



CENTRE *for* CONSTITUTIONAL STUDIES  
*Centre d'études constitutionnelles*

# Annual Report

2012-2013

Fiscal Year Ending March 31, 2013

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2012-2013

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## 2012-2013: Highlights

Highlighting the 2012-2013 year was the Centre's Speakers and Events series which featured a wide ranging number of constitutional issues by excellent speakers who presented to large and enthusiastic audiences. Beginning the year was celebration of the 30<sup>th</sup> anniversary of the *Canadian Charter of Rights and Freedoms* with an entertaining presentation about the history of the *Hunter v Southam* case – Edmonton's first *Charter* case to reach the Supreme Court of Canada. In October, David Frum, a well-known author and pundit, presented the 24<sup>th</sup> Annual McDonald Lecture in Constitutional Studies. He spoke on the issue of judicial legitimacy – how it is gained and how it is lost. Two professors from the Faculty of Law, Cathy Bell and Eric Adams, provided insights into the challenges, controversies and consequences of the *Daniels v Canada* case which has redefined the meaning of 'Indian' from a constitutional perspective. Professor Carver, Faculty of Law and Jared Wesley, Director, Federal-Provincial Relations with the Government of Alberta, analyzed the recent questions put to the Supreme Court of Canada and the Quebec Court of Appeal by the Canadian and Quebec governments on the possibilities for Senate Reform in Canada in the 21<sup>st</sup> century. And a delegation of politicians and academics from South Sudan who are in the process of drafting a constitution for their new country spoke about the challenges they face in designing the constitution that will shape their emerging democracy.

The Centre is also pleased to welcome its first Education and Communications Coordinator, Dustin Martin who is responsible for making information about the Constitution available to the general public. Specifically, Dustin develops and maintains the Centre's extensive web-based public legal education resources, coordinates the hiring of student writers for the development of public education resources, coordinates public legal education projects and events and develops communications and marketing strategies for the Centre.

## Programming

### 1. Research

The **Centre's Research Program** serves the academic community and the broader public to increase understandings of constitutions. 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;
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.

## Publications

### Journals

The Centre publishes two journals: *Review of Constitutional Studies constitutionnelles*, a peer reviewed journal published twice yearly, and *Constitutional Forum* an online publication which provides an opportunity for interdisciplinary debate and dialogue on constitutional issues. Both journals publish articles in English and French.

### *Review of Constitutional Studies*



The *Review* is unique as the only interdisciplinary journal in Canada that publishes academic work on constitutional issues. The journal receives submissions from around the world and uses a double blind peer review process.

The *Review* is a print journal with paid subscribers. Articles published in the journal are available online through digital aggregators: HeinOnline, EBSCO and GALE and they are available on the Centre website one year after publication.

**Volume 17, Number 1** was published in June, 2012. The issue contains a reflection about the *Charter's* 30th anniversary by John Whyte, a longer article in French on the unwritten constitution which has received excellent reviews, an article on the protective function of section 7 and the 23<sup>rd</sup> McDonald Lecture by Professor David Dyzenhaus. In total, 17 manuscripts were received for this issue. The Table of Contents for this issue can be found at Appendix B of this Report.

**Volume 17, Number 2** which will be published in 2013-2014 contains three articles and one book review. Of significance in this issue is an article by Mark Power, Francois Larocque and Darius Bosse on the adverse effects of the adversarial system on constitutional litigation. The article focuses on the *Caron and Boutet* case which was recently heard by the Alberta Court of Appeal on whether all of Alberta's laws need to be available in French as well as English. This is a key constitutional case.

The *Review* is fortunate to have an **Editorial Board** comprised of enthusiastic academics 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, St. Mary's University.

