

2015 ANNUAL REPORT

PUBLICATIONS FOR CALENDAR YEAR 2015

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ANKER, Kirsten

Edited Collections:

Kirsten Anker (ed), ‘Signs in and of Place: Indigenous Issues in the Semiotics of Law’ (2015) 28(4) International Journal for the Semiotics of Law

Book Chapters:

‘Contextualizing Governance’ in Daniel Jutras, Rosalie Jukier and Richard Janda, *The Unbounded Level of the Mind: Rod Macdonald’s Legal Imagination* (Montreal: McGill-Queens University Press, 2015)

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

Kirsten Anker & Ben Hightower, ‘Introduction: (Re)Imagining Law: Marginalised Bodies/Indigenous Spaces’ (2015) 28(4) International Journal for the Semiotics of Law

ANTAKI, Mark

Book Chapters:

Mark Antaki, “Les méthodes indisciplinées qui ne mènent nul part” in Ruth S. Green, ed., “Démoulages” du carcan de l’enseignement du droit vers une éducation juridique (Paris, France: Société de législation comparée 2015)

Mark Antaki, “Un-stating Law” in Shaun Van Praagh, Lionel Smith and Helge Dedek, eds., *Stateless*

BACHAND, Frédéric

Edited Collections:

F. Bachand, *Le droit d’agir en justice*, dans A. Popovici et L. Smith, dirs., *McGill Companion to Law* ligne à <http://www.mcgill.ca/companion/list/droit-agir-en-justice>

Papers in Conference Proceedings:

F. Bachand, “Parallel Proceedings Involving Objections to Arbitral Jurisdiction: A Closer Look at the Presumed Intention of the Parties”, paper distributed and presented at an international conference entitled “The Evolution and Future of International Arbitration: the Next 30 Years” (School of International Arbitration, Queen Mary University), London, 20 April 2015

Reports for Government Agencies, Professional Bodies, etc:

F. Bachand, “Self-Represented Litigants and Accused: the Canadian Law Simply Stated” et les parties non représentées : aperçu du droit canadien », paper written in both official languages presented to the National Judicial Institute, August 2015

Andrea K. Bjorklund ed., *Nappert Prize in Arbitration (Selected Papers from the 2014 Competition)* (ICC Publishing 2015) (in collaboration with Sophie Nappert)

BJORKLUND, Andrea

Edited Collections:

Andrea K. Bjorklund ed., Yearbook on International Investment Law and Jurisprudence 2013-2014 (Oxford University Press 2015)

Articles in Refereed Journals (Paper or Electronic):

Andrea K. Bjorklund & Lukas Vanhonnaeker, 'Yukos: The Clean Hands Doctrine Revisited' 9 Diritti Umani e Diritto Internazionale 365 (2015)

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Andrea K. Bjorklund, 'Waiver of Local Remedies and Limitation Periods', in Meg Kinnear et al eds, Building International Investment Law: The First 50 Years of ICSID (Oxford Law International 2015)

Andrea K. Bjorklund & Lukas Vanhonnaeker, 'Stays of Enforcement Pending Annulment and Set-aside

Proceedings in Investment Arbitration', in M. Kinnear & A. K. Bjorklund (eds), Building International Investment Law: The First 50 Years of ICSID (Oxford Law International 2015)



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Expert Report, *Hillis v. Attorney General*, Federal Court of Canada File No. 1736-14 (April 2015) (analysis of Canada-US intergovernmental agreement on FATCA).

- x extensively cited by the Federal Court of Canada in *Hillis v. Attorney General*, 2015 FC 1082; this case involves a US law that applies extraterritorially to certain Canadian citizens resident in Canada as well as to citizens and residents of other countries around the world and is expected to reach significant consequences.

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- x cited in Tessa Davis, “The Tax Migration Nexus,” *Mich J. of Int’l L* (forthcoming 2016)
- x republished by *Politudes: International Social Policy Monitor*, online: <<http://politudes.com/2016/01/29/understanding-accidental-american-tinas-story/>>.
- x reviewed by Joe Kristan, *Tax Updates Blog*, 11 Dec. 2015, <http://bit.ly/taxupdatestory>

“Interpretation or Override? Introducing the Hybrid Tax Agreement,” 80 *Tax Notes International* 51 (Oct. 5, 2015).

- x recommended by the International Tax Policy Forum, online: <[http://www.itpf.org/itpf\\_blog?article\\_id=3585](http://www.itpf.org/itpf_blog?article_id=3585)>.

“Friends With Tax Benefits: Apple’s Cautionary Tale,” 78 *Tax Notes International* 1031 (June 15, 2015).

- x cited in Omri Marian, “The State Administration of International Tax Avoidance,” *UC Irvine School of Law Research Paper No. 2015*, online: <<http://ssrn.com/abstract=2685642>>..
- x recommended by Kim Brooks, *Dalhousie University Friday Library*, online: <<https://blogs.dal.ca/fridaylibrary/2016/01/29/tax-tie-apple/>>.

