

## **JAMES B. KELLY**

Professor  
Department of Political Science  
Concordia University

Fellow  
School of Irish Studies  
Concordia University

### **UNIVERSITY DEGREES**

**McGill University** Ph.D. in Political Science (June 1999)

**University of Toronto** B.A. (Honours) in Political Science (June 1992)

### **ACADEMIC APPOINTMENTS**

Professor, Department of Political Science, Concordia University (2013-present)

Associate Professor, Department of Political Science, Concordia University (2006-2013)

Assistant Professor, Department of Political Science, Concordia University (2003-2006)

Assistant Professor, Department of Political Science, Brock University (2000-2003)

### **VISITING ACADEMIC APPOINTMENTS**

Visiting Professor, Faculty of Law, Bar-Ilan University, Ramat Gan, Israel (May-June 2024)

Visiting Professor, Faculty of Law, Bar-Ilan University, Ramat Gan, Israel (May-June 2022)

Visiting Fellow, Centre for Comparative Constitutional Studies, Faculty of Law, University of Melbourne, Victoria, Australia (January-March 2008)

Seagram Chair in Canadian Studies, McGill Institute for the Study of Canada, McGill University (2006 -2007)

## **PROFESSIONAL APPOINTMENTS**

Advisory Council, *Publius: The Journal of Federalism*, (2016-2026)

English Co-Editor, *Canadian Journal of Political Science*, (2011-2012)

Assistant Editor, *Canadian Journal of Political Science* (2009-2011)

## **AREAS OF RESEARCH**

### **Canadian Judicial Politics**

- 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

## **PEER-REVIEWED PUBLICATIONS**

### **Books**

IP      James B. Kelly, *Court Curbing in the Charter Era: a re-imagined notwithstanding clause, unilateral constitutional amendment, and provincial sovereignty acts*. Vancouver: UBC Press (**in-progress**)

5.      James B. Kelly, *Constraining the Court: Judicial Power and Policy Implementation in the Charter Era*. Vancouver: UBC Press, 2024. (428 pages) \*

\* Finalist for the 2024 Donner Prize. Awarded by the Donner Foundation for the best book on public policy and recipient of \$7,500 prize.

\* Finalist for the 2025 Donald Smiley Prize. Awarded by the Canadian Political Science Association for the best book on Canadian Politics.

\* Finalist for the 2025 W. Wesley Pue Prize. Awarded by the Canadian Law and Society Association for the best book on law and society.

\* Finalist for the 2025 2025 Seymour Martin Lipset Prize. Awarded by the Canadian Politics Section at the American Political Science Association.

4. 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, 2015. Cambridge Studies in Constitutional Law (484 pages). **(50% contribution)**
3. **James B. Kelly** and Christopher P. Manfredi, eds., *Contested Constitutionalism: Reflections on the Canadian Charter of Rights and Freedoms*. Vancouver: UBC Press, 2009. (318 pages). **(50% contribution)**
2. Reeta Chowdhari Tremblay, **James Kelly**, Michael Lipson and Jean-Francois Mayer, *Understanding Human Rights: Origins, Concepts, and Critiques*. Toronto: Nelson Canada, 2008. (384 pages). **(25% contribution)**
1. James B. Kelly, *Governing with the Charter: Legislative and Judicial Activism and Framers Intent*. Vancouver: University of British Columbia Press, 2005. (323 pages) \*

\* Finalist for the 2005 Donner Prize. Awarded by the Donner Foundation for the best book on public policy and recipient of \$5,000 prize.

### Journal Editor of Special Issue

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

### Articles

16. **James B. Kelly** and Christopher McCorkindale, "Legislating with rights in Northern Ireland: Why Stormont's Exceptionalism is Stormont's Paradox." *European Human Rights Law Review* No. 3 (2025), 279-305. **(90% contribution)**
15. James B. Kelly, "Legislative Capacity and Human Rights in the Age of Populism – two challenges for Legislated Rights: Discussion of *Legislated Rights: Securing Human Rights through Legislation*," *Jerusalem Review of Legal Studies* 21:1 (2020), 94-111.
14. **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](#) 32:3 (2017), 391-415. **(75 % contribution)**
13. James B. Kelly, "[Editor's Note – Introduction to the \*Publius\* Virtual Issue: Federalism and Supreme Courts](#)," *Publius: The Journal of Federalism* (2017), 1-11.
12. **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 (2012), 35-68. **(50% contribution)**
11. 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 (2011), 295-317.

