

ABLAWG 2024 IMPACT REPORT

JOURNAL

Journal Article	Date of Publication	ABlawg Article	ABlawg Author	Comments
Administrative Law: Cases and Commentaries, 2024 CanLIIDocs 31	Jan 2024	Does a Privative Clause Completely Oust Judicial Review	Shaun Fluker	
Law of obligations: North South Mapping Project, Irish Studies in International Affairs	4 Jan 2024	Two cases concerning the Statute of Frauds (1677, U.K.)	Jonnette Watson Hamilton	
The Creation of a Climate Club for a Sustainable Economic Future: the Role of International Economic Law Amidst Geopolitical Confrontation, SSRN	15 Jan 2024	Linking the California and Québec Emissions Trading Schemes	Ronaldas Vaiciulis & Shaun Fluker	
Expanding Equality, Dalhousie Law Journal	Feb 2024	Should Homelessness be an Analogous Ground? Clarifying the Multi-Variable Approach to Section 15 of the Charter	Joshua Sealy-Harrington	
The Nominalism of the New Nominated Torts, SSRN	9 Feb 2024	Mind the Gap: A New Tort of Harassment in Alberta	Jennifer Koshan	
The Nominalism of the New Nominated Torts, SSRN	9 Feb 2024	Torts and Family Violence: Ahluwalia v Ahluwalia	Jennifer Koshan & Deanne Sowter	

The Nominalism of the New Nominate Torts, SSRN	9 Feb 2024	Family Violence Torts and Their Limits in Alberta	Jennifer Koshan	
Expanding Equality, 2024 CanLIIDocs 487	Feb 2024	Should Homelessness be an Analogous Ground? Clarifying the Multi-Variable Approach to Section 15 of the Charter	Joshua Sealy-Harrington	
Social Control and Homeless Encampments: Shifting the Role of Shelters Through Judicial Review, Allard Faculty Publication	2024	Is There Space for the Homeless in Our City's Parks? A Summary and Brief Commentary of Abbotsford (City) v Shantz	Ola Malik and Megan Van Huizen	
71 Crim. L.Q. 433 (2023) R. v. Stephan: Failing to Provide the Necessaries of Life in Canadian Criminal Law, The Criminal Law Quarterly	October 2023 (notification received from Google Scholar March 2024)	Unknown	Unknown	The article has a 3 year embargo and is not currently available.
Isabel Grant, "Legislated Ableism: Bill C-7 and the Rapid Expansion of Medical Assistance in Dying in Canada" (2024) 15:2 <i>McGill JL & Health</i> 259, 2023 CanLIIDocs 3255	2024	The Supreme Court of Canada's Approach to the Charter's Equality Guarantee in its Pay Equity Decisions	Jonnette Watson Hamilton & Jennifer Koshan	
Doug Rendleman, " Illegal Contracts and Agreements: A New Standard for Prostitution and Marijuana	2024	Can the Failure to Pay for Sexual Services Form the Basis of a Contractual Claim?	Jasmine Girgis	

<p>Agreements” (2024) 81:2 <i>Washington and Lee LRev</i> 747</p>				
<p>Rachel Loewen Walker et al., “CHOOSING TO STAY: Building a Future for Gender-Diverse People in Saskatchewan through Stories of Hope and Belonging” (2024) 38:3 <i>Gender & Society</i></p>	<p>2024</p>	<p>N/A</p>	<p>N/A</p>	<p>The article does not actually cite an ABlawg but uses an ABlawg media upload of a case as the case link. My guess is someone asked for a weblink for the case PDF and we created it even though CanLII would be the correct citation. The ABlawg that comments on this case is: Seismic Shift: The Notwithstanding Clause and Litigation on the Rights of Trans and Gender Diverse Youth by Jennifer Koshan</p>
<p>Rebeca Macias Gimenez, “Cumulative Rights Infringement in British Columbia Treaty 8 Territory: The Need for a Renewed Environmental Decision-Making Framework Under Treaty Law” (2023) 56:3 <i>UBC L Rev</i> 699, 2023 CanLIIDocs 3307</p>	<p>2024</p>	<p>Yahey v British Columbia and the Clarification of the Standard for a Treaty Infringement</p>	<p>Robert Hamilton & Nick Ettinger</p>	

