Makes Contrition Safer But Who IS It Really Helping?” *Hamilton Spectator* (April 29, 2009)
- “Class Actions Rising,” *National Post* (April 27, 2009)

- “Saying Sorry is a Way Back to Grace: Ontario’s *Apology Act* Makes Contrition Easier,” *Toronto Star* (April 27, 2009)
- “Merck/Vioxx Class Action De-certification in Saskatchewan,” Associated Press story run in various media (The Record, Yahoo, Canoe, CNet) (March 31, 2009)
- “Ontario’s New Apology Act,” CKCU 93.1 FM - Ottawa radio (March 18, 2009)
- “Municipal liability for roadways,” *Kingston Whig-Standard* (February 25, 2009)

## **ALLAN MANSON**

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

Contributing Author, Uniform Law Conference of Canada Task Force, Taking Into Account Pre-Sentence Custody and the Availability of Certain Sentencing Measures, [presented to U.L.C.C. Annual Meeting, Ottawa, August 9-13, 2009]

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

Judicial Methodology, Canadian Association of Provincial Court Judges, New Judges Programme, Lac Carling, P.Q., April 20, 2009

Canadian Sentencing Principles and Community Options, Presented to Delegation of Visiting Vietnamese Judges (Sponsored by CIDA) Ottawa, December 7, 2009

Prepared and presented submission for Senate Committee on Justice and Legal Affairs on Bill C-25 (September, 2009)

Prepared and presented submission for House Committee on Justice and Human Rights (Nov.4, 2009)

### **Grants and Funded Research**

Charles Gonthier Research Fellowship, awarded by the Canadian Institute for Administration of Justice – \$6000 to fund research on the law of sentencing

### **Editorial Positions and Other Scholarly Contributions**

Refereed article submission for *Punishment and Society*

Evaluator of SSHRC Major Collaborative Research Initiative involving a dozen researchers and a \$3,000,000 budget

External Referee for an application for promotion to Full Professor at Queen’s University

## **NANCY MCCORMACK**

### **Articles and Book Chapters**

“Peer Review and Legal Publishing: What Law Librarians Need to Know about Open, Single-Blind, and Double-Blind Reviewing” (2009), 101 *Law Library Journal* 59 [listed on SSRN's Top Ten download list for LIAD: Legal Information & Legal Education (Topic), LIP: Legal Information Publishing & Licensing (Topic) and LIS: Legal Information Practices (Topic)]

(with Nicole Eva), “Legally Satisfied: A Survey of Law Library Workers and Job Satisfaction” (2009) 33 *Canadian Journal of Information and Library Science* 39

“Nothing Gold Can Stay” - A review essay of Lucien X. Polastron, *Books on Fire: The Destruction of Libraries Throughout History* and Fernando Baez, *A Universal History of the Destruction of Books*” (January 2009) Academic Matters, online: Academic Matters <<http://www.academicmatters.ca/>>

"When Weeding Hits the Headlines: How to Stop Your Library from Making (That Kind of) News" (2008) 54:6 *Feliciter* 277

"The Law of War" (2008) 28:1 *TALL Quarterly* 12

“Editorial” (2009) 34:3 *Canadian Law Library Review* 95.

“Conference Session Summary, Plenary #3: Planning for Palliative and End of Life Care: What I need to Know about the Law; What I Need to Ask the Lawyer” (2009) 34:3 *Canadian Law Library Review* 109

“Research Matters: Recent Research by CALL/ACBD Members” (2009) 34:3 *Canadian Law Library Review* 101

(Review) “Survey Evidence and the Law Worldwide: A Reference Text for Lawyers, Jurists and Social Scientists (Summer 2009) 34:2 *Canadian Law Library Review* 77.

(Review) “Consent and the Law” (Autumn 2008) 33:4 *Canadian Law Library Review* 426.

(Review) “Effective Written Advocacy” (Spring 2009) 34:1 *Canadian Law Library Review* 34 [Reprinted in the Manitoba Bar Association’s (June/July 2009) *Headnotes and Footnotes* 18].

