SCHULICH SCHOOL OF LAW
DALHOUSIE UNIVERSITY

FACULTY PUBLICATIONS
(2017 – 2018)
Dalhousie Law Faculty
Publications (2017 – 2018)

Olabisi Akinkugbe -


Jamie Baxter -


Kim Brooks -

- “Welcome to the Revolution” in Reflections of Canada: Illuminating our Opportunities and Challenges at 150+ Years (Peter Wall Institute for Advanced Studies: University of British Columbia, 2017) 53 – 56. (R)


Book/Article Reviews


- Graeme Cooper, “The Unconvincing Case for 25%”
- Michael Littlewood and Craig Elliffe, eds., Capital Gains Taxation: A Comparative Analysis of Key Issues
- Heather Field, “A Taxonomy for Tax Loopholes”
- Christiana Panayi, “The Europeanization of Good Tax Governance”
- Martin Hearson, “The UK’s Tax Treaties with Developing Countries During the 1970s”
- Eduardo Baistrocchi, ed., *A Global Analysis of Tax Treaty Disputes*
- Michael Lang et al., eds., *The UN Model Convention and Its Relevance for the Global Tax Treaty Network*


- Jinyan Li, *International Taxation in China: A Contextualized Analysis*
- Sas Ansari and Lorne Sossin, “Legitimate Expectations in Canada: Soft Law and Tax Administration”
- David Kerzner and David Chodikoff, *International Tax Evasion in the Global Information Age*
- Carlo Garbarino, *Judicial Interpretation of Tax Treaties: The Use of the OECD Commentary*
- Angharad Miller, *Taxing Cross-Border Services: Current Worldwide Practices and the Need for Change*
- Lisa Philipps, “Registered Savings Plans and the Making of Middle-Class Canada: Toward a Performative Theory of Tax Policy”

Aldo Chircop –


Stephen Coughlan –

• (with Don Stuart), Learning Canadian Criminal Law (14th ed.) (Toronto: Carswell, 2018)

• (with Michelle Lawrence and Rob Currie), Annual Review of Criminal Law 2016 (Toronto: Carswell, 2017) (I wrote three of the five chapters)

• Patterns in the Jordan Case Law One Year after Cody” (2018) 42 CR (7th) 342


• R v Barclay (2018) 44 CR (7th) 134

• R v Jones (2018) 42 CR (7th) 74

• R v Marakah (2018) 42 CR (7th) 1

• R v Orlandis-Habsburgo (2017) 40 CR (7th) 379

• R v Lee (2017) 39 CR (7th) 404

• R v Bastien (2017) 38 CR (7th) 73

• R v Cody (2017) 37 CR (7th) 266

• R v Cormier (2017) 37 CR (7th) 53
• *R v Lavallee* (2017) 36 CR (7th) 176
• *R v Ricciardi* (2017) 36 CR (7th) 338
• *R v Patrick* (2017) 35 CR (7th) 59

**Elaine Craig** –

• *Putting Trials on Trial: Sexual Assault and the Failure of the Legal Profession* (Montreal: McGill-Queens University Press, 2018). (R)


**Robert Currie** –


• “Cross-Border Evidence Gathering in Transnational Crime Cases: Is the Microsoft Ireland Case the ‘Next Frontier’?” [2016] 54 *Canadian Yearbook of International Law* 63 (R)

• *Amicus Curiae Observations on the “Prosecution’s Request for a Ruling on Jurisdiction Under Article 19(3) of the Statute”, Case No. ICC-RoC46(3)- (18 June 2018)* (Co-drafter (with Fannie Lafontaine and Amanda Ghahremani) and signatory)

• Op-ed: “Currie: Repatriate Hassan Diab and Reform Our Unbalanced Extradition Law”, *Ottawa Citizen*, 27 July 2017 (appeared in both print and online)

**Richard Devlin** –


• “The Lawyer Client Relationship” in A. Woolley et al. eds., Lawyers’ Ethics and Professional Responsibility (3d).

• “Judge’s Ethics, Lawyer’s Dilemmas” in A. Woolley et al., eds., Lawyers’ Ethics and Professional Responsibility (3d) [with Adam Dodek].

