



David Asper Centre for Constitutional Rights
UNIVERSITY OF TORONTO

**2014-2015
ANNUAL REPORT**

Realizing Constitutional Rights through Advocacy, Education and Academic Research

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ABOUT THE ASPER CENTRE

The David Asper Centre for Constitutional Rights is a centre within the University of Toronto, Faculty of Law devoted to advocacy, research and education in the areas of constitutional rights in Canada. The Centre aims to play a vital role in articulating Canada's constitutional vision to the broader world. The cornerstone of the Centre is a legal clinic that brings together students, faculty and members of the bar to work on significant constitutional cases and advocacy initiatives.

Through the establishment of the Centre the University of Toronto joins a small group of international law schools that play an active role in constitutional debates of the day. It is the only Canadian Centre in existence that attempts to bring constitutional law research, policy, advocacy and teaching together under one roof. The Centre was established through a generous gift from University of Toronto Faculty of Law alumnus David Asper (LLM '07).

VISION, MISSION AND VALUES

VISION Sophisticated awareness, understanding and acceptance of constitutional rights in Canada.

MISSION Realizing constitutional rights through advocacy, education and academic research.

VALUES The Centre's ideals are those of the Canadian Charter of Rights and Freedoms and will guide the Centre in its work.

- **Excellence:** the Centre is committed to high quality academic research, intellectual engagement, and intellectual rigour as the foundations for all of its work.
- **Independence:** the Centre's location within an academic institution provides the basis for trust, integrity, and intellectual freedom and diversity.
- **Diversity:** the Centre is committed to diversity in its interaction with community organizations and groups and to intellectual diversity in its work and approach to legal analysis.
- **Innovation:** the Centre seeks to shape the direction of constitutional advocacy, to be flexible in order to respond to emerging constitutional issues, and to use the Charter to transform Canada's legal and policy landscape.
- **Access to Constitutional Rights:** the Centre seeks to promote access to constitutional justice and human rights for vulnerable individuals & groups.



MESSAGE FROM THE EXECUTIVE DIRECTOR

Once again I am proud to highlight the work of the students in the Asper Centre clinic and the role that we have played in the interventions that the Centre has successfully participated in over the past year. While the Supreme Court's decision in *Henry v HMQ* (described at page 3) was less than what we had hoped for, our work with Marlys Edwardh created a golden opportunity for the students to observe excellent advocacy by her and a variety of counsel at the Court. Similarly, the work on the human smuggling cases, which await the Court's decision, allowed the students to take ownership of the file and make a real difference in the direction of our advocacy, while working with Barbara Jackman and our own Audrey Macklin. I worry at times that exposing students to the Cadillac version of constitutional advocacy might lead to disappointment in the "real world", but I often hear from past graduates that the work that they were able to do, including learning about how to do legislative history research, helped them to seek out interesting work as their careers have progressed.

I am pleased to hear from our Dean, Ed Iacobucci that he views the Centre as a truly successful model of how such Centres ought to function. Through the engagement of the students in various endeavours, and the partnership with diverse faculty members in our cases and our more academic events, we have gained great purchase in the Faculty of Law. These contributions strengthen the impact that we have made on constitutional law in Canada.

I am looking forward to next year as we think of further developing the Constitutional Roundtable to increase its influence on constitutional discourse and as we look to additional ways to expand our work with the support of the constitutional law community and our foundational support from David Asper.



Cheryl Milne, LL.B, MSW
Executive Director



ADVOCACY AND LITIGATION

Trial Lawyers Association of BC and the Canadian Bar Association v Attorney General of BC

This case was heard on April 14, 2014 and the decision was released on August 10th, 2014. The issue in the case was whether the hearing fees levied for use of BC courts were unconstitutional, and the Asper Centre argued that they were unconstitutional and that the Court should not read in an exemption for those in need, because that went beyond the limited scope of the remedy of reading in.

The Court essentially agreed, holding that the hearing fees were inconsistent with section 96 of the *Constitution Act 1867*, and that a sufficiently broad exemption to the hearing fees could not be read into the regulations to make them constitutionally valid.

