

KENT ROACH
B.A., LL.B., LL.M., F.R.S.C.
Born: Montreal, Quebec, Canada

Address: University of Toronto
78 Queens Park
Toronto, Ontario, Canada
M5S 2C5
Phone: (416) 946-5645
Fax: (416) 978-2648
e-mail: kent.roach@utoronto.ca

Employment:

2006- Prichard-Wilson Chair of Law and Public Policy, University of Toronto

1999- Professor, Faculty of Law, University of Toronto (status cross appointments in criminology and political science)

1998-1999 Dean and Professor, College of Law, University of Saskatchewan

1994-98 Associate Professor, University of Toronto, Faculty of Law (with tenure) (status cross appointment in criminology)

1989-1994 Assistant Professor, University of Toronto, Faculty of Law (status cross appointment in criminology)

1988-89 Law Clerk for Madam Justice Bertha Wilson, Supreme Court of Canada

Education:

1988 Master of Laws, Yale Law School with honours in majority of courses

1987 Bachelor of Laws, Faculty of Law, University of Toronto, with honours and second in class

1984 Bachelor of Arts, political science and history
Victoria College, University of Toronto
with high distinction and the Governor General's Gold Medal

Grants and Awards:

- 2013 Awarded Trudeau Fellowship (one of four) in recognition of career contribution of international pre-eminence in academic and creative professional excellence
- 2012 Awarded Mundell Medal for contributions to legal writing
- 2011 Appointed (honourary) Professor, University of New South Wales
- 2010 Awarded British Academy Short Term Visiting Fellowship, University of Warwick
- Awarded Lexpert Platinum Award for best contribution to pro-bono legal services by an academic
- 2008 Awarded Alan Mewett award for excellence in teaching by graduating students at the Faculty of Law
- 2006 Appointed Editorial Board, National Journal of Constitutional Law
- 2004 Awarded with Robert J. Sharpe the J.W. Dafoe Prize for the book that makes the best contribution to the understanding of Canada
- 2003 Appointed Editorial Board, Singapore Journal of Legal Studies
- Awarded (with Gary Trotter) a major research grant from Social Sciences and Humanities Research Council of Canada to conduct research on the causes and remedies of wrongful convictions
- 2002 Elected as a Fellow of the Royal Society of Canada, Academy of Humanities and Social Sciences
- 2001 Short listed for the Donner Prize for best book on Public Policy published in 2001
 Awarded grant from the Foundation for Legal Research
- 2000 Short listed for the Donner Prize for best book on Public Policy published in 1999
- 1999 Awarded grant from the Wright Foundation for Legal Research
- 1997 Awarded the Walter Owen Book Prize for the best law book published in English in 1994 or 1995

- 1997 Awarded grant from the Foundation for Legal Research
Awarded grant from the Wright Foundation for Legal Research
- 1993 Awarded grant from the Foundation for Legal Research
1991 Awarded major research grant by the Social Sciences and Humanities Research Council (with M.L. Friedland and Michael Code) to conduct a comparative study of the criminal justice systems in Niagara Falls, Ontario and New York
- 1989-1990 Awarded Connaught New Staff Grant, University of Toronto
Awarded Research Board General Grant
- 1987-1988 Awarded Doctoral Fellowship, Social Sciences and Humanities Research Council of Canada
- 1987 The Class of 1987 Prize for ranking second among the graduating class
- The Dean Cecil Wright Key for participation in extra-curricular work of an academic nature

Professional Activities

- 2013 Appointed to Council of Canadian Academies Expert Panel on the Future of Canadian Policing
- International Expert sponsored by United Nations Development to advise Tunisian Constituent Assembly on the third draft of the Constitution, Tunis, Tunisia, May.
- International Expert appointed by Idea International to advise Tunisian Constituent Assembly on Security Sector Reform in the second draft Constitution, Tunis, Tunisia, February.
- Member of Consensus Chair chaired by Hon. Ian Binnie on Fetal Alcohol Spectrum Disorder and the Legal System, Alberta Health Economics Conference, Edmonton, September, 2013
- Co Chair (with Mayo Moran) of National Conference and Workshop on Residential Schools Litigation and Settlement, University of Toronto.
- Counsel (pro bono) for the David Asper Centre for Constitutional Rights in *Tajuajawa v. Canada and Ontario*, on the availability of remedies for violations of ss.7 and 15 of the Charter in relation to housing rights

- 2012- Appointed General Reporter on Counter-Terrorism for the XIX International Congress on Comparative Law to be held in Vienna, 2004
- Special Advisor, Truth and Reconciliation Commission for Indian Residential Schools with lead responsibilities for report on the legacy of the schools
- 2012 Expert report on military police independence for the Military Police Complaints Commission
- Lead counsel (pro bono) for British Columbia Civil Liberties Association in *R. v. Khawaja* in the Supreme Court on the constitutionality of Canada's definition of terrorism.
- Co-counsel (pro bono) for Asper Centre on Constitutional Rights in *R. v. Kokopenace* in the Ontario Court of Appeal on s.15 of the Charter and jury selection involving Aboriginal people in Ontario's north.
- Lead counsel (pro bono) for Asper Centre on Constitutional Rights in *A.G. Canada v. Downtown Eastside Sex Workers* in the Supreme Court of Canada concerning public interest standing
- Visiting British Academic Fellow, University of Warwick
- Visiting and Conjoint Professor, University of New South Wales
- 2011 Lead counsel (pro bono) for British Columbia Civil Liberties Association in *R. v. Ladue* in the Supreme Court of Canada concerning the sentencing of Aboriginal offenders and decision joined with *R. v. Ipeelee*
- Witness before Senate Special Committee on Anti-Terrorism Law
- Expert submission on police military independence to Parliamentary committees on behalf of the Military Police Complaints Commission
- Visiting British Academy Fellow, University of Warwick
- Participant, High Level Policy Seminar on European and United States Counter-Terrorism Policies, the Rule of Law and Human Rights, European University Institute, Florence.

- 2010 Qualified as expert witness in Intelligence and Evidence in *France v. Diab*, Ontario Superior Court of Justice
- Qualified as expert witness in Aboriginal people and criminal justice and effects of mandatory minimum sentences in *R. v. Barnhart* in Ontario Court of Justice
- Visiting Professor, University of New South Wales
- Visiting Professor, National University of Singapore
- Instructor, National Judicial Institute course on wrongful convictions
Peter Allan Memorial Lecture, University of Hong Kong
- 2009 Member of a Task Force on Terrorism, Democracy and the Law sponsored by the Max Planck Institute for the Study of Comparative Law, the Israel Democracy Institute and the Woodrow Wilson Centre for Foreign Scholars.
- 2009 Visiting Professor, Centre for Transnational Legal Studies, London, England
- Conference Co Chair Taking Remedies Seriously Canadian Institute for the Administration of Justice Annual Conference Ottawa
- Country Reporter for Canada “Courts as Positive Legislators” XVIII International Congress of Comparative Law Washington D.C. 2010
- Lead counsel (pro bono) for the British Columbia Civil Liberties and Asper Centre for Constitutional Rights in *Ward v. British Columbia* in the Supreme Court of Canada involving the availability of damages under s.24(1) of the Charter
- Lead counsel (pro bono) for the Canadian Civil Liberties Association in *Karas v. Canada* concerning the constitutionality of extradition to Thailand without assurances that the death penalty would not be applied (appeal abandoned)
- Co- counsel (pro bono) for the Criminal Lawyers Association and Asper Centre for Constitutional Rights in *R. v. Conway* in the Supreme Court of Canada concerning the remedial powers of Mental Health Review Boards
- Instructor National Judicial Institute Course on Wrongful Convictions
- Member Association in Defence of the Wrongfully Convicted (AIDWYC) case selection committee

- Assisted (pro bono) in preparation of factum in *R v. Jack White* in the Supreme Court of Canada in association with AIDWYC
- 2008 Lead counsel (pro bono) for the British Columbia Civil Liberties Association in *Ward v. British Columbia* in the British Columbia Court of Appeal involving availability of damages as a remedy under s.24(1) of the Charter.
- Board member of British Columbia Civil Liberties Association
- 2007 United Nations Office on Drugs and Crime Legal Expert Group on the Implementation of the Penal Provisions on Nuclear Terrorism Contained in the Universal Legal Framework Against Terrorism
- 2007-2008 Research Director for the Inquiry into Pediatric Forensic Pathology.
- 2006-2009 Research Director –Legal Studies, Commission of Inquiry into the Bombing of Air India Flight 182.
- 2006 Special Lecturer of a course of Comparative Anti-Terrorism Law. University of New South Wales, Sydney, Australia
- Keynote speaker Association for Victim Assistance Annual Conference
- Prepared a Report on the use of prosecutorial stays and means to determine and declare wrongful convictions published as an appendix in *Report of the Commission of Inquiry into Certain Aspects of the Trial and Conviction of James Driskell*
- 2005 27th Annual Viscount Bennett Lecture, University of New Brunswick “Must we Trade Rights for Security?”
- Keynote Speaker, Associations Active in Criminal Justice/Department of Justice Annual Conference “Canada’s Evolving National Security Policy”
- Special Lecturer and Visitor, University of Cape Town, Faculty of Law, Departments of Criminal Law and Public Law
- Prepared background paper for the Privacy Commissioner of Canada for the three-year review of the Anti-Terrorism Act
- 2004-5 (with Julian Roberts) Prepared of a background paper “Enhancing Criminal Justice Reform including Restorative Justice) published as A/Conf.203/10 at the 11th United Nations Conference on Crime Prevention, Bangkok, Thailand April 2005.

