



ANNUAL REPORT 2022/23

UOTTAWA PUBLIC LAW CENTRE



PUBLIC LAW CENTRE
University of Ottawa



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FROM THE CO-DIRECTORS



Hello,

We hope you are doing well!

We are delighted to share this annual report with you, which captures another exciting year of activities at the uOttawa Public Law Centre.

In 2022-2023, we held a number of public-facing events, book launches, conferences, and academic workshops. We co-convened an interdisciplinary symposium on the Trucker Convoy and the Rouleau Commission Report; brought together many of Canada's leading researchers for a conference on evolving trends in constitutional interpretation; held weekly academic criminal law workshops; produced a book that uses empirical approaches, including legal data analytics, to study the Supreme Court of Canada; hosted book workshops; and offered presentations by top academics in the field

of public law. These are just some examples of this year's fascinating events and activities. You can read much more about them below!

In 2022-2023, we also strengthened our relationships with several scholars and research institutions, both domestically and internationally. Drawing on the expertise of the Centre's members, we helped produce and promote media contributions, books, and law review articles in the field of public law.

None of this would have been possible without the help of our amazing and dedicated research assistants: Alex, Angélique, Juliette, Mathieu, Michelle, Nadreyh, and Sarah. Thank you for all your hard work and assistance!

Enjoy reading this annual report, and we look forward to connecting with you in the coming year.

With best wishes,

Vanessa MacDonnell and Terry Skolnik



EXECUTIVE MEMBERS

Co-Directors	
Vanessa MacDonnell	Associate Professor and Co-Director
Terry Skolnik	Associate Professor and Co-Director
Executive Members	
Yan Campagnolo	Associate Professor and Vice-Dean of the French Common Law Program
Marie-France Fortin	Associate Professor
Carissima Mathen	Full Professor
Jena McGill	Associate Professor
Michael Pal	Associate Professor
Charles-Maxime Panaccio	Associate Professor

MEMBERS

Name	Position
Wolfgang Alschner	Associate Professor and holder of the Hyman Soloway Chair in Business and Trade Law
Natasha Bakht	Full Professor and the Shirley E. Greenberg Chair for Women and the Legal Profession
Sarah Berger Richardson	Assistant Professor
Jennifer Bond	Associate Professor and Managing Director of the University of Ottawa Refugee Hub and Chair of the Global Refugee Sponsorship Initiative
Rosemary Cairns Way	Full Professor
Stefanie Carsley	Assistant Professor
Nathalie Chalifour	Full Professor
Y. Y. Brandon Chen	Associate Professor
Lynda Collins	Full Professor
Aimée Craft	Associate Professor and Holder of the University Research Chair Nibi miinawaa aki inaakonigewin: Indigenous governance in relationship with land and water.
Paul Daly	Full Professor and Chair in Administrative Law and Governance
Anne-Françoise Debruche	Associate Professor
Adam Dodek	Full Professor
Karen Eltis	Full Professor
Craig Forcese	Full Professor

Name	Position
Daphne Gilbert	Full Professor
Mistrale Goudreau	Full Professor and Coordinator, Graduate Studies in Law and Technology
Martha Jackman	Full Professor
John Mark Keyes	Adjunct Professor
Kyle Kirkup	Associate Professor
François Larocque	Full Professor and Holder of the Canadian Francophonie Research Chair in Language Rights
Yves Le Bouthillier	Full Professor
Anne Levesque	Associate Professor and Academic Director Experiential Learning
Jamie Liew	Full Professor and Director of the Institute of Feminist and Gender Studies
Ravi Malhotra	Full Professor
Graham Mayeda	Associate Professor
Heather McLeod-Kilmurray	Full Professor
Errol Mendes	Full Professor
Delphine Nakache	Full Professor
Peter Oliver	Full Professor
Mona Paré	Associate Professor, Vice-Dean of Graduate Studies in Law and Director of the Interdisciplinary Research Laboratory on the Rights of the Child
Benoît Pelletier	Full Professor
Jennifer Quaid	Associate Professor and Vice-Dean Research of the Civil Law Section
Sheila Rezazadeh	Executive Coordinator at The Refugee Hub
Sylvia Rich	Assistant Professor
Amy Salyzyn	Associate Professor
Samuel Singer	Assistant Professor
Marie-Eve Sylvestre	Full Professor and Dean of the Civil Law Section
Sophie Thériault	Full Professor and Vice-Dean (Academic) of the Civil Law Section
Joao Velloso	Associate Professor
David Wiseman	Associate Professor and Vice-Dean of the Common Law Program (English)

PLC TEAM

Alexandre Faubert Charlebois	Juliette-Maria Simard-Émond
Sarah Gagnon	Mathieu Tovar-Poitras
Angélique Marquis	Nadreyh Vagba
Michelle Rossy	

VISITING FELLOWS



STEVE CHAPLIN has been a member of the Ontario bar since 1987. He has practised in both the federal public sector and in private practice in Ottawa. He was most recently employed as Senior Parliamentary Counsel for the House of Commons. In that position he was responsible for advising the House of Commons, its Speaker, Members, Committees and administration on administrative and constitutional law questions, particularly in the area of parliamentary privilege. He has appeared before the Supreme Court of Canada, the Federal Court, and the Federal Court of Appeal in cases relating to the protection of the constitutional independence of the House of Commons.

He is an active member of the Association of Parliamentary Counsel in Canada and has presented numerous papers at their annual meetings. He is a Deputy Executive Editor of the *Journal of Parliamentary and Political Law*.

MAGGIE WENTE is a partner at Olthuis Kleer Townshend (OKT) in Toronto. She is a member of Serpent River First Nation, and is of Anishinaabe and settler lineage. Maggie advises First Nations and regional Indigenous groups on a broad range of topics. Lately, Maggie has focused much of her practice on advocating for the equality rights of Indigenous peoples, and in particular equality for First Nations children and individuals in child welfare systems. She does this in litigation and in negotiations about child welfare funding and program design and delivery. Maggie also assists First Nations draft their own child welfare laws.



Maggie also advises and litigates about a broad range of First Nations governance matters, such as Indian Act reserve matters, election codes, membership codes, land management, and the responsibilities of First Nations councils. Maggie has appeared in courts of appeal and trial-level courts in Ontario, Newfoundland and Labrador, and the Federal Court, as well as in commercial arbitrations, and human rights, labour and other tribunals. She is actively involved in community services as a frequent speaker at conferences and CPD events, at law schools, as a mentor to Indigenous law students and lawyers. She gives time as a dedicated food bank volunteer, a volunteer with LEAF, and as a Director of the Boreal Songbird Initiative. Maggie is past-President of the Board of Directors at Aboriginal Legal Services of Toronto and was a Commissioner at the Ontario Human Rights Commission from 2006 to 2015.

POST-DOCTORAL FELLOWS



NESSAN AKEMAKOU is a postdoctoral researcher at the uOttawa Public Law Centre, under the supervision of Professor Marie-France Fortin and Professor Eric Champagne. His research project is entitled “The Blue Economy: An Innovative Concept for Irrigating Public Policy? A Cross-Study of the Blue Economy Strategies of the African Union (AU) and Canada”. The latter is funded by the Alex Trebek Forum for Dialogue. Nesson holds a Bachelor of Laws, a Master of Arts in Political Science, a Master of Arts in International Relations and a Doctorate in Political Science, all from the University of Toulouse Capitole, France. His thesis, “The Existence of an ‘Authoritarian Peace’ in Africa? A Reflection Antithetical to Democratic Peace Theory,” was defended in July 2019.



JOANNE MURRAY is a postdoctoral fellow at the uOttawa Public Law Centre under the supervision of Professor Vanessa MacDonnell. Her postdoctoral fellowship is funded by a project co-directed by Professor MacDonnell entitled “Unwritten Constitutional Principles and Norms: A Comparative Study”, which takes a comparative and interdisciplinary approach to examining unwritten constitutional principles and norms in three countries (Canada, the UK and Germany). The project was funded in Round 7 of the Open Research Area (ORA) Competition.

Dr. Murray’s research focuses on the power-conferring nature of unwritten constitutional principles and norms. Most case law and scholars assume that unwritten constitutional principles are either justified or not justified because they constrain the decision-making of the executive and legislative branches. But this assumption overlooks the important enabling nature of constitutions. Despite the written constitution’s more obvious role in conferring and structuring powers, no systematic research has been conducted into whether unwritten aspects of the constitution are power-conferring. Dr. Murray’s postdoctoral project aims to fill that gap.

Dr. Murray’s research builds on her doctorate (McGill University, 2023) and her LLM (University of Cambridge, 2014). In her doctoral dissertation, she argued that the duty of reasonableness in administrative law and the duty of loyalty in trusts law are both power-conferring. Her dissertation was funded by the prestigious Vanier Scholarship.

Dr. Murray is also assisting the Public Law Centre in organizing the Public Law Conference, which will be held at uOttawa in July 2024.

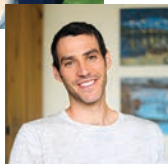
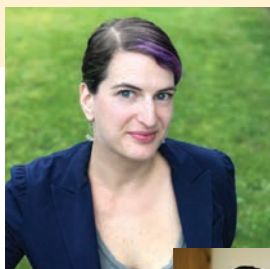
3 SELECTED PROJECTS

The Centre and its members are at the forefront of many major research projects on topics that include the relationship between the state and society, critical approaches to public law, empirical analysis of Supreme Court of Canada decision-making, water law and governance, and more.

