

APPENDIX B  
2013 ANNUAL REPORT

PUBLICATIONS FOR CALENDAR YEAR 2013

ANTAKI, Mark

Edited Collections:

Josiane Boula Ayoub, Mark Antaki, Pierre Robert, eds., *Rationalité pénale et démocratique* (Québec: Presses universitaires de Laval, 2013)

Articles in Refereed Journals (Paper or Electronic):

Mark Antaki, "Genre, Critique, and Human Rights" (2013) 82 *University of Toronto Quarterly* 964 (special issue on law and literature the title of the issue "The Critical Work of Law and Literature" was drawn from my article)

Book Chapters:

Mark Antaki, "Introduction" in Josiane Boula Ayoub, Mark Antaki and Pierre Robert, eds., *Rationalité pénale et démocratique* (Québec: Presses universitaires de Laval, 2013) 1-9

Mark Antaki, "From The Bridge to the Book: An Examination of South Africa's Transformative Constitutionalism's Neglected Metaphor" in Stewart Motha and Karin van Marle, eds., *Genres of Critique: Law, Aesthetics and Liminality* (Stellenbosch, South Africa: Stellenbosch University Press, 2013) 71-49

Reports for Government Agencies, Professional Bodies, etc:

Mark Antaki, "Critical Constitutional Law: Aboriginal Rights, Recognition, and Reconciliation," Working Paper for Truth and Reconciliation Commission of Canada (2013)

In-house Teaching Materials, etc:

With the move to MyCourses, I have not been putting together the more traditional teaching materials.

BACHAND, Frédéric

Edited Collections:

*Les 25 ans de la réforme du droit québécois de l'arbitrage* (Geneva, Éditions Yvon Blais: 2013) (with Fabien Gélinas)

*The UNCITRAL Model Law After 25 Years* (forthcoming) (Huntington, Juris: 2013) (with Fabien Gélinas)

Articles in Refereed Journals (Paper or Electronic):

"Court Intervention in International Arbitration: The Case for Compulsory Judicial Internationalism", (2012) 1 *Journal of Dispute Resolution* 83

Book Chapters:

Judicial Internationalism and the Interpretation of the Model Law: Reflections on Article 2A", in F. Bachand and F. Gélinas, *The UNCITRAL Model Law After 25 Years* (Huntington, Juris: 2013)

"Vers une nouvelle réforme du droit québécois de l'arbitrage conventionnel", in F. Bachand and F. Gélinas,

Les 25 ans de la réforme du droit québécois de l'arbitrage (Osgood, Éditions Yvon Blais: 2013)

Papers in Conference Proceedings:

"Do Transnitio58(r)-1(an)-9(( Tr)1(o)-963.763u-1(an)u)1( d3/( d3/( d(an) d3/(es M)-ill1(o)-1(o)-e(r)10o)-?0o)0 T)-

Reports for Government Agencies, Professional Bodies, etc:

Avant-projet de Code du travail de la République d'Haïti - version provisoire prepared for a project commissioned by the International Labour Office (UN), funded by the Canadian government

CAMPBELL, Angela

Books & Monographs:

A. Campbell, *Sister Wives, Surrogates and Sex Workers: Outlaws by Choice* (Farnham, UK: Ashgate, 2013), 258 pp.

Edited Collections:

A. Campbell, "Wives' Tales: on Research in Bountiful" in R. Provost and C. Sheppard, eds., *Dialogues on*



« Préface du Rapporteur Spécial des Nations Unies pour les droits de l'homme des migrants »  
the Special Rapporteur on the Human Rights of Migrants. Prefacio del Relator Especial de las Naciones  
Unidas sobre los derechos humanos de los migrantes. Revue québécoise de droit international, Numéro  
hors-série « [Defending the Human Rights of Migrants in the Americas : The Nadège Dorzema et al v  
Dominican Republic Case](#) », novembre 2013, 225.  
Report by the Special Rapporteur on the human rights of migrants to the United Nations General Assembly:

In-house Teaching Materials, etc:

5. "Liability Caused by Space Objects in International and National Law", XXXVII Annals of Air & Space Law 33369 (2011).