- 2004 Appointed by Justice O'Connor to a five member Research Advisory Committee to conduct research and offer advice for the systemic phase of the federal Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar. The systemic mandate is to offer advice about review mechanism for the national security activities of the Royal Canadian Mounted Police.
- 2004 Appointed by Justice Linden to a seven member Research Advisory Committee to conduct research and offer advice for the systemic phase of the provincial Commission of Inquiry into Ipperwash. The mandate is to offer advice about the prevention of deaths such as those of Mr. Dudley George who was killed by the police during a protest about Aboriginal land and burial grounds.
- 2004 Lead counsel (pro bono) for Aboriginal Legal Services of Toronto in *R v. Hamilton* in Ontario Court of Appeal) (judicial notice and systemic discrimination in sentencing)
- Instructor National Judicial Seminar on the Charter
- Instructor Tulane Law School Summer Program on International Human Rights
- Instructor Osgoode Hall Law School LLM program
- 2003 Lead counsel (pro bono) for the Canadian Civil Liberties Association in *R. v. Boomer* (Ontario Divisional Court) (constitutionality of mandatory penalty for welfare fraud)
- Instructor, National Judicial Institute Seminar on the Charter
- Co-recipient of major grant from National University of Singapore to hold an international conference on anti-terrorism laws in Singapore in June, 2004.
- 2002 Visiting Professorial Fellow, National University of Singapore
Instructor National Judicial Institute Seminar on Preventing Wrongful Convictions
- 2002-2003 Consultant to Economic Law, Institutional and Professional Strengthening Project (ELIPS II) on Indonesia's Anti-terrorism Law (drafted various memos and spoke to the drafting committee on three occasions)

- 2001-2002 Co- counsel for the Chippewas of the Nawash *Chippewas of the Nawash v. Canada* in the Federal Court of Appeal (equality rights challenge to federal fishing policy)
- Member of the Executive, Canadian Association of Law Teachers
- 2001 Lead counsel for Aboriginal Legal Services of Toronto in its intervention in *Sauve v. Canada* in the Supreme Court of Canada (right of prisoners to vote)
- Lead counsel (pro bono) for Aboriginal Legal Services of Toronto in its intervention in *R. v. Golden* in Supreme Court of Canada (legality of strip searches)
- Conference Co-Chair Restorative Justice, Faculty of Law and Criminology, University of Toronto, Centre of Criminology University of Cambridge and Ottawa.
- 2000 Lead counsel (pro bono) for Criminal Lawyers Association in its intervention in *R. v. Dunedin Construction* in Supreme Court of Canada (remedial powers under s.24(1) of the Charter)
- Lead counsel (pro bono) for Canadian Civil Liberties Association in its intervention in *R. v. Latimer* in Supreme Court of Canada (constitutionality of mandatory minimum sentence for second degree murder)
- Member of the planning committee for the establishment of a court in Old City Hall, Toronto for Aboriginal offenders with particular attention to the Supreme Court of Canada's decision in *R. v. Gladue*.
- 2000 Member of the Editorial Board, University of Toronto Law Journal
- 1999 Member of Ontario Legal Aid's Test Case Funding Committee
- 1999 Lead counsel (pro bono) for Aboriginal Legal Services of Toronto in its intervention in *R. v. Pawley* in the Ontario Superior Court of Justice (Metis hunting rights)
- Conference Co-Chair Changing Punishment at the Turn of the Century, Canadian Institute for the Administration of Justice, Saskatoon
- 1998 Lead counsel (pro bono) for Aboriginal Legal Services of Toronto in its intervention in *R. v. Wells* in the Supreme Court of Canada (sentencing Aboriginal offenders)
- Lead counsel (pro bono) for Aboriginal Legal Services of Toronto in its intervention in *R. v. Gladue* in the Supreme Court of Canada (sentencing Aboriginal offenders)

- Lead counsel (pro bono) for Aboriginal Legal Services of Toronto in its intervention in *Corbiere v. Canada* in the Supreme Court of Canada (voting and equality rights of band members living off reserve)
- 1998 -1999 Bencher of the Law Society of Saskatchewan, Member of the Law Foundation of Saskatchewan
- 1997- Editor-in-Chief, *Criminal Law Quarterly*
- 1997 Counsel (pro bono) for the Association in Aid of the Wrongfully convicted in the Inquiry into the Wrongful Conviction of Guy Paul Morin (systemic causes of wrongful convictions)
- 1997-1998 Lead counsel (pro bono) for Aboriginal Legal Services of Toronto in its intervention in *R. v. Williams* in the Supreme Court of Canada (questioning jurors about racial prejudice)
- 1996-1998 Member of the Law Society's Legal Aid Committee on the Funding of Test Cases
- 1996 Co-Counsel (pro bono) for Ontario Métis Aboriginal Association and the Be-Wab-B on Métis and Non-Status Indian Association in *Lovelace v. Ontario* in Ontario Court of Appeal and on the factum in the Supreme Court of Canada (equality challenge to benefits program)
- 1996 Lead counsel (pro bono) for Canadian Civil Liberties Association in its intervention in *R. v. Stillman* in the Supreme Court of Canada (exclusion of evidence under s.24(2) of the Charter)
- 1995-98 Associate Editor, Dominion Law Reports and Canadian Criminal Cases
- 1995-97 Editorial Board, *Canadian Criminal Law Review*
- 1995 Co-counsel (pro bono) for the Canadian Civil Liberties Association in its intervention in *Hill v. Church of Scientology* in the Supreme Court of Canada (constitutionality of libel law)
- 1992- Member of the Law Society of Upper Canada (the Ontario Bar)
- 1992 Consultant to Arvay, Finlay on remedial issues arising from Aboriginal land claims litigation in *Delgamuukw v. A.G. (B.C.)* in the British Columbia Court of Appeal (remedial issues arising from Aboriginal land claim)

- 1990-1992 Project Director for the Ontario Law Reform Commission's Report on the Law of Public Inquiries which culminated in its *Report on Public Inquiries* (1992)
- 1991 Consultant (pro bono) to Legal Education and Action Fund (LEAF) in its interventions in *R. v. Daniels* in the Saskatchewan Court of Appeal (remedial issues involving imprisonment of female Aboriginal offender)
- 1986-87 Editor-in-Chief, *University of Toronto Faculty of Law Review*

Publications:

Books:

(with Robert J. Sharpe) *The Canadian Charter of Rights and Freedoms* 5th ed (Toronto: Irwin Law, 2013) (482 pp.)

Constitutional Remedies in Canada 2nd ed (Toronto: Canada Law Book, 2013) (772 pp)

Criminal Law 5th ed (Toronto: Irwin Law, 2012) (562 pp)

***** *The 9/11 Effect: Comparative Counter-Terrorism* (New York: Cambridge University Press, 2011) (477 pp)

(with Bibi Sanga, and Robert Moles) *Forensic Investigations and Miscarriages of Justice* with a forward by Hon. Michael Kirby) (Sydney: Federation Press, Toronto: Irwin Law, 2010) (432pp)

The Unique Challenges of Terrorism Prosecutions: Towards a Workable Relation Between Intelligence and Evidence Vol 4. of the Research Studies of the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182 (Ottawa: Supply and Services, 2010) (326pp)

(with Robert J. Sharpe) *The Canadian Charter of Rights and Freedoms* 4th ed (Toronto: Irwin Law, 2009) (450 pp)

Criminal Law 4th ed (Toronto: Irwin Law, 2009). (505pp)

(with Robert J. Sharpe) *The Charter of Rights and Freedoms* 3rd ed (Toronto: Irwin Law, 2005) (404 pp.)

