



LAW & FREEDOM

RUNNYMEDE SOCIETY CONFERENCE 2020

FEBRUARY 28-29, 2020 • HART HOUSE
UNIVERSITY OF TORONTO

RUNNYMEDESOCIETY.CA



FRIDAY FEB 28

17:00

REGISTRATION AND RECEPTION

18:00

OPENING REMARKS

18:30

FRIDAY KEYNOTE:

RANDY BARNETT

DIRECTOR, GEORGETOWN CENTER
FOR THE CONSTITUTION

19:30

COCKTAILS
& NETWORKING

Sponsored By:

FASKEN

SATURDAY, FEB 29

8:00 Breakfast

9:00 The Role of the Attorney General and Prosecutorial Discretion

Sarah Leamon & Michael Bryant

10:30 Break

10:45 Bill 21: Notwithstanding Clause and s. 28

Geoff Sigalet, Prof. Bruce Pardy,
Catherine McKenzie & Prof. Emmett Macfarlane

12:15 Lunch with Student Presentations

14:00

Admin Law: *Vavilov* and the Supreme Court

Prof. Jamie Chai Yun Liew,
Brandon Kain &
Prof. Leonid Sirota

14:00

Practical Breakout: Litigating Constitutional Issues

Asher Honickman,
The Hon. Grant Huscroft, Andrew
Bernstein & The Hon. Darla Wilson

15:30 Break

15:45 Debate: Is the Carbon Tax Unconstitutional?

Aaron Wudrick, Prof. Dwight Newman,
Elizabeth May & Theresa McClenaghan

17:00 Break

18:00 Cocktails

18:30 Dinner

19:30 Saturday Night Keynote Presentation

The Hon. Marshall Rothstein C.C., Q.C.
Supreme Court of Canada (ret'd)

Our Keynote Speeches

Friday Evening:



Prof. Randy Barnett is the Carmack Waterhouse Professor of Legal Theory at the Georgetown University Law Center, where he directs the Georgetown Center for the Constitution. After graduating from Northwestern University and Harvard Law School, he was a criminal prosecutor in the Cook County State's Attorney's Office in Chicago. His book, "Our Republican Constitution: Securing the Liberty and Sovereignty of We the People", concerns the proper role of judges in a constitutional republic. His latest book and 63-video series is, "An Introduction to Constitutional Law: 100 Supreme Court Cases Everyone Should Know", co-authored with Josh Blackman.

Saturday Evening:



The Hon. Marshall Rothstein C.C., Q.C. is a former Justice of the Supreme Court of Canada, serving from 2006 to 2015. He has authored over 100 judgments on domestic and cross-border cases of commercial and regulatory significance. Before his first judicial appointment in 1992, he worked for nearly 30 years as one of Canada's leading legal practitioners. Mr. Rothstein was appointed a Companion of the Order of Canada in 2017.

The Role of the Attorney General and Prosecutorial Discretion

This panel will examine the role of the Attorney General in light of the recent SNC-Lavalin controversy. The panel will, particularly, focus on whether the Attorney General and Minister of Justice role should be separated, in order to safeguard prosecutorial independence.

Featuring:



Sarah Leamon is a criminal defence lawyer and founder of Sarah Leamon Law Group. Sarah specializes in impaired driving offences and cannabis law. In 2017, Sarah was invited to appear before the House of Commons Standing Committee on Justice and Human Rights to discuss the legal implications of Bill C-46. Sarah has been sought out for her legal insights by both the House of Commons and the Senate on multiple occasions since then.



Michael Bryant is the Executive Director of Canadian Civil Liberties Association. He was the 35th Attorney General of Ontario, the 2nd Minister of Indigenous Affairs, and served as a Member of Provincial Parliament for a decade. He has appeared before all levels of court, from bail courts as Duty Counsel to the Supreme Court of Canada as counsel at McCarthy Tetrault LLP.

Moderator:



Brian Bird is a 2019-20 John and Daria Barry Postdoctoral Research Fellow in the James Madison Program at Princeton University. Brian researches constitutional law, constitutional theory, and human rights. He completed his doctorate at McGill University and is a non-practising member of the Law Society of British Columbia.

Bill 21: Notwithstanding Clause and Section 28

This panel will examine the recent controversy surrounding Bill 21 in Quebec, as well as the legal arguments surrounding the constitutional challenge to the law. Specifically, panellists will address the effect of the notwithstanding clause, as well as the potential effect of s.28 of the Charter on the validity of the Bill.

Featuring:



Dr. Geoffrey Sigalet is a Postdoctoral Fellow at McGill's Research Group on Constitutional Studies and a Research Fellow at Stanford Law School's Constitutional Law Center. He earned his PhD at Princeton University in 2018. His research concerns theories of judicial review, constitutional interpretation, and in particular the idea of "dialogue" between courts and legislatures about bills of rights.