CRÉPEAU, François

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HASTIE, Bethany, CRÉPEAU, François, “Chapter 63. Special Rules on Refugees”, in: CLAPHAM, Andrew, GAETA, Paola, SASSOLI, Marco, *The 1949 Convention As Commentaries*, Oxford: Oxford University Press, 2015, 1313-1323.

CRÉPEAU, François, HASTIE, Bethany, “The Case for ‘Firewall’ Protections for Irregular Migrants: Safeguarding Fundamental Rights”, (2015) *European Journal of Migration and Law (EMIL)* 157-183.

Book Chapters:

CRÉPEAU, François, “Le défi des politiques migratoires: Entre compétitivité, sécurité, diversité et droits de l’homme”, in: Anne-Marie Tournepiche, *La coopération: Enjeu essentiel du droit des réfugiés*, Paris: Pedone, 2015, 89-104.

CRÉPEAU, François, “Le Défi des Politiques Migratoires”, in: DESOUCHES, Christine, DU BOIS DE GAUDUSSON

2015, 355360.

MAYER, Benoît, CRÉPEAU François, *Changement climatique, migrations et droits de l'homme*: COURNIL, Cristel, VLASSOPOULOS, Chloé, *Mobilité humaine et environnement. Du global au local* Collection Nature et Société, Versailles: Éditions Quae, 2015.

Reports for Government Agencies, Professional Bodies, etc:

Publications as Special Rapporteur / Publication à titre de Rapporteur Spécial

“It’s time to take action to protect stateless persons from arbitrary detention”, blog post for the European Network on Statelessness, 30 November 2015,

<http://www.statelessness.eu/blog/its-time-to-take-action-to-protect-stateless-persons-from-arbitrary-detention>

Report of the Special Rapporteur on the human rights of migrants to the United Nations General Assembly: Recruitment practices and the human rights of migrants, A/70/310, 11 August 2015:

[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/70/310](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/70/310)

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DEDEK, Helge

Edited Collections:

Stateless Law: Evolving Boundaries of a Discipline Helge Dedek & Shauna Van Praagh eds. (Farnham: Ashgate, 2015), 58 p.

Articles in Refereed Journals (Paper or Electronic):

“Rumblings from Olympus: Das Zeitelement in der (F) Bildung des englischen common law” Rumblings from Olympus: The Element of Time in the Development of Judge Law in English Common Law (2015) Rabel Journal of Comparative and International Private Law 327.2

Book Chapters:

“De Iure Hominis et Homunculi Rights, Tristram Shandy, and the Legal Language of Isolation”, in Werner Gephart (ed.),

Book Chapters:

Yaëll Emerich, chapter "Possession", dans Michele Grazdei et Lionel Smith (dir.), Research Handbook in Comparative Property Law Research Handbooks in Comparative Law Series, Edward Elgar Publishing, accepté, à paraître (44 pages).

Yaëll Emerich, chapitre "Les biens", B. Moore (dir.), Bibliothèque de l'Association Henri Capitant, Editions Lextenso, accepté, à paraître (6 pages).

Participation à un ouvrage collectif, Daniel Jutras et Robert Leckey (dir.), Quebec Civil Law: An Introduction to Quebec Private Law, 2e éd., Toronto : Emond Montgomery, (chapitre «Ownership» et chapitre «Security on Property»), soumis, à paraître (25 pages).

Yaëll Emerich, « Caractères et étendue du droit de propriété », fascicule 7 (p. 35), JurisClasseur Québec, Editions LexisNexis, 2009 actualisé en 2015. (35 pages)

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

Yaëll Emerich, Louisiana Property Law The Civil Code, Cases and Commentary John A. LOVETT, Marcus  
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GOLD, Richard

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

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Gold, E. Richard, "Getting Patents Right", The National Post, March 23, 2015, AK1(nH1(nU Ri)-2(rm]TJ 0 Tc 6.999 - <http://news.nationalpost.com/fullcomment/richardgold-gettingpatents-right>

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Canadian Network on Corporate Accountability, A proposed Extractive Sector Ombudsman

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JODOIN, Sébastien

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Benjamin Cashore, Chris Elliott, Erica Pohnan, Michael Stone & Sébastien Jodoin, "The Role of Market Forces Across Multiple Pathways," in Rajat Panwar, Robert Kozak & Eric Hansen, eds, Forests, Business and Sustainability (London, UK: Taylor & Francis, 2015) 469.

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JUKIER, Rosalie

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"Overcoming Pedagogical Solitude: The Transformative power of discipline-specific Faculty Learning





LECKEY, Robert

Books & Monographs:

Bills of Rights in the Common Law (Cambridge: Cambridge University Press, 2015), 237 pp.

Edited Collections:

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After Equality guest edited special issue, (2015) 27:1 Canadian Journal of Women and the Law pp. (6 peerreviewed papers plus editor's introduction).

Les apparences en droit civil (Cowansville QC: Yvon Blais, 2015) (original collection edited with Anne-Sophie Hulin and Lionel Smith), 221 pp.