10. 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 (2011), 257-278.
9. **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 (2005), 217-243. (**50% contribution**)
8. Christopher P. Manfredi and **James B. Kelly**, "Misrepresenting the Supreme Court's Record? A Comment on Choudhry and Hunter," *McGill Law Journal* 49:4 (2004), 741-764. (**50% contribution**)
7. James B. Kelly, "Governing with the Charter of Rights and Freedoms," *Supreme Court Law Review* 2d: 21 (2003), 299-337.
6. 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 (2001), 321-55.
5. Christopher P. Manfredi and **James B. Kelly**, "Dialogue, Deference and Restraint: Judicial Independence and Trial Procedures," *Saskatchewan Law Review* 64:3 (2001), 323-346. (**50% contribution**)
4. **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* (2001), 3-27. (**50% contribution**)
3. James B. Kelly, "The *Charter of Rights* and the Rebalancing of Liberal Constitutionalism in Canada, 1982-1997," *Osgoode Hall Law Journal* 37:3 (1999), 625-695.
2. 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 (1999), 476-511.
1. Christopher P. Manfredi and **James B. Kelly**, "Six Degrees of Dialogue: A Response to Hogg and Bushell," *Osgoode Hall Law Journal* 37:3 (1999), 513-527. (**50% contribution**)

## Chapters

16. James B. Kelly, "Dialogue Theory and Legislative Responses: what the metaphor missed (or perhaps misunderstood) about courts and legislatures," in Kate Puddister and Emmett Macfarlane, eds., *Disciplinary Divides: The Study of Law and Politics*. Toronto: University of Toronto Press, 2026.
15. James B. Kelly, "Québec and the 'Sign Law' Thirty Years after *Ford and Derive: Ford construit solide*," in Kate Puddister and Emmett Macfarlane, eds., *Constitutional Crossroads: Reflections on Charter Rights, Reconciliation, and Change*. Vancouver: UBC Press, 2022, pp. 275-292.

14. 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, 2019, pp. (50% contribution)
13. 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., *Policy Change, Courts, and the Canadian Constitution*. Toronto: University of Toronto Press, 2018, pp. 250-268.
12. 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, 2018, pp. 91-108.
11. 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, 2017, pp. 150-171. (50% contribution)
10. 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, 2014, pp. 114-159. (50% contribution)
9. 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, 2013, pp. 205-233.
8. **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, 2010, pp. 39-53. (50% contribution)
7. **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, 2009, pp. 3-29. (75% contribution)
6. 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, 2009, pp. 86-106.
5. 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, 2008, pp. 39-62.

4. 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, 2004, pp. 77-110.
3. 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, 2002, pp. 560-569.
2. 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, 2002, pp. 496-512.
1. James B. Kelly, "The Supreme Court of Canada and the Complexity of Judicial Activism," in Patrick James, Donald Abelson and Michael Luszttig, eds., *The Myth of the Sacred: The Charter, the Courts and the Politics of the Canadian Constitution*. Montreal: McGill-Queen's University Press, 2002, pp. 97-122.

## **NON-PEER REVIEWED PUBLICATIONS**

### **Articles**

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

### **Parliamentary Submissions and Presentations**

1. 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**

1. **James B. Kelly** and Lorne Sossin, *The Federal Government in Court: Litigation Drivers in the Canadian and International Context*. Ottawa: Department of Justice, 2005. **(50% contribution)**

### **Submissions to Public Consultations**

1. **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, 2005. **(50% contribution)**

