

SATURDAY 28 MAY 2016 / SAMEDI 28 MAI 2016

Event of Note:

Building A2SJ: An interdisciplinary Conversation about Problems and Solutions

8:30 a.m. to 4:30 p.m. (Taylor Institute)

- **Interdisciplinary workshop on access to social justice, sponsored by the Faculties of Law and Social Work (for information please contact Lyndsay Campbell, lcampbe@ucalgary.ca)**

All events are in Murray Fraser Hall.

Session 1: 8:30 a.m. to 10:00 a.m. / 8 h 30 – 10 h 00

1.a. Law, Equality and Pluralism (room 3370)

Alana Klein (McGill University): Proportionality Analysis, Police and Prosecutorial Discretion, and the Distribution of the Health and Social Impacts of Criminal Law and Policy

Dana Phillips (York University): Equality by Evidence: Contesting Law with Fact in Cases of Lived Social Difference

Geoffrey Conrad (McGill University): Proportionality and Communities: Pluralizing the Culture of Justification

Chair: Laura Kwak (University of Toronto)

1.b. Law and Gender I (room 3340)

Lori Stinson (University of Ottawa): Reframing Pornography

Grace Tran (University of Toronto): Securing Borders, Securing States; Declaring Love, Declaring Selves: How Moments of Confrontation, Declaration and Identification at the Canadian Border Reproduce Circuits of Exclusion

Qian Liu (University of Victoria): A Relational Analysis of Chinese Single Women's Marital Choices

Chair: Josephine Savarese (Saint Thomas University)

1.c. Law and Humanitarian Conflict (room 3330)

Madalena Santos (Carleton University): The Missing and Dead in Transitional Justice (South African Case Study)

Rebecca Sutton (London School of Economics): How Law Shapes the Relationship between Humanitarian Actors and the Victims of Armed Conflict

Katrin Roots (York University): Canada's Shifting Understanding of Human Trafficking and the Expanding Reach of the Criminal Justice System

Chair: Kyle Kirkup (University of Ottawa)

Coffee Break: 10:00 a.m. to 10:30 a.m. / Pause-santé: 10 h 00 – 10 h 30

Session 2: 10:30 a.m. to 12:00 p.m. / 10 h 30 – 12 h 00

2.a. Teaching Law and the Trinity Western Controversy (room 3370)

Blair Major (McGill University): The Trinity Western University Law School Proposal – Considered as an Opportunity for Community Building

Meredith Hagel (University of British Columbia): Who Should Decide? Freedom, Conflicting Authorities and Communities of Difference: The Law Society of British Columbia and Trinity Western University's Proposed Law School

Chair: Howard Kislowicz (University of New Brunswick)

2.b. Law, Insolvency and Freedom of Contract (room 3340)

Anna Lund (University of Alberta): The Hard Case of the Bankrupt Gambler

Alfonso Nocilla (University College London): Competing Visions of Corporate Insolvency Law

Virginia Torrie (University of Manitoba): Farm Debt Compromises during the Great Depression

Lulu Thomas-Hawthorne (University of South Africa): Constitutional Realisation of Substantive Freedom of Contract

Chair: Irina Ceric (Kwantlen Polytechnic University)

2.c. Law and Gender II (room 3330)

Scharie Tavcer (Mount Royal University): Criminalization of non-disclosure of HIV/AIDS: A Chronological Review of Canadian Case Law concurrent with the Progression of Medical Knowledge and Advancements in Treatment

Joanne Minaker (MacEwan University): Confronting Rape: From Tropes on Sexual Violence to Law's Treatment of Sexual Assault

Maciej Karpinski (University of Ottawa): The Structure of Equality Rights Law and its Effects on the Relational Self: An Empirical Evaluation

Margaret Denike (Dalhousie University): Doesn't Nature Matter? Sexual Difference and Evolutionary Thought in Contemporary Jurisprudence

Chair: Tia Dafnos (University of New Brunswick)

