



CENTRE *for* CONSTITUTIONAL STUDIES
Centre d'études constitutionnelles

Annual Report
Centre for Constitutional Studies
2013-2014

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Highlights – 2013-2014

In keeping with a plan to focus on aboriginal issues for 2013, the Centre published several articles to its new website on key court decisions involving aboriginal peoples in Canada. A special issue of the *Review of Constitutional Studies* on Indigenous Governance, with guest editor Professor Jean Leclair, Université de Montréal, was published with the support of the Centre de recherche en droit public, Université de Montréal. The Centre hosted the 25th Annual McDonald Lecture in Constitutional Studies with Professor Pamela Palmater, a prominent Mi'kmaq lawyer, professor, activist and politician who spoke about the government's failure to live up to its obligations to First Nations in section 35 of the Constitution.

In October, the Centre hosted its second annual Constitutional Symposium featuring a special presentation by Joe Arvay Q.C., a well-known constitutional litigator, who provided his expertise on constitutional litigation strategies. Hon. C. Lynn Smith QC presented the luncheon keynote on the evolution of section 15 of the *Charter*. The full day Symposium was attended by academics and practitioners from across Western Canada and four of the papers presented there were published in the Centre's online publication, *Constitutional Forum* - Volume 23.2.

On October 10, 2013 the Centre collaborated with the Institute for Sexual Minority Studies and the Sheldon Chumir Foundation on an event entitled, "Constitutional Frontiers: The Fight for Sexual Orientation and Gender Identity Equality in Canada". Delwin Vriend was one of the panelists at this event and he reflected on his historic *Vriend v Alberta* case in which the Supreme Court of Canada ruled that Alberta must include sexual orientation as a protected ground in its human rights legislation.

The Centre welcomed its first Education and Communications Coordinator, Dustin Martin, who joined our small but mighty team. His work included the launch of a new website featuring a new look, new content, and a user-friendly design. In conjunction with the new website, the Centre also became active on Social Media with a YouTube channel for archiving and broadcasting the Centre's public speaking events, creating a Facebook page, and creating a Twitter account to promote the Centre's events and publications. The Centre also launched its first newsletter, *Constitutional Currents*, which is designed to provide information to teachers, students and the general public about the Constitution. 'Know Your Constitution' is the Centre's new public legal education motto.

Programming – 2013-2014

Research

The Centre's Research program serves the academic community and the broader public in furtherance of interdisciplinary scholarship on constitutional issues. It creates a hub for collaboration among academics from several disciplines (law, political science, history, philosophy, sociology) through its publications, research, conferences, symposia and events.

Publications

The Centre publishes two journals: the *Review of Constitutional Studies* and the *Constitutional Forum*.

Review of Constitutional Studies



The ***Review of Constitutional Studies*** is published twice yearly and is unique as the only interdisciplinary journal in Canada that publishes academic work on constitutional issues. Submissions to the journal are received from scholars around the world and once accepted, are subjected to two reviews using a double-blind peer review process. In 2013-2014 the Centre published 3 volumes:

Volume 17.2 – This issue was scheduled for publication in December 2012 but due to unforeseen circumstances, was published late in 2013. Among other articles, Volume 17.2 contained an article by Mark Power, Francois Larocque and Darius Bosse on some of the negative effects of the adversarial system on significant constitutional decisions. **Volume 18.1**, published in October 2013,

was a special issue on indigenous governance with guest editor Professor Jean Leclair, Université de Montréal, where, as Professor Leclair describes, “The authors advocate a revision, a questioning of the walls we raise with our juridical, sociological, political categories”.

Production of the issue was generously sponsored by the Centre de recherche en droit public, Université de Montréal. **Volume 18.2**, published in December 2013, featured three articles and two book reviews on subjects ranging from the role of *Charter* values to the Crown's powers of Command in Chief. The Table of Contents for these three issues are appended to this report.

The *Review* is fortunate to have an **Editorial Board** comprised of enthusiastic scholars from across Canada: Professor Margot Young, Law, UBC; Professor Steve Patten, Political Science, U of A; Professor Eric Adams, Law, U of A; Professor Donald Ipperciel, Philosophy, Faculté Saint Jean, U of A; Professor Dwight Newman, Law, U Sask; Professor Ben Berger, Law, Osgoode;

Professor Robert Leckey, Law, McGill and Professor Alexandra Dobrowolsky, Political Science, Saint Mary's University. Professor Dwight Newman is the *Review Book Editor*.

Constitutional Forum



The **Constitutional Forum** is the Centre's online journal. Its purpose is to provide a forum for dialogue, discussion and debate among legal practitioners and academics about topics of constitutional significance. Articles are meant to be short and interesting, and issues of the journal are published on an ongoing basis. Two issues of the *Forum* were published in 2013-2014. Issues 22.2 and 22.3 contained short, topical articles which generated interest across the country. For example, a *Globe and Mail* article by Sean Fine, Monday, December 2, 2013 referred to an article by Professors Michael Plaxton (University of Saskatchewan) and Carissima Mathen (University of Ottawa) published in *Forum* 22.3 on the interpretation of the *Supreme Court Act* in the appointment of Hon. Nadon to the Supreme Court of Canada. This article was cited by the Supreme Court of Canada in the *Supreme Court Act Reference*. Another article, written by Professor Dwight Newman (University of Saskatchewan) in support of the Trinity Western Law School proposal for a Christian law school in Canada was rebutted by Professor Emeritus Diane Pothier (Dalhousie University) in the following issue of the journal.

