**CURRICULUM VITAE**

**JONNETTE WATSON HAMILTON**

**1. BIOGRAPHICAL INFORMATION**

Address: Faculty of Law, University of Calgary

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Position: Professor

Citizenship: Canadian

**2. DEGREES AND PROFESSIONAL QUALIFICATIONS**

1992 LLM, Columbia University, New York City

1987 Mediation Certificate, CDR Associates, Boulder CO

1979 Barrister and Solicitor, Law Society of Alberta

1978 LLB, Dalhousie University, Halifax

1974 BA (with distinction), University of Alberta, Edmonton

**3. PROFESSIONAL ASSOCIATIONS**

1999- Inactive member, Law Society of Alberta

1979-1999 Active member, Law Society of Alberta

1994-2013 Member, Women's Legal Education and Action Fund

1993- Member, Canadian Association of Law Teachers

1994- Member, Canadian Law & Society Association

**4. PROFESSIONAL EMPLOYMENT**

2010- Appointment with Tenure, Professor, Faculty of Law, University of Calgary

2002-2010 Appointment with Tenure, Associate Professor, Faculty of Law, University of Calgary

2000-2001 Tenure-track appointment, Associate Professor, Faculty of Law, University of Calgary

1998-2000 Contingent term appointments, Associate Professor, Faculty of Law, University of Calgary

1996-1998 Contingent term appointments, Assistant Professor, Faculty of Law, University of Calgary

1992-1996 Specific term appointments, Assistant Professor, Faculty of Law, University of Calgary

1986-1991 Board member, Farm Debt Review Board (Southern and Northern Alberta)

1979-1992 Barrister and Solicitor, Sirrs LLP, Wetaskiwin, Alberta

**5. AWARDS AND HONOURS**

2017-2018 Student Union Teaching Excellence Award

2017 Canadian Bar Association – Alberta and Law Society of Alberta, Distinguished Service Award for Legal Scholarship

2012 Howard Tidswell Memorial Award for Teaching Excellence

2008 Howard Tidswell Memorial Award for Teaching Excellence

**6. UNIVERSITY OF CALGARY, FACULTY OF LAW TEACHING, TERM-BASED**

2020, 2022 Law 533: Wills & Estates

Sole instructor; designed asynchronous course for online delivery

2002-2021 Law 404: Property

Sole instructor of one section; coordinated teaching, online and in-person with instructors of other sections of this compulsory course

2009-2022 Law 579: Property Theory

Sole instructor; taught in alternate years; designed new course to fulfill legal theory and major paper requirements

2016-2021 Law 569: Law & Literature

Sole instructor; taught in alternate years; designed new course to fulfill legal theory and major paper requirements

2017 Law 403: Legislation

Sole instructor of one section; coordinated teaching with instructors of other sections of this compulsory course

2007-2019 Law 703: Graduate Seminar in Legal Research and Methodology

Sole instructor; designed new, compulsory course to fulfill needs of an expanded graduate program

2011 Law 557: Commercial Arbitration Law

Sole instructor; designed new course

1999-2009 Law 401: Legal Perspectives

Sole instructor of one section; coordinated teaching with instructors of other sections of this compulsory course

2007 Law 649.37: Selected Problems in Indigenous Peoples Law

Designed and team-taught with 2 colleagues to fill graduate student demand

1994-2006 Law 701: Legal Process, Education and Research

Designed and team-taught on overload this full-year mandatory graduate student course with one colleague

2000-2005 Law 537: Commercial Transactions: Sale of Goods

Sole instructor; designed new course

2002 Law 631: Commercial Transactions III: Payment Mechanisms

Sole instructor; designed new course

1995-2000 Law 539: Banking and Bills of Exchange

Sole instructor, designed new course

1994-1998 Law 401: Legal Process

Sole instructor of one section; coordinated teaching with instructors of other sections of this compulsory course

1995 Law 659: Legal Profession and Ethics

Designed and team-taught this new course with one colleague

1993 Law 649.01: Gender, Equality and the Charter

Sole instructor; designed new course

1993 Law 535: Personal Property Security

Sole instructor

1993-1995 Law 405: Legal Communication and Research

Sole instructor of new full-year experiential course, compulsory for all first-year students; designed lectures and problem-solving computer lab tutorials and taught all of them

1992-1995 Law 505: Commercial Transactions

Sole instructor

1992-2001 Law 663: Dispute Resolution

Sole instructor; designed new experiential course

**7. GRADUATE STUDENT SUPERVISION AND EXAMINATION**

2018 Examination Committee member, Dissertation Oral Examination, "Impacts of Industrial Development on the Holistic Health of the Mohawk Peoples of Akwesasne: A Human Responsibility and Rights Solution," PhD Interdisciplinary Graduate Program, University of Calgary - Beverley Jacobs

2015 Examining Committee member, Dissertation written evaluation, "Modelling Legislation for a Sustainable Cadastral System," PhD. University of Melbourne – Melkamau Moges

2013 Examining Committee member, Dissertation Oral Examination, “Land Registration Use: Sales in a State-Subsidised Housing Estate in South Africa,” PhD, University of Calgary - Lani Roux,

2012 Examination Committee member, Candidacy Oral Examination, PhD Interdisciplinary Graduate Program - Beverley Jacobs

2009-11 Co-supervisor, “Legal Pluralism in the Western Arctic," LLM, University of Calgary (withdrew) – Rachel Sachs

2009 Supervisor, “Public Participation in the Das Velhas Revitalization Process," LLM, University of Calgary – Rebeca Macias

2008 Internal examiner, "The Ecuadorian Multicultural State: Implications for Indigenous Land Rights,” LLM, University of Calgary – Isabela Figueroa

2008-11 PhD supervisory committee member, University of Calgary - Verónica Potes (withdrew)

2007 Co-supervisor, "Deconstructing Establishment Rights in International Investment Law", LLM, University of Calgary - Daniela Chimisso dos Santos

