



Annual Report

2010-2011



CENTRE *for* CONSTITUTIONAL STUDIES
Centre d'études constitutionnelles

1. 2010-2011 - At-a-glance

The Centre for Constitutional Studies is unique as a University based 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. The Centre is a 'constellation' within the University, bringing together faculties and departments as well as other Universities, policy makers, and the public in pursuit of the University's Academic Plan: *Dare to Discover – Learning, Discovery and Citizenship*. Its strength lies in its ability to connect research and academic expertise with the Alberta public.

The Centre's work includes a **Research Program** and **Public Legal Education (PLE)** program. Key to the Centre's 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.

In the past fiscal year, the Centre continued to work on the strategic priorities set by the Board in its 2009-2012 Strategic Plan. It focused on delineating and creating a solid base for both its programs.

A major focus of the 2010-2011 year was the planning of a significant conference for the Fall of 2011. The Centre applied for and received a sizeable SSHRC grant for this conference. As is customary, the Centre hosted several interesting speakers, (see page 10) published two issues of the *Review* (our scholarly journal) and three issues of the *Forum* (a forum for dialogue on constitutional issues). A list of articles published in each of these issues is appended (see Appendix B). Three summer students were hired to write for the website and they published 31 well written and informative articles: case summaries, headline reviews and constitutional issues.

The Centre began work on a new website and on a public education newsletter, *Constitutional Currents*, which will be published when the new website is launched.

Our Senior Research Fellow, Dr. Howard Leeson, completed research for and writing of his book, *The Patriation Minutes*, which will be published in the Fall of 2011 to coincide with the Patriation Negotiations Conference. He lectured in constitutional law and political science classes.

The Alberta Law Foundation generously provided the funding requested by the Centre in the amount of \$325,000.00 and our publication subscriptions generated \$17,570.00. The SSHRC grant received for the Patriation Negotiations conference is in the amount of \$126,000.00.

2. Organizational and Funding Structure

The Centre is governed by a Board of Directors. The Board 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 government. (See Appendix A for Board Director Biographies).

Responsibility for the Centre's day-to-day operations and program planning, direction, and management as well as the Research Program rests with the Executive Director. Primary responsibility for the Public Education Program rests with the Program Manager. The Centre also has a full time Administrator.

The Centre is funded primarily through a grant from the Alberta Law Foundation and through subscriptions to its publications. It also receives grants for specific projects as appropriate.

2.1. Board

In keeping with its regular schedule of meetings, the Board met four times this year: June, September, December and March.

The 2010-2011 Board Directors were:

Professor Eric Adams

Faculty of Law, University of Alberta

Mr. Justice Ronald Berger

Alberta Court of Appeal

Professor Peter Carver (Chair)

Faculty of Law, University of Alberta

Professor Dr. David Cooper

Alberta School of Business, University of Alberta

Christine Enns

Solicitor, Constitutional and Aboriginal Law

Alberta Justice and Attorney General

Professor Judith Garber

Department of Political Science, University of Alberta

Professor Lois Harder (Vice-Chair) and Vice-president (Academic) designee

Department of Political Science, University of Alberta

Professor Donald Ipperciel

Campus Saint-Jean, Philosophy, University of Alberta

Janet Keeping

President, Sheldon Chumir Foundation

Ritu Khullar

Lawyer, Chivers Carpenter Lawyers

Bronwyn Shoush

Director, Aboriginal Justice Initiatives
Alberta Solicitor General and Public Security

2.2. Staff

The Centre has three full-time staff members, plus part-time student employees:

- **Patricia Paradis** is currently the Executive Director but during the 2010-2011 fiscal year was the Acting Executive Director of the Centre. She is responsible for the planning, coordination, and assessment of the Centre's programs, overseeing the management of the Centre's daily operations and editing the *Review of Constitutional Studies* and *Constitutional Forum*;
- **Ken Dickerson** was Program Manager of the Centre during the 2010-2011 fiscal year. He was responsible for the development and implementation of the Public Education Program and outreach activities;
- **Kimberly Hay** was the Centre Administrator until February when she left and was replaced by **Theresa Percheson**. The Administrator has a wide range of responsibilities including financial reporting, journal typesetting and production, promotions, and event-planning;
- Three law students, **Adam Badari, Jim Young and Tracey Bailey** were hired from May-August, 2010 to write plain language articles for our website. Other students were employed on a casual basis during the academic year to research, write and to provide assistance with editing.

