



Canadian Association
Law and Society Association
Canadienne
Droit et Société

CLSA ANNUAL CONFERENCE

FINAL PROGRAM

MONDAY 3 JUNE 2019

All sessions will be held at the Peter A. Allard School of Law, UBC.

Co-Sponsored Events for Monday 3 June:

1) 3:30 p.m. to 5:00 p.m. – Sexuality Studies Association and the CLSA present:

Jamie-Lee Hamilton: The Golden Age of Sex Work in the 1970s and 1980s: Intersections at the Forefront of Building a Contemporary Movement for Gender and Sexual Justice, Centre for Integrated Research on Sustainability, 2260 West Mall, room 1250. (See [UBC interactive map.](#))

2) 7 p.m. to 8:30 p.m. – Canadian Society for the Study of Practical Ethics and the CLSA present:

Lee Maracle (Toronto), Lorraine Mayer (Brandon) and Chaw-win-is Ogilvie (UVic): Sovereignty and Hypocrisy Impeding Reconciliation on Campuses in Canada, NEST 2309.

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Session 1: 8:30 a.m. to 10:00 a.m.

1.a. Law & Technology (Allard 105)

Meg D. Lonergan (Carleton): Explicit Governance: Authenticity, Simulation, and Snuff in the Digital Era

Lara Tessaro (Osgoode): Constitutionally Cosmetic? Uncovering the Roots of Cosmetics Regulations in Canada, 1939-1954

Jennifer Raso (Alberta): Ticking Outside the Box: Subverting and Maintaining Algorithmic Systems in Administrative Infrastructures

Nofar Sheffi (UNSW): Internet Explorers

Chair: Jennifer Raso (Alberta)

1.b. The Engagement of Disabled People in the Law: Possibilities and Perils (Allard 121)

Ravi Malhotra (Ottawa): The Legal Politics of Death-Making/Assisted Suicide: A Castoriadan Reading

Megan Rusciano (Independent Scholar): When Punishment is Substituted for Treatment: Evaluating Segregation and How Section 12 of the Charter Can be Used to Protect the Rights of Individuals with Disabilities Inside Prison

Tess Sheldon (Windsor): Disability Erasure: The Enforcement of Trespass Legislation Against Persons with Disabilities from Public and Semi-Public Spaces

Chair: Ravi Malhotra

1.c. Institutionalizing Pluralism (Allard 122)

L. Jane McMillan (St. FX): Circles of Truth and Convictions

Benjamin Berger (Osgoode): Jury Nullification, Legal Pluralism, and Reconciliation

Patricia Cochran (UVic): Multijural Statutory Interpretation: Building Concepts for Just Relationships between Legal Orders in Canada

Chair: Emma Cunliffe (Allard)

1.d. State Planning and Equal(ity) Rights (Allard B101)

Bruce Ryder (Osgoode): Equality Rights and Freedom of Expression in the Evolution of Human Rights Legislation in Ontario

Lyndsay Campbell (Calgary): Disfranchisement, Women and War: The *War-time Elections Act* (1917)

Mary Anne Vallianatos (UVic): Managing Margins and Amending Borders: 'Race' and the Exemptions of the *Chinese Immigration Act*, 1885-1923

Trevor Wideman (SFU): Land Use Planning, Law and Waste: Making a Properly Properties Landscape in Vancouver

Chair: Rachel Ariss (UOIT)

1.e. Rights, Wrongs and Pluralism (Allard 114)

Ruba Ali Al-Hassani (Osgoode): Toxic Masculinity in Iraqi Politics & Legislation and the Mobilization of Female Rage

Jay Ramasubramanyam (Carleton): Reviewing Spaces of Exception: Understanding the Role of *Chhitmahals* in Reproducing Precarity and Rights Struggles

Qian Liu (UVic): The Internalization of Parental Expectations in a Relation-Based Society: The Self, Autonomy, and Leftover Women's Marital Choices

Chair: Amar Khoday (Manitoba)

Health Break: 10:00 a.m. to 10:15 a.m.

Session 2: Plenary Session 10:15 a.m. to 11:30 a.m.