Books

Professors Lois Harder and Steve Patten, Department of Political Science, University of Alberta are co-editing a volume of papers presented at the Patriation Negotiations Conference hosted by the Centre for Constitutional Studies in 2011. The book will also contain selected other papers. It promises to be a seminal work on the patriation of Canada's Constitution – its process and its consequences. Publication of the volume is anticipated in 2014.

Annual Constitutional Symposium



Constitutional Symposium 2013 – October 4th, 2013: The Centre hosted its 2ND Annual Constitutional Symposium, in conjunction with the Legal Education Society of Alberta. The Symposium was an all-day event held at the University of Alberta. It brought together presenters and audience members from Saskatchewan, Alberta, and British Columbia, solidifying it as a constitutional 'coming-together' for Western Canadian legal practitioners and academics.

Featured at this Symposium was Joe Arvay QC who is a well-known and

respected constitutional litigator, having appeared before the Supreme Court of Canada on some 50 cases. He provided participants of the Symposium with constitutional litigation strategies by focussing on his work in the *Little Sisters* litigation. The luncheon keynote address was given by Hon. Lynn Smith who issued the lower court decision in the right to die case (*Carter* case) as a former justice on the BC Supreme Court. She spoke about the evolution of section 15 jurisprudence. Panels on Equality Rights and the *Charter*, Division of Powers, Aboriginal Issues, and Legal Rights and the *Charter* made for a very full and interesting day. It was an excellent opportunity for practitioners and academics to interact, share ideas and research, on current constitutional issues in Canada. The brochure for the Symposium can be found here: [Constitutional Symposium Brochure](#).

Public Legal Education

The Centre's Public Legal Education program aims to make the Constitution relevant to Albertans. It does this by providing accurate, relevant, and accessible information about the Constitution to the general public. "Know Your Constitution" is the Centre's public legal education motto. The Centre uses a variety of means to accomplish this goal.

Website

The Centre's primary tool for providing information to the public about the Constitution is its website. In September of 2013 the Centre launched a new website featuring a new look, easier navigation, an enhanced search function, and integration of Social Media such as Twitter, YouTube, and Facebook. The new website also allows the Centre to use Google Analytics to track metrics on the website such as number of hits, average time spent on the website, and trending articles. As a result, the Centre can be much more responsive to the public's demand for information on specific topics.



The [website](#) has two categories, targeting the general public, on the homepage:

- **News & Events:** This category provides information on upcoming events hosted by the Centre such as public lectures in addition to constitutional news such as important court decisions in constitutional law.
- **Featured Articles:** This category features articles written by the Centre's student writers. The articles are written in plain language and they are designed to make constitutional issues easy to understand for the general public. There are three types of articles:
 1. *Featured Court Rulings:* These are summaries and analyses of "landmark" constitutional cases in Alberta and in Canada.
 2. *Constitutional Issues:* These articles discuss constitutional themes and controversies with an emphasis on issues that are being publicly debated.
 3. *Constitutional Keywords:* Constitutional Keywords define terms and concepts that appear in the courts, legislatures, election campaigns, or the media. The purpose of the keywords is to help the public understand constitutional terminology in plain language.

The **Publications** category on the homepage links to and advertises the latest issues of the Centre's journals - *Constitutional Forum* and *Review of Constitutional Studies*.

Social Media

The Centre began using Social Media in 2013 to broaden its reach and help the public stay informed of the Centre's activities. The Centre is now active on Twitter, YouTube, and Facebook.

- **[Twitter](#):** The Centre uses Twitter to promote public events, new articles, constitutional news, and publications.

