

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

NOREX PETROLEUM LIMITED,
Plaintiff,
v.

Index No. 650591/2011
Justice Eileen Bransten
IAS Part 3
Motion Sequence Nos. 7-11

LEONARD BLAVATNIK; VICTOR
VEKSELBERG, SIMON KUKES; ACCESS
INDUSTRIES, INC.; ALFA GROUP
CONSORTIUM; RENOVA, INC. OAO
TYUMEN OIL COMPANY; TNK-BP
LIMITED, and BP PLC,
Defendants.

**AFFIDAVIT OF
PETER J.M. LOWN, Q.C.**

CITY OF EDMONTON)
 : ss. :
PROVINCE OF ALBERTA)

I, PETER J.M. LOWN, Q.C., Barrister and Solicitor, 96 Rehwinkel Road, City of
Edmonton, Province of Alberta, Canada, being duly sworn state:

[1] I am a Barrister and Solicitor in the Province of Alberta, having been admitted to
the Law Society of Alberta in November 1973.

[2] I am a Professor Emeritus of the Faculty of Law at the University of Alberta having
taught, among other subjects, private international law and civil procedure.

[3] I am the Director of the Alberta Law Reform Institute and am responsible for the
program and overall operations of the Institute. I was appointed as the Director in 1988
and have been reappointed for successive five-year terms since that time. The Institute is
the official law reform agency for the Province of Alberta, having been created in
November 1967 by the Province of Alberta, the Law Society of Alberta and the

University of Alberta. It has been responsible for the creation of significant legislation, including the *Limitations Act*, *Matrimonial Property Act*, *Business Corporations Act*, *Civil Enforcement Act*, *Arbitration Act* and *Wills and Succession Act*. My signature appears on each final report to signify my personal approval of the proposals on behalf of the Institute.

[4] When the *Limitations Act*¹ was passed in 1996, I participated as an instructor for the Legal Education Society of Alberta, in courses intended to introduce and explain the new legislation to the legal profession. During passage of the legislation, I assisted the Department of Justice and the Office of the Chief Legislative Counsel with respect to questions arising from the legislation.

[5] My CV is attached.

[6] I have been asked by attorneys on behalf of Norex Petroleum Limited to give my opinion on two questions relating to Alberta law. The two questions are:

- 1) Is Canadian limitations law substantive in nature? Answer: yes.
- 2) Has the Supreme Court of Canada confirmed that Alberta limitations law is substantive? Answer: yes.

Is Canadian Limitations Law Substantive in Nature?

[7] The characterization of limitations law was specifically and directly addressed by the Supreme Court of Canada in *Tolofson*.² The plaintiffs were residents of British Columbia and were passengers in a vehicle registered and insured there. The defendant was a resident of Saskatchewan and his vehicle was registered and insured there. The motor vehicle accident took place in Saskatchewan. The forum was British Columbia and the *locus delicti* was Saskatchewan. Having determined that the applicable law in a tort action is the *lex loci delicti*, the court then turned to the question of whether limitations law of Saskatchewan was substantive or procedural. If limitations law was procedural,

¹ R.S.A. 2000, c. L-12.

² *Tolofson v. Jensen; Lucas (Litigation Guardian of) v. Gagnon*, [1994] 3 S.C.R. 1022.

the law of British Columbia, the forum, would apply; if limitations law was substantive, the law of Saskatchewan, the *locus delecti*, would apply.

[8] The relevant Saskatchewan legislation is set out at paragraph 74:³

180. – (1) Subject to subsections (2) and (3), no action shall be brought against a person for recovery of damages occasioned by a motor vehicle after the expiration of twelve months from the time when the damages were sustained.

[9] The Saskatchewan legislation contains traditional language which previously was regarded as procedural, suggesting that the legislation purported to bar the remedy but not extinguish the right.

[10] The court indicates that the distinction between right and remedy has already been under attack, and at paragraph 83 states:

83 Canadian courts have also begun to shatter the mystique of the second reason which rests on the notion that statutes of limitation are directed at the remedy and not the right.

[11] The court therefore applied the Saskatchewan limitation rule, finding it substantive and therefore extinguishing the right and not merely barring the remedy.

[12] This decision harmonises the law of the common law provinces with the law of Quebec, which had always viewed limitations law as substantive and conclusively establishes that the limitations law of the *locus delecti*, not the forum, apply.

Has the Supreme Court of Canada Confirmed that Alberta Limitations Law is Substantive?