Dr. Elizabeth Mancke (UNB): *The Royal Proclamation of 1763* in the Long Eighteenth Century: Rethinking Imperial Sovereignty and Indigenous Relations

Elizabeth Mancke is Professor of History and Canada Research Chair in Atlantic Canada Studies at the University of New Brunswick. She has a doctorate from Johns Hopkins. A widely published and respected author, Dr. Mancke's research interests address the impact of European overseas expansion on governance and political systems, from local government to international relations. From 2014 to 2017 she assisted the Madawaska Maliseet First Nation on their successful Specific Land Claim as an expert witness. While working on that case, she became first interested and then concerned about how the Royal Proclamation of 1763 was understood within the broader context of jurisdictional conflicts in British America and within the shifting geopolitics among Indigenous nations and among European empires. Her plenary address is a fresh examination of an important constitutional development of the early modern era.

Lunch break: 11:30 a.m. to 12:30 p.m.

Session 3: 12:30 p.m. to 2:00 p.m.

3.a. Judging the Colonial Criminal Legal System (Allard 105)

Mehera San Roque (NSW): Showing Cause: Race, Jury Selection and the Appearance of Fairness

Emma Cunliffe (Allard): Far from Equal: Indigeneity, Gender and Reasonable Doubt in *R v Barton*

Elsbeth Kaiser-Derrick (Allard): Implicating the System: Judicial Discourses in the Sentencing of Indigenous Women

Chair/Discussant: Patricia Barkaskas (Allard)

3.b. Cities, Monuments and Spaces (Allard 121)

Davi Rocha (Windsor): Autonomous Vehicles and Livability: Avoiding Mistakes of the Past, Towards Livable Cities

Sara Ross (Allard): Emphasizing Inclusivity and Accessibility as Goals for Better Civic Governance of Cultural Spaces

Douglas Harris (Allard): Embedded Property

Desiree Valadares (Berkeley): Park Prisoners: Situating The War Measures Act Within Canada's National and Provincial Park Narrative

Chair: Lyndsay Campbell (Calgary)

3.c. Law, Land and Mineral Rights in Africa (Allard 122)

Doris Buss (Carleton): A Mine of One's Own?: Producing Gender and Extracting Minerals

Liam McHugh-Russell (European University Institute, Villa Salviati): "It Works in Practice but Not in Theory": Flawed Technicalities and the Success of Law & Finance

Rahina Zarma (Osgoode): Assessing the Effectiveness of Africa's Sub-Regional Courts: A Case for Expanding Understandings of Effectiveness of International Courts

Chair: Annie Bunting (York)

3.d. Overcoming Barriers Embedded in Law: Access to Justice through Access to Effective and Efficient Legal Processes and Remedies (Allard B101)

Elizabeth Adjin-Tettey (UVic): Moving Beyond the Individualistic Focus of Tort Remedies: Recognizing Relational Non-Pecuniary Losses in Personal Injury Claims

M. Jerry McHale (UVic): Recalibrating Law, Dispute Resolution and Legal Culture to Better Manage Human Suffering in the Justice System

Chair: Kate Glover Berger (Western)

3.e. Protest, Dissent and the Media (Allard 114)

Irina Ceric (Kwantlen): Injunctions, Contempt, and the Privatization of the Criminalization of Dissent

Michael Christensen (Carleton): Disinformation and Social Media in Canada: On the Problem of Regulating Public Discourse

Amar Khoday (Manitoba): “Not Your Everyday Woodward and Bernstein”: Determining Who Qualifies as a “Journalist” under Canada’s *Journalistic Sources Protection Act*

Chair: Bruce Ryder (Osgoode)

Health Break: 2:00 p.m. to 2:15 p.m.

Session 4: 2:15 p.m. to 3:45 p.m.

4.a. Migration of North American Temporary Foreign Workers (Allard 105)

~~Bethany Hastie (Allard): Unionizing Seasonal Agricultural Workers in British Columbia: The Potential of Labour Law as a Tool of Resistance for Workers’ Rights~~

~~Robert Russo (UBC): Poking Holes in the Wall: H-2A Workers and Lessons from Santa Maria and Larson Orchards~~

~~Andrés Abogado (lawyer & independent scholar): Legal and Adaptability Issues of Temporary Self-Employed Skilled Workers~~

Chair: Shauna Labman (Manitoba) — **PANEL CANCELLED**

4.b. Public Policy under Pressure (Allard 121)

Carl Stychin (University of London): Teaching Legal Methods and Systems After Brexit

Sarah Alghamdi (Osgoode): Democratization and Migration Management in the New Tunisia

Graham Reynolds (Allard): The (New) Constitutionalization of Intellectual Property: A Canadian Perspective

Chair: Sean Rehaag (Osgoode)

4.c. Innovative Pedagogical Approaches for Presenting the Law of Evidence to the Screen Generation (Allard 122)

Teaching law to the 'screen generation' poses serious challenges, including dealing with students with minimal attention spans and competing with the host of easily available distractions on laptops. Studies have indicated that the growing disengagement in the law classroom is most pronounced in large upper year courses with complex materials. This panel aims to document the significant challenges of teaching Evidence to the 'screen generation' and outline various pedagogical approaches which can be used to deeply engage students in learning the substantive law, understanding its application, and developing a critical analysis.

