

Dr. Gail E. Henderson
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CURRENT POSITION

July 2019-present **Associate Professor**, Queen's University, Faculty of Law

PAST ACADEMIC POSITIONS

July 2016-June 2019 **Assistant Professor**, Queen's University, Faculty of Law

Jan 2013-June 2016 **Assistant Professor**, University of Alberta, Faculty of Law

ACADEMIC HISTORY

2009-2014 **University of Toronto**, Faculty of Law, S.J.D.
Dissertation: "A Duty to Minimize the Corporation's Environmental Impacts:
Corporate Governance and Sustainable Development"
Supervisors: Prof. Mohammad Fadel and Prof. Ian Lee
Committee members: Prof. Anita Anand and Prof. Andrew Green
External reviewer: Prof. Richard Janda

2008-2009 **University of Toronto**, Faculty of Law, LL.M
Thesis: "The Possible Impacts of 'Enlightened Shareholder Value' on
Corporations' Environmental Performance"

2002-2005 **Osgoode Hall Law School**, LL.B
Gold Medalist

1997-2001 **University of Toronto**, Honours B.A. with High Distinction

PUBLICATIONS

Journal Articles

Gail E Henderson and Lauren Malatesta, "Protecting Low Income Consumers: The Regulation of Rent-to-Own Stores" (2019) 61 Canadian Business Law Journal 354-76.

"Group RESPs: The Intersection of Government Support for Education Savings and Securities Regulation" (2019) 69:1 University of Toronto Law Journal 44-84 (peer-reviewed).

"Indigenous Entrepreneurship and Social Entrepreneurship in Canada" (2018) 83 Supreme Court Law Review (2d) 241-78 (peer-reviewed).

"Could Community Contribution Companies Improve Access to Justice?" (2016) 94:2 Canadian Bar Review 209-40 (peer-reviewed).

Anna Lund *et al*, "Reconciliation in the Corporate-Commercial Classroom" (2016) 2:1 Lakehead Law Journal 49-63 (peer-reviewed).

Blanaid Clarke and Gail E Henderson, “Directors as Guardians of the Public Interest: Lessons from the Irish Banking Crisis” (2016) 16:1 *Journal of Corporate Law Studies* 187-220 (peer-reviewed).

“A Fiduciary Duty to Minimize the Corporation’s Environmental Impacts”, (2013) 9:3 *International and Comparative Corporate Law Journal* 67-95.

“Making Corporations Environmentally Sustainable: The Limits of Responsible Investing”, (2012) 13 *German Law Journal* 1412-1437.

“Rawls & Sustainable Development”, (2011) 7 *McGill International Journal of Sustainable Development Law & Policy* 1-31 (peer-reviewed).

Book Chapters

Reprinted, “Indigenous Entrepreneurship and Social Entrepreneurship in Canada” in Dwight Newman, ed, *Business Implications of Aboriginal Law* (LexisNexis, 2018), 241-78.

“Banks, Corporate Governance and the Public Interest: The Potential Role of Public Interest Directors” in *Innovations in Corporate Governance – Global Perspectives* (Edward Elgar, 2017), 193-216.

Case Comments

With Jeffrey W. Lem, “Case Comment: *Cross Creek Timber Traders Inc. v. St. John Terminals Ltd.*” (2002) 49 *Real Property Reports* (3d) 83.

Book Reviews

“*Insider Trading and Market Manipulation: Investigating and Prosecuting Across Borders*, Janet Austin (Cheltenham, UK: Edward Elgar, 2017)” (2018) 34.1 *Banking and Finance Law Review* 71-77.

“*Policing the Markets: Inside the Black Box of Securities Enforcement*, James W. Williams (New York: Routledge, 2012)” (2014) 29.2 *Banking and Finance Law Review* 407-10.

Reports

With Jerry Buckland et al, “The Regulation of Group Plan RESPs and the Experiences of Low-Income Subscribers” (June 2018), online: seedwinnipeg.ca/files/The_Regulation_of_Group_Plan_RESPs_and_the_Experiences_of_Low-income_Subscribers.pdf.

With Courtney Hare, “Enabling Local Investing in Alberta: The Role of Community Economic Development Investment Funds (CEDIFs)” for Momentum (Calgary, September 2016), online: <https://momentum.org/wp-content/uploads/2018/02/Local-Investing-Research-Paper.pdf>.

Working Papers

With Blanaid Clarke, “Are Public Interest Directors a Good Idea? Lessons from the Irish Banking Crisis” (2015) University College Dublin Working Papers in Law, Criminology & Socio-Legal Studies, Research Paper No. 11/2015 (SSRN).