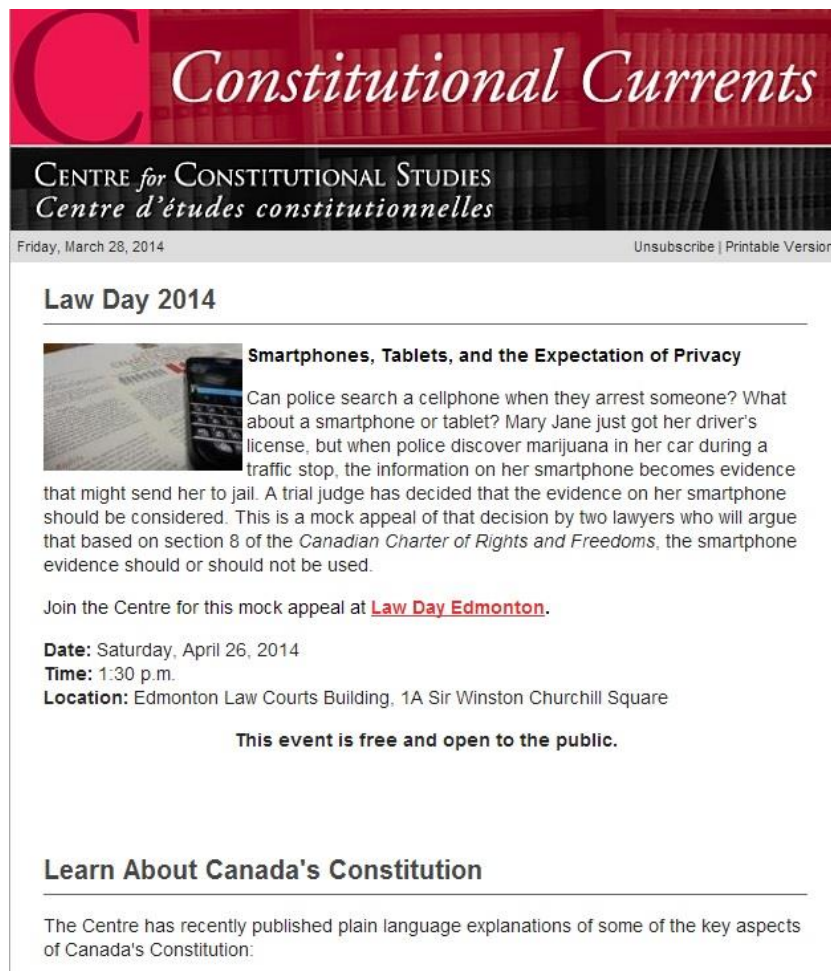


- **[YouTube](#):** The Centre operates a YouTube channel featuring all of the Centre's public lectures. The Centre began taping all of its lectures and public events in 2013 so that people could access them if they could not attend an event. The videos have also been used as a teaching tool by educators.
- **[Facebook](#):** The centre uses Facebook to promote public events.



Newsletter

In November 2013 the Centre launched its first newsletter, [Constitutional Currents](#).



Constitutional Currents is an electronic newsletter published four times a year for the purpose of providing schools and the general public with useable, plain language information about the Constitution. It links to articles about the Constitution and to webcasts of speaker events from the Centre's website. It also announces upcoming public lectures and events at the Centre. The Newsletter is targeted at high school students and teachers to encourage them to come to the Centre website for accessible information about the Canadian Constitution and constitutional issues. Anyone can sign up to receive the Newsletter by visiting the Centre's website and clicking the ["Newsletter Subscribe"](#) button. This is a new function made possible by Industry Mailout: a distribution list management and content creation tool. The Centre began using Industry Mailout to more easily manage its newsletter subscriber list and also to assist in growing its number of subscribers.

Summer Student Program

Each summer the Centre hires University students to write plain language articles on specific court cases and broader constitutional issues for the Centre's website. The purpose of these articles is to provide the public with interesting, accessible, and accurate information about the Constitution – the key document that governs Canadians - and about the nature and importance of constitutional issues.

During the summer of 2013 the Centre hired three students: Christine Chong (JD 2014), Christine Eberle (JD 2015), and Cara des Granges (MA Political Science 2013). These students published 22 plain language articles for the Centre's website including a mix of Featured Court Rulings and articles about current constitutional issues. Featured Court Rulings are articles about specific constitutional cases in Alberta and across the country. Articles about constitutional issues include topics on federalism, aboriginal rights, democratic governance, and the *Canadian Charter of Rights and Freedoms*.

Here is a list of the articles published by the 2013 summer students:

Featured Court Rulings:

- [*R v Fearon: Can Police Search a Cellphone Upon Arrest?*](#)
- [*Federation of Law Societies of Canada \(FLSC\) v Canada: Lawyers Exempt from obligation under proceeds of crime*](#)
- [*Quebec \(AG\) v A \(2013\): Rights and Obligations of Quebec Common Law Partners*](#)
- [*R v Telus Communications Co \(2013\): Police Need Wiretap Warrant to Seize Text Messages*](#)
- [*Pridgen v University of Calgary \(2012\): Are Universities' Disciplinary Proceeding Subject to Charter?*](#)
- [*R v Khawaja \(2012\): Criminalizing Terrorism is Constitutional*](#)
- [*Daniels v Canada \(Minister of Indian Affairs and Northern Development\) \(2013\): Federal Government has Jurisdiction over Non-Status Indians and Metis*](#)
- [*Saskatchewan \(Human Rights Commission\) v Whatcott \(2013\): Anti-Gay Flyers Violate Hate Speech Prohibitions*](#)
- [*R v NS \(2012\): Niqab Rules Balance Religious Freedom and the Right to a Fair Trial*](#)
- [*R v Cole \(2012\): Can Police Search Your Workplace Computer Without a Warrant*](#)
- [*Manitoba Metis Federation Inc v Canada \(AG\) \(2013\): Canadian Government Failed to Fulfill Its Promise to the Metis*](#)
- [*R v Keshane \(2012\): Edmonton's Bylaw Prohibiting Fighting is Constitutional*](#)
- [*R v Kokopenace \(2013\): Manslaughter Conviction Overturned Due to Lack of Aboriginal Jurors*](#)

- [*R v Levkovic \(2013\): Criminalizing Disposal of Fetus That Died Before Birth is Constitutional*](#)