Book Chapters:

"Liability of the Carrier," in COLOGNE COMPENDIUM ON AIR LAW IN EUROPE 9676 (Hobe, von Ruckteschell & Heffernan, ed. 2013)

Papers in Conference Proceedings:

"The Emergence of National Space Laws" in Proceedings of the International Institute of Space Law, Naples, Italy.

Reports for Government Agencies, Professional Bodies, etc:

Filed a Report before the Federal Court of Australia in Australian Competition and Consumer Commission v PT Garuda Indonesia and Another

Other N>>BDC 21(er)1(se98 Td593 [(")-10(Td ( )r)10(u)1(Td593 (n)-9(-8()1(n)23(erJ2SranR09(-8(0sn)1( v)10

Yaëll Emerich, "The Civil Law Trust: a Modality of Ownership or an Interlude to Ownership?", dans Lionel Smith (dir), *The Worlds of the Trust*, Cambridge, Cambridge University Press, 2013.

Reports for Government Agencies, Professional Bodies, etc:

Yaëll Emerich et al., « Rapport québécois sur le contrat de transaction » (FranceQuébec), Ministère de la Justice (France), Mission Droit et Justice, 2013.

In-house Teaching Materials, etc:

Yaëll Emerich, *Sûretés réelles/Secured Transactions*, Université McGill, 2013.

Yaëll Emerich, Véronique Bélanger, Robert Godin et Pierre-Manuel Moyse, *Droit civil des biens/Civil Law Property*, 2 volumes, Université McGill, 2013.

FORRAY, Vincent

Edited Collections:

Supervision de l'édition du numéro 4 de la revue *Jurisprudence Revue critique* « La médiation, entre renouvellement de l'offre de justice et droit » dirigé par la professeure Gilda Nicolau, publié en 2013, Lextenso Editions.

Articles in Refereed Journals (Paper or Electronic):

"Property Structures Underlying Contract (The Proprietary Properties of Contract)", *European Review of Contract Law* 2013; 9 (4).

« Flottements du droit Note sur l'écriture juridique », *Les Cahiers de droit* Vol. 54, 4 décembre 2013

«





Frédéric Bach

'The Cosmopolitan State' (2013) 61 University of Kansas Law Review 752-765

Book Chapters:

'Les droits privés' in series of named lectures Conférences Albert Mayrand (Montréal: Thémisp 2013), 21.

In-house Teaching Materials, etc:

Judicial Institutions and Civil Procedure 4<sup>th</sup> ed.

Private International Law: The Conciliation of Laws

GOLD, Richard

Articles in Refereed Journals (Paper or Electronic):

Gold, E. Richard, Coogan, Robert & Bubela, Tania, "AMP v Myriad: A Surgical Strike Against Blockbuster Business Models" (2013) 5(19) 21.

Gold, E. Richard, "Patents and Human Rights: A Heterodox Analysis" (2013) 41:1 J. of Law, Medicine and Ethics 185-198.

Bubela, Tania, Gold, E. Richard, Graff, Gregory D., Cahoy, Daniel. R., Nicol, Dianne and Castle, David, "Patent Landscaping for Life Sciences Innovation: Toward Consistent and Transparent Practices" (2013), 31 Nature Biotechnology 20206.

Book Ch 92(s)10(s)10( M)5(o)6(d)-2(, E)-slaw(u)1(m)15(a)10N [1tTw 1.709(s)10(l)10(e)1D10N [1t/rad

Ram S. Jakhu and Michelle Ancona-Crooper, John Cobb, Jr.," in Stephane Chaboussou and Tanja Massoz-Zwaan (eds.),Pioneers of Space Law, 2013, International Institute of Space Law, Brill, pp.135-48.

Papers in Conference Proceedings:

Ram S. Jakhu and Steven Freeland, "The Sources of International Space Law," in 2013 Proceedings International Institute of Space Law Beijing, 2013.