[13] The Supreme Court of Canada decision in *Tolofson* was given in 1994, two years before the Alberta *Limitations Act* was passed in 1996. The characterization of limitations law as substantive rather than procedural, affecting right not remedy, has been confirmed since. In *Castillo*⁴, an appeal from Alberta, the Supreme Court of Canada confirmed the *Tolofson* approach. Justice Major, for the majority states at paragraph 7:

³ *The Vehicles Act*, R.S.S. 1978, c. V-3

⁴ *Castillo v. Castillo*, [2005] 3 S.C.R. 870.

7 In *Tolofson*, as stated, this Court concluded that limitations law, which in the past had frequently been classified as procedural in common law traditions and substantive in civil law traditions, was, in fact, substantive in nature and must be treated as such.

[14] Similarly, the Court of Appeal, whose judgment was upheld stated at paragraph 29.⁵

29 ...Section 12 does not alter the principles set out in *Tolofson*. The provisions of the *Limitations Act* and the common law can coexist without inconsistency or uncertainty.

[15] The trial decision in *Dipalma v. Smart*⁶ summarily dismisses an attempt to characterize Alberta limitations law as procedural, describing the argument as “tautological” and “mere bootstrapping”.

[16] The Alberta limitations law was passed in full knowledge of and respect for the law as established by the Supreme Court of Canada in *Tolofson*. There is no language or qualification in the act to suggest otherwise, and the legislation cannot be understood as anything other than a substantive scheme.

[17] The relevant conflicts of law provisions of the Alberta legislation are set out in section 12 of the *Limitations Act*:

Conflict of laws

12(1) The limitations law of Alberta applies to any proceeding commenced or sought to be commenced in Alberta in which a claimant seeks a remedial order.

(2) Notwithstanding subsection (1), where a proceeding referred to in subsection (1) would be determined in accordance with the law of another jurisdiction if it were to proceed, and the limitations law of that jurisdiction provides a shorter limitation period than the limitation period provided by the law of Alberta, the shorter limitation period applies.

[18] This section of the legislation was part of the recommendations of the Alberta Law Reform Institute in 1989. My signature appears on that report as Director. After the Supreme Court of Canada in *Tolofson* clearly established the principle that Canadian limitations law is substantive in nature the Institute determined that section 12 is

⁵ *Castillo v. Castillo*, 357 A.R. 288.

⁶ *Dipalma v. Smart*, 280 A.R. 1

consistent with that principle. It was anticipated that section 12 would produce the intended result and the legislation went forward on that basis. For example, if two Alberta residents sued in Alberta for a claim governed by another law, they could not argue that limitations law is procedural and that the rules of the forum should prevail and the limitations provisions of the applicable law should be ignored.

[19] The question whether section 12 must be read as mandating that Alberta limitations law is substantive, was determined consistently by all levels of court in the decision in *Castillo*. Two Alberta residents could not, by commencing litigation in Alberta, avoid the substantive limitation provisions of California. The California law wiped out the claim and there was no claim to advance in Alberta.⁷ In the words of Justice Major, for the majority, at paragraph 7:

7 ...Accordingly, when the California limitation period expired on May 10, 1999, the appellant's action against her husband became time-barred, and he acquired a substantive right under California law not to be further troubled by any claims arising out of the car crash.

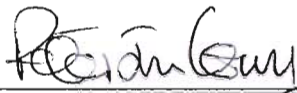
[20] If Alberta had been the applicable law, then the law of Alberta would have determined whether there was a claim to be pursued. But Alberta law could not breathe life into an action that was time-barred by the applicable substantive law.

Summary

[21] In summary, my opinion is that the limitations law of Alberta is unequivocally substantive in effect, affecting rights as opposed to merely remedies.

⁷ The reverse of the facts in *Castillo* was considered by both the Court of Appeal and the Supreme Court of Canada. Both considered the provisions of s. 12 to be legitimate and competent provincial policy with respect to the fairness and effectiveness of adjudication in Alberta.

SWORN BEFORE ME)
at the City of Edmonton)
in the Province of Alberta,)
this 25 day of October, 2011)



Peter J.M. Lown, QC



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF ALBERTA

Gerald B. Robertson, Q.C.
Barrister & Solicitor

PETER J.M. LOWN, Q.C.