“The Regulation of Foreign Direct Investment by State-Owned Enterprises in Canada” (2013) AIIFL Working Paper No. 14 (SSRN).

“The Materiality of Climate Change and the Role of Voluntary Disclosure” (2009) Comparative Research in Law & Political Economy, CLPE Research Paper 47/2009, Vol. 05 No. 09 (SSRN).

PRESENTATIONS

“The Regulatory Role of Financial Literacy Education”, University of Alberta, Edmonton, October 22, 2019.

With Pamela Beach and Jen McConnel, “Examining Elementary Teachers’ Learning Experiences as They Use the Canadian Financial Literacy Database”, Canadian Society for the Study of Education annual conference, Vancouver, June 5, 2019.

With Pamela Beach and Andrew Coombs, “This Little Piggy Went Banking: Elementary Teachers’ Perceptions of Financial Literacy Education”, poster session, American Educational Research Association annual conference, Toronto, April 9, 2019.

With Lauren Malatesta, “Protecting Low Income Consumers: Regulation of Rent-to-Own Stores in Canada and the US”, Commercial Law Symposium, University of Alberta Faculty of Law, Edmonton, October 13, 2018.

With Pamela Beach and Lucy Sun, “Online Financial Literacy Education Resources for Teachers: A Review of the Canadian Financial Literacy Database”, Canadian Society for the Study of Education annual conference, Regina, May 29, 2018.

With Louise Simbandumwe and Raena Penner, “Addressing the Potential Pitfalls and Risks of RESP Promotion”, 2018 ABLE Financial Empowerment Conference, Vancouver, May 9, 2018.

“The intersection of government post-secondary education funding and securities regulation”, University of Waterloo Tax Policy Research Symposium, Toronto, May 4, 2018.

“Indigenous Entrepreneurship”, Decolonizing Law? Methods, Tactics & Strategies, Windsor, April 2, 2018.

Guest lecture, “Social and Indigenous Entrepreneurship”, Western Law, March 6, 2018.

Guest lecture, “The History of Securities Regulation”, Western Law, March 5, 2018.

Commenter, Commercial Law Symposium, Saskatoon, September 30, 2017. (Invited)

“Enabling Securities Regulation for Local Investing”, EconoUs 2017, Calgary, September 13-15, 2017.

“Alternatives to the Public Company? Hybrid Corporations”, The Estey Workshop on Business Law: The Future of the Public Company, Calgary, October 14, 2016. (Invited speaker)

“CSR and the Business Judgment Rule”, To Pursue or Not to Pursue CSR – Legal Risks and Liabilities Conference, Copenhagen, October 6-7, 2016. (Invited speaker)

Presenter, Roundtable on Access to Justice and Legal Service Business Structures, Canadian Association of Law Teachers annual conference, Calgary, May 29-31, 2016.

Moderator and presenter, Roundtable on Reconciliation in the Corporate-commercial Classroom, Canadian Association of Law Teachers annual conference, Calgary, May 29-31, 2016.

“Chevron Corp. v Yaiguaje: A Canadian Case Study in Potential Corporate Group Liability”, presented at Corporate groups and regulatory evasion: Evolving trends and possible solutions conference, Oslo, December 9-11, 2015.

With Blanaid Clarke, “The Role of Public Interest Directors in Irish Credit Institutions”, presented at University College Dublin research seminar, Dublin, December 8, 2015.

“Accountability to the Public Interest: Do we need ‘public interest directors’ on Canada’s big six banks?”, presentation for the International Symposium on Corporate Governance and Capital Markets, Ottawa, 19 June 2015; and “Banking on the Public Interest: Lessons from the Irish Banking Crisis: Do Canadian Banks Need ‘Public Interest Directors’?” Canadian Law & Society Association annual conference/Congress 2015, Ottawa, June 3, 2015.

Speaker on benefit corporations, CIGI ILRP Consultation Workshop on Emerging International and Transnational Legal Issues relating to Global Value Chains and Corporate Social Responsibility, Toronto, May 28, 2015. (Invited speaker).

“Active Learning Strategies: Client Group Discussions in Corporate Governance”, presentation for the Estey Symposium on Experiential and Active Learning in Business Law, Saskatoon, May 7, 2015. (Invited speaker).

“*Bhasin v. Hrynew*: Duty of Honest Performance”, CBA Alberta Branch, Real Property Section – Northern, Edmonton, Edmonton, March 11, 2015. (Invited speaker).