Constitutional Issues Articles:

- [The Constitutionality of Suspending Senators](#)
- [The Proposed Reform Act: Power to the People?](#)
- [Will Quebec's Charter of Values Withstand Constitutional Scrutiny?](#)
- [Robocalls Raise Concern Over Charter Right to Vote and Inspire Changes to Elections Laws](#)
- [Appointment of Judges to the Supreme Court of Canada](#)
- [Beaver Lake Cree Nation: Cumulative Effects of Resource Development May Violate Treaty 6 Rights](#)
- [Parliamentary Privilege](#)

Speakers & Events

The Centre invites professors, practitioners, and other experts to speak to the public about current constitutional issues. In 2013-2014 the Centre hosted a number of events and drew diverse audiences composed of students, professors, legal practitioners, civil servants, members of First Nations communities, and other members of the public.

Speakers:

- **Professor Richard Albert –** [Constitutional Desuetude in Canada and the United States](#) –

August 7, 2013: The Centre invited Richard Albert, from the Boston College of Law, to give a public lecture. In his lecture Albert argued that written constitutions may be informally amended when a constitutional provision falls into a state of disuse. Albert gave the Canadian examples of the Governor General's power to reserve a bill and the Federal Government's power to reserve provincial bills; both are powers which have fallen into disuse and therefore, according to Albert, have been informally amended out of the Canadian



Constitution. His lecture was followed by a lively question and answer period. Audience members included faculty, staff, students, law practitioners, and members of the general public.

- [Constitutional Frontiers: The Fight for Sexual Orientation and Gender Identity in Canada](#) – **October 10, 2013:** The Centre, in collaboration with the Institute for Sexual



Minority Studies and Services, and the Sheldon Chumir Foundation, hosted a panel discussion featuring Delwin Vriend, Barbara Findlay QC and Dr. Kristopher Wells. The panelists reflected on the past 15 years of constitutional challenges since *Vriend v Alberta*. They discussed legal gains made in the fight for sexual and gender minority equality. The panel discussion was moderated by Julie Lloyd, an Edmonton lawyer.

- **Jeff Rows** – [Litigating Liberty: Constitutional Theory in Action](#) – **November 25, 2013:**



Jeff Rows discussed how the theory of constitutional limits on government power works in the real world. Rows, a public-interest lawyer with the Institute for Justice, used his own experience to show how he devises, and wins, cases that set liberty-promoting precedents. The Centre collaborated with the Institute

for Liberal Studies for this event.

Events:

- **Law Day Alberta 2013 – April 13, 2013:** Law Day is an annual event organized by the



Canadian Bar Association for the purpose of increasing public awareness and knowledge and fostering a better understanding of Canada's laws and legal system. The Centre hosted a constitutional appeal focusing on section 12 of the *Charter of Rights and Freedoms* (Everyone has the right not to be subjected to any cruel or unusual treatment or punishment). The appeal involved a three year jail term issued to a young man for possession of a dangerous weapon (he was holding a loaded gun while taking a photograph of himself for a Facebook page) even though this was his first offence. At issue was whether the sentence was disproportionate to the crime. Two criminal defence lawyers, Lindsay Tate and Tara Hayes, represented the Crown and Defence perspectives before Judge Janet Dixon. They explained the *Charter*

and specifically the purpose of section 12 to the audience. The session was attended by several members of the public. A lively Question and Answer period followed the appeal where the judge and the two lawyers answered questions from those in attendance.

- **[25th Annual McDonald Lecture](#) – Professor Pamela Palmater - October 23, 2013:**

Professor Pamela Palmater is head of the Centre for Indigenous Governance at Ryerson University and was the runner up in the Assembly of First Nations leadership elections for national chief in 2012. She spoke on “Section 35’s Empty Shell of Constitutional Promise” and argued that the Government of Canada has failed to live up



to its constitutional obligations to First Nations across Canada. The event was attended by over 150 people, many of whom were from First Nations communities in Alberta. The audience was very engaged in questioning Palmater and in challenging some of her premises during a lively Q & A session.

Media

The media contacts the Centre on a regular basis for expert commentary on constitutional issues. It also uses the Centre’s published content as a resource for research on stories. In 2013-2014 the Centre had a number of requests from the media. For example, the Centre’s Executive Director, Patricia Paradis, appeared on [CTV Alberta Primetime](#) with retired Senator Tommy Banks to speak about the Supreme Court of Canada’s reference on the Senate. The Centre was also quoted in a [Huffington Post Quebec article](#) about the Senate Reference. One of the Centre’s publications, the *Constitutional Forum*, was referenced in a [Globe and Mail article](#) about the appointment of Justice Marc Nadon to the Supreme Court. Additionally, the Centre fielded questions from newspaper reporters from cities across Canada including Edmonton, Ottawa, Toronto, Victoria, and Medicine Hat.