402 Law Centre • Edmonton, Alberta T6G 2H5 • 492-3374

ATTACHED TO AND
FORMING PART OF THE
AFFIDAVIT OF PETER J.M.
LOWN, Sworn October
25, 2011



Gerald B. Robertson, Q.C.
Barrister & Solicitor

DEGREES AND AWARDS

ALBERTA CENTENNIAL AWARD – 2005

RECEIVED DISTINGUISHED SERVICE AWARD (LEGAL SCHOLARSHIP) FROM
LAW SOCIETY OF ALBERTA, CANADIAN BAR ASSOCIATION – 2001

APPOINTED QUEEN'S COUNSEL – 1994

TRADE MARK AGENT – 1974 – 1991

HONORARY MASTER OF THE PHOTOGRAPHIC ARTS
AWARDED FOR MERITORIOUS SERVICE TO THE PHOTOGRAPHIC ARTS – 1984

ADMITTED TO ALBERTA BAR – 1973

LL.M. UNIVERSITY OF SASKATCHEWAN – 1973

LL.B. (HONOURS) GLASGOW – 1964 – 1968

PROFESSIONAL EMPLOYMENT

ALBERTA LAW REFORM INSTITUTE
Director, 1988 to date

UNIVERSITY OF ALBERTA
Professor Emeritus, 2004 to date
Full Professor, 1980 to 2004
Associate Professor, 1973 – 1980
Associate Dean, 1974
Assistant Professor, 1969 – 1973

UNIVERSITY OF SASKATCHEWAN
Teaching Fellowship, 1968 – 1969

OFFICES HELD – PROFESSIONAL

- International Committee, Uniform Law Conference of Canada, Chair, 2009 –
- Advisory Committee on Program Development and Management (formerly Commercial Law Strategy Advisory Committee), Uniform Law Conference of Canada, Chair, 2005 –
- Commonwealth Association of Law Reform Agencies, Executive Committee, Treasurer, 2004 –
- Western Law Reform Consortium, 2003 –
- Director, Canadian Forum on Civil Justice (Member of Management Committee), 1998 – August 2005
- Member, Systems of Civil Justice Implementation Task Force, 1996 to date
- President, Uniform Law Conference of Canada, 1993 – 1994, 1994 – 1995
- Vice – President, Uniform Law Conference of Canada, 1992 – 1993

- Chairman, Uniform Law Section, Uniform Law Conference of Canada, *1990 – 1992*
- Chairman, Steering Committee, Uniform Law Section, *1990 – 1992*
- Member, Liaison Committee: Uniform Law Conference of Canada and National Conference of Commissioners on Uniform State Laws (U.S.), *1990 to date*
- Director, Treasurer, Federation of Law Reform Agencies of Canada, *1990 to 2010*
- Edmonton Bar Association, Executive Member, *1980-1984*
- Universities Coordinating Council, *1980-1983*
- Consultant in Copyright to:
 - Athabasca University, *1975 to 2003*
 - Professional Photographers of Canada, *1979 to 1995*
 - Alberta Association of Artists and Educators, *1974 – 1988*
 - CAUT, *1973 – 1976*
 - Red Deer College, *1980 to 1990*
 - Mount Royal College, *1980 – 1990*
 - Association of Canadian Radio & TV Artists, *1976 – 1989*
- Executive Director, Canadian Institute for the Administration of Justice, *1983-1985*
- Consultant, Royal Commission on New Reproductive Technologies, *1992-93*
- Chair, Blue Ribbon Panel on Review of Bill 37, *1998 – 1999* (appointed by Government of Alberta)
- Consultant, Federal Task Force on Broadcasting

OFFICES HELD – COMMUNITY

- Coach, Edmonton Ringette Club, Deb “AA”, *1997/1998/1999/2000/2001*
- Member, Organizing and Bid Committee, World Ringette Championships, Edmonton 2002
- Assistant Coach, Edmonton Ringette Club, Deb “AA”, *1996/1997*
- Co – Coach, Edmonton Ringette Club, Junior “AA”, *1995/1996*
- Director, Publicity and Promotions, Canadian Ringette Championships, *1998*
- Co – Chair, Telus Edmonton Open *1997 and 1998*
- President – Windermere Golf Club, *1996*
- Director, Edmonton Ringette Club, *1992 – 1996*
- Level III Coach, Field Hockey & Ringette
- President/Vice – President/Director, Alberta Field Hockey Federation, *1970 – 1988*
- Chairman, Coaching Association of Canada Manual Development, *1980 – 1984*
- Vice – President, Canadian Field Hockey Association, *1980 – 1983*
- Board Member, Field Hockey Canada, *2002 – 2008*
- Member, Olympic Club of Canada
- Member, 1988 Olympians Volunteer Organization
- Member, Canadian National Field Hockey Team, including
 - 1975 PanAm Games
 - 1976 16th Summer Olympic Games
- 1966 – 1968, Member Scottish National Field Hockey
- 1968 Captain, Scottish University All Star team
- 1968 Member, British University All Star team