Participants: Nikos Harris (Allard); Nicole O'Byrne (UNB); and Donna Greschner (UVic)

4.d. A Critical Conversation about the Carceral: Findings from the Prison Transparency Project (Allard B101)

Kelly Struthers Montford (Toronto): Accessing Abnormal Diets in Prison: Discipline and Reward

Joane Martel (Laval), Caroline Pelletier (Laval) et Daniel Benson (Suicide Action Montréal): « Nous avons faim! Nous sommes malades ! » : Les conditions d'incarcération des femmes purgeant une peine provinciale au Québec

Sarah Turnbull (Birkbeck) and Dawn Moore (Carleton): Understanding Prisoner Mobilities in and through Lived Experiences of Incarceration

Gillian Balfour (Trent) and Rachel Fayter (Ottawa): Prisoner Mental Health: Constitutive Effects of the Pains of Imprisonment inside Canada's Provincial Prisons

Chair: Debra Parkes (Allard)

4.e. Law & the Environment (Allard 114)

Gregory Simmons (Kwantlen): A Treadmill of Production Analysis of Salmon Aquaculture in British Columbia

Laura Spitz (New Mexico): The Nature of Water: Reimagining Legal Strategies for Environmental Protection in the United States

Geoff Leane (Adelaide): Neoliberalism and the Climate Change Dilemma

Michael Mopas (Carleton): Making Noise: Sound, Sense and the Politics of Noise Regulation

Michael Molavi (Oxford): Rethinking Environmental Class Actions in Canada

Chair: Patricia Cochran (UVic)

Health Break: 3:45 p.m. to 4:00 p.m.

Session 5: 4:00 p.m. to 5:30 p.m.

5.a. Roundtable: Project Fact(a): Issues in a Criminal Trial Worth Reconciling (*R v Stanley*) (Allard 105)

In April 2018, a group of legal researchers came together to examine the many legal dimensions of *R v Stanley*. Called Project Fact(a), the group reviewed the trial and acquittal of Gerald Stanley, a Saskatchewan farmer who shot and killed Colten Boushie, a 22-year-old Cree man. The goal of this unique project is to highlight the underexamined social and legal matters leading up to, during, and after the trial. *R v Stanley* is more than a single trial; it serves as a flashpoint in Canadian-Indigenous relationships. The case has triggered conversations and debates locally, nationally and internationally on many legal and political issues. Project Fact(a) researchers have created resources for those interested in introducing the issues raised by *R v Stanley* in the law school classroom, publications for general audiences, and articles aimed at the academy and the legal profession. This Roundtable will bring a selection of Project Fact(a) members together to reflect on the Project Fact(a) process and the resources created, highlighting how criminal cases include many subjects beyond criminal law.

Contributor and Chair: Signa Daum Shanks (Osgoode)

Contributors: Jeffrey Hewitt (Windsor), Emma Cunliffe (Allard), Kate Sutherland (Osgoode), Alexandra Flynn (UBC), Estair Van Wagner (Osgoode) with Special Knowledge Keeper Winona Wheeler (Saskatchewan)

5.b. Law and Mental Illness (Allard 121)

Gene Fraser (UVic): Governing Madness: Coercion, Resistance and Agency in British Columbia's Mental Health Law Regime

Sarah-jane Nussbaum (Osgoode): Searching for Criminal Law's Theory of the Criminally Responsible Person within Sentencing Law: A Study of Moral Blameworthiness, Mental Illness, and Sentencing

Adam R. Houston (Ottawa): TB, Continued: Tuberculosis, the Constitutions of Canada and South Africa, and the Progressive Development of Human Rights Instruments

Robin Whitehead (Ottawa): Police Use of Force Reports and Mental Health: Balancing Privacy and Accountability

Chair: Kaitlyn Cumming (Allard)

5.c. Landscapes of Injustice (Allard 122)

Nicholas Blomley (SFU) and Kaitlin Findlay (UVic): (De)valuation: The State Management of Japanese Canadian Personal Property in the 1940s