Panelist, “The Net Benefit Debate”, 4th Annual National Forum on Chinese Investment in Canada, Calgary, May 2, 2014. (Invited speaker).

“Balancing Profitability and Environmental Sustainability: Lessons from Canadian Human Rights Jurisprudence”, presented at Sustainable Companies: We Make It Happen conference, Oslo, December 5-6, 2013.

“Holding directors accountable for human rights abuses”, presented at Law on the Edge conference of the Canadian Law and Society Association and the Law and Society of Australia and New Zealand, Vancouver, July 2-4, 2013.

“Understanding ‘Net Benefit’: the Regulation of Foreign Direct Investment by State-Owned Enterprises in Canada”, presented at the Workshop on Harmonization of Cross-Strait Financial Regulation, Hong Kong, April 13-14, 2013. (Invited speaker).

“Institutional Investors as Transnational Environmental Activists?”, presented at the 5th CLPE Conference: Transnational Private Regulatory Governance: Regimes, Dialogue, Constitutionalization, Toronto, March 1-2, 2012.

“Corporate Social Responsibility and the Business Judgment Rule”, presented at the Canadian Business Ethics Research Network PhD Cluster Workshop, Toronto, February 17-19, 2012.

“Are Canadian Pension Funds Responsible Investors? A Study of the Six Largest Canadian Public-Sector Pension Funds”, presented at the Canadian Law & Economics Association conference, Toronto, Ontario,

September 23-24, 2011 and the 14th Berlin Roundtables on Transnationality: Financialization and Everyday Life, Berlin, June 25-29, 2011.

“Shareholder Primacy and Intergenerational Environmental Justice”, presented at Towards Sustainable Companies: Identifying New Avenues, Oslo, August 29-30, 2011 and the Canadian Business Ethics Research Network PhD Cluster Workshop, Toronto, February 18-20, 2011.

“*Pakootas v. Teck Cominco Metals, Ltd.* Revisited: The Role of Civil Liability in Preventing Transboundary Pollution by Private Actors”, presented at the Third Annual Conference of the Toronto Group for the Study of International, Transnational and Comparative Law: Concerning States of Mind, Disturbing the Minds of States, Toronto, January 29-30, 2010.

“The Materiality of Climate Change and the Role of Voluntary Disclosure”, presented at Osgoode Hall’s Graduate Law Students’ Association Annual Conference: Regulating a World in Crisis, Toronto, May 1-2, 2009.

RESEARCH FUNDING

2017	Principal Investigator, This Little Piggy Went Banking: Examining Potential Conflicts of Interest in Financial Literacy Education Resources for Elementary Teachers, SSHRC Insight Development Grant (\$67,114) Project website: https://finlitproject.org/
2017	Co-Applicant, Household Finances and Vulnerable Canadians: Using Financial Diaries to Examine and Build Capability, SSHRC Insight Grant (\$262,871) Project website: https://financialdiariesca.wordpress.com/
2016	Co-Investigator, Group RESP Research and Education Project, Law Foundation of Ontario Access to Justice Fund (\$92,500) Final report: http://seedwinnipeg.ca/resources/group-resp-research
2013	Dobbin Scholarship, Ireland Canada University Foundation (\$5,300 to cover expenses related to conducting research based at Trinity College, Dublin, Ireland, May 2014)
2011	Canadian Foundation for Governance Research Robert Bertram Doctoral Research Award (\$15,000) Report: http://www.cfgr.ca/research-reports/
2010	Canadian Centre for Ethics and Corporate Policy Graduate Award (\$5,000) Report: http://www.ethicscentre.ca/EN/education/

AWARDS

2011	Social Science and Humanities Research Council (SSHRC) Doctoral Fellowship (\$40,000)
2010	Ontario Graduate Scholarship (\$15,000)
2009	Graduate Fellowship in Capital Markets, University of Toronto (\$15,000)

2005	Gold Medal Osgoode Hall Law School
	F.W. Minkler Prize for outstanding integrity, scholarship and contribution to Osgoode Hall Law School
	Davies, Ward, Phillips & Vineberg LLP Prize in Commercial Law, Business Associations and Taxation
2004	York University Faculty Association Foundation Undergraduate Scholarship (for student standing first at the end of second year)
2003	Course prizes in criminal and constitutional law
1998, 2000	Dean's List, University of Toronto
1997	Newell Scholarship for Academic Merit (approx. \$20,000)