## ***Constitutional Forum constitutionnel***



The **Forum** is an online journal published through the University of Alberta's online journal system (OJS). Articles written for the *Forum* are generally shorter than those published in the *Review* and they

are meant to provide insightful commentary on current topics of Canadian and International constitutional importance. **Link to the *Forum* at: [Constitutional Forum](#)**

**Volume 21, Number 1** was published in July, 2012. The issue includes 3 articles: the speech given by Roy Romanow at the Patriation Negotiations Conference; an article in French by Hugo Cyr on federalism and an article by U of A graduate student, Sarah Hamill on judges and religious-based reasoning;

**Volume 21, Number 2** was published in early 2013 and includes: an article by Bruce Hicks on Senate Reform; an article by Diana Ginn which is the final article in a three part series that she has published in the *Forum*. This one is entitled, "Legislators and Religious Based Reasoning". The last article is by Professor Dwight Newman and discusses a rather novel approach for entrenchment of property rights. It is entitled, "The Bilateral Amending Formula as a Mechanism for the Entrenchment of Property Rights";

**Volume 22, Number 1:** Following the successful Constitutional Law Symposium, jointly hosted by the Centre and the Legal Education Society of Alberta in September 2012, the Centre published a special issue of the *Forum* in February 2013. This issue includes 8 of the papers presented at the Symposium. The Table of Contents for this issue can be found at Appendix C of this Report.

## **2. Public Education**

The **Centre's Public Legal Education Program** makes reliable information and resources about the Constitution available to the general public in Alberta. Its mission is: "**Making the Constitution Relevant to Albertans**". The program's 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 U of A law and political science students (by means of training and work experience in plain-language writing on constitutional issues);
5. To be an active, visible and sustained public education presence in Alberta.

## Our Website

The Centre's primary vehicle for delivery of accessible information about the Constitution to the public is its website. Each year we hire students in law and political science who work full time during the summer and part time during the academic year to research and write plain language articles on current constitutional issues for our website.

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

- **Constitutional Issues:** These articles discuss constitutional themes and controversies. Each article includes links to related resources and highlights the wider implications of issues to promote understanding of constitutional matters;
- **Headline Reviews:** These are plainly worded synopses of current events with constitutional significance. 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 pointing out and clarifying constitutional issues while they remain topical;
- **Constitutional Keywords:** Constitutional Keywords define terms and concepts that appear in Canadian constitutional discourse, whether in the courts, legislatures, election campaigns, or the media. It 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 of the public.

A new website is being designed for the Centre and should be operational in the Fall 2013.

## Summer Student Program

The Centre is fortunate to hire enthusiastic University students each summer to write plain language articles on constitutional issues for the Centre's website. These articles are written so that interested members of the public can easily access information about the Constitution and about Canadian constitutional issues.

During the summer of 2012 the Centre students –**Leah McDaniel**, (JD 2013), **Judy Feng** (JD 2014) and **Kristen Pue** (Political Science – 2012) worked from May 14<sup>th</sup> to August 10<sup>th</sup>, 2012. After learning about plain language writing, they produced 24 articles for our website. They also participated in a short series of mini-seminars: Professor Bruce Ziff provided a seminar on the Occupy Movement in the context of property rights; Graduate Student Sarah Hamill spoke about the difficulty of amending our Constitution and what that means for the future and

Mathew Pagels a law student, spoke about Fetal Alcohol Spectrum Disorder and Charter Issues. Professors Adams, Garber and Penney assisted the students with work on specific articles.

A major project for the students this summer was writing case summaries on the Reference cases. This “package” of reference cases is a valuable teaching resource. As in previous years, the students focused on current issues in the news that could be linked to the Constitution and on recent or significant constitutional cases. They also filled in some gaps in criminal cases that were not on our site (e.g. *R v Willier* and *R v Sinclair*).

One of the students fulfilled an obligation that the Centre undertook in collaboration with the Centre for Public Legal Education (CPLEA) to provide research assistance on French minority language cases as part of a project to produce curriculum materials for the schools.

The following articles were published on the Centre website:

### **Featured Court Rulings:**

- [Reference re Secession of Quebec, in Context:](#)  
*Articulating Canada’s Underlying Constitutional Principles, Examining the Right to Self-Determination, Confronting the Court’s Limits in Dealing with Political Matters*
- [Reference re: Securities Act \(2011\) - Does Parliament Have the Power to Establish a Canada-wide Securities Regulator?](#)
- [Reference re: Manitoba Language Rights](#)
- [Carter v Canada \(Attorney General\) \(2012\): BC Court Rules that Ban on Assisted Suicide is Unconstitutional](#)
- [R v Willier \(2010\): Does the Right to Counsel Include a Right to a Specific Lawyer?](#)
- [British Columbia Teachers’ Federation v British Columbia \(2011\) – Third Party Election Advertising limits in BC Election Campaigns](#)
- [R v Sinclair \(2010\): No Constitutional Right to Have a Lawyer Present During Police Interrogation](#)
- [Tessier Ltée v Quebec \(2012\) – Division of Powers and Labour Relations](#)
- [Harper v Canada \(2004\) - Third Party Election Advertising limits in Federal Election Campaigns](#)