Eiji Okawa (WWU): Landscapes of Meaning: Rethinking the Uprooting of Japanese Canadians

Sherri Kajiwara (Nikkei National Museum) and Yasmin Railton (UVic): Consult, Converse, Curate: Research and Development of the Landscapes of Injustice (LoI) Exhibit

Kaitlin Findlay (UVic): Testifying to Loss: Masue Tagsahira and the Royal Commission on Japanese Claims, 1947-50

Chair: Douglas C. Harris (Allard)

5.d. ~~Currents in International Human Rights Law (Allard B101)~~ – PANEL CANCELLED

~~Elisabeth Roy-Trudel (Concordia): The Senses and Legal Subjectivities~~

~~Sally Wheeler (ANU): Corporations and Human Rights in Australia~~

~~Chair: Jennifer Sankey (Kwantlen)~~

5.e. Law and the African Policy Conversation (Allard 114)

Temi Onifade (Allard): The Role of Law in the Implementation of Agenda 2063

Temitayo Olarewaju (Allard): The Quest for Development in Chaos: What Nigeria's 2009/2010 Banking Crisis Reveals about the Nigerian Legal System

Godwin Dzah (Allard): Mainstreaming African Legal Developments into the "Global" Discourse on Climate Change Litigation

Chair: Sara Ghebremusse (Allard)

CLSA Awards Ceremony / Prize Announcement – 5:30 p.m. to 7:00 p.m. (Terrace Lounge)

TUESDAY 4 JUNE 2019

Session 6: 8:45 a.m. to 10:15 a.m.

6.a. Indigenous Land (Allard 105)

Mayana Slobodian (Toronto): Sen'ákw: 'A Shady Deal' in the Heart of the City

William Acres (Western): Breaking of Trust on the Grand River Station, 1836-1934

Mark Harris (UBC): "Treaty Yeh Treaty Now"? The Victorian Treaty Process

David V. Williams (Auckland): "The doctrine of terra nullius never applied in Canada"; "New Zealand was never thought to be terra nullius": A Critique of the Doctrine of Crown Radical Title

Chair: Robert Hamilton (Calgary)

6.b. Justice and Representations of Gender and Sexual Minorities (Allard 121)

Pierre Cloutier de Repentigny (Ottawa): Access Denied: Gender Minorities and Access to Justice

Nora Butler Burke (Concordia): Between Asylum and Exile: The 'Double Punishment' of Migrant Trans Women

Kyle Kirkup (Ottawa): The Gross Indecency of Criminalizing HIV Non-Disclosure

Emily Snyder (Saskatchewan): Deconstructing Representations of HIV, Indigeneity, Sexuality, and Law in R v Schenkels

Chair: Lori Chambers (Lakehead)

6.c. Human Rights, Terrorism and Peace (Allard 122)

Philip J. Boyle (Waterloo): The Vital Points Program: Examining the Origins of 'Critical Infrastructure' as a Security Project in Canada

Fahad Ahmad (Carleton) and Jeffrey Monaghan (Carleton): Terrorism Peace Bonds, Pre-Emptive Security, and the Politics of Possibility

Meral Tan (Carleton): Human Rights Advocacy and the Liberal State: An Analysis of Omar Khadr's Case

Hadeel Abu Hussein (Oxford): International Human Rights Law, Justice, Human Rights: The Question of Jerusalem & Beyond

Chair: Emma Cunliffe (Allard)

6.d. Positive Law and the Rights of Minorities (Allard B101)

Andrea Buitrago-Carranza (Law Society of Ontario): Aboriginal People's Right to Self-Governance under International Human Rights Law: A Cause of Action Independent from Section 35 Rights

Genevieve Painter (Concordia): Retelling the Charter's Rights: Race and Indigeneity in the Making of Women's Equality Rights in Canada

Miriam Zucker (Toronto): Bridging the Gaps in the Theoretical Scholarship on Multiculturalism and Feminism: Critical Reflection through the Case of Polygamy and Forced Marriage among the Bedouin-Arabs in Israel

Chair: David Williams (Auckland)

6.e. Farmed Animals and the Law: Animal Agriculture, Marginalized Populations, and Intersectional Critiques (Allard 114)

Jessica Eisen (Alberta): Rethinking Animal Law: Lessons from Feminist Theory

Angela Lee (Ottawa): Innov-ate What's on the Plate

Kelly Struthers Montford (Toronto): Prison-Based Agribusiness and Questions of Humane Labour

Chair: Maneesha Deckha

Health Break / Pause santé: 10:15 a.m. to 10:30 a.m.