## Public Policy Consultations

2. James B. Kelly, Oral briefing to the Hon. Simon Jolin-Barrette, Minister of Justice (Quebec). This briefing involved the proposed introduction of a written Quebec Constitution. 13 May 2025.
  - This briefing to the Minister of Justice (Quebec) involved the proposed introduction of a written Quebec Constitution.
  - The CAQ government introduced Bill 1 (Quebec Constitution Act 2025) on 9 October 2025.
  - My advice to the Minister of Justice was rejected and is not reflected in Bill 1 (Quebec Constitution Act 2025).
    - I advised the re-introduction of bicameralism in Quebec, with an elected upper house, based on a modified version of proportional representation.
    - I advised the introduction of a constitutional provision specifying that the notwithstanding provisions in the Canadian Charter of Rights and Freedoms, and the Quebec Charter of Human Rights, could only be used in response to judicial invalidation by either the Quebec Court of Appeal or the Supreme Court of Canada.
    - This advice, if accepted, would preclude the pre-emptive use of the override provisions of the Canadian and Quebec Charters that occurred in Bills 94 and 96 (Charter of the French Language).
1. James B. Kelly, Written brief submitted to Hunter Litigation Chambers in regard to litigation before the Supreme Court of Canada involving *Conseil scolaire francophone de la Colombie-Britannique*.
  - I was retained by Hunter Litigation Chambers, on behalf of the Attorney General of British Columbia, to write a brief (30 pages) evaluating the implementation of all policy responses to judicial declarations of rights and freedoms, focusing on time-frames and statutory responses, 1982-2024.
  - This report was submitted to Hunter Litigation Chambers in August 2024. Francophone parents had won a Supreme Court of Canada decision affirming their rights to minority language instruction (section 23 of the Canadian Charter of Rights and Freedoms).

## EXTERNAL RESEARCH GRANTS

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

UR \* James B. Kelly, "Court Curbing in Canada: a re-invigorated and a re-imagined notwithstanding clause, unilateral amendment, and provincial sovereignty acts" (\$96,716). *Social Sciences and Humanities Research Council of Canada* (Insight Grants), 2026-2031. \* Principal Investigator (**under review**).

11. \* *Social Sciences and Humanities Research Council of Canada* (Aid to Scholarly Publication Program) for the purposes of James B. Kelly, *Constraining the Court: Judicial Power and Policy Implementation in the Charter Era*. Vancouver: UBC Press, 2024. \* Principal Investigator (\$8,000).

10. \* James Kelly, "Confronting the Court: The Harper Conservatives and the Punitive Turn under the Charter of Rights and Freedoms" (\$68, 221). *Social Sciences and Humanities Research Council of Canada* (Insight Grants), 2015-2018. \* Principal Investigator.
9. \* James B. Kelly, "The Northern Ireland Act 1998 and the Protection of Human Rights: how does consociational power sharing affect the Northern Ireland Assembly's approach to Human Rights?" (\$53,082). *Social Sciences and Humanities Research Council of Canada* (Insight Development Grant), 2019-2024. \* Principal Investigator.
8. \* James B. Kelly, "Dialogic Constitutionalism and the Charter: Institutional Responses within a Weak-form Charter" (\$50, 501). *Social Sciences and Humanities Research Council of Canada* (Standard Research Grant), 2011-2014. \* Principal Investigator.
7. \* *Social Sciences and Humanities Research Council of Canada* (Aid to Scholarly Publication Program) for the purposes of **James B. Kelly** and Christopher P. Manfredi, *Contested Constitutionalism: Reflections on the Canadian Charter of Rights and Freedoms*. Vancouver: UBC Press, 2009. \* Principal Investigator (\$8,000).
6. \* **James B. Kelly** and Janet L. Hiebert, "Parliamentary Democracies and Human Rights: Comparative Institutional Approaches to Rights Protections in Advanced Westminster Systems" (\$92,700). *Social Sciences and Humanities Research Council of Canada* (Standard Research Grant), 2005-2008. \* Principal Investigator.
5. \* **James B. Kelly** and Janet L. Hiebert, "Parliamentary Democracies and Human Rights: Comparative Institutional Approaches to Rights Protections in Advanced Westminster Systems" (\$6,000). *Social Sciences and Humanities Research Council of Canada* (SSHRC 4A), 2004-2005. \* Principal Investigator.
4. \* *Social Sciences and Humanities Research Council of Canada* (Aid to Scholarly Publication Program) for the purposes of James B. Kelly, *Governing with the Charter: Legislative and Judicial Activism and Framers' Intent*. Vancouver: UBC Press, 2005. \* Principal Investigator (\$8,000).
3. \* James B. Kelly, "Charter Politics and the Attorney General: Provincial Responses to the New Judicial Institutionalism" (\$49,470). *Social Sciences and Humanities Research Council of Canada* (Standard Research Grant), 2001-2004. \* Principal Investigator.

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

2. \* James B. Kelly, "Legislative Responses to Judicial Supremacy: Comparing Government Lawyers in Canada, Australia, and New Zealand" (\$39,000). *Fonds de recherche sur la société et la culture*, 2001-2004. \* Principal Investigator.