PUBLISHED WORKS

- “Limitations Law in Alberta” – Ontario Bar Association, 2005
- P.J.M. Lown, Q.C.; P. Rowbotham, Q.C. & A.A. Lees
Limitations - The New Legislation LESA: 1996, 1998
- Member, Working Group
Regulations and Forms under the Dependant Adult Amendment Act LESA:
1997
- P.J.M. Lown, Q.C. & A. de Villars, Q.C.
Surrogate Rules, Forms & Practice LESA: 1995
- “Reform of the Law of Trade Secrets”, Proceedings of the Pacific Northwest
Intellectual Property Forum, February 8-10, 1991, Victoria, B.C.
- P. Lown, M.L. McCall and J.P. Hornick, “Alberta Law and the Family”, A
study paper prepared for The Lieutenant-Governor's Conference - Celebrating
Alberta's Families, Edmonton, Alberta, February 19-21, 1990.
- CED (Western & Ontario) Volume 29, Radio and Television
- Canadian Encyclopaedia, 1st & 2nd Editions
- Section on Trade Marks
- Section on Patents
- Federal Task Force on Broadcasting: A Reflection of the Roles and
Responsibilities of the Major Actors in the Broadcasting System. 1985
- Alberta Corporations Law Guide: CCH 1984, Coordinating Editor
- LESA: Anton Pillar Orders and Mareva Injunctions, 1985
- LESA: Enforcement of Judgments, 1983
- Matrimonial Property Law in Canada (ALBERTA Chapter) by Carswells
1st and 2nd Supplements. 1981 and 1983
2nd ed. Co-authored with Bruce Ziff, 1987
- Ch. 14: Debtor Creditor Law in Canada: Jurisdiction and Enforcement, 1981
1st Supplement, 1984
2nd Edition, 1995
- LESA: Divide and Conquer, “Section 36 - The Other View”
- Matrimonial Property: One year of Operation, 1980 Alberta Law Review
- Requirement of Delivery in Gifts, 1980 5 Estates and Trusts Reports
- Copyright and the University, Symposium on Universities and the Law
- Law for the 80's Vol. II, Chapter 4 - The Law of Trade Marks (Butterworths)
- Matrimonial Property: The New Regime - joint authored with F.L. Bendiak,
1978 Alberta Law Review
- Damages and the Incidence of Taxation, 1969 Sask. L.R.
- *Gronlund v. Hansen*: A Case Comment, 1969 Sask. L.R.

MAJOR UNPUBLISHED

- Uniform Law Conference of Canada
– Civil Enforcement Legislation in Canada 1998
– Report on Prudent Investor Legislation 1995 & 1996
– Annual Proceedings 1992 – 1994
– Report on Enforcement of Judgments, Court Jurisdiction and Proceedings
Transfer 1993 & 1994
- Canadian Association of Law Teachers: “Law Reform Pertaining to Economic
Consequences of Marriage Breakdown on Women and Children”. 1991
- Conference on “Records of the Legal System”: “Access and Privacy”. 1991

- Association of Records Managers and Administrators: “Freedom of Information & Copyright The Present State of Affairs”. 1990
- Legal Education Society of Alberta: “Journalism, Law and Ethics”. 1990
- Canadian Library Association Conference: “Copyright, The New Environment”. 1989
- Alberta Library Conference: Fair Dealing Under the Copyright Act “The Joy of Ignorance”. 1989
- Fifth Annual Conference on Computers and Legal Education: “Legislative Update” and “Shrinks and Sites : The Ins and Outs of Licenses”. 1989
- Canadian Institute for the Administration of Justice: Unequal Division of Matrimonial Property in the Common Law Provinces. 1985
- Challenge of Change Symposium: “How can the Canadian broadcasting system be restructured to more fully utilize present and emerging technologies to better meet the national and regional needs of Canadians?” 1985
- Continuing Nursing Education: The Publishing Maze, Some Ways Out. 1984
- University of Calgary: Advanced Communications Studies: Constitutional Authority to Regulate Broadcasting. 1984
- University of Calgary: Public Lecture Series. Specialty Services in Broadcasting. 1984
- Photography and Copyright: Brief to Policy and Research Branch, Department of Consumer and Corporate Affairs. 1982
- Exclusion Clauses in the Photographic Processing Industry: Association of Professional Photographers of Alberta. 1981
- Copyright and Continuing Education: Conference of Western Programmers for Continuing Education. 1981
- Liabilities of the Professional Photographer. Professional Photographers of Canada 1981
- Exploration of Literary Rights: Writers Guild of Alberta. 1981
- Ownership of Copyright: National Convention of Professional Photographers of Canada, Edmonton. 1981
- Standard Form Contracts for Professional Photographers Alberta Association of Professional Photographers. 1980
- Intellectual Property in the University Context: Annual Meeting Canadian Association of University Solicitors. 1979
- Liability of Professional Photographers: Annual Meeting: Alberta Association of Professional Photographers. 1979
- Brief on Copyright Canadian Educational Association and Council of Ministers of Education. 1978
- Cases and Materials on Intellectual Property. 1972
- Cases and Materials on Introductory Law. 1970