Session 7: Plenary Session 10:30 a.m. to 11:30 a.m.

**Dr. James (Sákéj) Youngblood Henderson (Native Law Centre, U of S):
Constitutional Reconciliation: Aboriginal and Treaty Rights and the Public
Interest**

James (Sákéj) Youngblood Henderson is a Research Fellow of the Native Law Centre of Canada at the College of Law, University of Saskatchewan. He was born to the Bear Clan of the Chickasaw Nation in 1944 and is married to Marie Battiste, an Mi'kmaw educator. He served as a constitutional advisor for the Mi'kmaw nation and the Assembly of First Nations (1978-1993). He has worked as a strategist with the Four Direction Council at the United Nations and helped draft many of the existing Declarations. His award-winning books are on *Aboriginal Tenure in the Constitution of Canada*, *Treaty Rights in the Constitution of Canada*, *First Nation Jurisprudence and Aboriginal Rights: The Search for a Just Society* and *Indigenous Diplomacy*

and the Rights of Peoples: Achieving U.N. Recognition. He was elected as a fellow of Native American Academy (1985), awarded the Indigenous Peoples' Counsel (2005) and the National Aboriginal Achievement Award for Law and Justice (2006), a Honourary Doctorate of Laws, Carlton University (2007), and a fellow of the Royal Society of Canada (2013).

**Lunch break: CLSA Annual General Meeting 11:30 a.m. to 1:00 p.m. (Allard 105) –
All members welcome**

Session 8: 1:00 to 2:30 p.m.

8.a. Gendered Violence (Forum)

Maria Ribeiro (UVic): How Evidence Law Operates so as to Facilitate and/or Impede the Prosecution of Sexual Violence in Canada?

Lori Chambers (Lakehead) and Nadia Verrelli (Laurentian): R v Whynott and Self-Defence

Alexa Dodge (Carleton): Disgraced Women, Vengeful Men, & Wild Teens: Socio-Legal Conceptions of Victims & Offenders of 'Revenge Porn'

Daniel Del Gobbo: "Negotiating Campus Sexual Violence"

Chair: Annie Bunting (York)

8.b. The Roles of Lawyers (Allard 121)

Debbie De Girolamo (Queen Mary University of London): A Sociological Approach to Lawyer Negotiations

Nayha Acharya (Schulich): Reconciling Mediation and Rule of Law through Dialogue

Kory Smith (Carleton): Increasing Efficiency and Fairness in Applications for Court-Ordered Counsel: An Evaluation of Ontario's Rowbotham Application Pilot Project

Chair: Palma Paciocco (Osgoode)

8.C. Natural Resources and Legal Ordering (Allard 122)

Wade Wright (Western): Federalism's Underlying Question and Interprovincial Pipelines

Estair Van Wagner (Osgoode): The Private Limits and Boundaries of the Public Duty to Consult: Private Land, Land Use Planning and Indigenous Environmental Jurisdiction

Florence Ifediba: Accommodating Indigenous Rights in Siting Small Modular Reactors (SMRs) on or Near the Traditional Territories of Indigenous Communities in Canada

Chair: Angela Lee (Ottawa)

8.d. Immigration Law & Practice (Allard B101)

Sean Rehaag (Osgoode) & Pierre-André Thériault (Schulich): “Judgments v Reasons in Federal Court Refugee Claim Judicial Reviews: A Bad Precedent?”

Asha Kaushal (Allard): Deportation: Immigration’s Half-Life

Maureen Duffy (Calgary): Revising Canada-U.S. Conversations as the U.S. Refugee Climate Erodes

Chair: Shauna Labman (Manitoba)

8.e. Judicial and Legislative Approaches to Domestic Violence in Family and Child Protection Cases: Definitions, Intersections, and Assumptions (Allard 114)

Susan B. Boyd (Allard): Plus ça change? Three Conversations about Family Law Reform

Wanda Wieggers (Saskatchewan): Access to Justice and Domestic Violence within and across Multiple Legal Systems: Methodology, Statutory Context and its Impact in Family and Child Protection Cases in Three Canadian Jurisdictions

Jennifer Koshan (Calgary): Judicial Constructions of Domestic Violence Complainants in Family and Child Protection Cases in Canada

Janet Mosher (Osgoode): Family Law’s Entanglement with Criminal and Child Protection Law in Domestic Violence Cases

Chair: Wendy Chan (SFU)

Health Break: 2:30-2:45

Session 9: 2:45 p.m. to 4:45 p.m.

