2008 Meeting of the Research Committee on Comparative Judicial Studies (IPSA #9)

Courts and the Separation of Powers

Montréal, Canada

June 25-26, 2008

Preliminary Program

Host: Professor James Kelly, Concordia University
Convenor: Professor Michael Tolley, Northeastern University

Conference Venue

All conference events (including registration and the opening address and reception) will be held in the Department of Political Science at Concordia University located at the following address:

12th Floor, Hall Building
Sir George Williams Campus
1455 de Maisonneuve Blvd. West

Conference Seminar Room

All panels will take place in Conference Room 1220-00.

Registration Fee $75
Wednesday, June 25

7:30-8:00 Registration and Coffee

8:00-8:30 Introduction

8:30-10:00 Panel I Executive-Judicial Relationships
Chair: tbd

“Contesting the Separation of Judicial and Executive Powers in Australia: Detention of Terror Suspects and the Haneef Case”
John Chesterman, Brian Galligan and Emma Larkin (University of Melbourne)

“Nothing New Under the Cuban Sun: The Constitutionality of Executive Directives in Wartime”
Graham Dodds (Concordia University)

“Legislative and Judicial Oversight of Executive Branch Electronic Surveillance: The American Experience in Comparative Perspective”
David G. Barnum (DePaul University)

“Weak-form Judicial Review Notwithstanding the Legislative Override: Statutory Reversal of Common Law Decisions by the Supreme Court of Canada”
James B. Kelly (Concordia University)

10:00-10:30 Coffee Break

10:30-12:00 Panel II Separation of Powers: Developing Nations
Chair: tbd

“Courts and Separation of Powers: A Comparative Study of the Uganda and South Africa Experiences”
Joseph Isanga, Research Fellow (University of Notre Dame)

“Executive-Judicial Tensions in sub-Saharan Africa: Malawi, Uganda, and Tanzania”
Rachel Ellett (Northeastern University)

“Creating Space for Normal Politics: Judicial Enforcement of Separation of Powers in Emerging Democracies”
Michael Tolley (Northeastern University)

“The Separation of Powers and Conflict Over the Office of Chief Justice of Trinidad and Tobago”
Radha Persuad (Glendon College, York University)

12:00-1:30 Lunch
1:30-3:00  Panel III  Separation of Powers: Developed Nations
Chair: tbd

“The Insurance Policy Theory of Separation of Powers: The Italian Case”
Mary Volcansek (Texas Christian University)

“The Return of the Referee: The U.S. Supreme Court and the Separation of Powers”
Katy J. Harriger (Wake Forest University)

“The Real Protection of the People: The Royal Recommendation and Canada’s Separation of Powers”
Dennis Baker (University of Guelph)

Eugene E. Dais (University of Calgary)

3:00-3:15  Coffee Break

3:15-4:30  Panel IV  Constitutional Courts and Judicial Reform
Chair: tbd

“By-passing the Court: The Politics of ‘Unconstitutional’ Legislation in Spain”
Gemma Sala, Visiting Instructor (Wesleyan University)

“Courting Reform: The Ability of Constitutional Courts to Compel Moderate Legislative Compromises”
Adriana Buliga-Stoian, PhD student (Binghamton University (SUNY)) and Geoff McGovern, PhD student (Binghamton University (SUNY))

“Just Fix It! The Role of the EU in Efforts to Reform the Judiciaries in South Eastern Europe,”
Maria Popova (McGill University)

4:30-5:00  Business Meeting – Election of New Officers; Next Venue (2009 Meeting)

7:00  Conference Dinner—Restaurant TBA
Thursday, June 26

8:00-8:30   Coffee

8:30-10:00   Panel V   Judges, Prosecutors and Public Servants
Chair: tbd

“Chief Justices in the Commonwealth,”
Kyela Leakey, Ph.D. student (Queen Mary, University of London)

“Prosecutorial Independence in Argentina and the U.S.: A Comparative Perspective”
Walter Carnota (University of Buenos Aires)

“Courts and the Constitutional Identity of the Public Service”
Lorne Sossin (University of Toronto)

“Federal Government Concessions before the Supreme Court of Canada in Charter Rights Cases”
Matthew A. Hennigar (Brock University)

10:00-10:30   Coffee Break

10:30-12:00   Panel VI   Civil Liberties and the Rights Revolution
Chair: tbd

“Redefining Realistic Roles, Legible Limits in the Indian Constitutional Polity: On How Do We Explain the Supreme Court’s Rights Romance?”
Satya Prateek, law student (The National University of Juridical Sciences, India)

