

**CALT Conference, Halifax
31 May B 3 June 2003**

**All sessions are held in the Weldon Law Building
6061 University Avenue**

<p style="text-align: center;">Saturday, 31 May</p> <p style="text-align: center;">Critical Disability Theory 9-10:30 B Room 304</p>
<p>Chair: R. Devlin</p> <p>M. Rioux, York & F. Valentine, Toronto ADoes Theory Matter?: Exploring the Nexus Between Disability, Human Rights and Public Policy@</p> <p>R. Malhotra, Toronto AToward a Counter-Hegemonic Theory of Disablement: Analyzing the Duty to Accommodate Unionized Workers with Disabilities in the United States and Canada@</p>
<p style="text-align: center;">10:30 - 10:45 Break</p>
<p style="text-align: center;">10:45 - 12:30</p>
<p>Chair: R. Devlin</p> <p>P.J. Carver, Alberta ASection 15, the Right to Medically Required Health Care, and Disability@</p> <p>D.L. Baker, Missouri AAutism as Public Policy@</p>

**6:15 pm: meet at Murphy's on the Water for evening cruise on the
Mar II (\$10 payable on board)**

Sunday 1 June 2003

Legal Scholarship Day

- 8:00 B 9:00 Welcome in Law School Atrium
 coffee, tea, muffins (all coffee breaks today sponsored by Emond Montgomery)
- 8:45 Opening remarks by CALT President France Houle

9-10:30 Room 429	9-10:30 Room 305	9-10:30 Room 304
<p>Business Law YYYYYYYYYYYY.</p> <p>Chair: Chris Nicholls, Dalhousie chris.nicholls@dal.ca</p> <p>Anita Anand, Queen-s, AThe Place of Trust in Corporate Governance@ Janis Sarra, UBC, ASignaling Quality: Comparative Standards of Corporation Efficiency@ Ron Davis, Toronto, APension Funds and Corporate Governance: Normative and Prudential Reasons for Beneficiary Control@ Kim Brooks, Queen-s, ASlapshots, Enron and the Rules of Tax Planning@</p>	<p>Intellectual Property YYYYYYYYYYYY</p> <p>Chairs: Ysolde Gendreau, Montréal, (ysolde.gendreau@UMontrea I.CA) and Robert Howell, Victoria (rhowell@uvic.ca)</p> <p>Myra Tawfik, Windsor ACanadian Copyright Law Under NAFTA: Harmonization? Transformation? Isolation?" Margaret Ann Wilkinson, UWO Als 'Empowerment' Overwhelming 'Balance' in Recent Canadian Intellectual Property Decisions@ Sam Trosow, UWO ATRIPS, WIPO and the Draft FTAA: Is Three a Crowd?@</p>	<p>Critical Disability Theory YYYYYYYYYYYY</p> <p>Chair: Dianne Pothier, Dalhousie (dianne.pothier@dal.ca)</p> <p>D. MacPherson, Manitoba ADamage Quantification in Tort and Pre-Existing Disability: Arguments for a Re-conceptualization@ R. Voyvodic and S. Pillay, Windsor ADisability, Equality and Immigration Law@</p>
Break	10:30 - 10:45	Atrium

<p>10:45 B 12:30</p> <p>Room 429</p> <p>Public Law & Governance</p> <p>YYYYY.....YYYYY. Chair: Anita Anand, Queen's (aa7@qsilver.queensu.ca)</p> <p>Stéphane Beaulac, Montréal A Sovereignty in Bodin's République: A Question of Power, Full Stop@ Lorne Sossin, Toronto A The Fiduciary State: Public Trust, Public Authority and Public Law@ Evan Fox-Decent, Toronto A The Fiduciary Nature of Free-Standing Public Duties@ Tsvi Kahana, Alberta A Deliberative Constitutionalism: Trust, Democracy and Constitutionalism@</p>	<p>10:45 B 12:30</p> <p>Room 305</p> <p>Information Technology</p> <p>YYYYYYYYYYYY..</p> <p>Chair: Teresa Scassa, Dalhousie teresa.scassa@dal.ca</p> <p>Elaine Gibson, Dalhousie A Government's Role as Repository of Personal Health Information@ Elizabeth Judge, Ottawa A Personal Information and Electronic Court Records@ Anne Mussett, Dalhousie A Workplace Surveillance and the Private Sector Employee@</p>	<p>10:45 B 12:30</p> <p>Room 304</p> <p>Critical Disability Theory YYYYYYYYYYYYY. Chair: Dianne Pothier, Dalhousie (email: see above)</p> <p>MA McColl, S. Shortt, J. Bickenbach, W. Boyce, and A. James, Queen's A The Construction of Disability in Canadian National Survey Data: Issues of Definition and Measurement@ T. Hibbs, Victoria A Post-Secondary Education and Students with Disabilities - Mining a Level Playing Field or Playing in a Mine-Field?@</p>
<p>Annual General Meeting</p>	<p>12:30 - 1:30</p>	<p>Atrium (lunch provided)</p>