(with Todd Archibald and Ken Jull) *Regulatory and Corporate Liability: From Due Diligence to Risk Management* (Aurora: Canada Law Book, 2005) (384 pp)

Criminal Law 3rd ed (Toronto: Irwin Law, 2004) (420 pp)

**** (with Robert J. Sharpe) *Brian Dickson: A Judges Journey* (Toronto: University of Toronto Press and Osgoode Society, 2003) (576 pp)

September 11: Consequences for Canada (Montreal: McGill-Queens Press, 2003) (277pp)

(with R.J.Sharpe and K.E. Swinton) *The Canadian Charter of Rights and Freedoms* 2nd ed (Toronto: Irwin Law, 2002) (3 48pp)

*** *The Supreme Court on Trial: Judicial Activism or Democratic Dialogue* (Toronto: Irwin Law, 2001) (347pp)

Criminal Law 2nd ed (Toronto: Irwin Law, 2000). (361 pp)

** *Due Process and Victims' Rights: The New Law and Politics of Criminal Justice* (Toronto: University of Toronto Press, 1999) (391pp)

Criminal Law (Toronto: Irwin Law, 1996) (256 pp)

* *Constitutional Remedies in Canada* (Aurora: Canada Law Book, 1994) and annual supplements) (600 pp)

(with M.L. Friedland and M.J. Trebilcock) *Regulating Traffic Safety* Toronto: University of Toronto Press, 1990) (211pp.)

***** Co-winner 2012 Walter Mundell Medal for contributions to legal writing

**** Winner of the 2004 J.W. Dafoe prize for best contribution to the understanding of Canada

*** short listed for the 2001 Donner Prize for best book on public policy

** short listed for the 1999 Donner Prize for best book on public policy

* winner of the 1997 Walter Owen Prize for best legal book

Edited Collections:

(with Saskia Hufnagel) *Emergency Law* (London: Ashgate, 2012) (541pp)

(with Victor Ramraj, Michael Hor and George Williams) *Global Anti-Terrorism Law and Policy* 2nd ed (Cambridge: Cambridge University Press, 2012) (687pp)

Guest editor special focus issue on Air India Report (2011) 61 *University of Toronto Law Journal* 45-146

(with Robert J. Sharpe) *Taking Remedies Seriously* (Ottawa: Canadian Institute for the Administration of Justice, 2010) (511 pp)

Research Studies of the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182 4 volumes (Ottawa: Supply and Services, 2010)

Research Studies of the Commission of Inquiry into Pediatric Forensic Pathology 2 volumes (Toronto, Queens Park, 2008)

(with M. Hor and V. Ramraj) *Global Anti-Terrorism Law and Policy* (Cambridge: Cambridge University Press, 2005) (628 pp)

(with C. Flood and L. Sossin) *Access to Care, Access to Justice: The Legal Debate over Private Health Insurance* (Toronto: University of Toronto Press, 2005) (618 pp.)

(with A. von Hirsch, A. Bottoms, J. Roberts and M. Schiff) *Restorative Justice and Criminal Justice Competing or Reconcilable Paradigms* (Oxford: Hart Publishing, 2002) (348pp)

(with Ron Daniels and Patrick Macklem) *The Security of Freedom: Essays on Canada's Anti-terrorism Bill* (Toronto: University of Toronto Press, 2001) (498 pp)

(with Shereen Benzvy Miller) *Changing Punishment at the Turn of the Century: Finding Common Ground* special issue of *Canadian Journal of Criminology*, 2000. (pp 249-420)

Casebooks:

(with J. Berryman et al) *Cases and Materials on Remedies* 6th ed (Toronto: Emond Montgomery, 2012)

(with B. Berger, P. Healy and J. Stribopoulos) *Cases and Materials on Criminal Law and Procedure* 10th ed (Toronto: Emond Montgomery, 2010)

(with P. Macklem et al) *Canadian Constitutional Law* 4th ed (Toronto: Emond Montgomery, 2009).

(with J. Berryman et al) *Cases and Materials on Remedies* 5th ed (Toronto: Emond Montgomery, 2006)

(with Patrick Healy and Gary Trotter) *Cases and Materials on Criminal Law and Procedure* 9th ed (Toronto: Emond Montgomery, 2004)

(with P. Macklem et al *Canadian Constitutional Law* 3rd ed (Toronto: Emond Montgomery, 2002)

(with M.L. Friedland) *Cases and Materials on Criminal Law and Procedure* 8th ed. (Toronto: Emond Montgomery, 1997), 7th ed *and Materials on Criminal Law and Procedure* 7th ed. (Toronto: Emond Montgomery, 1994), 6th ed (Toronto: Emond Montgomery, 1991)

(with Garry Watson, W.A. Bogart, Allan Hutchinson and Janet Mosher) *Civil Litigation* 4th ed. (Toronto: Emond Montgomery, 1991)

Articles:

“Terrorism Law” in Markus Dubber et al *Oxford Handbook of Criminal Law* (Oxford: Oxford University Press, forthcoming, 10,000 words)

“Public Inquiries as Attempts to Plug Accountability Gaps” in Fiona de Londres and Fergal Davis eds. *Critical Debates on Counter-Terrorism Judicial Review* (Cambridge: Cambridge University Press, forthcoming)_ (9000 words)

“Canada” in Alan Reed and Michael Bohlander eds *Excusatory and Justificatory Defences to Crime in Crime: Domestic and Comparative Perspectives* (Farham: Ashgate, forthcoming) (11,000 words)

(with Ken Jull and Todd Archibald) “Critical Developments in Corporate Criminal Liability” (2013) 60 *Crim.L.Q.* 92-127.

“Canada’s Experience with Constitutionalism and Criminal Justice” (2013) *Singapore Academy of Law Journal* (forthcoming)

“Security Sector Reform in Tunisia” Working Paper No. 7, June 2013 (Idea International and NYU Centre for Constitutional Transitions) (19 pages)

“Enforcement of the Charter- Sections 24(1) and 52” in Errol Mendes and Stephen Bealuc eds *The Canadian Charter of Rights and Freedoms* 5th ed (Toronto: Lexis, 2013) also in (2013) *S.C.L.R.* (forthcoming) 68 pages

(with David Schneiderman) “Freedom of Expression” in Errol Mendes and Stephen Bealuc eds *The Canadian Charter of Rights and Freedoms* 5th ed (Toronto: Lexis, 2013) also in (2013) S.C.L.R. (forthcoming) 99 pages

“Post 9/11 Policing of Protests: Symbolic but Illusory Law Reform and Real Accountability Gaps” in Margaret Beare and Natalie des Rosiers eds. *The State on Trial* (Vancouver: University of British Columbia Press, forthcoming) (8000 words)

“The Varied Role of Courts and Legislatures in Rights Protection” in Murray Hunt et al eds *Rights Deliberation in Parliament* (Oxford; Hart Publishing, forthcoming) (8000 words)

“Canada” in Alan Reed and Michael Bohlander eds *Participation in Crime: Domestic and Comparative Perspectives* (Farham: Ashgate, 2013) at 307-322.

“Less Procedure, More Justice? A Comparison of Canadian and American Wrongful Convictions” in C. Ronald Huff and Martin Killias (eds.), *Wrongful Convictions and Miscarriages of Justice: Causes and Remedies in North American and European Criminal Justice Systems*. New York: Routledge, 2013) at 283-308.

“Managing Secrecy and its Migration in a post-9/11 world” in David Cole et al eds. *Secrecy, National Security and the Vindication of Constitutional Law* (Cheltenham: Edward Elgar, 2013) at pp. 115- 132.

(with Saskia Hufnagel) “Introduction” in Hufnagel and Roach eds *Emergency Law* (London: Ashgate, 2012) at xi-xix and “Conclusion” at 539-541

(with Gary Edmond) “Trial by Theory: A response to Acharya’s ‘Law Treatment of science’ “ (2013) 36 Dalhousie Law Journal 57-91.

“Substitute Justice? Indirect Challenges to American Counter-Terrorism Activities in non-American Courts” (2012) 82 Mississippi Law Journal 907-974.

“Overseeing Information Sharing” in Hans Born and Aidan Wills ed. *Overseeing Intelligence Services* (Geneva: Centre for Democratic Control of Armed Forces, 2012) at 127-147.

“A Comparative Assessment of Canadian Counter-Terrorism Law and Practices” in Craig Forcese and Francois Crepeau eds *Terrorism, Law and Democracy: 10 Years After 9./11* (Ottawa: Canadian Institute for the Administration of Justice, 2012) at 65-98.

“The Charter versus the Government’s Crime Agenda” (2012) 58 Supreme Court Law Review 2d 211-244.

“A Preliminary Assessment of the New Self-Defence and Defence of Property Provisions” (2012) 16 Canadian Criminal Law Review 247-271.

“Wrongful Convictions in Canada” (2012) 80 University of Cincinnati Law Review 1465-1526

(with Gary Edmond) “A Reply to Chasse’s ‘Junk Science by way of a Higher Burden of Proof’” (2012) 16 Canadian Criminal Law Review 391-413

“Uneasy Neighbors: Comparative American and Canadian Counter-Terrorism” (2012) 38 (5) George Mitchell L. Rev. 1701-1803

“Counter-Terrorism In and Outside the ATA and In and Outside Canada” (2012) 16 Review of Constitutional Studies 243-264.