### **Constitutional Issues:**

- [“Trojan Horse”: Opposition’s Procedural Odyssey with Omnibus Bill C-38](#)
- [The Reference Procedure: The Government’s Ability to Ask the Court’s Opinion](#)
- [The Omnibus Budget Implementation Bill: Balancing Democratic Accountability with Legislative Efficiency](#)
- [Ted Opitz, et al. v. Borys Wrzesnewskyj, et al.: the Battle Over Etobicoke Centre Election Results](#)

- [\*R v Khawaja\* at the Supreme Court: Does the Definition of “Terrorist Activity” in the \*Criminal Code\* Violate Constitutional Freedoms?](#)
- [Third Party Advertising Limits and the Freedom of Expression in Elections](#)
- [A "Big City Charter" for Edmonton and Calgary: Explaining the Role of Municipalities in Canada's Federal Framework](#)

### **Headline Reviews:**

- [Legal Perspectives on Bill 78 – Quebec’s “Emergency Law” to Quell Student Protests](#)
- [House of Commons votes to repeal “hate messages” section of the Canadian Human Rights Act](#)
- [Canadian Expatriates Seek Full Rights to Vote](#)
- [Bill C-309: Alberta MP’s “Mask Crime” Bill Draws Supporters and Sceptics](#)
- [Federal Government Faces Constitutional Challenges to Scrapping the Long-gun Registry](#)
- [Constitutional Challenges Looming for Alberta’s New Drunk Driving Laws](#)
- [Tobacco Advertising Rules Go Back to Court ... Again](#)
- [B.C. Premier Vows to Shut Down Northern Gateway Pipeline Project if 5 “Bottom-Lines” Aren’t Met: Can She, Constitutionally?](#)

## **Speakers and Events**

During the academic year the Centre invites professors and other experts to speak to a public audience about current constitutional issues. The events are an excellent medium for establishing a community/university dialogue with audiences composed of students, professors, policy experts, legal practitioners and members of the public. The Centre’s proximity to downtown Edmonton and the LRT makes it relatively easy for lawyers, members of the judiciary, government policy makers and members of the general public to attend events in the Law Centre.

### **Speakers**

- **Sujit Choudry – Trudeau Lecture – April 11, 2012:** The Centre organized a Faculty Seminar for professors and students in law, political science, sociology, and history with Professor Sujit Choudry, Trudeau Fellow. He spoke on, “The Paper Chase: The Need for the Institutional Regulation of the Papers of Supreme Court Justices”. Professor Choudry is the Cecilia Goertz Professor of Law at the New York University School of Law and a well-respected constitutional scholar. His Trudeau Lecture, titled, “The Globalization of the Canadian Constitution” was given at the Law Centre on April 11, 2012. The Centre worked with the Faculty of Law to organize and to advertise this lecture