Projects

Constitutional Documentary - A web-based interactive project is being developed by the National Film Board and the Centre for Constitutional Studies based on the materials generated at the Patriation Negotiations Conference hosted by the Centre in 2011. This project will be accessible to the general public via the web but is targeted specifically at high school and first year University students. It will begin by explaining what a constitution is and then provide interactive material on how Canada’s Constitution was created and how it has evolved since 1867. The interactive nature of the project will provide information for those who are

‘skimmers, dippers or divers’ – allowing users to interact with the material at the level at which they are most comfortable. This project is scheduled for production in 2014 – 2015.

Inquiring Minds Curriculum - The Centre began a new collaboration with the **Inquiring Minds** project to develop a workshop on ‘Knowing Your Constitution’ for elementary and junior high students. Inquiring Minds offers an innovative approach to learning by providing intriguing and enriching sites (such as museums, fire halls, civic venues and nature preserves) which welcome a class of students to use their site as a classroom for an entire week. Students and teachers use this new ‘classroom’ to engage in learner-led, hands-on, inquiry-based learning and exploration through tours, journaling and a host of creative activities. This workshop on the Constitution will be presented by law students at the University of Alberta to elementary and junior high school students who participate in the Inquiring Minds project at some of its sites: USchool (University of Alberta), City Hall School, and the Legislative Assembly of Alberta.

Laskin Moot – On behalf of the Centre, the Executive Director coaches the Laskin Moot for the Faculty of Law. The Laskin is a national, bilingual competition which focusses on constitutional and administrative law issues. Students from 18 law schools across Canada compete. Importantly, coaching the Laskin Moot provides the Centre with the opportunity to work with law students who are interested in constitutional issues. It also provides the Centre with visibility across the country and with the opportunity to meet with like minds at the moot competition. The competition is held in a different Canadian city each year and in March, 2014, the Laskin Moot competition was held in Fredericton, New Brunswick.

The 2014 Laskin Moot Team included law students: Katherine Hutter (2L), Lane Mandlis(2L) Konstantin Starostin (2L), and Scott Sherlock (3L).

Collaborations

The Centre collaborated with a number of different organizations for many of its activities in 2013-2014.

Speakers

- The Centre collaborated with the Sheldon Chumir Foundation and the Institute for Sexual Minority Studies and Services for its panel discussion entitled **Constitutional Frontiers: The Fight for Sexual Orientation and Gender Identity in Canada** (See description in ‘Speakers’ section).
- The Centre collaborated with the Centre for Liberal Studies for **Jeff Rowes’** lecture entitled **Litigating Liberty: Constitutional Theory in Action** (See description in ‘Speakers’ section)

Events

- For the second year in a row, the Centre collaborated with the Legal Education Society of Alberta (LESA) to host its second annual **Constitutional Symposium**. The Centre organized panels and speakers and LESA produced the brochures and Symposium materials in addition to advertising the event to all lawyers in Alberta.
- The Centre's Executive Director, Patricia Paradis, spoke about the constitutionality of the proposed Quebec Charter of Values as a panelist in an event hosted by the Centre for Race and Culture.
- The Centre collaborated with the Edmonton Community Legal Centre to deliver a presentation entitled **Introduction to the Canadian Justice System**. This presentation was given at the Stanley A. Milner Library in Edmonton and it was specifically designed for people that spoke English as a second language.
- The Centre collaborated with the Canadian Bar Association (CBA) to host a constitutional appeal at **Law Day Alberta 2013**. The CBA arranged all of the logistics for the event in addition to the advertising and publishing of brochures and materials.

In addition to the collaborations for speakers and events, the Centre is also an active member of PLEdGE: an organization of public legal education providers in Edmonton who meet quarterly to share information about their public legal education work and to provide networking opportunities. Members of PLEdGE include: the Centre for Public Legal Education Alberta, the Edmonton Community Legal Clinic, Legal Aid, the Law Courts Libraries, Student Legal Services, Native Counseling Services, the SPCA, the Law Information Centre, and the Family Law Office. A major focus of this collaboration is access to justice.

Organizational and Funding Structure

The Centre for Constitutional Studies is unique as a University Research Centre that links with the Alberta public on issues of constitutional importance. It is the only centre in Canada to focus on constitutional issues from an interdisciplinary perspective and the only constitutional studies centre in Western Canada.

As a ‘constellation’ within the University, the Centre brings together academics from several disciplines within the University of Alberta and other Universities across the country as well as policy makers, lawyers and the public to advance the University’s Academic Plan: *Dare to Discover – Learning, Discovery and Citizenship*.

The Centre’s work includes a **Research** and a **Public Legal Education** (PLE) program. Key to its success is the complementarity of these two programs: research facilitated by the Centre provides the strong, reliable knowledge base essential to creating effective public legal education resources for Albertans.

Accountability

The Centre for Constitutional Studies is an Academic Centre established at the University of Alberta and is accountable to the University through the Dean of the Faculty of Law. The Dean of the Faculty of Law is the trustholder for the Centre.

Advisory Board

The Advisory Board of the Centre is inter-disciplinary with representatives from law, political science, history, philosophy and business at the University of Alberta as well as representatives of the legal profession, the not-for-profit sector, the judiciary and the government. The Board provides oversight for the Dean of Law with respect to the budget and advises on strategic direction for the organization. The Centre is extremely fortunate to have this group of interested, engaged and hardworking advisors who are committed to the Centre’s mandate and who regularly ‘put their shoulders to the wheel’ for fund development, advertising of events and programming suggestions. In keeping with its regular schedule of meetings, the Board of Advisors met four times in fiscal 2013-2014.

