

SHANNON KATHLEEN MARY O'BYRNE

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CURRENT POSITION

2003 to present PROFESSOR OF LAW
(University of Alberta)

AFFILIATIONS

2009 to present RESEARCH AFFILIATE, DEPARTMENT OF WOMEN'S AND GENDER STUDIES
(University of Alberta)

COURSES TAUGHT:

Contracts
Corporations Law
Remedies

ACADEMIC HISTORY

1991 Master of Laws, University of Alberta

1985 Bachelor of Law, University of Alberta

1984 Master of Arts (English Literature), University of Alberta

1979 Bachelor of Arts (with great distinction), University of Regina

1977 International Baccalaureate, Lester B. Pearson United World College of the Pacific

PROFESSIONAL AND OTHER HONOURS

Fall 2017	MACCORMICK FELLOW, EDINBURGH LAW SCHOOL (visiting fellowship)
2016	FINALIST, HOLMES-CARDOZO AWARD FOR BEST CONFERENCE PAPER (awarded by the Academy of Legal Studies in Business)
2016	BEST PAPER AWARD (awarded by the Canadian Academy of Legal Studies in Business)
2015	BEST PAPER AWARD (awarded by the Canadian Academy of Legal Studies in Business)
2014	LAW SOCIETY OF ALBERTA'S DISTINGUISHED SERVICE AWARD FOR EXCELLENCE IN LEGAL SCHOLARSHIP (awarded by the Law Society of Alberta)
2014	ALUMNI AWARD OF EXCELLENCE (awarded by the University of Alberta Alumni Association)
2002	RUTHERFORD AWARD FOR EXCELLENCE IN UNDERGRADUATE TEACHING (awarded by the University of Alberta as its highest teaching honour)
2002	HON. MR. JUSTICE TEVIE MILLER TEACHING EXCELLENCE AWARD (awarded by the Friends of the Faculty of Law; committee chaired by Costigan J.A.)
1995	SOUTHWESTERN PUBLISHING DISTINGUISHED PAPER AWARD (awarded by the Academy of Legal Studies in Business)

WORK HISTORY

July 2003 to present	PROFESSOR Faculty of Law, University of Alberta Edmonton, Alberta
July 2005 to December 2006	ASSOCIATE DEAN, GRADUATE STUDIES AND RESEARCH Faculty of Law, University of Alberta
July 1998 to June 2003	ASSOCIATE PROFESSOR Faculty of Law, University of Alberta

July 1996 to June 1998	ASSISTANT PROFESSOR (TENURE –TRACK APPOINTMENT) Faculty of Law, University of Alberta
July 1993 to June 1996	ASSISTANT PROFESSOR (TERM APPOINTMENTS) Faculty of Law, University of Alberta
September 1991 to May 1993	SESSIONAL LECTURER Faculty of Law, University of Alberta
September 1991 to April 1992	SESSIONAL LECTURER Faculty of Business, Department of Marketing and Economic Analysis, University of Alberta
January 1989 to July 1989	CONSULTANT Alberta Law Reform Institute, University of Alberta
1987 to 1988	LAWYER Lucas, Bishop, Bowker and White Edmonton, Alberta
1986 to 1987	ARTICLING STUDENT Lucas, Bishop, Bowker, and White
Summer 1985	RESEARCH ASSISTANT Faculty of Law, University of Alberta
1981 to 1982	LEGISLATIVE INTERN OFFICE OF THE SPEAKER Government of Alberta, Edmonton, Alberta

PUBLICATIONS

BOOKS

Canadian Business & the Law 7th ed (Toronto: Nelson, 2020) 700 pages. Co-authored with Dorothy DuPlessis, Philip King, Lorrie Adams, and Steve Enman.

Canadian Business & the Law 6th ed (Toronto: Nelson, 2017) 700 pages. Co-authored with Dorothy DuPlessis, Philip King, Lorrie Adams, and Steve Enman.

Canadian Business & the Law 5th ed (Scarborough: Nelson, 2014) 700 pages. Co-authored with Dorothy DuPlessis, Steven Enman, and Philip King.

Canadian Business & the Law 4th ed (Scarborough: Nelson, 2011) 700 pages. Co-authored with Dorothy DuPlessis and Steven Enman.

Canadian Business & the Law 3rd ed (Scarborough: Nelson, 2008) 700 pages. Co-authored with Dorothy DuPlessis and Steven Enman.

Canadian Business & the Law 2nd ed. (Scarborough: Nelson, 2004) 700 pages. Co-authored with Dorothy DuPlessis and Steven Enman.