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

"The Pursuit of Happiness: Job Satisfaction in Canadian Law Libraries” Presentation at the Canadian Association of Law Libraries Conference, Halifax, May 25, 2009

### **Editorial Positions and Other Scholarly Contributions**

Editor of the *Canadian Law Library Review*, published by the Canadian Association of Law Libraries; Features Editor (January to May 2009)

Columnist and member of the *TALL Newsletter* Committee, published by the Toronto Association of Law Libraries

Proof reader for *Queen’s Law Journal*

## **CHERIE METCALF**

### **Articles and Book Chapters**

“Emerging Paradigms of Rationality: Theory & Applications” (2009) 35 *Queen’s Law Journal* 1

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

“Measuring the Impact of Judicial Adjustments to Property Rights: Resource Industries and Aboriginal Rights in Canada” (with Jaimie Graham), Canadian Law & Economics Association, Annual Meetings (October 2009, University of Toronto)

“The (Ir)relevance of Constitutional Protection for Property Rights?: Compensation for Takings in Canada and the U.S.” Emory University, Faculty of Law Colloquia (April 2009)

“Aboriginal Rights, Participatory Governance & Traditional Knowledge”, presented at:

- Society for Environmental Law & Economics, Inaugural Conference (March 2009, U.B.C.)
- Canadian Junior Legal Scholars Conference (January 2009)

### **Editorial Positions and Other Scholarly Contributions**

Co-ordinator of the Law, Economics and Public Policy Workshop

Special Faculty Advisor, *Queen’s Law Journal* (Symposium Issue: Emerging Paradigms of Rationality, Fall 2009 Publication)

OGS Graduate Scholarship Reviewer

Refereed article submissions to the *Ottawa Law Review* and *Queen’s Law Journal*

## **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)

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

“Physician Refusal of Inappropriate Treatment Demands,” Global Health Seminar Series, Queen’s University School of Medicine, Kingston, ON – November 25, 2009

### **Grants and Funded Research**

Canadian Institutes of Health Research Operating Grant - Ethics and Regulation of Clinical Research - \$310,924 – 2008 (ongoing)

### **Editorial Positions and Other Scholarly Contributions**

Organizer of the Osler, Hoskin & Harcourt Distinguished Lecture Series in Business Law

Refereed article submissions to: *Queen’s Law Journal* (2), *University of British Columbia Law Review* and *Canadian Bar Review*

## **PATRICIA PEPPIN**

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

“Psychiatric Imagery: Corporate Construction of Minds Through Pharmaceutical Advertising” presented at the International Academy of Law and Mental Health Congress at N.Y. U. Law School, New York City, July 2010

“Drug Imagery and Legal Imaginary: Assessing the Information in Drug Advertising” presented as a plenary address to the University of Sydney Faculty of Law and Faculty of Medicine Global Health Day, August, 2009

Panellist on Chronic Diseases at the University of Sydney Faculty of Law and Faculty of Medicine Global Health Day, August, 2009

Curriculum Network Meetings of Health Law Teachers, Halifax, May 2009 and Montreal, Quebec, October 2009

### **Fellowships and Awards**

Distinguished Visitor at the University of Sydney Faculty of Law (August 2009)

### **Editorial Positions and Other Scholarly Contributions**

External Reviewer of an application for promotion to Full Professor.

## **MICHAEL PRATT**

### **Articles and Book Chapters**

“The Enforcement of Promises”, in D. Percy & S. Ben-Ishai (eds.), *Contracts: Cases & Commentaries*, 8th edition, (Toronto: Carswell, 2009)



“Mistake” in D. Percy & S. Ben-Ishai (eds.), *Contracts: Cases & Commentaries*, 8th edition (Toronto: Carswell, 2009)

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

“Promissory Disclaimers”, presented at Rice University, February 2009

### **Editorial Positions and Other Scholarly Contributions**

Member of the Editorial Board of the journal *Law and Philosophy* (published by Springer in the Netherlands)

Refereed article submissions to the *Ottawa Law Review*, *Queen’s Law Journal*, *Philosophical Review* and *Law & Philosophy*

Helped to devise and draft the syllabus for a new course on Public Law being offered by the National Committee on Accreditation

## **DARRYL ROBINSON**

### **Articles and Book Chapters**

“The Two Liberalisms of International Criminal Law”, in Carsten Stahn and Larissa van den Herik (eds.), *Future Perspectives on International Criminal Law* (Cambridge: Cambridge University Press, 2009)