2007 Internal Examiner, "Taking Duties Seriously? The State Obligations to Consult and to Accommodate Indigenous Peoples' Rights", LLM, University of Calgary - Verónica Potes

2005 Internal examiner, "Reforming Gas Flaring Laws in Nigeria: The Transferability of the Alberta Regulatory Framework" LLM, University of Calgary - Ibironke Odumosu

2005 Internal Examiner, "A Socio-Economic Rights Analysis of the Nigerian Electricity Reform Proposal", LLM, University of Calgary - Nazeef Muhammad,

2004 Internal examiner, "Mandatory Labelling of Genetically Modified Foods", LLM, University of Calgary - Janet McCready

2003 External Examiner, "An Examination of Patent Portfolio Significance as a Driver of University Technology Transfer Performance", M.B.A., Haskayne School of Business, University of Calgary - Keith Joseph Gilchrist,

2003 External Examiner, "Adolescent Recidivism and Participation in Youth Justice Committees", M.S.W., Faculty of Social Work, University of Calgary - Denise Eleanor Smith

2003 Internal examiner, "The Alberta Energy and Utilities Board: Ecological Integrity and the Law," LLM, University of Calgary - Shaun Fluker

2002-03 Supervisor, "Aboriginal Management of Salmon in Canada and the United States: Expanding Environmental Justice", LLM, University of Calgary - Laurie McIntyre,

1997 External Examiner, "Commodification: The Market and the Public Service," M.A. (Philosophy), University of Calgary - John Rowell,

1996 Internal Examiner, "Emancipatory Environmentalism: Civil Society and the Public Interest in Environmental Law," LLM, University of Calgary - Neil J. Brennan

**8. RESEARCH AND OTHER GRANTS**

2019 The Canadian Foundation for Legal Research, “Resolving Disability-Based Human Rights Claims in Residential Tenancy Disputes”

2016 Shea Nerland Calnan LLP Research Fellowship in Tax Law (Co-investigator), “Section 15 Equality Rights Claims in Tax Law”

2010 Alberta Law Reform Institute, “*Matrimonial Property Act* Case Law Review Project”

2005 BLG Research Fellowship

2002 University of Calgary, SSHRC Development Grant

2001 Professional Faculties Cluster Research Grant, “Conflict Resolution in Canadian Common Law Faculties of Law”(Co-investigator)

2000 University of Calgary, SSHRC Development Grant

1999 Professional Faculties Cluster Research Grant, “Conflict Resolution within the University of Calgary” (Co-investigator)

1995 University of Calgary, URGC Short-Term Project Grant

1995 UVIC Institute for Dispute Resolution, Program of Excellence Research Grant

**9. PUBLICATIONS AND RESEARCH**

**a. Chapters in Books**

2022 “The Distinctive Nature of Academic Integrity in Graduate Legal Education,” in Sarah E. Eaton & Julia Christensen Hughes*, Academic Integrity in Canada: An Enduring and Essential Challenge* (Springer, in press)

2022 “Chapter 23: Equality Rights,” in Patrick Macklem & Carissima Mathen, *Canadian Constitutional Law*, 6th ed (Emond Montgomery, in press) (with Jennifer Koshan)

2018 “Women’s Freedom of Religion Claims in Canada: Assessing the Role of Choice”, in Morny Joy, ed, *Women, Religion, Rights* (Equinox Press) 240-259 (with Jennifer Koshan)

2013 “Acknowledging and Accommodating Legal Pluralism: An Application to the Draft Nordic Saami Convention” in Nigel Bankes and Timo Koivurova, eds, *The Proposed Nordic Saami Convention: National and International Dimensions of Indigenous Property Rights* (Oxford: Hart Publishing, 2013) 45-77

2010 "Different Views of the Cathedral: The Literature on Property Law Theory", in *Property and the Law in Energy and Natural Resources*, Aileen McHarg et al., eds. (Oxford: Oxford University Press, 2010) 19-59 (with Nigel Bankes)

2006 "Space for Religion: Regulation of Hutterite Expansion and the Superior Courts of Alberta," in *The Alberta Supreme Court at 100: History and Authority* (Edmonton: University of Alberta Press and Osgoode Society for Canadian Legal History, 2007) 159-192

2004 "The Impact of International Commercial Arbitration on Canadian Law and Courts," in Proceedings *of the 2003 Annual Conference of the Canadian Institute for the Administration of Justice Conference on "Participatory Justice in a Global Economy: The New Rule of Law?"* (Montreal: Les Éditions Thémis, 2003) 125-172

2003 "Arbitration," in Julie Macfarlane, ed., *Dispute Resolution: Readings and Case Studies*, 2nd ed. (Toronto: Emond Montgomery, 2003)

1998 "Adjudication Processes," in Julie Macfarlane, ed., *Dispute Resolution: Readings and Case Studies* (Toronto: Emond Montgomery, 1998)

**b.** **Peer Reviewed** **Journal Articles**

2019 “Reforming Residential Tenancy Law for Victims of Domestic Violence” (2019) 8 Annual Review of Interdisciplinary Justice Research 245-276

2019 “Equality Rights and Pay Equity: Déjá Vu in the Supreme Court of Canada” (2019) 15 Journal of Law & Equality 1-29 (with Jennifer Koshan)

2018 “Alberta v Hutterian Brethren of Wilson Colony, Women’s Court of Canada” (2018) 30:2 Canadian Journal of Women and the Law 292-322 (with Jennifer Koshan)

2018 “Colour as a Discrete Ground of Discrimination” (2018) 7:1 Canadian Journal for Human Rights 1-33 (with Joshua Sealy-Harrington)

• Re-published in *Directions*, 29 April 2019 (Canadian Race Relations Foundation)

2016 "*Kahkewistahaw First Nation v. Taypotat* – Whither Section 25 of the Charter?" (2016) 52:2 Constitutional Forum 39-44 (with Jennifer Koshan)

2016 “*Kahkewistahaw First Nation v Taypotat:* An Arbitrary Approach to Discrimination” (2016) 76 Supreme Court Law Review (2d) 219–237 (with Jennifer Koshan).