Tanudjaja et al. v Attorney General (Canada) and Attorney General (Ontario)

In 2013, the Court of Appeal upheld a Superior Court's decision to strike the pleadings in this case. The applicant's argument was that the Federal and Provincial governments had diminished income support programs and reduced affordable housing to the point that many people on social assistance were left homeless, and that this violated sections 7 and 15 of the *Charter*. The Asper Centre argued that the case merited a full hearing before it could be determined whether the issues raised were justiciable.

The Court of Appeal held that the pleadings did not disclose a cause of action because they did not challenge a particular law or application of a law, and were non-justiciable because they sought a remedy that could be provided only by the legislature. This year, the motion for leave to appeal to the Supreme Court was dismissed without costs.

Henry v Her Majesty the Queen

This case, heard on November 13 2014, centred on the question of when *Charter* damages can be awarded for Crown violations of the *Charter* resulting in wrongful conviction. The appellant, Ivan Henry, was wrongfully convicted of multiple sexual assaults in part because the Crown failed to disclose the existence of DNA evidence, the existence of another suspect for the crimes, and the fact that similar sexual assaults had taken place after Mr. Henry's arrest.

The Asper Centre, jointly with the British Columbia Civil Liberties Association (BCCLA), was represented by Marlys Edwardh and Francis Mahon of Sack Goldblatt Mitchell. They argued that *Charter* damages should be awarded without regard to "fault" on the part of the state, because *Charter* damages are intended to vindicate the values of the *Charter* in addition to providing a personal remedy for the harm suffered by the individual whose rights were breached. The logic of *Charter* damages under s.24(1) is that they arise from the breach of *Charter* rights, and not from the manner in which those rights are breached.

The Supreme Court released their decision on May 1st. In it, they allowed Mr. Henry's appeal but set a standard which, although not requiring actual malice, required more than gross



negligence on the part of the crown before *Charter* damages would be granted.

R v Kokopenace

The Asper Centre, jointly with Women’s Legal Education and Action Fund (LEAF), was granted intervener standing in this appeal on the question of what jury representativeness means, and whether a failure to adequately include First Nations peoples living on reserves in the jury rolls qualifies as a breach of the accused’s jury representativeness right.

The accused, Clifford Kokopenace, was convicted of second degree murder for stabbing his friend but he appealed the decision, seeking a new trial, when he discovered that the jury roll contained disproportionately few on-reserve residents. The Court of Appeal found that a combination of outdated resident lists, and a perennially low response rate had resulted in dramatic under-representation of on-reserve residents on Juries.

The Asper Centre and LEAF, represented by Cheryl Milne and Kim Stanton, argued that the criminal justice system had to pursue substantive equality in order to make its processes compatible with section 15 of the *Charter*, and that the accused’s right to a representative jury had implications under section 15 as well as sections 11(d) and (f).

The Supreme Court released its decision on May 22nd. Disappointingly, the majority held that Mr. Kokopenace’s *Charter* rights had not been breached, and awarded no remedy. Neither the majority nor the dissent addressed the arguments made by the Asper Centre regarding section 15 of the *Charter*.

B010 v Minister of Public Safety and Emergency Preparedness

In February 2015, Audrey Macklin and Barbara Jackman represented the Asper Centre in this appeal focusing on the definition of human smuggling adopted by the Refugee Protection Board, the standard of review for that decision, and whether section 7 of the *Charter* is engaged by the process of declaring someone inadmissible for entry to Canada.

The Asper Centre argued that determinations of inadmissibility engage section 7 of the *Charter* because they are part of a comprehensive scheme for regulating admission to Canada, and because a Pre-Removal Risk Assessment (PRRA) is not an adequate substitute for a rights protecting regime. They further argued that the standard of review for the Board’s decision must be correctness, because the question is one of central importance to the legal system, and because the Immigration Division is not a fully independent tribunal.

The Supreme Court has yet to release their decision.