“Legality and Our Contradictory Commitments: Some Thoughts About How We Think”, *Proceedings of the 103<sup>rd</sup> Annual Meeting of the American Society of International Law* (2009)

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

“Legality and Our Contradictory Commitments: Some Thoughts About How We Think”. American Society of International Law, March 2009

“The Mysterious Mysteriousness of Complementarity.” Conference on the ICC and Complementarity, Peace Palace, the Hague, September 2009

Implications of the *Katanga* Decision (Chair), Conference on the ICC and Complementarity, Grotius Centre, the Hague, September 2009

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

Participated in discussions with the Department of Foreign Affairs Sudan InterAgency Reference Group to provide recommendations on Canadian policy concerning International Criminal Court arrest warrants against Sudanese President Omar Al-Bashir

### **Editorial Positions and Other Scholarly Contributions**

Reviewed book manuscript submitted to Cambridge University Press

Academic consultant and was interviewee for a documentary on the International Criminal Court.

Refereed article submissions to the *Journal of International Criminal Justice*, *University of Toronto Journal of International Law and International Relations* and the *Windsor Yearbook on Access to Justice*

## **DONALD STUART**

### **Books**

(with R. Delisle and S. Coughlan), *Learning Canadian Criminal Law*, 11<sup>th</sup> ed. (Toronto: Carswell, 2009)

### **Articles and Book Chapters**

Annotation to *C.(R.) v. McDougall* (2009) 61 C.R. (6<sup>th</sup>) 1

“Bail: Decisions on Effect of New Amendments in Firearms Cases” (2009) 61 C.R. (6<sup>th</sup>) 136

Annotation to *R. v. Lueddecke* (2009) 61 C.R. (6<sup>th</sup>) 139

Annotation to *R. v. McNeil* (2009) 62 C.R. (6<sup>th</sup>) 1

Annotation to *R. v. S.(J.H.)* (2009) 63 C.R. (6<sup>th</sup>) 79

Annotation to *R. v. Winmill* (2009) 63 C.R. (6<sup>th</sup>) 224

Annotation to *R. v. Patrick* (2009) 64 C.R. (6<sup>th</sup>) 1

“Twin Myth Hypotheses in Rape Shield Laws are Too Rigid and Darrach is Unclear” (2009) 64 C.R. (6<sup>th</sup>) 74

Annotation to *R. v. Im* (2009) 64 C.R. (6<sup>th</sup>) 157

Annotation to *R. v. Stucky* (2009) 65 C.R. (6<sup>th</sup>) 46

Annotation to *R. v. Phillion* (2009) 65 C.R. (6<sup>th</sup>) 255

“Welcome Flexibility and Better Criteria for Section 24(2)” (2009) 66 C.R.. (6<sup>th</sup>) 82

Annotation to *R. v. Craig* (2009) 66 C.R. (6<sup>th</sup>) 201

Annotation to *R. v. Godin* (2009) 67 C.R. (6<sup>th</sup>) 95

Annotation to *R. v. Heyden* (2009) 67 C.R. (6<sup>th</sup>) 174

Annotation to *R. v. Lindsay* (2009) 68 C.R. (6<sup>th</sup>) 279

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

“The McLachlin Court’s First Decade” Criminal Justice – Many More Kudos than Brickbats” – presented to the C.B.A. conference in Ottawa on June 19, 2009. It will be published in a conference book.

“Welcome Flexibility and Better Criteria From the Supreme Court of Canada for Exclusion of Evidence Obtained in Violation of the Canadian Charter of Rights and Freedoms” – presented to “The Future of the Exclusionary Rule: American and International Perspectives” on October 9, 2009 at Southwestern Law School, Los Angeles, California.