A list of Board Directors (to March 2014) and their biographies can be found at Appendix A, of this report.

Staff

The Centre has three full-time staff members, plus part-time student employees. In 2013-2014 the Centre hired its first Education and Communications Coordinator, a position that replaces the previous Program Manager position. Staff members were:

- **Patricia Paradis**, Executive Director, is responsible for the planning, implementation and assessment of the Centre's programs, overseeing the management of the Centre's daily operations, planning and organizing conferences, speakers and other events and editing the *Review of Constitutional Studies* and *Constitutional Forum*;
- **Dustin Martin**, is responsible for coordination of public education programming and for advertising and marketing for the Centre;
- **Theresa Percheson**, Centre Administrator, is responsible for financial administration and reporting, journal typesetting and production, maintaining journal subscriber databases and assisting with event planning;
- Three students, Christine Chong (JD 2014), Christine Eberle (JD 2015), and Cara des Grange (Political Science 2013), were hired from May 13th to August 9th 2013 to write plain language articles for the Centre website. Other students were employed on a casual basis during the academic year to provide assistance with editing.

Funding

The Centre is generously funded by the Alberta Law Foundation (ALF) through an annual operating grant. It also receives revenues from its publications (subscriptions, book sales, interest and royalties), and through other grants for projects as appropriate. For the fiscal year ending March 31, 2014, the grant approved from the ALF was for \$350,510.00. Of that, \$316,544.85 was spent and \$4589.00 was transferred to fiscal 2014-2015 for travel expenses. Unspent funds from the operating grant are returned to the Alberta Law Foundation.

Publications revenue for the fiscal year which includes subscriptions to the *Review*, royalties for articles published in both the *Review* and the *Forum*, and book sales was \$20,261.00. Of this amount, \$6,536.00 was a grant from the Peuple autochtones et gouvernance/Indigenous Peoples and Governance, Centre de recherche en droit public, Université de Montréal, for the production of a special issue of the *Review* on Indigenous Governance.

The Centre also holds a Reserve Fund in the amount of \$29,390.76.

Thanking our Contributors

The Centre creates an international hub for collaboration among academics from several disciplines – law, political science, history, philosophy and sociology – through its publications, conferences, events and planning committees. It is the fortunate recipient of much donated time by academics across Canada and around the world as well as by members of the legal profession and of the public who generously donate their time to the Centre’s work.

The Centre would like to thank the following **academics** for their work as Advisory Board Members, *Review* Editorial Board members, Peer Reviewers, journal contributors, Symposium Planning Committee members, Symposium presenters and/or panel chairs:

Eric Adams – University of Alberta
Dennis Baker – University of Guelph
Richard Bauman – University of Alberta
Catherine Bell – University of Alberta
Janine Benedet – University of British Columbia
Ben Berger – Osgoode Hall, York University
Barbara Billingsley – University of Alberta
John Borrows – University of Minnesota Law School
Philip Bryden – University of Alberta
Sarah Burningham – University of Saskatchewan
Karen Busby – University of Manitoba
Peter J. Carver – University of Alberta
Larry Chartrand – University of Ottawa
Dominique Clement – University of Alberta
Alexandra Dobrowolsky – Saint Mary’s University
Avigail Eisenberg – University of Victoria
Judith Garber – University of Alberta
Navraj Singh Ghaleigh – University of Ottawa
Sébastien Grammond – University of Ottawa
Gillian Hadfield – University of Victoria
Francis Hane – University of Waterloo
Lois Harder – University of Alberta
Mark S. Harding – University of Calgary
Jarrad Harvey – University of Sydney, Australia
Joanna Harrington – University of Alberta
Kahente Horn-Miller – Kahnawà:ke Legislative Coordinating Commission
Donald Ipperciel – Faculté Saint-Jean, University of Alberta

Nathalie Kermoal – University of Alberta
Rainer Knopff – University of Calgary
Jennifer Koshan – University of Calgary
Philippe Lagassé – University of Ottawa
John Law – University of Alberta
Robert Leckey – McGill University
Jean Leclair – Université de Montréal
Matthew Lewans – University of Alberta
Kent McNeil – Osgoode Hall, York University
Patrick Macklem – University of Toronto
Roderick A Macdonald – McGill University
Carissima Mathen – University of Ottawa
Kent McNeil – Osgoode Hall, York University
Michel Morin - Université de Montréal
Dwight Newman – University of Saskatchewan
Pierre Noreau - Université de Montréal
Ghislain Otis – University of Ottawa
Steve Patten – University of Alberta
Steven Penney – University of Alberta
Dana Phillips – University of Victoria
Michael Plaxton – University of Saskatchewan
Janna Promislow – Thompson Rivers University
Melanie Randall – University of Western Ontario
Troy Riddell – University of Guelph
Denise Réaume – University of Toronto
Wayne Renke – University of Alberta
Marie-Pierre Robert – University of Sherbrooke
Peter Russell – University of Toronto
Peter Sankoff – University of Alberta
David Schneiderman – University of Toronto
Heidi Kiiwetinepinesiiik Stark – University of Victoria
Irvin Studin – University of Toronto
Lisa Strelein - Australian Institute of Aboriginal and Torres Strait Islander Studies
Trevor Tchir – University of Alberta
Tran Tran – Australian Institute of Aboriginal and Torres Strait Islander Studies
James Tully – University of Victoria
D’Arcy Vermette – University of Alberta
Jeremy Webber, University of Victoria
Kris Wells – University of Alberta