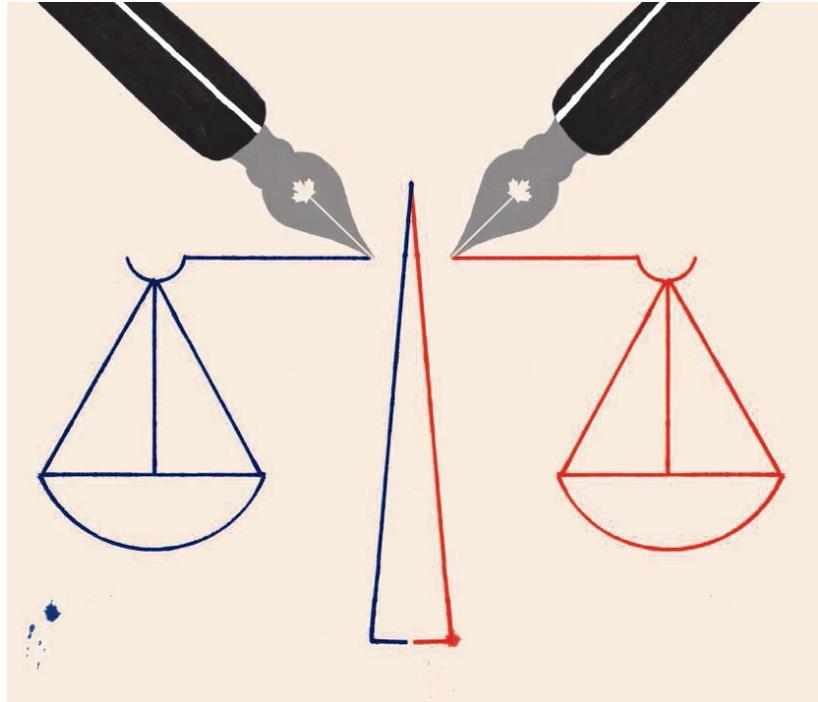
Clinic Students in B010. From left: Dragana Rakic, Eleanor Vaughan, and Jordan Stone.

Charter Conference: Sections 7 and 15

Life, Liberty & Equality—Canadian Style: The Interplay Between Sections 7 and 15 of the Charter

On February 27, 2015, the Asper Centre hosted its annual conference. This year's conference looked at the ways that constitutional cases were litigated under sections 7 and 15 of the *Charter*: the common analytical tools, the substantive overlap between them, and the doctrinal divergences.

The conference opened with a plenary session focused on identifying discriminatory effects in section 15 litigation and featured Mary Eberts and Kim Stanton, whose paper discussed the disappearance of systemic discrimination from Canadian jurisprudence, Hart Schwartz who wrote on the weaknesses of proportionality tests and comparator groups under section 7 and 15 of the *Charter*, and Ranjan Agarwal and Faiz Lalani whose paper talked about the scope of judicial notice under sections 7 and 15 of the *Charter*.



The conference then separated into two concurrent panel discussions. The first discussed the use of sections 7 and 15 to protect vulnerable groups in society, focusing specifically on the Barbara Schleifer Clinic's challenge to the repeal of the long-gun registry and the role of sections 7 and 15 in challenges to mental health legislation. The second panel looked at choices the court makes between addressing a claim under section 7 and section 15, and asked why the Court often fails to engage with section 15 arguments, instead preferring to handle issues under section 7 where possible.

The conference closed with a lunchtime plenary session in which six professors each provided their own take on the Supreme Court's recent decision in *Carter*. Topics ranged from Professor Trudo Lemmens' discussion of the decision's more problematic aspects, to Professor David Schneiderman's use of *Carter* to demonstrate that Chief Justice McLachlin has a libertarian streak, to Professor Denise Reaume's argument that *Carter* was really a section 15 case after all, even though the *Court* handled it under section 7. A full webcast of the lunchtime plenary discussion is available on the *Asper Centre* website at <http://www.aspercentre.ca/resources/webcasts.htm>.

Publication

A number of the articles presented at the conference will be published in upcoming issues of the *National Journal of Constitutional Law* including: (list)

PANELS AND EVENTS

R v Kokopenace: The Panel

October 15, 2014 | Panelists: Brian Greenspan (Greenspan, Humphrey, Lavine), Jessica Orkin (Sack, Goldblatt, Mitchell), Cheryl Milne (David Asper Centre), Mary Eberts (Mary Eberts Law Office and Asper Centre's Litigator in Residence), Julian Roy (Falconers LLP) and Christa Big Canoe (Aboriginal Legal Services of Toronto) | Moderator: Promise Holmes (U of T Faculty of Law, and Aboriginal Legal Services of Toronto) This panel brought together a number of lawyers who had made submissions in *R v Kokopenace* to discuss their arguments before the Supreme Court. *This panel was jointly hosted with the Aboriginal Law Program as part of its Speaker Series*

The Case Against 8: Special Screening

The Case Against 8 is a behind-the-scenes look inside the historic case to overturn California's ban on same-sex marriage. This special screening of the film was co-sponsored by Out in Law and the International Human Rights Program.