(DE)CODING THE COURT: LEGAL DATA INSIGHTS INTO CANADA'S SUPREME COURT

The Supreme Court of Canada is a central institution in Canadian law and politics, and yet to date, there has been relatively little empirical research on its work. Led by Professor Carissima Mathen, *(De)Coding the Court: Legal Data Insights into Canada's Supreme Court* is a project that uses empirical approaches, including state-of-the-art legal data analytics (LDA), to investigate Supreme Court of Canada decisions. Joining Professor Mathen on this project are Professor Wolfgang Alschner, head of the Legal Technology Lab at the University of Ottawa, Professor Vanessa MacDonnell, Co-Director of the uOttawa Public Law Centre, Professor Terry Skolnik, Co-Director of the uOttawa Public Law Centre, Visiting Professor Stephen Bindman, and students Keenan MacNeal and Kelly Humber.

In 2024, an edited collection entitled *(De)Coding the Court: Legal Data Insights into Canada's Supreme Court* will be published by Routledge, featuring contributions from members of the project team and other invited contributors. This open-access publication demonstrates that pairing empirical analysis with doctrinal expertise generates new insights on core questions of interests to legal scholars, political scientists, and practitioners, and can inform the study of apex courts more generally.



CRIMINAL LAW WORKSHOP SERIES

Each week, a different criminal law professor presented a draft article or book chapter on Zoom and received feedback from participants. This year's presenters included Mugambi Jouet (USC), François Tanguay-Renaud (Osgoode Hall), Danardo Jones (Windsor), Lisa Kerr (Queen's University), Ben Ewing (Queen's University), Ryan Liss (Western), Terry Skolnik (uOttawa), Sylvia Rich (uOttawa), Maria Dugas (Dalhousie), Debra Parkes (UBC), Janine Benedet (UBC), Graham Mayeda (uOttawa), Sarah-Jane Nussbaum (University of New Brunswick), Ekow Yankah (University of Michigan), Valena Beety (University of Indiana), Adelina Iftene (Dalhousie), Lisa Dufraimont (Osgoode Hall), Palma Paciocco (Osgoode Hall), Kent Roach (uToronto), Lisa Kelly (Queen's University), and Andrew Botterell (Western).

UNWRITTEN CONSTITUTIONAL NORMS AND PRINCIPLES: A COMPARATIVE STUDY

UNWRITTEN CONSTITUTIONAL NORMS AND PRINCIPLES PROJECT

The Unwritten Constitutional Norms and Principles project, led by uOttawa Public Law Centre Co-Director Professor Vanessa MacDonnell together with colleagues in the UK and Germany, is underway and has an exciting agenda of international events and publications planned for 2024!

This \$1.7 million-dollar international, interdisciplinary project is funded by the Open Research Area, a special agreement for social sciences research between the French National Research Agency (ANR), the Deutsche Forschungsgemeinschaft (DFG), the Economic and Social Research Council of UK Research and Innovation (ESRC), and the Social Sciences and Humanities Research Council (SSHRC) in Canada. The project examines the elements of a constitutional order that are not fully contained, captured or reflected in its text. The project centres around three jurisdictions, each of which has a very different experience with unwritten constitutional norms and principles: Canada, the UK, and Germany.

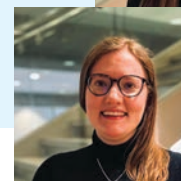
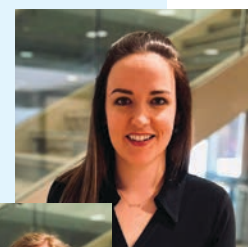
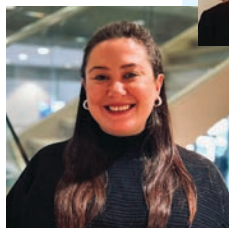
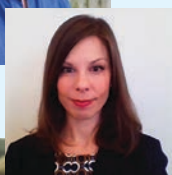


THE PROJECT TEAM

Professor MacDonnell leads the Canadian branch of this comparative study, which also includes professors and PLC members Marie-France Fortin and Peter Oliver of the Faculty of Law's Civil Law Section.

Our team of doctoral and post-doctoral fellows includes Dr. Joanne Murray, who researches the ways in which unwritten constitutional principles and norms are power-conferring in nature; Sarah Gagnon, the PLC's Coordinator and Communications Director, whose doctoral research examines how unwritten constitutional principles and norms might shape responses to executive abuses of power and democratic decline; and Dr. Seána Glennon, who in 2024 will join the University of Ottawa as a postdoctoral fellow having completed her doctorate at University College Dublin, and whose research focuses on the role of citizen deliberation in constitutional reform processes.

Professor Se-Shauna Wheatle of Durham University leads the project's UK team, and the project's German team is led by Professor Florian Meinel of Georg-August-Universität Göttingen.



FALL WORKSHOP

The project's first in-person workshop took place in November 2023 at Durham University. In addition to launching the project and introducing it to academic audiences and other stakeholders, the workshop provided an opportunity for participants from each jurisdiction to come together and discuss topics that included the nature of writtenness and unwrittenness; concepts of norms, principles and rules; the relationship between legal and political unwritten rules and principles; and issues arising from constitutional silence.

By comparing each country's approach to unwritten constitutional norms and principles, the project's researchers are working together to explore common issues faced by all constitutional orders, identify the factors that influence the recognition, definition and enforcement of unwritten constitutional rules, and investigate the role of judicial enforcement of a constitution's unwritten rules in an era of democratic backsliding.



STUDENT MENTORSHIP PROGRAMME

The training and development of the team's doctoral and post-doctoral fellows is central to the project's goals and to this end, each year of the project will feature seminars on career development and other related topics. These seminars provide an opportunity for the early career researchers to highlight their outputs and to develop research leadership.

The first such seminar took place at the team's fall meeting at Durham University.

The project fellows had an opportunity to introduce their research areas to one another, and in addition, were joined by Professor Roger Masterman of Durham University for a very informative training session on publishing in public law.

The project's 2024 student seminar will take place in tandem with the ICON-S Annual Conference in Madrid in July.

COMING UP IN 2024

This year, the project's researchers will publish a series of blogs on unwritten constitutionalism. There are also plans for a special issue of the *Review of Constitutional Studies (Canada)* and an edited book.

In addition, the project's researchers will participate in three panels at the ICON-S Annual Conference in Madrid in July, on the themes of "Unwritten Constitutionalism in Comparative Perspective"; "Constitutional Silences"; and "Judicial Review, the Unwritten Constitution and Constitutional Reasoning".

Beyond its core academic outputs, the team will engage with a range of non-academic stakeholders—including policymakers and the public—through seminars and workshops.

The project's activities are also promoted and disseminated on an ongoing basis through our dedicated social media account on X (formerly Twitter), @UCNPPProject.



4 EVENTS ORGANIZED

IN 2022/2023



The British Case of Prorogation: Process, not Substance, Exception not Rule

On September 28, 2022, the uOttawa Public Law Centre and Professor Philippe Lagassé, the William and Jeanie Barton Chair, Norman Paterson School of International Affairs at Carleton University, hosted a talk by Professor of Law Gavin Phillipson from the University of Bristol School of Law on the UK Supreme Court's *Miller II* decision.

Book Launch event on the Canadian Water Agency

On November 8, 2022, the uOttawa Public Law Centre, the University of Ottawa's Forum on Water Law and Governance, the Centre for Environmental Law and Global Sustainability, and the Centre on Governance hosted an event for the launch of the edited collection, entitled *Canada Water Agency: Multisectorial Issues of Law and Governance* (Montreal: LexisNexis, 2022), edited by Marie-France Fortin, Alexandre Lillo, Eric Champagne, Laurent Touchant et Thomas Burelli.

Language Rights in Canada: Unseen Gaps and Future Directions

On November 8, 2022, the uOttawa Public Law Centre and Professor François Larocque, the Canadian Francophonie Research Chair in Language Rights held a panel discussion on recent developments in language rights in Canada.

Moderated by Professor Larocque, the discussion covered themes such as intersectionality and language rights, Aboriginal languages, and the development of section 23 of the *Canadian Charter of Rights and Freedoms*. In addition, there was a rapid-fire update on a number of cases, both legislative and judicial. The panelists were Professor Aimée Craft, *Nibi miinawaa aki inakonigewin* University Research Chair in Aboriginal Governance in Relation to Land and Water, Professor Anne Levesque, and Mathieu Tovar-Poitras, Master of Laws candidate.



***Blackhorse v. Pro-Football, Inc.* and the NFL's Washington Commanders: Commemorative Renaming through Trademark Law**

On November 10, 2022, the PLC hosted a webinar on the *Blackhorse v. Pro-Football, Inc.*, case, which concerned the striking down of six trademarks on the basis that they may disparage a substantial composite of Native Americans. The discussion was moderated by Veldon Coburn, Assistant Professor at the University of Ottawa, and heard from Amanda Blackhorse, activist and social worker, and Jesse A. Witten, Partner at Faegre Drinker who served as counsel in the case.



Supreme Court of Canada Cases to Watch: 2022-2023

On November 23, 2022, the PLC hosted a discussion on various Supreme Court of Canada cases to watch in 2022-2023.

Professor Jamie Liew presented an analysis of *Canadian Council for Refugees, et al. v Minister of Citizenship and Immigration, et al.* while Professors Graham Mayeda and Sylvia Rich discussed *R v Sharma*. In addition, Professor Florence Robert provided insights into *Attorney General of Québec, et al. v Attorney General of Canada, et al.* and Professor François Larocque presented *Commission scolaire francophone des Territoires du Nord-Ouest, A.B., et al. v Minister of Education, Culture and Employment of the Northwest Territories, et al.* Lastly, Professor Paul Daly discussed *Earl Mason, et al. v Minister of Citizenship and Immigration, et al.*



Lecture and Launch of the Indigenous Legal Traditions Mural

On January 20, 2023, the Faculty of Law, the Common Law and Civil Law Sections, the Decolonizing Water Partnership, the Centre for Environmental Law and Global Sustainability, and the uOttawa Public Law Centre hosted the Inaugural Lecture of Professor Aimée Craft, University Research Chair *Nibi miinawaa aki inaakonigewin: Indigenous Governance in Relationship with Land and Water*.