<p>1:30-3:15</p> <p>Room 304</p> <p>Criminal Law I YYYYYYYYYYYY..</p> <p>Chair: Maneesha Deckha, Victoria (mdeckha@law.uvic.ca)</p> <p>Marc Gorbet, Dalhousie ABill C-24s Police Immunity Provisions: Parliament-s Unnecessary Legislative Response to Police Illegality in Undercover Operations@</p> <p>Steve Coughlan, Dalhousie AWhy We Should Worry About General Warrants@</p> <p>Steve Penney, UNB AREasonable Expectations of Privacy in the Digital Age: A Canadian Perspective@</p>	<p>1:30-3:15</p> <p>Room 305</p> <p>Health Law YYYYYYYYYYY</p> <p>Chair: Elaine Gibson, Dalhousie (Elaine.Gibson@dal.ca)</p> <p>Fiona Bergin, Dalhousie APhysicians- Conflicting Roles as Caregivers and Researchers@</p> <p>Jocelyn Downie, Dalhousie ARescuing Research Through Regulation@</p> <p>Martina Munden, Dalhousie AElder Abuse and Restorative Justice: Seeking a New Way to Address an Old Problem@</p> <p>Bev Baines, Queen-s AAbortion: Law, Power and Trust@</p>	<p>1:30-3:15</p> <p>Room 429</p> <p>Aboriginal Law YYYYYYYYYYYY</p> <p>Chair: Mark Walters, Queen-s (mw24@qsilver.queensu.ca)</p> <p>Richard Devlin, Dalhousie and RONALDA MURPHY, Dalhousie AIndigenous Peoples and the Duty to Consult: Between Solidarity and Scepticism@</p> <p>Paul Ocheje, Windsor AThe First Nations Governance Act in Perspective of the Quest for Self-Determination Among Aboriginal Peoples: A Continuation of Past Mistakes or Positive Step Forward?@</p> <p>Susan Haslip, Ottawa, and Victoria Edwards, Dalhousie ADeclarations of War and Breaches of Constitutionally Entrenched Promises of Protection: Use of the Aid to Civil Power Provision to Call Out the Military Against Aboriginal Peoples@</p>	<p>1:30-3:15</p> <p>Room 104</p> <p>Intellectual Property II YYYYYYYYYYYY</p> <p>Chairs: Ysolde Gendreau, Montréal, and Robert Howell, Victoria (email addresses, see above)</p> <p>David Lametti, McGill ACCH and Delrina : The Case for Creativity@</p> <p>Carys Craig, Osgoode AFixation and Authorship in Theberge and Beyond: The Force of the Physical in a Metaphysical Realm@</p> <p>Abraham Drassinower, Toronto ACapturing Ideas: Copyright and the Law of First Possession@</p> <p>Ikechi Mgbeoji, UBC AWhile The Mouse Is Away: The Supreme Court and The Rat-race for Patents on Modified Life Forms@</p>
<p>3:15 - 3:30</p>	<p>Break</p>		<p>Atrium</p>

<p>3:30-5:00 Room 104</p> <p>Criminal Law II YYYYYYYYYYYYYY. Chair: Steve Coughlan,</p> <p>Dalhousie (stephen.coughlan@dal.ca)</p> <p>Diana Young, Carleton ATrust and Consent and the Criminalization of HIV Transmission@ Michelle Gallant, Manitoba ASentinels or Facilitators: Entrusting Money Laundering Prevention to Lawyers@ Maneesha Deckha, Victoria AExercising Power (and Trust?) over Non-Humans: The Cruelty to Animals Provision in the Criminal Code@ Mark Heeler, Osgoode APolice in Law Reform: Examining Political Use in the Criminal Organization Act@</p>	<p>3:30-5:00 Room 304 Family Law</p> <p>YYYYYYYYYYYYYY.. Chair: Bev Baines, Queen-s (bainesb@qsilver.queensu.ca)</p> <p>Philip Girard, Dalhousie, and Heather Conway, Queen-s (Belfast) ANo Place Like Home: The Family Residence, Law Reform and Human Rights@ Mary Jane Mossman, Osgoode Hall APrivate Lives and Public Policies: Conversations about Families in Canadian Courts@</p>	<p>3:30-5:00 Room 305 Environmental Law YYYYYYYYYYYYYY Chair: Annie Rochette, UBC (rochette@law.ubc.ca)</p> <p>Meinhard Doelle, Dalhousie AIntergenerational Equity in the Face of a Failing Climate Change Regime: Opportunities to Protect Future Generations-Rights to a Stable Climate Outside the Kyoto Process@ Helene Trudeau, Montréal ARatification of the Kyoto Protocol and its Implications for Canada@ Bruce Pardy, Queen-s ALeaving Standards Up in the Air: Flaws in the Kyoto Approach@</p>
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5:00 B 6:30 Reception offered by Dean Dawn Russell, Dalhousie Law School Atrium