**ANNUAL GENERAL MEETING, 12:00 to 1:30 p.m., lunch provided (room 3360) /
ASSEMBLÉE GÉNÉRALE ANNUELLE 12 h 00 – 13 h 30, déjeuner fourni (salle 3360)**

Session 3: 1:30 p.m. to 3:00 p.m. / 13 h 30 – 15 h 00

3.a. Law, Aboriginal Governance and Intellectual Property (room 3370)

Neil Craik (Waterloo): Impact and Benefit Agreements as Private Governance Domains

Aman Gebru (University of Toronto): A 'Communal Bioprospecting Right' for Intellectual Property Protection of Traditional Medicinal Knowledge

Chair: Lori Stinson (University of Ottawa)

3.b. Law and Environmental Regulation (room 3340)

Temitope Tunbi Onifade (University of Calgary): Public Interest Regulation of Non-renewable Natural Resource Funds: A Comparative Analysis of the Alaska Permanent Fund, The Alberta Heritage Fund and the Government Pension Fund of Norway

Rebecca Bromwich (Taran Virtual Associates): Changing the Game: New Governance of Multinationals

Rahina Zarma (University of Saskatchewan): The Role of African Regional Institutions in Enhancing Regulation of Transnational Corporations in the Nigerian Oil and Gas Industry

Chair: Maciej Karpinski (University of Ottawa)

3.c. Law and Disability (room 3330)

Elizabeth Adjin-Tettey and Freya Kodar (University of Victoria): Responding to the Abuse of Persons with Disabilities in Institutions of Care in Canada: An Assessment of the Remedies

Audra Ranalli and Bruce Ryder (York University): Undercompensating for Discrimination: An Empirical Study of General Damages Awards Issued by the Human Rights Tribunal of Ontario, 2000-2015

Aloke Chatterjee (University of New Brunswick): Rethinking the Downside of Pursuing Disability Rights through Law

Chair: Basil Alexander (Queen's University)

Margaret Denike (Dalhousie University): Doesn't Nature Matter? Sexual Difference and Evolutionary Thought in Contemporary Jurisprudence

Coffee Break: 3:00 p.m. to 3:15 p.m. / Pause-santé: 15 h 00 – 15 h 15

Session 4: 3:15 p.m. to 5:00 p.m. / 15 h 15 – 17 h 00

4.a. Law, Queer Theory and Trans Discrimination (room 3370)

Kyle Kirkup (University of Ottawa): Law and Order Queers: Respectability, Victimhood and the State

Ido Katri (University of Toronto): Reinforcing a Community by Enforcing Equality: The Completed Relations of Gender Variants and Anti-Discrimination Law

Jan Buterman (University of Alberta): An Antecedent Obsession: On the utter wrongness of demanding legal names for trans student records

Chair: Alana Klein (McGill University)

4.b. Recent Developments in Section 7 Charter Jurisprudence: Defining the Boundaries of Liberty in Canada (room 3340)

Panel Discussion

Joshua Sealey (Blake, Cassels & Graydon LLP)

Ola Malik (City of Calgary)

Chair: Nicole O’Byrne (University of New Brunswick)

4.c. Rapery, Pornified and Prostituted? Dominant Discourses Revisited (room 3330)

Ummni Khan (Carleton University): Confessions and Ruminations of a Rape-Culture Apologist

Lara Karaian (Carleton University): Is “Revenge Porn” the Theory *and* the Practice?

Brian Simpson (University of New England): Sexting by Minors: By Consent or by Right?

