

Dr. Gail E. Henderson
Queen's University Faculty of Law
128 Union Street, Kingston ON
gail.henderson@queensu.ca

CURRENT POSITION

- July 2019-present **Associate Professor**, Queen's University, Faculty of Law
- July 2020-June 2022 Associate Dean (Faculty Relations), Queen's University, Faculty of Law (and interim Associate Dean (Academic Policy) Jan-June 2022)
- Responsible for planning the curriculum, administering full-time faculty workload, and hiring and supervising adjunct faculty.
 - Worked closely with Human Resources and Student Services on operational issues.
 - Represented the Faculty on central University committees.
 - Developed, adapted, and administered policies and practices for teaching on and off campus during the COVID-19 pandemic.
 - Advised the Dean and other members of the Faculty senior leadership team on various issues.

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, Pamela Beach and Andrew Coombs, "Financial Literacy Education in Ontario: An Exploratory Study of Elementary Teachers' Perceptions, Attitudes, and Practices" (2021) 44:2 Canadian Journal

of Education 308-336 (peer-reviewed, open access: [2.-4249-Henderson-et-al.-June-24_308-336.pdf \(cje-rce.ca\)](https://www.cje-rce.ca/2021/06/24/308-336.pdf)).

Kevin Akrong and Gail E Henderson, "COVID-19 and the Regulation of Alternative Financial Services", (2021) 46 Queen's Law Journal 357-372.

Pamela Beach, Gail Henderson and Jen McConnel "Elementary teachers' cognitive processes and metacognitive strategies during self-directed online learning" (2021) 26:5-6 Teachers and Teaching: Theory and Practice 395-413 (peer-reviewed).

Gail E Henderson, Pamela Beach, Lucy Sun and Jennifer McConnel, "Does the Content of Financial Literacy Education Resources Vary Based on Who Made or Paid for Them?" (2020) 19:3 Citizenship, Social and Economics Education 192-210 (peer-reviewed, open access: <https://journals.sagepub.com/doi/10.1177/2047173420961031>).

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, open access: <https://cbr.cba.org/index.php/cbr/article/view/4375?articlesBySimilarityPage=2>).

Anna Lund, Gail Henderson, Clayton Bangsund, Freya Kodar, Carol Liao and Shanthi Senthe, "Reconciliation in the Corporate-Commercial Classroom" (2016) 2:1 Lakehead Law Journal 49-63 (peer-reviewed, open access: <https://llj.lakeheadu.ca/article/view/1493>).

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 (open access: <https://www.cambridge.org/core/journals/german-law-journal/issue/B82BE34F2125180B221667D674621332>).

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

Book Chapters

"Securities Regulators and Investor Education" in Stephanie Ben-Ishai, ed, *Dangerous Opportunities* (University of Toronto Press, 2021), 65-82.

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

Jeffrey W. Lem and Gail E. Henderson, “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

Gail Henderson, Pamela Beach and Jen McConnel, “Financial Literacy Education at the Elementary Level Report to participating School Boards” (June 2021), online: [this-little-piggy-went-banking-final-report-to-schools-and-school-boards-june-2021.pdf](https://www.financialdiaries.ca/files/this-little-piggy-went-banking-final-report-to-schools-and-school-boards-june-2021.pdf) ([wordpress.com](https://www.wordpress.com)).

Gail E Henderson, Kevin Akrong and Diane Wu, “Financial Rules and Regulations Relevant to Canadian Low-Income Households”, Working Draft June 2019, Financial Diaries Project, online: <https://financialdiaries.ca.files.wordpress.com/2019/06/regulatory-scan-working-draft.pdf>.

Jerry Buckland, Gail E. Henderson, Kevin Schachter, and Gaylen Eaton, with Simon Chung, “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.

Courtney Hare and Gail Henderson, “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

With Katlin Abrahamson, “Informing the Debate on Lowering the Criminal Rate of Interest”, 6th Annual Canadian Commercial Law Symposium, online (Zoom), October 21, 2022.

Commentator, 5th Annual Canadian Commercial Law Symposium, online (Zoom), October 22, 2021.

Discussant, University of Waterloo Tax Policy Research Symposium, online (Zoom), May 7, 2021.

“Community Economic Development Investment Funds (CEDIFs) and COVID-19 Recovery”, (Corporate, Commercial & Consumer) Law in a Time of Covid-19, Online (Zoom) Workshop, June 30, 2020.

With Pamela Beach and Jennifer McConnel, “Elementary Teachers' Cognitive Processes and Metacognitive Strategies During Self-Directed Online Learning”, paper session, American Educational Research Association (AERA) Annual Meeting, San Francisco, CA <http://tinyurl.com/v4o4n5j>, April 17-21, 2020 (Conference canceled due to COVID-19).