2.3. Funding

The Centre is funded primarily by the Alberta Law Foundation through an annual operating grant. It also receives revenues from its publications (subscriptions, book sales, interest and royalties), and other grants for projects as these arise. For the Fiscal Year ending March 31, 2010, the ALF grant provided was \$325,000.00 and publications income was \$17,570.00. In late March, the Centre received confirmation of a SSHRC grant for \$126,000.00 for the Patriation Negotiations conference to be held in November, 2011.

3. Programming

3.1. Research

The Centre's Research Program is intended to serve the academic community and the broader public in furtherance of scholarship on constitutional issues. To this end, the Centre facilitates research projects, organizes conferences and symposia, hosts speakers and publishes journals and books.

The Centre's Research Program objectives are:

1. To create and maintain a multidisciplinary and interdisciplinary Centre for the study of constitutional issues at the University of Alberta. The Centre creates a hub for collaboration among academics from several disciplines (law, political science, history, philosophy, sociology) through its publications, conference planning committees, Editorial Board and Board of Directors;
2. To facilitate research on constitutional issues;
3. To provide an avenue for publication of high quality, peer reviewed research papers by publishing the *Review*;
4. To organize conferences, symposia, workshops and lectures which provide an opportunity for academics to collaborate and to further academic thought on constitutional issues of relevance to the courts, the public and policy makers;

3.1.1. Patriation Negotiations Conference – November 3-5, 2011

Thirty years ago in November 1981 the Constitution of Canada was re-made. Prime Minister Trudeau and the Premiers of all 10 provinces met to negotiate a constitutional framework for Canada. At the end of several tension-filled days, they had the agreement that became the *Constitution Act, 1982*.

The Patriation Negotiations is a national conference to mark the 30th anniversary of these important events and to assess the consequences. Key participants in the negotiations, including politicians and public servants will share their recollections of the negotiating process, their objectives for this historic meeting and their reflections on the outcome. The conference will provide a unique opportunity for them to describe the strategies and political calculations that led to the most significant Constitutional Development since Confederation.

As well, several of Canada's leading constitutional scholars, political scientists and lawyers will share their insights on the negotiations and their implications for Quebec, civil society groups, Aboriginal peoples, and for future constitutional change.

3.1.2. Research Fellow

Dr. Howard Leeson has extensive experience in government and academia. He was appointed the first Deputy Minister of Intergovernmental Affairs for the province of Saskatchewan in 1979, and participated in the federal-provincial discussions that led to the patriation of the Constitution in 1982. He then joined the Department of Political Science at the University of Regina and served as Department Head for over ten years. He also served as Chief Negotiator for Saskatchewan in the period leading up to the Charlottetown Accord. Dr. Leeson's publications include *Canada ... Notwithstanding*, a history of the patriation of the Canadian Constitution co-authored with Roy Romanow and John Whyte. His articles on the Constitution and the role of the courts and the provinces in the Canadian federal system have been published in journals such as *The Supreme Court Law Review* and the *Choices* series (Institute for Research on Public Policy).

Dr. Leeson is mid-way through his two-year term with the Centre. During his time with the Centre he will be working on a book called *The Patriation Minutes* which is a record of the notes he took during the patriation discussions of November, 1981. Dr. Leeson will be using the extensive resources available in the University of Alberta archives, notably the notes left in the archives by Dr. Peter Meekison. He will also be doing speaking engagements in the Faculty of Law and Department of Political Science. Lastly, he will be assisting with the planning of the Centre conference for November, 2011 to commemorate the 30th anniversary of the negotiations leading to the patriation of the Constitution.

3.1.3. Publications

Journals

The Centre produces two publications: *Review of Constitutional Studies constitutionnelles* which is a peer reviewed, scholarly journal published twice per year, and *Constitutional Forum* which is a magazine format publication published three times per year for the purposes of providing timely, well written and researched articles. Its purpose is to generate dialogue on constitutional issues. This past year, the *Review* published authors such as the Honourable Frank Iacobucci, Professors Guy Laforest, Robin Elliot, Luc B. Tremblay and Dwight Newman. The *Forum*, featured the late Hon. Allan Blakeney and professors Heather MacIvor, Margot Young, Benjamin Berger and many others. Appendix B lists the articles published in both the *Review* and the *Forum* for 2010-2011.