Courtney Lockhart (Carleton University): “It’s happening here!” Anti-Trafficking Policy in the City of Ottawa – A Critical Analysis

Chair: Lise Gotell (University of Alberta)

4.d. Determining Access – Working In and Around Law to Build and Support Indigenous Territorial Authority (room 3360)

Nicole Schabus and Janna Promislow (Thompson Rivers University): Indigenous Governance – Opportunities In and Around the Law

Brian Noble (Dalhousie University): Earth Conciliations: The Burgeoning Work of Indigenous Territorial Authority in Alliance with Settler Politics

Arthur Manuel (Secwepemc Nation, INET): Logging to challenge provincial and Assert Indigenous Jurisdiction

Sharon Mascher (University of Calgary): Intersections between Environmental Law and Indigenous Governance of Aboriginal Title

Chris Albinati (York University): The Power to Speak the Law: Energizing Indigenous Communities to Take Back Control of their Lands

AWARDS RECEPTION: 5 p.m. to 7 p.m., Faculty lounge, 4th floor / RÉCEPTION DE REMISE DES PRIX: 17 h 00 – 19 h 00, Salle des professeurs, 4ème étage

SUNDAY 29 MAY 2016 / DIMANCHE 29 MAI 2016

Session 1: 8:15 a.m. to 10:00 a.m. / 8 h 15 – 10 h 00

5.a. International Law, Statelessness and Refugees (room 3370)

Laura Kwak (University of Toronto): Asian Conservatives in Parliament and the “Discursive Disappearance of the Refugee

Ruth Amir (Yezreel Valley College): Article II(e) of the UN Genocide Convention: Children as a Protected Group

Amar Khoday (University of Manitoba): Rethinking Article 1F(a) and the Exclusion of Imperfect Soldiers

Zaglul Haider (York University): Unwrapping *De Facto* Statelessness: Biharis in Bangladesh

Chair: Julie Falck (York University)

5.b. Law and Policing I (room 3340)

Thomas Bud (University of Windsor): The Rise of Police Body-Worn Camera Programs in Canada and the United States: A Tool for Accountability or an Extension of the Surveillant Assemblage?

Tia Dafnos (University of New Brunswick): Securing the Nation-State: Emergency Management, Critical Infrastructure, and Supply Chains

Jihyun Kwon, Erick Laming and Scot Wortley (University of Toronto): Blind Faith? Empirical Research and the Adoption of Body-Worn Cameras in Canadian Policing

Jihyun Kwon, Ritualistic Reforms and Ceremonial Complaints: Revisiting the Evolution of Police Complaints System in Ontario

Chair: David Wiseman (University of Ottawa)

5.c. Law and Aboriginal Peoples (room 3330)

Tenille Brown (University of Ottawa): The Dreamcatcher “Spatial Heritage Database”: The Mississauga of the New Credit First Nation, Land Boundaries, Technological Innovation

Josephine Savarese (Saint Thomas University): Analyzing Erasures and Resistance Involving Indigenous in New Brunswick

John Kilwein (West Virginia University): Comparative Analysis of Parental Termination Cases in the Courts of Saskatchewan, Montana, and North Dakota

Chair: Robert Hamilton (University of Victoria)

Coffee Break: 10:00 am to 10:30 am. / Pause-santé: 10 h 00 – 10 h 30

Session 2: 10:30 a.m. to 12:00 p.m. / 10 h 30 – 12 h 00

6.a. Dementia, Law, and Aging: Hard Questions (room 3370)

Helene Love (University of Toronto): Can the Law of Evidence Accommodate People with Dementia?

Heather Campbell (University of Saskatchewan): Mind, Brain and Dementia: The Legal Consequences of Broad Definitions

Margaret Isabel Hall (Thompson Rivers University): Dementia, Advance Directives, “Heroic Measures” and Physician Assisted Death: Autonomy, Identity, Person-hood and Equality

Chair: Wendy Hulko (Thompson Rivers University)

6.b. Law, Citizenship and the State (room 3360)

Doris Buss (Carleton University): Sexual Violence and ‘Conflict’ Minerals: Dis/ordering Insecurity

Giancarlo Fiorella (University of Toronto): ‘*Guarimba*’: Law and Citizenship at the Barricades in the 2014 Venezuela Protests

Miriam Zucker (University of Toronto): The Case of Women in Polygamous Marriages among the Bedouin Minority in Israel and the Question of State Intervention into Controversial Cultural Practices within the Family

Chair: Ken Leyton-Brown (University of Regina)