Canadian Business & the Law (Scarborough: Nelson, 2001) 700 pages. Co-authored with Dorothy DuPlessis, Steven Enman, and Sally Gunz.

Articles and book chapters

(1) CONTRACTS LAW

"Good Faith in Contractual Performance: A Scottish-Canadian Perspective", (2019) 23:3 *Edinburgh Law Review*, 301-331. Co-authored with Hector MacQueen.
 "The Contractual Principle of Good Faith and the Duty of Honesty in *Bhasin v Hyrnew*", (2015) 53 *Alberta Law Review* 1- 34. Co-authored with Ronnie Cohen.

"Assessing Exclusion Clauses: The Supreme Court of Canada's Three Issue Framework in *Tercon Contractors Ltd v British Columbia (Transportation and Highways)*", (2012) 35 *Dal LJ* 215-235 (case comment).

"Law, Emotion, and the Subprime Mortgage Crisis", (2011) 45 *Real Prop, Trust & Est LJ* 677-729. Co-authored with Ronnie Cohen.

"Giving Emotions Their Due: Justice Bertha Wilson's Response to Intangible Loss in Contract" in Kim Brooks (ed) *Justice Bertha Wilson: one woman's difference* (Vancouver: UBC Press, 2009) 92-109.

"The Implied Term of Good Faith and Fair Dealing: Recent Developments", (2007) 86 *Can Bar Rev* 193 -245.

"Damages for Mental Distress and Other Intangible Loss in a Breach of Contract Action", (2005) 28 *Dal LJ* 311-351.

"Cry Me a River: Recovery of Mental Distress Damages in a Breach of Contract Action (A North American Perspective)", (2005) 42 *Am Bus LJ* 97-143. Co-authored with Ronnie Cohen.

"Breach of Good Faith in Performance of the Franchise Contract: Punitive Damages and Damages for Intangibles", (2004) *Can Bar Rev* 431-470.

“Punitive Damages and the Requirement for an Independent Actionable Wrong: *Whiten v Pilot Insurance Co*”, (2002) 25 Advocates' Quarterly 496-510. Co-authored with Evaristus Oshionebo. (Case comment)

“Case Comment. Bad Faith: Contracts of Employment -- *Wallace v United Grain Growers Ltd*”, (1998) 77 Can Bar Rev 492- 508. (Case comment)

“Good Faith in Contractual Performance: Recent Developments”, (1995) 74 Can Bar Rev 70-96.

“Culpable Silence: Liability for Non-Disclosure in the Contractual Arena”, (1998) 30 Can Bus LJ 239-266.

“More Promises to Keep: Contract Law since 1921”, (1996) 30 Alta LR 165-188.

(2) CORPORATIONS LAW

“The Oppression Remedy versus the Derivative Action”, Legal Education Society of Alberta (LESA) seminar publication (Shareholder Disputes) (Fall, 2019).

“Personal Liability of Directors and Officers in Tort: Searching for Coherence and Accountability”, (2019) 22 U of Pennsylvania Journal of Business Law 82-132. Co-authored Cindy Schipani,

“Feminism(s), Progressive Corporate Law, and the Corporate Oppression Remedy: Seeking Fairness and Justice”, (2017) 19 Georgetown Journal Gender and the Law 61-111. Co-authored with Cindy Schipani.

“The Tortious Liability of Directors and Officers to Third Parties in Common Law Canada”, (2017) 54 Alberta Law Review 871-898. Co-authored with Yemi Philip and Katherine Fraser.

A Comment on “Six Months of the British Columbia Business Corporations Act: Changes and Challenges”, (2006) 43 Can Bus LJ 477- 486.

(3) INTERDISCIPLINARY WORK

“Law and Emotion in Brontë’s *Jane Eyre*”, (2015) 25 Texas Journal of Women, Gender and the Law 25-55.

“Law and Literature: A North American Perspective” in Masahiro Ken Kuwahara, ed. *Society and Law in Contemporary Canada*, (Nagoya: Centre for International Studies, 2001) at 351-369 (in Japanese).

“Economic Justice and Free Trade: An Analysis of the Libertarian Foundations of the Free Market Paradigm”, (1996) 55 *American Journal of Economics and Sociology* 1-15. Reprinted with permission in (1999) 2 *Journal of the Centre for International Studies* 31-42.

“Legal Criticism as Storytelling”, (1992) 23 *Ottawa L Review* 487-503.

“Towards an Integrated, Liberal Theory of the Canadian State”, (1992) 33 *Les Cahiers de Droit* 1057-1092.