Prof. Bruce Pardy, Professor of Law at Queen's University, is a "wandering hedgehog" who digs around in environmental law, energy policy, property and tort theory, constitutional rights and freedoms, university governance, free markets and the rule of law. He briefly practiced civil litigation at BLG in Toronto, has taught at law schools in NZ and the US, and served for a decade on the Ontario Environmental Review Tribunal.

Bill 21: Notwithstanding Clause and Section 28

Featuring:



Prof. Emmett Macfarlane is an associate professor of political science at the University of Waterloo. His research focuses on governance, public policy, and constitutional law. He is the author of *Governing from the Bench: The Supreme Court of Canada and the Judicial Role* (UBC Press, 2013) and the editor of *Policy Change, Courts, and the Canadian Constitution* (University of Toronto Press, 2018).



Catherine McKenzie began her career at IMK as a second year law student in 1997. She became a member of the Quebec Bar in 2000, and since then, notably through cases such as the constitutional challenge to tobacco advertising restrictions, various large-scale class actions such as *Adams v. Amex* and *Lac Mégantic*, has acquired vast trial experience, as well as the opportunity to plead before all levels of court including the Supreme Court of Canada.

Moderator:



Kris Kinsinger is an articling student with Miller Thomson LLP. He graduated from Osgoode Hall Law School, where he was the co-managing editor of the award-winning blog *TheCourt.ca*. Elsewhere, his writings on issues relating to law and religion have been published in *Policy Options*, *The National Post*, *The Globe and Mail* and the *Supreme Court Law Review*.

Administrative Law: Vavilov and the Supreme Court

This panel will examine the Supreme Court's recent groundbreaking decision in Canada (Citizenship and Immigration) v Vavilov. Specifically, panellists will address the question of the determination and application of the standard of review, as well as broader impact of the case for Canadian administrative law.



Featuring:

Prof. Jamie Chai Yun Liew is an immigration and refugee lawyer and an Associate Professor at the University of Ottawa, Faculty of Law. She has appeared in front of the Immigration and Refugee Board, the Federal Court of Canada and the Supreme Court of Canada. Her research focuses on how the law interacts with and marginalizes immigrants, migrants, refugees, refugee claimants and stateless persons.



Prof. Leonid Sirota joined the AUT Law School in 2016, after completing graduate studies at the NYU School of Law. He had previously served as a law clerk at the Federal Court of Canada, and graduated from the McGill University Faculty of Law (with degrees in both civil and common law). His research and teaching focus on constitutional law and theory and related areas, such as the law of democracy and the judicial power. In addition to scholarly writing, he is the creator of the Double Aspect Blog.

Administrative Law: Vavilov and the Supreme Court

Featuring:



Brandon Kain is a partner in the Toronto Litigation Department of McCarthy Tétrault LLP. He is co-founder of its National Appellate Litigation Group, and has appeared as counsel in 20 appeals before the Supreme Court of Canada, along with numerous appeals in the Federal and provincial appellate courts. He frequently acts in judicial reviews and administrative appeals, and successfully delivered the oral argument for the appellants, Bell and the NFL, on the standard of review in the Supreme Court of Canada's 2019 administrative law trilogy.



Moderator:

Alex Bogach is an LLM Candidate at Harvard Law School. Prior to pursuing his LLM, he was a judicial law clerk at the Supreme Court of Canada for Justice Clément Gascon and at the Federal Court of Appeal for Justice David Stratas.

Breakout: Litigating Constitutional Issues

Featuring:



Asher Honickman is a partner at Matthews Abogado LLP practising civil and constitutional litigation. He acts for both plaintiffs and defendants and has appeared before every level of court in Ontario and at the Supreme Court of Canada. Asher co-founded Advocates for the Rule of Law in 2014.



The Hon. Grant Huscroft is a sitting Justice of the Court of Appeal for Ontario. He was appointed in 2014. He was a member of the University of Auckland Faculty of Law from 1992-2001 and the University of Western Ontario Faculty of Law from 2002-2014, and was a visiting professor at McGill University Faculty of Law in 1998. His research and teaching focused on Constitutional and Administrative Law and he published widely in these areas. He was Associate Dean at Western from 2006-2008 and founded the Public Law and Legal Philosophy Research Group with Professor Bradley Miller in 2008.