- **David Frum - 24<sup>th</sup> Annual McDonald Lecture in Constitutional Studies:** This year's McDonald Lecturer, David Frum, spoke on October 18, 2012, to a highly motivated and interested audience of approximately 190. The title of his presentation was, "Judicial Legitimacy: How It Is Gained, How it is Lost". Feedback from attendees was extremely positive and the group most appreciated Mr. Frum's candid and fulsome responses to audience questions. Mr. Frum is a contributing editor for Newsweek, the Daily Beast and a CNN commentator. He is also well known for having been a former special assistant to President George W. Bush (2001-2002).
- **"The New Constitutional Indian': Challenges, Controversies and Consequences of *Daniels v Canada*"** – Professors Catherine Bell and Eric Adams analyzed the *Daniels v Canada* decision on **February 6<sup>th</sup>, 2013** to a diverse and enthusiastic audience of 190 attendees. Given the *Daniels v Canada* case, their presentation addressed who is included in the meaning of 'Indians' under section 91(24) of the *Constitution Act*, *who is responsible for the more than 600,000 aboriginal peoples across Canada who are either Metis or who live off-reserve, Ottawa or the provinces and whether the case gives Metis and non-status Indians more rights*. Several representatives from Alberta Justice, International and Intergovernmental Relations were in attendance as were students and professors from several faculties and departments. Of note is that many aboriginal people were in attendance and they were able to ask specific questions about the impact of this decision on Alberta's Metis population.
- **"New Country, New Constitution: The How, What and Why of Constitution-making"** – Honourable MM Otuomoi of the South Sudan Law Reform (Review) Commission engaged an audience of approximately 50 on **February 27<sup>th</sup>, 2013** as he described the process of creating a new constitution for the new country of South Sudan. The audience included members of the public, Alberta Justice, International and Intergovernmental Relations, students and faculty from several faculties and departments across campus including International Relations. The Centre received much positive feedback about this presentation which many wished had been longer. This event was a collaboration between the Centre and the Alberta Law Reform Institute (ALRI). ALRI was responsible for organizing the South Sudanese delegation visit to Canada.
- **Senate Reform in the 21<sup>st</sup> Century** –On **March 22, 2013**, Professor Peter Carver, Faculty of Law and Jared Wesley, Director, Federal-Provincial Relations, Government of Alberta, addressed the significance of the Government of Canada's proposed Senate reforms in Bill C-7. They also reviewed the reference questions posed to the courts by Quebec and the Government of Canada. This was an informative session on the contents of the Government of Canada's Bill C-7 and on what is at stake for Canadians and their Constitution with the two references and their possible outcomes. Attendees at the event included a diverse group of approximately 40 people including lawyers from Alberta Justice, IPAC members, students, faculty of law and members of the public. The event was a collaboration between the Centre, IPAC and Alberta International and Intergovernmental Relations ;

## Events

- **UnChartered: 1982: April 19<sup>th</sup>, 2012:** To celebrate the 30<sup>th</sup> anniversary of the *Charter*, the Centre organized a public, educational event. The two Edmonton lawyers involved in taking the first Edmonton *Charter* case to the Supreme Court of Canada spoke about their experiences with an untried and untested legal tool for which they had no instruction manual. Fred Kozak Q.C. and Judge Alan Lefever told their entertaining story surrounding their learning experience with section 8 of the *Charter* in the *Hunter v Southam* case. They were joined by former editorial writer for the Edmonton Journal and former editor of the Globe and Mail, William Thorsell who remembered the Edmonton Journal publisher, Patrick O’Callaghan’s reaction when the ‘Feds’ came to their offices demanding documents. Tom Wakeling Q.C. spoke about his experience as a young law professor and lawyer with *Black v Law Society of Alberta* and with the *Big M Drug Mart* cases just as the *Charter* emerged. It was a well-attended and memorable evening.
- **Constitutional Symposium – September 28<sup>th</sup>, 2012:** The Centre collaborated with the Legal Education Society of Alberta (LESA) and professors in the Faculty of Law to host the first of what it hopes will be an annual Symposium featuring recent developments and future directions in constitutional law. This Symposium was held on Friday, September 28<sup>th</sup>, 2012 from 9:00 a.m. to 4:30 p.m. in the Lister Conference Centre. The target audience for this Symposium was the practicing bar and all lawyers in Alberta received a brochure from LESA advertising the event. All costs for the Symposium were covered by LESA and they coordinated all travel arrangements for presenters, registrations, symposium brochures, conference binders and conference evaluations. Approximately 35 people registered for the event and LESA indicates this was a very good number for a first such Symposium. That number also allowed LESA to break even on costs.

One of the objectives for this Symposium was to feature Western Canadian presenters and the Centre accomplished that. Seven of the twelve speakers were from the Faculty of Law, University of Alberta, one was a professor from the University of Calgary, two were professors from B.C., one professor from Saskatchewan, one U of A graduate student and lastly, one practitioner from Calgary.

Four panels were featured:

- a. **The *Charter* and Civil Law.** Panelists: Professor Eric Adams; Colin Feasby and Professor Jennifer Koshan;
- b. **Division of Powers.** Panelists: Professor Dwight Newman, Professor Ubaka Ogbogu, Professor Moin Yahya;
- c. **Aboriginal Rights.** Panelists: Professor Janna Promislow, Neil Reddekopp and comments by Professor Catherine Bell;
- d. **The *Charter* and Criminal Law.** Panelists: Professor Janine Benedet; Professor Steven Penney; Professor Peter Sankoff.