(4) **PUBLIC LAW**

“Can You Hear Me Now? Good: Feminism(s), The Public/Private Divide, and *Citizens United v FEC*” (essay), (2013) 20 *UCLA Women’s Law Journal* 39-70. Co-authored with Ronnie Cohen.

“Employment Discrimination Based on Sexual Orientation: The American, Canadian, and UK Response”, (1999) 17 *Journal of Law and Inequality: A Journal of Theory and Practice* 1-56. Co-authored with Ronnie Cohen (U.S.) Pat Maxwell.

“Plessy Revisited: Lesbian and Gay Rights in the Province of Alberta”, (1996) 34 *Alta LR* 892-924. Co-authored with James McGinnis. (Case comment)

“Public Power and Private Obligation: An Analysis of the Government Contract”, (1992) 14 *Dal LJ* 485-525.

“Generating Public Law”, (1991) 5 *Can J of Admin L & Prac* 133-178.

(5) **ANCILLARIES**

Instructor’s Guide to accompany Canadian Business & the Law, 7th ed. (Toronto: Nelson, 2020), co-authored with Dorothy DuPlessis, Philip King, Lorrie Adams, and Steven Enman.

Instructor’s Guide to accompany Canadian Business & the Law, 6th ed. (Toronto: Nelson, 2017), co-authored with Dorothy DuPlessis, Philip King, Lorrie Adams, and Steven Enman.

Instructor’s Guide to accompany Canadian Business & the Law, 5th ed. (Scarborough: Nelson, 2014), co-authored with Dorothy DuPlessis, Steven Enman, and Philip King.

Instructor’s Guide to accompany Canadian Business & the Law, 4th ed. (Scarborough: Nelson, 2011), co-authored with Dorothy DuPlessis and Steven Enman.

Instructor's Guide to accompany Canadian Business & the Law, 2nd ed. (Scarborough: Nelson, 2004), co-authored with Dorothy DuPlessis and Steven Enman.

Instructor's Guide to accompany Canadian Business & the Law (Scarborough: Nelson, 2001), co-authored with Dorothy DuPlessis, Steven Enman, and Sally Gunz.

JUDICIAL CITATIONS

“The Contractual Principle of Good Faith and the Duty of Honesty in *Bhasin v Hrynew*”, co-authored with Ronnie Cohen, (2015) 53 Alberta Law Review 1 has been cited by:

- SUPREME COURT OF CANADA:
CM Callow Inc v Zollinger, 2020 SCC 45

"The Implied Term of Good Faith and Fair Dealing: Recent Developments", (2007) 86 Can Bar Rev 193) has been cited by:

- SUPREME COURT OF CANADA:
Bhasin v Hrynew, 2014 SCC 71
- BRITISH COLUMBIA SUPREME COURT:
0856464 B.C. Ltd v TimberWest Forest Corp, 2014 BCSC 2433
- MANITOBA COURT OF QUEEN'S BENCH
Payne v R Litz & Sons Co Ltd, 2013 MBQB 121
- NEW BRUNSWICK COURT OF APPEAL
Doucet and Dauphinee v Spielo Manufacturing Incorporated and Manship, 2011 NBCA 44
- NEW BRUNSWICK COURT OF QUEEN'S BENCH
Elliott v Trane Canada Inc, 2008 NBQB 79
- NEWFOUNDLAND COURT OF APPEAL
Doucet and Dauphinee v Spielo Manufacturing Inc, 2011 NBCA 44
- NEWFOUNDLAND AND LABRADOR TRIAL DIVISION
McDonald v Sea Crest Holdings Ltd, 2009 NLTD 101
- ONTARIO SUPERIOR COURT
Galea v Wal-Mart Canada Corp, 2017 ONSC 245

- ONTARIO SUPERIOR COURT OF JUSTICE
TDL Group Corp v DXStorm.com Inc, (2013) OJ No 6326
- ONTARIO SMALL CLAIMS COURT
Danian v Baugh, 2016 CanLII 16475 (ON SCSM)
- PRINCE EDWARD ISLAND COURT OF APPEAL
WCI Waste Conversion Inc v ADI International Inc, 2011 PEICA 14
- Ontario Labour Relations Board
Bell Canada v Unifor, Local 34-0, 2016 CanLII 11573 (ON LA)

“Damages for Mental Distress and Other Intangible Loss in a Breach of Contract Action” (2005), 28 Dal LJ 311-351 has been cited by:

- SUPREME COURT OF CANADA
Fidler v Sun Life Assurance Company of Canada, (2006) SCC 30
- BRITISH COLUMBIA SUPREME COURT
Salavtierra v Sun Life Assurance Company of Canada, 2014 BCSC 248 (in Chambers)

