Queen’s Faculty of Law
Achievements in Research and Scholarship

Annual Report 2009
# 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

Bita 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,* 2nd edition (Toronto: Irwin Law, 2009) [755 pages]

Arthur Cockfield


Lisa Dufraimont
(with Ronald J. Delisle), *Canadian Evidence Law in a Nutshell,* 3rd ed. (Toronto: Carswell, 2009)

Donald Stuart

**ARTICLES AND BOOK CHAPTERS**

Sharryn Aiken

Bita Amani


Martha Bailey


Beverley Baines

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


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


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

Arthur Cockfield


Lisa Dufraimont

“R. v. Griffin and the Legacy of Hodge’s Case” (2009), 67 Criminal Reports (6th) 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

**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**


“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


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

Paul Miller


Michael Pratt


Darryl Robinson


Donald Stuart

Annotation to C.(R.) v. McDougall (2009) 61 C.R. (6th) 1
Annotation to R. v. Patrick (2009 64 C.R. (6th) 1
“Twin Myth Hypotheses in Rape Shield Laws are Too Rigid and Darrach is Unclear” (2009 64 C.R. (6th) 74
Annotation to R. v. Im (2009 64 C.R. (6th) 157
Annotation to R. v. Craig (2009) 66 C.R. (6th) 201
Annotation to R. v. Lindsay (2009) 68 C.R. (6th) 279

Malcolm Thorburn


“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


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


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


Bita Amani


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.


“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.


Nicholas Bala


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


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


Arthur Cockfield


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

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)


“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)


Nancy McCormack


Cherie Metcalf


“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


“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


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

Donald Stuart


“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)


“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


“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 30th 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

Martha Bailey

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

Nicholas Bala


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


(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)

Bita 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 Bita 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 Conferéence des jeunes juristes universitair; 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**


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 – “Countermajoritariansim Presidential Administration” – 19 January 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


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


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

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


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)

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“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


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


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


Media commentary:
- “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


Conferences, Seminars and Workshops


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 Bita 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


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

MARTHA BAILEY

Articles and Book Chapters


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


**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.

“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.


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, 2nd 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


“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


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


Presentations to Professional, Judicial, Governmental and Legislative Bodies


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


(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


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 5th, 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


Articles and Book Chapters


**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**


“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 Deloittes 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 Nutsbell, 3rd ed.* (Toronto: Carswell, 2009)

**Articles and Book Chapters**


**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


LARISSA KATZ

Articles and Book Chapters


Conferences, Seminars and Workshops

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


“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)


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:
- “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


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


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


“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) “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


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*

**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**


**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


“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


**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**


“Legality and Our Contradictory Commitments: Some Thoughts About How We Think”, *Proceedings of the 103rd 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


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**


**Articles and Book Chapters**

Annotation to *C.(R.) v. McDougall* (2009) 61 C.R. (6th) 1


Annotation to *R. v. Patrick* (2009 64 C.R. (6th) 1

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

Annotation to *R. v. Im* (2009 64 C.R. (6th) 157


Annotation to *R. v. Craig* (2009) 66 C.R. (6th) 201


Annotation to *R. v. Lindsay* (2009) 68 C.R. (6th) 279

**Conferences, Seminars and Workshops**


“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


“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)


“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)


MARK WALTERS

Articles and Book Chapters


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


“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 30th 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.