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"Identity, Law, and the Right to a Dream?" 38:2 Dalhousie Law Journal forthcoming in 2015], 30 pp.

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- Reprinted in Dwight Newman & Malcolm Thorburn, eds., The Dignity of Law: The Legacy of Justice Louis LeBel (Markham, ON: LexisNexis, 2015) 791.

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MILLER, Paul

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MOYSE, Pierre-Emmanuel

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P.-E. Moysse, "La propriété", dans A. Popovici et L. Smith, *McGill Companion to Law* en ligne à <http://www.mcgill.ca/companion/list/la-propriete> (2015)

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P.-E. MOYSE, « "La Confusion des Genres": Logos and Packaging as Copyrighted Works (2015) in I. Calboli, (dir.), *Trademark Protection and Territoriality Challenges in the Global Economy*, Edgar Edgar.

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P.-E Moysse & A. Christians (dir.), *Regulating Creative Industries Report*, (completed 2015, forthcoming) (SSHRC Insight grant)

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

P.E. MOYSE, « Le droit des utilisateurs au Canada », (2015) 25 *Juris*, Art. 6330

MUÑIZ -FRATICELLI, Victor

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A. Føllesdal and V.M. Muñiz-Fraticelli, "The Principle of Subsidiarity as a Constitutional Principle in EU and Canada" (2015) 10(2) *Les ateliers de l'éthique / The Ethics Forum* 89.

NARAIN, Vrinda

Articles in Refereed Journals (Paper or Electronic):

"The Place of the Niqab in the Courtroom", *Vienna Journal on International Constitutional Law (VICLJ)* Vol. 9, 1-2015, 4469.

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NIEZEN, Ronald

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<http://www.rethinkingbelgium.eu/rebelinitiative-files/ebooks/ebook18/ReBel-e-book-18.pdf>, pp. 1-3

Poirier, Johannes "Who is Afraid of (Con)Federalism ?"



“Canada: The Rise of Judgments with Suspended Effect”, ch. 11 in E. Stein (ed.), *Comparing the Prospective Effect of Judicial Rulings Across Jurisdictions* (Cham, Switzerland: Springer, 2015) 247-259. This is the published version of the national report for Canada presented at the Nineteenth Congress of the International Academy of Comparative Law, Vienna, 20 July 2014.

SMTIH, Stephen

Book Chapters:

‘Duties to Try and Duties to Succeed’ in *Defences in Tort*, (Oxford: Hart Publishing, 2015) A Dyson, J Goudkamp, & F Wilms Smith, eds. 633.

‘Strict Duties and the Rule of Law’ in *Private Law and the Rule of Law* (Oxford: Oxford University Press, 2015) L Austin & D Klimchuk, eds., 189-206.

VAN PRAAGH, Shauna

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Helge Dedek and Shauna Van Praagh, eds., *Stateless Law: Evolving Boundaries of a Discipline*, (Surrey: Ashgate Publishing Ltd., 2015)

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WALSH, Catherine

Edited Collections:

Catherine Walsh, "The Priority of Distributive Justice: Roderick Macdonald and the Reform of Secured Transactions Law" in Janda, Jukier & Jutras, eds., *The Unbounded Level of the Mind: Rod Macdonald's Legal Imagination* (Montreal: MQUP, 2015) at 102-113.

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Catherine Walsh, "Justifications for UCC Article 9's Treatment of Deposit Accounts" (2015) *18 Penn. St. J.L. & Int'l Aff.* 350

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

"Proposed Amendments to the PPSA rules on serial number registration: legislative reform proposal prepared for discussion by the CCPPSL (Canadian Conference on Personal Property Security Law) at its June 2015 annual meeting in Halifax (proposal accepted in principle).

"New 'location of the debtor' rules under the Ontario PPSA conflicts regime: comparison with CCQ, Article 9 and existing PPSA rules" and "Reliability of the public registry for movable security and unauthorized registrations: Comparison of PPSA, CCQ and PPSA solutions" written commentaries disseminated and/or presented at the 13e Colloque Macdonald sur les sûretés, December 2015, Pa André Crépeau Centre for Private & Comparative Law, McGill Law Faculty, Montreal.

WEINSTOCK, Daniel

Articles in Refereed Journals (Paper or Electronic):

"Perfectionism versus Neutrality in Public Health: The Case of Advanced Maternal Age", in *American Journal of Bioethics* vol 15, no. 11 (2015), pp. 450

"Health Justice after the Social Determinants of Health Revolution", in *Social Theory and Health* 13 (2015), pp. 437-453.

"Integrating Intermediate Goods to Theories of Distributive Justice: The Importance of Platforms", in *Res Publica*, vol. 21, no. 2 (2015), pp. 171-183.

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"In Praise of Some Unfashionable Democratic Institutions: Political Parties, Party Discipline, and 'First Past the Post'", in *Journal of Parliamentary and Political Law*, vol. 9 (2015), pp. 291-306.

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