“The Supreme Court’s Remedial Decision in the Insite Case” (2012) 5 Journal of Parliamentary and Political Law 246-254

“Secret Evidence and its Alternatives” in Antonio Masferrer (ed.), *Post 9/11 and the State of Permanent Legal Emergency* (Dordrech: Springer, Ius Gentium: Comparative Perspectives on Law and Justice, 2012) at 179-200.

“Preventing What? Post 9/11 Mission Creep and Mission Amnesia” in *The Long Decade: How 9/11 has Changed the Law*,” ed. David Jenkins, Anders Henriksen, and Amanda Lynn Jacobsen (New York: Oxford University Press, forthcoming)

“An Independent Commission to Review Claims of Wrongful Convictions: Lessons from North Carolina?” (2012) 58 CLQ 283-302.

“Terrorism and National Security Policy-Making in Canada” in Karim Ismaili, Jane Sprott and Kim Varma eds, *Readings in Canadian Criminal Justice Policy-Making* (Toronto: Oxford University Press, 2012) at 222-247

“Section 7 of the Charter and National Security: Rights Protection and Proportionality versus Deference and Status (2012) 42 University of Ottawa Law Review 337-367.

(with Michael Hor, Victor Ramraj and George Williams) “Introduction” in Victor Ramraj et al eds. *Global Anti-Terrorism Law and Policy 2nd ed* (Cambridge: Cambridge University Press, 2012) at 1-16

“The Criminal Law and its Less Restrained Alternatives” in Victor Ramraj et al eds. *Global Anti-Terrorism Law and Policy 2nd ed* (Cambridge: Cambridge University Press, 2012) at 91-121

“Canada’s Response to Terrorism” in Victor Ramraj et al eds. *Global Anti-Terrorism Law and Policy 2nd ed* (Cambridge: Cambridge University Press, 2012) at 514-540

“Comparative Constitutional Law and Terrorism” in Tom Ginsburg and Rosalind Dixon eds *Comparative Constitutional Law Handbook* (London: Ashgate, 2011) at 532-550

“Overseeing Information Sharing” in Hans Born and Aidan Wills ed *Overseeing Intelligence Services* (Geneva: Centre for the Democratic Control of Armed Forces, 2012) at 129-147.

“Innocence Commissions” entry in *The Encyclopedia of Criminology and Criminal Justice* produced by Springer Verlag (7000 words)

(with Maximo Langer) “Criminal Procedure Rights” in Mark Tushnet and Cheryl Saunders ed *Comparative Constitutional Law Handbook* (New York: Routledge, 2013) at 273-284

“Police Independence and the Military Police” (2011) 49 *Osgoode Hall Law Journal* 117-149.

(with Craig Forcese) “Limping into the Future: The 1267 Sanctions Committee at the Cross-Roads” (2011) 42 *George Washington International Law Journal* 217- 277

“‘Constitutional Chicken’: Terrorism Prosecutions after Ahmad” (2011) 54 *Supreme Court Law Review* 357-390.

“The Law Working Itself Pure?: The Canadian Experience with Exceptional Courts and Guantanamo” in Fionnuala ni-Aolain and Oren Gross eds. *Exceptional Courts* (New York: Cambridge University Press, forthcoming)

“Mind the Gap: Canada’s Different Criminal and Constitutional Standards of Fault” (2011) 61 *University of Toronto Law Journal* 545-578.

“Entrapment and Equality in Terrorism Prosecutions: A Comparative Examination of North American and European Approaches (2011) 80 *Mississippi Law Journal* 1455-1490.

“Some Challenges in European and (North) American Responses to Terrorism” in European University Institute *Report of High Level Policy Seminar on European and United States Counter- Terrorism Policies, the Rule of Law and Human Rights*, European University Institute Florence Italy, 2011 at 19-26.

“Courts as Positive Legislators: The Canadian Experience” in Alan Brewer-Carias ed. *Constitutional Courts as Positive Legislators* (New York: Cambridge University Press, 2011) at 315-344.

“The Primacy of Liberty and Proportionality and not Human Dignity When Subjecting Criminal Law to Constitutional Control” (2011) 44 *Israel Law Review* 91-113

(with Gary Edmond) “A Contextual Approach to the Admissibility of the State’s Forensic Science and Medical Evidence” (2011) 61 *University of Toronto Law Journal* 343-409

“A Late Spring for Charter Damages: *Ward v. British Columbia*” (2011) 29 *National Journal of Constitutional Law* 135-157

“The Air India Report and the Regulation of Charities and Terrorism Financing” (2011) 61 *University of Toronto Law Journal* 45-57.

“‘The Supreme Court at the Bar of Politics’: The Afghan Detainee and Omar Khadr Cases” (2010) 28 *National Journal of Constitutional Law* 115-155.

“Judicial Free Speech” in H.P Lee ed *The Judiciary in Comparative Perspective* (Cambridge University Press, 2011) at 175-195.

“Canada” in Markus Dubber and David Heller eds. *The Stanford Companion to Criminal Law* (Stanford: Stanford University Press, 2011) at 97-136

“Prosecutorial Independence and Accountability in Terrorism Prosecutions” (2010) 55 *Crim.L.Q.* 486-507.

“Forensic Science and Miscarriages of Justice: Some Lessons from Comparative Experience” (2010) 50 *Jurimetrics* 67-92

“Wrongful Convictions: Adversarial and Inquisitorial Themes” (2010) 45 *North Carolina Journal of International Law* 385-444

“The Eroding Distinction Between Intelligence and Evidence in Terrorism Investigations” in Andrew Lynch et al eds. In *Counter-Terrorism and Beyond: The Culture of Law and Justice* (London: Routledge, 2010) at 48-68

(with Lorne Sossin) “Access to Justice and Beyond” (2010) 60 *University of Toronto Law Journal* 373-395

(with Sanjeev Anand) “Inertia, Uncertainty and Canadian Homicide Law: An Introduction to the Special Issue” (2010) 47 *Alberta L.Rev.* 643-650.

“The Problematic Revival of Section 229 (c) of the Criminal Code” (2010) 47 *Alberta L.Review* 675-704.

“The Role of Innocence Commissions in Error Correction and Systemic Reform” (2010) 84 Chicago-Kent L. Rev. 89-126.

“The Unique Challenges of Terrorism Prosecutions: Towards a Workable Relation Between Intelligence and Evidence” (abridged version of monograph) in Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182 *Research Papers: Volume 3 Terrorism Prosecutions* (Ottawa: Public Works and Government Services, 2010) at 311-394

(with Robert Sharpe) “Introduction” in Roach and Sharpe eds. *Taking Remedies Seriously* (Ottawa: Canadian Institute for the Administration of Justice, 2010) at 1-20

“Remedies for Discriminatory Profiling” in Roach and Sharpe eds. *Taking Remedies Seriously* (Ottawa: Canadian Institute for the Administration of Justice, 2010) at 391-417.

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- “Twenty Years of the Charter and Criminal Justice” (2002) 46 C.L.Q. 1-3
- “Responding to Terrorism (II) (2001) 45 C.L.Q. 389-391
- “Responding to Terrorism (2001) 45 C.L.Q. 249-251
- “Burns and Rafay” (2001) 44 C.L.Q. 437-4 39
- "Mandatory Sentences" (2001) 44 C.L.Q. 261-263
- “Why Starr Should Not be Suspended: Reasonable Doubts and Fair Trials” (2001) 44 C.L.Q. 133-135.
- “Panicking Over Criminal Organizations: We Don’t Need Another Offence” (2001) 44 C.L.Q. 1-3
- “Smoking Guns: Beyond the Murray Case” (2000) 43 C.L.Q. 409-4 10
- “Conditional Sentencing and Net Widening” (2000) 43 C.L.Q. 273-275
- “Mills” (2000) 43 C.L.Q. 145-147
- “Beyond Salary Commissions for Provincial Courts” (2000) 43 C.L.Q. 1-3

“Here We Go Again: Reviving the Real Evidence Distinction under Section 24(2)” (1999) 42 C.L.Q. 397-398

“Preserving Preliminary Inquiries” (1999) 42 C.L.Q. 161-163

“When Should the Section 33 Override Be Used?” (1999) 42 C.L.Q. 1-2

“Prostitution” (1999) 41 C.L.Q. 393-394

“Provocation and Mandatory Life Imprisonment” (1998) 41 C.L.Q. 273-275

“The Death Penalty and Wrongful Convictions” (1998) 41 C.L.Q. 145-146

“Appointing Supreme Court Justices” (1998) 41 C.L.Q. 1-2

“Thirty Years of Alan Mewett’s Editorials” (1998) 40 C.L.Q. 257-262

“The Supreme Court and Sentencing” (1997) 40 C.L.Q. 129-130

“Legislative Failure and Law Reform” (1997) 40 C.L.Q. 2-4

Various op eds published in Globe and Mail, Toronto Star, Ottawa Citizen, Montreal Gazette, Edmonton Journal and on the Jurist web site.

