

# **JAMES B. KELLY**

Professor  
Department of Political Science  
Concordia University

## **UNIVERSITY DEGREES**

**McGill University**                      Ph.D. in Political Science (June 1999)  
**University of Toronto**                B.A. (Honours) in Political Science (June 1992)

## **AREAS OF RESEARCH**

### **Canadian Politics (Judicial Politics, Parliamentary Democracy, Public Policy)**

- Parliament and the Charter of Rights.
- The legislative process and the Charter of Rights.
- The Minister of Justice and the Charter of Rights.
- Canadian federalism and the Charter.
- Judicial Impact and Theory.

### **Comparative Judicial Politics**

- New Zealand, Australia, Northern Ireland and the United Kingdom
- Parliamentary bills of rights and Westminster democracy

## **ACADEMIC APPOINTMENTS**

**2013 –**                      Professor, Department of Political Science, Concordia University  
**2006-2013**                Associate Professor, Department of Political Science, Concordia University  
**2003-2006**                Assistant Professor, Department of Political Science, Concordia University  
**2000-2003**                Assistant Professor, Department of Political Science, Brock University

### VISITING ACADEMIC APPOINTMENTS

- 2008 Visiting Fellow, Centre for Comparative Constitutional Studies, Faculty of Law, University of Melbourne, Victoria, Australia (February-March 2008)
- 2006-2007 Seagram Chair in Canadian Studies, McGill Institute for the Study of Canada, McGill University

### DEPARTMENTAL APPOINTMENTS

- 2012-2014 Associate Chair, Department of Political Science, Concordia University
- 2012 Acting Chair (November 19 to December 19), Department of Political Science, Concordia University
- 2008-2013 Departmental Personnel Committee
- 2004-2006 Graduate Program Director, Department of Political Science, Concordia University

### PROFESSIONAL APPOINTMENTS

- 2016-2018 Advisory Council, *Publius: The Journal of Federalism*
- 2011-2012 English Co-Editor, *Canadian Journal of Political Science*
- 2009-2011 Assistant Editor, *Canadian Journal of Political Science*
- 2008-2012 Convenor, RC09 (Comparative Judicial Studies) *International Political Studies Association*
- 2007-2009 Editorial Advisory Board, *Canadian Journal of Political Science*

### PUBLICATIONS (peer-reviewed)

#### Books

- 2017 James B. Kelly, *Confronting the Court: The Harper Conservatives and the Charter of Rights*. Vancouver: UBC Press, Law and Society Series (**under contract**) and (**in-progress**)
- 2015 Janet L. Hiebert and James B. Kelly, *Parliamentary Bills of Rights: The Experiences of New Zealand and the United Kingdom*. Cambridge, UK: Cambridge University Press. Cambridge Studies in Constitutional Law (484 pages). Hardback, eBook, Paperback.
- 2009 James B. Kelly and Christopher P. Manfredi, eds., *Contested Constitutionalism: Reflections on the Canadian Charter of Rights and Freedoms*. Vancouver: UBC Press. (318 pages) Hardback (2009), Paperback (2010).

- 2008 Reeta Chowdhari Tremblay, James Kelly, Michael Lipson and Jean-Francois Mayer, *Understanding Human Rights: Origins, Concepts, and Critiques*. Toronto: Nelson Canada. (384 pages)
- 2005 James B. Kelly, *Governing with the Charter: Legislative and Judicial Activism and Framers Intent*. Vancouver: University of British Columbia Press. (323 pages) Hardback (2005), Paperback (2006).
- Shortlisted for the 2005 Donner Prize. Winner of \$5,000 as a runner-up.

#### Guest Editor

- 2017 *Publius: The Journal of Federalism*. [Virtual Issue: Federalism and Supreme Courts](#).

#### Articles

- 2017 James B. Kelly, "[Editor's Note – Introduction to the Publius Virtual Issue: Federalism and Supreme Courts](#)," *Publius: The Journal of Federalism*, 1-11.
- 2017 James B. Kelly and Kate Puddister, "Criminal Justice Policy during the Harper Era: Private Member's Bills, Penal Populism, and the *Criminal Code* of Canada" *Canadian Journal of Law and Society* (**forthcoming**)
- 2012 James B. Kelly and Matthew Hennigar, "The Canadian Charter of Rights and the Minister of Justice: Weak-form Review within a Constitutional Charter of Rights," *International Journal of Constitutional Law* 10:1, 35-68.
- 2011 James B. Kelly, "Judicial and Political Review as Limited Insurance: The Functioning of the New Zealand Bill of Rights Act in 'Hard' cases" *Commonwealth and Comparative Politics* 49:3, 295-317.
- 2011 James B. Kelly, "A Difficult Dialogue: Statements of Compatibility and the Victorian *Charter of Human Rights and Responsibilities Act*," *Australian Journal of Political Science* 46:2, 257-278.
- 2005 James B. Kelly and Michael Murphy, "Shaping the Constitutional Dialogue on Federalism: The Canadian Supreme Court as Meta-Political Actor," *Publius: The Journal of Federalism* 35:4, 217-243.
- 2004 Christopher P. Manfredi and James B. Kelly, "Misrepresenting the Supreme Court's Record? A Comment on Choudhry and Hunter," *McGill Law Journal* 49:4, 741-764.
- 2003 James B. Kelly, "Governing with the Charter of Rights and Freedoms," *Supreme Court Law Review* 2d: 21, 299-337.
- 2001 James B. Kelly, "Reconciling Rights and Federalism during Review of the Charter of Rights and Freedoms: The Supreme Court of Canada and the Centralization Thesis, 1982-1999," *Canadian Journal of Political Science* 34:3, 321-55.