2014 "Adverse Impact: The Supreme Court's Approach to Adverse Effects Discrimination Under Section 15 of the Charter" (2014) 19:2 Review of Constitutional Studies 191-236 (with Jennifer Koshan)

2014 "The Recognition of Aboriginal Title and Its Relationship with Settler State Land Titles Systems" (2014) 47:3 UBC L Rev 829 (co-authored with Nigel Bankes and Sharon Mascher)

2013 “The Continual Reinvention of Section 15 of the Charter” (2013) 64 University of New Brunswick Law Journal 19 - 53 (with Jennifer Koshan)

2013 "The Supreme Court of Canada, Ameliorative Programs, and Disability: Not Getting It" (2013) 25 Canadian Journal of Women and the Law 56-80 (with Jennifer Koshan)

2011 “Meaningless Mantra: Substantive Equality after *Withler*” (2011) 16:1 Review of Constitutional Studies 205-236 (with Jennifer Koshan)

2010 "‘Terrorism or Whatever: The Implications of *Alberta v. Hutterian Brethren of Wilson Colony* for Women's Equality and Social Justice," in Sheila McIntyre and Sanda Rodgers, eds., *The Supreme Court of Canada and the Achievement of Social Justice: Commitment, Retrenchment or Retreat* and in (2010) 50 Supreme Court Law Review (2nd) 221-256 and LexisNexisCanada, 2010 (with Jennifer Koshan)

2010 "Courting Confusion? Three Recent Alberta Cases on Equality Rights Post-*Kapp*" (2010) 47 Alberta Law Review) 927-955 (with Jennifer Koshan)

2010 "The Value of Equality: End, Means or Something Else?" (2010) 29 Windsor Review of Legal and Social Issues 125-147 (with Dan Shea)

2006 "Pre-Dispute Consumer Arbitration Clauses: Denying Access to Justice?" (2006) 51 McGill Law Review 693-734

2005 "Is the Collecting Bank now the Insurer of a Cheque's Drawer against Losses Caused by the Fraud of the Drawer's Own Employee?" (2005) 20 Banking & Finance Law Review 427-448 (with Nicholas Rafferty)

2003 "The Collecting Bank's Liability for Conversion of Cheques" (2003) 19 Banking and Finance Law Review 77‑101 (with Nicholas Rafferty)

2002 "The Use of Metaphor and Narrative to Construct and Gender Hysteria in the Courts" (2002) 1 Journal of Law & Equality 155-203

2002 "Theories of Categorization: A Case Study of Cheques" (2002) 17 Canadian Journal of Law and Society 115-137

2002 "The Liability in Conversion of a Collecting Bank to the Payee: Is An Endorsement Required to Pass Title to a Cheque?" (2002) 17 Banking & Finance Law Review 395-421 (Nicholas Rafferty)

2001 "The Canadian Law of Post-dated Cheques: Indeterminate Rules, Unpredictable Results" (2001) 35 Canadian Business Law Journal 280-313

1999 "Protecting Confidentiality in Mandatory Mediation: Lessons from Ontario and Saskatchewan" (1999) 24 Queen's L. J. 561-641

1999 "The Significance of Mediation for Legal Education" (1999) 17 Windsor Yearbook on Access to Justice 280-94

1998 "Unconscionability in the Alberta Court of Appeal: *CIBC* v. *Ohlson"* (1998) 14 Banking and Finance Law Review 147-71

1998 "Forged Payees' Endorsements: The Liability of Collecting Banks to Drawers and the Effect of S. 48(4) of the *Bills of Exchange Act*" (1998) 13 Banking and Finance Law Review 271-95(with Nicholas Rafferty)

1997"When is a Promissory Note a Covenant to Pay Under a Mortgage on Land?" (1997) 12 Banking and Finance Law Review 221-250

1995 Review Essay: "Relationships Between Law and Racism in Canada: Two Perspectives" (1995) 10 Canadian Journal of Law and Society 223-34

1995 "Metaphors of Lawyers' Professionalism" (1995) 33 Alberta Law Review 833-858

**c. Other Journal Articles**

2021 “Cautious Optimism: *Fraser v Canada (Attorney General)*” (2021) 30(2) Constitutional Forum 1-14

2017 “The Role of Choice in Women’s Freedom of Religion Claims in Canada” (2017) 36(2) Religious Studies and Theology 171-185 (with Jennifer Koshan)

**d. Book Reviews**

2017 “Book Review: Landmark Cases in Property Law, edited by Simon Douglas, Robin Hickey, and Emma Waring” (2017) 59(1) Canadian Business Law Journal 133-144

2016 “Book Review: *We Want What’s Ours: Learning from South Africa’s Land Restitution Program*” (2016) 23(1) International Journal on Minority and Group Rights 129-136

2015 “Book Review: Landmark Cases in Land Law, edited by Nigel Gravells” (2015) 56 Canadian Business Law Journal 427-37

2013 "Book Review: Lori G. Beaman, *Reasonable Accommodation: Managing Religious Diversity”* (2013) 25 Canadian Journal of Women and the Law 411-18

2013 “Book Review: *The End of Negotiable Instruments*" (2013) 29 Banking and Finance Law Review 209-13

2012 "Book Review: *Property and the Law of Finders*" (2012) 52 Canadian Business Law Journal 141-148

2011 Book review: Melissa Hamilton, "Expert Testimony on Domestic Violence: A Discourse Analysis" (2011) 23:1 Canadian Journal of Women and the Law 375-84 (co-authored with Jennifer Koshan)

2008 Book review, "Feminist Engagements with Property Law" (2008) 20 Canadian Journal Women and the Law 318-334 (a review of *Property: Meanings, Histories, Theories* by Margaret Davies (New York: Routledge-Cavendish, 2007) and *Feminist Perspectives on Land Law*, Hilary Lim and Anne Bottomley, eds. (London: Routledge Cavendish, 2007)