Work in Progress:

Master of the Criminal Law: The Life and Times of G.A. Martin

“A Comparative and Critical Examination of Framing Wrongful Convictions as Miscarriages of Justice or Conviction of the Factually Innocent”

“Preventive Detention in Canada”

“Terrorism and the Criminal Law” for the Oxford Handbook on Criminal Law

Comparative Counter-Terrorism Law: The State of the Art (General and national reports from Congress on Comparative Law with a book manuscript under review at Cambridge University Press)

Special issue of UTLJ on residential schools litigation and settlement co-edited with Mayo Moran

Presentations and Lectures:

“Preventive Detention in Canada” Onati Comparative Law Centre, Onati, Spain, June 2013

“The Arar and the Gibson Detainee Inquiries: A Comparison of the Ability of Two Inquiries to Fill Accountability Gaps”, Durham University, June 2013

“Comparative Analogues to the Canadian Security Certificate Regime”, Laval University Annual Workshop on Terrorism and Counter-Terrorism, Quebec City, May 2013

“Residential Schools and the Sentencing of Aboriginal Offenders” Annual Gladue Conference, Osgoode Hall Law School, York University April 2013

“Brian Dickson and the Relation between Rights and Duties”, speech to Ontario Ministry of the Attorney General, lawyers March 2013

“Remedies for Socio-Economic Rights” Student Public Interest Litigation Conference, Osgoode Hall Law School, Toronto March 2013

“The Draft Constitution and its Provisions Affecting the Military, Intelligence and Policing Agencies” IDEA international conference for the Constituent Assembly, Tunis, Tunisia, January 2013

“Visions of Victims’ Rights” Trudeau Scholars workshop, Toronto, January 2013.

“Accountability Gaps and Information Sharing” Conference on Complicity in Toronto, Osgoode Hall Law School, January, 2013

“The Comparative Study of Wrongful Convictions” University of Toronto-Tsinghua University Conference, Toronto November, 2012

“Post 9/11 Accountability” Conference on Accountability and Privacy, McGill University, November, 2012

“Proportionality and Remedies” Beetz Laskin Conference, University of Montreal, October, 2012

“Defining Terrorism and Listing Terrorists” Faculty Seminar, Victoria University of Wellington, Wellington, New Zealand, August 2012.

“The Role of Attorney General in a Constitutional Democracy” Crown Law Office, Wellington, New Zealand, August 2012

“Substitute Justice? Challenges to Guantanamo in non-American Courts” Victoria University of Wellington, Wellington, New Zealand, July, 2012

“An Overview of Civil Remedies under the Charter” National Judicial Institute Seminar on the Charter, Montreal Quebec, July, 2012

“The 9/11 Effect: Author meets Critics” Law and Society meetings, Hawaii, June 2012

“Comparative Framing of Miscarriages of Justice” Law and Society meetings, Hawaii, June 2012

“Theoretical Models of Police Investigating the Police Contrasting the Internal Model with External Investigative Models “ Keynote address Canadian Association for Civilian Oversight of Law Enforcement, Toronto, May 2012

“What Can Permanent Intelligence Review Agencies Learn from Ad hoc Public Inquiries in Security Matters Appointed in Australia, Canada, the UK and the US?” International Intelligence Review Agencies International Conference (IIRAC), Ottawa May 2012

“Gross Disproportionality Review” Oxford University, May 2012

“Comparative Miscarriages of Justice” Public Lecture, University of Warwick, May 2012

“Substitute Justice? Court Challenges to American Counter-Terrorism Activities in Foreign Courts” Criminal Procedure Conference, Istanbul, May, 2012

“The Charter versus the Government’s Crime Agenda” Osgoode Hall Annual Constitutional Conference, April 2012

“How Legislative Deliberation about Rights Should Affect Judicial Decisions” UK Arts and Humanities Counsel Conference on Parliament and Human Rights, London, April 2012.

“Comparative German-Canadian Counter-Terrorism” Annual International Relations Conference, Glendon College, Toronto, March 2011.

“Uneasy Neighbors: American and Canadian Security Relationships” American University Faculty of Law, Faculty Workshop, Washington D.C. February 2012 and Canadian Consulate, Atlanta Georgia, March, 2012.

“Information Sharing and Review Mechanisms” Panel on the Perimeter Security Agreement, University College, University of Toronto, February 2012

“Reflections on the Omar Khadr Case” International Law Students Annual Conference, Osgoode Hall Law School, Toronto Ontario, January, 2012

“The 9/11 Effect: A Decade of Comparative Counter-Terrorism” University of Saskatchewan College of Law, Saskatoon, January 2012

“The 9/11 Effect: A Decade of Counter-Terrorism and the Role of the United Nations” International Relations Students Annual Conference, Munk Centre, University of Toronto, January 2012.

“The Canadian Experience with Domestic and Foreign Interrogations” Meeting of Task Force on Democracy, Terrorism and the Rule of Law, Jerusalem, Israel, December, 2011.

“Secret Evidence and Its Alternatives” International Conference on National Security Issues, Milan, November, 2011

“Comparative American and Canadian Wrongful Convictions” American Criminology Annual Conference, Washington D.C. November 2011

“Terrorism Prosecutions from Investigation to Sentencing” Ottawa Carleton Law Association, Montebello Quebec, October 2011

“Canadian Counter-Terrorism in Comparative Perspective” Canadian Institute for the Administration of Justice Annual Conference. Ottawa, October 2011

“Accountability for Canadian Counter-Terrorism” Constitutional Roundtable, University of Toronto Faculty of Law, Toronto October 2011

“The Regulation of Strip Searches”, Annual Conference of Police Complaints Commission, Ottawa, September, 2011

“Comparative Counter-Terrorism” University of Warwick, Coventry, United Kingdom, May, 2011.

“The Canadian and the New Kenyan Constitutions” Nairobi, Kenya, May, 2011

“Reflections on Public Interest Litigation” , University of Capetown, University of Witwatersrand, South Africa, May 2011.

“Comparative Counter-Terrorism” University of Warwick, Coventry, United Kingdom, May, 2011.

“The Canadian and the New Kenyan Constitutions” Nairobi, Kenya, May, 2011

“Reflections on Public Interest Litigation” , University of Capetown, University of Witwatersrand, South Africa, May 2011.

“Recent Developments in Constitutional Remedies: Ward v. B.C.” Osgoode Hall Annual Constitutional Cases Conference

“The Role for an independent Criminal Case Review Commission” Annual Innocence Project Conference, April 2011, Cincinnati

“The Strengths and Weaknesses of Adversarial and Inquisitorial Systems in Preventing Wrongful Convictions” April 2011, Cincinnati

“The Framing of the Wrongful Conviction Debate” American Academy of Criminal Justice conference, Toronto, March 2011

“The Comparative Study of Wrongful Convictions”, American Academy of Criminal Justice Science Annual Conference, Toronto, March 2011.

“Section 7 and National Security” at University of Ottawa Conference on 25th Anniversary of the British Columbia Motor Vehicle Reference, February, 2011

“The Khadr and Afghan Detainee Cases and the Extra-Territorial Application of the Charter” McGill University Faculty of Law, February, 2011.

“G.A. Martin and the Rise of the Respectable and Honourable Defence Lawyer” Law Society of Upper Canada Conference on Legal Professionalism, November 2010

“Recent Developments in Civil Remedies under the Charter” Keynote Presentation, Pitblado Lectures, Winnipeg, November 2010.

“The Canadian Experience with Special Advocates and Secret Evidence”, Woodrow Wilson Center for Foreign Scholars. Washington D.C. October, 2010

“The Bedford Case” Criminal Justice Series Presentation, University of Toronto, Faculty of Law, October 2010

“The 1267 Listing Process and the Use of Secret Intelligence” Conference on the 1267 Process sponsored by Asper Centre and Canadian Civil Liberties Association, Toronto, October 2010.

“The Khadr Case” Constitutional Series sponsored by the Asper Centre, University of Toronto, September 2010

“Forensic Sciences and the Goudge Commission” Ontario and Canadian Forensic Science Annual Conferences, September and December, 2010

(with Gary Edmond) “Forensic Science and Admissibility Standards” University of New South Wales, August, 2010

“The Role of the UN Security Council in Post 9/11 Counter-Terrorism Law and Policy” University of Sydney, August 2010

“Entrapment and Equality in Terrorism Prosecutions: A Comparative Approach” University of Aix en Provence, France, June 2010

“Counter-Terrorism Law as Transnational Law” Centre for Transnational Legal Studies Annual Conference, University of Torino, Italy May 2010

“The Charter, Legal Rights and Judicial Activism” Georgian Triangle Centre for Senior Learning, Collingwood, Ontario May 2010.

“The Implications of the National Academy’s Report on Forensic Science for Canada”, Forensic Medicine and Death Investigations Conference, University of Toronto May 2010.

“The Future of Courts of Appeal” British Columbia Court of Appeal 100th Anniversary Conference, Vancouver April, 2010.