Nayyar v Manufacturers Life Insurance Co, 2012 BCSC 28 (reversed on other grounds 2012 BCCA 501)
- COUR DU QUÉBEC
S.C. c. SSQ, société d'assurance-vie inc., 2019 QCCQ 3008
- NEWFOUNDLAND SUPREME COURT TRIAL DIVISION
Saunders v RBC Life Insurance Co, 2007 NLTD 104
- NOVA SCOTIA SUPREME COURT

Industrial Alliance Insurance and Financial Services Inc v Brine, 2014 NSSC 219, (varied on other grounds 2015 NSCA 104)
- ONTARIO SUPERIOR COURT
Mujagic v State Farm Automobile Insurance, (2009) 95 OR (3d) 624
- QUÉBEC SUPERIOR COURT
Lebel v Compangie d'assurance-vie, 2009 QCCS 1204
- SASKATCHEWAN COURT OF QUEEN'S BENCH

Branco v American Home Assurance Company, 2012 SKQB 394

- BRITISH COLUMBIA LABOUR RELATIONS BOARD
British Columbia Public School Employer's Association School District No. 36 v British Columbia Teachers' Federation Surrey Teachers' Association, 2010 CanLII 81706 (BCLA)

“Cry Me a River: Recovery of Mental Distress Damages in a Breach of Contract Action -- A North American Perspective” (2005), 42 American Business Law Journal 97-143 (co-authored with Ronnie Cohen) has been cited by:

- SUPREME COURT OF CANADA
Sun Life Assurance Company of Canada v Fidler, (2006) SCC 30
- NEWFOUNDLAND AND LABRADOR TRIAL DIVISION
Kerry Saunders v RBC Life Insurance Co, 2007 NLTD 104

“Plessy Revisited: Lesbian and Gay Rights in the Province of Alberta,” (1996) (co-authored with James McGinnis) has been cited by:

- SUPREME COURT OF CANADA
Vriend v Alberta, (1998) 156 DLR (4th) 356 (SCC)

"Good Faith in Contractual Performance " (1995) has been cited by:

- SUPREME COURT OF CANADA:
Bhasin v. Hrynew, 2014 SCC 71
- SUPREME COURT OF CANADA
Wallace v United Grain Growers (1997), 152 D.L.R. (4th) 1 at 48 (S.C.C.) (in the dissent of McLachlin J., as she then was)
- FEDERAL COURT OF APPEAL
Martel Building Ltd v Canada, (1998) 163 DLR (4th) 503 (FCA), reversed on other grounds, [2000] 2 S.C.R. 860
- ALBERTA COURT OF QUEEN' S BENCH
CWB Maximum Financial Inc v 2026998 Alberta Ltd, 2021 ABQB 137
Coco Homes Inc v Caleron Properties Ltd, 2016 ABQB 30
Coulombe v Sabatier, 2006 ABQB 618
Markakis v Yuck (2003), 32 BLR (3rd) 82

921250 Alberta v 762910 Alberta Inc, 2003 ABQB 81

Gano v Alberta Motor Association Insurance Co, (1997) 202 AR 118 (in chambers)

- BRITISH COLUMBIA COURT OF APPEAL

McDonald's Restaurants of Canada Ltd. v British Columbia, [1997] 4 WWR 229 (BCCA).

- BRITISH COLUMBIA SUPREME COURT

Toronto-Dominion Bank v Rismani, 2015 BCSC 596

0856464 BC Ltd v TimberWest Forest Corp, 2014 BCSC 2433

Canadian Imperial Bank of Commerce v Probe (cob Mi Lo Ranch) (2003), 17 BCLR (4th) 391 (SC)

Schluessel v. Mair (2001), 85 BCLR (3d) 239 (BCSC)

Ken Toby Ltd v British Columbia Buildings Corp, [1997] 8 WWR 721 (BCSC).

- MANITOBA COURT OF APPEAL

Hughes Land Co v Manitoba (1998), 167 DLR (4th) 652 (CA)

- MANITOBA QUEEN' S BENCH

Horizon Builders Ltd v City of Brandon, 2009 MBQB 153

Hughes Land Co v Manitoba (1997), 120 Man. R. (2d) 235 (Man QB)

Imasco Retail v Blanaru, [1995] 9 WWR 44 (Man QB)

- NEW BRUNSWICK COURT OF QUEEN'S BENCH

HB Construction v Potash Corporation, 2020 NBQB

- NEWFOUNDLAND SUPREME COURT- COURT OF APPEAL

Ocean Nutrition Canada Ltd v Matthews, 2018 NSCA 44, leave to appeal allowed SCC, Jan 31, 2019)