Articles published in the Centre's journals are available through digital aggregators, HeinOnline, Gale and EBSCO. It should also be noted that after one year, articles published in both our journals are made available online via our website. This places the Centre in the top end of journals who are responding to the need for online publication of their materials. In keeping with this trend, the Centre Board passed a motion in September, 2010 to publish the *Forum* online as of fiscal 2011-2012 in an effort to make it more accessible to its target audience and to save on the high cost of printing it.

Books

In addition to work on its two journals, the Centre began the process of publishing the following books:

- a) **Book: *The Patriation Minutes* by Professor Howard Leeson.** The Centre for Constitutional Studies is very pleased to be publishing this book which is the first time a record of the patriation negotiations, held behind closed doors, will be made public. The Canadian Plains Research Centre press will produce and print the book. Proceeds from the book will come to the Centre. Publication date: October 15, 2011;
- b) **Book: *Basic Rights and Freedoms in Canada* by former Dean Wilbur Bowker.** Professor Eric Adams in the Faculty of Law, University of Alberta is writing an introduction to this Wilbur Bowker Masters of Law dissertation from 1952 which the Centre will be publishing online;
- c) **Book: *Canada's Constitutional Revolution* by Barry Strayer.** This book concerns the origins of the *Constitution Act, 1982* and Mr. Strayer's involvement in it from 1960 to 1982. It is based mostly on primary sources and on his personal records and recollections. Some of these sources, including cabinet documents he obtained under Access to Information are not generally available. He also relates his discussions with British officials concerning patriation. Part of the book is entitled "The Pragmatic and Political Origins of the Charter" in which he traces the evolution of Trudeau's ideas and the influence on him of Frank Scott. The author worked with both of them. Interestingly, he also relates some of his problems as a judge with interpreting the *Charter* which he had helped draft.

3.2. Public Education

The Centre's Public Legal Education Program is designed to make reliable information and resources about the constitution available to the general public in Alberta. Its mission is: **"Making the Constitution Relevant to Albertans"**.

The Centre's Public Education Program includes a student program: the Centre hires law and political science students who work full time during the summer and part time during the academic year to research and write plain language articles for our website. The website contains a number of useful website resources on constitutional issues. Other aspects of the Centre's PLE Program include research material for the production of supplementary curriculum materials, the hosting of speakers and specific events relating to constitutional issues for the general Alberta public. Our publication, the *Forum*, while not written in plain language, is accessible to the public who have a high level of interest and knowledge about constitutional issues. Its purpose is to encourage dialogue on issues of constitutional relevance.

The Public Legal Education Program objectives are:

1. To be a recognized provider of reliable, neutral, plain-language information on constitutional affairs for the general public;
2. To be a valued source of information and advice to various sectors of the public in Alberta, specifically:
 - a. Teachers, post-secondary instructors and public librarians;
 - b. Other Alberta PLE organizations;
 - c. Journalists (mainstream and social media).
3. To encourage public dialogue on issues of constitutional relevance;
4. To be a recognized developer of PLE talent among UofA law and political science students (by means of training and work experience in plain-language writing on public law, specifically, constitutional issues);
5. To be an active, visible and sustained public education presence in Alberta.

3.2.1. Online educational resources - website

Our website (<http://www.law.ualberta.ca/centres/ccs/>) includes the following features:

- **Constitutional Issues:** These articles discuss larger constitutional themes and controversies of interest to Albertans. Each article includes links to related resources and highlights wider implications to promote understanding of constitutional matters.
- **Headline Reviews:** These are plainly worded synopses of current events with constitutional significance for Albertans. Particular attention is paid to topics that actually originate in Alberta; articles take a neutral tone and direct the reader to sources. Through its Headline Reviews, the Centre plays a leading – even unique -- role in clarifying constitutional issues while they remain topical.
- **Constitutional Keywords:** Constitutional Keywords is a print and online work that defines terms and concepts that appear in Canadian constitutional discourse, whether in the courts, elections, the news, or in schools. Constitutional Keywords is in the process of being updated, and to ensure that prominent constitutional terms and concepts are presented in a way that is easily accessible to the general public, but still useful for specialized publics such as reporters, teachers, and librarians.
- **Featured Court Rulings:** These are accessible summaries of both recently decided and “landmark” constitutional cases, emphasizing key Alberta precedents. They are written specifically for the general public but are also useful to legal practitioners, students, teachers, journalists, and other specialized groups in the public.