A short, entertaining and informative lunch hour presentation was given by Justice Frans Slatter of the Alberta Court of Appeal.

The Symposium Planning Committee members were: Professor Steven Penney, Professor Barbara Billingsley, Professor Peter Carver, Justice June Ross, Don Padget (Alberta Justice), Kirk Lambrecht, (Justice Canada) and Patricia Paradis.

- **Law Day 2012** - The Centre participated in Law Day on April 21, 2012. 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 our laws and our legal system. The event brings thousands of members of the public to the Law Courts building in April of each year, to celebrate the entrenchment of our *Charter of Rights and Freedoms*. Several entertaining trials and other events are hosted throughout the day. The Centre participated this year by presenting the appeal of an interesting constitutional issue for the purpose of providing a 'teachable moment' about the Constitution: whether an accused person has the right to speak to his/her lawyer more than once during questioning by the police. This issue relates to section 10 b) of the *Charter*, the right to retain and instruct counsel without delay and to be informed of that right. Two young lawyers, Lindsay Tait and Tara Hayes argued the appeal before Madame Justice Joanna Goss, Court of Queen's Bench of Alberta. All participants generously donated their time and did an excellent job of explaining the importance and significance of this *Charter* right for accused persons. The audience learned a great deal and engaged in a lively debate after the decision was rendered.

## Documentary Projects

1. **Radio Documentary:** The CBC radio program, **IDEAS**, produced a one hour documentary entitled, '**Pondering the Patriation**'. This documentary was based on the Patriation Negotiations conference of November, 2011 which was organized by the Centre for Constitutional Studies. The documentary is an excellent summary of key presentations at the Patriation Negotiations conference and it addresses the fundamental historical questions that remain about the patriation negotiations process. Questions about whether Quebec was deliberately excluded from the final patriation deal and whether the 'Kitchen Accord' or the 'Newfoundland Proposals' allowed the group of politicians and civil servants to come to an agreement on the final deal, were discussed. The documentary aired in June and in November of 2012.

The **Ideas** documentary was produced using film footage taken by the CBC at the Patriation Negotiations conference as part of a co-production agreement between the University of Alberta and the CBC. Funding for this filming was made possible through a SSHRC Outreach grant.

The IDEAS program is available to the public on the CBC website as a podcast.

2. **Film Documentary:** The Centre and the National Film Board are co-producing a series of 8-10 short educational films based on the Patriation Negotiations of 1981. Some of the footage from the Patriation Negotiations Conference held in 2011 will be used. Each of these films will deal with a discreet constitutional issue raised during the patriation negotiations. These short films will be available to the public as well as to high school and University students via the web. The purpose of producing these shorter films rather than one long documentary is to ensure the greatest possible accessibility to information about our Canadian constitutional history.

## Media resource and expert commentary

The Centre is frequently consulted for information and expertise on constitutional issues by the public, the media and by other organizations. One of the Centre's greatest strengths is that it can be relied upon to provide expert, neutral commentary on current constitutional issues. In 2012-2013 the Centre received over 22 calls from newspaper and television reporters across Canada requesting information on Senate Reform, Gateway Pipeline, age discrimination, the *Daniels* case and several other issues. The Centre received 16 requests from the public for assistance on constitutional questions.

## Collaborations

In 2012-2013 the Centre's summer students provided legal expertise to the Centre for Public Legal Education of Alberta for their Minority Language Rights Project. The Alberta Government (Ministry of Intergovernmental, International and Aboriginal Relations) approached the Centre to jointly produce the 'Senate Reform in the 21<sup>st</sup> Century' event in 2013. IPAC also became a partner and advertised the event through its list serve. The result of this collaboration was a highly informative and interesting analysis of the two reference cases which will be heard in the Fall by the Supreme Court and the Quebec Court of Appeal on Senate Reform.

In 2012-2013 the Centre was fortunate to collaborate with the Legal Education Society of Alberta (LESA) in organizing the first annual Constitutional Law Symposium. In addition to producing brochures and Symposium materials, the LESA advertised the Symposium to all lawyers in Alberta. As a result of this successful collaboration, we will be working together again to present the 2013 Constitutional Law Symposium.

In its role as a provider of public legal education, the Centre is a member of PLEdGE, an organization of public education providers in Edmonton who meet quarterly to share information and to provide networking opportunities. Members of PLEdGE include: the Centre for Public Legal Education of 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 Family Law Office. A major focus of this collaboration is access to justice.