6.c. Law, Sentencing and Corrections (room 3340)

Janice Paskey (Mount Royal University): Creative Sentencing in Alberta: Benefitting Society through Community Projects

Adelina Iftene (Queen’s University): Double-Vulnerability: Mentally Ill Seniors in Canadian Penitentiaries

Qi Kong (University of Victoria): Current Community Corrections in China: A Comparative View

Chair: Anna Lund (University of Alberta)

6.d. Modern and Humane? Debates About Punishment in Canadian Legal History (room 3330)

Ted McCoy (University of Calgary): Punishment and Mental Illness in the Early Modern Penitentiary

Aaron Henry (University of Alberta): “The Long Drop”: Capital Punishment and Pacification (1860 – Present)

Jean-Phillipe Crete (University of Alberta): Framework for the Canadian Exceptionalism? Exploring the Rise of Penology in Canada (1880-1960)

Discussants: Frank Stahnisch (University of Calgary)

Emma Kurbegovic (University of Calgary)

BOARD MEETING, 12:00 p.m. to 1:30 p.m. (room 3320) / RÉUNION DU CONSEIL, 12 h 00 – 13 h 30 (salle 3320)

(Lunch on your own / Dîner libre)

Session 3: 1:30 p.m. to 3:00 p.m. / 13 h 30 – 15 h 00

7.a. Law and History (room 3370)

Bruce Ryder (York University): Canadianizing Hollywood: Provincial Film Censor Boards and the Production Code, 1929-1934

Ken Leyton-Brown (University of Regina): The Chinese Immigration Act: Implications for Chinese Immigrants in Early Saskatchewan

Nicole O’Byrne (University of New Brunswick): ‘A game of jurisdictional football?’: Métis-State relations in Saskatchewan during the Great Depression and WWII

Chair: Hilary Young (University of New Brunswick)

7.b. Law, Treaties and Honour of the Crown (room 3360)

Neil Vallance (University of Victoria): Exploring the Content of the Historic ‘sharing treaties’ between First Nations and the Crown

Andie Palmer (University of Alberta): Revisiting *Ex Parte Indian Association of Alberta*: Does the *Mutua* (Mau Mau) Decision Create a New Path to Honourable Crown Relations with the Indigenous Peoples of Canada and Aotearoa New Zealand

Julie Falck (York University): Agreeing to Disagree: Indigenous Land Rights and Agreement-Making in Australia

Chair: Jennifer Raso (University of Toronto)

7.c. Law and Policing II (room 3340)

Mariful Alam (York University): Infiltrating Dissent: Law, Governance and Covert Surveillance of Canadian Political Dissent

Erick Laming (University of Toronto): Police Use of Force Research in Canada: Limitations and Challenges

Amanda Glasbeek, Mariful Alam, Katrin Roots (York University): Narrowing the View: A Critical Analysis of Police Body Worn Cameras

Chair: Thomas McMorrow (University of Ontario Institute of Technology)

7.d Law and Access to Justice (room 3330)

Richard Hartley (University of Texas): The Unmet Civil Legal Needs of Low Income Households in Texas

Charis Kamphuis (Thompson Rivers University): Indigenous Dispossession in the Global Economy: Law's Promises and Pitfalls

David Wiseman (University of Ottawa): Framing Refugee Case File Analysis: Towards a Social Context Conception of Access to Justice

Chair: Sara Ross (York University)

Coffee Break: 3:00 p.m. to 3:30 p.m. / Pause-santé: 15 h 00 – 15 h 30

Session 4: 3:30 p.m. to 5:00 p.m. / 15 h 30 – 17 h 00

8.a. Law and the Profession (room 3370)

Agnieszka Doll (University of Victoria): “Working for Free” or “Money for Nothing”? Unveiling the Social Organization of Legal Aid Lawyering in the Context of Psychiatric Involuntary Admission Cases in Poland

Basil Alexander (Queen’s University): Ideals vs. Reality: Comparing Civil Litigation Principles, Litigant Contexts, and Lawyers’ Duties