This year the Centre:

- a. Hired a web designer to design a new website for us. We anticipate launch of the new website in the fall of 2011;
- b. Updated our website which makes navigation and access to information on the site easier;

- c. Expanded and improved a number of Constitutional Keywords for the website ;
- d. Analyzed gaps in website content regarding court rulings on democratic and equality rights and focused a portion of student work on filling these gaps;
- e. Developed a more intuitive subject classification for archive of web articles;
- f. Identified many more educational web resources on constitutional subjects and made these available on our site;
- g. Ensured that video recordings (webcasts) of speakers and events were posted to the opening page of our website.

In the summer of 2010 the Centre hired 3 law students who produced over 30 articles for our website.

3.2.2. Curriculum materials on constitutional issues

This past year the Centre received high praise for the writing of supplementary curriculum materials for the Legal Resource Centre (LRC). Notably, we produced content for two Supplementary Curriculum Materials: *R. v. Patrick - Is Garbage Private?* and *Fitzgerald v. Alberta – Do Kids Have a Right to Vote in Elections?*

3.2.3. Media resource and expert commentary on constitutional issues

The Centre is frequently consulted by the news media for neutral commentary on current constitutional issues. In 2010-2011 we received calls from several newspaper and television reporters requesting information on parliamentary privilege, the national securities regulator and Senate reform.

3.2.4. Law Day

The Centre planned for a significant Law Day Event in April, 2011. This was to run an appeal of an interesting constitutional issue as a ‘teachable moment’ about the Constitution: whether there is any privacy in garbage. Law Day is attended by thousands of Edmontonians, many of whom are young people. The issue the Centre will present is to what extent the police can search your garbage once you have put it out for collection. This relates to section 8 of the *Charter*, the right to be free from unreasonable search and seizure.

3.2.5. PLE Partnerships and Connections

The Centre engaged in partnerships with several other organizations this past year. We produced background legal information for the Legal Resource Centre (LRC) which was then

used to produce supplementary curriculum materials. We also supported a grant application by the LRC for a project that would have included research assistance from the Centre and production of materials by the LRC. We contacted the Historica Dominion Foundation to discuss possible collaboration on projects at the secondary school level. Dialogue with that organization regarding our possible collaboration is ongoing. We partnered with the Sheldon Chumir Foundation to bring in a speaker, Professor Carissima Mathen, who spoke about the recent constitutional controversy surrounding polygamy and we also collaborated with the Health Law Institute in the production of an event called: Insights on INSITE. This was a lunch hour panel discussion where both the constitutional and health issues surrounding the supervised safe injection, INSITE, were discussed. We were fortunate to participate with the Department of Women's Studies in sponsoring an excellent presentation on aspects of the wearing of the Niqab and with the Department of Sociology in a presentation by General Counsel to the Canadian Civil Liberties Association, Nathalie DesRosiers. We approached the University of Calgary, Faculty of Law to explore a joint event on the 25th anniversary of section 15 of the *Charter* but unfortunately, logistics made our collaboration for that event impossible. The Institute for Parliamentary and Political Law in Ottawa has been approached for assistance with the Patriation Negotiations Conference and those discussions are ongoing.

- a. Legal Resource Centre
- b. Historica Dominion Foundation
- c. Institute for Parliamentary and Political Law
- d. Sheldon Chumir Foundation
- e. University of Calgary
- f. Health Law Institute
- g. Edmonton Community Legal Centre
- h. Department of Women's Studies
- i. Department of Sociology
- j. Public Legal Education Network of Alberta

4. Speakers and Events

Most of the events hosted by the Centre are held at the Law Centre and attended by university students, faculty and several members of the public. Therefore the Speakers and Events aspect of the Centre's programming fits within both its research and public education mandates. In 2010-2011 the Centre significantly increased the number of speaker events. All were well attended and the Centre began to record attendees to ensure that we maintain an e-mail list for advertising our events in the future. Of note is that members of the legal profession, the police department, office of the Solicitor General, Alberta Justice, Native Counselling and several not for profit groups attended our events this year along with university students and professors from the faculty of law and departments of political science, sociology, religion, philosophy and history.

The McDonald Lecture in Constitutional Studies

The McDonald Lecture in Constitutional Studies was delivered on October 14, 2010 by the Honourable Frank Iacobucci. He spoke on “Canada’s Response to Terrorism” to an enthusiastic, diverse audience of approximately 105 people. The McDonald Lecture is funded by an endowment established by and continued in memory of Justice David C. McDonald of the Alberta Court of Appeal.