Margot Young – University of British Columbia

The Centre thanks the following students and graduate students for their work on our website and journals:

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Christine Chong

Graduate Students:

Christine Eberle

Cara des Granges

Katherine Hutter

Sarah Hamill

Mia Reimers

Shama Rangwala

Shad Turner

Reginald Wiebe

Navneet Khinda

Sai Ravikumar

The Centre thanks the following lawyers, justices and members of the community who were either Advisory Board members, members of the Symposium Planning Committee, Symposium presenters, Law Day presenters and judges, and/or contributors to the *Constitutional Forum* in 2013-2014:

Joe Arvay Q.C. - Farris, Vaughan, Wills & Murphy LLP

Judge Janet Dixon – Provincial Court of Alberta

Heather Emptage – Legal Aid Ontario

Kevin Feehan QC– Dentons LLP

barbara findlay QC – The Law Office of barbara Findlay QC

Tara Hayes – Royal Teskey

Janet Keeping – Alberta Green Party

Kirk Lambrecht – Shores Jardine

Oryssia Lennie – former Deputy Minister, Alberta Intergovernmental Affairs

Julie Lloyd – Legal Aid Society of Alberta

Don Padget – Alberta Justice

Shannon Prithipaul – Gunn Law Group

Hon. Justice June Ross – Alberta Court of Queen’s Bench

Hon. James Stribopolous – Ontario Court of Justice

Bronwyn Shoush – Alberta Aboriginal Affairs

Lindsay Tate – Pringle and Associates

Margaret Unsworth – Alberta Justice, Director Constitutional Branch

Matthew Woodley – Reynolds Mirth Richards & Farmer LLP

Appendix A

Advisory Board –2013-2014

Biographical Information

Oryssia Lennie (Chair)

Ms. Lennie was Deputy Minister of Western Economic Diversification Canada (WD) from 1997 until her retirement from the Public Service of Canada in June, 2009.

Prior to joining the Federal Government, she was the Deputy Minister of Federal and Intergovernmental Affairs, Government of Alberta (1990-97). From 1971-1990, she progressed through various positions in Alberta Federal and Intergovernmental Affairs. Throughout her career in the Alberta Government, she was extensively involved in constitutional negotiations as a member of the Alberta delegation in the discussions leading up to the *Constitution Act, 1982* and as head of the Alberta delegation of officials in the Meech Lake Accord and Charlottetown Accord negotiations.

She is a recipient of numerous awards, including the Lieutenant-Governor's Gold Medal for Excellence in Public Administration and the YWCA Women of Distinction Award for excellence in business and management.

Judith Garber, Associate Professor (Vice-Chair), Department of Political Science, University of Alberta

Professor Judith Garber (PhD) teaches in the areas of law and politics, US constitutional law, US politics, and urban politics at the University of Alberta. Her in-progress research concerns the role of US cities in the "war on terrorism," the role of "the street" in political theories of cities and space, and the constitutional conflicts between local land use regulations and religious rights claims in the US.

Barbara Billingsley, Professor, Faculty of Law, University of Alberta

Barbara Billingsley's (BA, LLB, LLM) teaching and research interests span both public and private law, focusing primarily on constitutional law, insurance law and civil litigation process. Her constitutional law work has been published in edited collections/casebooks and in scholarly journals including the *Supreme Court Law Review* and the *Alberta Law Review*. Currently, her constitutional law research is focused on issues relating to the impact of constitutional law on legislation governing private law relationships.

Dominique Clement, Assistant Professor, Department of Sociology, University of Alberta and Adjunct Professor in the Departments of History & Classics and Educational Policy Studies

Dominique Clement is the author of the award-winning Canada's Rights Revolution as well as Gendered Inequality: The Rise and Fall of the British Columbia Human Rights State, 1953-1984. He is the co-editor for Alberta's Human Rights Story and Debating Dissent: Canada and the Sixties. Clément has been a Visiting Scholar in Australia and the United Kingdom, and is the author of numerous articles on the history of human rights, social movements and women's history. He has consulted for the Canadian Human Rights Commission, Canadian Museum for Human Rights and the Canadian Heritage Information Network. Clement manages an expansive website, www.HistoryOfRights.com, which serves as a research and teaching portal on the history of human rights in Canada.

Kevin Feehan QC

Kevin Feehan has been practicing law in the province of Alberta since 1979. Currently, he is a partner at the national law firm of Dentons LLP in Edmonton, Alberta. He practices law primarily in the area of civil litigation with an emphasis on health law, education law, constitutional law, personal injury, medical malpractice and commercial litigation. Mr. Feehan is a sessional instructor in constitutional litigation for the Faculty of Law, University of Alberta.