- 2001 Christopher P. Manfredi and James B. Kelly, "Dialogue, Deference and Restraint: Judicial Independence and Trial Procedures," *Saskatchewan Law Review* 64:3, 323-346.
- 2001 James B. Kelly and Michael Murphy, "Confronting Judicial Supremacy: A Defence of Judicial Activism and the Supreme Court of Canada's Legal Rights Jurisprudence," *Canadian Journal of Law and Society*, 3-27.
- 1999 James B. Kelly, "The *Charter of Rights* and the Rebalancing of Liberal Constitutionalism in Canada, 1982-1997," *Osgoode Hall Law Journal* 37:3, 625-695.
- 1999 James B. Kelly, "Bureaucratic Activism and the *Charter of Rights and Freedoms*: The Department of Justice and its entry into the Centre of Government," *Canadian Public Administration* 42:3, 476-511.
- 1999 Christopher P. Manfredi and James B. Kelly, "Six Degrees of Dialogue: A Response to Hogg and Bushell," *Osgoode Hall Law Journal* 37:3, 513-527.

#### Articles in progress

- 2017 James B. Kelly, "Judicial Invalidation of Quebec's Language and Health Care Policies: Contentious Responses to the Supreme Court of Canada by Quebec's National Assembly," *Publius: the Journal of Federalism* (**in-progress**)
- 2017 James B. Kelly, "The Duty to Report on Human Rights: Ministerial Statements to Parliament in Canada, Australia, New Zealand and the United Kingdom," *Parliamentary Affairs* (**in-progress**)

#### Chapters

- 2017 James B. Kelly, "The *Charter of the French Language* and the Supreme Court of Canada: assessing whether constitutional design can influence policy outcomes," in Emmett MacFarlane, ed., *Courts and the Constitution: Policy Impact*. Toronto: University of Toronto Press (**forthcoming**).
- 2017 James B. Kelly, "The Charter of Rights and Freedoms, the Supreme Court of Canada, and Public Policy," in Jonathan Craft and Amanda Clarke, eds., *Issues in Canadian Governance*. Toronto: Emond Montgomery Press (**forthcoming**).
- 2017 Janet L. Hiebert and James B. Kelly, "Intra-parliamentary dialogue in New Zealand and the United Kingdom: a little less conversation, a little more action please," in Rosalind Dixon, Geoff Sigalet, and Grégoire Webber, eds., *Constitutional Dialogue: Democracy, Rights, Institutions*. New York: Cambridge University Press (**forthcoming**).
- 2017 Kate Puddister and James B. Kelly, "With or without You: Quebec, the Conservative Movement and the Pursuit of Majority Government," in J.P. Lewis and Joanna Everitt eds., *The Blueprint: Conservative parties and their impact on Canadian politics*. Toronto: University of Toronto Press, pp. 150-171.