9.a. “Landing a Job in Academia”: Graduate student career event (Allard 105) [Note: this session will run from 3:30-5:30]

9.b. Unenforced or Unenforceable? Tenant-Researcher Perspectives on Legislative Gaps in Protecting Human Rights in Vancouver’s Single Room Occupancy (SRO) Hotels (Allard 121)

The Right to Remain (R2R) is a participatory action research project that is working to support grassroots efforts to advocate for the right to safe and healthy housing in Vancouver’s Downtown Eastside. Focusing on the neighbourhood’s last remaining single room occupancy (SRO) hotels, our research has supported local tenant organizing within this form of historically

maligned housing that still provides over 4500 welfare-rate private sector units in the city. Our project is revealing the critical role that the SRO has played in prompting a decades-long legacy of rights-based struggle for housing justice led by the city's most vulnerable and politically active citizens. Through tenant-led interviewing, archival research, and arts-based methods – including participatory haiku making – R2R is now working to mobilize shared histories of rights and place within current tenant organizing strategies towards safe housing and legal protections against the loss of SROs to an increasingly unaffordable market.

Panelists: Ron Kuhlke (advocate), Tom deGrey (tenant advocate), Erica Grant (advocate)
Co-chairs: Nicholas Blomley (SFU), Jeff Masuda (Queen's) and Magnus Nowell (Queen's)

9.c. #MeToo (Allard 122)

Marcus A. Sibley (Carleton): The Exposures of a 'Rape Culture': Exploring the Historical Significance of Vigilantism within the Anti-Rape Movements

Tanya Serisier (Birkbeck College): Speaking Out: Rape, Feminism and Narrative Politics

Carol Liao (Allard) and Shona McGlashan (Allard): #MeToo and the Boardroom

Pooja Parmar (UVic): #MeToo and Lawyering: A Critical Feminist Perspective

Bethany Hastie (Allard): Workplace Sexual Harassment and Human Rights Tribunals: An Analysis of Case Law in British Columbia and Ontario

Chair: Emily Snyder (Saskatchewan)

9.d. Transitional Justice & Murderous Regimes (Allard B101)

Julia Viebach (Oxford): The Everyday of Rwanda's Gacaca Courts: Evidence, Witnesses and Judgecraft in Transition

Onur Bakiner (Seattle): "These are Ordinary Things": Regulation of Death under the AKP Regime

Dante Gatmaytan (Philippines): Judicial Rhetoric as Historical Revisionism

Jobran Trefis (UNB): The Practice of Torture in Libya after the Revolution of 2011: Absence of the Role of the International Community

Chair: Maureen Duffy (Calgary)

9.e. Shifting the Anthropocentric Violence of Canadian Liberal Legalism through Relationality, Redress and Reconciliation: Moving toward Harmonious Interspecies Relations (Allard 114)

Charlotte E. Blattner (Harvard): Drafting Principles of Transitional Justice for a Postconflict Interspecies Society

Maneesha Deckha (UVic): Reconciliation, Legal Precedent and Animal Advocacy: Harnessing Indigenous Legal Subjectivities for Animals to Transform the Colonial Classification of Animals as Property

Jodi Lazare (Schulich): Who Owns the Dog? A Relational Approach to Companion Animal Ownership

Victoria Shroff (Lawyer and Independent Scholar): Bringing Companion Animals (Pets) Up from the Floor to the Table to Join the Conversation on Pet Custody

Chair: Jessica Eisen (Alberta)

CLSA BOARD MEETING: 5:00 pm to 6:30 pm (Terrace room)

CLSA GRAD STUDENT SOCIAL EVENT: 6:30-9 p.m. – 9 p.m (Koerner's Pub, nearby in the graduate student centre, aka Thea Koerner's House, at 6371 Crescent Road)

WEDNESDAY 5 JUNE

Session 10: Joint CLSA/CALT Keynote Plenary: 9:00 a.m. to 10:15 a.m.