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

1. \* **James B. Kelly** and Lorne S. Sossin, "The Federal Government in Court" (\$20,000). *Human Rights Law Section*, 2003-2004. \* Principal Investigator.

## **INTERNAL RESEARCH GRANTS**

### ***Concordia University***

2. \* James B. Kelly, "Governing the Territories: Constitutional Rights and the Legislative Process in the Yukon and the Northwest Territories" (\$4,000), 2008-2009. \* Principal Investigator.
1. James B. Kelly, *Concordia University Faculty Research Grant* (\$15,000), 2003-2005.

## **INVITED TALKS**

25. James B. Kelly, "Constraining the Court: Judicial Power and Policy Implementation in the Charter Era." Presentation of 2024 UBC book at the Faculty of Political Science, University of Toronto, St. George's Campus, 22 November 2024.
24. **James B. Kelly** and Christopher McCorkindale, "Legislating with rights in Northern Ireland: an empirical perspective." *Human Rights and Northern Ireland Workshop*, Queen's University Belfast, Belfast, Northern Ireland, 27 September 2024. (90% contribution)
23. James B. Kelly, "The Rise of Populist Constitutionalism in Canada," Panel on *Judicial Reform or Constitutional Revolution? Canadian and Israeli Perspectives*. Azrieli Institute of Jewish Studies, Concordia University, 22 February 2023.
22. James B. Kelly, "The Northern Ireland Assembly: the paradox of power-sharing in a post-conflict society," *Legislation and Legislatures in War and Recovery*, Faculty of Law, Stockholm University, Stockholm, Sweden, 2-3 June 2023.
21. James B. Kelly. "Judicial Independence without Judicial Impact: The Emerging Challenge of Populist Constitutionalism in Canada," International Conference on Judicial Independence – *Measuring Justice and the Rule of Law: Independence, Efficiency, Quality*. International Association of Judicial Independence and World Peace. Hebrew University of Jerusalem, Jerusalem, Israel, 4-6 January 2022. (virtual attendance)
20. James B. Kelly, "Parliamentary Bills of Rights: Hopes, Disappointments, and Salvation? *Rights and Institutional Relationships: A Workshop in Honour of Janet Hiebert*. University of Waterloo, 14 October 2022.
19. James B. Kelly, "Legislative Capacity and Human Rights in the Age of Populism – two challenges for Legislated Rights: Discussion of *Legislated Rights: Securing Human Rights through Legislation*," Harry Radzner Law School, IDC Herzliya, Herzliya, Israel, 28 May 2019.
18. James B. Kelly, "Standing up for the Notwithstanding Clause, notwithstanding the Doug Ford government's decision in regard to Bill 5," *The Constitution, Notwithstanding*. Panel discussion at the Faculty of Law, University of Ottawa, 19 September 2019.

17. James B. Kelly, Book Launch Panellist for Christopher P. Manfredi and Antonia Maioni, *Health Care and the Charter*. Vancouver: UBC Press, 2018. Institute for Health and Social Policy, McGill University, 18 April 2019.
16. James B. Kelly, Charter Statements and the Trudeau Ministry: the reporting duty in comparative perspective, Bell Chair, Carleton University, 15 March 2019.
15. 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, 8-10 March 2017.
14. 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, 18 November 2016.
13. 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, 23 March 2016.
12. 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, 1-3 July 2015.
11. 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, 13 November 2013
10. 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, 28 February 2013.
9. 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, 27 April 2012.
7. 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, 27 February 2008.
6. James B. Kelly, "Parliament and the Charter of Rights and Freedoms: An Unfinished Rights Revolution," *Seagram Lecture*, McGill Institute for the Study of Canada, 23 November 2006.
5. James B. Kelly, "Legislative Activism in Canada and New Zealand," Crown Law Office, Wellington, New Zealand, 25 July 2006.

4. 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, 14 June 2005.
3. James B. Kelly, "Governing with the Charter of Rights: Improving Parliamentary Scrutiny of Legislation," Privy Council Office, Government of Canada, Ottawa, 18 February 2005.
2. James B. Kelly, "Rights Scrutiny in Parliamentary Democracies," New Zealand Ministry of Justice, Wellington, New Zealand, 21 May 2004.
1. 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, 2 October 2004.