• “Regulating Lawyers: North American Perspectives and Problematics” (2017) 50(3) The International Lawyer 401-407. (R)

• “Guest Editorial: The Ethics of Judicial Appointments” (2017) 20 Legal Ethics 1-2 [with Reid Mortensen].

• “Judicial Appointments: The Achilles Heel of the Canadian Judiciary” (2017) 20 Legal Ethics 43-63 [with Adam Dodek]. (R)

Meinhard Doelle –


• (with Bob Gibson and Karine Peloffy), “The Paris to Projects Research Initiative: Key considerations for the Strategic Assessment of Climate Commitment Implications” (discussion paper funded and released by the Metcalf Foundation, April 2018)

• Initial Views on Key Regulations under the Proposed IAA, June 2, 2018, MELAW Blog
• The Proposed Impact Assessment Act in Bill C-69: Selected Amendments, April 25, 2018, MELAW Blog

• Learning Oriented Impact Assessment under the Proposed Federal Impact Assessment Act (IAA), March 23, MELAW Blog

• Post-Assessment Approval (Follow-up) Processes under the Proposed Federal Impact Assessment Act (IAA), March 18, 2018, MELAW Blog

• Jurisdictional Cooperation under the Proposed Federal Impact Assessment Act (IAA), March 10, 2018, MELAW Blog

• Panel Reviews under the Proposed Federal Impact Assessment Act (IAA), March 4, 2018, MELAW Blog

• Regional & Strategic Assessments in the Proposed Federal Impact Assessment Act (IAA), February 25, 2018, MELAW Blog

• Meaningful Public Participation in the Proposed Federal Impact Assessment Act (IAA), February 23, 2018, MELAW Blog


• Strategic Impact Assessment on Climate Change in Project and Regional IA, October 18, 2018, MELAW Blog

• GHG Emissions from International Shipping: Tentative Signs of Progress at Recent IMO Meetings, September 7, 2017, MELAW Blog

Jocelyn Downie –


• (with Gina Bravo, Claudie Rodrigue, Marcel Arcand, Marie-France Dubois, Sharon Kaasalainen, Cees M. Hertogh, Sophie Pautex, & Lieve Van den Block), “Nurses’ Perspectives on Whether Medical Aid in Dying Should Be Accessible to Incompetent Patients with Dementia: Findings from a survey conducted in Quebec, Canada” (2017) Geriatric Nursing. Epub 2018 Jan 3. (R)

• (with Gina Bravo, Claudie Rodrigue, Marcel Arcand, Marie-France Dubois, Sharon Kaasalainen, Cees M. Hertogh, Sophie Pautex, & Lieve Van den Block), “Are Informal Caregivers of Persons with Dementia open to Extending Medical Aid in Dying to Incompetent Patients? Findings from a survey conducted in Quebec, Canada” (2017) Alzheimer Disease & Associated Disorders. Epub 2017 Dec 27. (R)


• Jocelyn Downie, “Hasty change to assisted dying bill a serious error” Policy Options (29 January 2018), online: <policyoptions.irpp.org/magazines/january-2018/hasty-change-to-assisted-dying-bill-a-serious-error/>. 


• Jocelyn Downie, “In a Nutshell II: Ontario Court Decision and MAiD,” Impact Ethics (2017), online: <impactethics.ca/2017/07/28/in-a-nutshell-ii-ontario-court-decision-maid/>

**Joanna Erdman –**


• “Constitutionalizing Abortion Rights in Canada” (2018) 49(1) Ottawa Law Review 221-261 (R)
Elaine Gibson –


Diana Ginn –

- Halsbury’s Laws of Canada, Religious Institutions, 2018 (This is the third re-issue of this title, the earlier ones being in 2008 and 2013.)


- Four updates to the Nova Scotia Real Property Practice Manual, published by LexisNexis

- The Interface of Law and Religion in Canada (2017) 51.2 Canadian Journal of Canadian Studies 533-546. (R)

- How the Lower Courts are “doing Dunsmuir”

Michael Hadskis –


Matthew Herder –

• Matthew Herder, “Reviving the FDA's Authority to Publicly Explain Why New Drug Applications are Approved or Rejected” (2018) JAMA Int Med 178(18): 1013.