Professor Jeremy Webber (UVic): Law of the Feast Hall, Law of the Courts: Bringing State and Non-State into Conversation in the Classroom

Jeremy Webber is Professor of Law at the University of Victoria. He has written widely in constitutional law, Indigenous rights, federalism, cultural diversity, and constitutional theory in Canada and in relation to other countries (especially Australia). He is the author of *Reimagining Canada: Language, Culture, Community and the Canadian Constitution* (1994), *The Constitution of Canada: A Contextual Analysis* (2015), and *Las gramáticas de la ley: Derecho, pluralismo y justicia* (2017). Professor Webber was UVic's Dean of Law from 2013 to 2018. He held the Canada Research Chair in Law and Society at UVic from 2002 to 2014, when he surrendered the chair to serve as Dean of Law. Prior to joining UVic, he was Dean of Law at the University of Sydney, Australia (1998-2002) and Professor of Law at McGill University (1987-1998). He was appointed a Fellow of the Trudeau Foundation in 2009 and a Fellow of Royal Society of Canada in 2016.

Health Break 10:15 a.m. to 10:30 a.m.

Session 11: 10:30 a.m. to 12:00 p.m.

11.a. Canadian Federalism and Indigenous Legal Orders (Allard 105)

Robert Hamilton (Calgary): The Trans Mountain Pipeline Decision and the Limits of the Duty to Consult: Certainty, Consent, and the Need for Negotiated Jurisdiction

Joshua Nichols (Alberta): Legality and Legitimacy Revisited: A Comparative Analysis of the Quebec Secession Reference and *R v Sparrow*

Ryan Beaton (UVic): Paramountcy, the Division of Powers, and the Crown's Constitutional Obligations

Chair: Nicole O'Byrne (UNB)

11.b. Mobilizing and Dissipating Law's Power (Allard 121)

Scharie Tavcer (Mount Royal): Normalization of Confusion: Barriers to Addressing Sexual Violence on University Campus

Palma Paciocco (Osgoode): The Polluted Well: Legal Actors and the Decline of the Theatrical Criminal Trial

Basil S. Alexander (UNB): Canadian Cause Lawyering and Systemic Change: Approaches and Insights to Further Justice

Chair: Kelly Gallagher-Mackay (Laurier)

11.c. Les espaces de parole pour les justiciables québécois : entre contrainte et liberté de trouver sa place (Allard 122)

Chloé Leclerc (Montréal): L'exclusion des accusés aux négociations entourant les plaidoyers de culpabilité : déférence légitime ou silence forcé?

Sabrina Labrecque (UQAM): Nouvel espace de parole au sein des tribunaux : à qui s'adresse-t-on ?

Dalia Gesualdi-Fecteau (UQAM) et Maxine Visotzky-Charlebois (UQAM): Le recours aux modes privés de règlement des différends: retour vers le futur?

Dominique Bernier (UQAM): Typologie des espaces de parole en droit québécois : réfléchir la place des justiciables et de l'accès à la justice

Chair: Sara Ross (Allard)

11.d. Making Meaning in Politics and Law (Allard B101)

Dustin Gumpinger (Toronto): Minimizing Exclusion: Jacques Derrida, Deconstruction, and the Interpretation of Constitutional Civil Liberties

Bradley Bryan (UVic): The Technical Vocation of Tax Law

Brian Bird (McGill): The Free Vote: A Reflection on Conscience, Democracy, and Representation

Chair: Nayha Acharya (Schulich)

11.e. Conversations about Migration: Law's 'Myth-Busting' Role (Roundtable Discussion) (Allard 114)

Chair: Bethany Hastie (Allard)

Participants: Jamie Liew (Ottawa); Shauna Labman (Manitoba); Anna Purkey (Waterloo); Asha Kaushal (Allard); Efrat Arbel (Allard)

Lunch break: 12:00 pm to 1:30 pm, sponsored by Carswell (Foyer)

Session 12: 1:30 p.m. to 3:00 p.m.

12.a. Deliberative Democracy & Public Authority (Allard 105)

Alexandra Flynn (Allard): A Bridge Too Far? Accountability and Governance in Waterfront Toronto's Sidewalk Labs Deal

Hoi Kong (Allard): The City in the Deliberative Federation

Mary Liston (Allard): Delegating Democracy?

Jocelyn Stacey (Allard): "Meaningful" Participation and "Genuine" Dialogue: Finding the Substance in Procedure

Chair: Hoi Kong (Allard)

12.b. Agency, Dignity & Vulnerability (Allard 121)

Michael Johnson (UVic): Adult Guardianship Law: Getting From 'What it Is' to 'What it Should Be'"

Garrett Lecoq (Carleton): What's Law Got to Do With It? Critique and the Right to Die in Canada

Margaret Hall (TRU): Dignity, Autonomy, Dementia: Advance Directives and Medically Assisted Dying

Cynthia Brown (Windsor): Disability Rights in an Ableist Health Care Environment: How do Women with Disabilities Understand & Address Systemic Barriers to Preventative Community Health Services?