MAJOR COMMISSIONED

- Royal Commission on New Reproductive Technology – Commercial Protection of Genetic Research
- Federal Task Force on Broadcasting: A Reflection of the Roles and Responsibilities of the Major Actors in the Broadcasting System. 1985
- Institute of Law Research and Reform: Cohabitation Study Profile. 1985
- Institute of Law Research and Reform: “The Declaration of Trust Remedy in Matrimonial Property.” 1985

- Institute of Law Research and Reform: Study on Cohabitation Empirical Studies. 1981
- Law Reform Commission of Canada - Jurisdiction in Marriage and Divorce. 1973
- Law Reform Commission of Canada - "Family Law and Conflicts - Comprehensive Outline Proposal." 1972

CONFERENCES AND PRESENTATIONS

- Trusts, chaired panel – CBA Alberta Law Conference, Calgary – January 2010
- Marshalling, EPAs and Other Succession Topics – CBA Wills, Estates & Trusts Section, Edmonton – September 2009
- A Move Towards Harmony: Law Reform for Enduring Powers of Attorney in Western Canada, with Laura Watts – CBA National Elder Law Conference, Kingston – June 2009
- Marshalling, EPAs and Other Succession Topics – CBA Wills & Trusts Section, Calgary – June 2009
- Rules of Court Final Report – CBA Insurance Section, Calgary – May 2009
- Change and Friction–Expected, Predictable, Soluble? – Canadian Research Institute on Law and the Family, Lake Louise – May 2009
- Rules of Court Final Report, with Sandra Petersson and Cheryl Hunter Loewen – Central Bar Association – February 2009
- A New Approach: Best Practices and Familiar Rules – CBA Civil Litigation Section – May 2008
- Top 10 Reasons Not to Reform – Canadian Research Institute for Law and the Family – May 2008
- The New Rules, a Sneak Peek – ACTLA Chambers Advocacy Sessions – Calgary and Edmonton, March 2008
- New Rules of Court – CBA Alberta Law Conference, March 2008
- New Rules of Court – CBA Civil Litigation Section, January 2008
- ADR and the New Rules of Court – CBA ADR Section – November 2007
- Enduring Powers of Attorney – Elder Law Conference – Vancouver, November 2007
- Role of a Provincial Law Commission – Law Commission of Ontario Creative Symposium – November 2006
- ADR and the Rules Project – CBA ADR Section – October 2006
- Continuing Education Seminar for Judges and Masters – Tobago, June 2006
- Project Management and Mega Projects – Canadian Research Institute for Law and the Family – Lake Louise, May 2006
- Rules Project – CBA Alberta Law Conference – March 2006
- Managing Large Projects – Presentation to the Association of Law Reform Agencies of East and South Africa (ALRAESA) Conference – Capetown, March 15 to 17, 2005
- Project Scope and Managing Data – Presentation to ALRAESA Conference – Capetown, March 15 to 17, 2005
- Managing Large Projects – April 13, 2003, Commonwealth Law Reform Agencies, Wellington
- Law Reform as a Contact Sport – A Game for Professionals – April 8, 2003, Public Lecture, Victoria University of Wellington
- Why Put a Law Reform Agency in a Law Faculty – April 7, 2003, Victoria University of Wellington