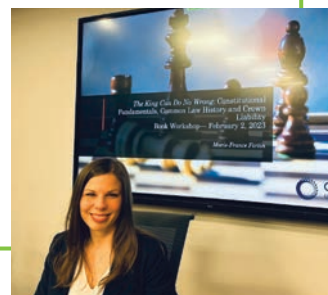
In addition, a mural was painted on the third floor of Fau-teux Hall, the current home of the University of Ottawa's Faculty of Law. The mural was designed and painted by the Onaman Collective to reflect Anishinaabe teachings and legal principles. The mural is a teaching tool and a reminder of the importance of Indigenous legal traditions in Canadian law. This project represents a commitment to Indigenous legal orders and education in law schools, in line with Truth and Reconciliation Call to Action 28.

Proportionality and Transformation: Theory and Practice in Latin America

On January 10, 2023, the PLC hosted a guest lecture by Visiting Professor Francisca Pou Giménez (Institute of Legal Research, UNAM) on her new co-edited volume, *Proportionality and Transformation: Theory and Practice in Latin America* (Cambridge University Press, 2022). Professors Ed Béchard-Torres (Toronto Metropolitan University) and Charles-Maxime Panaccio (uOttawa Faculty of Law, Civil Law Section) provided comments, and the conversation was moderated by Public Law Centre Co-Director Vanessa MacDonnell.

The King Can Do No Wrong: Constitutional Fundamentals, Common Law History and Crown Liability

On February 2, 2023, Professor Marie-France Fortin of the University of Ottawa Faculty of Law, Civil Law Section, with the support of the uOttawa Public Law Centre, hosted a workshop for her forthcoming book *The King Can Do No Wrong: Constitutional Fundamentals, Common Law History and Crown Liability* (Oxford University Press, 2023). The book traces the evolution of the principle that the king can do no wrong, a fundamental principle in the common law world that shapes public law. The book revisits and sheds new light on how the principle might inform our current understanding of Crown liability and the availability of remedies against the state.



2023 Administrative Law and Governance Colloquium

Every other Tuesday from February 7 to April 4, 2023, Professor Paul Daly hosted the 2023 Administrative Law and Governance Colloquium. The topic for 2023 was “The Legitimacy of the State”.

The speakers addressed various challenges to legitimacy in liberal democratic states by focusing on a range of institutions: the executive branch, the civil service, administrative agencies, immigration enforcement and central banks. The overall goal was to outline contemporary legitimacy challenges and likely responses.

The Colloquium featured Professor Margit Cohn (The Executive); Professor Liz Fisher and Professor Sidney Shapiro (Administrative Agencies); Professor Joseph Heath (Civil Service); Professor Robert Thomas (Immigration); and Professor Peter Conti-Brown (Central Banks).



Democratic Backsliding and the Decline of the Rule of Law in Poland

On February 13, 2023, the uOttawa Public Law Centre hosted a discussion on Democratic Backsliding and the Decline of the Rule of Law in Poland led by Michał Wawrykiewicz, a Polish attorney specializing in constitutional law, human rights law and European law.

In 2017, Mr. Wawrykiewicz co-founded the Free Courts Initiative, a think tank and educational center set up to defend the rule of law and raise public awareness about attacks on democratic values in Poland. In 2018, he co-founded the Justice Defense Committee for the legal defense and support of Polish legal professionals targeted by spurious disciplinary proceedings, intimidation, and harassment. He represented repressed judges of the ordinary courts and justices of the Supreme Court in proceedings before the Court of Justice of the European Union in Luxembourg and the European Court of Human Rights in Strasbourg.

Misgendering in the Legal Profession

On March 3, 2023, the uOttawa Public Law Centre, uOttawa OUTLaw and the Conway Professionalism Speaker Series held a webinar on Misgendering in the Legal Profession. The invited speakers were Chan Tov McNamara, Visiting Assistant Professor of Law at Cornell Law School; Adrienne Smith, Adrienne Smith Law; and Samuel Singer, Assistant Professor at the Faculty of Law, Common Law Section, University of Ottawa.



Homelessness, Liberty, and Property

On March 30, 2023, the uOttawa Public Law Centre hosted an academic workshop for the upcoming book entitled *Homelessness, Liberty, and Property* (Cambridge University Press, 2024), written by Terry Skolnik, Associate Professor and Co-Director of the uOttawa Public Law Centre.

Legal Issues Surrounding Tent Encampments

On March 31, 2023, the uOttawa Public Law Centre hosted a panel exploring a range of legal issues related to tent encampments in Canada and the US, including the relationship between encampments and constitutional law, criminal law and procedure, private law, and legal theory. The event welcomed Professor Alexandra Flynn (University of British Columbia), Professor Ben McJunkin (Sandra Day O'Connor College of Law, Arizona State University) and Professor Terry Skolnik (Co-Director of the Public Law Centre).

Supreme Court of Canada Cases to Watch: 2023-2024

On October 11, 2023, the PLC hosted a discussion of Supreme Court of Canada cases to watch in 2023-2024. Professor Anthony Daimsis presented an analysis of *Earthco Soil Mixtures Inc. v Pine Valley Enterprises Inc.* while Professor Carissima Mathen discussed *Attorney General of Canada v Joseph Power*. Professor David Robitaille analysed *Attorney General of Canada v Attorney General of Alberta*. In addition, Professor Graham Mayeda presented *Canadian Broadcasting Corporation, et al. v His Majesty the King, et al.*, and Professor Florence Robert presented *Jim Shot Both Sides, et al. v His Majesty the King*.



The *Luamba* Decision and the End of Random Traffic Stops

On November 14, 2023, the uOttawa Public Law Centre partnered with the Civil Law Section's Cycle de Conférence and the Association des étudiant.e.s en droit criminel et carcéral to host an academic presentation on a groundbreaking criminal law decision issued by the Superior Court of Quebec in *Luamba v Procureur général du Québec*. In *Luamba*, the Court concluded that the police power to stop vehicles at random was unconstitutional.

The Court held that random traffic stops constitute an arbitrary detention and result in racial profiling and discrimination, none of which are justified in a free and democratic society. Together, Terry Skolnik, professor and Co-Director of the Public Law Centre and Fernando Belton, defense lawyer, director of the Saint-Michel legal clinic, and lecturer, discussed this important case and its implications in Quebec and in the rest of Canada.

2023 Barton Lecture: Empire and Post-Colonial Self-Government: Divergent paths in the Westminster World

On May 17, 2023, the uOttawa Public Law Centre and Professor Philippe Lagassé, Barton Chair at the Norman Paterson School of International Affairs at Carleton University, hosted the 2023 Barton Lecture. The lecture was delivered by Professor Harshan Kumarasingham of the University of Edinburgh. Professor Kumarasingham's talk examined the critical relationship between the British constitution and empire.

The Monetary State: Law, Money and Liberal Constitutionalism

On November 23, 2023, the uOttawa Public Law Centre organized a talk by Will Bateman, Associate Professor and Associate Dean (Research) at Australian National University.

Professor Bateman leads multi-jurisdictional projects on the legal regulation of public and private finance, with a special focus on central banking, sovereign debt markets, digital currencies, and sustainable investing. Professor Bateman presented chapters of his forthcoming book, *The Monetary State: Law, Money and Liberal Constitutionalism* (Oxford University Press, forthcoming).



DECONSTRUCTING THE PUBLIC RESPONSE TO THE CONVOY

In February 2022, the federal government declared a controversial national state of emergency after a convoy of protesters from across the country blocked access to downtown Ottawa and key border crossings in Ontario, Manitoba and Alberta. The declaration was in place for nine days before being rescinded and as required by legislation, a commission was struck to examine the use of the Act. In February 2023, the Public Order Emergency Commission, led by Justice Paul Rouleau, delivered its final report, which spanned four volumes and several hundred pages. The Commissioner concluded that the government was justified, if narrowly, in declaring the emergency.

On March 29, 2023, the uOttawa Public Law Centre and eight other university research centres and institutes hosted a conference on the Rouleau Commission Report, attended by over 200 participants.

The conference examined four of the report's main themes: (1) policing and national security, (2) populism, (3) emergency powers and (4) misinformation/disinformation. Bringing together leading experts from the University of Ottawa in the fields of law, politics, public administration, economics, criminology, sociology, communications, technology and health, the speakers dissected the report and identified possible avenues for reform of the *Emergencies Act*.

In connection with this event, uOttawa Public Law Centre Co-Director Vanessa MacDonnell and Centre on Governance Director Eric Champagne guest edited a Policy Options series on the report. It is available [HERE](#).



2023 THOMAS FEENEY ANNUAL MEMORIAL LECTURE: SHOULD SECTION 33 BE RE-OPENED?

On April 3, 2023, the uOttawa Public Law Centre and the Faculty of Law's Common Law Section hosted the Thomas Feeny Annual Memorial Lecture. Professor Noura Karazivan of the Université de Montréal delivered the lecture, which focused on whether the Supreme Court of Canada's interpretation of section 33 of the *Canadian Charter of Rights and Freedoms* should be re-considered. The lecture was followed by a roundtable discussion between University of Ottawa Faculty of Law Professors Vanessa MacDonnell, Adam Dodek, Carissima Mathen, Benoît Pelletier and Professor Philippe Lagassé, Barton Chair at the Norman Paterson School of International Affairs at Carleton University.

