



Call for Contributors - 2013-2014 – Volume 38

1. Family Law

In this volume we would like to focus on domestic violence. There are some interesting ways in which the law is responding to this problem. An analysis of the recent Supreme Court of Canada case of *R. v. Ryan* about the availability of duress as a legal defence would be useful. Why did the Supreme Court disagree with both the trial and appellate levels of court in this case? Social media is changing definitions of domestic violence: for example, the Ontario Court of Appeal is looking at text messages. Several Canadian provinces have provisions in their landlord and tenant statutes that allow a victim of domestic violence to break a lease: which provinces, why and are other provinces considering it? Pets are in integral part of many families and courts are beginning to deal with pets in Domestic Protection Orders.

2. Vulnerable Youth

Recent changes to the *Youth Criminal Justice Act* recently came into effect, with an aim to strengthen the law with regard to deterrence and to focus more on victims and the community. What will the implications of this change be for young offenders? The University of Alberta has recently released a major study on immigrant and refugee youth in Alberta: what are the legal challenges facing these youth? Children can be vulnerable in part-time employment, what are the employment standards and laws that protect them? Often at the Centre, we get the question: "How old do I have to be..." An article about the common age-related legal issues that affect youth would be very helpful. Young people maybe particularly apt to use services such as payday loan companies and pawn shops or enter into expensive contracts for cell phones. Do they need some protection?

3. The Law and Birth

Children change everything as every parent knows! We would like to look at some birth-related legal issues such as the woman in B.C. who would like to know who her sperm donor dad is. She is planning to appeal to the Supreme Court of Canada after being turned down by the B.C. Court of Appeal. Maternity and paternity leaves are often problematic for families as the laws can differ from province to province. What about accommodation in the workplace for parents? An Alberta woman recently won an interesting case involving CN about scheduling after she became a mother. Midwifery is gaining acceptance across the country and an article outlining the profession's standing in different provinces would be helpful. In Saskatchewan, the court was asked to rule on the definition of a mother; in this

case it wasn't clear! Surrogacy is an interesting topic; is it legal in Canada? The Supreme Court of Canada will be hearing two cases this year about the definition of a live birth; one mother left her child in a Wal-Mart bathroom because she thought it was dead; one mother claimed her child was born dead at her home and that she did not harm it.

4. Legal Issues and Language

The *Charter* guarantees language rights and the right to have an interpreter in court. An article about this little-explored *Charter* right would be helpful. And the subject of interpreters has been controversial in Ontario after judges complained that, sometimes, the court interpreters were incompetent. It would be interesting to see if anything has been done about this. There is an Ontario case where a woman plea-bargained in her case and went to jail, only to find out that one critical word that changed everything had been wrongly transcribed in a court document. The language around certain groups in society can be fraught with difficulty; for example: Indian, Aboriginal, Native, and First Nation. Which is correct, might we be unwittingly insulting people with the language we choose? Canada's Senate has three official languages: English, French and Inuktituk. What is the story about how this came about? The language of the law, in its use of Latin phrases and terms of art, can be incomprehensible to a layperson. An article that deciphers some common legal terms could be both entertaining and educational.

5. Law for Immigrants

What resources are in place to help immigrants learn about Canada's legal system? Are there groups that work in this area? There have been massive changes to Canada's immigration system in the last few years: what are these changes, what has triggered them and how are they working? A federal court judge ruled recently that the government could not just cut off immigrants on a waiting list after the rules changed; that the department would have to deal with the backlog. What changes in policy led to this court case? The Supreme Court of Canada issued a decision last year that outlined the responsibilities of sponsors when they agree to look after immigrants and an article about that would be helpful. Should immigrants be used for reality shows?

6. Five Famous Cases

The *Globe and Mail* recently published an article about five significant *Charter* cases that changed Canadian law. It would be interesting to come up with our own list of five famous cases. They would not necessarily have to be *Charter* cases; just cases that changed the legal landscape in Canada. Ideally, the cases we choose would cover a wide range of legal topics, such as tort law, employment law, environmental law, aboriginal law, family law and others.

7. Copyright Law`

Sometime during the life of this volume, Canada will finally get a new copyright law. An article outlining the most important provisions and how the new law changes copyright in Canada is definitely a public legal education moment! Copyright and the Internet seems to always generate ideas for articles. The

U.S. had a lively public debate over the *SOPA* or the *Stop Online Piracy Act*. An article could describe the discussion and the outcome. Is a *SOPA* in Canada's future? Children in elementary school are learning to recognize copyright issues in their schoolwork and it would be educational to find out how this happened and what children are learning. The new Act could mean lots of changes for schools at all levels, from photocopying in elementary school to access to academic research and LawNow's large audience of teachers would benefit from an article about this. There have been some significant cases of plagiarism in Canada in the last year that has cost some high-profile people their jobs. How does copyright law intersect with plagiarism? Canada's famous Bluenose Schooner is the subject of a copyright lawsuit right now and an article about this case would be interesting.

8. The Law and People with Disabilities

Are there ways that the law can make life easier with people coping with disabilities? LawNow could look at laws about accessibility to public spaces and laws allocating support for people with severe disabilities that prevent them from working. An article could look at schools and their responsibilities for children with disabilities; the Supreme Court of Canada recently released a landmark decision about this. There have also been some recent high-profile cases involving families who immigrate or seek to immigrate with disabled children; is there a consistent policy? Mental disabilities are harder to discern than physical disabilities; what are the various responses of the law to mental health issues?