Reports for Government Agencies, Professional Bodies, etc:

Ram S. Jakhu and Yaw Nyampong, Regulatory Economic Aspects of the Exploitation of Outer Space Resources for Canadian Space Agency, St. Hubert, Quebec, Canada, April 2013.

Other Non-refereed Articles, Comments, Reviews, etc:

Co-authored three chapters for a short publication on Bringing Space To Earth, published by the World Economic Forum. A comprehensive full study containing full chapters will be published in 2014.

In-house Teaching Materials, etc:

Prepared Course packs for my following three Space Law courses: Space Law: General Principles, Law of Space Applications, Government Regulation of Space Activities

JUKIER, Rosalie

Articles in Refereed Journals (Paper or Electronic)

"Transcending Boundaries in Legal Education: A Vehicle for Teaching Students to Think Critically"; (2013)6 CELT (Collected Essays on Teaching and Learning) 23

"Inside the Judicial Mind: Exploring Judicial Methodology in the Mixed Legal System of Quebec" European Journal of Comparative Law and Governance (2013) DOI 10.1163/2244505013 (this is a slightly revised version of an article published in (2011) 6:1 JCL 54

JANDA, Richard

Books & Monographs:

5 updates to Communications Law in Canada (Markham: Lexis 2013) with Sunny Handa, Charles Morgan and David Johnston

Book Chapters:

"The Rise of the Benefit Corporation: Is this a Future for the Firm" in Quelle Performance : Dédicace sociale à l'entreprise citoy1.165 05. Tw -9.758

Medical Liability, CMPL 522, Faculty of Law, McGill University, 2012/13 (+ electronic version in 2013/2014).

Obligations, Droit civil (Cours avancé) / Advanced Civil Law Obligations, PROC 200, Faculty of Law, McGill University, 2012/13.

With S. Van Praagh & G. Saumier, Extra-Contractual Obligations / Tort, LAWG-101D, Faculty of Law, McGill University, 2012/13; with S. Van Praagh and S. Smith, 2013

KLEIN, Alana

Articles in Refereed Journals (Paper or Electronic):

Alana Klein, "The Arbitrariness in 'Arbitrariness' (and Overbreadth and Gross Disproportionality) Principle and Democracy in s. 7 of the Charter" (4



- x LSN: Child Custody (Topic)
- x LSN: Parenthood (Topic) and Reproductive Justice, Law & Policy eJournal

Papers in Conference Proceedings:

“Le passé de l’adopté aux frontières du droit” in Institut canadien d’études juridiques supérieures, ed., *Droits de la personne: La circulation des idées, des personnes et des biens et de l’information* (Ottawa: Yvon Blais, 2013) 487-504.

Reports for Government Agencies, Professional Bodies, etc:

National Report on the Canadian Common Law Provinces, Contractualisation of Family Law, International Academy of Comparative Law, XIXth Congress, Vienna (December 2013), 14 pp. My selection as national reporter was made in a competitive peer review process by the Quebec Association of Comparative Law.

MACDONALD, Roderick

Publications

« Is Citizen Federalism Canada's Third National Policy? » in Matthew Mendelsohn, Joshua Hyslop and James Pearce, eds., *Shifting Power: the New Ontario and What it Means for Canada* (Montreal: McGill-Queens University Press, 2013) 165-184.

« Autonomie économique des Autochtones au Québec » in Alain Beaulieu, Stéphan Gervais et Martin Papillon, dirs., *Les Autochtones et le Québec: Des premiers contacts au Plan Nord* (Montreal: Les Presses de l'Université de Montréal, 2013) 235-255.

« De l'intensité des droits hypothécaires » in B. Lefebvre et al., eds., *Mélanges Pierre Ciotola* (Montreal: Éditions Thémis, 2013) 263-308.

MILLER, Paul

Articles in Refereed Journals (Paper or Electronic):

Paul B. Miller, *Justifying Fiduciary Remedies*, 63 *U. Toronto L. J.* 572-603 (2013).

Paul B. Miller, *Justifying Fiduciary Duties*, 58 *McGill L. J.* 969-1023 (2013).