Declan O’Brian, “An Inconvenient Balance: Interlocutory Injunctions, Civil Disobedience, & Reconciliation” (2023) 56:3 <i>UBC L Rev</i> 811, 2023 CanLIIDocs 3309	2024	Indigenous Law, the Common Law, and Pipelines	Kent McNeil	
Francisco Pereira Coutinho & Francisco Briosa e Gala, “ Bounding Down Under: A Tale About the Timor Sea Agreements ” (2024) 19:2 <i>Texas J Oil Gas & Energy L</i> 233	May 2024	When Crocodiles and Kangaroos Dance Together, Anything is Possible: Report of the Timor-Leste and Australia Conciliation Commission	Nigel Bankes	
Gillian Foley et al., “ Correctional Transgender Policy in Canada’s Federal Prison System ” (2024) 35:4 <i>Crim Justice Pol’y Rev</i>	2024	Boulachanis v Canada: Transgender Inmate Moved to Women’s Prison	Amy Matychuk	
Errol P. Mendes, “ Two Western Canadian Provinces Asserting Provincial Sovereignty Seek to Challenge the Fundamentals of Canadian Constitutional Democracy and Order ” (2024) 16:1 <i>Perspectives on Federalism</i>	2024	Running Afoul the Separation, Division, and Delegation of Powers: The Alberta Sovereignty Within a United Canada Act	Martin Olszynski & Nigel Bankes	
		The Alberta Sovereignty Act and the Rule of Law	Martin Olszynski, Jonnette Watson Hamilton, & Shaun Fluker	

Jenna Inch, " Securitizing "Critical Infrastructure" in So-Called Canada: Petro-Colonialism, Land Defence, and Alberta's Critical Infrastructure Defence Act " (2024) 17:1	Spring 2024	Bill 1: Criminalizing Protests and Encroaching on Aboriginal and Treaty Rights	Alexandra Heine & Kelly Twa	
Terry Skolnik, "The Regulatory Offence Revolution in Criminal Justice: The Expansive Role of Regulatory Offences" (2024) 61:4 Alta L Rev, 2024 CanLII Docs 2266	2024	The Decision in <i>Smith v St. Albert (City)</i>: An Example of a Municipality's Expansive Powers to Regulate Just About... Everything?	Ola Malik & Theresa Yurkewich	
Dayna Nadine Scott, " Environmental Law for a Just Transition " (2024) Osgoode Digital Commons	2024	Indigenous Law, the Common Law, and Pipelines	Kent McNeil	
Gwendolyn Blue et al., " Jurisdictional imaginaries as contested geographies: A metaphor analysis of reference cases about Canada's Impact Assessment Act " (2024) Political Geography	16 Sept 2024	The Rhetoric of Property and Immunity in the Majority Opinion in the <i>Impact Assessment Reference</i>	Nigel Bankes & Andrew Leach	
		Wait, What!? What the Supreme Court Actually Said in the <i>IAA Reference</i>	Martin Olszynski, Nigel Bankes, & David Wright	
Nicole Spadotto, " Jurisdiction Devolution: An Interim Transitional Arrangement on the Road to Indigenous	Sept 2024	Is the Act respecting First Nations, Inuit and Métis children, youth and families Constitutional?	Robert Hamilton	

Self-Government” (2024) 47:2 Dal LJ		The Inherent Indigenous Right of Self-Government	Kent McNeil	
		Extending Paramountcy to Indigenous Child Welfare Laws Does Not Offend our Constitutional Architecture or Jordan’s Principle	Naiomi W. Metallic	
		With a Little Help from the Feds: Incorporation by Reference and Bill C-92	Kerry Wilkins	
Mark P Mancini, “One Rule to Rule Them All: Subordinate Legislation and the Law of Judicial Review” (22 August 2024) 55:2 Ottawa L Rev 245	22 Aug 2024	Reviewing Regulations Post-Vavilov: Ecology Action Centre v Canada (Part II)	Mark Mancini & Martin Olszynski	
		Judicial Review on the Vires of Subordinate Legislation: Full Vavilov, Partial Vavilov or No Vavilov?	Shaun Fluker	
		Judicial Review on the Vires of Subordinate Legislation	Shaun Fluker	
Estair Van Wagner & Alexandra Flynn, “Human Rights Cities: Realizing the Right to Housing at the Municipal Scale” (2024) 57:1 UBC L Rev	2024	Is there Space for the Homeless in our City’s Parks? A Summary and Brief Commentary of Abbotsford (City) v Shantz	Ola Malik & Megan Van Huizen	
Mariola Zak, “The Theory of Epistemic (In)Justice in the	Nov 2024	R v Theriault: A Case of Epistemic Injustice	Brynne Harding	