2004Book review,*Payment, Clearing and Settlement in Canada* (2005) 20 Banking and Finance Law Review 287-92

1997Book review, *Family Mediation: Contemporary Issues*, (1997) 12 Canadian Journal of Law & Society 283-88

1994 Book review, *Forbidden Journeys: Fairy Tales and Fantasies by Victorian Women Writers*, (1994) 7 Canadian Journal of Women and the Law 232-37

1993 Book review, *White, Male and Middle Class: Explorations in Feminism and History*, (1993) 6 Canadian Journal of Women and the Law 522-28

**e. Commissioned Research**

2010 “The Matrimonial Property Act: A Case Law Review” (co-authored with Annie Voss-Altman), Alberta Law Reform Institute, October 2010, online: https://www.alri.ualberta.ca/index.php/publications/Series/other-publications/the-matrimonial-property-act-a-case-law-review

1995 "Neutral and Non-Neutral Third Parties: Dispute Resolution in a Pluralistic Society" (158 pages), UVic Institute of Dispute Resolution, 1995

**f. ABlawg Posts in the Past Five Years (http://ablawg.ca/)**

2021 “Setting Aside and Varying Orders of the Residential Tenancies Dispute Resolution Service for Procedural Unfairness,” 2 November, commenting on *21006414 (Re)*, 2021 ABRTDRS 19, *20003149 (Re),* 2020 ABRTDRS 18, *20003525 (Re),* 2020 ABRTDRS 21, and *Hammond v Hammond*, 2019 ABQB 522

2021 “Critical Infrastructure Defence Act Charter Challenge Survives Alberta Government’s Motion to Strike Case,” 5 August, commenting on *Alberta Union of Public Employees v Her Majesty the Queen (Alberta)*, 2021 ABQB 371 (with Jennifer Koshan and Lisa Silver)

2021 “Saskatchewan Court of Appeal Confirms that a Registrar’s Caveat is Not a Magic Wand,” 27 January, commenting on *Primrose Drilling Ventures v Registrar of Titles*, 2021 SKCA 15 (with Nigel Bankes)

2020 “Tugging at the Strands: Adverse Effects Discrimination and the Supreme Court Decision in Fraser,” 9 November, commenting on *Fraser v Canada (Attorney General*), 2020 SCC 28 (with Jennifer Koshan)

2020 “Tenant’s Insurance, Ministerial Order No SA:005/2020 and Evictions of Residential Tenants,” 25 September, commenting on *20005321 (Re),* 2020 ABRTDRS 20

2020 “Exercising the Discretion to Allow Late Family Maintenance and Support Applications ,” 9 September, commenting on *Lamont Estate*, 2020 ABQB 449

2020 “Protests Matter: A Charter Critique of Alberta’s Bill 1,” 9 June, commenting on Bill 1, the Critical Infrastructure Defence Act, 2nd Sess, 30th Leg, Alberta, 2020 (with Jennifer Koshan and Lisa Silver)

• This post garnered the greatest number of hits of any ABlawg post -- 28,835 in the last 6 months of 2020.

2020 “Can an Alberta Landlord’s Duty to Make Reasonable Efforts to Negotiate a Meaningful Payment Plan with Residential Tenants before Evicting Tenants be Enforced?” 25 May, commenting on Ministerial Order No. SA: 005/2020

2020 “Residential Tenancies in Alberta: Evictions for Non-Payment of Rent No Longer Suspended,” 30 April, commenting on Tenancies Statutes (Emergency Provisions) Amendment Act, 2020 (Bill 11); Late Payment Fees and Penalties Regulation, Alta Reg 55/2020

2020 “Alberta Court of Appeal Restores Access to Habeas Corpus Case,” 7 April, commenting on *Wilcox v Alberta*, 2020 ABCA 104

2020 “Are Landlords’ Late Payment Fees Enforceable?” 5 February, commenting on *19007636 (Re)*, 2020 ABRTDRS 1

2020 “Costs Denied in Elder Advocates of Alberta Society Case,” 24 January, commenting on *Elder Advocates of Alberta Society v Alberta*, 2020 ABQB 54 (with Jennifer Koshan)

2020 “Keeping an Eye on Foreclosing Banks,” 22 January, commenting on *Canadian Imperial Bank of Commerce v Strihavka*, 2019 ABQB 835

2020 "A Cautionary Tale about Suing in the Name of the Correct Legal Entity", 17 January, commenting on *2040497 Alberta Ltd v Samateh*, 2019 ABPC 321

2019 “Wear and Tear, Cleanliness, Repair, Replacement and Betterment: A Landlord’s Claims for Compensation at the End of a Residential Tenancy,” 8 November, commenting on *Barry v Navratil*, 2019 ABPC 229 (re-posted in *Access Review*, 13 November)

2019 “Discrimination Justified in Elder Advocates of Alberta Society Class Action Case,” 3 October, commenting on *Elder Advocates of Alberta Society v Alberta*, 2019 ABCA 342 (with Jennifer Koshan)

2019 “Time for Buy Back: Supreme Court Set to Hear Important Adverse Effects Discrimination Case,” 5 September, commenting on *Fraser v Canada (Attorney General),* 2018 FCA 223 (with Jennifer Koshan)

2019 “Three Leaves to Appeal the Claimed Jurisdiction of Court of Queen’s Bench Over Vexatious Litigants,” 9 July, commenting on *Lymer (Re),* 2018 ABCA 368 (CanLII); *Jonsson v Lymer*, 2019 ABCA 113 (CanLII); *Makis v Alberta Health Services*, 2019 ABCA 23

2019 “How to Interpret a Will, or ‘Motorcycles make a House a Home’,” 12 June, commenting on *Hicklin Estate v Hicklin*, 2019 ABCA 136

2019 “The Adverse Impact of Mandatory Victim Surcharges and the Continuing Disappearance of Section 15 Equality Rights,” 7 January, commenting on *R v Boudreault,* 2018 SCC 58 (with Jennifer Koshan)