## **CONFERENCE ORGANIZATION**

10. Section Head – RC09 (Comparative Judicial Studies) – 26<sup>nd</sup> World Congress, *International Political Science Association*, Lisbon, Portugal, 10-15 July 2021 (VIRTUAL).
9. Co-organizer – *Research Committee on Comparative Judicial Studies* (IPSA RC 9), Prato Centre, Prato Italy, 23-25 July 2019.
8. Co-organizer – *Research Committee on Comparative Judicial Studies* (IPSA RC 9), Dublin Castle, Dublin, Ireland, 22-23 July 2013.
7. Section Head – RC09 (Comparative Judicial Studies) – 22<sup>nd</sup> World Congress, *International Political Science Association*, Madrid, Spain, 8-12 July 2012.
6. Co-organizer – *Research Committee on Comparative Judicial Studies* (IPSA RC 9), University of California, Irvine, USA, 21-23 July 2011.
5. Section Head – Canadian Politics – Annual Meeting of the *Canadian Political Studies Association*, Concordia University, Montreal, 1-4 June 2010.
4. Co-organizer – *Research Committee on Comparative Judicial Studies* (IPSA RC 9), University of Bologna, Bologna, Italy, 21-23 June 2010.
3. Organizer – *Research Committee on Comparative Judicial Studies*, International Political Science Association, Santiago, Chile, 12-16 July 2009.
2. Host and Organizer – *Research Committee on Comparative Judicial Studies*, International Political Science Association, *Courts and Separation of Powers*, Concordia University, Montreal, Quebec, 24-26 June 2008.
1. Member of the Organizing Committee – McGill Institute for the Study of Canada, *The Charter @ 25*, Hotel Omni-Mont Royal, Montreal, Quebec, 14-16 February 2007.

## **CONFERENCE PAPERS**

UR James B. Kelly, "Court Curbing in Canada: a re-invigorated and a re-imagined notwithstanding clause, unilateral amendment, and provincial sovereignty acts." American Political Science Association, Boston, Massachusetts, 3-6 September 2026. (**under review**)

UR James B. Kelly, "Court Curbing in Canada: a re-invigorated and a re-imagined notwithstanding clause, unilateral amendment, and provincial sovereignty acts." Public Law Conference, University of Cape Town, Cape Town, South Africa, 1-4 July 2026. (**under review**)

49. James B. Kelly, "Court Curbing in Canada: a re-invigorated and a re-imagined notwithstanding clause, unilateral amendment, and provincial sovereignty acts." Midwest Political Science Association, Chicago, Illinois, 23-26 2026.

48. James B. Kelly, "Court Curbing in Canada: a re-invigorated and a re-imagined notwithstanding clause, unilateral amendment, and provincial sovereignty acts." Canadian Political Science Association, Ottawa, Canada, 2-4 June 2026.

47. James B. Kelly, "Northern Ireland and the 'Commonwealth model' of constitutionalism: exceptionalism and a paradox," Canadian Political Science Association, George Brown College, Toronto, 2-5 June 2025.

46. James B. Kelly, "Understanding Judicial Power and Policy Implementation in the Charter Era," Canadian Political Science Association, McGill University, Montreal, 2-5 June 2025.

45. James B. Kelly, "The Northern Ireland Assembly and Human Rights Protections: Legislative Competence and Rights based Scrutiny in a Power-sharing Executive and Assembly." European Consortium on Political Research (ECPR), Standing Group on Parliaments, Sciences PO, Paris, 30 June-2 July 2022.

44. James B. Kelly, "Confronting the Court: Legislative Disagreements in the Charter Era," Canadian Political Science Association, 2-5 June 2021 (VIRTUAL).

43. James B. Kelly, "Québec and the 'Sign Law' Thirty Years after *Ford* and *Derive*: *Ford construit solide*," *The Constitution Act, 1982: 40 Years Later*. Courts & Politics Research Group (30 April – 2 May 2021. (VIRTUAL).