TEACHING

Courses

July 2016-present	Queen's University , Faculty of Law, Assistant Professor <ul style="list-style-type: none"> • Contracts • Securities Regulation • Corporate Governance
Nov-Dec 2018; Mar 2019	University of Saskatchewan Nunavut Law Program , Instructor <ul style="list-style-type: none"> • Contracts (4-week intensive) • Business Organizations (4-week intensive)
Jan. 2013-June 2016	University of Alberta , Faculty of Law, Assistant Professor <ul style="list-style-type: none"> • Contracts • Corporations Law (mandatory upper year course) • Corporate Securities and Finance • Advanced Topics in Corporate Law (corporate governance seminar) • Corporate/Securities Competitive Moot
Sept. 2011-Feb. 2012	University of Toronto , Faculty of Law, Instructor <ul style="list-style-type: none"> • Legal Research & Writing

Student Supervision

Sept. 2018-June 2019	Supervisor, graduate paper, Catherine Rousseau, course-based LLM, "Cryptocurrency Offerings in Canada: Why and How We Should Modernize the Securities Law Framework". Published in the <i>Banking and Finance Law Review</i> .
Winter Term 2019	Supervisor, Independent Study Paper, Diane Wu, JD, "Tackling Mis-selling in the Financial Services Industry"

Jan. 2013-Oct. 2017	Committee Member, Clayton Bangsund, PhD Candidate (Law), University of Alberta, “Deposit Accounts: The Concept of Perfection by Control”
Fall Term 2017	Supervisor, Independent Study Paper, Zack Caverson, JD, “The Qualified Best Interest Standard: Duty of Care Owed by Financial Advisers”
Summer Term 2013	Supervisor, Independent Study Paper, Andrea Vig, JD, “Encouraging Corporate Conscientiousness in a Global Economy: Ethics and the Bangladesh Garment Manufacturing Industry”

PROFESSIONAL EXPERIENCE

Sept. 2006-July 2008	Osler, Hoskin & Harcourt LLP, Associate, Litigation Department Practice areas: general commercial litigation, including class actions, environmental and municipal law
Sept. 2005-Aug. 2006	Supreme Court of Canada, Law Clerk to The Honourable Louise Charron
May 2004-Aug 2004	Osler, Hoskin & Harcourt LLP, Summer Student
Sept. 2001-Aug. 2002	Davies Ward Phillips & Vineberg, Legal Intern (full-time, paid position)

FACULTY AND UNIVERSITY SERVICE

Queen’s University

July 2018-June 2019	Member, Curriculum Committee, Faculty of Law
July 2016-June 2018	Co-chair, Visiting Speakers Committee, Faculty of Law <ul style="list-style-type: none"> Overseeing budget, scheduling and organization of visits to Queens Law

University of Alberta

Sept. 2014-June 2016	Faculty Representative, Faculty of Law Equality & Respect Committee (Chair, Jan.-Apr. 2015)
Jan. 2013-June 2016	Faculty of Law Representative, U of A School of Business Council
Sept. 2013-June 2015	Chair, Special Dean’s Advisory Committee on External Communications <ul style="list-style-type: none"> Drafted law faculty’s first External Communications Policy, setting out principles to be followed in external communications of the Faculty Coordinated media training day for faculty members
Jan. 2013-June 2015	Faculty Representative, Faculty of Law Alumni and Friends Committee <ul style="list-style-type: none"> Represented faculty on the committee; helped organize events to bring alumni back to the law school, including Alternative Careers in Law panel

ACADEMIC SERVICE

External Reviewer, Social Science and Humanities Research Council – Insight Grant

Assessor, Ireland Canada University Foundation James M Flaherty Program – Flaherty Research Scholarship.

Peer reviewer (Banking and Finance Law Review, Canadian Journal of Law & Society, Centre for International Governance Innovation, Dalhousie Law Journal, McGill Journal of Sustainable Development Law & Policy, McGill Law Journal, Osgoode Hall Law Journal, Saskatchewan Law Review, UBC Law Review, Windsor Review of Legal and Social Issues).

COMMUNITY SERVICE

August 2019-present, Member, Research Advisory Committee: Consumer Debt in Canada, Prosper Canada.

February 2019-present, Member, Board of Directors, The Canadian CED Network.

December 2016-present, Member, Policy and Research Action Group of the Asset Builders Learning Exchange.

PROFESSIONAL SERVICE

September 2016-June 2019, Mentor, Osgoode First Generation Network.

PROFESSIONAL MEMBERSHIPS

Law Society of Ontario (called to the Bar of Ontario 2006).