Other Non-refereed Articles, Comments, Reviews, etc:

Paul B. Miller, *Review of Glister & Ridge, eds., Fault Lines in Equity*, 53 *Canadian Business L. J.* 2215 - 2216 (2013) (solicited).

MOYSE, Pierre-Emmanuel

Edited Collections:

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and Productions Inc. c. Weinstock 2013 QCCA 269 at para. 85).

Articles in Refereed Journals (Paper or Electronic):

with J. Bagg, "Forum Selection Clauses before Canadian Courts: A Tale of Two (or Three) Solitudes" (2013)  
46 UBC Law Rev. 4387

de Compostela, Spain.

Reports for Government Agencies, Professional Bodies, etc:

Indigenous Peoples in Canada: Understanding Divergent Conceptions of Reconciliation, Institute for the Study of International Development, ISID Aboriginal Policy Study Paper, No. 4, McGill University (March 2013) published online at: [http://www.mcgill.ca/isid/sites/mcgill.ca/isid/files/sheppard.final\\_.pdf](http://www.mcgill.ca/isid/sites/mcgill.ca/isid/files/sheppard.final_.pdf)

Indigenous Peoples and Residential Schools: Historical and Continuing Violations of Equality and Non-Discrimination, Working Paper, prepared for the Truth and Reconciliation Commission of Canada (May 2013)

Other Non-refereed Articles, Comments, Reviews, etc:

“Book Review” of Jean-François Gaudreau, Des Biens & Diane Labreche, *Le contexte social du droit dans le Québec contemporain: L’intelligence culturelle dans la pratique des juristes*, (2013) 28 Canadian Journal of Law and Society 101-105

In-house Teaching Materials, etc:

Specialized Topics in Law: Truth, Reconciliation and Indigenous Peoples Course Materials

SMITH, Lionel

Edited Collections:

The Civil Law Trust / La fiducie en droit civil: special issue of the McGill Law Journal, (2013) 58 McGill Law Journal 793-966 (with editor’s introduction (793), and an article listed separately below).

The Worlds of the Trust (Cambridge: Cambridge University Press, 2013), a collection of essays (with editor’s preface and note on translation, and a chapter by the editor, listed separately below) arising out of the conference “The Worlds of the Trust / fiducie dans tous ses États” Faculty of Law, McGill University, 23-25 September 2010.

Articles in Refereed Journals (Paper or Electronic)

“Deterrence, Prophylaxis and Punishment in Fiduciary Obligations” (2013), 7 Journal of Equity 87-104.

“Unauthorized Dispositions of Trust Property: Tracing in Quebec Law” (2013), 58 McGill Law Journal 795-809.

“Scottish Trusts in the Common Law” (2013), 17 Edinburgh Law Review 289-313. This is the revised text of the W.A. Wilson Memorial Lecture given at the Faculty of Law, University of Edinburgh, 7 December 2010.

Book Chapters:

“Preface” (xi-xiii), “Note on Translation” (xiv-xvi) and “Stateless Trusts” (800) in L. Smith, ed., *The Worlds of the Trust* (Cambridge: Cambridge University Press, 2013).

“Security,” ch. 5 in A. Burrows, ed., *English Private Law*, 3rd edition (Oxford: Oxford University Press, 2013) 307-377.

Other Non-refereed Articles, Comments, Reviews, etc:

“Constructive Trusts and the Profit Rule: FHR European Ventures LLP v. Mankarious” (2013), 72 Cambridge Law Journal 260-263.





<http://www.calgaryherald.com/opinion/columnists/Somerville+respect+embryonic+life+commodify/8751698/story.html>

Extended version republished as: "Gotten, not begotten", *MercatorNet*, Thursday, 8 August, 2013, [http://www.mercatornet.com/articles/view/gotten\\_not\\_begotten](http://www.mercatornet.com/articles/view/gotten_not_begotten)

..."Be careful with 'euthanasia'", Letter to the Editor, *National Post*, Wednesday, August 21, 2013, A11, <http://fullcomment.nationalpost.com/2013/08/21/lettersharperpulls-a-wallin/>