Health Care Developers Inc v Newfoundland (1996), 136 D.L.R. (4th) 609 (Nfld. SCAD)

- NEWFOUNDLAND SUPREME COURT- TRIAL DIVISION

Slate Ventures Inc. v. Hurley (1996), 136 Nfld & PEIR 341 (Nfld. S.C.T.D.), affirmed (1997), 37 BLR (2d) 138 (Nfld SCAD)

- NOVA SCOTIA COURT OF APPEAL

Ocean Nutrition Canada Ltd. v Matthews, 2018 NSCA 44 (case reversed on other grounds by the SCC)

- NOVA SCOTIA SUPREME COURT

Trout Point Lodge Limited v Automattic Inc, 2020 NSSC 212

- ONTARIO SUPERIOR COURT OF JUSTICE

Best Lifestyle v County of Simcoe, 2019 ONSC 6619

Paulus v Fleury, 2018 ONSC 1188, reversed on other grounds 2018 ONCA 1072.

Galea v Wal-Mart Canada Corp, 2017 ONSC 245

Larizza v Royal Bank of Canada, 2017 ONSC 6140, affirmed 2018 ONCA 632

La Corporation de la Ville de Hawkesbury v Le Chenail Inc, 2016 ONSC 7006

Tender Choice Foods Inc v Planet Energy (Ontario) Corp, 2015 ONSC 817

Lavrijsen Campgrounds Ltd v Reville, 2015 ONSC 103

AF Industries Limited Liability Corp v Complete Innovations Inc, 2012 ONSC 3923, affirmed 2014 ONCA 60

Katotikidis v Mr Submarine Ltd (2002), 26 BLR (3d) 140 (Sup Ct Jus)

Working Ventures Canadian Funds Inc v Angoss Software Corp. [2001] OJ No 4537 (Sup Ct Jus); affirmed [2001] OJ No. 2950 (CA)

Canada Trustco Mortgage Co v 1098748 Ontario Ltd, [1999] OJ No. 963 (Gen Div)

Granitile Inc v Canada, (1998) 41 CLR (2d) 115 (Ont Ct (Gen Div))

Confederation Treasury Services Ltd v Hees International Bancorp Inc (1977), 22 OTC 321 (Ont Ct (Gen Div))

Twin City Mechanical v Bradsil (1996), 31 CLR (2d) 210 (Ont Ct (Gen Div)), reversed on other grounds, 116 OAC 39

- ONTARIO SMALL CLAIMS COURT

Baier v Kitchener-Waterloo Skating Club, 2019 CanLII 31632 (ON SCSM)

Macera v Abcon Media Canada Inc, 2017 CanLII 45939 (ON SCSM)

Danian v Baugh, 2016 CanLII 16475 (ON SCSM)

- SUPREME COURT OF PRINCE EDWARD ISLAND
CMT et al v. Government of PEI, 2019 PESC 40
- SASKATCHEWAN COURT OF QUEEN' S BENCH
Custom Cycle (1996) Ltd v Honda Canada Inc, 2009 SKQB 42; appeal dismissed
2009 SKCA 140

NewsWest Corp v Glendar Holdings Ltd, [2001] 9 WWR. 312 (Sask QB)

“The Tortious Liability of Directors and Officers to Third Parties in Common Law Canada” (co-authored with Y. Philip, and K. Fraser), (2017) 54:4 Alta L Rev 871 has been cited by:

- ALBERTA COURT OF APPEAL
698828 Alberta Ltd v Elite Homes (1998) Ltd, 2020 ABCA 154
Hall v Stewart, 2019 ABCA 98
- ALBERTA COURT OF QUEEN'S BENCH
Falgui v Solomon College Ltd, 2019 ABQB 404

“Breach of Good Faith in the Performance of the Franchise Contract” (2004) 83 Can Bar Rev 431 has been cited by:

- QUEBEC COURT OF APPEAL
Dunkin' Brands Canada Ltd c Bertico inc, 2015 QCCA 624

“Bad Faith: Contracts of Employment” (1998) has been cited by:

- ONTARIO COURT OF APPEAL
Haldane v Shelbar Enterprises Ltd (1999), CCL (2d) 267 (Ont CA)
- ONTARIO SUPERIOR COURT OF JUSTICE
Reininger v Unique Personnel Canada Inc. (2002), 21 CCEL (3d) 278 (Ont Sup Ct Jus)
- IMMIGRATION AND REFUGEE BOARD OF CANADA

He c Canada (Citoyenneté et Immigration), 2017 CanLII 78788 (CA CISR)