- 2014** Kate Puddister and James B. Kelly, “The Judicialization of (Past) Politics under Danny Williams: The Cameron Inquiry and the Green Commission,” in *First Amongst Unequals: The Premier, Politics and Policy in Newfoundland and Labrador*. Alex Marland and Matthew Kerby, eds. Montreal: McGill-Queen’s University Press, 114-159.
- 2013** James B. Kelly, «Les limites de la mobilisation judiciaire: Alliance Québec, la *Charte de la langue française* et la *Charte canadienne des droits et libertés*» *Le nouvel ordre constitutionnel canadien: du rapatriement de 1982 à nos jours*, sur la direction François Rocher et Benoît Pelletier. Montreal: Presses de l’Université du Québec, 205-233.
- 2010** James B. Kelly and Christopher P. Manfredi, “Courts,” in John C. Courtney and David E. Smith, eds., *Oxford Handbook of Canadian Politics*. Toronto: Oxford University Press, 39-53.
- 2009** James B. Kelly and Christopher P. Manfredi, “Should We Cheer? Contested Constitutionalism and the Charter of Rights and Freedoms,” in James B. Kelly and Christopher P. Manfredi, eds., *Contested Constitutionalism: Reflections on the Canadian Charter of Rights and Freedoms*. Vancouver: UBC Press, 3-29.
- 2009** James B. Kelly, “Legislative Activism and Parliamentary Bills of Rights: Institutional Lessons for Canada,” in James B. Kelly and Christopher P. Manfredi, eds., *Contested Constitutionalism: Reflections on the Canadian Charter of Rights and Freedoms*. Vancouver: UBC Press, 86-106.
- 2008** James B. Kelly, “The Charter, the Supreme Court and Canadian Federalism,” in Herman Bakvis and Grace Skogstad, eds., *Canadian Federalism: Performance, Efficiency and Legitimacy*, 2<sup>nd</sup> edition. Don Mills: Oxford University Press, 39-62.
- 2004** James B. Kelly, “Guarding the Constitution: Parliamentary and Judicial Roles under the Charter of Rights and Freedoms,” in J. Peter Meekison, Hamish Telford and Harvey Lazar, eds., *Canada: The State of the Federation, 2002*. Montreal: McGill-Queen’s University Press, 77-110.
- 2002** James B. Kelly, “The Supreme Court of Canada and the Complexity of Judicial Activism,” in Patrick James, Donald Abelson and Michael Lusztig, eds., *The Myth of the Sacred: The Charter, the Courts and the Politics of the Canadian Constitution*. Montreal: McGill-Queen’s University Press, 97-122.

#### Articles (non-peer reviewed)

- 2007** James B. Kelly, “Parliament and the Charter of Rights and Freedoms: An Unfinished Rights Revolution,” *Policy Options* (February), 103-107.

#### Chapters (non-peer reviewed)

- 2002** James B. Kelly, “Judging the Judges: The Decline of Dissent on the Supreme Court of Canada,” in F. L. Morton, ed., *Law, Politics and the Judicial Process in Canada*, 3<sup>rd</sup> edition. Calgary: University of Calgary Press, 560-569.

- 2002 James B. Kelly, “The Supreme Court of Canada’s Charter of Rights Decisions, 1982-1999: A Statistical Analysis,” in F. L. Morton, ed., *Law, Politics and the Judicial Process in Canada*, 3<sup>rd</sup> edition. Calgary: University of Calgary Press, 496-512.

#### Parliamentary Submissions and Presentations

- 2017 James B. Kelly, *The Senate and the Charter of Rights and Freedoms*. Presentation before the Special Senate Committee on Senate Modernization. Parliament of Canada, May 10, 2017.

#### Government Reports

- 2005 James B. Kelly and Lorne Sossin, *The Federal Government in Court: Litigation Drivers in the Canadian and International Context*. Ottawa: Department of Justice.

#### Submissions to Public Consultations

- 2005 James B. Kelly and Janet L. Hiebert, *Submission to the Human Rights Consultative Committee on Adopting a Bill of Rights*. Melbourne, Australia: Department of Justice, Government of Victoria.

#### **BLOG** **Seamus in Irish** <http://jamesbkelly.org>

- 2016 [Crack that whip – why \*Real Change\* is just more of the same for the Liberal caucus](#) (February 18)
- 2016 [Brother, can you spare 6-months? Is this what Charter ‘dialogue theory’ has become?](#) (January 24)
- 2016 [Carter v. Canada and why the Constitution – and Parliament – would benefit from the occasional use of section 33, the Charter’s override provision.](#) (January 14)
- 2016 [The Parliament of Canada and the Charter of Rights: The Need to establish a Joint Scrutiny Committee on Human Rights.](#) (January 6)
- 2015 [The Charter of Rights and the Minister of Justice: Why Section 4.1.1 of the Department of Justice Act needs to be rethought and reformed](#) (December 18)
- 2015 [The Leader of the Government in the House of Commons and Parliamentary Reform.](#) (December 18)
- 2015 [The Senate after the Election: How will the NDP and the Liberals react?](#) (September 4)

## EXTERNAL RESEARCH GRANTS

### *Social Sciences and Humanities Research Council of Canada – Insight Grants*

2015 “Confronting the Court: The Harper Conservatives and the Punitive Turn under the Charter of Rights and Freedoms,” (\$68, 221) \* Principal Investigator (Funding 2015-2018)

### *Social Sciences and Humanities Research Council of Canada – Standard Research Grants*

2011 “Dialogic Constitutionalism and the Charter: Institutional Responses within a Weak-form Charter,” (\$50, 501) \* Principal Investigator (Funding 2011-2014)

2005 “Parliamentary Democracies and Human Rights: Comparative Institutional Approaches to Rights Protections in Advanced Westminster Systems,” with Janet Hiebert (\$92,700).  
\* Principal Investigator (Funding 2005-2008)