“FASD and Criminal Law”, Congress of Aboriginal Peoples conference and University of British Columbia Interprofessional Annual Conference on FASD, February and April, 2010.

“The 9/11 Effect: Developments in Counter-Terrorism Law” University of Hong Kong and University of Macau Faculties of Law, February, 2010.

“Developments in Remedies” University of Hong Kong Faculty of Law, February, 2010 and British Columbia Continuing Legal Education, April 2010.

“A Comparative Approach To Wrongful Convictions” James Allen Memorial Lecture, University of Hong Kong Faculty of Law, February, 2010 a

“Terrorism and the Law Roundtable” Max Planck Institute, Freiburg, Germany, December 2009.

“First Principles for an Ideal State Secrets Act” George Washington Law School, Washington D.C., November 2009.

“The Khadr case” Osgoode Hall Law School and University of Toronto, January 2010

“The Changing Relation Between Intelligence and Evidence” University of Copenhagen Denmark October, 2009.

“Canada’s Experience with Exceptional Courts in Terrorism Matters” University of Minnesota Law School, October 2009.

“The Judicial Role and the State’s Anti-Terrorism Activities: A Comparative Perspective” Centre for Transnational Legal Studies London, England, October 2009

“An Overview of Charter Remedies” CIAJ Taking Remedies Seriously Conference, October, 2009

“Expert Evidence After *Trochyn* and the Goudge Commission” Bar and Bench Conference, Whitehorse, Yukon, September 2009

“Voting Rights” Ontario Justice Education Network, Toronto, August 2009

“The Case for a Criminal Case Review Committee” South Australia Legislature, July 2009

“The Intelligence Paradigm in Terrorism Law” University of New South Wales Conference on the Security State, July 2009.

“The Dialogue Debate” University of Leeds Conference on the Human Rights Act, June, 2009.

“The Role of the Judiciary with respect to Anti-Terrorism Measures” University of Leeds Conference on the Human Rights Act, June, 2009.

“The Admissibility of Expert Evidence” Osgoode Hall Conference on Forensic Evidence, May, 2009.

“When Secret Intelligence Becomes Evidence: The Implications of *Charkaoui II* and *Khadr*” Osgoode Hall Law School Annual Constitutional Cases Conference, Toronto, April 2009

“Adversarial and Inquisitorial Themes with Respect to Miscarriages of Justice” University of North Carolina Law School, Chapel Hill, April 2009

“The Lack of Comparative Analysis in the National Academy’s Report on Forensic Evidence” Conference on the Future of Forensic Science, Arizona State Law School, Phoenix, April 2009

“Why Canada Needs an Innocence Commission” Conference on Wrongful Convictions, York University March 2009

“The Admissibility of Expert Evidence” National Judicial Institute Course on Wrongful Convictions, Victoria, March 2009

“*Gladue* at Ten” Conference on *Gladue* and Aboriginal Sentencing, McGill Law School Feb 2009

“The Canadian Experience with Terrorism and Counter-Terrorism” University of Utrecht, Utrecht, Netherlands January 2009

“Human Dignity and the Criminal Law: The Canadian Experience” Hebrew University, Minerva Centre for Human Rights, Jerusalem, Israel, January 2009

“The Error Correction and Systemic Reform Functions of Innocence Commission” Emory Law School, Atlanta, November 2008

“The Relationship Between Intelligence and Evidence” Canadian Security Intelligence Association Annual Conference, Ottawa, October, 2008

“Fetal Alcohol Spectrum Disorder and Canadian Criminal Law” National Conference on FASD co sponsored by federal and Yukon Departments of Justice, Whitehorse, Yukon October, 2008.

“The Relation Between Intelligence and Evidence” Counter Terrorism Investigators Course for the RCMP, Australian Federal Police, Federal Bureau of Investigation and UK Special Branch, Montreal, Quebec, April 14, 2008.

“The Limits of the Judicial Power in National Security Cases” Queens University, Belfast, April 5, 2008.

“Compelled Self Incrimination in Terrorism Investigations” Cardozo Law School, New York March 1, 2008.

Testimony Before Commission of Inquiry into Forensic Pediatric Pathology, Toronto, Ontario February 15, 2008

Testimony Before Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182, Ottawa, Ontario, November 20, 27 and Dec 9, 2007.

Testimony before United States Congress Foreign Affairs Subcommittees on International Organizations, Human Rights and Oversight and Judiciary’s Subcommittee on the Constitution, Civil Rights and Civil Liberties on Rendition to Torture: The Case of Maher Arar, October 18, 2007

“Canada’s Experience with Judicial Activism” University of Melbourne Law School, Melbourne Australia, July 2007.

“For a Restrained Definition of Terrorism without a Political or Religious Motive Requirement” University of New South Wales, Sydney Australia, July 2007

“Canada’s Experiences with Terrorism”, University of Cairo conference on Terrorism in Africa, May 2007.

“The Charter and National Security” University of Ottawa and Canadian Studies Conference on the Charter

“Dialogue and the Charter at 25” Osgoode Hall and Law Society of Upper Canada Conference on 25th Anniversary of the Charter

University of Guelph Think Big Weekend on the 25th Anniversary of the Charter

“The Charter and Security Policy” McGill University Conference on the 25th Anniversary of the Charter, Feb 2006

“Ordinary Laws for Emergencies and Democratic Derogation from Rights” National University of Singapore, January 2007

“Canada’s National Security Policy” Canadian Armed Forces Officers Military College, January, 2007.

Ditchley Conference on Terrorism, Ditchley Park, Oxfordshire, December 2006.

“Canada’s Anti-Terrorism and the Regulation of Speech” National Judicial Institute, Winnipeg November, 2006

“The Future of Victims’ Rights” Keynote Address Canadian Association for Victim Assistance Annual Conference

“Recent Development in Australian and British Anti-Terrorism Laws” Canadian Association of Security Studies, October, 2006

“The Canadian Emergency Constitution” Yale University, New Haven, September 2006.

“Canadian Criminal Procedure” University of Indiana, September 2006

“Reflections on the Arar Report and the Roles of Law Enforcement and Security Intelligence” Cardozo Law School, New York City, September, 2006

“Sources and Trends in Post 9/11 Anti-Terrorism Laws, National University of Australia, Canberra, Australia, August, 2006, and University of New South Wales, August 2006

“Proportionality in Post 9/11 Anti-Terrorism Laws” New South Wales Legislatures, Sydney, Australia, August, 2006.

“Canada’s Evolving National Security Policy” Federal Deputy Ministers Luncheon Series, Ottawa, March 2006.

“Sources and Trends in Post 9/11 Anti-Terrorism Laws” Oxford University, Oxford, United Kingdom, March, 2006

“Multiculturalism and National Security Policy” National University of Singapore, Singapore, February, 2006

Canada Security Certificates” Panel discussion sponsored by Muslim Students at the University of Toronto Faculty of Law, February, 2006.

“Causes and Remedies for Wrongful Convictions” , China University of Law and Political Science, Beijing, China, February, 2006.

“The Role of the Police and the Attorney General in Canada” Institute of Procuratorial Theory, Beijing, China, February, 2006.

“Canadian National Security Policy and Multiculturalism” at Multiculturalism Conference, National University of Singapore, Singapore, February, 2006.

“Canada’s National Security Policy” Panel Discussion Sponsored by Human Rights Watch, Massey College, February, 2006.

“Overview of the National Judicial Institute’s Course on Frailties of the Criminal Process” (with Justice Marc Rosenberg) Unlocking Innocence Conference, Winnipeg, Manitoba, October, 2005.

“Canadian National Security Policy and Canadian Muslim Communities” Muslims in Western Politics Conference, University of Indiana, Bloomington, Indiana October, 2005

“The Role of the Attorney General as Defender of the Rule of Law” Conference in Honour of John Whyte, Queens University, Kingston, October 2005

Submissions to Senate Committee Reviewing Canada’s Anti-Terrorism Laws, Ottawa, Ontario, January, 2006

“Why We Cannot Trade Rights for Security” Canadian Bar Association Annual General Meetings, Vancouver, August 2005 and Viscount Bennett Lecture, University of New Brunswick October 2005.

“Canada’s New Corporate Liability Provisions” University of Siena, Siena, Italy, May, 2005.

“Keynote Address” National Associations Active in Criminal Justice Annual Conference, Ottawa, Ontario, May 2005.