CONSTITUTIONAL ROUNDTABLES

Foreign Relations Law

September 12, 2014 | Author: Campbell McLachlan, Professor of International Law at University of Wellington, NZ | Reviewer: Stephen Toope, incoming director of the Munk School for Global Affairs at U of T
Campbell McLachlan discussed his new book: [Foreign Relations Law](#), which examines the legal principles governing the extraterritorial exercise of state power in common law jurisdictions..

Wishful Thinking: The Supreme Court of Canada Looks at Canadian Democracy in the Charter Era

November 18, 2014 | Author: Mary Eberts, Constitutional Litigator in Residence

Mary Eberts discussed two “articles of faith” held by the Supreme Court that she argued hinder its decisions in social benefit cases. She made the argument that our legislature is neither truly representative of the population, nor particularly well-suited to making decisions regarding social benefits, and that the court’s failure to recognize this weakened Canada’s equality jurisprudence.

Autonomy, Subsidiarity and Solidarity: The Foundations of Cooperative Federalism

January 13, 2015 | Speaker: Hugo Cyr (Director of Graduate Studies in Law: Université du Québec à Montréal)

Hugo Cyr presented his timely new paper on Cooperative Federalism, arguing for the idea of federal solidarity just as it went before the Supreme Court in the Long Gun Registry case.

Constitutional Law in the Absence of Constitution: Power in the Revolutionary Interregnum

February 5, 2015 | Speaker: (Richard Stacey (Faculty of Law University of Toronto)
Richard Stacey discussed the suspension of constitutions and the authority that state agents exercise in their absence, with a specific focus on the recent suspensions of Egypt’s constitution in 2011 and 2013.



Professor Richard Stacey, photo courtesy of University of Toronto Faculty of Law



CONSTITUTIONAL LITIGATOR IN RESIDENCE



MARY EBERTS received her legal education at Western and the Harvard Law School, and is a member of the Bar of Ontario. She joined a Bay St. law firm after several years of teaching at the Faculty of Law, University of Toronto, and was a partner at that firm until opening a small firm specializing in *Charter* and public law litigation. From this base in Toronto, she has appeared as counsel to parties and interveners in the Supreme Court of Canada, Courts of Appeal and Superior Courts in Ontario and other provinces, the Federal Court and Court of Appeal, and before administrative tribunals and inquests in Ontario and other provinces. She was active in securing the present language of section 15 of the *Charter*, and was one of the founders of the Women's Legal Education and Action Fund (LEAF). Since 1991, she has been litigation counsel to the Native Women's Association of Canada (NWAC). Mary held the Gordon Henderson Chair in Human Rights at the University of Ottawa in 2004-2005 and the Ariel Sallows Chair in Human Rights at the College of Law, University of Saskatchewan in 2011 and 2012, where she taught courses in test case litigation. Recognition of her work includes the Law Society Medal, the Governor-General's Award in Honour of the Persons' Case, the Queen's Diamond Jubilee Medal and several honorary degrees.

CLINICAL LEGAL EDUCATION

Clinic Students

Neil Abraham, Winston Gee, Bettin Xue, Jordan Stone, Eleanor Vaughan, David Gruber, Jada Tellier, Leanna Katz, Kathryn Walker, Dragana Rakic (second term clinic)

Clinic Projects

The students were divided up in groups of two to three to work on the various projects this term.

Students worked on the Henry and B010 intervention at the Supreme Court of Canada, assisting in the drafting of the motions to intervene and the facts in each case.

Students travelled to Ottawa to watch both cases being argued by our pro bono counsel. Other projects included Charter analysis of a potential discrimination complaint by a group advocating on behalf of deaf children and the analysis of the dangerous offender provisions of the Criminal Code of Canada.

My experiences in this course surprised me. Where I originally thought learning to advocate for a minority group would be relatively straightforward and akin to other learning I have engaged with at law school, I discovered that this learning goal was more challenging and unlike the intellectual puzzling of most of my law school courses.