2004 “Parliamentary Democracies and Human Rights: Comparative Institutional Approaches to Rights Protections in Advanced Westminster Systems,” SSHRC 4A (\$6,000)

2001 “Charter Politics and the Attorney General: Provincial Responses to the New Judicial Institutionalism,” (\$49, 470) \* Principal Investigator (Funding 2001-2004)

### *Social Sciences and Humanities Research Council of Canada – Aid to Scholarly Publication*

2009 Aid to Scholarly Publication Program, for the purposes of *Contested Constitutionalism: Reflections on the Canadian Charter of Rights and Freedoms*. Vancouver: UBC Press (\$8,000)

2006 Aid to Scholarly Publication Program, for the purposes of *Governing with the Charter: Legislative and Judicial Activism and Framers’ Intent*. Vancouver: UBC Press, 2005 (\$8,000)

### *Fonds de recherche sur la société et la culture*

2004 “Legislative Responses to Judicial Supremacy: Comparing Government Lawyers and Crown Attorneys in Canada, Australia and New Zealand,” (\$39,000). \* Principal Investigator (Funding 2001-2004)

### *Department of Justice, Government of Canada*

2004 “The Federal Government in Court,” with Lorne Sossin (\$20,000).

## INTERNAL RESEARCH GRANTS

### *Concordia University*

- 2008 *Governing the Territories: Constitutional Rights and the Legislative Process in the Yukon and the Northwest Territories* (\$4,000) (Funding 2008-2009)
- 2003 Concordia University Faculty Research Grant (\$15, 000) (Funding 2003-2005)

## EXTERNAL GRANTS

### *Social Sciences and Humanities Research Council of Canada*

- 2012 Aid to Scholarly Journals Program – *Canadian Journal of Political Science* (\$90,000) (Funding 2012-2015) \* Principal Applicant

## HONOURS AND AWARDS

- 2006 *Seagram Chair in Canadian Studies*, McGill Institute for the Study of Canada (2006-2007).
- 2006 *2005 Donner Prize*, Shortlisted Author. Presented for the best book published on Canadian public policy. A runner-up and recipient of \$5,000.
- 1999 *Canadian Political Science Association*, General Meeting, University of Sherbrooke, Quebec: award for best paper presented by a graduate student.
- 1996 *Max Bell Fellowship for Canadian and Northern Studies*: Faculty of Graduate Studies, McGill University (1996-1997).

## INVITED TALKS AND WORKSHOPS

- 2017 James B. Kelly, “The Supreme Court of Canada – an implementer-dependent institution,” *Constitution 150: Confederation – Patriation – Reconciliation. The Charter and Emerging Issues in Constitutional Rights and Freedoms: From 1982-2032*. Ottawa, Shaw Centre, March 8-10.
- 2016 James B. Kelly, “A Year in the Life of Parliament: What *Carter*2015 and *Carter*2016 reveal about the Supreme Court of Canada as a Political Institution,” *C-14: A Case Study of the Relationships Between the two Houses of Parliament and the Supreme Court*. Canadian Study of Parliament Group, Parliament of Canada, Ottawa, November 18.
- 2016 James B. Kelly, “The Charter of Rights and Freedoms, the Minister of Justice, and the Parliament of Canada,” *The State of our Institutions: A symposium in honor of James Mallory*, McGill Institute for the Study of Canada, Omni Hotel Mont-Royal, March 23.

- 2015** James B. Kelly, “Control the Rules, Control the Result: New Zealand’s bill of rights and unbridled legislative outcomes,” *The Consideration of Rights in the Policy Making Process: What Enhances their Influence and What Leads to their Disregard?* Workshop hosted by The Israel Democracy Institute, Madrid, Spain.
- 2013** James B. Kelly, “Confronting the Court: The *Charter of the French Language* and the Charter of Québec Values,” School of Law, Queen’s University Belfast, Belfast, Northern Ireland, November 13
- 2013** James B. Kelly “Buzz Lightyear and Quebec’s Bill 101, la Charte de la langue française: Space Ranger or *Agent Provocateur?*” *Constitutions, Federations, Democracies: A Comparative United States, Canada, and Australia*. University of Southern California Centre for International Studies, Los Angeles, February 28.
- 2012** James B. Kelly, “The Parliamentary Reporting Duty of the Minister of Justice: time to rethink section 4.1.1. of the Department of Justice Act,” *Thirty Years On: The Canadian Charter of Rights and Freedoms, Parliament, and the Courts*. Parliament of Canada, Ottawa, April 27.
- 2008** James B. Kelly, “Strong and weak-form Judicial Review: The Complexity of Canada’s Constitutional Charter of Rights,” *Centre for Comparative Constitutional Studies*, Faculty of Law, University of Melbourne, Australia, February 27.
- 2006** James B. Kelly, “Parliament and the Charter of Rights and Freedoms: An Unfinished Rights Revolution,” *Seagram Lecture*, McGill Institute for the Study of Canada, November 23.
- 2006** James B. Kelly, “Legislative Activism in Canada and New Zealand,” Crown Law Office, Wellington, New Zealand, July 25.
- 2005** James B. Kelly, “Legislative Activism and the Canadian *Charter of Rights*: Lessons for the Australian Capital Territory’s *Human Rights Act 2004*” Parliamentary Counsel Office, Department of Justice and Community Safety, Australian Capital Territory, Canberra, Australia, June 14.
- 2005** James B. Kelly, “Governing with the Charter of Rights: Improving Parliamentary Scrutiny of Legislation,” Privy Council Office, Government of Canada, Ottawa, February 18.
- 2004** James B. Kelly, “Rights Scrutiny in Parliamentary Democracies,” New Zealand Ministry of Justice, Wellington, New Zealand, May 21.
- 2003** James B. Kelly, “Who Makes the Laws? The Struggle for Legislative Supremacy in Canada,” *The Canadian Federation for the Humanities and Social Sciences*, Breakfast on the Hill Series, Parliament of Canada, October 2.

