



CANADIAN CONSTITUTION FOUNDATION June 2008 Newsletter

“Judging Bastarache” assesses record of retiring SCC Justice

The Canadian Constitution Foundation (CCF) has released “*Judging Bastarache*,” a report on the constitutional decisions by Supreme Court of Canada Justice Michel Bastarache. Appointed to Canada’s highest court in 1997 by Jean Chretien, Justice Bastarache retires at the end of June, 2008. “*Judging Bastarache*” follows in the footsteps of the CCF’s 2007 report “*Judging the Judges*,” a first-of-its-kind study which ranks Supreme Court of Canada judges as to their records in upholding individual and economic freedom, and equality before the law. Researched and written by Ottawa lawyer Christopher Schafer, with assistance from CCF staff researcher James McLean, “*Judging Bastarache*” is posted at www.CanadianConstitutionFoundation.ca.

Shona Holmes speaks on health care in Washington, D.C.

Shona Holmes will speak on June 23 at an event hosted by the Center for Medicine in the Public Interest. Shona Holmes and Lindsay McCreith are plaintiffs in a court action challenging Ontario legislation which makes it illegal for citizens to access essential health services outside of the government’s monopoly system.

Canada is the only Western Democracy that prevents citizens from using their after-tax dollars to purchase private health insurance for essential health services. In contrast, France, Germany, Switzerland, Austria, Belgium and Japan have virtually no waiting lists, and citizens have access to health care regardless of income. These countries have public and private health care systems operating productively side by side, and their public health care systems are better than Canada’s.

Federalist Society President to address October 17-19 conference

Eugene Meyer, President of the Federalist Society (www.fed-soc.org/aboutus) will be one of the keynote speakers at the CCF’s October 17-19 law conference in Toronto. With a membership of over 40,000 lawyers and law students from across the United States, the Federalist Society sponsors debates

and conferences featuring speakers from all points of the ideological spectrum. Four U.S. Supreme Court Justices attended the Society's 25th anniversary celebration last year.

Randy Barnett – keynote speaker at CCF law conference

Georgetown University Law Professor and author Randy Barnett (www.randybarnett.com) has accepted our invitation to be the keynote speaker for our evening dinner on Saturday October 18. Professor Barnett has authored dozens of academic articles, as well as seven books on topics in criminal law, contract law, and constitutional law. His works include “*Restoring the Lost Constitution: the Presumption of Liberty*” and “*The Structure of Liberty: Justice and the Rule of Law.*”

Mark October 17-19 in your calendar, and plan to attend this exciting event.

Individual Freedom and the Common Good

Defining Human Rights in a Free Society

Canadian Constitution Foundation
Second Annual Law Conference
October 17-19, 2008
Days Inn, Downtown Toronto

Preliminary Schedule (as of June 2008)

Friday October 17 6:30 p.m. Reception
7:00 p.m. John Carpay, CCF Executive Director, welcoming remarks
7:15 p.m. Keynote speaker: Eugene Meyer, President, Federalist Society

Saturday October 18

9:00 a.m. *Legislation or private property rights: what is the best way to protect the environment?*
Elizabeth Brubaker, Executive Director, Energy Probe Research Foundation
Theresa McClenaghan, Canadian Environmental Law Association (invited)
Dr. Anastasia Lintner, Ecojustice (invited)

10:30 a.m. *Aboriginal Rights in the 21st Century: can equality and aboriginality be reconciled?*
Tom Isaac, McCarthy Tetrault LLP, Vancouver
Kate Kempton, Olthuis, Kleer & Townshend LLP, Toronto

12:00 noon Lunch and keynote speaker (to be announced)

1:30 p.m. *Freedom of expression under attack: do human rights need to be redefined?*
Alan Borovoy, Canadian Civil Liberties Association
Barbara Hall, Ontario Human Rights Commission (invited)
Max Yalden, former Commissioner of Official Languages (invited)

Jennifer Lynch, Canadian Human Rights Commissioner (invited)

3:00 p.m. Break and free time

6:00 p.m. Reception

6:30 p.m. Dinner

7:30 p.m. Keynote Speaker: Law Professor and author Randy Barnett, Georgetown University

Sunday October 19

10:30 a.m. *Judicial Activism: myth or reality?*

Eugene Meehan, Q.C., Lang Michener LLP, Ottawa

Ran Hirschl, author of *Towards Juristocracy* (invited)

Kent Roach, University of Toronto Law School (invited)

Dr. Ian Brodie, author of *Friends of the Court* (invited)

Canadian Constitution Foundation
235, 3545 - 32 Ave. N.E., Suite 641
Calgary, AB, T1Y 6M6
Phone 403-313-1318
Fax 403-313-1380

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