- Rules of Court Project, CBA Civil Litigation Section – February 2003, Edmonton
- LESA Banff Refresher – Wills, Estates and Elder Law
April 27 to May 1, 2002
- Rules of Court Project – September 2002, Presentation to Provincial Court Judges Seminar, Canmore
- Rules of Court Project – June 2002, Presentation to Alberta Justice
- Rules of Court Project – April 2002, Presentation to Justice Canada
- Presentation to the Legal Forum – Law Reform Update
April 18, 2002
- Imaging User Group (Electronic Transactions Act) – March 28, 2002, Calgary
- Rules of Court Project – October/November, 2001, Presentations to various local bar associations throughout the Province as well as to Queen’s Bench Justices Seminar
- CBA Research Section – October 17, 2001, Calgary
- CBA Wills & Estates Section – May 8, 2001, Edmonton
- Workshop on Consumer Protection and Jurisdiction in E-Commerce –
April 11, 2001, Toronto
- National Judicial Institute Family Law Conference, Custody and Access Enforcement – February 2001, Halifax
- Legislative Reform in Wills and Estates – CBA Mid – Winter Meeting
January 25/26, 2001 – Edmonton
- Limitations Act/Limited Liability Partnerships/E – Commerce
CBA Mid – Winter Meeting – January 28/29, 2000, Calgary
- Limited Liability Partnerships – LESA Seminar
November 17, 1999 – Edmonton
November 24, 1999 – Calgary
- Limitations Act – LESA Seminar
October 15, 1998 – Edmonton
October 28, 1998 – Calgary
- The Commercialization of Genetic Research - Ethical, Legal and Policy Issues
September 10 - 13, 1998, Hotel Macdonald, Edmonton
- Limitations Act - Presentation to CBA - April 20, 1998
- Copyright Presentation - University of Calgary, February 18, 1998
- Caseflow Management – CBA Mid – Winter Meeting
January 1998, Calgary
- An Overview of Entertainment, Communications and Sports Law - Faculty of Law, University of Alberta – October 28, 1997
- Personal Directives - LESA Seminar, October 6 and 7, 1997
- Computing Symposium - June 25, 1997
- Canadian Association of Journalists - Copyright and Author's Rights - May 24, 1997
- Civil Litigation Update Seminar, LESA – May 12, 1997
- Archives Society of Alberta - FOIPP Symposium, 1997
- Consent, Sampling & Human Genetic Research, First International Conference, September 5-8, 1996, Montreal
- Institute of Chartered Accountants - Surrogate Rules Presentations -
September 16, 1996 (Edmonton) and September 17, 1996 (Calgary)
- Senior Centre at Ponoka, Bill 35 - Personal Directives, November 21, 1996
- CBA - Creditor's Rights Subsection Meeting, Re: Limitations Act, October 15, 1996.

- LESA - Limitations Seminars
November 6, 1996 (Calgary) and November 14, 1996 (Edmonton).
- CBA Wills and Estate – Substitute Decision-Making, September 10, 1996
- Communications Law Course, University of Calgary, March 15, 1994
- Computers and Law Conference / Copyright Speech by Lown
- Uniform Law, CBA National, Department of Justice October 1994
- Canadian Research Institute for Law & the Family - Annual Meeting 1993 – Access Project and Domestic Relations Act, May 1, 1993, Lake Louise.
- Alberta Expropriation Association – Reform of the Expropriation Act (1992) Fall Conference
- Association of Records Managers and Administrators Seminar “Access to Information: It's Implications,” March 16, 1992
- Child Access Workshop, November 7, 1992, Calgary
- CLIC Plain Language Meeting, January 21-23, 1991, Ottawa
- Conference re Legal Records, Provincial Museum, November 2, 1991
- Association of Records Managers and Administrators - “Freedom of Information & Copyright - The Present State of Affairs,” December 5, 1990
- Journalism Law and Ethics, Banff
- AASUA Seminar Copyright Leg. February 7, 1990
- Calgary Teachers’ Convention – Copyright Bill, February 1989
- Canadian Association of Law Libraries – Copyright Panel, May 1988
- Alberta Society of Archivists – Copyright, April 16, 1988

COURSE AREAS

- Family Law
- Civil Procedure
- Company Law
- Conflict of Laws
- Intellectual Property
- Communications Law
- Entertainment Law
- Wills & Estates
- Negotiable Instruments
- Commercial Law
- Personal Property

MAJOR FACULTY AND UNIVERSITY COMMITTEES

FACULTY:

- 1986 – 88 Chairman, Salaries and Promotions
- 1985 – 86 Dean's Selection Committee
- 1984 – 85 Curriculum Committee
- 1983 – 84 Tenure Committee
- 1974 Assistant Dean

UNIVERSITY:

AASUA

- 1972-74 Executive, Member
- 1972-74 Council, Member
- 1972-73 Chairman, Academic Welfare Committee

- 1970-71 Academic Welfare Committee-Member
- President's Committee on Patent and Research. 1982 - date
- President's Ad Hoc Committee on Scientific Fraud. 1984 - date
- G.F.C. - Committee on Copyright - University policy developed and accepted by G.F.C.
- G.F.C. - Sub-Committee on Computer Software Ownership
- Conflict of Interest Policy Committee
- CAUT - Committee on Copyright. 1971-73
- AAAE/ACTRA - negotiating Committee Performers and Writers Agreements

REPORTS ISSUED DURING DIRECTORSHIP OF ALRI:

Final Reports

- 50 Prejudgment Remedies for Unsecured Claimants (Feb. 1988)
- 51 Proposals for a New Alberta Arbitration Act (October 1988)
- 52 Competence and Human Reproduction (February 1989)
- 53 Towards Reform of the Law Relating to Cohabitation Outside Marriage (June 1989)
- 54 Financial Assistance by a Corporation: Section 42, The Business Corporations Act (Alberta) (August 1989)
- * 55 Limitations (December 1989)
- 56 The Bulk Sales Act (January 1990)
- 57 Section 16 of the Matrimonial Property Act (March 1990)
- 58 Division of Canada Pension Plan Credits in Alberta (November 1990)
- * 59 Enduring Powers of Attorney (December 1990)
- 60 Status of Children: Revised Report, 1991 (March 1991)
- 61 Enforcement of Money Judgments, 2 Vols. (March 1991)
- 62 Proposals for the Reform of the Public Inquiries Act (November 1992)
- 63 Section 195 of the Land Titles Act (February 1993)
- * 64 Advance Directives and Substitute Decision-Making in Personal Health Care (March 1993) (A Joint Report of the Alberta Law Reform Institute and the Health Law Institute)
- 65 The Domestic Relations Act (DRA) - Phase 1. Family Relationships: Obsolete Actions (March 1993)
- * 66 Non-Pecuniary Damages in Wrongful Death Actions - A Review of Section 8 of the Fatal Accidents Act (May 1993)
- 67 Transfer of Investment Securities (June 1993)
- 68 Beneficiary Designations: RRSPs, RRIFs and Section 47 of the Trustee Act (September 1993)
- 69 Proposals for a Land Recording and Registration Act for Alberta, 2 Vols. (October 1993)
- 70 Mortgage Remedies in Alberta (June 1994)
- 71 The Presumption of Crown Immunity (July 1994)
- 72 Effect of Divorce on Wills (November 1994)
- * 73 Revision of the Surrogate Rules (May 1996)
- * 74 Protection Against Domestic Abuse (February 1997)
- 75 "Last Clear Chance" Rule (August 1997)
- 76 Should a Claim for the Loss of a Chance of Future Earnings Survive Death? (December 1998)
- 77 Limited Liability Partnerships (April 1999)
- 78 Reform of the Intestate Succession Act (June 1999)
- 79 Powers and Procedures for Administrative Tribunals in Alberta (December 1999)
- 80 Trustee Investment Powers (February 2000)
- 81 Occupiers' Liability: Recreational Use of Land (February 2000)
- 82 Cost of Credit Disclosure (February 2000)
- 83 Division of Matrimonial Property on Death (May 2000)
- 84 Wills: Non - Compliance with Formalities (June 2000)

- 85 Class Actions (December 2000)
- 86 Non-Resident Trustees under the Dependent Adults Act (January 2002)
- 87 Report on a Succession Consolidation Statute (December 2002)
- * 88 Enduring Powers of Attorney: Safeguards Against Abuse
(February 2003)
- 89 Limitations Act – Adverse Possession and Lasting Improvements (May
2003)
- * 90 Limitations Act – Standardizing Limitation Periods for Actions on
Insurance Contracts (2003)
- 91 Exemption of Future Income Plans (May 2004)
- 92 Exemption of Future Income Plans on Death (May 2004)
- 93 Family Law Project – The Conclusion (June 2004)
- 94 Enforcement of Judgments (September 2008)
- * 95 The Rules Project (October 2008)
- 96 Creation of Wills (September 2009)
- 97 Contracts for the Sale and Purchase of Land: Purchasers’ Remedies
(October 2009)

Reports for Discussion

- 7 Enduring Powers of Attorney (February 1990)
- 8 Towards a New Alberta Land Titles Act (August 1990)
- 9 Mortgage Remedies in Alberta (April 1991)
- 10 Revision of the Surrogate Rules (October 1991)
- 11 Advance Directives and Substitute Decision-Making in Personal Health
Care (November 1991)
- 12 Non-Pecuniary Damages in Wrongful Death Actions - A Review of
Section 8 of the Fatal Accidents Act (June 1992)
- 13 Report on Liens (September 1992)
- 14 The Matrimonial Home (March 1995)
- 15 Domestic Abuse: Toward an Effective Legal Response (June 1995)
- 16 Reform of the Intestate Succession Act (January 1996)
- 17 Division of Matrimonial Property on Death (March 1998)
- 18 Family Law (October 1998)
 - 18.1 Overview
 - 18.2 Spousal Support
 - 18.3 Child Support
 - 18.4 Child Guardianship, Custody and Access
- 19 Order of Application of Assets in Satisfaction of Debts and Liabilities
(September 2001)
- 20 The Creation of Wills (September 2007)
- 21 Contracts for the Sale and Purchase of Land: Purchasers’ Remedies
(March 2009)
- 22 Estate Administration (September 2011)