## CONFERENCE ORGANIZATION

- 2013** Co-organizer – *Research Committee on Comparative Judicial Studies* (IPSA RC 9), Dublin Castle, Dublin, Ireland, July 22-24, 2013.
- 2012** Section Head – RC09 (Comparative Judicial Studies) – 22<sup>nd</sup> World Congress, *International Political Science Association*, Madrid, Spain, July 8-12.
- 2011** Co-organizer – *Research Committee on Comparative Judicial Studies* (IPSA RC 9), University of California, Irvine, USA, July 21-23.
- 2010** Section Head – Canadian Politics – Annual Meeting of the *Canadian Political Studies Association*, Concordia University, Montreal, June 1-4.
- 2010** Co-organizer – *Research Committee on Comparative Judicial Studies* (IPSA RC 9), University of Bologna, Bologna, Italy, June 21-23.
- 2009** Organizer – *Research Committee on Comparative Judicial Studies*, International Political Science Association, Santiago, Chile, July 12-16.
- 2008** Host and Organizer – *Research Committee on Comparative Judicial Studies*, International Political Science Association, *Courts and Separation of Powers*, Concordia University, Montreal, Quebec, June 24-26.
- 2007** Member of the Organizing Committee – McGill Institute for the Study of Canada, *The Charter @ 25*, Hotel Omni-Mont Royal, Montreal, Quebec, February 14-16.

## CONFERENCE PARTICIPATION

- 2018** James B. Kelly, “The McLachlin Court and the Charter of Rights and Freedoms: What has been the impact on provincial autonomy and the Governments of Canadian Federalism?” Conference to Mark the Retirement of Chief Justice Beverly McLachlin, University of Ottawa, Faculty of Law, April 11-12. **(under review)**
- 2018** James B. Kelly, “The Northern Ireland Act 1998 and Legislative Competency: the protection of human rights in the absence of a domestic bill of rights,” Political Studies Association, Cardiff, Wales, March 26-28.
- 2017** James B. Kelly, “The Supreme Court of Canada as an Implementer-dependent Institution,” Canadian Political Science Association, Ryerson University, May 27 – June 2.
- 2017** James B. Kelly, “The Supreme Court of Canada as an Implementer-dependent Institution: Contentious Moral Issues and Strong-form Legislative Responses,” *Research Committee on Comparative Judicial Studies (IPSA)*, RC09, University of California, Irvine, June 25-27.