42. James B. Kelly, "Northern Ireland and the 'Commonwealth model' of Constitutionalism: Stormont and the Protection of Human Rights," PSA UK, Annual Meeting, Belfast, Northern Ireland, 20 March-2 April 2021. (VIRTUAL)

41. James B. Kelly, "Northern Ireland and the 'Commonwealth model' of Constitutionalism: Stormont and the Protection of Human Rights," PSA UK, Annual Meeting, Edinburg, Scotland, 4-6 April 2020. (*cancelled due to COVID-19*)

40. James B. Kelly, "The Northern Ireland Model of Human Rights Protection," *Research Committee on Comparative Judicial Studies* (IPSA RC 9), Prato Centre, Prato Italy, 23-25 July 2019.

39. James B. Kelly, "Stormont and Human Rights: an assessment of rights-based scrutiny by the Northern Ireland Assembly," PSA Parliaments Group, Stormont, Belfast, Northern Ireland, 8-9 November 2018.
38. James B. Kelly, "Confronting the Court, Reversing the Court: understanding 'strong-form' responses and non-compliance by parliamentary actors," European Consortium on Political Research (ECPR), 2018 General Conference, Hamburg, Germany, 23-25 August 2018.
37. James B. Kelly, "The *Northern Ireland Act* 1998 and Brexit: Can the Good Friday Agreement survive in the absence of EU laws and safeguards?" European Consortium on Political Research (ECPR), Standing Group European Union (SGEU) Conference, Sciences PO, Paris, 13-15 June 2018.
36. James B. Kelly, "The Supreme Court of Canada as an Implementer-dependent Institution," Canadian Political Science Association, Ryerson University, 27 May-2 June 2017.
35. 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, 25-27 June 2017.
34. 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." European Consortium on Political Research (ECPR) 2016 General Conference, Prague, Czech Republic, 7-10 September 2016.
33. **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, 2-4 June 2016. **(75% contribution)**
32. 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, 2-4 June 2015.
31. 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, 19-24 July 2024. **(33% contribution)**
30. 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, 16-20 June 2014.
29. 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, 22-24 July 2013.

28. 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, 21-23 May 2013.
27. 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, 13-15 June 2012.
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25. 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, 25-27 August 2011.
24. 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, 21-23 June 2010.
23. 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, 31 May-2 June 2 2009. (**50% contribution**)
22. 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, 12-16 July 2009.
21. James B. Kelly, "Notwithstanding-by-default but not design: Cabinet Reversal of Charter Decisions without recourse to Section 33," University of Ottawa, October 2008.
20. 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, 2-4 June 2008.
19. 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, 202-3 July 2006.
18. James B. Kelly, "Canada's *Anti-Terrorism Act*: Securing Balance through Parliamentary Scrutiny," *International Political Science Association*, Fukuoka, Japan, 12-16 June 2006.
17. 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, 29-31 January 2005.

16. 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, 2-4 June 2005.
15. **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, 28-30 January 2004. **(50% contribution)**
14. 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, 14-16 June 2003.
13. James B. Kelly, "Charter Dialects: Parliamentary, Bureaucratic and Judicial Responses to Rights and Freedoms," *Canadian Political Science Association*, Dalhousie University, June 2-4. James B. Kelly, "Executive Supremacy and the Charter of Rights and Freedoms," paper presented at *Constitutional Cases 2003*, Osgoode Hall Law School, York University, 2-4 April 2003.
12. 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, 16-18 April 2002.
11. James B. Kelly, "Judicial Nullifications and Canadian Democracy," *The Charter at Twenty*, York University, Toronto, Canada, 3-5 April 2002.
10. 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, 5-7 October 2001.
9. 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, 3-5 November 2001.
8. James B. Kelly, "Framers' Intent and the Just Society: In Defence of an Activist Canadian High Court," *Canadian Political Science Association*, Laval University, Quebec, 12-14 June 2001.
7. 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, 28-30 June 2001.
6. 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, 2-4 June 2000. **(50% contribution)**
5. 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, 2-4 June 1999.

4. James B. Kelly, "The Charter of Rights and the Administrative State in Canada," *Canadian Political Science Association*, University of Ottawa, Ottawa, Ontario, 28-30 May 1998.
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2. 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, 1-3 June 1997.
1. 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, 2-4 June 1996.

### **Newspaper Articles**

2. James B. Kelly, "What do the Donner Prize nominees ask of the next prime minister?" *The Globe and Mail* (26 April 2025).
1. James B. Kelly, "Books & Big Ideas – Kelly looks at how governments react to judicial invalidation in *Constraining the Court*." *The Hill Times*. Book Excerpt (5 May 2025).