Public Events – 2010-2011

PUBLIC EVENT	ATTENDANCE	RECORDED FOR WEB
The McDonald Lecture in Constitutional Studies: Canada’s Response to Terrorism: Hon. Frank Iacobucci (October 14/2010)	105	yes
The Supreme Court’s Charter Summer: panel of U of A law professors: Eric Adams, Barbara Billingsley, Steven Penney (October 4/2010)	55	yes
Charter Damages & Police Powers: Cameron Ward, Vancouver lawyer (October 7/2010)	50	Yes
Civil Liberties in the 21st Century: Nathalie DesRosiers, General Counsel, Canadian Civil Liberties Association (October 12/2010) co-sponsored with Dept. of Sociology	45	yes
Insights on INSITE: Legal and Policy Dimensions of the Supervised Drug Injection Site: Panel with Brandon Marshall, Urban health Research initiative, Professor Peter Carver, U of A and professor Nola Ries, UBC. Co-sponsored with Health Law Institute. (November 2/2010)	70	yes
Marking 25 Years of Equality Jurisprudence: Section 15 of the Charter: Margot Young, UBC by videoconference. (November 26/2010)	25	yes
Terrorism inquiries: Hon. Frank Iacobucci, Torys LLP, Toronto (October 14/2010)	110	no
Big Love and Small Reasons: Considering Polygamy: Carissima Mathen, (U of Ottawa). Co-sponsored with the Sheldon Chumir Foundation (January 27 /2011)	85	yes
What’s in a Face? Sexual Assault and Niqab-Wearing Women in Courtrooms: Professor Natasha Bahkt, (U of Ottawa). Co-sponsored with Women’s Studies (March 31 /2011)	55	no
Aboriginal Citizenship: Looking Back, Looking Forward. Mary Eberts, Ariel Sallows Chair, in Human Rights, U of Saskatchewan (March 30 /2011)	90	yes

APPENDIX A

Board Director Biographies

Eric Adams

Faculty of Law, University of Alberta

Professor Eric Adams previously practiced civil litigation at a Toronto law firm. His current teaching and research interests are in the areas of constitutional, employment law, and legal history. His latest project, *The Idea of Constitutional Rights and the Transformation of Canadian Constitutional Law*, locates a critical strand of Canada's rights revolution in the constitutional thinking of legal scholars, lawyers, and judges.

Mr. Justice Ronald Berger

Court of Appeal (Edmonton)

The Hon. Mr. Justice Ronald Berger was born in Montreal. He attended McGill University where he earned a BA in 1964 and a BCL in 1967, graduating with First Class Honours and having won several prizes. He received a fellowship for graduate studies in criminal law at the University of Pennsylvania. Justice Berger articulated with the Department of the Attorney General of Alberta and was admitted to the Alberta Bar in 1969. While in private practice in the areas of civil and criminal litigation from 1970-1985, he taught criminal procedure and advocacy in the Faculty of Law at the University of Alberta, sat in the University of Alberta Senate, and was Vice-Chairman of the Legal Aid Society. He was named Queen's Counsel in 1980. Justice Berger was appointed to the Court of Queen's Bench of Alberta in August 1985 and the Court of Appeal of Alberta and the Court of Appeal of the Northwest Territories in June 1996. He has also served as a judge of the Court of Appeal of Nunavut since 1999.

Peter Carver, Chair

Faculty of Law, University of Alberta

Peter Carver received his LL.B from McGill, and an LL.M from the University of British Columbia in 1990. After practicing law in Vancouver with Davis & Co., he joined the British Columbia Office of the Ombudsman. In 1997, he was appointed to the Appeal Division of the Immigration and Refugee Board. In 2000, he joined the Faculty of Law at the University of Alberta as an Assistant Professor, where he teaches Canadian constitutional, administrative and immigration law. Professor Carver has a cross appointment to the Faculty of Rehabilitation Medicine at the University of Alberta, and is an associate with the Health Law Institute at the Law Faculty. Along with the areas in which he teaches, his research interests include health law, and equality rights for persons with disabilities. Professor Carver's recent publications include *"The Long Arm of Administrative Law: Governance of Research Ethics Boards in Canada"* with Michael Hadsakis (2005) *Health Law Review* 19, and a chapter titled "Recurring Constitutional Themes" in *Public Law*, eds. C. Force and N. Craik, (Toronto: Emond Montgomery, 2006).