Clinic Speakers

- **Suzanne Wood**, Norton Rose Fulbright LLP
- **Justice Kathryn Feldman** of the Ontario Court of Appeal
- **Zachary Green** from the Constitutional Law Branch of the Attorney General of Ontario
- **Abbie Dushman** of the Canadian Civil Liberties Association
- **Justice David Corbett** of the Ontario Supreme Court of Justice,
- **Douglas Elliott** of Cambridge LLP
- **Susan Barker** on the joys of researching legislative history

Pro Bono Assistance

- **Marlys Edwardh and Francis Mahon** served as pro bono counsel in the Centre's intervention in *Henry*
- **Barbara Jackman and Audrey Macklin** served as pro bono counsel in the *Human Smuggling Cases*.
- **Martha Healey** of Norton Rose Fulbright—served as the Centre's pro bono Ottawa agent for all our Supreme Court of Canada interventions



STUDENT ENGAGEMENT

2014-2015 WORKING GROUPS

Bedford Working Group

J.D. students: Alexandra Wong, Matt Malott, Ahmed ElDessouki, and Dan Paton.

With Profs Brenda Cossman, Kent Roach, and Simon Stern, and Jean McDonald of Maggie's

This group focused on examining the new legislation brought in by the Federal Legislature after the Supreme Court's decision in *AG v Bedford*. They divided into four groups, and each focused on a different method of studying the bill. One group took an international and comparative perspective, while others looked at parliamentary debates surrounding the legislation, or the specific details of the new bill, and their relationship to the Supreme Court's judgment. The working group produced research memoranda on the bill, and are in the process of creating public legal education materials to be used by NGOs in future.

Refugee and Immigration Law Working Group

J.D. students: Deborah Boswell, Kathrine Long, and Petra Molnar

With Prof. Audrey Macklin

This group drafted two memoranda: one on statelessness in the Canadian and international context in partnership with the Canadian Association of Refugee Lawyers, and the other on changes to citizenship laws, particularly changes to timelines, costs and requirements for success. They also prepared Public Legal Education (PLE) materials in partnership with Sojourn House, and a workshop for high school students in partnership with LAWS. The PLE materials taught potential refugee claimants how to prepare for refugee hearings, options for appeals, applying for work permits and permanent residency. The group is working to provide additional resources to Sojourn House.

The Asper Centre accepts proposals from Faculty of Law students who are interested in leading a working group. Working groups provide students with the opportunity to conduct legal research and advocacy on Canadian constitutional rights issues, often in partnership with an external organization.



WILSON MOOT 2015

The University of Toronto's Wilson Moot Team again achieved outstanding results with the support of the Asper Centre.

This year's team included Deborah Boswell, Chloe Boubalos, Katherine Long, and Bradon Willms. Competing against 12 other participating schools, the team placed first overall, earned best factum for the fourth year in a row (this year it was a tie) and also tied for first place oralist. The team was coached by Cheryl Milne and Loraine Weinrib, and supported by student coaches Aoife Quinn and Christophe Shammass

The problem focused on a section 7 and 15 *Charter* challenge to a law restricting the scope of the mother-child program, a program designed to allow women to have their young children live in prison with them. The change prevented women convicted of crimes of violence from participating in the program.



The 2014 Wilson Moot team. From right: Christophe Shammass, Chloe Boubalos, Katherine Long, Deborah Boswell, Bradon Willms, Cheryl Milne and Aoife Quinn

STUDENT RESEARCH ASSISTANTS

Alexandra Wong, Research Assistant Summer 2014—Alexandra provided much needed research support for planning this year's cases. She also led the *Bedford* working group.

Michael McCrae, Research Assistant Summer 2014—Michael provided much needed research support to the Asper Centre.

Sharif Youssef, Work Study Student 2014—Sharif provided website support through the work study



LOOKING AHEAD

Clinical Legal Education and Working Groups

As we await a decisions in one clinic case from last year (*B010*) students will prepare applications for leave to intervene in new constitutional appeals before the Supreme Court. During the fall term, Raj Anand will be the Asper Centre's Constitutional-Litigator-In-Residence. He will mentor clinic students with their case files and provide a public lecture for the law school. Working groups will continue the work of last year's groups on refugee law and privacy rights.