“Culpable Silence: Liability for Non-Disclosure in the Contractual Arena” (1998)
has been cited by:

- ALBERTA COURT OF QUEEN'S BENCH
Brown v Silvera 2009 ABQB 523, varied on other grounds 2011 ABCA 109

- BRITISH COLUMBIA LABOUR RELATIONS BOARD

Haakon Industries (Canada) Ltd v Sheet Metal Workers' International Association, Local no. 280, 2010 CanLII 61303 (BC LRB)

Corporation of City of Cranbrook v. International Association of Firefighters Local No. 1253 (July 19, 2001) No. B294/2001

Doman-Western Lumber Ltd. v. Industrial Wood and Allied Workers of Canada (January 27, 2000) No. B36/2000

“The Oppression Remedy versus the Derivative Action”, Legal Education Society of Alberta (LESA) seminar publication (Shareholder Disputes) (Fall, 2019) **has been cited by:**

- ALBERTA COURT OF QUEEN’S BENCH
New Century Properties Ltd v Bank of Montreal, 2020 ABQB 39

SENATORIAL CITATIONS

March 5, 2002: Re: Issues facing the Canadian justice system. A portion of the brief response which Ms. Diana Lowe (Civil Justice Forum) and I provided at the request of Hon. Lorna Milne was quoted by her in the Debates of the Senate (1st Session; 37th Parliament, vol. 139, Issue 92).

COURSE MATERIALS

Editor of 16 editions of comprehensive course materials in corporations law, the latest being: *Corporations Law: Cases and Materials*, (Edmonton: Faculty of Law, University of Alberta, 2017) 500 pages.

Co-editor of *Corporations Law: Cases and Materials*, (Edmonton: Faculty of Law, University of Alberta, 2019) 500 pages. With Professors Anna Lund and Tamar Meshel.

Editor of several editions of supplementary materials in judicial remedies, the latest being *Judicial Remedies: Supplementary Materials*, 4th ed. (Edmonton: Faculty of Law, University of Alberta, 2014) 500 pages.

PRESENTATIONS DELIVERED TO PROFESSIONAL ORGANIZATIONS

- October 29, 2019 “The Oppression Remedy versus the Derivative Action”, Legal Education Society of Alberta (LESA) seminar (Shareholder Disputes) (Edmonton, AB)
- October 25, 2019 “The Oppression Remedy versus the Derivative Action” LESA seminar (Shareholder Disputes) (Calgary, AB)
- September 21, 2017 “The Tortious Liability of Directors and Officers to Third Parties” (based on an article co-authored with Yemi Philip and Katherine Fraser) to the Legal Forum (Edmonton, AB).
- May 18, 2017 “The Principle of Good Faith and the Duty of Honesty: An Analysis of *Bhasin v Hrynew* 2014 SCC 71” (based on an article co-authored with Ronnie Cohen) to a conference of the Provincial Court Judges of Alberta (Canmore, AB).
- May 8, 2017 “Implications and Applications of the Supreme Court of Canada’s New Principle of Good Faith and Duty of Honesty in Contractual Performance” (with Leanne Krawchuck and based on an article co-authored with Ronnie Cohen). Legal Education Society of Alberta, 50th Annual Refresher *Practice Excellence*
- September 10, 2015 “The Contractual Principle of Good Faith and the Duty of Honesty in *Bhasin v Hrynew*, 2014 SCC 71” (based on an article co-authored with Ronnie Cohen). National Judicial Institute, Court of Queen’s Bench of New Brunswick Fall Education Seminar, St. Andrews-by-the Sea, NB.
- May 14, 2015 “The Contractual Principle of Good Faith and the Duty of Honesty in *Bhasin v Hrynew*, 2014 SCC 71” (based on an article co-authored with Ronnie Cohen). National Judicial Institute, Annual Civil Law Seminar, Halifax, NS.