David J. Cooper**School of Business, University of Alberta**

David Cooper is the Certified General Accountants of Alberta Chair in Accounting at the University of Alberta, and Director of the PhD Program for the School of Business. He obtained a BSc (Econ, honours) from the London School of Economics and his PhD from the University of Manchester. Since 2003 he has been a visiting Professor at the Said Business School, University of Oxford. David has written or edited eight books and about 75 articles in academic and professional journals (such as *Accounting Organizations and Society*, *Organization Studies* and *Administrative Science Quarterly*). His most recent edited book is *Accounting, Organizations and Institutions* (Oxford University Press, 2009).

Currently, he is examining the development and implementation of strategic performance measurement systems in multinational organizations, as well as emerging systems of global regulation of accounting. Previously, David conducted research in the Provincial government, particularly on evolving understandings and practices of accountability, and the role of the auditor general. He has a long standing interest in socio-legal studies (the inter-relations between law, politics and accounting), accountability practices, governance and regulation. David co-founded *Critical Perspectives on Accounting* in 1989 and edited it for 20 years. He now serves as an Editor of *Accounting Organizations and Society*. He was a founding member of the Parkland Institute, and has written on public policy in Alberta. He has previously served on the Boards of Alberta Festival Ballet and the Royal Alberta Museum (in both cases, first as Treasurer and then as President).

L. Christine Enns**Alberta Justice**

L. Christine Enns is a litigator with Constitutional and Aboriginal Law, Alberta Justice. Her clients include all government departments, resulting in a wide diversity of issues. On behalf of the Attorney General of Alberta, she defends provincial legislation at all levels of Court against jurisdictional challenges (division of powers), and challenges based on Charter of Rights and Freedoms and the Alberta Bill of Rights. She has also intervened at the Supreme Court of Canada in constitutional cases from other jurisdictions when the outcome is anticipated to impact on provincial legislation. She graduated from the University of Alberta, Faculty of Law in 1986. Before joining the government in January 1998, she was a civil litigator practicing in large-scale construction litigation as well as assisting in the defense of medical practitioners. She is active in the Canadian Bar Association, sitting as the Chair for the Constitutional and Civil Liberties section and previously on the executive committee for Civil Litigation.

Judith A. Garber**Department of Political Science, University of Alberta**

Judy Garber is Associate Professor of Political Science at the University of Alberta; she earned her PhD from the University of Maryland in 1989 and came to the U of A in 1990. She teaches in the areas of law and politics, US constitutional law, US politics, and urban politics. 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. Her recent publications include articles and chapters on theories of gender and sexuality in urban politics, the legal strategies of the Christian Right, and media coverage of the geography of immigration settlement in Canada and the US. She is also a co-investigator on a SSHRC Major Collaborative Research Initiative on multilevel governance and public policy in Canadian municipalities. Judy was Executive Director of the Centre for Constitutional Studies from 2005-2007 and has been Associate Chair of the Department of Political Science. She currently serves on the Board of Directors of the Jewish Family Services of Edmonton.

Lois Harder

Department of Political Science, University of Alberta

Lois Harder (B.A. Alberta 1988; M.A. York 1991; Ph.D. York 1997) is Associate Professor and Associate Chair (Graduate Studies) in the Department of Political Science at the University of Alberta. Her main areas of study and teaching are political economy, social theory and gender and politics. Her current research concerns the law and politics of regulating family relationships in Alberta, elsewhere in Canada, and the United States. Findings from this research have recently been published in the journal *Social Politics* and are forthcoming in *Signs*. In addition to this project, Dr. Harder’s research has considered the delivery of social policy through the income tax system and the politics of the women’s movement in Canada. This work has been published in journal articles, book chapters and three books: *State of Struggle: Feminism and Politics in Alberta* (2003); a co-authored volume *Women, Democracy and Globalization in North America* (2006), and a co-edited volume (with Steve Patten and under the auspices of the Centre for Constitutional Studies) *The Chretien Legacy: Politics and Public Policy in Canada* (2006).