“Overview of the Background Paper” Workshop 2 11th United Nations Congress on Crime Prevention, Bangkok, Thailand, April 2005

“Constitutional, Remedial and International Dialogues: The Canadian Experience” University of Stellenbosch, Stellenbosch, South Africa, April 2005

“A Canadian Perspective on the Separation of Powers” University of Cape Town, Cape Town, South Africa, April 2005

“The Effects of the Charter on Criminal Justice” University of Cape Town, Cape Town, South Africa, April 2005

“A Comparison of Canadian and South African Anti-Terrorism Laws” University of Cape Town, Cape Town, South Africa, April 2005

“Miscarriages of Justice in the Criminal Process” University of Cape Town, Cape Town, South Africa, April 2005

“The Charter and Sentencing” National Judicial Institute Conference on Sentencing, Vancouver B.C. March, 2005

“Comparative Anti-Terrorism Law” University of Auckland, Faculty of Law, Auckland, New Zealand. March 2005

“The Canadian Experience with Security Certificates” Amnesty International Roundtable on Immigration Proceedings in Terrorism Cases, Auckland New Zealand, March 2005

“Dialogue and Judicial Activism in Canada” University of Regina, Regina, `Saskatchewan, Jan. 2005

“Miscarriages of Justice in the War Against Terror” Criminal Procedure Forum, Louisville, Kentucky, November 2004, University of Minnesota Law School Faculty Seminar Series, January 2005, Rockefeller Centre Seminar, Bellagio, Italy, July 2005.

“The New Corporate Criminal Liability Provisions” Ontario Superior Court of Justice Annual Conference, Toronto, Ottawa, November 2004

“Enhancing Criminal Justice” U.N. Experts Meeting in preparation for 11th Crime Prevention Conference, Ottawa, October 2004

“The Complex and Comparative Sources of Anti-Terrorism Law” Migration of Constitutional Ideas Conference, Toronto, October 2004

“Canada’s National Security Policy: Are We Heading in the Right Direction” Canadian Association of Security and Intelligence Studies, Ottawa, October 2004

“Legislative Reversals of Supreme Court Decisions: Miranda and Daviault” Toronto-Princeton North American Constitutionalism Conference, Toronto October 2004

“Constitutional, Remedial and International Dialogues About Rights: The Canadian Experience” Symposium on Globalization and the Judiciary, University of Texas, Austin, September 2004

“Four Models of Police-Government Relations” Conference on Police Government Relations, Ipperwash Inquiry, Toronto June 2004

“Canada” and “The Criminal Law and Terrorism” at Global Anti-Terrorism Law and Policy Conference, Singapore June 2004

“Specialty Legal Aid Clinics: Adventures with Aboriginal Legal Services of Toronto” Keynote speech at Conference on Specialty Legal Aid Clinics, University of Toronto, Faculty of Law, January, 2004

“Canada after September 11” University of Alberta Faculty of Law, Edmonton Alberta, January, 2004

“Brian Dickson: A Judge’s Journey” University of Alberta Faculty of Law and Waterloo Lawyers Association, General Meeting & Constitutional Roundtable U of T Faculty of Law January and April, 2004

“Anti-Terrorism Laws and Militant Democracy: Some Eastern and Western Responses”, Central European University, Budapest, Hungary, December, 2003

“Remedies for Violations of Social, Economic and Cultural Rights”, Centre for Housing Rights and Evictions Litigation Workshop, Geneva, Switzerland, November, 2003

“Canada’s Response to September 11” New York University Centre for Security and Anti-Terrorism Law Security Conference, New York City, November, 2003

“Civil Liberties in Canada after September 11” Ligue des droits et libertes, Montreal Quebec, October, 2003 and International Civil Liberties Group, Ottawa, Ontario, October, 2003

“Canadian Constitutionalism and the Belfast Agreement Compared” Queens University Belfast, North Ireland, October, 2003

“A Dialogue about Dialogue” Department of Justice, Toronto, October, 2003

“The Gay Marriage Case” Address to Southam Journalism Fellows, Massey College, Toronto, October, 2003

“A Critical View of Canada’s Anti-Terrorism Law”, Canadian Association of Provincial Judges Conference, St. John’s Newfoundland, September 2003

“Dialogic Judicial Review and its Critics”, Constitutionalism after the Charter conference, London Ontario, September 2003

“Comparative Anti-terrorism Law” University of Siena, Siena Italy, April 2003

“Advocacy and the Role of the Attorney General at the Supreme Court of Canada”, Department of Justice Excellence Series, Ottawa, April 2003

“Brian Dickson and the Charter” (with R.J. Sharpe) University of New Brunswick, Law Week Lecture, Fredericton, New Brunswick, March 2003, National Judicial Institute Charter Course, Whistler, British Columbia, July, 2003

“Brian Dickson and Private Law” (with R.J. Sharpe) McGill Faculty of Law, Legal Theory Seminar, Montreal, February, 2003

“September 11: Consequences for Canada” Green College, University of British Columbia, Vancouver, January, 2003

“The Supreme Court on Trial: Reflections on the Judicial Activism Debate” Green College, University of British Columbia, Vancouver, January, 2003

“Brian Dickson at the Supreme Court: 1973-1975” (with R.J. Sharpe) Legal History Workshop, University of Toronto, January, 2003

“Section 718.2(e) of the Criminal Code” Solicitor General Department Restorative Justice Roundtable, Ottawa, December, 2002

“Wrongful Convictions: The Causes and the International Experience” National Judicial Institute’s Seminar on Wrongful Convictions, Toronto, December, 2002

“Restorative Justice and Crime Victims” Ontario Crime Victims Conference, Toronto, December, 2002

“Aboriginal Legal Service of Toronto’s Litigation of Systemic Racism Issues” Conference on Systemic Racism in the Criminal Justice System, Toronto, November, 2002

“The Adequacy of Canadian Criminal and Securities Law in the Wake of Enron” Canadian Public Policy Forum Roundtable, Toronto, November, 2002

“Privacy and Paradigms of Security” Privacy Conference sponsored by University of Toronto Centre for Innovation Law and Policy, October, 2002

“Commentary on Indonesia’s Draft Anti-terrorism Law” Drafting Committee for Indonesia’s Anti-Terrorism Law, Jakarta, Indonesia, October, 2002

“Comparative Anti-Terrorism Law” National University of Singapore, Faculty of Law, October, 2002

“The Charter and Remedies” National Judicial Institute, Mont Tremblant, August, 2002

“Canada’s Response to September 11” G6B Alternative Summit to the G8 Meetings, Calgary, Alberta June, 2002

“Judicial Activism and Dialogue Theory: A Debate with Andrew Petter” The Charter at Twenty Conference, Vancouver, British Columbia, May, 2002

“Twenty Years of Charter Remedies” The Charter at Twenty Conference, Vancouver, British Columbia, May, 2002

“What I Would Change About the Charter” The Charter at Twenty Conference, Vancouver, British Columbia, May, 2002

“Comparing the Saskatchewan Boundaries Case and the Sauve Prisoner Voting Rights Cases” Canadian Political Science Association at the Congress of the Humanities and Social Sciences, Toronto, May, 2002

“Bill C-36: What Trial Judges Need to Know” Annual General Meeting of the Ontario Conference of Judges, Niagara Falls, Ontario, May, 2002

“Indonesia’s Draft Anti-Terrorism Law” Drafting Committee for Indonesia’s Anti-Terrorism Law, Jakarta, Indonesia, May, 2002

“Canada’s Anti-Terrorism Law” Drafting Committee for Indonesia’s Anti-Terrorism Law, Jakarta, Indonesia, April, 2002

“Twenty Years of the Charter and Criminal Justice” Association for Canadian Studies Conference on the Charter, plenary session, Ottawa, April, 2002

“Panel on Recent Books on the Charter” Association for Canadian Studies Conference on the Charter, Ottawa, April, 2002

“The Substance and Process of Canada’s Anti-terrorism Law Compared with the American Patriot Act” New York City Bar Association Panel, New York City, New York, April, 2002

“September 11, 2001: Its Challenge to Canadian Law, Courts and Democracy” McGill Law Journal Annual Lecture, Montreal, Quebec, March, 2002

“Terrorism and the Criminal Law” Terrorism, Law and Democracy conference, Montreal, Quebec, March, 2002

“The Role of the Judiciary and the Federal Court in the Antiterrorism Context” Federal Court Symposium on the Antiterrorism Legislation, Ottawa, February, 2002

“Highlights of Bill C-36” Federal Court Symposium on the Antiterrorism Legislation, Ottawa, February, 2002

“Recent Developments in Constitutional Remedies” Continuing Legal Education Series, Vancouver, February, 2002

“The Supreme Court on Trial: Judicial Activism or Democratic Dialogue” Queens Centre for Policy Studies, Kingston, January, 2002

“Justice Symposium of the Treaty Commissioner” (participant) Saskatoon, Saskatchewan, December, 2001

“Bill C31: Section One and Remedial Issues” National Roundtable Bill C-31 Court Challenges, Toronto, December, 2001

“Racial Profiling Should be Banned” Senate Special Committee on Bill C-36, Ottawa, December, 2001

“Bill C-36 and Civil Liberties” Panel organized by ad hoc committee on civil liberties, November, 2001

“The Dangers of a Charter-Proof, Crime-Based Response to Terrorism” and “The New Terrorism and the Criminal Law” Conference on the Anti-Terrorism Bill, University of Toronto, November, 2001