• Matthew Herder, “Responding to the Opioid Epidemic” April 5, 2018 https://impactethics.ca/2018/04/05/responding-to-the-opioid-epidemic/

Adelina Iftene –

• “Employing Older Prisoner Empirical Data to Test a Novel s. 7 Charter Claim,” (2017) 40:2 Dal Lj (R)


Archie Kaiser –


William Lahey –


• How the Lower Courts are “doing Dunsmuir” https://www.administrativelawmatters.com/blog/2018/01/11/the-dunsmuir-decade10-ans-de-dunsmuir/

Jodi Lazare –

• Jodi Lazare & Peter Sankoff, “What the law doesn’t understand: My dog is not a couch”, The Globe and Mail (23 March 2018)

Constance MacIntosh –


• “Illness, Injury and Medical Deportations at the Frontier: The Canadian Legal Regime for Health Care Protections for Agricultural Migrant Workers”, in Lara Khoury, Catherine Regis & Robert Kouri (Eds) Health Law at the Frontiers (Yvon Blais/Thomson 2018) (R)


Naiomi Metallic –


• “The Relationship between Canada and Indigenous Peoples – Where are We?” in Law Society of Upper Canada Special Lectures 2017 – Canada at 150: The Charter and the Constitution (Toronto: Irwin Law, 2017)

Jonathan Penney –

• “Internet Surveillance, Regulation, and Chilling Effects Online: A Comparative Case Study”, (2017) 6(2) Internet Policy Review 1 (R)

• “Planet Netsweeper”, Citizen Lab Research Report No. 2018-3, Citizen Lab, Munk School of Global Affairs and Public Policy, University of Toronto, 2018 (R)

• “(Mis)Conceptions about the Impact of Surveillance”, Freedom to Tinker Blog, Center for Information Technology Policy, Princeton University, February 14, 2018

• “Cyber-Harassment Laws and Online Speech” Medium Blog, Berkman Klein Center for Internet and Society, (Aug 15 2017)

• “Can Cyber-Harassment Laws Encourage Online Speech?” in Harmful Speech Online: At the Intersection of Algorithms and Human Behavior, Berkman Klein Center Research Publication/Report, Berkman Klein Center for Internet & Society, Harvard University, 2017 (R)

• “Whose Speech Is Chilled by Surveillance?” Slate Magazine, July 11, 2017

Leonard Rotman –


• “Understanding Fiduciary Duties and Relationship Fiduciarity” (2017) McGill LJ 975-1042. (R)


Phillip Saunders –

• P. Saunders, “Management and Enforcement Challenges for Highly Migratory Species: The Case of Atlantic Bluefin Tuna”, 2018, Canadian Institute of Resources Law online at: https://cirl.ca/files/cirl/saunders-bluefin-tuna_eng.pdf

• “Navigating a Sea of Data: Geoinformatics for law enforcement at sea”, in D Bartlett & L Celliers, eds, Geoinformatics for Marine and Coastal Management (2016, CRC Press - Taylor and Francis) 203-222


Sara Seck –

• (with Neil Craik, Cameron SG Jefferies, & Timothy Stephens, editors), *Global Environmental Change and Innovation in International Law* (Cambridge University Press, June 2018).


Rollie Thompson –


• “What’s Past Parenting is Prologue: Past Parenting Evidence in Ontario” in Ontario Court of Justice, Annual Family Law Seminar, Ottawa, September 14, 2017 (a revised version is to be published in the Can.Fam.L.Q.)

• Editor, Nova Scotia Civil Procedure Rules, 2nd ed. (LexisNexis, looseleaf), Issues 36, 37, 38, 39, 40 and 41.


David VanderZwaag –


Sheila Wildeman –


• Sheila Wildeman, “The road to Dunsmuir or, on re-reading administrative law’s bumpy kinky chain novel in the fading light of ‘a culture of justification’” (Dunsmuir Symposium - blog (on Leonid Sirota’s blog, Double Aspect, Feb 26, 2018).