Conference

On February 28, 2016, the Asper Centre will host a conference focusing on the conflicts between our democratic institutions. Conference papers will be considered for publication as part of a special issue of the *National Journal of Constitutional Law*.

Constitutional Roundtables

Scheduled speakers for the fall term are: Richard Moon, Professor of Law at Windsor Law; Tarunabh Khaitan, Associate Professor at Oxford University; Christina Rodriguez, Leighton Homer Surbeck Professor of Law at Yale Law School; and Zaid Al-Ali, a lawyer with law degrees from Harvard, Université de Paris, and King's College, London working on constitutional reform in Middle Eastern countries. Additional speakers are scheduled for the Winter term.

WEBSITE UPDATES

Our Cross-Canada Appellate Cases and Supreme Court Case Materials sections have continued to be updated over the past year. The Asper Centre website serves the important role of making case summaries, facts and information readily available to the public for research and education. Webcasts of events run by the Asper Centre, and commentary on recent decisions in cases that the Asper Centre intervened in are available on the website.

We have also recently updated our Constitutional Law Faculty page in order to better feature the work our affiliated faculty do. The improved page includes photographs and profiles, and features their recent work in the area of constitutional law.

RESEARCH AND WRITING

Papers from Our Symposium on the Interplay between Sections 7 and 15 of the *Charter* to be published in the *National Journal of Constitutional Law*:

Hart Schwarz. Circularity, Tautology and Gamesmanship: “Purpose” based Proportionality-Correspondence Analysis in Sections 15 and 7 of the Charter

Tess Sheldon, Mercedes Perez & Karen Spector. Re-Centering Equality from the Inside: The Interplay Between Sections 7 and 15 of the Charter in Challenges to Psychiatric Detention

Shaun O’Brien, Nadia Lambek and Amanda Dale . Accounting for Deprivation: The Intersection of Sections 7 and 15 of the Charter in the Context of Marginalized Groups

Kimberly Potter. The Role of Choice in Claims under Section 15 of the Charter: The Impact of Recent Developments in Section 7 Jurisprudence

Kiran Kang & Sonia K. Kang. Interpreting Equality Rights under Sections 7 and 15 in New and Old Ways: An Empirical Analysis of the Concurrent Claims Approach

Ranjan Agarwal & Faiz Lalani. Noting the Obvious: A Reflection on the Supreme Court of Canada’s Application of Judicial Notice under Sections 7 and 15 of the Charter

IN THE NEWS

Tim Alamenciak, “Ruling on Aboriginal Medicine for Girl with Leukemia needs to be Clarified, Constitutional Experts say” *The Toronto Star* (December 10, 2014). - Cheryl Milne explains that the law in this area is unclear, and would benefit from a reference to a higher court.

Cristin Schmitz, "Top Court: Opportunity to serve trumps ultimate jury composition" *The Lawyers Weekly* (June 5 2015) - Cheryl Milne discusses a pattern in recent SCC jurisprudence in which the Court will give the government a pass so long as it makes some effort to address a problem.

Diana Mehta, “SCOC ruling on prayers at council meetings to have sweeping impact: Experts” *The Canadian Press* (Thursday April 16, 2015) - Cheryl Milne explains the impact of the Saguenay decision on other municipalities in Canada.

Forcese, Craig and Roach, Kent, “Why Can’t Canada Get National Security Law Right?” *The Walrus* (June 9, 2015) - Kent Roach discusses the problems with bill C-51, arguing that it fails to improve security while causing significant collateral damage.

Forcese, Craig and Roach, Kent, “Forcese & Roach on Bill C-51: Judicial warrants are designed to prevent — not authorize — Charter violations” *National Post* (February 17, 2015).



PRO BONO CONTRIBUTIONS

Faculty Support

- **Prof. Audrey Macklin** provided much guidance to the student working group on immigration issues, and represented the Asper Centre in *B010 v Minister of Public Safety and Emergency Preparedness*.
- **Prof. Kent Roach** maintained his role of Chair of the Advisory Group and provided guidance to the student working group on *Bedford*.
- **Prof. Brenda Cossman** Provided much guidance to the *Bedford* working group
- **Prof. Simon Stern** Provided much guidance to the *Bedford* working group.