“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 (AERA) Annual Meeting, Toronto, April 9, 2019.

With Lauren Malatesta, “Protecting Low Income Consumers: Regulation of Rent-to-Own Stores in Canada and the US”, 3rd Annual Canadian 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.

“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

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| 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/ Principal Investigator, |
| 2017 | 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/ |
| 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

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| 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

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| July 2016-present | <p>Queen's University, Faculty of Law, Assistant and Associate Professor</p> <ul style="list-style-type: none"> • Contracts (mandatory first year lecture or seminar course) • Business Associations (mandatory upper year lecture course) • Securities Regulation (optional upper year lecture course) • Corporate Governance (optional upper year seminar) |
| Nov-Dec 2018; Mar 2020 | <p>University of Saskatchewan Nunavut Law Program, Instructor</p> <ul style="list-style-type: none"> • Contracts (4-week intensive) • Business Organizations (4-week intensive) |
| Jan. 2013-June 2016 | <p>University of Alberta, Faculty of Law, Assistant Professor</p> <ul style="list-style-type: none"> • Contracts (mandatory first year lecture course) • Corporations Law (mandatory upper year lecture course) • Corporate Securities and Finance (optional upper year lecture course on securities regulation) • Advanced Topics in Corporate Law (corporate governance seminar) • Corporate/Securities Competitive Moot |
| Sept. 2011-Feb. 2012 | <p>University of Toronto, Faculty of Law, Instructor</p> <ul style="list-style-type: none"> • Legal Research & Writing |

Graduate Student Supervision

- Sept. 2021-Aug 2022 Supervisor, Thesis, Oluwatoyin Oladapo, LLM, “Can Securities Regulators Influence Effective Corporate Response to Climate Change in Nigeria? A Comparative Study using Global Best Practices”.
- 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”. A version of this paper was published in the *Banking and Finance Law Review*.
- Jan. 2013-Oct. 2017 Committee Member, Clayton Bangsund, PhD (Law), University of Alberta, “Deposit Accounts: The Concept of Perfection by Control”.

Undergraduate Student Supervision

- Winter Term 2021 Supervisor, Independent Study Paper, Mackenzie Birchard, JD, “Director Term Limits to Accelerate the Achievement of Gender Parity on Boards”.
- Winter Term 2019 Supervisor, Independent Study Paper, Diane Wu, JD, “Tackling Mis-selling in the Financial Services Industry”.
- 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”.

FACULTY AND UNIVERSITY SERVICE

Queen’s University

- July 2020-present Co-chair, Moot Committee, Faculty of Law
- Overseeing the competitive mooting program for academic credit at Queen’s Law. Includes managing budget, recruiting and assisting faculty supervisors, selecting mooters and organizing the internal Grand Moot.
- July-Sept. 2020 Co-chair, Macdonald Hall Building Name Consultation Advisory Committee
- Led a consultation engaging stakeholders, including students, staff, faculty, alumni, community members and regional First Nations communities on the question whether to remove the name of Sir John A Macdonald from the law building
 - Led the drafting and editing of the final report on the consultations and recommending removal of the name to the Dean
 - Completed the consultation and report within the 10 week timeline requested by the University
- Oct. 2018-Apr. 2020 Representative for the Faculty of Law on the Community Engagement Working Group of the TRC Roundtable

- Met regularly to advise and assist Queen's Office of Indigenous Initiatives. Main tasks included gathering information on existing community engagement initiatives at Queen's

July 2016-June 2018

Co-chair, Visiting Speakers Committee, Faculty of Law

- 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

- 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

- Represented faculty members on the committee; organized events to bring alumni back to the law school, including Alternative Careers in Law panel

ACADEMIC SERVICE

2022 Member, Editorial Board, Canadian Business Law Journal

2018 External Reviewer, Social Science and Humanities Research Council – Insight Grant

2016-18 Assessor, Ireland Canada University Foundation James M Flaherty Program – Flaherty Research Scholarship.

Peer reviewer (Alberta Law Review, Banking and Finance Law Review, Canadian Business Law Journal, 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

July 2020-present, Member, Consumer Protection Advisory Committee of the Financial Consumer Agency of Canada (FCAC) (appointed by the Commissioner of the FCAC for a three-year term).

July 2020-present, Treasurer and member of the Board of Directors, The Canadian CED Network (CCEDNet) (board member since February 2019).

August 2019-Nov 2020, Member, Research Advisory Committee: Consumer Debt in Canada, Prosper Canada.

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

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)

PROFESSIONAL MEMBERSHIPS

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