“Remedial Consensus and Challenge” Court Challenges Annual Conference, Ottawa, November, 2001

“Prospective Ruling in Private Law” Commercial Law Workshop, Toronto, October, 2001

"Remedies and the Criminal Law" National Judicial Institute, Montebello, Quebec, August, 2001

"The Role of the Victim in Criminal Law" Newfoundland Provincial Judges Association, St. Johns, Newfoundland, June, 2001

“Remedies for Violations of Aboriginal Rights” Congress of Aboriginal Peoples Congress, Ottawa, Ontario, May, 2001

"The Supreme Court and Judicial Activism" Osgoode Hall Charter Conference, Toronto, April, 2001

"The Role of the Victim in Sentencing" National Judicial Institute, Toronto, March, 2001

“The Latimer Case” Student organized Panel, University of Toronto, February, 2001

"Searching for *Smith*: The Constitutionality of Mandatory Minimum Sentences, Ogoode Hall Conference on Mandatory Sentences, February, 2001

“The Role of Preambles in Federal Legislation” Law Commission Roundtable on Legislation, Montreal Quebec February, 2001

“The Myths of Judicial Activism” Student organized Panel, University of Toronto, January, 2001

"The Supreme Court's Relation with the Legislature" 125th Anniversary Conference of the Supreme Court of Canada, Ottawa, October, 2000

"Aboriginal Peoples and Criminal Justice" Dept. of Justice, Ottawa, September, 2000

"Restorative Justice" Dept of Justice, Ottawa, September, 2000

"Sentencing of Aboriginal Offenders" Canadian Association of Provincial Court Judges Annual Conference, Ottawa, September, 2000

"The Role of the Victim in Sentencing" Judges Forum, Canadian Bar Association Annual Meeting, Halifax, August, 2000

"Northern Justice Roundtable" Yellowknife NWT May, 2000 (participant)

"Borderline Justice" Bloody Words Mystery Writers Conference, Toronto, May, 2000

"Three Perspectives on Multidisciplinary Law Firms" Pitbildo Lectures, Winnipeg, November, 1999

"Judicial Activism: Myth or Reality", University of Toronto Senior Alumnae Lecture Series Toronto, October, 1999

"An Overview of the Issues" Changing Punishment Conference, Canadian Institute for the Administration of Justice, Saskatoon, September, 1999

"Multidisciplinary Law Firms: The Policy Options" Canadian Bar Association, Vancouver, April 1999 and Federation of Law Societies, Montreal, May, 1999

"The Attorney General and the Charter Revisited" John Edwards Memorial Lecture, University of Toronto, February, 1999

"Restructuring the Legal Profession" University of Windsor Justice Roundtable, January, 1999

"Judicial Activism?" Canadian Bar Association Mid Winter Meetings, Saskatoon, January, 1999

"The Effect of the Charter on Criminal Procedure, Criminal Law and Evidence" (International Conference on Charters and Criminal Law, Hebrew University, Institute of Advanced Studies, Jerusalem, Israel, December, 1998)

"The Role of Crime Victims in Law Reform" (Making Criminal Law Clear and Justice Conference, Kingston, November, 1998)

"The Role of Judges and Lawyers in ADR" (Canadian Institute for the Administration of Justice, Saskatoon, Saskatchewan, October, 1998)

"Justice LaForest: A Bickelion Balancer of Individual and State Interests" (University of New Brunswick, Fredericton, N.B., October, 1998)

"A Federal Policy on Victims' Rights" (Department of Justice, Ottawa, February, 1998)

“Trial Fairness from *Collins* to *Stillman*,” (Department of Justice Criminal Law Conference, Toronto, August, 1997)

Aboriginal Justice as an Alternative to Crime Control and Due Process Models of Justice,” (Native Law Students’ Summer Program, Saskatoon, Saskatchewan, June, 1997)

“Taking the Government to Court: What You Get” (Continuing Legal Education Program, Vancouver, British Columbia, May, 1997)

“Private Enforcement of Competition Law” (Competition Roundtable, Toronto, May 1997)

“Due Process and Victim Rights: The Changing Law and Politics of Criminal Justice,” (University of Victoria, Faculty of Law, November 1996, University of British Columbia, Green College, May 1997)

“Current Developments in Constitutional Remedies,” (Canadian Bar Association, Vancouver, British Columbia, November, 1996)

“The Right to a Fair Trial in Canada,” (Max Planck Institute, Heidelberg, Germany, February, 1996)

“Reforming Costs in Civil Litigation,” (Canadian Law & Economics Annual Meetings, October, 1995, Toronto, Ontario)

“Roundtable on *Courts & Country*” (American Law & Society Annual Meetings, June 1995, Toronto, Ontario)

“Recent Developments in Judicial Remedies for Violations of Aboriginal Rights” (Canadian Bar Association, Institute for Continuing Legal Education, February 1995, Toronto, Ontario)

“The Charter and the Electoral Boundaries Readjustment Act,” (Standing Committee on Procedure and House Affairs, House of Commons, Ottawa, Ontario, July, 1994)

“Judicial Remedies for Violations of Aboriginal Rights,” (Native Law Students’ Summer Program, Saskatoon, Saskatchewan, June, 1994)

“Constitutional Aspects of An Act to Suspend Electoral Boundaries Readjustment,” (Legal and Constitutional Affairs Committee, Senate, Ottawa, Ontario, May, 1994)

“Duress and Necessity in the White Paper,” (Department of Justice Conference on Recodification of Criminal Code, Ottawa, Ontario, April, 1994)

“The Purposes of the Exclusionary Remedy,” (Evidence Conference of the Canadian Institute for the Administration of Justice, Vancouver, British Columbia, October, 1993)

“The Supreme Court’s *Schachter* Decision,” (Policy Division of the Ontario Attorney General’s Department, Toronto, Ontario, May, 1993)

“Ten Years of Charter Remedies,” (Human Rights Conference of the Department of Justice, Hull, Quebec, November, 1992)

“The Aboriginal Self-Government Provisions in the Charlottetown Accord,” (University of Toronto Conference on the Charlottetown Accord, October, 1992)

Chartering the Electoral Map into the Future,” (Drawing Boundaries Conference sponsored by University of Saskatchewan, Department of Political Studies and College of Law, Saskatoon, Saskatchewan, November, 1991)

“Criminal Law Casebooks and the End of Consensus,” (Canadian Law Teachers Association, Kingston, Ontario, June, 1991)

“The Promise of Positive Remedies,” (Canadian Law and Society Association, Victoria, British Columbia, June, 1990)

“The Donald Marshall Jr. Case: What Went Wrong,” (Native Law Students’ Summer Program, Saskatoon, Saskatchewan, June, 1990)

Constitutional Standards for Electoral Districting,” (Royal Commission on Electoral Reform and Party Financing, Ottawa, Ontario, February, 1990)

“Regulating Traffic Safety,” (Law and Economics Workshop, Faculty of Law, University of Toronto, October, 1987)

Supervised Work Published:

G. Hoole “Proportionality as a Remedial Principle” (2011) 49 *Alta. L.Rev.* 107

J. Murphy “Dialogic Responses to *M.v. H.*” (2001) 59 *U.T. Fac. L. Rev.* 299

D. Heller, “Language in the Criminal Justice System,” (1995) 37 *Criminal Law Quarterly* 344

P. Godin, “A Comparative Study of the Exclusionary Rule and Its Standing Threshold in Canada, the United States and New York State,” (1995) 53 *University of Toronto Faculty Law Rev.* 49

L. Friedlander, “Costs and the Public Interest Litigant,” (1995) 40 *McGill Law Journal* 55

L. Friedlander, "Towards a Cost Awards Policy in Civil Charter Litigation," (1994) *Windsor Review of Legal and Social Issues* 41

J. Daniels, "Valid Despite Vagueness," (1994) 58 *Saskatchewan Law Review* 101

M. Code, *Right to a Trial in a Reasonable Time*, (Toronto: Carswell, 1992)

M. Code, "American Cadillacs or Canadian Compacts: What is the Correct Criminal Procedure for s. 24 Applications under the *Charter of Rights*?" (1991) *Criminal Law Quarterly*

Subjects Taught:

Comparative Anti-Terrorism Law, Criminal Law and Procedure: The Criminal Process: Controlling the Administrators of Justice; Constitutional Remedies; Civil Procedure; Advanced Criminal Law: Some Canadian and American Comparisons; Sentencing; Constitutional Law; The Role of Courts in a Democracy; Wrongful Convictions, The Criminal Process (Centre of Criminology graduate course); Introduction to Criminal Law and Procedure (Centre of Criminology undergraduate course); Public Inquiries (first year bridge course)

Administration:

Chair, Committee to Review the First Year Curriculum, 2000; Chair, Committee to Review the St. George Campus Police, Member Course Assignment and Promotion committees, Member Woodsworth College Review Committee.