6:45 Meeting of CALT executive committee Argyle Bar & Grill, 1575 Argyle Street, Halifax

7:30 Dinner for new professors (compliments of CALT)

Monday 2 June 2003

Law Forum/Legal Dimensions

Joint plenary session all day with Canadian Law and Society Association in **Room 104**

9:00 B 12:00 **LAW FORUM**

9:00 B 10:15 **Theme 1: What Makes Law Possible?**

Simultaneous interpretation

Chair: **Pierre Noreau** (Law, Université de Montréal)

Desmond Manderson (Law, McGill University) What Makes Law Possible?

Pierre-André Côté (Law, Université de Montréal) Felicitous Statutes are a Bore

10:15 B 10:30 Break (Atrium)

10:30 B 12:00 **Theme 2: What Does Law Make Possible?**

Lesley Jacobs (Law & Society, York University) Law, Race, and the Pursuit of Equal Opportunities as a Regulative Ideal

Paul Millar (Sociology, University of Calgary) Law, Freedom and Social Relations

Marie-Claude Prémont (Law, McGill) What Does Law Make Possible? An Example of a Hidden Mutation in Health Law

Jennifer A. Chandler (Law, University of Ottawa) Unconscionable Silence: When Should We Refuse to Enforce Contractual Restrictions on Speech?

12:00 B 1:30 **Lunch, courtesy of Council of Canadian Law Deans**

Law School Atrium

1:30 B 5:00 **LEGAL DIMENSIONS**

Simultaneous interpretation

Organised by the Law Commission of Canada

1:30 B 3:15

Theme : Law and Risk

Chair: **Serge Rousselle**, Dean, Faculté de droit, Université de Moncton, Chair, Council of Canadian Law Deans

Dayna Nadine Scott, Osgoode Hall Law School, York University
Shifting the Burden of Proof: The Precautionary Principle and its Potential for the Democratization of Risk

David MacAlister, School of Criminology, Simon Fraser University
Law and Risk: Use of Risk Assessments by Canadian Judges in the Determination of Dangerous and Long-Term Offender Status from 1997-2002

Danielle Pinard, Faculty of Law, Université de Montréal
Application of Evidentiary Principles in Constitutional Review Cases from a Risk Management Perspective

3:15 B 3:30

Break (Atrium)

3:30 B 5:00

Fu Jingkun, University of Shenzhen, China
The Transplantation of Law and Risk Based on the Drafting of the Civil Code of China, in a Comparative Perspective

Mariana Valverde, Ron Levi, Dawn Moore, Centre of Criminology, University of Toronto
Legal Knowledge of Risk

Trudo Lemmens, Duff R. Waring, Faculty of Law, University of Toronto
A Legal Approach to Value Framework in Risk/Benefit Assessments of Biomedical Research

Commentator :

William Leiss, R. Samuel McLaughlin Centre for Population Health Risk Assessment

5:00 B 6:30

Reception, sponsored by the Law Commission of Canada in Atrium
Book Launch: *Law Reform and the Public/Private Divide*

7:00 for 7:30

**Banquet Westin Nova Scotian Hotel, Commonwealth Room B
1181 Hollis Street**

Guest Speaker: Archie Kaiser, Dalhousie Law School

CALT Academic Excellence Award & Essay Prize

Tuesday, 3 June 2003

Law Teaching and Research Day B Room 104

9:30 B 11:00

Moderator:

Geneviève Cartier, Faculté de droit, Université de Sherbrooke

Presenters:

Silvie Bernier, Research and International Cooperation Office, Université de Sherbrooke
AAround research: Institutional support to professors and researchers@

Jean-François Fortin and **Suzanne Larivière**, Social and Human Sciences Research Council,
AResearch programs and selection of proposals@

Blatrice Godard, Research Associate, Centre de recherche en droit public, Université de
Montréal,

AResearch Pressures: Challenges for Young/New Investigators@

11:00 B 11:15

Break (outside room 104)

11:15 B 12:45

New Ideas on Law School Tuition Fees

Presenter:

Bruce Pardy, Faculty of Law, Queen's University

APoor Student, Well-Paid Lawyers: An Introduction to Post Graduation, Income-Contingent
Tuition Fees for Law Schools@

1:00 B 3:00

**Lunch and presentation on teaching and technology issues
sponsored by Carswell**

Law School Atrium

Speaker: Daniel Dabney, Senior Director, Research and Development Legal Products,
West Group

Afternoon:

Point Pleasant Walk/Seaside Hike/Walking Tour of Historic Halifax