2018 “Court of Queen’s Bench Requires Vexatious Litigant to Seek Court’s Permission Before Accessing Any Non-Judicial Body,” 21 December 2018, commenting on *Makis v Alberta* Health Services, 2018 ABQB 976

2018 “Challenge to the Queen’s Bench Vexatious Litigant Procedure,” 5 December, commenting on *Lymer (Re),* 2018 ABCA 368, *Lymer (Re),* 2018 ABQB 859

2018 “Saskatchewan Land Titles Decision Calls Out for Appellate Review,” 30 November, commenting on *Registrar of Titles and Great West Life Assurance Company and Primrose Drilling Ventures Ltd,* 2018 SKQB 290 (with Nigel Bankes)

2018 “Responsibility for Undisclosed Defects in Pre-Owned Real Property,” 2 October, commenting on *Smiley v Salat*, 2018 ABPC 178

2018 “When is a Registered Owner of Land not an “Owner” under Alberta’s Builders’ Lien Act?” 19 September, commenting on *Georgetown Townhouse GP Ltd v Crystal Waters Plumbing Company Inc,* 2018 ABQB 617

2018 “The Increasing Risk of Conflating Self-Represented and Vexatious Litigants,” 17 September, commenting on *Alberta Treasury Branches v Hawrysh*, 2018 ABQB 475 and *Alberta Treasury Branches v Hawrysh*, 2018 ABQB 618

2018 “The Supreme Court of Canada’s Approach to the Charter’s Equality Guarantee in its Pay Equity Decisions,” 12 July, commenting on *Quebec (Attorney General) v. Alliance du personnel professionnel et technique de la santé et des services sociaux*, 2018 SCC 17 and *Centrale des syndicats du Québec v. Quebec (Attorney General),* 2018 SCC 18 (with Jennifer Koshan)

2018 “Foreclosing Mortgagees’ Liability for Tenants’ Security Deposits,” 13 April, commenting on *CIBC Mortgages Inc v Bello*, 2018 ABQB 176

2018 “No Discrimination Against Long-Term Care Residents in Elder Advocates of Alberta Case,” 23 February, commenting on *Elder Advocates of Alberta Society v Alberta*, 2018 ABQB 37 (with Jennifer Koshan)

2017 ““Not One Cookie Cutter Citizen”: A Review of ABlawg Posts on Some of Justice Sheilah Martin’s Decisions,” 11 December, commenting on Justice Sheilah Martin’s Nomination to the Supreme Court (with Jennifer Koshan, Fenner Stewart and Lisa Silver)

2017 “Landlords, Tenants and Domestic Violence: Introduction to a New ABlawg Ebook,” 6 December (with Jennifer Koshan)

2017 “Clarified: The Rebuttable Presumption of a Purchase Money Resulting Trust,” 9 November, commenting on *Singh v Kaler*, 2017 ABCA 275

2017 “Landlords, Tenants, and Domestic Violence: Liability for Damage to Residential Premises,” 13 September, commenting on the Centre for Public Legal Education Alberta’s report on *Domestic Violence: Roles of Landlords and Property Managers*

2017 “Landlords, Tenants, and Domestic Violence: Changing Locks and Barring Access,” 12 September, commenting on the Centre for Public Legal Education Alberta’s report on *Domestic Violence: Roles of Landlords and Property Managers*

2017 “Landlords, Tenants, and Domestic Violence: Landlords’ Power to Terminate Residential Tenancies for Acts of Domestic Violence (and an Argument for Publicly-Accessible RTDRS Reasons for Decisions),” 8 September, commenting on the Centre for Public Legal Education Alberta’s report on *Domestic Violence: Roles of Landlords and Property Managers*

2017 “Landlords, Tenants, and Domestic Violence: Who is a “Tenant” under the Residential Tenancies Act?” 14 August, commenting on the Centre for Public Legal Education Alberta’s report on *Domestic Violence: Roles of Landlords and Property Managers*

2017 “The Potential Impact of a Quebec Superior Court Challenge on Access to Justice in Alberta,” 3 August, commenting on “Clash of Courts”, Double Aspect Blog by Leonid Sirota, 23 July 2017

2017 “The Impact of a Dower Act Life Estate on the Valuation and Distribution of Intestate Estates,” 18 July, commenting on *Estate of Johnson, Rick Allen (Re),* 2017 ABQB 399

2017 “Abatement of Rent for Landlord’s Breach of the Minimum Housing and Health Standards,” 5 July, commenting on *C.V. Benefits Inc. v Angus*, 2017 ABPC 118

2017 “Interim Measures in a Classic Church Property Dispute,” 28 June, commenting on *Bruderheim Community Church v Moravian Church in America (Canadian District),* 2017 ABQB 355

2017 ““Abandoned Goods” Require Abandoned Premises or Expired/Terminated Tenancies Plus Vacated Premises,” 26 may, commenting on *Wilderdijk-Streutker v Zhao*, 2017 ABPC 24 and *Shearer v Shields,* 2017 ABPC 108

2017 “For Golfers: A Classic Bailment Case with an Exclusion Clause Issue,” 18 May, commenting on *Bloomer v Connaught Golf Club,* 2017 ABPC 105

2017 “Vexatious Habeas Corpus Applications Contribute to Delayed Access to the Courts,” 16 May, commenting on *Ewanchuk v Canada (Attorney General)*, 2017 ABQB 237

2017 “Capacity to Make and Revoke an Enduring Power of Attorney,” 12 May, commenting on *Pirie v Pirie*, 2017 ABQB 104

2017 “When are Late Payment of Rent Charges in Residential Tenancies Unenforceable?” 10 May, commenting on *416566 Alberta Ltd. v Fothergill*, 2017 ABPC 96

2017 “Granting a Vexatious Litigant’s Application for Leave to Appeal,” 4 May, commenting on *Belway v Lalande-Weber*, 2017 ABCA 108

2017 “Vexatious Litigants: An Interpretation of Section 40 of the Federal Courts Act,” 18 April, commenting on *Canada v Olumide*, 2017 FCA 42