Breakout: Litigating Constitutional Issues

Featuring:



Andrew Bernstein's is a partner in Torys litigation group and an experienced trial and appellate lawyer. His practice covers numerous areas of law including technology, intellectual property, commercial, class actions, administrative and constitutional law. He regularly speaks and writes on topics related to federalism, freedom of expression, and administrative law. Prior to his call to the bar, Andrew clerked for Chief Justice Lamer of the Supreme Court of Canada. In 2002-2003, he obtained an LL.M. from Boalt Hall as a Fulbright Scholar. He tweets regularly on legal topics @AndrewBernstei9.



The Hon. Darla Wilson is a sitting Justice of the Superior Court of Justice in Toronto. She was previously a partner with Lawson McGrenere LLP where she practiced exclusively in the area of civil litigation. She carried on her practice throughout Ontario defending hospitals and other health care facilities on negligence claims, general insurance defence work including occupier's liability, motor vehicle and municipal negligence claims as well as representing plaintiffs in personal injury claims. Madam Justice Wilson was an instructor in Trial Advocacy at the University of Toronto Law School.

Debate: Is the Carbon Tax Unconstitutional?

This debate panel will focus on the constitutionality of the Green-House Gas Pollution Pricing Act. Panellists will address the various arguments for and against the constitutionality of the statute, focusing particularly on the emergency and national concern branches of the peace, order, and good government clause; the criminal law power; the taxation power; and the trade and commerce power

Featuring:



Elizabeth May is the Green Party of Canada's first elected Member of Parliament, representing Saanich-Gulf Islands in southern Vancouver Island. In 2005, Elizabeth May was made an Officer of the Order of Canada in recognition of her decades of leadership in the Canadian environmental movement. Elizabeth is the author of eight books, including her most recent, *Who we are: Reflections on my life and on Canada*. In November 2019, Elizabeth stepped down as leader of the Green Party of Canada after serving for 13 years, and continues as Parliamentary Leader for Canada's first federal Green Party Caucus.



Theresa McClenaghan is the Executive Director of Canadian Environmental Law Association. Theresa McClenaghan holds an LL.B. from Western, an LL.M. in constitutional law from Osgoode as well as a diploma in Environmental Health Science from McMaster. Theresa has practiced public interest environmental law focussing on safe water and energy for over twenty-five years. Called to the Bars of Manitoba and Ontario, Theresa is co-counsel for a group of intervenors in litigation now before the Supreme Court of Canada regarding the constitutional validity of Canada's carbon pricing law.

Debate: Is the Carbon Tax Unconstitutional?

Featuring:



Aaron Wudrick has served as the federal director and in-house counsel of the CTF since 2014. Aaron practised as a litigator and then in corporate law with an international law firm in London, Hong Kong and Abu Dhabi prior to returning to Canada to work as a political consultant and lobbyist. Aaron is a graduate of the University of Waterloo (economics and political science), and the University of Western Ontario (law).



Prof. Dwight Newman is a Professor of Law and Canada Research Chair in Indigenous Rights in Constitutional and International Law at the University of Saskatchewan, where he started in a faculty position in 2005 and has also served a three-year term as Associate Dean. He has been a Canada Research Chair since 2013. Prior to entering a faculty role, worked for NGOs in South Africa and Hong Kong, and completed his graduate studies at Oxford University, where he studied as a Rhodes Scholar. He has lived in half a dozen countries and has travelled to over seventy countries.

Moderator:



Jesse Hartery is a lawyer at Fasken LLP. His practice focuses on commercial and constitutional litigation. He holds an Honours B.A. in History from the University of Ottawa, degrees in common law (LL.B.) and civil law (B.C.L.) from McGill University, and a graduate diploma in comparative federalism from the University of Fribourg. He will be serving as a Judicial Law Clerk to Justice Nicholas Kasirer at the Supreme Court of Canada in 2020-2021.

About the Runnymede Society

The Runnymede Society is a Canadian law student membership organization dedicated to exploring the ideas and ideals of the rule of law, constitutionalism and individual liberty. Runnymede seeks to foster greater intellectual diversity, rigour and debate in Canadian law schools and provide outstanding support and opportunities for intellectual enrichment, networking and professional development.

Our National Director



Mark Mancini holds a J.D. from the University of New Brunswick Faculty of Law, and an LL.M. from the University of Chicago Law School. His academic interests lie primarily in administrative law (judicial review and agency design), and constitutional remedies. Mark previously clerked at the Federal Court for Justice Ann Marie McDonald (2017-18). He is a co-blogger at Double Aspect Blog.

Mr. Mancini is focused on expanding Runnymede's presence in campuses across the country, while also expanding its presence in Canadian legal circles by producing high quality legal content including podcasts, articles, blogs, and publications.

Please consider donating to the Runnymede Society to help us pay for our work and events like this. The Runnymede Society relies on charitable donations to bring events to law students across Canada and to help support our national conference.

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