- 2016** James B. Kelly, “Judicial Impact and the Supreme Court of Canada: Legislative Responses to Judicial Invalidation of Contentious Policies by Parliament and Quebec’s National Assembly.” ECPR 2016 General Conference, Prague, Czech Republic, September 7-10.
- 2016** James B. Kelly and Kate Puddister, “Privatizing the *Criminal Code*? Private Members’ Bills and Criminal policy amendments under the Harper Conservatives” Canadian Political Science Association, University of Calgary, June 2-4.
- 2015** Roundtable – “Authors meet Critics: A Discussion of Janet L. Hiebert and James B. Kelly, *Parliamentary Bills of Rights: The Experiences of New Zealand and the United Kingdom* (Cambridge University Press, 2015).” *Canadian Political Science Association*, Ottawa, June 2-4.
- 2014** Liora Norwich, Emmanuelle Richez, and James B. Kelly, “Legal Mobilization in Divided Societies: the Judicialization of Identity Politics in Canada and Israel,” XXII World Congress of Political Science, International Political Science Association, Montreal, Canada, July 19-24.
- 2014** James B. Kelly, “Confronting the Court: The Charter of the French Language, Quebecois Identity, and Judicial Review in a Multi-national Federation,” IX World Congress of the International Association of Constitutional Law, Oslo, Norway, June 16-20.
- 2013** James B. Kelly, “Parliament and the New Zealand Bill of Rights Act under Mixed Member Proportional,” *Research Committee on Comparative Judicial Studies (IPSA)*, Dublin Castle, Dublin, Ireland, July 22-24, 2013.
- 2013** James B. Kelly, “Bills of Rights and the Parliamentary Reporting Duty: Canada in Comparative Westminster Context.” *14<sup>th</sup> Jerusalem Conference in Canadian Studies*. Canada and Israel in a Changing World: New Trends and Directions. Jerusalem, Israel, May 21-23.
- 2012** James B. Kelly, “Re-establishing the Policy Status Quo after Judicial Invalidation: The National Assembly of Quebec and Bill 101,” *Canadian Political Science Association*, Edmonton, June 13-15.
- 2012** James B. Kelly, “Dialogue as Non-compliance: Quebec and the *Charter of the French Language*,” *International Political Science Association*, Madrid, Spain, July 8-12.
- 2011** James B. Kelly, “The Limits of Legal Mobilization: Alliance Quebec, Bill 101, and the Canadian Charter of Rights,” *European Consortium for Political Research*, University of Iceland, Reykjavik, Iceland, August 25-27.
- 2010** James B. Kelly, “Judicial Review as ‘No-fault’ Insurance: The New Zealand Bill of Rights Act 1990,” *Research Committee on Comparative Judicial Studies (IPSA)*, University of Bologna, Bologna, Italy, June 21-23.
- 2009** Matthew Hennigar and James B. Kelly, “An Unnecessary and Most Unwise Move”? Separating the Attorney General from the Minister of Justice in Civil Law Matters,” *Canadian Political Science Association*, Carleton University, Canada, May 31-June 2.

- 2009 James B. Kelly, "Executive *not* Parliamentary Supremacy: Victoria's Charter of Human Rights and Responsibilities and Intra-Parliamentary Relationships," *International Political Science Association*, Santiago, Chile, July 12-16.
- 2008 James B. Kelly, "Notwithstanding-by-default but not design: Cabinet Reversal of Charter Decisions without recourse to Section 33," University of Ottawa, October.
- 2008 James B. Kelly, "Notwithstanding-by-Stealth: Weak-form Review and Cabinet Reversal of Charter Decisions," *Canadian Political Science Association*, University of British Columbia, Vancouver, British Columbia, June 2-4.
- 2006 James B. Kelly, "Bills of Rights and the Commonwealth: Comparing Canada and New Zealand," *International Conference on Legislatures and the Protection of Human Rights*, University of Melbourne, Melbourne, Australia, July 20-23.
- 2006 James B. Kelly, "Canada's *Anti-Terrorism Act*: Securing Balance through Parliamentary Scrutiny," *International Political Science Association*, Fukuoka, Japan, June 12-16.
- 2005 James B. Kelly, "Coordinate Constitutionalism and the Canadian Charter of Rights and Freedoms," *Research Committee on Comparative Judicial Studies (IPSA)*, University of Naples, Naples, Italy, January 29-31.
- 2005 James B. Kelly, "The Commonwealth Model and Bills of Rights: Comparing Legislative Activism in Canada and New Zealand," *Canadian Political Science Association*, University Of Western Ontario, June 2-4.
- 2004 James B. Kelly and Michael Murphy, "The Supreme Court, First Nations and Quebec: Managing Canada's Federal Diversity," *Southern Political Science Association*, New Orleans, Louisiana, January 28-30.
- 2003 James B. Kelly, "Legislative Responses to Judicial Supremacy: Parliamentary and Bureaucratic Rights Activism in Canada, Australia and New Zealand," *Research Committee on Comparative Judicial Studies (IPSA)*, University of Parma, Parma, Italy, June 14-16.
- 2003 James B. Kelly, "Charter Dialects: Parliamentary, Bureaucratic and Judicial Responses to Rights and Freedoms," *Canadian Political Science Association*, Dalhousie University, June 2-4.
- 2003 James B. Kelly, "Executive Supremacy and the Charter of Rights and Freedoms," paper presented at *Constitutional Cases 2003*, Osgoode Hall Law School, York University, April 2-4.
- 2002 James B. Kelly, "Understanding the Intention of the Charter's Framers," *Association of Canadian Studies*, 'Canadian Rights and Freedoms: Twenty Years under the Charter,' Ottawa, April 16-18.
- 2002 James B. Kelly, "Judicial Nullifications and Canadian Democracy," *The Charter at Twenty*, York University, Toronto, Canada, April 3-5.