2017 “Punitive Damages and the Residential Tenancies Act,” 18 April, commenting on *Wilderdijk-Streutker v Zhao,* 2017 ABPC 24

2017 “When is a Lease an Improper Subdivision of Land?” 10 April, commenting on *Paskal Holdings Inc v Loedeman,* 2017 ABCA 29

2017 “The Harsh Consequences of Ignoring the Dower Act,” 14 March, commenting on *Joncas v Joncas,* 2017 ABCA 50

2017 “Residential Tenancy Agreements, Options to Purchase, In Terrorem Clauses, and Relief from Forfeiture,” 16 February, commenting on *Dreamworks Ventures Ltd v Dye*, 2017 ABPC 20

2017 “*Street v Mountford* Applied to Decide: A Residential Tenancy Agreement or a Licence?” 13 January, commenting on *Singh v RJB Developments Inc*., 2016 ABPC 305

**g. Presentations**

2021 “Landlord/Tenant Issues and the Residential Tenancy Act,” 2-part podcast for Pro Bono Students Canada-Calgary Chapter’s Hearsay podcast on CJSW 90.9 FM

2021 “The Use of Narrative and Metaphor to Construct Gendered Hysteria in the Courts,” March 25, guest lecture in Critical Race Theory at the Faculty of Law, Common Law Section, University of Ottawa,

2020 “The Distinctive Nature of Academic Integrity in Graduate Legal Education.” Symposium on Academic Integrity in Canada, November 2, online

2020 “Fraser v Canada (2020 SCC): 20/20 Vision on Equality?” Centre for Feminist Legal Studies, UBC, October 30

2020 “Adverse impact discrimination issues in Fraser v Canada,” Ontario Bar Association 19th Annual Charter Conference, October 7, online

2018 “The Intersection of Domestic Violence and Residency Tenancy Law”, International Law and Society Association Conference, Toronto, ON, June 6 – 10

2018 “Issues at the intersection of residential tenancy law and human rights", Alberta Provincial Court Judges Association’s educational conference, Canmore AB, May 23

2016 “Women, Religious Freedom, Equality Rights and the Role of Choice in Canadian Constitutional Law”, Sisskinds LLP Firm Retreat, Banff, AB, October 1

2016 “Women, Religious Freedom, Equality Rights and the Role of Choice in Canadian Constitutional Law”, Women, Rights, Religion Workshop, Calgary, AB and Victoria, BC, September 28 – October 2

2014 "Indefeasibility in Canadian Land Titles Systems: Cracked Mirror, Ripped Curtain”, Association for Law, Property and Society Conference, Vancouver, BC, May 1-3

2013 “Is there Legal Space for Aboriginal Title in Land Titles Registries?”, Law on the Edge, the Joint Conference of the Canadian Law and Society Association and the Law and Society Association of Australia and New Zealand, Vancouver, BC, July 2-4

2012 “The Continual Reinvention of Section 15 of the Charter”. *Assentio Mentium*, Calgary, AB, October 18

2010 “Attributed to *Andrews*", Women's Court of Canada Workshop, Victoria, B.C., June 11-12

2009 "Reconciliation in the Supreme Court of Canada", Nordic Council sponsored project on "The Recognition of Indigenous Property Systems within Arctic States", Banff, October 16-18

2009 Panel Discussion: "The Women’s Court of Canada and Barriers to Substantive Equality," Calgary, March 13

2008 "Role-playing legal perspectives on violence against women legislation", CIDA sponsored Vietnam Judicial Project on Gender Equality, Calgary

2003 "The Impact of International Commercial Arbitration on Canadian Law and Courts," Canadian Institute for the Administration of Justice Conference on "Participatory Justice in a Global Economy: The New Rule of Law?", Banff

2001 "Overview of Arbitration," Arbitration in Business Seminar: Pros, Cons, Strategies and Directions, sponsored by the Calgary Chamber of Commerce Dispute Resolution Committee, the ADR Institute of Canada, and the Alberta Arbitration and Mediation Society

2000 "An Introduction to Arbitration and International Commercial Arbitration," International Commercial Arbitration Seminar sponsored by the Calgary Chamber of Commerce and the Canadian Foundation for Dispute Resolution, Calgary

2000 "On Teaching Critical Race Legal Theory," Law Teaching and Diversity Forum, Canadian Association of Law Teachers, Congress 2000, Edmonton

2000 "Low Tech Technological Innovations in Law Teaching," Law Teaching and Technology Forum, Canadian Association of Law Teachers, Congress 2000, Edmonton

1997 "Mediators Must be Neutral and Impartial," Assumptions Underlying Conflict Resolution Theory and Practice Series, CRREG, University of Calgary

1994 "Construction of a Public Image Problem," A New Look: The Legal Profession and Ethics Conference, Calgary

**h. Work in Progress**

2021-22 "Women’s Charter Equality at the SCC: Surprising Losses or Anticipated Failures?”, in Howard Kislowicz, Kerri Froc & Richard Moon, eds, *The Surprising Constitution* (with Jennifer Koshan)

• Online workshop of draft papers, 19-20 November 2021

2022 "Twenty Years Later: The Use of Metaphor and Narrative to Construct Gendered Hysteria in the Courts”

2022 "Evicting Tenants with Disabilities and Landlords' Duty to Accommodate”

2022 "Hoarding Issues in Residential Tenancy Law Across Canada”

2022 “Who Should Decide Human Rights Issues in Residential Tenancy Law: Courts, Administrative Tribunals, Human Rights Commissions?”

