



**SCHULICH SCHOOL OF LAW  
DALHOUSIE UNIVERSITY**

**FACULTY PUBLICATIONS  
(2015 – 2016)**

**Bruce Archibald –**

- “The Relative Autonomy of Canadian Labour Law: Juridical Spaces for Human Capability Development, Personal Work Relations, Relational Rights and Restorative Labour Market Regulation”.

**Jamie Baxter –**

- “From Integrity Agency to Accountability Network: The Political Economy of Public Sector Oversight in Canada” (2015) 46.2 *Ottawa Law Review* 231 **R**

**Vaughan Black –**

- Chapters 3 and 4 in Jeffrey Berryman et al, *Remedies: Cases and Materials*, 7th ed (Toronto: Emond Montgomery, 2016). (N.B., this is just an updating of my chapters in the 6th edition.)
- (with Stephen Pitel), “Forum-Selection Clauses: Beyond the Contracting Parties” (2016) 12:1 *J Private Int’l L* 26. Peer reviewed
- “Foreign Money Obligations in Ontario” (2016) 45:3 *Adv Q* 267.
- "The Foreign Money Claims Act" (2016) 74 *Advocate* 373.

**Kim Brooks –**

- “Why Feminism Matters to the Study of Law” (2015) 27(2) *Canadian Journal of Women and the Law* 207-223.
- (with David Duff, Lisa Philipps, Benjamin Alarie, and Geoff Loomer) *Canadian Income Tax Law*, 5<sup>th</sup> ed. (Toronto: Butterworths, 2015)
- *Taxation of Corporate Reorganizations* (Toronto: Federated Press) (editor).
- “What the Best Law Teachers Do” (2015) vol. 45, no. 4 *Canadian Journal of Higher Education* 486-488.
- (guest editor with Colin Jackson) Volume 38(2) *Dalhousie Law Journal*

## **R Camille Cameron –**

- (with Jasminka Kalajdzic and Alon Klement) *Economic Enablers*, in ‘Class Actions in Context: How Culture, Economics and Politics Shape Collective Litigation’ (Elgar Publishing, May 2016)
- *Litigation as ‘Core Business’: Analyzing the Access to Justice and Regulatory Dimensions of Commercially Funded Class Actions in Australia*, ‘Class Actions in Context: How Culture, Economics and Politics Shape Collective Litigation’ (Elgar Publishing, May 2016)

## **Aldo Chircop –**

- (with W. Moreira, H. Kindred & E. Gold), eds., *Canadian Maritime Law 2d* (Toronto: Irwin Law, 2016).
- (with M. McConnell & Scott Coffen-Smout), eds., *Ocean Yearbook*, vol. 30 (Leiden: Nijhoff, 2016).
- “Introduction: An Overview of Canadian Maritime Law.” In A. Chircop et al, eds, *Canadian Maritime Law 2d* (Toronto: Irwin Law, 2016), 1-9.
- (with S. Shiels), “Maritime Law Jurisdiction.” In A. Chircop et al, eds, *Canadian Maritime Law 2d* (Toronto: Irwin Law, 2016), 158-210.
- (with & David Henley), “Ship Ownership, Construction, Repair and Registration.” In A. Chircop et al, eds, *Canadian Maritime Law 2d* (Toronto: Irwin Law, 2016), 275-331.
- “Shipping in Arctic Waters.” In A. Chircop et al, eds, *Canadian Maritime Law 2d* (Toronto: Irwin Law, 2016), 991-1023.
- (with P. L’Esperance), “Functional Interactions and Regulatory Prerogatives: The Mutual Accommodation of Offshore Windfarms and International Navigation and Shipping.” 30 *Ocean Yearbook* 439-487 (2016). **R**
- R (with D. Dzidzornu & C. Oguamanam), “Ocean Law Reform: A Multi-Level Comparative Law Analysis of Nigerian Maritime Zone Legislation.” 67 *Marine Policy* 60-75 (2016). **R**
- “Assistance at Sea and Places of Refuge for Ships: Reconciling Competing Norms.” In H. Ringbom ed., *Jurisdiction over Ships: Post-UNCLOS Developments in the Law of the Sea* (Leiden: Nijhoff, 2015), 150-163. **R**
- “Implementation of Article 82: Theory and Practice”, in Jiaobao Li et al., eds., *Technical and Legal Aspects of the Continental Shelf and the Area* (Beijing: Science Press, 2015), 87-99.
- “The Evolving Framework for International Navigation in the Arctic,” in H-J. Koch, et

al. eds., *Legal Regimes for Environmental Protection: Governance for Climate Change and Ocean Resources* (Leiden: Brill Nijhoff, 2015), 275-287.