Pro Bono Lawyers

- **Barbara Jackman** served as pro bono counsel in the Centre's intervention in *B010 v Minister of Citizenship and Immigration*.
- **Marlys Edwardh** and **Francis Mahon** of Goldblatt Partners LLP served as pro bono counsel in *Henry* last November.
- **Martha Healey** of Norton Rose Fulbright—served as the Centre's pro bono Ottawa agent for all our Supreme Court of Canada interventions; her contribution has been substantial including review of materials..
- **Sally Gomery** of Norton Rose Fulbright will be taking over Martha Healey's role as the Centre's pro bono Ottawa agent.

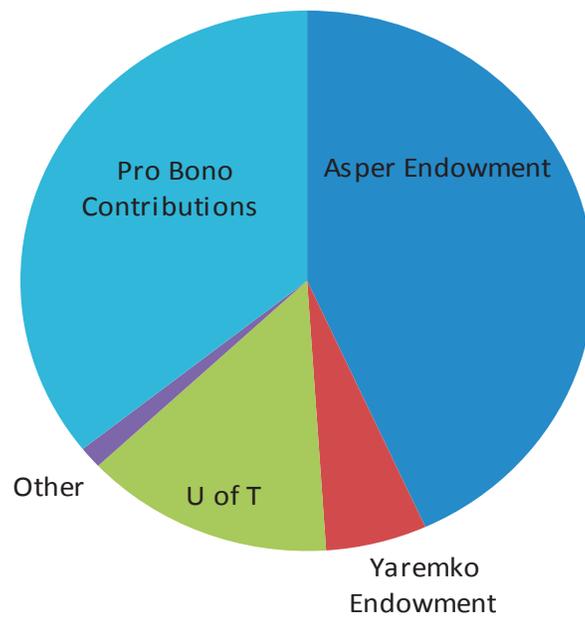
**NORTON ROSE FULBRIGHT**

Jackman Nazami & Associates

Barristers and Solicitors

 **GOLDBLATT
PARTNERS**

Sources of Financial and In-Kind Contributions



ADVISORY GROUP



Professor Kent Roach is the chair of the Advisory group. He holds the Prichard-Wilson Chair of Law and Public Policy. His research interests include the comparative study of miscarriages of justice, judicial review, and anti-terrorism law and policy. He is the author of 12 books, the co-editor of several collections of essays and published casebooks, the author of the Criminal Law and Charter volumes in Irwin Law's essentials of Canadian law series, and has published over 200 articles and chapters. He served as counsel in several important *Charter* cases, recently appearing at the Supreme Court in the landmark case, *City of Vancouver v Ward*. He represented the Asper Centre in *Downtown Eastside Sex Workers, Kokopenace & Spears* appeals, and *Tanudjaja et al.*



Professor Lorraine Weinrib is appointed at the Faculty of Law and the Department of Political Science. Prior to her academic appointment she was Deputy Director of Constitutional Law and Policy in the Crown Law office at the Ministry of the Attorney General (Ontario). Her current work focusses on the legitimacy of the post-WWII model of judicially enforced rights-protection, of which Canada's Charter is both an example and a model for other countries' constitutional development. Professor Weinrib has organized a number of Constitutional Roundtables jointly with the Asper Centre and has consulted on conference planning and the Polygamy Reference.



Professor Yasmin Dawood is an Associate Professor at the Faculty of Law. Professor Dawood's research and teaching interests include the law of democracy, American and Canadian constitutional law, and democratic theory. She holds a J.D. from Columbia Law School, and an M.A. and Ph.D. in Political Science from the University of Chicago, where she held a Mellon Fellowship and a University Fellowship. She was awarded a Social Sciences and Humanities Research Council (SSHRC) Postdoctoral Fellowship, which she held at the Centre for Ethics, University of Toronto. Professor Dawood is admitted to the Bar of New York and she practiced law with the firm of Cleary, Gottlieb, Steen & Hamilton LLP in New York.



Paul Schabas is a litigation partner at Blakes in Toronto and an adjunct faculty member at the Faculty of Law. His practice focuses on complex commercial litigation and arbitrations. Mr. Schabas also has expertise in white collar criminal and regulatory matters, constitutional, media and public law. He is listed in *The Best Lawyers in Canada 2011* (where he was media lawyer of the year in 2010) in the areas of corporate and commercial litigation, criminal defence, administrative and public law, and defamation and media law. Landmark constitutional cases argued by Mr. Schabas include *R v Morgentaler*, *Smoling and Scott*, *Canada (Human Rights Commission) v Taylor*, and *Canadian Foundation for Children, Youth and the Law v Canada*.