9. Lost and Found

It would be fun to do a special report of three articles about how the law deals with lost property. Does the law believe in "finders, keepers"? What about all the materials washing up on B.C. beaches from the tsunami, dumpster diving; beach-combing? There are millions of dollars in abandoned bank accounts that the government keeps track of. What happens to that money if it is never claimed? How do you go about checking for these accounts and proving that the money is really yours? An article about powers of seizure under different statutes would be useful and enlightening for many people. What will happen to the IKEA monkey; was he lost property, seized property? How will his owner get him back?

10. New Issues in Criminal Law

The federal government has a focus on criminal law and it seems that new legislation is frequently proclaimed. LawNow could look at some of these new laws. Many new *Criminal Code* provisions are containing mandatory minimum sentences but a number of judges are rejecting them. An article could examine some of these cases and the judicial reasoning behind them. In recent decisions, the Supreme Court of Canada has told the government to review laws about wiretapping. An article could examine these cases and look at possible government responses. Criminal trial juries have been a focus lately, with cases examining how far the Crown can go to vet potential jurors.

11. The Law and Luck

This could be another interesting special report. We could look at the laws surrounding gambling in all its forms. There was the Quebec case about the fellow who sued Reader's Digest after he thought he

won the big prize. The court had lots to say about that. What are the tax laws around lotteries, raffles, dream houses etc? Lots of charities depend on these activities to generate money but do they understand what they might be getting into?

12. The Judiciary

The Supreme Court of Canada is the ultimate judicial authority in Canada. It would be very interesting to have an article about the origins and history of the Court and its development over time. An article could look at the revised appointment process that has now considered five new judges. How well is the new process working? How do other countries appoint their top judges? A profile or a “day in the life” of a Supreme Court judge would be fascinating. An article could look at how judges are appointed to our provincial courts. An article could examine judicial activism: is it real or is it a phantom of people who are disgruntled with the justice system in general? Canada’s judges are well regarded around the world and often volunteer to help judges in emerging democracies. An article could describe one of these volunteer projects.

13. Canadian Legal History

Did you know that this is the 250th anniversary of the *Proclamation of 1763*? Much of Canadian legal history stems from that historic document and three articles in a special report could look at the implications of those developments and how they resonate today in modern Canada. For example it has sometimes been called “The Indian *Magna Carta*” and set out a framework for the relationship between First Nations and colonial government. It also was very significant in the development of the Province of Quebec. An article could look at the connection between the *Treaty of Paris, 1763* and the *Proclamation of 1763*.

14. Aboriginal Law

The Idle No More movement is quiet at the moment but has already made its mark in Canada and will surely resurface. An article could look at how the movement began, who is behind it and where it will go. A report by Justice Frank Iacobucci has examined the role of Aboriginal people in juries and found problems. An article could talk about the report. Last year the Supreme Court of Canada restated the importance of the judiciary taking into account the backgrounds of aboriginal offenders in sentencing them: why did the Court find this necessary? There is a new law affecting aboriginal women and property rights on reserves that would be a timely article. Canada’s First Nations probably hold the fate of the Gateway pipeline in their hands; what will happen and why? The Truth and Reconciliation Commission seems to be mired in difficulty, the latest controversy being its request for thousands of pages of documents. An article could look at the history of the Commission, its problems and the outlook for its future. The Correctional Investigator for Canada has released another report showing that Aboriginals are over-represented in Canada’s prisons and the over-representation is growing. What does the report say and what responses are needed? An article that outlines the history of the major treaties between the Crown and First Nations would be very interesting. Finally, everyone seems to hate the *Indian Act* but it never goes away. Why not?

15. The Law and Christmas

What could make a better special report than this for the November/December issue? We could look at employment standards around statutory holidays, the legal challenges to Christian symbols, the new laws about gift cards, tort liability for staff Christmas parties and for bars; and laws about drinking and driving. Would anyone like to try to re-write the Twelve Days of Christmas with a legal theme? How about a tongue-in-cheek look at all the laws Santa breaks, from employment standards to not filing a flight plan!

16. Senate Reform

While the current furor about the Senate will probably die down, enduring questions remain about reforming the Red Chamber. An article could explain the government's reference of six questions about the Senate to the Supreme Court of Canada. What does the Constitution say about the Senate, both as an institution and about how, under the Constitution, it can be changed? An article could outline the powers of the Senate and how they differ from the House of Commons. An elected Senate is the most commonly discussed reform of the Senate and an article could examine how this change might affect the present balance between the House of Commons and the Senate. The Senate has three official languages; English, French and Inuktitut. How did that come about and how is it used?

17. Insurance Law

Insurance law may seem boring, but often the cases reveal intriguing human stories. A case from Quebec last year examined the definition of "automobile accident" after a tree fell on a car and killed the driver. Life insurance cases have also provided some interesting definitions of "accident". Some insurance companies are now looking at genetic testing to help determine eligibility for insurance coverage, what are the legal implications of that? What are the potential legal problems with your kids driving the family car or someone else's car, or loaning your vehicle to a friend?

18. Neighbours and the Law/Municipal Law

Sometimes it seems like municipal law is the poor cousin to federal and provincial law, but in fact, it probably has a more direct day-to-day influence on our lives. In a spring issue LawNow could look at how neighbourhood disputes might be settled using mediation and ADR; an article could look at problems like overhanging tree branches, fence disputes and annoying pets. An article could outline the bylaws most likely to affect the use of a home, such as renting out a room or starting a small business. Some neighbourhoods have land use plans that regulate the colours you can paint your house, roof materials, fences, and placement of garages. How enforceable are these restrictions?