Issues Papers

- 3 Public Inquiries (November 1991)
- 4 Limited Liability Partnerships and Other Hybrid Business Entities
(March 1998)
- 5 Enduring Powers of Attorney (February 2003)

Discussion Papers

- 1 Civil Litigation: The Judicial Mini-Trial (August 1993)

Research Papers

- 17 Corporate Director's Liability (February 1989)
- 18 Report on Referees (February 1990)
- 19 Dispute Resolution: A Directory of Methods, Projects and Resources (July 1990)
- * 20 Court-Connected Family Mediation Programs in Canada (May 1994)
- 21 Recognition of Rights and Obligations in Same Sex Relationships (January 2002)

Consultation Memoranda

- 1 Division of Pension Benefits Upon Marriage Breakdown Sept. 1996
- 2 Reasonable Accommodation In the Workplace Nov. 1995
- 3 Business Names Legislation December 1996
- 4 Should a Claim for the Loss of Chance of Future Earnings Survive Death? (August 1997)
- 5 Should a Claim for Punitive Damages Survive Death? (December 1998)
- 6 Powers & Procedures for Administrative Agencies: Model Code (April 1999)
- 7 Trustee Investment Powers (September 1999)
- 8 Wills: Non – Compliance with Formalities (December 1999)
- 9 Class Actions (March 2000)
- 10 Standardizing Limitation Periods for Actions on Insurance Contracts (December 2001)
- 11 Creditor Access to Future Income Plans (June 2002)
- 12 *Alberta Rules of Court Project Series*
 - 12.1 Commencement of Proceedings in Queen's Bench (October 2002)
 - 12.2 Document Discovery and Examination for Discovery (October 2002)
 - 12.3 Expert Evidence and "Independent" Medical Examinations (February 2003)
 - 12.4 Parties (March 2003)
 - 12.5 Management of Litigation (March 2003)
 - 12.6 Promoting Early Resolution of Disputes by Settlement (July 2003)
 - 12.7 Discovery and Evidence Issues: Commission Evidence, Admissions, Pierringer Agreements and Innovative Procedures (July 2003)
 - 12.8 Pleadings (October 2003)
 - 12.9 Joining Claims and Parties, Including Third Party Claims, Counterclaims, and Representative Actions (February 2004)
 - 12.10 Motions and Orders (July 2004)
 - 12.11 Enforcement of Judgments and Orders (August 2004)
 - 12.12 Summary Disposition of Actions (August 2004)
 - 12.13 Judicial Review (August 2004)
 - 12.14 Miscellaneous Issues (October 2004)
 - 12.15 Non-Disclosure Order Application Procedures in Criminal Cases (November 2004)

- 12.16 Trial and Evidence Rules – Parts 25 and 26 (November 2004)
- 12.17 Costs and Sanctions (February 2005)
- 12.18 Self-Represented Litigants (March 2005)
- 12.19 Charter Applications in Criminal Cases (June 2006)
- 12.20 Criminal Jury Trials: Challenge for Cause Procedures (April 2007)
- 12.21 Civil Appeals (April 2007)
- 13 Powers and Procedures of Administrative Tribunals (September 2008)
- 14 Joint Ventures (May 2011)

Other Publications

- Arbitration Clauses Guide – Practice Manual Series
- Legal Education Society of Alberta and Alberta Law Reform Institute
- * Alberta Surrogate Forms – Practice Manual Series
- Legal Education Society of Alberta and Alberta Law Reform Institute

- Alberta Rules of Court Project – Issues Paper for the Legal Community (October 2001)
- Alberta Rules of Court Project – Public Consultation Paper and Questionnaire (January 2002)
- Alberta Rules of Court Project – Report on Legal Community Consultation (September 2002)
- Alberta Rules of Court Project – Family Law Issues Paper (October 2002)

- Investment by Nonprofit Entities – Feasibility Study (May 2002)

- Alberta Rules of Court Project – Judicial Review and Administrative Law – Identified Issues (March 2003)
- Alberta Rules of Court Project – Interim Report (February 2004)
- Non-Disclosure Order Application Procedures in Criminal Cases
- Report on Consultation Memorandum 12.15 (September 2005)

- Matrimonial Property Legislation Valuation Dates, Background Paper (November 2005)

- Charter Applications in Criminal Cases
- Report on Consultation Memorandum 12.19 (February 2007)

- Criminal Jury Trials: Challenge for Cause Procedures, Report on Consultation Memorandum 12.20 (July 2009)

* I was more involved in these reports than the normal process.