EVOLVING APPROACHES TO CONSTITUTIONAL INTERPRETATION IN CANADA

From November 8-10, 2023, the uOttawa Public Law Centre, the University of Alberta and the York Research Chair in Pluralism and Public Law at Osgoode Hall Law School, held by Professor Ben Berger, hosted a conference on *Evolving Approaches to Constitutional Interpretation in Canada*. The conference opened with an interdisciplinary panel on the interpretation of culturally central texts. The panels that followed examined a range of important interpretative questions, including what makes constitutional interpretation different than ordinary interpretation; the role of immanent principles and architecture in the interpretation of Canada's constitution; how critical theories might inform the interpretation of Canada's constitution; the relationship between fact-finding and interpretation; whether originalism has a role in Canadian constitutional interpretation; and whether the basic rules of *Charter* interpretation are in need of revision.



SELECTED MEMBER PUBLICATIONS

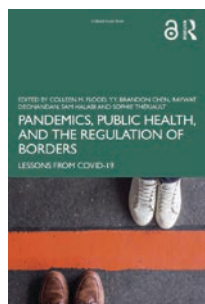
BOOKS

Steven Chaplin, **CANADA'S PARLIAMENT: A PRIMER**

(Toronto: Irwin Law, 2023).

Description from the editor: "Parliament is at the centre of the Canadian system of democratic government and law-making. This primer traces the roots of Canada's Parliament in the United Kingdom and shows how it has developed a distinct Canadian personality since Confederation. *Canada's Parliament: A Primer* will provide students, citizens, and those in the process of becoming Canadians with a better understanding of how Parliament functions. Steven Chaplin approaches the topic with over fifteen years' experience as a lawyer to the House of Commons, both advising the House and representing it in the courts. He grounds his study in the historical origins of the Canadian Parliament, and he discusses each of its constitutional components—the Commons, the Senate, and the monarch. The book reaches beyond mere description by showing how, armed with this knowledge, individuals, alone or through political parties, can engage in making Canada's democratic institutions work well for the people of Canada."

The book is available [HERE](#).



Colleen M. Flood, **Y.Y. Brandon Chen**, Raywat Deonandan, Sam Halabi & **Sophie Thériault**, **PANDEMICS, PUBLIC HEALTH, AND THE REGULATION OF BORDERS LESSONS FROM COVID-19** (London: Routledge, 2024).

Description from the editor: "This book examines how the COVID-19 pandemic has engendered a new and challenging environment in which borders drawn around people, places, and social structures have hardened, and new ones have emerged.

Over the course of the COVID-19 pandemic, borders closed or became unwelcoming at the international, national, sub-national, and local levels. Debate persists as to whether those countries and territories that tightly managed their borders, like New Zealand, Australia, or Hong Kong, got it 'right' compared to those that did not. Without doubt, a majority of those who suffered and died throughout the pandemic have been those from vulnerable populations. Yet on the other hand, efforts taken to manage the spread of the disease, such as through border management, have also disproportionately affected those who are most vulnerable. How then is the right balance to be struck, acknowledging, too, the economic and other imperatives that may dissuade governments from taking public health steps? This book considers how international organizations, countries, and institutions within those countries should conceive of, and manage, borders as the world continues to struggle with COVID-19 and prepares for the next pandemic. Engaging a range of international, and sub-national, examples, the book thematizes the main issues at stake in the control and management of borders in the interests of public health.

This book will be of considerable interest to academics in the fields of health law, anthropology, economics, history, medicine, public health, and political science, as well as policymakers and public health planners at national and sub-national levels."

The book is available [HERE](#).



Yves Le Bouthillier & Delphine Nakache, *CITIZENSHIP LAW IN CANADA: ACQUISITION AND LOSS OF CITIZENSHIP AND CITIZENS' RIGHTS AND OBLIGATIONS* (Toronto: Thomson Reuters, 2022).

Description from the editor: "*Citizenship Law in Canada: Acquisition and Loss of Citizenship and Citizens' Rights and Obligations* is a comprehensive book about citizenship law in Canada. It is arranged in three lengthy chapters: Chapter 1 delves into the web of provisions that have accumulated over time, and that, together describe the various means by which someone can acquire citizenship in Canada. Chapter 2 addresses how a citizen can lose citizenship, either voluntarily or otherwise. Finally, Chapter 3 broadens the study well beyond the *Citizenship Act*, to look at the rights and obligations that are attached to the status of being a Canadian citizen. In this last chapter, readers will recognize some issues and stories that have received wide coverage in the media in recent years, and in some cases are still ongoing. In each of these chapters, the authors highlight and critically analyze key judicial decisions that have had a profound influence in shaping what it means to be a 'Canadian Citizen'."

The book is available [HERE](#).

Paul Daly, *A CULTURE OF JUSTIFICATION: VAVILOV AND THE FUTURE OF ADMINISTRATIVE LAW* (Vancouver: UBC Press, 2023).

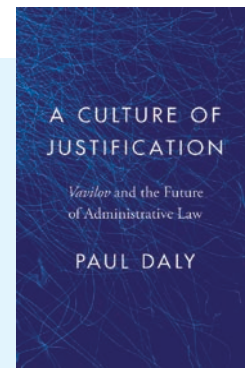
Description from the editor: "Canadian administrative law was bedevilled for many decades by uncertainty and confusion. In 2019, the Supreme Court of Canada sought to bring this chaos to an end in its landmark decision *Canada (Minister of Citizenship and Immigration) v Vavilov*. Not only did it feature a Hollywood plotline involving undercover spies, but it also provided the court with a platform to forge a consensus on the future of Canadian administrative law.

In *A Culture of Justification*, Paul Daly explains why Canada's administrative law was uncertain and confusing, and he assesses the proposition that *Vavilov* provides a road-map to a brighter future. This book carefully lays out the historic development of administrative law and identifies the key tensions judges have had to contend with over the centuries. Looking at administrative law from its historic origins in England, identifying the complexity of its underlying structure, and describing divergent judicial attitudes to the growing administrative state, Daly builds a framework for understanding why successive reform efforts failed and why *Vavilov* might very well succeed.

This engaging, in-depth study of one of the most important areas of Canadian law shows readers how, from the dark days of uncertainty and confusion, a "culture of justification" has emerged that allows courts and citizens to insist on the reasoned exercise of public power by the administrative state.

This book is designed to help law students, legal practitioners, civil servants, administrative decision makers, academics, and citizens to grasp the history and contemporary relevance of substantive review in Canadian administrative law."

The book is available [HERE](#).



Paul Daly & Joe Tomlinson (eds.), *RESEARCHING PUBLIC LAW IN COMMON LAW SYSTEMS*
(Cheltenham: Edward Elgar, 2023).

Description from the editor: "This original book fills a significant gap in legal literature by providing an exploration of research methodologies in public law, a field of research in which research methods are becoming increasingly prominent and sophisticated.

Featuring thoughtful chapters written by leading scholars in the field, this book provides a thorough explanation of the key features, characteristics, and challenges of distinct methodological approaches to public law research. Divided into four broad categories; traditional, institutional, technical, and critical, chapters cover a wide range of approaches, from doctrinal and interpretive methods to empirical, socio-legal, and Marxist approaches. The book promotes critical reflection on many of the most common methodological approaches and aims to demystify research methodologies in public law for new scholars and interdisciplinary researchers alike.

Researching Public Law in Common Law Systems will be essential reading for academics and students in public law, suitable for advanced scholars and those who are new to the field. It will also be relevant to those with an interest in empirical methods, legal methods, and research methodologies more broadly in the social sciences."

The book is available [HERE](#).



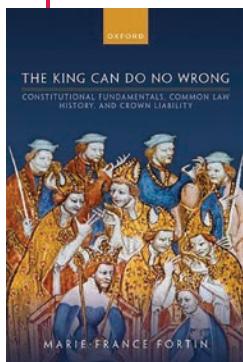
Marie-France Fortin, *THE KING CAN DO NO WRONG: CONSTITUTIONAL FUNDAMENTALS, COMMON LAW HISTORY AND CROWN LIABILITY* (Oxford: Oxford University Press, 2023).

Description from the editor: "'The king can do no wrong' remains one of the most fundamental yet misunderstood tenets of the common law tradition. Confusion over the phrase's historical origins and differing meanings has had serious consequences, making it easier for the state to escape liability for the harm caused to individuals by governmental officials or institutions.

In the first dedicated monograph on the topic, Marie-France Fortin traces the historical evolution of 'the king can do no wrong' in constitutional and public law to shed new light on our current understanding of crown liability. The different meanings conveyed by the phrase in the common law world are clarified; the contradictions between them revealed. Adopting a historical constitutional approach, the book delves deep into traditional legal sources to develop an intellectual history of this key legal idea. It explains the mutation from 'the king can do no wrong' to 'the crown can do no wrong' at the end of the nineteenth century, analyzing the resulting departure from core tenets of the constitutional arrangement of the seventeenth century. The study of the evolution of 'the king can do no wrong' in English legal thinking, mirrored in Canada, is complemented by a comparative analysis of the idea in Australia, Ireland, and the United States, where its relationship with the concept of sovereign immunity is scrutinized.

Retracing the evolution of the king can do no wrong in legal thinking, this book enhances academics', students', practitioners', and judges' understanding of the law of governmental liability in the common law world."

The book is available [HERE](#).



DRAFTING, INTERPRETING, AND APPLYING LEGISLATION

John Mark Keyes &
Wendy Gordon

John Mark Keyes & Wendy Gordon, *DRAFTING, INTERPRETING, AND APPLYING LEGISLATION* (Toronto: Irwin Law, 2023).