Chair: Maura Matesic (York)

12.c. Resources and Indigenous People: Rights and Duties (Allard 122)

Jennifer Sankey (Allard): Implementing FPIC through Indigenous Environmental Assessments

Rachel Ariss (UOIT): The Duty to Consult and Mining Exploration: Judicial Stories of Treaty 9

Nnaemeka Ezeani (Saskatchewan): Indigenous Land Rights in Africa: Myth or Reality?

Chair: Irina Ceric (Kwantlen)

12.d Law, Religion & Discrimination (Allard B101)

Ashleigh Keall (UCL): Expressive Harm and Equality in the Adjudication of Religious Freedom

Sindhu De Livera (Windsor): A Conflict of Duties: Balancing between a 'State Religion' and Human Rights in Sri Lanka

Blair Major (TRU): Law and Religion: A Friendly Conversation

Connor Steele (Ottawa): The Metamorphosis of Shame in Anti-Discrimination Law: An Argument for the Reconfiguration of the Dignitary Based Conception (via Skype)

Chair: Ben Berger (Osgoode)

12.e. Improvisation in Precarious Times: Crisis, Collaboration, and Creating Ethical Communities (Interactive Learning Session) (Allard 114)

This collaboration between a legal academic, performance artist, and dance artist interrogates how responsive arts-based improvisatory practices can produce and nurture legal spaces that are truly welcoming of and attentive to the voices of individuals and communities experiencing difficulties in the present precarity of contemporary Canadian society.

Facilitator/Chair: Mehera San Roque

Performance and Dance Artists: Julie Lassonde and Kristen Lewis

Sara Ramshaw (UVic)

Health Break 3:00 p.m. to 3:15 p.m.

Session 13: 3:15 p.m. to 4:45 p.m.

13.a Professional Self-Regulation (Allard 105)

Constance Backhouse (Ottawa): Racial Bias and Judging: Spotlight on the RDS Case

Heather Roberts (ANU): Difference, Discrimination and...? Telling a History of Women Judges in Australia

Kate Glover Berger (Western): Ethics, Judicature, and the Canadian Judicial Council

Andrew Flavelle Martin (Allard): Mental Illness and the Duty to Report a Fellow Lawyer to the Law Society

Chair: Pooja Parmar (UVic)

13.b. Circles of Conversation between Indigenous and Colonial Law: Graphic Novels as a Site for Multijural Research, Scholarship and Teaching (Allard 121) (This panel runs until 5:15 p.m.)

“What is Indigenous Law” and “How can state and Indigenous laws interact” are pervasive questions throughout not only the legal academy and profession but society in general. This

panel takes the form of a workshop based on a new graphic novel on Indigenous-colonial water law. Flowing from a two-year project and reflecting on the first year of teaching the new Indigenous law degree program at the University of Victoria, the workshop will explore the research, scholarship and teaching opportunities offered by new and generative resources, such as graphic novels, whose air is to widen the circles of conversation between Indigenous and colonial law.

Chair: Rebecca Johnson (UVic)

Participants: Deborah Curran (UVic); Sarah Morales (UVic); Val Napoleon (UVic)

13.c. Operationalizing Human Rights (Allard 122)

Dale Ballucci (Western) and Felicia Stathakis (Western): Re-Thinking Success: Victim-Centric Strategies in the Policing of Human Trafficking Cases

Richard Martin (LSE): 'Inhabiting Culture': Human Rights and Public Order Policing in Northern Ireland

David Moffette (Ottawa): Municipal Policing and Immigration Status in Canadian Cities

Chair: Janet Mosher (Osgoode)

~~13.d. Finance & Social Justice (Allard B101) – PANEL CANCELLED~~

~~Vanessa Iafolla (Waterloo): Kin and Crime: Managing Lending Risk in Loan Sharking Through Kinship Ties~~

~~Jason Leslie (Allard): Mortgages, Markets and a Big Mess: 'Behind the Scenes' Finance and Canadian Housing~~

~~Chair: Carol Liao (Allard)~~

JOINT BANQUET (with the Canadian Association of Law Teachers) – 6:00 p.m. Franklin Law Forum

Featuring Counterbalance: An Art Exhibition by Julie Lassonde

Photography exhibit of documentation from Performance Artist and Social Justice Lawyer Julie Lassonde's project entitled « Counterbalance », a performance and installation project exhibited in Toronto and Montreal from 2015-2017.