- 2001 James B. Kelly, "The Supreme Court and the Charter: Advancing Federal Diversity," *Managing Tensions: Evaluating the Institutions of the Federation*, Institute for Intergovernmental Relations, School of Policy Studies, Queen's University, Kingston, Ontario, October 5-7.
- 2001 James B. Kelly, "Legislative Precision as an Emerging Principle of Charter review by the Supreme Court of Canada," *Association of Canadian Studies in the United States*, San Antonio, Texas, November 3-5.
- 2001 James B. Kelly, "Framers' Intent and the Just Society: In Defence of an Activist Canadian High Court," *Canadian Political Science Association*, Laval University, Quebec, June 12-14.
- 2001 James B. Kelly, "Legal Services and the Role of Government Lawyering in Canada," *Law and Society Association and the Research Committee on the Sociology of Law*, Central European University, Budapest, Hungary, June 28-30.
- 2000 Christopher P. Manfredi and James B. Kelly, "Judicial Independence and Trial Procedures: the hidden relationship between deference and independence," *Canadian Political Science Association and International Political Science Association*, Quebec City, Canada, June 2-4.
- 1999 James B. Kelly, "The Impact of the Charter on Canadian Federalism and Provincial Autonomy: Re-examining the Centralization Thesis," *Canadian Political Science Association*, University of Sherbrooke, June 2-4.
- 1998 James B. Kelly, "The Charter of Rights and the Administrative State in Canada," *Canadian Political Science Association*, University of Ottawa, Ottawa, Ontario, May 28-30.
- 1997 James B. Kelly, "The Supreme Court of Canada and the *Federalization* of the Constitution under the Charter of Rights and Freedoms: Blending the *Citizens'* and the *Governments'* Constitutions," *Canadian Political Science Association*, Memorial University, St. John's, Newfoundland, June 1-3.
- 1997 James B. Kelly, "Canadian Federalism and the Legacy of the Provincial Rights Movement: The Judicial Committee of the Privy Council and the 'Americanization' of the Confederation Settlement," *Canadian Political Science Association*, Memorial University, St. John's, Newfoundland, June 1-3.
- 1996 James B. Kelly, "A Tale of Two Constitutions? The Charter of Rights and Freedoms, The BNA Act and the Emergence of *Balanced Federalism* in 1982," *Canadian Political Science Association*, Brock University, St. Catharines, Ontario, June 2-4

**UNIVERSITY SERVICE**

- 2009-2010 Mackenzie King Scholarships Committee  
 2008-2010 SSHRC Doctoral Committee, Faculty of Arts and Sciences  
 2008-2009 Dean Search Committee, Faculty of Arts and Sciences

**DEPARTMENTAL RESPONSIBILITIES**

- 2012-2014 Associate Chair  
 2008-2013 Departmental Personnel Committee  
 2009-2010 Departmental Hiring Committee (Limited Term Appointment)  
 2008-2012 MPPPA Admissions Committee  
 2008-2010 Departmental Research Committee  
 2006-2007 Departmental Hiring Committee (Public Policy)  
 2005-2006 Departmental Hiring Committee (Canadian Politics)  
 2004-2006 Graduate Program Director  
 2004-2006 Chair, MPPPA Admissions Committee  
 2003-2004 MPPPA Admissions Committee  
 2003-2004 Departmental Hiring Committee (Political Theory)

**EXTERNAL SERVICE**

- 2009-2010 Section Head, Canadian Politics, Annual Meeting of the *Canadian Political Science Association* – 2010 Congress of the Humanities and Social Sciences  
 2009-2010 Convenor, Research Committee 9 (Comparative Judicial Studies) of the *International Political Science Association*.  
 2008-2009 Convenor, Research Committee 9 (Comparative Judicial Studies) of the *International Political Science Association*.  
 2007-2008 Executive Committee, Research Committee 9 (Comparative Judicial Studies) of the *International Political Science Association*.  
 2006-2007 Executive Committee, Research Committee 9 (Comparative Judicial Studies) of the *International Political Science Association*.

**EXTERNAL EXAMINER PH.D.**

- 2011 Kristin Claire Hulme, “The Unnatural Likeness of Deference: The Supreme Court of Canada the Democratic Process.” Queen’s University, Department of Political Science.