<p>Perspective of the Performance of Law: An Approach Based On The Concept Of Hermeneutic Therapy” (November 2024) 109 Acta Universitatis Lodziensis Folia Iuridica</p>				
<p>Andre Matheusik, “Unlocking the Black Box: Navigating the Boundaries of Judicial Review of Regulations Post-Vavilov” (2024) 21:1 MJSDL</p>	<p>2024</p>	<p>COVID-19 and the Public Health Act (Alberta)</p>	<p>Shaun Fluker</p>	
		<p>The Effects of COVID-19 on the Health System: Legal and Ethical Tensions Part I</p>	<p>Lorian Hardcastle</p>	
		<p>The Discipline of Vavilov? Judicial Review in the Absence of Reasons</p>	<p>Nigel Bankes</p>	
		<p>Judicial Review on the Vires of Subordinate Legislation: Full Vavilov, Partial Vavilov or No Vavilov?</p>	<p>Shaun Fluker</p>	
		<p>Constitutional Caution, Correction, and Abdication: The Proposed Amendments to the Impact Assessment Act</p>	<p>David V. Wright</p>	
		<p>Reviewing Regulations Post-Vavilov: Ecology Action Centre v Canada (Part II)</p>	<p>Mark Mancini & Martin Olszynski</p>	

		Wait, What!? What the Supreme Court Actually Said in the IAA Reference	Martin Olszynski, Nigel Bankes, & David Wright	
		Stores Block Meets Vavilov: The Status of Pre-Vavilov ABCA Decisions	Nigel Bankes	

BLOG / NEWS

Blog/News Article	Date of Publication	ABlawg Article	ABlawg Author	Comments
Alberta cracks down on new renewable energy projects and EV drivers, Ground News summary	6 March 2024	Premier Smith Converts a Legal Pause on Renewable Energy Projects Into a De Facto Moratorium of Uncertain Duration	Nigel Bankes & Martin Olszynski	Does not comment on the ABlawg but links to it in summary piece.
Professor cited in three appellate decisions, uCalgary News	28 March 2024	N/A	Jennifer Koshan	Noted that Jennifer Koshan's ABlawg articles had been cited in multiple court cases but did not cite blog posts directly.
Tort Law and Social Equality Speakers Series: Koshan & Sowter on Family Violence, TortsProf Blog	10 April 2024	N/A	Jennifer Koshan	Notes that Jennifer Koshan is part of a speaker series and includes that she regularly

				blogs on ABlawg.
Updates are coming to this 60-year-old treaty guiding the Columbia River, KUOW	14 August 2024	Agreement in Principle on a Revised Columbia River Treaty	Nigel Bankes	Interview with Nigel, ABlawg article linked as reference material.
Supreme Court of Canada Rules that Securities Commissions' Administrative Penalties Do Not Survive Bankruptcy Discharge, Ground News summary	9 Sept 2024	Supreme Court of Canada Rules that Securities Commissions' Administrative Penalties Do Not Survive Bankruptcy Discharge	Jasmine Girgis	The summary is ABlawg's article
Eye on Alberta, Alberta Views	To be published in January/February 2025 issue	Ethics Commissioner Confirms that Premier Danielle Smith Breached the Conflicts of Interest Act – and a Fundamental Principle of Our Democracy	Nigel Bankes, Jennifer Koshan, & Martin Olszynski	Full excerpt cited

CASE LAW

Case	Date of Publication	ABlawg Article	ABlawg Author	Comments
<i>A2101923 (Re)</i> , 2024 CanLII 10423 (BC WCAT)	11 January 2024	The Supreme Court's Latest Equality Rights Decision: An Emphasis on Arbitrariness	Jennifer Koshan & Jonnette Watson Hamilton	
		Tugging at the Strands: Adverse Effects Discrimination and the Supreme Court Decision in Fraser	Jennifer Koshan & Jonnette Watson Hamilton	

KMN v SZM, 2024 BCCA 70 (CanLII)	29 February 2024	The Myth of False Allegations of Intimate Partner Violence	Jennifer Koshan	
BM v WS, 2024 ABKB 158 (CanLII)	19 March 2024	Questions About the Role of Reasonableness and Mutual Restraining orders in Family Violence Cases	Jennifer Koshan	In-text citation of a cited source (RP v RV, 2012 ABQB 353) at para 65.
<i>Dickson v Vuntut Gwitchin First Nation</i> , 2024 SCC 10 (CanLII)	28 March 2024	Tugging at the Strands: Adverse Effects Discrimination and the Supreme Court Decision in Fraser	Jennifer Koshan & Jonnette Watson Hamilton	In-text citation at para 382.
<i>Hoes v Hoes</i> , 2024 MBKB 100 (CanLII)	3 July 2024	The Myth of False Allegations of Intimate Partner Violence	Jennifer Koshan	In-text citation of a cited source (KMN v SZM, 2024 BCCA 70 (CanLII)) at para 43.