... "Quebec bans religion from the public square", *Ottawa Citizen*, August 22, 2013, p. <http://www.ottawacitizen.com/opinion/ep/Quebec+bans+religion+from+public+square/8821970/story.html>

Extended version republished as: "Keep it at home and hidden in a closet: The Quebec government is waging a war on religion", *MercatorNet*, Tuesday, 27 August, 2013,

[http://www.mercatornet.com/articles/view/keep\\_it\\_at\\_home\\_and\\_hidden\\_in\\_a\\_closet](http://www.mercatornet.com/articles/view/keep_it_at_home_and_hidden_in_a_closet)

..."The fine line between utopia and dystopia", *Ottawa Citizen*, August 29, 2013, p.

<http://www.ottawacitizen.com/opinion/ep/fine+line+between+utopia+dystopia/8844269/story.html>

Republished as: "Is Quebec creating a secular utopia? Has the Parti Québécois reflected on the dismal record of utopian thinking in the 20th CioaioaioaiuWitiz in thDaiothiW6ercatorNet

VAN PRAAGH, Shauna

Articles in Refereed Journals (Paper or Electronic):

“Seduction of a Law Professor” Review Essay on Allan Hutchinson, *Laughing at the Gods: Great Judges and How They Made the Common Law* (2013) 59 (1) *McGill Law Journal* 21

“Real Life and the Classroom” (2013) *VI Collected Essays on Learning and Teaching (CELT)* 83

“From Secondary School to the Supreme Court of Canada, and Back: Dancing the Tango of ‘Ethics and Religious Culture’” (2012) *Fides et Libertas* 162 (*Journal of the International Religious Liberty Association*; Volume Title: “Secularism and Religious Freedom: Conflict or Partnership?”)

Other Non-refereed Articles, Comments, Reviews, etc:

“Sabbatical Notes: Fragments on Life and Law”, (2013) 1 *Contemporary Issues of Women in Law* 54-61, Faculty of Law, McGill University

“Child – in Civil Wrongs”, (2013) *McGill Companion to Law* (web publication), André Crépeau Centre, McGill University

In-house Teaching Materials, etc:

Extra-Contractual Obligations/Torts (with Khoury, Saumier, Smith)

Advanced Common Law Obligations

WALSH, Catherine

Articles in Refereed Journals (Paper or Electronic):

Catherine Walsh, “The International Jurisdiction of Québec Authorities in Personal Actions: An Overview” (2012) 71 *R du B* 249

\*Notes: (1) While manuscripts submitted to the *R du B* are substantively reviewed and accepted or rejected by the editorial committee, I am not sure whether the *R du B* qualifies as a refereed journal; if not, this item should be removed to 3.G below; (2) this was a significantly revised, expanded and updated version of a



## Articles in Refereed Journals (Paper or Electronic):

"The Possibility of Compromise", in *Critical Review of International Social and Political Philosophy*, vol. 16, no. 4, (2013), pp. 537-556.

"Conscientious Refusal and Health Professionals: Does Religion Make a Difference?", in *Bioethics*, vol. 28, no. 1 (2013), pp. 8-45.

"Les moyens et les fins: réflexions sur le processus de décriminalisation de l'aide médicalisée à mourir", in *Revue générale de droit médical*, no. 48 (2013) [http://www.leh.fr/edition/revue-generale-de-droit-medical/revue-generale-de-droit-medical/numero48-9771297011000\\_00048.html](http://www.leh.fr/edition/revue-generale-de-droit-medical/revue-generale-de-droit-medical/numero48-9771297011000_00048.html)

## Book Chapters:

"Interculturalism and Multiculturalism in Canada and Quebec: Situating the Debate", in P. Balint and S. Guérard de Latour (eds), *Liberal Multiculturalism and the Fair Terms of Integration*, London: Palgrave MacMillan, 2013.

"Le multiculturalisme augmente-t-il la vulnérabilité des femmes?", in M. Rinfret-Baynor et al., (dirs.), *Violence envers les femmes : réalités complexes et nouveaux enjeux dans un monde en transformation*, Les Presses de l'Université du Québec, 2013, pp. 93-108.

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