### **Stephen Coughlan –**

- Criminal Procedure 3rd ed. (Toronto: Irwin Law, 2016)
- (with Gerry Ferguson and Lee Seshagiri), Annual Review of Criminal Law 2014 (Toronto: Carswell, 2015)
- “Threading Together Abuse of Process and Exclusion of Evidence: How it Became Possible to Rebuke Mr. Big” (2015) 71 SCLR 415 (R)
- “Bringing Clarity to the General/Specific Intent Distinction: R v Tatton” (2015) 20 CR (7th) 240
- Case comment: R v Borowiec (2016) 27 CR (7th) 1
- Case comment: R v Kalleo (2016) 27 CR (7th) 98
- Case comment: R v Jackman (2016) 26 CR (7th) 217
- Case comment: R v Fedan (2016) 26 CR (7th) 50
- Case comment: R v Carson (2016) 25 CR (7th) 352
- Case comment: R v Riesberry (2016) 25 CR (7th) 227
- Case comment: R v Vander Griendt (2016) 25 CR (7th) 206
- Case comment: R v Niro (2015) 21 CR (7th) 352
- Case comment: R v Fountain (2015) 20 CR (7th) 371
- Case comment: R v Aravena (2015) 20 CR (7th) 131

### **Elaine Craig –**

- “The Inhospitable Court” (2016) 66:2 University of Toronto Law Journal (pg 197 – 245). **R**
- “The Ethical Identity of Sexual Assault Lawyers” 47:1 (2016) Ottawa Law Review (pg 73- 122). **R**
- “Personal *Stare Decisis* and the Decision in *Mabior*” (2015) 53:1 Alberta Law Review (pg 207 to 227). **R**

- “Examining the Websites of Canada’s ‘Top Sex Crime Lawyers’: The Ethical Parameters of Commercial Expression by the Criminal Defence Bar” (2015) 48:2 UBC Law Review (pg 257 – 304). **R**
- “A Brave and Honest Examination of the Complexity of a Feminist Defence Ethos” a Review of Abbe Smith’s “Representing Rapists: The Cruelty of Cross Examination and Other Challenges for a Feminist Criminal Defense Lawyer” (2016) 53 American Criminal Law Review in online journal: Jotwell Equality Section (2015).

### **Robert Currie –**

- Annotation: *R v. Avanes* (2015), 25 C.R. (7<sup>th</sup>) 26 (ONCJ) **R**
- Annotation: *United States of America v. Viscomi* (2015), 21 C.R. (7<sup>th</sup>) 423 (ONCA) **R**
- Book Review, *An Introduction to Transnational Criminal Law* by Neil Boister (2015) 13:5 JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE 1166-1169 **R**

### **Michael Deturbide –**

- *Online Consumer Protection in Canada: New Developments and Outstanding Concerns* (Industry Canada, 2015)

### **Richard Devlin –**

- *The Cape Town Principles on the Role of Independent Commissions in the Selection and Appointment of Judges* (London: British Institute of International and Comparative Law/Bingham Centre for the Rule of Law, 2016) [with Professor Hugh Corder et al.].
- “Bend or Break: Enhancing the Responsibilities of Law Societies to Improve Access to Justice” (2015) 38(1) Manitoba L.J. 1-40.
- “Born in Faith, Continued in Determination: B.A. (Rocky) Jones and the Egalitarian Practice of Law” in A. Dodek & A. Woolley, eds., *In Search of the Ethical Lawyer: Stories from the Canadian Legal Profession* (Vancouver: UBC Press, 2016) 81-110.
- “A Personal Objection to the Accreditation of Trinity Western University’s Proposed Law School”, 40:2 *Law Matters* (Calgary, Canadian Bar Association, Summer 2015) 31-33.