- April 7, 2014 “Law and Emotion in Bronte’s *Jane Eyre*.” Canadian Bar Association, Alberta Branch, Women Lawyers Forum. Edmonton, Alberta.
- May 3, 2012 “Assessing Exclusion Clauses: The Supreme Court of Canada's Three Issue Framework in *Tercon Contractors Ltd v British Columbia (Transportation and Highways)* 2010 SCC 5.” National Judicial Institute, Moncton, NB.
- March 2010 “Law, Emotion and the Subprime Mortgage Crisis” (based on an article co-authored with Ronnie Cohen). National Centre of Business Law, Business Law Speakers Series, Calgary Alta.
- February 2008 “Mental Distress in a Breach of Contract Action: Assessing the Supreme Court of Canada’s Distinction between Aggravated and General Damages in *Fidler*.” National Centre of Business Law, Business Law Speakers Series, Calgary Alta.
- October 2008 “Justice Bertha Wilson’s Response to Intangible Loss in Contract.” LEAF-Edmonton’s 23rd Annual Persons’ Day Celebration, Edmonton, AB (with Dean Kim Brooks.)
- October 2007 “The Implied Term of Good Faith and Fair Dealing: Recent Developments.” National Centre of Business Law conference *Harmonization of Commercial Contracting, Lessons from Canada, the EU and Elsewhere*, Vancouver B.C.
- August 2006 “Good Faith as the New Paradigm: An Advance Towards Commercial Certainty or a Decline into Ambiguity.” Canadian Bar Association Annual Conference, St. John's, Newfoundland.
- March 2006 “Damages for Mental Distress in a Breach of Contract Action.” Legal Education Society of Alberta seminar "Damages: Developments and Trends", Calgary, Alberta.
- February 2006 “Damages for Mental Distress in a Breach of Contract Action” Legal Education Society of Alberta seminar "Damages: Developments and Trends", Edmonton, Alberta.
- May 2006 “Good Faith in the Franchise Context.” National Judicial Institute, Annual Civil Law Conference, Halifax, Nova Scotia.
- May 2004 “Damages for Mental Distress and Other Intangible Loss in a Commercial Context.” National Judicial Institute, Annual Civil Law Conference, Vancouver, British Columbia.

- October 2003 “Franchising Law: Duties and Punishments.” Franchising: Latest Legal and Business Strategies. (Insight conference co-chaired by Paul Jones, Miller Thomson LLP and Edward Levitt, Levitt Hoffman.)
- August 1999 “Good Faith, Bad Faith, and Employment Law.” Canadian Bar Association, National Conference Edmonton, Alberta.
- November 1998 “Lack of Candour in the Contractual Arena: A Matter of Growing Liability.” Saskatchewan Legal Education Association, Regina, Saskatchewan and Saskatoon, Saskatchewan.
- October 1998 “Lack of Candour in the Contractual Arena: A Matter of Growing Liability.” Legal Education Society of Alberta, Edmonton, Alberta and Calgary, Alberta.
- June 1998 “The Supreme Court’s Confusing Lesson in *Wallace v United Grain Growers Ltd.*” Canadian Bar Association, Business Law Section, Edmonton, Alberta.
- October 1997 “Culpable Silence: Liability for Non-Disclosure in the Contractual Arena.” 27th Annual Workshop on Commercial and Consumer Law, University of British Columbia, Faculty of Law, Vancouver, British Columbia.
- December 1996 “Parallel Judicial Attitudes in *Vriend* and *Romer*.” Canadian Bar Association (Alberta branch), Gay and Lesbian Section, Edmonton, Alberta.
- November 1995 “Good Faith in Contractual Performance.” Continuing Legal Education Society of British Columbia, Fiduciary Obligations Series, Vancouver, British Columbia.
- May 1995 “New Developments in Good Faith Performance.” Canadian Bar Association Business Law Section, Edmonton, Alberta.
- June 1994 “Good Faith Performance of Contractual Obligations.” Legal Education Society of Alberta, Advanced Business Law Series, Edmonton, Alberta.

CONFERENCE PAPERS AND SEMINAR PRESENTATIONS TO ACADEMIC ASSOCIATIONS AND GROUPS

(1) CONTRACTS LAW

- May 3, 2019 “Good Faith in Contractual Performance: A *Bhasin* update”, at the Annual Convention of Canadian Academy of Legal Studies in Business, Halifax, NS.
- October 20, 2017 “Good Faith in Contractual Performance: A Scottish-Canadian Comparison” MacCormick Fellow Lecture, Faculty of Law, University of Edinburgh.
- May 8, 2015 “The Contractual Principle of Good Faith and the Duty of Honesty in *Bhasin v Hrynew*” Canadian Academy of Legal Studies in Business, Toronto, Ontario.
- April 18, 2008 “Giving Emotions their Due: Justice Bertha Wilson’s Response to Intangible Loss in Contract” (workshop) Faculty of Law, McGill University.
- August 2004 “Cry Me a River: Recovery of Mental Distress in Contract Actions: A U.S./Canada Comparison” (with Professor Ronnie Cohen). Academy of Legal Studies in Business, Ottawa, Ontario.
- November 2003 “Recovery of Damages for Intangibles in A Breach of Contract Action: Is the Law Going Soft?” Faculty of Law, University of British Columbia, Vancouver, British Columbia. (Visiting Speaker Seminar.)