2022 “Vexatious Litigants in the Tax Court of Canada”

**10. COURT CITATIONS IN THE PAST FIVE YEARS**

**a. Supreme Court of Canada**

2020 In *Fraser v. Canada (Attorney General)*, 2020 SCC 28:

• “Adverse Impact: The Supreme Court’s Approach to Adverse Effects Discrimination under Section 15 of the Charter” (2015), 19 Rev. Const. Stud. 191 (co-authored with Jennifer Koshan) (at paras 29, 30, 48, 51, 69, 70, 75 and 91 majority decision)

• “Equality Rights and Pay Equity: Déjà Vu in the Supreme Court of Canada” (2019), 15 J.L. & Equality 1 (co-authored with Jennifer Koshan) (at para 80 majority decision)

• “*Kahkewistahaw First Nation v. Taypotat*: An Arbitrary Approach to Discrimination” (2016), 76 S.C.L.R. (2d) 243 (co-authored with Jennifer Koshan) (at para 135 majority decision)

• “Meaningless Mantra: Substantive Equality after Wither” (2011), 16 Rev. Const. Stud. 31 (co-authored with Jennifer Koshan) (at paras 135, 221, 224 and footnote 13)

2020 In *Uber Technologies Inc. v. Heller*, 2020 SCC 16 (at para 39 majority decision))

• “Pre-Dispute Consumer Arbitration Clauses: Denying Access to Justice?” (2006) 51 McGill L.J. 693

2019 In *TELUS Communications Inc. v Wellman*, 2019 SCC 19, [2019] 2 SCR 144 at para 165:

• “Pre-Dispute Consumer Arbitration Clauses: Denying Access to Justice?” (2006) 51 McGill LJ 693

2017 In *Teva Canada Ltd v TD Canada Trust*, 2017 SCC 51, [2017] 2 SCR 317 at paras 122 and 152:

• “Is the Collecting Bank now the Insurer of a Cheque’s Drawer against Losses Caused by the Fraud of the Drawer’s Own Employee?” (2005) 20 B.F.L.R. 427 (with Nick Rafferty)

2017 *In Quebec (Attorney General) v A*, 2013 SCC 5, [2013] 1 SCR 61, at paras 170, 181:

• “Meaningless Mantra: Substantive Equality after *Withler*” (2011) 16 Rev. Const. Stud. 31 (with Jennifer Koshan)

**b. Other courts and tribunals**

2021 In *Ontario Public Service Employees Union v Ontario (Government & Consumer Services),* 2021 CanLII 19542 (at para 51):

• "Adverse Impact: The Supreme Court's Approach to Adverse Effects Discrimination Under Section 15 of the Charter" (2014) 19:2 Review of Constitutional Studies 191 (with Jennifer Koshan)

2020 In *Jonsson v Lymer*, 2020 ABCA 167 (at para 40):

• “The Increasing Risk of Conflating Self-Represented and Vexatious Litigants,” ABlawg

2020 In *Makis v Alberta Health Services*, 2020 ABCA 168 (at para 31):

• “Three Leaves to Appeal the Claimed Jurisdiction of Court of Queen’s Bench Over Vexatious Litigants,” ABlawg

2020 In *Miller v.Union of BC Performers*, 2020 BCHRT 133 at para 76:

• “Colour as a Discrete Ground of Discrimination” (2018) 7:1 Can J Hum Rts 1 (with Joshua Sealy-Harrington).

2020 In *Stadler v Director, St Boniface/St Vital*, 2020 MBCA 46 at para 76:

• “Adverse Impact: The Supreme Court’s Approach to Adverse Effects Discrimination under Section 15 of the Charter” (2015) 19:2 Rev Const Stud 191 (co-authored with Jennifer Koshan)

2020 In *Hicks v Gazley*, 2020 ABQB 178 (at fn 5):

• “What is the Legal Effect of an Unenforceable Agreement in an Unjust Enrichment Claim?”, ABLawg, 4 March 2014

2019 In *Campbell v Vancouver Police Board* (No. 4), 2019 BCHRT 275 at fn 1:

• “Colour as a Discrete Ground of Discrimination” (2018) 7:1 Can J Hum Rts 1 (co-authored with Joshua Sealy-Harrington)

**11. ADMINISTRATIVE SERVICE**

**a. Faculty of Law, University of Calgary**

2020-2021 Member, Academic Selection Committee

2019 Faculty of Law representative, Law Day, Calgary Court House

2018-2019 Member, Admissions Committee

2017-2021 Member, Administrative Processes Working Group

2017-2019 Elected member, Faculty Tenure and Promotion Committee

2017-2019 Member, Admissions Committee

2015-2019 Faculty representative, General Faculties Council

2014-16 Member, Regulations Review Committee

2013-14 Unit Review Coordinator

2013-14 Associate Dean (Research)

2011-14 Faculty representative, General Faculties Council

2010-12 Elected member, Faculty Tenure and Promotion Committee

2010-13 Member, Academic Selection Committee

2010-13 Faculty of Law web site supervisor

2010 Elected Chair, Research and Scholarship Leave Committee

2008-12 Member, Admissions Committee

2008-10 Member, Graduate Studies Committee

2009 Member, Ad Hoc Associate Dean (Research) and Graduate Coordinator Search Committee

2009 Member, Ad Hoc Committee, Development of a Second Theme for the Strategic Plan

2008-09 Co-founded ABlawg, the faculty of law blog on developments in Alberta law

2008-09 Member, Information Resources Committee

2007-08 Elected member, Faculty Tenure and Promotion Committee

2006-08 Member, Academic Selection Committee

2007-08 Elected member, Sabbatical Fellowship Committee

2006-09 Co-Chair, Curriculum Review Committee

2006-07 Elected member, Faculty Promotion Committee

2004-05 Graduate Coordinator

2004-05 Member, Admissions Committee

2004 Elected member, Faculty Promotion Committee

2003-05 Member, Strategic Plan Implementation Steering Committee

2001-04 Associate Dean (Research and Graduate Studies) and Graduate Coordinator

2001-04 Chair, Graduate Studies Committee

2002-04 Member, Dean's Advisory Committee

1997-2004 Webmaster and Supervisor

2001-02 Member, Planning Committee

2000 Elected chair, Promotion and Merit Committee

1999-2000 Chair, Information Resources Committee

1997-98 Member, Information Resources Committee

1992-2001 Member, Admissions Committee

1995-98 Member, Mooting and Debating Committee

1997 Elected member, Faculty Promotion Committee

1994-97 Chair, Computer Committee

1994-95 Member, Ad Hoc Committee on Grading Policies

1994-95 Member, External Relations Committee

1994 Member, Ad Hoc Committee on Implementation of *Touchstones for Change*

1993-95 Member, Organizing Committee, National Conference on Professional Responsibility