Joanna Harrington, Professor, Faculty of Law, University of Alberta

Professor Joanna Harrington is an associate dean in the Faculty of Graduate Studies and Research at the University of Alberta. She has experience in comparative constitutional law and constitutional reform, having worked for a member of the British House of Lords during a time of significant constitutional reform in the UK. Professor Harrington teaches and writes in the fields of international law and Canadian and comparative constitutional law, with her published work examining such topics as the democratic deficit in treaty-making, the interplay between international human rights treaties and domestic bills of rights, and the role for human rights protections in counter-terrorism efforts and other forms of cooperation in cross-border criminal law enforcement. In addition to articles in the *American Journal of International Law*, the *International and Comparative Law Quarterly*, and the *McGill Law Journal*, among others, she is also the author of the *Public International Law* title in the *Halsbury's Laws of Canada* series. Joanna is a recipient of a 2012 Killam Professorship and of the Martha Cook Piper Research Prize in 2007.

Janet Keeping, President Sheldon Chumir Foundation for Ethics in Leadership

Janet Keeping graduated in architecture from MIT (1971), studied environmental design (1973-1975), did an MA in Philosophy (1977) and graduated from the University of Calgary's Faculty of Law (1981). She was a co-founder (in 1982 with Sheldon Chumir) and first Executive Director of the Alberta Civil Liberties Research Centre. Before going to work at the Chumir Foundation, Janet was a Research Associate for many years with the Canadian Institute of Resources Law where she wrote on various topics connected with the law on development of natural resources, including the intersection of human rights law with the law governing the oil and gas industry in Alberta.

Janet's resources law work took her to Russia dozens of times between 1992 and 2006. That experience inspired an intense interest in the rule of law, a subject on which she continues to speak and write.

**Nathalie Kermoal, Professor, Faculties of Native Studies and Campus Saint Jean, University of Alberta
Special Advisor to the Provost on Aboriginal Issues**

Nathalie Kermoal began a two year term as Special Advisor to the Provost in January 2013. She is of Breton descent and has a joint appointment between the Faculty of Native Studies and the Campus Saint-Jean at the University of Alberta. She is a bilingual specialist (French and English) in Canadian history and more specifically in Métis history. She did her M.A. in contemporary History at the University of Nantes (France) and her Ph.D. in Canadian History at the University of Ottawa. She has published two books: *Alberta's Francophones* and *Un passé métis au féminin* as well as articles on the Métis, Contemporary Aboriginal Art as well as the Calgary School. She is involved in several research projects pertaining to the Métis, urban Aboriginal issues as well as a biography on the Oblate missionary, Albert Lacombe. Her areas of interests are Métis issues (Historical and Contemporary), Aboriginal constitutional issues, urban Aboriginal history, Contemporary Aboriginal Art and Aboriginal Women's Issues.

Donald Padget, Alberta Justice

Donald Padget is a member of Counsel for the Alberta Justice and Attorney General's Office. As part of the Constitutional Law team, he represents the Alberta Attorney General in constitutional cases and interventions in courts, including the Supreme Court of Canada and the Alberta Court of Appeal. He also conducts litigation and provides opinions relating to constitutional law. Donald obtained is LL.M. from the Osgoode School of Law. He also holds a Bachelor of Laws (University of Alberta) (1994), Master of Arts, Political Studies from Queen's University (1991), and Bachelor of Social Science (Hons), University of Ottawa (1988).

Steve Patten, Associate Professor, Department of Political Science, University of Alberta

After completing his BA (Wilfrid Laurier University) and MA (McMaster University), Steve received a PhD from York University and taught for three years at Trent University in Peterborough Ontario. He joined the Department of Political Science at UofA in 2001. Steve's teaching and research focus on contemporary Canadian politics. Although much of his research has concentrated on the Canadian party system and the political ideas and policies of partisan conservatism in Canada, Steve's teaching and research interests include theoretical perspectives in policy studies and examinations of citizenship, democracy and democratization. His research and writing on democracy has focused on the implications of neo-liberal culture and governance for democracy in Canada, the role of civics education in a democratic political culture, and the challenges of extending and deepening democracy in policy making. Steve's recent and current research projects have included an examination of the rise of neoliberalism within Canadian conservatism, a study of the defining features of Alberta's one-party state, a conference and edited volume (with Lois Harder) on the politics of the patriation of Canada's constitution, and an examination of how Canadian governance and the party system are changing in the context of Stephen Harper's Conservative government.

June Ross, Hon. Madam Justice, Alberta Justice

The Hon. Madam Justice June Ross is a member of the Court of Queen's Bench of Alberta and graduate of the University Of Alberta Faculty Of Law in 1979.

Matthew Woodley, Reynolds Mirth Richards and Farmer LLP

Matthew Woodley is a partner with the law firm Reynolds Mirth Richards and Farmer LLP in Edmonton, Alberta. He carries on a general practice with an emphasis on media, administrative and employment law. He is also a Sessional Instructor at MacEwan University.

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