Professor Malcolm Thorburn is an Associate Professor at the Faculty of Law. Prior to joining the Faculty of Law in 2013, he was Canada Research Chair in Crime, Security and Constitutionalism at Queen's University. His writing focuses on theoretical issues in and around criminal justice including criminal law and procedure, sentencing, policing, national security and surveillance. His work has appeared in such publications as the *Yale Law Journal*, the *Boston University Law Review*, the *University of Toronto Law Journal*, *Criminal Law and Philosophy* and several books at Oxford University Press and Hart Publishing.

DEDICATED PEOPLE

The Centre would like to acknowledge the invaluable contribution of the many faculty members, staff, students, alumni and legal practitioners who have made our activities and events possible. We would like to thank them for their efforts, insight and support.

Faculty Members and Staff

Lisa Austin	Kara Norrington
Susan Barker	Denise Reaume
Lucianna Ciccocioppo	Dylan Reid
Brenda Cossman	Kent Roach
Yasmin Dawood	Carol Rogerson
David Dyzenhaus	David Schneiderman
Nadia Gulezko	Martha Shaffer
Promise Holmes	Richard Stacey
Sean Ingram	Simon Stern
Audrey Macklin	Hamish Stewart
Renu Mandhane	Jennifer Tam
Judith McCormack	Malcolm Thorburn
Sophia Moreau	Lorraine E. Weinrib

Friends and Volunteers

Ranjan Agarwal, Bennet Jones LLP
Justice David Corbett, Ontario Superior Court
Hugo Cyr, Univerite du Quebec a Montreal
Amanda Dale, Barbra Schlifer Commemorative Clinic
Abbie Dushman, CCLA
Marlys Edwardh, Goldblatt Partners
R. Douglas Elliott, Cambridge LLP
Justice Kathryn Feldman, Ontario Court of Appeal
Michelle Giroux, University of Ottawa
Zachary Green, Constitutional Law Branch, AGO
Martha Healey, Norton Rose Fulbright LLP
Barbara Jackman, Jackman Nazami & Associates
Faiz Lalani, Bennett Jones LLP
Nadia Lambek, Cavalluzzo Shilton McIntyre & Cornish LLP
Francis Mahon, Goldblatt Partners
Campbell McLachlin, University of Wellington
Errol Mendes, University of Ottawa
John Norris
Shaun O'Brien, Cavalluzzo Shilton McIntyre & Cornish LLP
Mercedes Perez, Swadron Associates
Kim Potter, Fasken Martineau DuMoulin LLP
Paul Schabas, Advisory Board Member
Hart Schwartz, AG Ontario
Daniel Sheppard, Goldblatt Partners
Karen Spector, Swadron Associates
Kim Stanton, LEAF
Suzanne Wood, Norton Rose Fulbright LLP

Students

Neil Abraham	Daniel Mapa
Deborah Boswell	Cormac Donovan
Petra Molnar Diop	Giorgio Traini
James Elcombe	Veenu Goswami
Katherine Long	Jane Zhang
Matthew Malott	Nour Bargach
Aoife Quinn	Adam Schoenborn
Christophe Shammas	Maya Bielinski
Leah Sherriff	Emma Romano
Catherine Thomas	Katie Conway
Alexandra Wong	Solange Davis-
Bettina Xue	Ramlochan
Adam Ibrahim	Geetha Philipupillai
Daniel Carens-Nedelsky	Rabiya Mansoor
Jessica Kras	Amir Eftekharpour
Amanda Kovats	Emily Dies
Amy Stoyan	Catherine Bulman
Alyssa Wong	Shyama Talukdar
Stephanie Ovens	Maude Woods
Laura Petryshen	Maeve Chandler
Debbie Wang	Fernando A. Monge-
Hilary Ingle	Loria
Pietro Cimino	Andrew Mingay
Sinead Charbonneau	Maressa Singh
Nicole Rivers	Dragana Rakic
Graeme Oddy	Pooja Lasi
Nora Bercovici	Holly Sherlock
Kevin Kaczmar	





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