**TEACHING****Concordia University***Undergraduate*

POLI 204	Introduction to Canadian Politics
POLI 313	Politics of Northern Ireland (cross-listed as IRST 398H)
POLI 324	Parliament and the Charter
POLI 407	Parliamentary Bills of Rights

*Graduate*

POLI 611	Judicial Politics and Policy Making in Canada
POLI 803	Advanced Seminar in Canadian/Quebec Politics
POLI 600	Public Policy and Government Process in Canada
POLI 624	Intergovernmental Relations in Canada

**McGill University***Undergraduate* (Department of Political Science)

POLI 222	Political Process and Behaviour in Canada
POLI 326	Provincial Politics
POLI 371	Challenge of Canadian Federalism
POLI 478	The Constitution: Rights and Freedoms

*Undergraduate* (McGill Institute for the Study of Canada)

CANS 409	The Constitution: Rights and Freedoms
CANS 410	Sex, Drugs and the Charter

**POST-DOCTORAL SUPERVISION**

2013-2015	Emmanuelle Richez (McGill University) “The Impact of Bills of Rights on Aboriginal Peoples: A Comparative Study of Australia, Canada, New Zealand and the United-States.” FQRSC Postdoctoral Fellowship.
2013-2014	Liora Norwich (Hebrew University of Jerusalem) “Legal Mobilization and Minority Rights in Israel, Canada, and Northern Ireland,” Azrieli Institute Postdoctoral Fellowship.

## **STUDENT SUPERVISION**

### **Ph.D Committee**

2012- Phillippe Villard, “Clear Skies or Ongoing Turbulence? Canadian Airport Policy between Airport Operators, Airlines, and the Federal Government.”

### **MPPPA Internship Report – Supervisor**

2014 Matthew Casbourne “ADOPTION OF A PAN-CANADIAN E-LEARNING STRATEGY: LESSONS FROM COLLABORATIVE FEDERALISM

2013 Yesica Macias, “Airline Security Policy: Australia as an Example for the Canadian Security Industry”

2012 David Perry “The state of French as a language of work in the Strategic Policy and Research division of Human Resources Skills Development Canada.”

2011 Renee St-Amant, “Gaps in the Theory-Practice Relationship: The Limitations of Scriven’s Evaluation Theory at the Canadian Space Agency.”

2009 Mika Raja, “Maintaining Transport Canada Accountability in a Private Template: The Rational Choice Institutional Approach to the delegation of Marine Safety Inspections.”

2006 Barbara Vafopoulos, “Canada’s Vision for Applying New Public Management Theory within its Human Resources Management Realm.”

2006 Kareem El-Onsi, “New Public Management, eh? Examining the Canadian Experience by looking at the Treasury Board’s Management Guidelines.”

2005 Kathryn Wallace, “Canada’s Intergovernmental Relations and Air Pollution Policy: Federal-Provincial Accommodation.”

2004 Alexander Martel, “Yukon First Nation Agreements: A New Indian Act?”

### **MPPPA Internship Report – 2<sup>nd</sup> Reader**

2012 Amanda Lye, “Understanding Policy Design through Social Constructions.”

2011 Shaun Cavaliere, “The Public Service and the Blurring of Organizational Boundaries: The Case of Aboriginal Affairs and Northern Development Canada.”

2011 Anne-Marie Comeau, “Implementability at the Canadian Space Agency: Resources and Discretion in Policy Definition.”

- 2011 Everett Palmer, “The reengineering of the litigation management and resolution branch: Testing theories of Public Policy against Canada’s Evolving Aboriginal Claims Policy.”
- 2009 Graham Baxter, “Space Politics in the Canadian State: An Agenda Setting and Organizational Change Analysis.”
- 2009 Paul Chan, “International Organizations and Policy Transfer: A Look at Canadian Active Employment Measures and the OECD.”
- 2007 Dominique Kearney, “State Autonomy in a new era of Global Security Policy.”
- 2006 Tamara Hart, “The Effectiveness of Policy Networks in Political Crises: A Study of the Development of Learning Policies in the Canadian Federal Government.”
- 2006 Jerome Clement, “The Public Service Employment Act: A Citizens Environment.”
- 2006 Zahia El-Masri, “Canada’s Institutional Structure and the Kyoto Protocol.”
- 2005 Matthew Buechler, “Actors Influencing the New Public Management Orientation of a Supreme Audit Self-Performance Report.”
- 2005 Tamara Levy, “Ontario’s Centre: Its Evolution and MIA’s Role.”
- 2005 Poppy Vineberg, “Canada’s Quest for the International Registry for Mobile Equipment: Achieving Goals in a Multicentric Setting.”
- 2005 Andrew Bottega, “Aviation Security: International Policy Coordination, Coercion, and the State Sovereign.”
- 2004 Jenifer Henderson, “Towards a Foucauldian Analysis of Sustainable Development at the Department of Indian and Northern Affairs Canada.”

### **Master’s Thesis (Supervised)**

- 2012 Joseph Berger, “Federalism for a New Millennium: A Case Study of the Canada Millennium Scholarship Foundation.”

### **Directed Studies – Graduate Programme**

- 2009-2010 Joey Berger  
2004-2005 Tamara Levy

## **Media**

Election Issues 2015: A Maclean's primer on coalitions. *Maclean's* (August 2, 2015).  
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