### **Meinhard Doelle –**

- The Paris Agreement, Historic Breakthrough or High Stakes Experiment? (2016) 6 *Climate Law* 1 **R**
- “The Lower Churchill Panel Review: Sustainability Assessments under Legislative Constraints” in Gibson ed., *Sustainability Assessments* (Earthscan, 2016)
- (with Phillip Saunders) Aquaculture Governance in Canada: A Patchwork of Approaches in Bankes, et al, eds, *Aquaculture Law and Policy: Global, Regional and National Perspectives*, (Edward Elgar Publishing Ltd, 2016)
- (co-author) Fulfilling the Promise: Basic Components of Next Generation Environmental Assessment (2016) 29 *J. Env. L. & Prac.* 251 **R**
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- (with Bill Lahey) “Putting the Train of Environmental Governance on Tracks: Nova Scotia’s Experiment in Using Legislation to Strengthen Environmental Governance” (2015) in Martin, P., and Kennedy, A., eds, *Implementing Environmental Law* (Edward Elgar Publishing, 2015)

### **Jocelyn Downie –**

- (with Cheluchi Onyemelukwe), “The Tunnel at the End of the Light? Development of the Tri Council Policy Statement in Canada” in Susan Dodds and Rachel Ankeny, eds., *Big Picture Bioethics: Developing Democratic Policy in Contested Domains* (Springer, 2016) 131-162. **R**
- (with Georgia Lloyd-Smith), “Assisted Dying for Individuals with Dementia: Challenges for Translating Ethical Positions into Law” in Michael Cholbi & Jukka Varelius, eds., *New Directions in the Ethics of Assisted Suicide and Euthanasia* (Springer, 2015) 97-123. **R**
- “Permitting Voluntary Euthanasia and Assisted Suicide: Law Reform Pathways for Common Law Jurisdictions” (2016) 16:1 *QUT Law Review* 84-112. **R**
- (with Kacie Oliver), “Medical Certificates of Death: First Principles and Established Practice Provide Answers to New Questions” (2016) 188:1 *CMAJ* 49-52. **R**
- (with Dave Snow, Francoise Baylis), “Why the Government of Canada won’t Regulate Assisted Human Reproduction: A Modern Mystery” (2015) 9:1 *McGill JL & Health* 1-15. **R**
- (with Matthias Schmidt, Michael Hadskis, & Jennifer Marshall), “Incidental Findings and the Minimal Risk Standard in Pediatric Neuroimaging Research” (2015) 37:5 *IRB: Ethics & Human Research* 11-19. **R**

## **Joanna Erdman -**

- “The Politics of Global Abortion Rights” (2016) 22:2 *Brown Journal of World Affairs* 39-57.
- “Book Review: Gisele Maynard-Tucker. *Rural Women's Sexuality, Reproductive Health, and Illiteracy: A Critical Perspective on Development*” (2015) 17:4 *Intl. Feminist J. of Politics* 686-688.

## **Elaine Gibson –**

- “Privacy Protection and the Confidentiality of Psychiatric Health Care Records” in J. Chandler and C. Flood, eds., *Law & Mind: Mental Health Law and Policy in Canada* (Toronto: Lexis-Nexis, 2016) 161-185.
- “Wired Identities: Retention and Destruction of Personal Health Information in an Electronic World” (2015) 38:2 *Dalhousie Law Journal* 385-411. **R**

## **Diana Ginn –**

- “Beyond *Dunsmuir* : Clarity on the Standard of Review from *Saguenay*” (co-authored with Gregory Johannson), 44(4) *The Advocate's Quarterly* (November 2015) at 527
- “The Philosophy of Law in the Canadian Arctic” published in “Philosophy of Law in the Arctic (ed; Dawid Bunikowski): <http://www.uarctic.org/media/1596449/tn-arctic-law--bunikowski--philosophy-of-law-in-the-arctic.pdf>”
- Four updates to the *Nova Scotia Real Property Practice Manual* (loose leaf; published by LexisNexis)

## **Archie Kaiser –**

- "Advocating for Persons with Mental Health Problems: Living Up to the Challenges of the Twenty First Century," in Jennifer Chandler and Colleen Flood, Eds., *Law and Mind: Mental Health Law and Policy in Canada*, (Toronto:LexisNexis,2016), 253-281
- "A Partial Ceasefire in Canada's War on Drugs? Reflections on the Impending Legalization of Marijuana", (2016) 63 *Criminal Law Quarterly*, 367-404

## **William Lahey –**

- *Approaches to and Best Practices in the Regulation of Hydraulic Fracturing in Canada: Appendix M of the Final Report of the Newfoundland & Labrador Hydraulic Fracturing*

*Review Panel*. Available at: [http://nlhfrp.ca/wp-content/uploads/2016/05/Appendix-M\\_NLHFRP\\_W-Lahey.pdf](http://nlhfrp.ca/wp-content/uploads/2016/05/Appendix-M_NLHFRP_W-Lahey.pdf).