“Do Bills of Rights Matter? A Reconsideration of Epp’s Conclusions”
Donald R. Songer (University of South Carolina), Susan W. Johnson (University of North Carolina, Greensboro) and Jennifer Barnes Bowie (University of South Carolina)

“Governing under the United Kingdom’s Human Rights Act,”
Janet L. Hiebert (Queen’s University)

“The Charter of Rights and a Margin of Appreciation for Federalism,”
Jeremy A. Clarke, Ph.D. student (Queen’s University)

12:00-1:30   Lunch

1:30-3:00   Panel VII   Judicial Appointments and Decision Making
Chair: tbd

“The Influence of Patronage on Canadian Federal Judicial Appointment”
Lori Hausegger (Boise State University), Matt Hennigar (Brock University) and Troy Riddell (University of Guelph)

“The Appointment of Judge: an Appropriate Bridge between the Branches?”
Peter H. Russell (University of Toronto)
“Putting Scholarship into Context: A Descriptive Analysis of the Supreme Court of Canada”
Emmett Macfarlane, PhD student (Queen’s University)

“Legal Institutions and the Democratic Order”
Jeffrey Stanton (Emory University) and Georg Vanberg (University of North Carolina – Chapel Hill)

3:00-3:30 Coffee Break

3:30-5:00 Panel VIII Principles of Judicial Review
Chair: tbd

Douglas E. Edlin (Dickinson College)

Karen B. Clay (Carnegie Mellon University)

“The International Center for the Settlement of Investment Disputes (ICSID) and Contemporary Commercial Arbitration”
Donald Jackson (Texas Christian University)

“Competing Models of Judicial Review,”
Christopher P. Manfredi (McGill University) and Mark E. Rush (Washington and Lee University)

5:00 Adjourn

5:00 Closing Reception

Distribution of Conference Papers

Please send your completed papers by email attachment to all the participants at least two weeks before the conference.

Participant Email List

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General Information

Concordia University is located within the downtown core and easily accessible by subway (Metro) to all tourist attractions, restaurants and hotels. Please refer to the following link, Tourism Montreal, for further information:

http://www.tourisme-montreal.org/B2C/00/default.asp

Accommodation (within 10 minutes walking distance of Concordia University)

3 Star Hotels

Best Western Europa Centre-Ville
1240 Drummond Street
(514) 866-6492
http://www.europahotelmtl.com/

Hotel du Fort
1390 Rue du Fort
1 800 565-6333
www.hotelfort.com

4 Star Hotels

Best Western Ville Marie
3407 Peel Street
1-800-361-7791
http://www.hotelvillemarie.com/

Chateau Versailles
1659 Sherbrooke St. West
(514) 933-8111
http://www.versailleshotels.com/

Le Meridien Versailles Montreal
1808 Sherbrooke St. West
(514) 933-8111
http://www.versailleshotels.com/

Residence Inn by Marriott Montreal
2045 Peel Street
(514) 844-8361
www.residenceinn-mtl.com

Ritz Carlton Montreal
1228 Sherbrooke St. West
(514) 842-4212
http://www.ritzmontreal.com/

Courtyard Montreal Downtown
410 Sherbrooke St. West
(514) 288-5656

Hotel De La Montagne
1430 rue de la Montagne
(514) 288-5656
http://www.hoteldelamontagne.com/index2.php
Hotel Omni Mont-Royal
1050 Sherbrooke Street West
(514) 284-1110
http://www.omnihotels.com/FindAHotel/MontRoyal.aspx

Pierre Elliot Trudeau International Airport

All international and domestic flights land at Trudeau International Airport. The airport is located in Dorval, 20 kilometres from downtown Montreal.

- **Fixed fares:** Taxi ($35), Limousine ($50)
- **Travel Time:** 15-20 minutes

L’Aérobus Shuttle to Downtown Montreal

L’Aérobus stops at the Montréal Central Bus Station located at 505 de Maisonneuve Blvd. E., and at the Château Champlain, Queen Elizabeth and Sheraton downtown hotels.

Departures: every 25 minutes.

Return Ticket ($24)

Internet Access

Available in Computer Lab 1224-00 (next to Conference Room 1220-00)
Map of Concordia University and Hall Building (H)