1993-94 Elected member, Faculty Promotion Committee

1992-93 Member, Tutoring Committee

**b. University** **of Calgary**

2021 Member, Advisory Committee for the Chair of Natural Resources

2019 Faculty-designated Beta Tester of Academic Portfolio

2018 “Student-Driven Discussions: LAW 579 (Legal Theory: Property)", Taylor Institute for Teaching and Learning, Student Assessment Blog, University of Calgary, Taylor Institute

2014-15 Member, Congress 2016 Steering Committee

2011-12 Member, Advisory Committee on the Status of Women

2010 Elected member, University Dean of Law Search Committee

2010 External member, Committee to Conduct an Inquiry under the Integrity in Scholarly Activity Policy, Faculty of Social Work

2003-04 External member, Academic Selection Committee, Joint Position in Ethics (Philosophy and Religious Studies)

2003 Sole mediator in a dispute between a University of Calgary Faculty and a service provider

2002 External member, Academic Appointment Review Committee, Faculty of Social Work

2001-04 Member, Associate Deans Research Council

2001-05 Member, Faculty of Graduate Studies Council

2001 Member, Faculty of Graduate Studies Scholarship Committee

2000-01 Elected member, University Dean of Law Search Committee

1996-99 Secretary and Webmaster 1998-2000, Chair 1997-98, Director 1996-1999, and founding member 1996 of the Conflict Research, Resolution and Education Group (CRREG)

1997-98 Member, General Faculties Council’s Library Committee

1995-96 Member, President's Advisors Network on Women's Issues

1995 Member, Advisory Selection Committee, Dean of Law

**c. Profession and Community**

2021 External assessment of Application for Tenure and Promotion to Associate Professor for Osgoode Hall Law School

2020 Member, Fraser Subcommittee of the Women’s Legal Education and Action Fund (LEAF) drafting LEAF’s intervenor factum and oral argument in Fraser v Canada

2018 “Human Rights and Residential Tenancies”, Provincial Court - Civil judges, PCJ Educational Conference in Canmore, Alberta

2018 External assessment of Application for Tenure and Promotion to Associate Professor for University of Ottawa, Faculty of Law, Common Law Section

2016-2018 Member, Uniform Law Conference of Canada Working Group on Commercial Tenancies, drafted a Uniform Commercial Tenancies Act adopted by the ULCC

2014-18 Board member, Canadian Research Institute for Law and the Family (CRILF)

2015 “Residential Tenants' Rights”, presentation as part of the Saturday Morning at the Law School lecture series, sponsored by the Alberta Law Foundation, January 24

2011 Member, Cunningham Subcommittee of the Women's Legal Education and Action Fund (LEAF) drafting LEAF's intervenor factum and oral argument in *Alberta v. Cunningham* SCC

2010 "Religion and the Public Square", panel presentation, sponsored by the Sheldon Chumir Foundation for Ethics in Leadership, March 23

2010 "Freedom of Conscience and Religion in Canada Today: Three Issues", panel presentation, sponsored by the Sheldon Chumir Foundation for Ethics in Leadership, January 28

2009 Member, Micmac Subcommittee of the Women's Legal Education and Action Fund (LEAF) to help draft LEAF's intervenor factum in *Micmac Nation of Gaspeg v. Canada* FCA

2009 Written comments on the Alberta Law Reform Institute's draft of "Contracts for the Sale and Purchase of Land: Purchaser's Remedies", Alberta Law Reform Institute Report for Discussion No. 21 (acknowledged in Final Report No. 97)

2007 External assessment of Application for Tenure and Promotion to Associate Professor for Osgoode Hall Law School

2002 Delivery of "Overview of Arbitration" in the Chartered Arbitrator's Course of the Alberta Arbitration and Mediation Society

2000-01 Member of the Organizing Committee for a Domestic Arbitration Seminar in February 2001, sponsored by the Calgary Chamber of Commerce Dispute Resolution Committee and the Canadian Foundation for Dispute Resolution

2000 Member of the Organizing Committee for a International Commercial Arbitration Seminar in June 2000, sponsored by the Calgary Chamber of Commerce Dispute Resolution Committee and the Canadian Foundation for Dispute Resolution

1999 Member, Organizing Committee for a Roundtable on the *Agreement on Internal Trade* held March 19, 1999 in Calgary and sponsored by the Edmonton and Calgary Chambers of Commerce and the Alberta Minister of Intergovernmental and Aboriginal Affairs

1998-2000 Vice-Chair and Secretary 1999-2000 and member 19998-99 of the Dispute Resolution Committee of the Calgary Chamber of Commerce

1995-2021 Peer reviewer of articles and book manuscripts for UBC Law Review, Alberta Law Review, Yearbook of Polar Law, PLOS One, Law & Policy, Canadian Journal of Women and the Law, Trusts and Trustees, Indigenous Law Journal, Ottawa Law Review, Journal of Energy and Natural Resources Law, Queen’s Law Journal, Saskatchewan Law Review, McGill Law Journal, Canadian Bar Review, Windsor Review of Legal and Social Issues, Journal of Law & Equality, University of Toronto Press, UBC Press, University of Calgary Press, and Emond Montgomery

1995 Member, Provincial Court Working Group on community sentencing initiatives

1995 Preparation of Proposal to the Department of Justice (Canada) on behalf of Le Pavillon of Montreal and the Canadian Foundation for Dispute Resolution of Calgary and Toronto

1994 Facilitator, Gender Committee of the Law Society of Alberta

1993 Oral and written submissions to The Alberta Code of Professional Conduct Committee of the Law Society of Alberta on the *Proposed Code of Professional Conduct Discussion Draft*