Description from the editor: "John Mark Keyes and Wendy Gordon have charted here a complete life cycle of legislation. *Drafting, Interpreting, and Applying Legislation* begins by discussing what legislation is and what it does, as well as the purposes for which it is used. This informative book then addresses the drafting of legislative texts and the processes for transforming them into law. It goes on to explain how legislation is found, understood, and applied, including the interpretive principles and techniques for resolving disputes about its meaning and application. Among the works dealing with the Canadian system of written laws, it is one of the most comprehensive in scope, encompassing both how legislation is made and how it is interpreted and applied."

The book is available [HERE](#).

François Charbonneau, Stéphanie Chouinard & **François Larocque** (eds.), ***DROITS, LANGUES ET COMMUNAUTÉS: MÉLANGES EN L'HONNEUR DU PROFESSEUR PIERRE FOUCHER*** (Montréal: Éditions Liber, 2023).

Description from the editor (translation): "The twentieth century has seen a significant metamorphosis in the political commerce of languages, and Canada has been one of the countries where this transformation has been most vivid. Yet, as the last fifty years of implementation of the country's various official language laws have shown, not everyone is offered the same choices in Canada's linguistic buffet. This explains why, over the past fifty years, a complex dynamic of claims by linguistic communities has been brought before the country's courts.

At the heart of this triptych, which has articulated rights, languages and communities for over four decades, is the eminent jurist Pierre Foucher. His work has had a major impact on thinking about language rights in the Canadian context, particularly education rights. Pierre Foucher's thinking, his publications and his interventions in various cases and appeals have advanced the rights of Canada's linguistic minorities. He was interested in the difficult arbitration of collective claims in the federal context, in the evolution of the Canadian constitution, and in the way the law itself has evolved in Canada, leading the courts to feel progressively invested with the mission of defending minority rights.

To pay tribute to him, we invited his colleagues, friends and former students to submit an essay on a theme of their choice. Nearly thirty specialists have contributed essays on the constitution and common law, official languages, the Canadian Francophonie, education and human rights, aboriginal peoples, institutional autonomy and completeness, statistical issues and, finally, notions of linguistic space and territory."

The book is available [HERE](#).



Homelessness, Liberty and Property

Terry Skolnik

Terry Skolnik, *HOMELESSNESS, LIBERTY, AND PROPERTY* (Cambridge: Cambridge University Press, 2024).

The book offers a novel theory for how the State can regulate public property in a manner that treats unhoused persons with greater respect and consideration. The book aims to deepen our knowledge of the nature of homelessness, the regulation of public property, and the relationship between homelessness, freedom, and equality. The book combines the insights of political theory (e.g.: republicanism, fiduciary theories of legal authority, and Kantian public authority theory), property law, criminal law, and legal philosophy.

The book will be available in 2024.

BOOK CHAPTERS

- **Natasha Bakht**, “A Surprisingly Positive Impact: Section 27 and the Preservation of Equality within Diversity” in Howard Kislowicz, Richard Moon & Kerri Froc (eds.), *Canada’s Surprising Constitution: Unexpected Interpretations of the Constitution Act, 1982* (Vancouver: UBC Press, 2024). [READ HERE.](#)
- **Natasha Bakht**, “How Low Can We Go? Combatting Systemic Islamophobia with the Unwritten Constitutional Principle of Respect for Minorities” in Anver M. Emon (ed.), *Systemic Islamophobia in Canada: A Research Agenda* (Toronto: University of Toronto Press, 2023). [READ HERE.](#)
- **Steven Chaplin**, “Parliament, the Duty to Consult and Reconciliation” in Charles Feldman, Geneviève Tellier & David Groves (eds.), *Legislatures in Evolution* (Ottawa: University of Ottawa Press, 2022). [READ HERE.](#)
- **Paul Daly**, “L’éthique des procédures contentieuses au Canada dans l’ère de la COVID-19” in Raphaël Maurel (ed.), *L’adaptation des procédures contentieuses en temps de pandémie: Comparaison internationale et limites éthiques* (Bruxelles: Éditions Larcier, 2022). [READ HERE.](#)
- **Paul Daly**, “Executive Power in the United Kingdom” in Marcel Morabito & Guillaume Tusseau (eds.), *Comparative Executive Power in Europe: Perspectives from Law, History and Political Science* (London: Routledge, 2023). [READ HERE.](#)
- **Paul Daly**, “Canada: Legal Coherence and Legal Certainty” in Mattias Klat (ed.), *Constitutionally Conforming Interpretation—Comparative Perspectives, Vol 1: National Reports* (Oxford: Hart Publishing, 2023). [READ HERE.](#)
- **Paul Daly** & Kseniya Kudischeva, “The Age of Facts” in Anne Carter & Joe Tomlinson (eds.), *Facts in Public Law Adjudication* (Oxford: Hart Publishing, 2023). [READ HERE.](#)
- **Paul Daly**, “La réception de la common law au Canada” in François Charbonneau, Stéphanie Chouinard & François Larocque (eds.), *Droits, langues et communautés: Mélanges en l’honneur du professeur Pierre Foucher* (Montréal: Éditions Liber, 2023). [READ HERE.](#)
- **Paul Daly** & Joe Tomlinson, “Introduction: The Importance of Methodology in Public Law Research” in Paul Daly & Joe Tomlinson (eds.), *Researching Public Law in Common Law Systems* (Cheltenham: Edward Elgar, 2023). [READ HERE.](#)
- **Paul Daly** & Joe Tomlinson, “Studying the Administrative State” in Paul Daly & Joe Tomlinson (eds.), *Researching Public Law in Common Law Systems* (Cheltenham: Edward Elgar, 2023). [READ HERE.](#)
- **Paul Daly**, Joe Tomlinson & Jennifer Raso, “Administrative Law in the Digital World” in Carol Harlow (ed.), *A Research Agenda for Administrative Law* (Cheltenham: Edward Elgar, 2023). [READ HERE.](#)
- **Jena McGill & Amy Salyzyn**, “The Supreme Court of Canada and Mainstreamed Judicial Analytics” in Wolfgang Alschner, Vanessa MacDonnell & Carissima Mathen (eds.), *(De)Coding the Court: Legal Data Insights into Canada’s Supreme Court* (London: Routledge, 2024). [READ HERE.](#)
- **Peter Oliver**, “The Late Nineteenth Century: The Courts Set an Initial Course” in Patrick Macklem & Carissima Mathen (eds.), *Canadian Constitutional Law*, 6th ed (Toronto: Emond Publishing, 2022). [READ HERE.](#)
- **Peter Oliver**, “The Early Twentieth Century: Beginnings of Economic Regulation” in Patrick Macklem & Carissima Mathen (eds.), *Canadian Constitutional Law*, 6th ed (Toronto: Emond Publishing, 2022). [READ HERE.](#)
- **Peter Oliver**, “The 1930s: The Depression and the New Deal” in Patrick Macklem & Carissima Mathen (eds.), *Canadian Constitutional Law*, 6th ed (Toronto: Emond Publishing, 2022). [READ HERE.](#)
- **Peter Oliver**, “Fiscal Federalism and the Federal Spending Power: A Legal and Constitutional Analysis” in André Lecours, Daniel Béland, Trevor Tombe & Eric Champagne (eds.), *Fiscal Federalism in Canada: Analysis, Evaluation, Prescription* (Toronto: University of Toronto Press, 2023). [READ HERE.](#)