Other organizations with which the Centre communicates and collaborates include: Parkland Institute, the Civil Liberties Research Centre and the John Humphrey Centre for Peace and Human Rights.

## 3. Other

### Laskin Moot

Each year the Centre's 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, 2013, the Laskin Moot competition was held in Edmonton. Most significantly, the Faculty of Law, University of Alberta, won the competition for the first time in its history. It was also the first time any Western Canadian law school won the top prize for this moot. This victory was particularly important to the Faculty of Law given that it is celebrating its centenary year.

The stellar 2013 Laskin Moot Team included law students: Kathy Drouin-Carey, Francisco Marquez Stricker, Leah McDaniel, and Pablo Retamozzo.

## Organizational and Funding Structure

**Introduction:** 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 county 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.

## Board of Directors

The **Board of Directors** 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 with respect to the budget and sets strategic direction for the organization. The Centre is extremely fortunate to have this group of interested, engaged and hardworking board directors 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 Directors met four times in fiscal 2012-2013. It also produced a Strategic Plan for 2012-2015.

A list of Board Directors (to March 2013) 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 2012-2013 the Program Manager position was filled for only two months. The position was abolished and replaced with a new position entitled the Education and Communications Coordinator. That position will be filled in 2013-2014. Staff members were:

- **Patricia Paradis**, Executive Director, responsible for the planning, coordination, 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*;
- **Ken Dickerson**, Program Manager, responsible for public education programming;
- **Theresa Percheson**, Centre Administrator, is responsible for financial reporting, journal typesetting and production, promotions, and assistance with event planning;
- Three students, **Leah McDaniel** (Law 3L), **Judy Feng** (Law 2L) and **Kirsten Pue** (Political Science) were hired from May 14<sup>th</sup> to August 10<sup>th</sup> 2012 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, 2013, the grant approved from the ALF was for \$350,510.00. Of that, \$297,611.00 was spent.

Publications revenue for the fiscal year which includes subscriptions to the *Review*, royalties for articles and book sales was \$13,444.00.

## 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 the country 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 Board Directors, Editorial Board members, Peer Reviewers, Journal contributors, Symposium Planning Committee members, Symposium presenters and for assistance with the Laskin Moot and with our summer students in fiscal 2012-2013:

Eric Adams – Law, U of A  
Bev Baines – Law, Queen's  
Natasha Bakht – Law, U of Ottawa  
Richard Bauman – Law, U of A  
Ben Berger – Law, Osgoode  
Stephane Bernatchez – Droit, U de Sherbrooke  
James Bickerton – Political Science  
St. Francis Xavier  
Barbara Billingsley – Law, U of A  
David Blaikie – Law, Schulich School of Law, Dalhousie  
Frederic Boily – Science politique – U Laval  
Phillip Bryden – Law, U of A  
Peter Carver – Law, U of A  
Larry Chartrand – Law, U Ottawa  
Neil Craik – U of Waterloo  
Hugo Cyr – Science politique - UQuam

Julie Debeljak – Monash - University of Australia  
Alexandra Dobrowolsky – Political Science, Saint Mary's U  
Adam Dodek – Law, U of Ottawa  
David Dyzenhaus – Law and Philosophy, U of T  
Jaye Ellis – Law, McGill  
Judith Garber – Political Science, U of A  
Alan Fenna – Politics, University of Perth  
Diana Ginn – Law, Schulich School of Law, Dalhousie  
Lois Harder – Political Science, U of A  
Richard Haigh – Law, Osgoode  
Joanna Harrington – Law, U of A  
Bruce Hicks – Political Science, Carleton  
Donald Ipperciel – Philosophy, U of A  
Cameron Jefferies – Law, U of A  
Jennifer Koshan – Law, U of Calgary