Donald Ipperciel

Campus St-Jean, University of Alberta

Donald Ipperciel, professeur agrégé au Campus St-Jean à l' University of Alberta. Il a complété son doctorat à l'Université de Heidelberg en 1996. Hormis les articles de revues scientifiques, il est l'auteur de quelques monographies (dont *Habermas, le penseur engagé* (2003)) et de nombreuses traductions philosophiques de Habermas et de Gadamer (dont *Apprendre des Grecs* de Gadamer, 2006). Il est présentement détenteur d'une Chaire de recherche du Canada qui lui permet de travailler sur un projet portant sur une théorie de la nation et du nationalisme fondée sur le concept de communication.

Janet Keeping

Sheldon Chumir Foundation for Ethics in Leadership

Janet Keeping is President of the Sheldon Chumir Foundation for Ethics in Leadership in Calgary and a member of the Alberta Law Society. She 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). Janet 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.

Ritu Khullar

Chivers Carpenter

Ritu Khullar practices in the areas of labour and employment law, public law (constitutional law, human rights, and administrative law), and related civil litigation. She has acted as counsel for various administrative tribunals including the Canadian Human Rights Commission and the Information and Privacy Commissioner of Alberta. Ritu has appeared before a variety of boards and tribunals, all levels of court in Alberta, the Federal Court of Canada and in the Supreme Court of Canada. She has been a lecturer in Constitutional Law and is a lecturer in Labour Arbitration at the University of Alberta, Faculty of Law. She was the Independent Chairperson to hear serious disciplinary offenses at the Edmonton Institution for Women for ten years (1996-2006).

A graduate of the University of Toronto Law School, Ritu has published several articles in the area of constitutional law. Prior to her career in law, she was an Intergovernmental Officer with the Alberta Department of Federal and Intergovernmental Affairs in both the international and constitutional divisions. She has been extensively involved in a variety of capacities with the Constitutional Law Section of the Canadian Bar Association both nationally and locally. Ritu has also been very active with the Women's Legal Education Action Fund (LEAF) both as counsel for LEAF at the Supreme Court of Canada (*Ewanchuk, Shearing*), and on the national and local Boards.

Oryssia Lennie

Oryssia Lennie has over 38 years of experience in public administration and public policy development in the Federal and Alberta Governments. She brings extensive governance experience through her professional background and her involvement with numerous boards.

As Deputy Minister of Western Economic Diversification Canada (WD) from 1997 until her retirement from the Public Service of Canada in June, 2009, she led a department which

brought together people, ideas and resources in a collaborative effort to develop and diversify the western Canadian economy through improving knowledge infrastructure, accelerating technology commercialization, improving business competitiveness, and expanding access to financing.

Prior to joining the federal government, Oryssia was the Deputy Minister of Federal and Intergovernmental Affairs, Government of Alberta (1990-97), with responsibility for a broad range of issues, including constitutional policy and negotiations, international trade policy, internal trade agreement negotiations, Aboriginal self-government negotiations, and intergovernmental negotiations on resources and economic issues and the social union. From 1971-1990, she progressed through various positions in Alberta Federal and Intergovernmental Affairs, with a two-year secondment (1973-75) to the Premier's Office to set up a Correspondence Unit. 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. In the Meech Lake discussions, she represented the provinces as one of two officials designated to record the discussion and decisions of the First Ministers. She was the Secretary to the Alberta Senate Reform Task Force, which was established by Premier Getty to promote an understanding across Canada of Alberta's Triple E Senate proposal. She was also the only government member on the Alberta Government's Advisory Committee on National Affairs, set up by Premier Klein following the 1995 Quebec referendum.

A graduate of the University of Alberta, Oryssia has a B.A. with a major in Political Science and completion of course work for an M.A. She also holds a Certificate from the Banff School of Advanced Management (1983).

Oryssia's strong commitment to public and community service is reflected in other ways as well. She is Vice-Chair of the Alberta Research and Innovation Authority, Vice-Chair of MacEwan University Board of Governors, a member of the Board of Directors of United Way Canada/Centraide Canada, and a member of the Board of the Canada West Foundation (effective July 1, 2010). Past professional and volunteer community affiliations include the Business Development Bank Board of Directors, the United Way of the Capital Region Board of Directors (Chair and Member), The University of Alberta Board of Governors (Vice-Chair), the Glenrose Rehabilitation Board of Governors, and the Ronald MacDonald House Board of Directors.

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.