ARTICLES AND REPORTS

- **Wolfgang Alschner**, “Public Health Clauses in International Investment Agreements: Sword or Shield?” (2023) 14:2 Global Policy 260. [READ HERE.](#)
- **Sarah Berger Richardson**, “Barn Fire Prevention and the Law: Challenges and Opportunities for Reform” (2023) 46:7 Manitoba Law Journal 1. [READ HERE.](#)
- **Sarah Berger Richardson**, “Responding to Regulatory Barriers to “Ethical Meat”: Are On-Farm Slaughter Exemptions the Solution?” (2022) 37:2 Canadian Journal of Law and Society 295. [READ HERE.](#)
- **Stefanie Carsley**, “Surrogacy in Canada: Lawyers’ Experiences and Practices” (2022) 34:1 Canadian Journal of Women and the Law 41. [READ HERE.](#)
- **Paul Daly**, “Artificial Administration: Administrative Law, Administrative Justice and Accountability in the Age of Machines” (2023) 30:2 Australian Journal of Administrative Law & Practice 95. [READ HERE.](#)
- **Paul Daly**, “How Binding are Binding Guidelines? An Analytical Framework” (2023) 66:2 Canadian Public Administration 211. [READ HERE.](#)
- **Paul Daly**, “Les délais injustifiés dans l’administration publique : la décision de la Cour suprême du Canada dans l’arrêt *Law Society of Saskatchewan c Abrametz*” (2023) 54:2 Ottawa Law Review 161. [READ HERE.](#)
- **Paul Daly**, “The *Doré* Duty: Fundamental Rights in Public Administration” (2023) 101:2 Canadian Bar Review 297. [READ HERE.](#)
- **Paul Daly**, “The Autonomy of Administration” (2023) 73:2 University of Toronto Law Journal 202. [READ HERE.](#)
- **Paul Daly**, “Mapping Artificial Intelligence Use in the Government of Canada” (2023) 20:1 Governance Review 74. [READ HERE.](#)
- **Paul Daly**, “Future Directions in Standard of Review in Canadian Administrative Law: Substantive Review and Procedural Fairness” (2023) 36:1 Canadian Journal of Administrative Law & Practice 69. [READ HERE.](#)
- **Seána Glennon**, “*O’Doherty and Waters v Minister for Health*: a missed opportunity for judicial scrutiny of the response to an extraordinary crisis” (2023) 70:2 The Irish Jurist [READ HERE.](#)
- **John Mark Keyes**, “Parliamentary Scrutiny and Judicial Review of Executive Legislation – Is it Working in Canada?” (2023) 17 Journal of Parliamentary and Political Law 191. [READ HERE.](#)
- **John Mark Keyes**, “Judicial Review of COVID-19 Legislation – How have the Courts Performed?” (2022) University of Ottawa Faculty of Law Legal Studies Working Paper Series No 2022-15. [READ HERE.](#)
- **Amira Maameri**, “L’enfant et l’avocat en protection de l’enfance – Droit comparé français-québécois” (2022) 3 Juriste International 75. [READ HERE.](#)
- **Amira Maameri & Julien Doris**, “Les « sorties sèches » à l’épreuve de la participation” (2023) 56:1 Criminologie 277. [READ HERE.](#)
- **Vanessa MacDonnell**, “Theorizing About the Executive in the Modern State” (2023) 21 International Journal of Constitutional Law 356. [READ HERE.](#)
- **Vanessa MacDonnell & Philippe Lagassé**, “Investigating the Legal and Political Contours of Unwritten Constitutional Principles after *City of Toronto*” (2023) 110 Supreme Court Law Review 51. [READ HERE.](#)
- Philippe Lagassé & **Vanessa MacDonnell**, “Writing Canada’s Political Constitution” (2023) 48:2 Queen’s Law Journal 27. [READ HERE.](#)
- **Jena McGill & Amy Salyzyn**, “Beyond the Numbers: Statistical and Data Literacy, Domain Literacy and Supreme Court of Canada Data Analytics” (2023) 115 Supreme Court Law Review. [READ HERE.](#)
- **Peter Oliver**, “Enduring Metaphors: The Persons Case and the Living Tree” (2022) 48:1 Queen’s Law Journal 1. [READ HERE.](#)
- Colleen M. Flood, et al (including **Peter Oliver**), “Toward a Universal Dental Care Plan: Policy Options for Canada” (2023) 46 IRPP Insight 1. [READ HERE.](#)
- **Charles Maxime Panaccio**, “Hart’s French Bulldog: Gregory Bligh on The Philosophical Foundations of H.L.A. Hart’s Legal Positivism” (2023) 23:1 Analisi e Diritto 181. [READ HERE.](#)
- **Charles Maxime Panaccio**, “Ab ovo (dès l’origine) : la Loi concernant le cadre juridique des technologies de l’information, les documents technologiques et le cadre conceptuel de la preuve judiciaire” (2023) 57:1 Revue juridique Thémis 97. [READ HERE.](#)

- **Sylvia Rich**, “Teamwork Through Time: Collective Intentions in the Voting Process” (2023) 14:4 Jurisprudence 462. [READ HERE.](#)
- William Hébert, **Samuel Singer** & DT, “Trans Rights, Trans Justice: A Conversation About Key Trans Legal Issues in Canada” (2022) 34:2 Canadian Journal of Women and the Law 354. [READ HERE.](#)
- **Samuel Singer** & **Amy Salyzyn**, “Preventing Misgendering in Canadian Courts: Respectful Forms of Address Directives” (2023) 101:2 Canadian Bar Review 319. [READ HERE.](#)
- Nicholas Blomley et al (including **Marie-Eve Sylvestre**), “Possessions of Precariously Housed People: The Report” (2023) Belongings Matter. [READ HERE.](#)
- Sarah Ferencz, Nicholas Blomley, Alexandra Flynn & **Marie-Eve Sylvestre**, “Are Tents a “Home”? Extending Section 8 Privacy Rights for the Precariously Housed” (2022) 67:4 McGill Law Journal 369. [READ HERE.](#)
- **Marie-Eve Sylvestre** et al, “Le profilage racial dans les interceptions routières au Québec” (2023) Observatoire Des Profilages. [READ HERE.](#)
- Céline Bellot et al (including **Marie-Eve Sylvestre**), “Judiciarisation de l’itinérance à Québec: Des constats de plus en plus alarmants” (2024) Observatoire Des Profilages. [READ HERE.](#)
- **Terry Skolnik**, “Rééquilibrer le rôle de la Cour suprême du Canada en procédure criminelle” (2022) 67:3 McGill Law Journal 259. [READ HERE.](#)
- **Terry Skolnik**, “Two Criminal Justice Systems” (2023) 56:1 UBC Law Review 285. [READ HERE.](#)
- **Terry Skolnik**, “Homeless Encampments: A Philosophical Justification” (2023) 36 Journal of Law and Social Policy 97. [READ HERE.](#)
- **Terry Skolnik**, “Policing in the Shadow of Legality: Pretext, Leveraging, and Investigation Cascades” (2023) 60:3 Osgoode Hall Law Journal 505. [READ HERE.](#)
- **Terry Skolnik** & Fernando Belton, “*Luamba* et la fin des interceptions routières aléatoires” (2023) 101:3 Canadian Bar Review 671. [READ HERE.](#)
- **Joao Velloso**, “La gouvernance plurinormative des manifestants : reconfigurations pénales, exceptionnalité et dégradation des droits pendant le G20 à Toronto” (2022) 37:3 Canadian Journal of Law and Society 365. [READ HERE.](#)



SELECTED EDITORIALS

- **Monim Benaissa**, “The High Seas Treaty: A Milestone in the Development of the Law of the Sea” International Law Blog (6 July 2023). [READ HERE](#).
- **Yan Campagnolo & François Larocque**, “There’s No Official French Version of the 1867 Constitution Act. So Is Taking the Oath to the King in French Valid?” The Conversation (1 December 2022). [READ HERE](#).
- **Steven Chaplin**, “Harassment and Bullying Between Members Must Be Resolved in the Assembly Not Courts or the Press” Chaplin Law Office (13 January 2023). [READ HERE](#).
- **Lynda Collins, Nathalie Chalifour & Erin Dobbelseyn**, “Court Decision in Youth Climate Lawsuit Against Ontario Government Ignites Hope” The Conversation (20 June 2023). [READ HERE](#).
- **Karen Eltis**, “Canada’s Courts Offer New Hope for Canadians Who are Defamed Online” The Globe and Mail (14 June 2023). [READ HERE](#).
- Jocelyn Downie & **Daphne Gilbert**, “It’s Time for B.C. Government to Stand with Patients like Sam O’Neill” Vancouver Sun (7 July 2023). [READ HERE](#).
- **Seána Glennon**, “State Struggles to Reckon with Continued Rise in Domestic Violence” The Business Post (7 January 2023). [READ HERE](#).
- **Seána Glennon**, “The Three-Day Waiting Period for Abortion: The Case for its Removal” Irish Times (12 April 2023). [READ HERE](#).
- **Anne Levesque & Saïka Coriolan**, “Ontario: Les droits des francophones les plus marginalisés menacés” The Conversation (13 April 2023). [READ HERE](#).
- **Anne Levesque**, “English Only? The Emergencies Act Inquiry Showed Canada’s Hostility Towards Francophones” The Conversation (6 December 2023). [READ HERE](#).
- **Amira Maameri**, “Comment mieux adapter la participation des enfants à la justice: exemples de la France et du Québec” The Conversation (17 May 2023). [READ HERE](#).
- **Vanessa MacDonnell**, “The Rouleau Report and the Politics of Living Next to a Powerful Neighbour” Policy Options (30 May 2023). [READ HERE](#).
- **Ravi Malhotra & Jacqueline Moizer**, “Malhotra and Moizer: Let’s Build an Accessible Post-Pandemic Canada” Ottawa Citizen (2 August 2022). [READ HERE](#).
- **Ravi Malhotra & Julia Dobrowolski**, “Reimagining Time Will Help Employers Better Support Workers with Disabilities” The Conversation (21 August 2023). [READ HERE](#).
- **Ravi Malhotra & Emily Rasic**, “Malhotra and Rasic: How Canada’s Senate Helped Improve Disability Benefits” Ottawa Citizen (13 July 2023). [READ HERE](#).
- **Jennifer Quaid**, “Rogers-Shaw Decision Sets a Worrying Precedent for Future Takeovers” The Globe and Mail (4 January 2023). [READ HERE](#).
- Bruce Campbell & **Jennifer Quaid**, “Rail Accidents: Public Safety and Accountability Suffer Because of Deregulation” The Conversation (26 February 2023). [READ HERE](#).
- **Jennifer Quaid**, “Despite Legal Costs Awarded to Rogers-Shaw, the Competition Commissioner’s Challenge to the Telecom Merger was not a Waste of Taxpayer Money” The Conversation (15 September 2023). [READ HERE](#).
- **Jennifer Quaid**, “Show Me the Money: Canada Bread Penalty Raises Questions About Criminal Fines” The Conversation (10 August 2023). [READ HERE](#).
- **Sarah Berger Richardson & Daphnée B. Ménard**, “898.1 C.c.Q. The Ethical and Legal Debate on the Status of Animals in Quebec” Jurivision (28 August 2023). [READ HERE](#).
- **Amy Salyzyn**, “Supreme Fixers?” Slaw (24 August 2022). [READ HERE](#).
- **Samuel Singer**, Robert Leckey & Florence Ashley, “Hastily Drafted Pronoun Policies Ignore the Nuances of Family and Child Protection Laws” The Globe and Mail (6 October 2023). [READ HERE](#).