### **Editorial Positions and Other Scholarly Contributions**

Editor-in-chief of the *Criminal Reports* published by Carswells/Thomson

Editor of *Criminal Law Essentials*, the Newsletter for National Judicial Institute (distributed to 600 judges)

## **MALCOLM THORBURN**

### **Articles and Book Chapters**

“Accountability and Proportionality in Youth Sentencing”, 55 *Criminal Law Quarterly* 285 (2009)

“Why Only the State May Decide When Sanctions are Appropriate”, in Paul Robinson Kim Ferzan and Steve Garvey (eds.), *Criminal Law Conversations* (Oxford: Oxford University Press, 2009)

“Decision Rules and Conduct Rules: A Liberal Criminal Law Cannot be Reduced to these two Types of Rules”, in Paul Robinson Kim Ferzan and Steve Garvey (eds.), *Criminal Law Conversations* (Oxford: Oxford University Press, 2009)

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

“Criminal Law as Public Law: Police Powers and Justification,” presented at:

- Faculty Workshop, Cornell Law School, Ithaca, NY, USA (13 November 2009)
- Faculty Workshop, Brooklyn Law School, Brooklyn, NY, USA (19 October 2009)
- Faculty Workshop, University of Syracuse College of Law, USA (13 October 2009)
- Conference on the Philosophical Foundations of Criminal Law, Rutgers School of Law, Newark, NJ, USA (25-26 September 2009)

“Reinventing the Night-watchman State?,” Symposium in Honour of Michael Trebilcock, Faculty of Law, University of Toronto, Canada (1-2 October 2009)

“Accountability and Proportionality in Youth Sentencing,” National Judicial Institute of Canada Conference, Toronto, Canada (25-27 February 2009)

“The Constitution of Criminal Law,” Young Canadian Legal Scholars Conference, Queen’s University Faculty of Law, Kingston, Canada (23 January 2009)

“Constitutionalism and the Limits of the Criminal Law,” Conference on Criminalization, University of Glasgow, Scotland (10-11 September 2009)

### **Grants and Funded Research**

SSHRC standard research grant (co-applicant) to fund research on “Constitutionalism and Law Enforcement” - \$95,000 (2009-12)

Borden Ladner Gervais LLP Research Fellowship - “Police Powers and the Rule of Law: New Challenges in the Age of Privatization” -- \$12,000

## **Editorial Positions and Other Scholarly Contributions**

Member of the Editorial Board for the journal *New Criminal Law Review* (published by University of California Press)

Member of the Editorial Board for the journal for *Law and Philosophy* (published by Springer in the Netherlands)

Reviewed submissions to Oxford University Press, *Law and Philosophy*, *Criminal Law and Philosophy*, *New Criminal Law Review*, *University of Toronto Law Journal*, *Les Cahiers de Droit*, *University of British Columbia Law Review*, *Queen's Law Journal*, *Canadian Bar Review* and *Ottawa Law Review*

## **MARK WALTERS**

### **Articles and Book Chapters**

“Promise and Paradox: The Emergence of Indigenous Rights Law in Canada” in Shin Imai, Kent McNeil and Benjamin J. Richardson (eds.), *Indigenous Peoples and the Law: Comparative and Critical Perspectives* (Oxford: Hart Publishing, 2009)

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

“Your Sovereign and our Father’: The Imperial Crown and the Idea of Legal-Ethnohistory” presented at a symposium entitled “The Transposition of Empire” held at the Monash Centre of European Studies in Prato, Italy, 20-22 April 2009

“Legality as Reason: Dicey and Rand and the Rule of Law” presented at a conference entitled “The Legacy of *Roncarelli v. Duplessis* – 1959-2009, organized by the Université de Sherbrooke and University of Toronto, North Hatley, Quebec, 18 & 19 September 2009

“The bond of friendship between you & us...’: Writing a History of Aboriginal Law in Canada”, presented at the Osgoode Society Symposium on Canadian Legal History, held in celebration of the 30<sup>th</sup> anniversary of the Osgoode Society for Canadian Legal History at Osgoode Hall, Toronto, Ontario, 30 October 2009

### **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) – 2008 (ongoing)

## **Editorial Positions and Other Scholarly Contributions**

Reviewed book manuscript submitted to Oxford University Press

Reviewed book manuscript submitted to University of British Columbia Press

Reviewed article manuscripts for *Journal of Legal History*, *Ottawa Law Review* and *Queen's Law Journal*

## **MARK WEISBERG**

### **Fellowships and Awards**

Centre for Teaching and Learning Distinguished Service Award for Educational Leadership

### **Editorial Positions and Other Scholarly Contributions**

Member of the Editorial Board for the *Canadian Legal Education Annual Review*.