- “Cape Breton Explorations Ltd. v. Nova Scotia (Attorney General)” (2013) 3:3 *Energy Regulation Quarterly*, 65-69.
- “Legislating Collaborative Self-Regulation in Canada: A Comparative Policy Analysis”, (2016) 30:2 *Journal of Interprofessional Care*, 211-216. [With Katherine Fierlbeck] **R**
- “Putting the Train of Environmental Protection on Track: Nova Scotia’s Experiment Using Law to Strengthen Environmental Law” in Paul Martin & Amanda Kennedy, eds, *Implementing Environmental Law* (Cheltenham, U.K.: Edward Elgar, 2015). [With Meinhard Doelle]
- “Regulation and the Development of a New Energy Industry: Tidal Energy in Nova Scotia”, (2013) 3:3 *Energy Regulation Quarterly*, 43-52.
- “Screening for Frailty in Canada’s Health Care System: A Time for Action”, (2016) *Canadian Journal on Aging / La Revue canadienne du vieillissement, First View Articles*, 1-17. DOI: <http://dx.doi.org/10.1017/s0714980816000301>. Published online: 23 May 2016. [With John Muscedere, Melissa K. Andrew, Sean M. Bagshaw, Carole Estabrooks, David Hogan, Jayna Holroyd-Leduc, Susan Howlett, Colleen Maxwell, Mary McNally, Paige Moorhouse, Kenneth Rockwood, Darryl Rolfson, Samir Sinha and Bill Tholl] **R**

### **Jennifer Llewellyn –**

- (with Ami Harbin) "Restorative Justice in Transitions: The Problem of "The Community" and Collective Responsibility" forthcoming in Kerry Clamp ed. *Restorative Justice in Transitional Settings* (London: Routledge Press, 2015). **R**
- (with Mike DeGagné and Glen Lowry) (eds.) *Reconciliation & Canada’s Indian Residential Schools in Context: Legal Perspectives, Government Documents & Related Texts* (Ottawa: Aboriginal Healing Foundation, 2015).
- (with Amanda Demsey, Jillian Smith), “An Unfamiliar Justice Story: Restorative Justice and Education – Reflections on Dalhousie’s Facebook Incidence 2015” *Our Schools Ourselves* Fall 2015 (Canadian Centre for Policy Alternatives) 43-56.
- “Introducing Restorative Justice in Nova Scotia” (2015) *The Society Record* 33:2.

### **Geoffrey Loomer –**

- (with David G. Duff, Benjamin Alarie, Kim Brooks, and Lisa Philipps), *Canadian Income Tax Law*, 5th ed. (Markham: LexisNexis, August 2015) (responsible for updates to chapters 1 and 4).



- (with David G. Duff), *Taxation of Business Organizations in Canada* (Toronto: LexisNexis, December 2015).

### **Constance MacIntosh –**

- “Indigenous People and Mental Health: The Role of Law and Policy” in Colleen Flood and Jennifer Chandler (Eds) *Law and Mind: Mental Health Law and Policy in Canada* (Toronto: LexisNexis, 2016) (419-448)
- (with Craig Forcese, Adam Dodek, Philip Bryden, Peter Carver, Richard Haigh, and Mary Liston) (Co-editors), *Public Law: Cases, Commentary and Analysis (3<sup>rd</sup> Edition)* (Toronto: Emond, 2015) (Lead author for one chapter, “Indigenous Peoples and the Law”)
- (with David Wheeler, Margo MacGregor, Frank Atherton, Kevin Christmas, Shawn Dalton, Maurice Dusseault, Graham Gagnon, Brad Hayes, Ian Mauro, Ray Ritcey), “Hydraulic fracturing – Integrating public participation with an in-dependent review of the risks and benefits” *Energy Policy* 85 (2015) 299-308 **R**

### **Naomi Metallic –**

- “*Indian Act By-Laws: A Viable means for First Nations to (Re)Assert Control over Local Matters Now and Not Later*” (2016) 67 UNBLJ 211.