7 MEMBER HIGHLIGHTS

- **Wolfgang Alschner** was appointed as Hyman Soloway Chair in Business and Trade Law. [READ HERE.](#)
- **Wolfgang Alschner** organized a workshop on Computation Analysis of Apex Courts as part of the 19th International Conference on Artificial Intelligence and Law. [READ HERE.](#)
- **Wolfgang Alschner** participated in a webinar on trade, economics, and human rights considerations in obesity prevention policies in the Caribbean, hosted by the Pan American Health Organization and the Caribbean Public Health Law Forum. [READ HERE.](#)
- **Wolfgang Alschner** won the Emerging Researcher Award at the 9th annual Common Law Section Internal Awards. [READ HERE.](#)
- **Natasha Bakht** was appointed to the Order of Ottawa, a distinction given to outstanding residents who, through their professional achievements, have made an important contribution to life in the City of Ottawa. [READ HERE.](#)
- **Natasha Bakht** was elected Chair of the Canadian Association for the Study of Islam and Muslims, a new academic association that promotes the study of Islam and Muslims in Canada. [READ HERE.](#)
- **Monim Benaissa** successfully defended his doctoral thesis entitled “L’émergence des intérêts halieutiques des États et entités étatiques non arctiques en océan Arctique: défis et regards en droit international”. [READ HERE.](#)
- **Jennifer Bond** led the secretariat of the Resettlement Diplomacy Network (RDN), offering support to RDN’s first Ministerial meeting at the United Nations General Assembly. The RDN is chaired by the government of the United States. Its goal is to drive high-level strategic and diplomatic engagement among resettlement states. [READ HERE.](#)
- **Yan Campagnolo** was appointed Vice-Dean of the French Common Law Program. [READ HERE.](#)
- Louise Bélanger-Hardy, Aline Grenon and **Yan Campagnolo** undertook a project to update a seminal two-volume work presenting Canadian common law and Quebec civil law from a comparative law perspective. [READ HERE.](#)
- **Stefanie Carsley** participated in a panel, hosted by the University of Ottawa Centre for Health Law, Policy and Ethics, on surrogacy and gamete donation in Québec. [READ HERE.](#)
- **Stefanie Carsley** and **Vanessa Gruben** participated in a panel on surrogacy across borders as part of the Canadian Institute for the Administration of Justice’s webinar series on the law of borders. [READ HERE.](#)
- **Stefanie Carsley** won the Greenberg Prize for Feminist Research at the 9th annual Common Law Section Internal Awards. [READ HERE.](#)
- **Nathalie Chalifour, Lynda Collins, Anne Levesque** and **Erin Dobbeltsteyn** represented Friends of the Earth Canada who obtained intervenor status in the case of *Mathur et al. v Ontario*. [READ HERE.](#)
- **Y.Y. Brandon Chen, Sophie Theriault,** Raywat Deonandan, Colleen Flood and Sam Halabi co-organised a two-day conference in October 2022 entitled “Borders, Boundaries, Pandemics”. The event featured other Public Law Centre members **Carissima Mathen, Marie-Eve Sylvestre, Jamie Liew** and **Joao Velloso**. The event explored how international and sub-national borders should be managed during pandemics, and it has led to the publication of an edited volume titled *Pandemics, Public Health, and the Regulation of Borders: Lessons from COVID-19*, which was published by Routledge. [READ HERE.](#) The book is available [HERE.](#)
- **Y.Y. Brandon Chen** was awarded tenure and appointed Associate Professor.
- **Y.Y. Brandon Chen, Vanessa Gruben** and **Martha Jackman** represented the Charter Committee on Poverty Issues, Canadian Health Coalition and FCJ Refugee Centre as intervenors in *Toussaint v Canada (Attorney General)*, 2022 ONSC 4747 regarding access to health care for irregular migrants in Canada. [READ HERE.](#)
- **Y.Y. Brandon Chen** contributed to a CTV News report on public funding for access to nurse practitioners’ services. [READ HERE.](#)

- **Lynda Collins** created a specialized course called *Happiness and the Law* examining the role of happiness in legal systems, the scholarship of happiness at work and practical tools for maximizing happiness in law school and legal practice.
- **Lynda Collins** and Ali Naraghi, Staff Lawyer at Ecojustice, have co-signed a letter to the mayor of the City of Ottawa, Mark Sutcliffe, to denounce the dangers of pollution caused by trucks driving through downtown. [READ HERE.](#)
- **Adriana Conti**, our former Research Assistant, ran the Ottawa Marathon and qualified for the Boston Marathon.
- **Aimée Craft** was awarded a Partnership Engage Grant from the Social Sciences and Humanities Research Council (SSHRC) for a project exploring women's sacred responsibilities to *nibi* (water) through gendered and land-based lenses. [READ HERE.](#)
- **Aimée Craft, Ravi Malhotra, Louise Bélanger-Hardy, Jennifer Quaid, Benoît Pelletier** and **Teresa Scassa** are part of teams that have received Social Sciences and Humanities Research Council Insight Grants. [READ HERE.](#)
- **Aimée Craft** won a Knowledge Excellence Mobilization Award for her research on sustainable management of water resources and collaboration with Indigenous communities. [READ HERE.](#)
- **Aimée Craft** won the Nicole LaViolette Distinguished Service Faculty Award at the 9th annual Common Law Section Internal Awards. [READ HERE.](#)
- **Paul Daly** has been promoted to the rank of Full Professor.
- **Paul Daly** appeared before the Supreme Court of Canada as counsel for the appellant Law Society of Saskatchewan in both *Abrametz v Law Society of Saskatchewan*, 2023 SKCA 114 and *Law Society of Saskatchewan v Abrametz*, 2022 SCC 29. He was also counsel for the intervenor British Columbia Civil Liberties Association at the Supreme Court of Canada in *R v Sullivan*, 2022 SCC 19 and for the intervenor Yukon Francophone School Board in *Commission scolaire francophone des Territoires du Nord-Ouest v Northwest Territories (Education, Culture and Employment)*, 2023 SCC 31. In addition, he was also counsel for the intervenor Canadian Association of Refugee Lawyers in *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 and Amicus Curiae to the Federal Court of Appeal in *Société Radio-Canada v Canada (Attorney General)*, 2023 FCA 131. Lastly, he was counsel for the appellant Julie Lauzon in *Justice of the Peace Julie Lauzon v Justices of the Peace Review Council*, 2023 ONCA 425.
- **Paul Daly** participated in a book launch event for his book *Understanding Administrative Law in the Common Law* (Oxford: Oxford University Press, 2021) on May 10, 2023, organized by the uOttawa Centre on Governance. He was joined by Justice Alexander Pless of the Quebec Superior Court to discuss a variety of topics from his new book, including what is so important about administrative law; how can this difficult area of law be explained to practitioners, students and the public; and what is Canada's place in the world of administrative law. [READ HERE.](#)
- **Paul Daly** and **Jamie Liew** were cited by the Supreme Court of Canada in *Mason v Canada (Citizenship and Immigration)*. [READ HERE.](#)
- **Karen Eltis** contributed to a news report on the use of AI in the workplace, specifically in the federal public service. [READ HERE.](#)
- **Marie-France Fortin** was among the finalists for the Pomme d'Or, an award given by the students of the Civil Law Section to the faculty member who has distinguished themselves most in teaching.
- **Marie-France Fortin** was awarded tenure and has been appointed Associate Professor.
- **Marie-France Fortin** received a grant from the Canadian Foundation for Legal Research for a project demonstrating that Quebec civil law is part of a current of thought in public law of English origin that goes back more than eight centuries. [READ HERE.](#)
- **Marie-France Fortin** received an honourable mention as the runner-up in the "Legal Article" category of the Fondation du Barreau du Québec's 2023 concours juridique for her article entitled "L'État québécois et la Couronne canadienne: conception de la puissance publique à la lumière du droit de la responsabilité de la Couronne". [READ HERE.](#)
- **Martha Jackman** is part of a group of researchers who have been awarded a Partnership Development Grant from the Social Sciences and Humanities Research Council as part of the "Communauté de recherche-action sur les droits économiques et sociaux (COMRADES)" project. [READ HERE.](#)
- **Kyle Kirkup** was invited to join the prestigious ranks of the Global Young Academy (GYA), a community of outstanding early career scientists and scholars from around the world. The GYA aims to foster international, interdisciplinary, and intergenerational dialogue across a wide range of fields. [READ HERE.](#)