Irina Ceric (Kwantlen Polytechnic University): Progressive Lawyering by Non-Lawyers: The Politics and Praxis of Law and Organizing

David Sandomierski (University of Toronto): Lineages and Path Dependency in Legal Education

Chair: Ted McCoy (University of Calgary)

8.b. Aboriginal Law and Sovereignty (room 3360)

Karen Drake (Lakehead University): A Liberal Defence: Aboriginal Rights and the Legitimacy of Crown Sovereignty

Thomas McMorrow (University of Ontario Institute of Technology): Heavy the Head that Wears the Crown, Heavier those that Don’t?

Robert Hamilton (University of Victoria): Dispossession by Legislation: New Brunswick’s 1844 ‘Act for the Management and Disposal of Unused Indian Reserve Lands in This Province’

Brad Morse (Thompson Rivers University): So What Will the SCC decision in Daniels v. The Queen really mean?

Chair: Amy Barrington (Maurice Law)

8.c. Law and Religious Freedom (room 3340)

Brian Bird (McGill University): Examination of Conscience: Disentangling Conscience from Religion in the *Charter*

Howard Kislowicz (University of New Brunswick): Judging Religion and Judges’ Religions

Hilary Young (University of New Brunswick): Physician Conscientious Objection after *Rasouli*

Chair/Discussant: Ben Berger (York University)

8.d. Electronic Monitoring of Forensic Mental Health Patients: Risks, Benefits, and Lawfulness (room 3330)

Elaine Gibson and Constance MacIntosh (Dalhousie University):

Paper One: Criminal Code and Administrative Law Aspects of Electronic Monitoring of Forensic Mental Health Patients

Paper Two: Charter and Human Rights Code Considerations that are Engaged by Electronic Monitoring of Forensic Mental Health Patients

Chair: Glen Luther (University of Saskatchewan)

MONDAY 30 MAY 2016 / LUNDI 30 MAI 2016

[Overlap day with Canadian Association of Law Teachers]

Session 1:

9.a. Graduate Student Workshop (Joint session with CALT) (8:15 a.m. to 11:00 a.m., breakfast provided) (rooms 2370, 3342 and possibly 3332)

Concurrent Roundtables:

- 1) Integrating Violence against Women in Law School Curriculum
- 2) Clinical Legal Education

9.b. Socio-Legal and Historical Scholarship: Digital Opportunities and Challenges (8:30 am to 10:30 am) (room 3370)

This panel will be composed of two short workshops on the possibilities offered by digitization in socio-legal and historical research and teaching, accompanied by a virtual “poster” session. Participants include Mary Hemmings, Carolyn Strange, Lori Chambers, Andy Kaladelfos, Blake Brown, Nicole O’Byrne, Ian Holloway, Ian Milligan, and John Lutz.

Workshop One: Digitized Sources for Socio-Legal and Historical Research and Teaching: What’s New?

Workshop Two: Digital Projects in Socio-Legal and Historical Research: What’s New?

9.c. Law and Technology (9:00 am to 10:30 am) (room 3340)

Nir Harrel (University of Ottawa): A Socio-legal Theory of the Regulatory Drift to Market Eugenics

Mike Zajko (University of Alberta): Internet Service Providers as Privacy Custodians

Greg Hagen (University of Calgary): Technological Neutrality, Reproduction and Interpretation

Derek McKee (Université de Sherbrooke): Airbnb and Uber: The Structure of Policy Argument

Chair: Bruce Ryder (York University)

Coffee break: 10:30 to 11:00 am / Pause-santé: 10 h 30 – 11 h 00

Session 2: Plenary Panel 11:00 a.m. to 1:00 p.m. / Session plénière 11 h 00 – 13 h 00

10. Implementing Recommendations #27 and #28 of the Truth and Reconciliation Commission Report

Speakers: Larry Chartrand (University of Ottawa), Tracey Lindberg (Athabasca University), Aimée Craft (Manitoba), Sarah Morales (Ottawa), Karen Drake (Lakehead), Rebecca Johnson & Gillian Calder (University of Victoria)