### **Leonard Rotman –**

- “*The End of History Thesis for Corporate Law*” in Fathali M. Moghaddam, ed., *The SAGE Encyclopedia of Political Behavior*, (Thousand Oaks, CA: SAGE, 2016) (forthcoming).
- “*The Fusion’ of Law and Equity?: A Canadian Perspective on the Substantive, Jurisdictional, or Non-Fusion of Legal and Equitable Matters*” (2016) 2 *CJCLL* forthcoming 497-536.
- “*Fiduciary Obligations*” in M. Gillen and F. Woodman, eds., *THE LAW OF TRUSTS, 3RD ED.*, (Toronto: Emond Montgomery, 2015), 769-838.
- *Remedies*, in M. Gillen and F. Woodman, eds., *THE LAW OF TRUSTS, 3RD ED.*, (Toronto: Emond Montgomery, 2015), (with J. Berryman), 521-625.
- “*The Availability of Disgorgement in Canadian Contract Law*” *Civil Law Seminar*, National Judicial Institute (128 pp.).

### **Rollie Thompson –**

- (with Carol Rogerson) *Spousal Support Advisory Guidelines: The Revised User's Guide* (Ottawa: Department of Justice, April 2016), 110 pages.
- Editor, *Nova Scotia Civil Procedure Rules*, 2<sup>nd</sup> ed. (LexisNexis, looseleaf), Issues 28, 29, 30 and 31.
- “6 Errors That You Could Make Using the SSAG (But Shouldn't, and Now Won't)” (2015), 35 *Can.Fam.L.Q.* 91-99.
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### **David VanderZwaag –**

- (with Katja Fennel), “Ocean Acidification: Scientific Advances, Lagging International Law and Policy Responses” in Robin Warner and Stuart Kaye, eds, *Routledge Handbook on Maritime Regulation and Enforcement* (London: Routledge Press, 2016), 342-362.
- (with Shane Belbin), “White Sturgeon in Jeopardy: Gauging the Law and Policy Currents” (2016) 19:1 *J Intl Wildlife L & Pol'y* 62.
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- “Arctic Ocean Governance: Shifting Seascapes, Hazy Horizons” (2016) Kobe University Polar Cooperation Research Centre Working Paper No 2.
- “The International Control of Ocean Dumping: Navigating from Permissive to Precautionary Shores” in Rosemary Rayfuse, ed, *Research Handbook on International Marine Environmental Law* (Cheltenham, UK: Edward Elgar, 2015), 132-147. **R**
- “Sustaining Atlantic Marine Species at Risk: Scientific and Legal Coordinates, Sea of Governance Challenges” in James Kraska and Harry Scheiber, eds, *Science, Technology and New Challenges to Ocean Law* (Leiden: Brill, 2015), 149-164.
- “Arctic” (2015) 25 *YB Intl Env'tl L* 254.
- (with Emily Mason), “Controlling the Long-range Transport of Persistent Organic Pollutants (POPs) into the Arctic: Progressions and Political Pairings” in Geir Hønneland and Leif C. Jensen, eds, *Handbook of the Politics in the Arctic* (Cheltenham, UK: Edward Elgar, 2015), 352-374.

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- “Ocean Acidification and Geoengineering: Navigating beyond the Law of the Sea”, (2014) 47 *Belgium J Intl L* 137. **R**

### **Sheila Wildeman –**

- “Agonizing Identity in Mental Health Law and Policy (Part I)” *Dalhousie Law Journal* (2015) 38:2 *Dal LJ* 619. **R**
- “Agonizing Identity in Mental Health Law and Policy (Part II): A Political Taxonomy of Psychiatric Subjectification” (2016) 39:1 *Dal LJ* 147. **R**
- “Consent to psychiatric treatment: From insight (into illness) to incite (a riot)” in Colleen Flood & Jennifer Chandler, eds, *Law and Mind: Mental Health Law and Policy in Canada* (Toronto: LexisNexis, 2016). **R**