- **François Larocque's** mandate as Canadian Francophonie Research Chair in Language Rights was renewed for a further 5 years. He will continue to study the legal frameworks of language rights while proposing ways to improve their development and implementation. [READ HERE.](#)
- **François Larocque** testified before the Senate Standing Committee on Social Affairs, Science and Technology on Bill C-35: *Act Respecting Early Learning and Child Care in Canada* on October 26, 2023. [READ HERE.](#)
- **François Larocque** was selected as one of the ten most influential personalities in Canada's francophonie, as selected by Palmarès Francopresse. [READ HERE.](#)
- **François Larocque** received the Excellence in Teaching Award, French Common Law Section, at the 9th annual Common Law Section Internal Awards. [READ HERE.](#)
- **Anne Levesque** received the University of Ottawa's 2022 Award for Excellence in Knowledge Mobilization in the Early Career Researcher category. [READ HERE.](#)
- **Anne Levesque** was awarded tenure and was appointed Associate Professor.
- **Anne Levesque** was appointed Academic Director of Experiential Learning by Dean Kristen Boon. She is the first professor to hold this position. [READ HERE.](#)
- **Anne Levesque** won the Nicole LaViolette Distinguished Service Faculty Award at the 9th annual Common Law Section Internal Awards. [READ HERE.](#)
- **Jamie Liew** was promoted to Full Professor.
- **Jamie Liew** participated in the Eden Mills Writers' Festival for her book *Dandelion*. [READ HERE.](#)
- **Jamie Liew's** book *Dandelion* was featured on the CBC Books' Best Canadian Fiction list in 2022 and on the Canada Reads 2023 longlist. [READ HERE](#) and [HERE.](#)
- **Jamie Liew** participated in the gritLIT 2023 Festival to discuss her book, *Dandelion*, and the theme of belonging. [READ HERE.](#)
- **Jamie Liew** was awarded a Fulbright Canada Traditional Scholar Award, which will allow her to spend a semester as a visiting scholar at the University of Hawai'i at Mānoa. [READ HERE.](#)
- **Jamie Liew** won the Excellence in Research Award at the 9th annual Common Law Section Internal Awards. [READ HERE.](#)
- **Amira Maameri** won 2nd prize for Best Research in Child Protection at the 6th Carrefour national de l'action éducative en milieu ouvert for her article entitled "L'enfant et l'avocat en protection de l'enfance – droit comparé français-québécois". [READ HERE.](#)
- **Amira Maameri** created a blog entitled "La protection de l'enfance : ma pierre à l'édifice". [READ HERE.](#)
- **Vanessa MacDonnell** spent part of the month of October 2023 at the Bonavero Institute of Human Rights at the University of Oxford as a visiting scholar. For more information about the Institute, [READ HERE.](#)
- **Vanessa MacDonnell** delivered a keynote address entitled "Pluralizing the Separation of Powers" at the International Society of Public Law – Mexico Chapter's annual conference.
- **Vanessa MacDonnell** was cited by the Supreme Court of Canada in *R v Lafrance*, 2022 SCC 32.
- **Ravi Malhotra** celebrated the launch of his book, coedited with Dr Benjamin Isitt, entitled: "*Class Warrior: The Selected Works of E.T. Kingsley*". [READ HERE.](#)
- **Carissima Mathen** and **Vanessa MacDonnell** took part in a round-table discussion on fundamental rights and freedoms in public protests and their limits as part of the Public Order Emergency Commission's policy phase. Vanessa MacDonnell also moderated a discussion on the protection of flows of essential goods and services, critical infrastructure, and trade corridors. [WATCH AND READ HERE.](#)
- **Carissima Mathen, Michael Pal, Vanessa MacDonnell, Martha Jackman** and **Lynda Collins** took part in a conference entitled Constitutional Crossroads in Canada and Around the World at UBC. [READ HERE.](#)
- **Carissima Mathen** was awarded the 2022 David Walter Mundell Medal by the Ontario government in recognition of her excellence in legal writing. [READ HERE.](#)
- **Carissima Mathen, Paul Daly, Jamie Benidickson, and John Mark Keyes** were cited by the Supreme Court of Canada in the *Reference re Impact Assessment Act*, 2023 SCC 23. [READ HERE.](#)
- **Carissima Mathen** and **Jane Bailey** were cited by Justice Côté in *R v Bertrand Marchand*, 2023 SCC 26. [READ HERE.](#)
- **Carissima Mathen** was an invited visitor at the Center for International Education (CIE) at Washington and Lee University in Lexington, Virginia. On November 13, 2023, she delivered a lecture entitled "Dilemmas of Democracy: Curbing the Courts in the United States and Canada".

- **Jena McGill** and **Amy Salczyn** were the winners of the 2021 Martin Felsky Award presented by CanLII for their article “Judging by the Numbers: Judicial Analytics, the Justice System and its Stakeholders”. [READ HERE](#).
- **Graham Mayeda** presented on “Skillfully (Upaya) and the Dichotomy of Theory and Practice in Watsuji and Dōgen” during an event hosted by the European Network of Japanese Philosophy at University College Cork, Ireland.
- **Errol P. Mendes** was the chair of a conference organized by the uOttawa Professional Development Institute and the Canadian branch of the International Commission of Jurists on disinformation and its challenges to democracy. [WATCH HERE](#).
- **Errol P. Mendes** co-organized an expert consultation on drafting a declaration on information integrity online with Global Affairs Canada, the uOttawa Professional Development Institute and the International Commission of Jurists of Canada. Mendes also contributed an expert paper to the event. [READ HERE](#).
- **Errol P. Mendes** co-organized a conference on International Law in Domestic Law: Recent Developments and Comparative Perspectives with Stéphane Beaulac, Miriam Cohen and Sarah-Michèle Vincent-Wright of the Université de Montréal. [READ HERE](#).
- **Errol P. Mendes** co-organized the 22nd Annual Ontario Bar Association *Charter* Conference on constitutional, civil liberties and human rights law with Priscila Atkinson (Ministry of the Attorney General and Ghazala Zaman (Public Prosecution Service Canada). [READ HERE](#).
- **Errol P. Mendes** co-organized the “Regulating the Internet – Really? Part III: Managing the Tensions of Competing Rights” conference. [READ HERE](#).
- **Errol P. Mendes** gave expert commentary on public law issues in the New York Times ([READ HERE](#)), the Hill Times ([READ HERE](#)), as well as for the CBC ([READ HERE](#)), the Globe and Mail ([READ HERE](#)), and CTV National News ([READ HERE](#)).
- **Errol P. Mendes** moderated a CBA panel on issues relating to facial recognition technology. [READ HERE](#).
- **Errol P. Mendes** delivered a presentation at the Canadian Council on International Law on whether the global trade law framework does or does not address critical human rights. [READ HERE](#).
- **Errol P. Mendes** is the Editor in Chief of the National Journal of Constitutional Law. He published Volume 43 and 44.1. Volume 44.1 was a special issue focused on the Supreme Court’s ruling in the *References re Greenhouse Gas Pollution Pricing Act*, 2021 SCC 11. [READ HERE](#).
- **Errol P. Mendes** also gave his views on *Power and Politics* and other national media on international humanitarian law obligations in the ongoing conflict between Israel and Hamas.
- **Airianna Murdoch-Fyke** was part of the team led by the Honourable Louise Arbour that worked on the review and production of the Final Report on Sexual Harassment and Misconduct in the Department of National Defence and the Canadian Armed Forces. [READ HERE](#).
- **Delphine Nakache** was promoted to the rank of Full Professor.
- **Delphine Nakache** won the 2022-2023 University of Ottawa Award for Excellence in Research in the Humanities stream for her impactful research on immigration and citizenship. [READ HERE](#).
- **Nessan Akemakou** took part in an episode of *Moteur de recherche* on Radio-Canada to discuss his research project on the blue economy. [LISTEN HERE](#).
- **Peter Oliver** was awarded an Insight Grant from the Social Sciences and Humanities Research Council (SSHRC) in 2023 to fund a five-year research project on Canadian constitutional law and a “sustainable jurisprudence”. [READ HERE](#).
- **Peter Oliver** and Professor Johanne Poirier (McGill University) spoke on Legal Issues in Contemporary Federalism as part of the Canada School of Public Service’s *The Living Tree: Contemporary Issues in Canadian Federalism* series.
- **Michael Pal** gave the Harold G. Fox Distinguished Lecture at Lakehead University on February 16, 2023, entitled, “Could it Happen Here? Canada and the Global Crisis of Democracy”.
- **Jennifer Quaid** discussed the Rogers-Shaw merger case and its impact on competition law and public policy with Professor Michael Geist on his podcast. [LISTEN HERE](#).
- **Sylvia Rich** won the Ian Kerr Award for Excellence in Teaching at the 9th annual Common Law Section Internal Awards. [READ HERE](#).
- **Vicky Sabourin** received two awards for her master’s thesis entitled “L’écriture juridique autochtone comme lieu de rencontre des cultures juridiques”. She has received the thesis prize René-Lupien which recognizes a master’s thesis that makes an outstanding contribution to the understanding of the Francophonie in Canada and the Prix de l’Ambassade de France for the best thesis in French.
- **Amy Salczyn** recorded a podcast episode on the topic of artificial intelligence and its potential impacts on the practice of law. [LISTEN HERE](#).

- **Samuel Singer** was the co-recipient of the Canadian Bar Association's 2022 Sexual Orientation and Gender Identity Community Section Hero Award. [READ HERE](#).
- **Marie-Eve Sylvestre** took part in a public forum on the project to develop the headquarters of the City of Gatineau Police Service in the Hull sector where the Robert-Guertin Arena is located. [READ HERE](#).
- **Marie-Eve Sylvestre** was a member of the scientific committee of the 4th Biennial Conference on Criminal Law: Justice, Prison and Carceral Continuum that took place on May 4-5, 2023.
- **Terry Skolnik** received a Research Team Creation grant to launch the Criminal Justice Reform Partnership.
- **Terry Skolnik** was among the finalists for the Pomme d'Or, an award given by the students of the Civil Law Section to the faculty member who has distinguished themselves in teaching.
- **Terry Skolnik** was nominated as Interim Executive Director of the Academy for Justice at the Sandra Day O'Connor College of Law, Arizona State University (ASU). He was also a visiting research fellow at ASU's Center for Constitutional Design.
- **Terry Skolnik** won the Fondation du Barreau du Québec's 2023 Concours juridique in the "Legal Article" category, for his article entitled "Rééquilibrer le rôle de la Cour suprême du Canada en procédure criminelle". [READ HERE](#).
- **Joao Velloso** took part in a roundtable titled "Drugs, Illegal Markets & Governance of violence: Lessons from Recife, Brazil". [WATCH HERE](#).
- **Herbert Wells** successfully defended his Ph.D. thesis entitled "The Caribbean Court of Justice and International Human Rights Laws and Norms: Universalism, Cultural Relativism and Transformation". Dr. Wells was supervised by Professor Vanessa MacDonnell. Jena McGill was a member of the doctoral committee.
- **Herbert Wells** was appointed as lecturer at the University of Southampton. Dr. Wells, who was supervised by Professor Vanessa MacDonnell, is an expert in international human rights law, transformative constitutionalism and gender, sexuality, and the law. [READ HERE](#).



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