BOOKS

Book + Chapter	Date of Publication	ABlawg Article	ABlawg Author	Comments
Families and the Law in Canada, Fourth Captus Edition	Fall 2024	Torts and Family Violence: Ahluwalia v Ahluwalia	Jennifer Koshan & Deanne Sowter	See email PDF on D2L
Conflicts or Complementarity with Domestic Systems? UNDRIP, Aboriginal Law and the Future of International Norms in Canada, Chapter 21 of: Borrows, John, Chartrand, Larry, Fitzgerald, Oonagh E. and Schwartz, Risa. <i>Braiding Legal Orders: Implementing the United Nations Declaration on the Rights of</i>	2023 (notification received from Google Scholar July 2024)	Indigenous Engagement and Consideration in the Newly Proposed Impact Assessment Act: The Fog Persists	David V. Wright	

<p><i>Indigenous Peoples</i>, Montréal: McGill-Queen's University Press, 2023. https://doi.org/10.1515/9781928096832</p>				
<p>Micah Rankin, “Gerry Laarakker: From Rustic Rambo to Rebel with a Cause” Chapter 11 of: <i>In Search of the Ethical Lawyer: Stories from the Canadian Legal Profession</i>, edited by Adam Dodek and Alice Woolley, University of British Columbia Press, 2016, pp. 225-243. https://doi.org/10.59962/9780774831000-014</p>	<p>2016 (notification received from Google Scholar August 2024)</p>	<p>Lawyers regulating lawyers?</p>	<p>Alice Woolley</p>	
<p>Sheldon, T., “Beyond Words: Access to Justice for Persons Labelled with Intellectual Disabilities and Clear Language Judgement Making” (2024) Chapter In: Bianchi, A., Vogt, J.A. (eds) <i>Intellectual Disabilities and Autism: Ethics and Practice</i>. The International Library of Bioethics, vol 108. Springer, Cham. https://doi.org/10.1007/978-3-031-61565-8_10</p>	<p>1 Sept 2024</p>	<p>A Remarkable, Plain Language Judgment from the Ontario Court of Justice</p>	<p>John-Paul Boyd</p>	<p>*not able to access the chapter itself through UCalgary but ABlawg was listed in the references</p>
<p>J Seidel, S Anees, & E Blackmore, “The Radical Pedagogy of Climate Striking in a Petroculture” in Anne M. Phelan & William F. Pinar, eds, <i>Curriculum Studies in Canada: Present Preoccupations</i> (Toronto, ON: University of Toronto Press, 2024)</p>	<p>Print: 30 May 2024 Online: 3 June 2024</p>			<p>*note: could not get access to the chapter so unable to locate what ABlawg was referenced</p>

https://utppublishing.com/doi/abs/10.3138/9781487551711#page=227				
Victoria Ginsley & Carla Cesaroni, "Trans/Feminist Tensions, the Canadian Media, and Canadian Prisons in Matthew Maycock, Saoirse O'Shea, & Valerie Jenness, eds, in <i>Transgender People Involved with Carceral Systems</i> (London, UK: Routledge, December 2024) 302 https://doi-org.ezproxy.lib.ucalgary.ca/10.4324/9781003169796	10 Dec 2024	Boulachanis v Canada: Transgender Inmate Moved to Women's Prison	Amy Matychuk	
Geoffrey Garver, "Ecological law and Quartier DIX30, Canada's first "lifestyle centre"" in Geoffrey Garver, ed, <i>Ecological Law in Practice: Case Studies for a Transformative Approach</i> (London, UK: Routledge, October 2024) https://www.taylorfrancis.com/books/edit/10.4324/9781032622378/ecological-law-practice-geoffrey-garver?refId=149441e4-3afa-4bd2-a464-1f8310467e05&context=ubx	20 Oct 2024	The Cost of Justice for the Western Chorus Frog	Shaun Fluker	
Eduardo G. Pereira, Marianthi Pappa, & Damilola S. Olawuyi, eds, <i>National Approaches to Hydrocarbon Development: Unitization and Unit Operating Agreements</i> (London, UK: Routledge, January 2025) https://doi-org.ezproxy.lib.ucalgary.ca/10.4324/9781003491293	To be published: 19 Jan 2025	An Operator of Gas Processing Facilities Does Not Have a Possessory Lien Under the Possessory Liens Act	Nigel Bankes	
		Time to proclaim the compulsory unitization provisions of the	Nigel Bankes	