LUNCH: 1:00 to 2:00 pm, Student lounge, 3rd floor (sponsored by Faculty of Law) / DÉJEUNER: 13 h 00 – 14 h 00, Salle des étudiants, 3ème étage

Special Joint Session with the Canadian Historical Association

1:00 to 2:30 p.m. Crime and Violence in Early Modern England (ROOM TBD)

Louis A. Knafla (University of Calgary): Inter-personal Violence: The Way of the World in Late Elizabethan England

Ken MacMillan and Melissa Glass (University of Calgary): Most Cruell and Bloody Murther: Crime Reporting in Early-Stuart England

Andrea McKenzie (University of Victoria): 'His Barbarous Usages', Her 'Evil Tongue:' Spouse Murder and Exculpatory Narratives at the Old Bailey, 1674-1790

Chair: Simon Devereaux (University of Victoria)

Session 3: 2:00 p.m. to 3:30 p.m. / 14 h 00 – 15 h 30

11.a. Sexual Offending Against Children: Digital Historical Perspectives (room 3370)

Participants: Lori Chambers (Lakehead University); Andy Kaladelfos (Griffith University); Carolyn Strange (Australian National University)

Chair/Discussant: Lyndsay Campbell (University of Calgary)

11.b. Law and the Welfare State (room 3340)

Kerri Scheer (University of Toronto): Legal Remedy at Arm's Length: A Case Study of the Canadian Health Professions' Disciplinary Tribunals

Poland Lai (York University): Regulation Matters: Quality of Care in Long Term Care Homes in Ontario

Jennifer Raso (University of Toronto): Navigating the 'Grey Area': Administrative Discretion as Collective and Negotiated

Chair: Mike Zajko (University of Alberta)

11.c. Law, Condominiums and Banking Regulation (room 3330)

Randy Lippert (University of Windsor), Stefan Treffers (York University), Thomas Bud (University of Windsor): Condominium Crime and Regulation: Classification and the Prospects of Discovering the Unusual Suspects through Law Reform

Gail Henderson (University of Alberta): Is Financial Empowerment an Objective of Canadian Banking Regulation?

Elizabeth Toomey (University of Canterbury): Does your Condominium Need Replacement or Repair? The New Zealand Experience

Chair: David Sandomierski (University of Toronto)

Coffee Break: 3:30 p.m. to 3:45 p.m. / Pause-santé: 15 h 30 – 15 h 45

Session 4: 3:45 p.m. to 5:15 p.m. / 15 h 45 – 17 h 00

12.a. Law and Municipal Governance (room 3370)

Alexandra Flynn (York University): Messy Governance: (Re)Creating Boundary Lines in Toronto

Sara Ross (York University): Community Subcultural Wealth: Energizing and Preserving Subcultural Music Communities Through the Agent of Change Principle

Graham Hudson (Ryerson University): Citizenship, Belonging, and the Sanctuary City Movement in Toronto

Ola Malik (City of Calgary): Homeless Rights and the Use of Public Space: On a Collision Course?

Chair: Ken Leyton-Brown (University of Regina)

12.b. Parents Children, and the Law in Canada: Historical Perspectives (room 3340)

Eric Reiter (Concordia University): Paternal Authority, Opposition to Marriage, and Family Honour

Peter Gossage (Concordia University): “Il n’a pu empêcher le fait qui a cause le dommage”: Fathers, Sons, and Civil Damages in Quebec, 1920-1960

Lori Chambers (Lakehead University): What Makes a Man a Father in Canadian Law?

Chair: Robert Rutherford (Algoma University)

BANQUET

Enmax Conservatory, Calgary Zoo

Drinks 6 pm, Dinner 7 / “5 à 7” 18 h 00, Dîner 19 h 00

Guest speaker: John P.S. McLaren / Conférencier invité: John P.S. McLaren