(2) LAW AND LITERATURE

- February 2014 “Law and Emotion in Brontë’s *Jane Eyre*.” Law.Arts.Culture Colloquium, Osgoode Hall Law School, York University, Toronto, Ont.
- March 2014 “Law and Emotion in Brontë’s *Jane Eyre*.” Law and Society Speaker’s Series, UBC’s Green College, Vancouver, BC.
- December 1997 “The Law and Literature Movement in North America.” Special meeting of the Law Society of Aichi Gakuin University, Nagoya, Japan.

(3) CORPORATIONS LAW

- August 8, 2019 “Assessing the Liability of Directors and Officers at the Intersection of Tort and Corporate Law” (with Professor Cindy Schipani). Academy of Legal Studies in Business (Montreal, Quebec).

- April 28, 2017 “The Tortious Liability of Directors and Officers to Third Parties” (based on an article co-authored with Yemi Philip and Katherine Fraser). Canadian Academy of Legal Studies in Business (Vancouver, BC).
- August 10, 2016 “Feminism(s), Progressive Corporate Law, and the Oppression Remedy.” Academy of Legal Studies in Business, Annual Conference (San Juan, Puerto Rico).
- May 6, 2016 “Feminism(s), Progressive Corporate Law, and the Oppression Remedy.” Canadian Academy of Legal Studies in Business, Annual Conference, Calgary, Alberta.
- February 2003 “Directors’ Duty of Competence.” 3rd Annual Seminar of Corporate Law Professors Faculty of Law, University of British Columbia.
- February 2001 “New Remedies for Shareholders: CBCA Amendments and Shareholder Activism.” 2nd Annual Seminar of Corporate Law Professors, University of British Columbia.

(4) EMPLOYMENT LAW

- January 1998 “Sexual Orientation and Human Rights in the Province of Alberta.” International Week 1998 (Local and International Perspectives on Human Rights) Edmonton, Alberta.
- March 1997 “Common Law and Statutory Responses to Private Employment Discrimination Against Lesbians and Gay Men: The Canadian Context.” Association of Law Teachers/Irish Association of Law Teachers (Joint Annual Conference) Galway, Ireland.

(5) PEDAGOGY

- October 2002 to 2006 “Avoiding Rookie Errors in the Classroom” (Teaching and Learning Effectiveness Sessions, University of Alberta) Edmonton, Alberta. (Annual lecture.)
- August 1996 “Teaching Students to Look Beyond their Paradigms.” The Academy of Legal Studies in Business, Quebec City, Quebec.

(6) GLOBAL TRADE

December 1997 “Economic Justice and Global Trade: An Analysis of the Libertarian Foundations of the Free Market Paradigm.” 4th International Symposium on International Trade Issues: Some Comparisons of the Trading Relationship between Canada and the U.S. and Canada and Japan Centre for International Studies, Aichi Gakuin University Nagoya, Japan.

August 1995 “Economic Justice and Global Trade: An Analysis of the Libertarian Foundations of the Free Market Paradigm.” The Academy of Legal Studies in Business, Milwaukee, Wisconsin.

(7) ISSUES MANAGEMENT

August 1994 “Reducing Barriers to Understanding: Issues Management in the Global Market.” Academy of Legal Studies in Business, Dallas, Texas.

(8) CONSTITUTIONAL LAW

August 1996 “Plessy Matters: Opposing Judicial Views on the Protection of Lesbian and Gay Rights.” The Academy of Legal Studies in Business, Quebec City, Quebec.

April 1997 “Common Law Remedies for Employment Discrimination Based on Sexual Orientation.” Friends of the Faculty of Law Annual Meeting, Edmonton, Alberta.

CONFERENCES AND SEMINARS ORGANIZED

May 8-10, 2014 Co-organizer, inaugural Conference of the then-to-be-created Canadian Academy of Legal Studies in Business (Toronto, Ont.)

February 2003 Co-organizer, 3rd Annual Seminar of Corporate Law Professors (Faculty of Law, University of British Columbia)

February 2002 Co-organizer, 2nd Annual Seminar of Corporate Law Professors (Faculty of Law, University of British Columbia)

February 2001 Co-organizer, 1st Annual Seminar of Corporate Law Professors (Faculty of Law, University of British Columbia)

SERVICE IN PROFESSIONAL ASSOCIATIONS

2011 to 2013 Board of Directors, Edmonton Bar Association

1999 to 2006 Law Society of Alberta, Member of the Distinguished
Service Awards Selection Committee

1996 to 1998 Board of Directors, Edmonton Bar Association

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