Bronwyn Shoush**Alberta Justice and Attorney General**

Bronwyn Shoush is an Aboriginal lawyer, member of the Law Society of Alberta, and the Indigenous Bar Association of Canada. She has degrees in Science (Chemistry) and Law from the University of Alberta, and a strong interest in federalism and constitutional studies. She is the Director of Aboriginal Justice Initiatives for Alberta Solicitor General and Ministry of Public Security, and Alberta Justice and Attorney General. An important part of her work is building relationships with Aboriginal communities in urban, rural and remote locations, and working with them and others towards safe, secure communities. Bronwyn also has a long standing interest in health research, privacy and ethics, and the development of public policy that supports healthy resilient families and communities. She was a founding Board member of the Canadian Breast Cancer Research Initiative (CBCRI) and the Canadian Institutes of Health Research (CIHR) Institute of Aboriginal Peoples Health (IAPH), and is a member of the Alberta Cancer Board and the Premier's Taskforce on Crystal Methamphetamine. She has spoken at a number of national and international conferences on justice, security, and health themes. Bronwyn is also a swimmer. While at the University of Alberta she won a number of intercollegiate, provincial and Canadian titles in synchronized swimming!

APPENDIX B

Review of Constitutional Studies/Revue d'études constitutionnelles

Vol .15, Number 1 (2010)

The 20th Annual McDonald Lecture in Constitutional Studies

What Canadian Federalism Means in Québec

Guy Laforest

Articles

The Bouchard-Taylor Report on Cultural and Religious Accommodation:
Multiculturalism by Any Other Name?

Luc Tremblay

A Strategic Approach to Judicial Legitimacy:
Supreme Court of Canada and the *Marshall* Case

Vuk Radmilovic

Restraint and Proliferation in Criminal Law

Jula Hughes

Boumediene and the Meanings of Separation of Powers in U.S. Emergency Law

Emily Hartz and Dimitrios Kyritsis

Book Review

Self-Defeating and Self-Transforming Dimensions of Proportionality Analysis:
A Review Essay on: James B. Kelly and Christopher P. Manfredi, eds.

Contested Constitutionalism: Reflections on the Canadian

Charter of Rights and Freedoms, Vancouver UBC Press, 2009.

Dwight Newman

Review of Constitutional Studies/Revue d'études constitutionnelles

Vol. 15, Number 2 (2011)

22nd Annual McDonald Lecture in Constitutional Studies

Canada's Response to Terrorism

Honourable Frank Iacobucci, C.C., Q.C.

Articles

Back to Basics: A Critical Look at the *Irwin Toy* Framework for
Freedom of Expression *Robin Elliot*

Towards a Civil Republican Theory of Canadian Constitutional
Law *Hoi Kong*

Book Review

Theory as Therapy: Review of Dennis Baker, *Not Quite Supreme: Courts and Coordinate
Constitutional Interpretation*
Ken Dickerson

Constitutional Forum constitutionnel Vol. 18, Number 3 (2010)

The IOC Made Me Do it: Women's Ski Jumping, VANOC, and the 2010 Winter Olympics
Margot Young

Drivers Needed: Tough Choices from *Alberta v. Wilson Colony of Hutterian Brethren*
Janet Epp Buckingham

***Abdelrazik*: Tort Liability for Exercise of Prerogative Powers?**
Erika Chamberlain

A Delicate Balance: *Re Charkaoui* and the Constitutional Dimensions of Disclosure
Graham Hudson

Constitutional Forum constitutionnel Vol. 19, Number 1 (2010)

**The Notwithstanding Clause, the Charter, and Canada's Patriated Constitution: What I
Thought We Were Doing**

Hon. Allan E. Blakeney

**The Speaker's Ruling on Afghan Detainee Documents: The Last Hurrah for Parliamentary
Privilege?**

Heather MacIvor

Conacher Missed the Mark on Constitutional Conventions and Fixed Election Dates

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The Fixed Election Law: Constitutional Convention or Conventional Politics?

Robert E. Hawkins

Constitutional Forum constitutionnel Vol. 19, Number 2 (2011)

Key Theoretical Issues in the Interaction of Law and Religion: A Guide for the Perplexed
Benjamin Berger

Judges and Religious-Based Reasoning

Diana Ginn and David Blaikie

The Politics of Hate Speech: A Case Comment on *Warman v Lemire*

Ranjan K. Agarwal

***McIvor v Canada* and the 2010 Amendments to the Indian Act:, A Half-Hearted Remedy
to Historical Injustice**

Sarah E. Hamill