		<u>Oil and Gas Conservation Act</u>		
		<u>Adjudicating on waterflood enhanced recovery schemes: is it time for compulsory unitization in Alberta?</u>	Nigel Bankes	

OTHER

Other	Date of Publication	ABlawg Article	ABlawg Author	Comments
Masters of Law Thesis: Rethinking Environmental Obligations in Corporate Insolvencies: What New Role for Lenders? By Daniel Onyeje Ebegbodi, <u>Prism UCalgary</u>	18 April 2024	<u>Lessons from Redwater: Discard the AbitibiBowater Test and Legislate Super Priority for the Regulator</u>	Jasmine Girgis	
		<u>What are Unrelated Assets When it Comes to Environmental Reclamation Obligations? The Lending Industry Needs to Know</u>		
		<u>Environmental Obligations Enforced Between Private Parties: The Extension of Redwater</u>		
TUCFA, May Newsletter (see PDF in Impact folder)	1 May 2024	<u>Bill 18 Provincial Priorities Act:</u>	Shaun Fluker	

		Alberta Strikes Again		
Anna Johnston, Heidi Walker, & Dawn Hoogeveen, “Gender-Based Analysis Plus: Respectful Engagement for Equitable Outcomes” (West Coast Environmental Law, 2024)	May 2024	Bills C-68 and C-69 and the Consideration of Sex, Gender and Other Identity Factors	Jennifer Koshan	Article published by the firm.
Masters of Law Thesis: A Study in Executive Branch Noncompliance with Law: Government Secrecy, Endangered Species Protection, and the Whitebark Pine by Drew Yewchuk (see PDF in Impact folder)	May 2024	Wait, What?! What the Supreme Court Actually Said in the IAA Reference	Martin Olszynski, Nigel Bankes, & David Wright	
		Everything You Wish You Didn’t Need to Know About the Alberta Inquiry into Anti-Alberta Energy Campaigns	Martin Olszynski	
		Alberta’s Plan for Climate Resilience is Government Propaganda	Drew Yewchuk	
		An Example of How Government Delays Access to Information Requests: Pretending to not Understand Them	Drew Yewchuk	
		The Curious Case of the Greater Sage Grouse in Alberta	Shaun Fluker	
		Secrecy in Species at Risk Act Permits	Drew Yewchuk & Daniella Marchand	

		The Cost of Justice for the Western Chorus Frog	Shaun Fluker	
		Is SARA growing teeth?	Nigel Bankes	
Hague Domestic Violence Forum: Expert Paper #4 by Adrienne Barnett	2024	The Myth of False Allegations of Intimate Partner Violence	Jennifer Koshan	
Masters of Law Thesis: Recalibrating the Legal Approach to Oil Spill Regulation in Nigeria’s Niger Delta Region: Insights from Alberta on Sustainable Development in the Oil and Gas Industry by Theresa Aanu Olagunju	May 2024	Bill 2 and its implications for the jurisdiction of the Environmental Appeal Board	Nigel Bankes	
Masters of Science in Forest Biology and Management Thesis: Drought and Surface Water in Alberta: Policy Reviews by Fatma Celen (see PDF in impact folder)	2024	Alberta’s Water Sharing “Agreements”	Nigel Bankes	
Masters of Laws Thesis: “The Bank Holds the Hammer”: Power and Protection under Alberta’s Guarantees Acknowledgement Act by Rachel Weary (see PDF in impact folder)	2024	The Guarantees Acknowledgement Act and Equity	Jonnette Watson Hamilton	
Johnson Shoyama, Policy Brief , “Democracy’s Sledgehammer: The Use of the Notwithstanding Clause for Saskatchewan’s Bill 137, “The Parent’s Bill of Rights”” (26 Sept 2024)	26 Sept 2024	UR Pride Centre v Saskatchewan, 2024 SKKB 23	Upload created by ABlawg	