Robert Leckey – Law, McGill  
Howard Leeson – Emeritus, Political Science, U Regina  
Jean Leclair –Droit, U de Montréal  
Matthew Lewans – Law, U of A  
Vanessa MacDonnell – Law, UNB  
Emmett MacFarlane – Political Science, U Vic  
Hanne Magnusson – Political Science, U of Hamburg  
Carissima Mathen – Law, U of Ottawa  
Anne McGillivray – Law, U of Manitoba  
Richard Moon – Law, U Windsor  
Dwight Newman – Law, U Sask  
Ubaka Ogbogu – Law, U of A  
Pam Palmater –Indigenous Studies Program Ryerson U  
Steve Patten – Political Science, U of A  
Steven Penney – Law, U of A  
David Percy – Law, U of A  
Janna Promislow – Law, Thompson Rivers  
Peter Russell –Political Science, U of T  
Peter Sankoff – Law, U of A  
Dan Preece – Political Science, Carleton  
Kent Roach – Law, U of T  
David Schneiderman – Law, U of T  
Hamish Stewart – Law, U of T  
Patrick Taillon –Droit, Laval  
Mark Tushnet – Harvard  
Lori Thorlakson – Political Science, U of A  
Luc Tremblay – Droit, U de Montréal  
Stella Varvis – Law, U of A

Jeremy Webber - Law, U Vic  
John Whyte – Emeritus, Political Science, Queen’s  
Moin Yahya – Law, U of A  
Margot Young – Law, UBC  
Bruce Ziff – Law, U of A

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

Leah McDaniel  
Judy Feng  
Nicole Patterson  
Kirsten Pue  
Matthew Pagels  
James Raworth

Katherine Clackson

**Graduate Students:**

Sarah Hamill – Law, U of A  
Neil Reddekopp – Law, U of A



**The Centre thanks the following lawyers and justices who were Board Directors, members of the Symposium Planning Committee, Symposium presenters, Law Day presenters, judges for practice rounds of the Laskin Moot competition and contributors to our Journals in 2012-2013:**

Janice Ashcroft – Alberta Human Rights Commission  
Karine Deschamplains – Ackroyd LLP  
Kevan Feehan – Fraser Milner Casgrain LLP  
Colin Feasby – Osler, Harkin &Harcourt LLP  
Micah Goldstein – Ontario Attorney General  
Hon. Justice Sheila Greckol – Court of Queen’s Bench of Alberta  
Tara Hayes – Royal Teskey Barristers  
Janet Keeping – Sheldon Chumir Foundation  
Ritu Khullar – Chivers Carpenter  
Kirk Lambrecht – Justice Canada  
Justine Mageau – Witten LLP  
Patrick Nugent – Nugent Law Office  
Craig Neuman – Neuman Thompson  
Dawn Ofner - LESA  
Don Padget – Alberta Justice  
Hon. Justice June Ross – Court of Queen’s Bench of Alberta  
Andy Sims – The Sims Group

Hon. Justice Frans Slatter – Court of Appeal of Alberta  
Bronwyn Shoush – Alberta Aboriginal Relations  
Lindsay Tate – Pringle and Associates  
Margaret Unsworth – Alberta Justice  
Hon. Justice Joanne Veit – Court of Queen’s Bench of Alberta

**The Centre thanks the following Members of the Public, Civil Servants, Former Politicians and Former Civil Servants for the donation of their time to the Centre as Board Directors, presenters and contributors to our publications.**

Oryssia Lennie  
Jared Wesley

Roy Romanow

## *Appendix A*

### **Board of Directors – 2012-2013 – 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.

#### **Lois Harder (Vice-Chair), Professor, Department of Political Science and Associate Chair, Graduate Studies, University of Alberta**

Professor Lois Harder's main areas of study and teaching are political economy, social theory and gender and politics. Her current research concerns the law and politics of family relationships and citizenship in Canada, and the United States.

#### **Eric Adams, Assistant Professor Faculty of Law, University of Alberta**

Professor Eric Adams', (PhD, U of T) 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.

#### **Kevin Feehan, Q.C.**

Kevin Feehan has been practicing law in the province of Alberta since 1979. Currently, he is a partner at the national law firm of Fraser Milner Casgrain LLP, Barristers and Solicitors 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.

**Judith A. Garber, Associate Professor**

**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.

**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**

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 his 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).

### **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.

### **Bronwyn Shoush**

#### **Alberta Aboriginal Relations**

Bronwyn Shoush is Director, Aboriginal Justice Initiatives with the ministry of Aboriginal Relations, Government of Alberta. She is an Aboriginal lawyer, member of the Law Society of Alberta, and the Indigenous Bar Association of Canada. Ms. Shoush has a strong interest in federalism and constitutional studies. 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.

### **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.

## Appendix B

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