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1. James B. Kelly, "Are judges overstepping their role? James Kelly on the relationship between the courts and public policy." *The Hub*. 18 minute podcast interview with Harrison Lowman (8 May 2025). <https://thehub.ca/podcast/video/are-judges-overstepping-their-role-james-kelly-on-the-relationship-between-the-courts-and-public-policy/>

### **SUPERVISION**

#### **Post-Doctoral Supervision**

2. 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, 2013-2015.
1. Liora Norwich (Hebrew University of Jerusalem) "Legal Mobilization and Minority Rights in Israel, Canada, and Northern Ireland," Azrieli Institute Postdoctoral Fellowship, 2013-2015.

### **Doctoral Dissertations Supervised**

1. Philip Gunterman, "TBD" (2025-present)

### **Doctoral Dissertation Committee**

2. Jocelyn McGrandle, "A Canadian Parliamentary Paradox: Party Cooperation and Legislative Influenced in House of Commons Committees." (2018-2021)
1. Phillip Villard, "Clear Skies or Ongoing Turbulence? Canadian Airport Policy between Airport Operators, Airlines, and the Federal Government." (2010-2012)

### **Master's Theses Supervised**

4. Thompson, Meghan, "TBD" (2025-2026)
3. Felix-Antoine Froment, "The Reduction of the Canadian Voting Age to 16 years." (2023-2024)
2. Marianna Callocchia, "The Judicialization of Politics in Canada and the Policy Legacy of the McLachlin Court (2000-2017)," (2019-2020)
1. Joseph Berger, "Federalism for a New Millennium: A Case Study of the Canada Millennium Scholarship Foundation." (2011-2012)

### **Master's in Public Policy and Public Administration Internship Reports Supervised**

18. Gheorghe Gabon, "Explaining Policy Stability Amid the 2024 Head of Mission Residence Controversy at Global Affairs Canada." (2025)
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16. Nicolas Fiore, "The Outdated Oversight Process in Canada's Domestic Maritime Fleet." (2024)
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13. Whitney Collins, "Access to Health and Social Services in Quebec." (2020)

12. Caitlin Matthew "Canada's Digital Policy: A Move towards Better Service Delivery: Application of Kingdon's Multiple Streams Approach Theory," (2019)
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1. Alexander Martel, "Yukon First Nation Agreements: A New Indian Act?" 2004

### **Master's in Public Policy and Public Administration Internship Reports – 2<sup>nd</sup> Reader**

16. Jonathan Postnikoff, "Exploring Convergence of Climate Change Policy Goals, Content, and Instruments Among the Umbrella Group of Countries." (2018)
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3. Poppy Vineberg, "Canada's Quest for the International Registry for Mobile Equipment: Achieving Goals in a Multicentric Setting." (2006)
2. Andrew Bottega, "Aviation Security: International Policy Coordination, Coercion, and the State Sovereign." (2006)
1. Jenifer Henderson, "Towards a Foucauldian Analysis of Sustainable Development at the Department of Indian and Northern Affairs Canada." (2004)

## **TENURE AND PROMOTION REVIEWS**

### **Promotion to Professor**

5. Ittai Bar-Siman-Tov, Faculty of Law, Bar Ilan University (2020-2021)
4. Thomas Bateman, Department of Political Science, St. Thomas University (2018-2020)
3. Andrew Heard, Department of Political Science, Simon Fraser University (2018-2020)
2. Lawrence Anderson, Department of Political Science, University of Wisconsin-Whitewater (2019-2020)
1. Cynthia Ostberg, Department of Political Science, University of the Pacific (2005-2006)

**Promotion to Associate Professor with Tenure**

8. Andrew McDougall, Department of Political Science, University of Toronto Scarborough (2025-2026).
7. Mark Harding, Department of Political Science, University of Guelph (2025-2026)
6. Mark Gardner, Department of Political Studies, Queen's University Kingston (2025-2026)
5. Dave Snow, Department of Political Science, University of Guelph (2019-2019)
4. Robert Schertzer, Department of Political Science, University of Toronto Scarborough (2018-2019)
3. Stephanie Chouinard, Department of Political Science, Royal Military College of Canada (2016-2017)
2. Emmett Macfarlane, Department of Political Science, University of Guelph (2015-2016)
1. Dagmar Soennecken, Department of Political Science, York University (2005-2006)