

SUJIT CHOUDHRY

UNIVERSITY OF CALIFORNIA, BERKELEY • SCHOOL OF LAW
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ACADEMIC AND ADMINISTRATIVE APPOINTMENTS

UNIVERSITY OF CALIFORNIA, BERKELEY - SCHOOL OF LAW	
Dean	2014-6
I. Michael Heyman Professor of Law	2014-
Director, Center for Constitutional Transitions	2014-
NEW YORK UNIVERSITY - SCHOOL OF LAW	
Cecelia Goetz Professor of Law	2011-14
Director, Center for Constitutional Transitions	2012-14
Global Visiting Professor of Law	Fall 2008
UNIVERSITY OF TORONTO - FACULTY OF LAW	
Associate Dean (First Year Program)	January 2008 - July 2011
Scholl Chair	2006-11
Professor	2010-11
Associate Professor (tenured)	2004-10
Assistant Professor	1999-2004
Cross-Appointed, School of Public Policy & Governance	2006-11
Cross-Appointed, Dept. of Political Science, Faculty of Arts & Science	2005-11

EDUCATION

HARVARD LAW SCHOOL: LL.M.	1998
UNIVERSITY OF TORONTO FACULTY OF LAW: LL.B. (Hon.)	1996
UNIVERSITY COLLEGE, OXFORD: B.A. in Law (1 st Cl. Hon.), Rhodes Scholar	1994
MCGILL UNIVERSITY: B.Sc. (Great Distinction)	1992

HONOURS AND DISTINCTIONS

Professional

Neelan Tiruchelvam Memorial Lecture, Colombo, Sri Lanka (2012); Trudeau Foundation Lecture, University of Alberta (2012); Trudeau Fellowship, Trudeau Foundation (\$225,000) (2010-); Board of Editors (2008-17) and Scientific Advisory Board (2017-), *International Journal of Constitutional Law*; Editorial Board, *Constitutional Court Review*, South Africa (2008-); Editorial Advisory Board, *Cambridge Studies in Constitutional Law* (2008-); Honorary Member, Advisory Council, *Indian Constitutional Law Review*; Connaught Research Fellowship in the Social Sciences, University of Toronto (2007); Manuscript reviewer for Oxford University Press, Cambridge University Press, University of Toronto Press, *Global Constitutionalism*, *International Journal of Constitutional Law*, *University of Toronto Law Journal*, *World Politics* (Present)

Educational

Harvard University

Graduate Fellowship, Harvard University Center for Ethics and the Professions (1998-9); William E. Taylor Fellowship, Social Sciences and Humanities Research Council of Canada (for top ranked

applicant in graduate fellowship competition) (1997-8); Frank Knox Memorial Fellowship, Harvard University (1997-8); U.S.-Canada Fulbright Scholarship (*declined*) (1997-8)

University of Toronto

Dean Cecil A. Wright Key (for excellence in academic extra-curricular work) (1996); Class of 1967 Prize (1996); Osler Hoskin Prize (1996); Blaney, McMurtry, Stappels Prize (1996); Bassel, Sullivan, Leake & Davison Prize (1995); James Jefferson Prize (1995)

University College, Oxford

Rhodes Scholarship (1992-4); University College Prize (1994); Peter Rowley Prize, University College (1994)

McGill University

University Scholar (1992); Penhallow Prize (1992); Rowlinson Traveling Prize (1992); Scarlet Key Award (for excellence in leadership) (1992); Greville Smith Entrance Scholarship (1988-92); Canada Science Scholarship (1988-92)

WORKS IN PROGRESS/FUTURE PROJECTS

Dealing with Territorial Cleavages in Constitutional Transitions (co-editor with G. Anderson; 16 case-studies & 3 thematic chapters; co-author of introduction and synthetic conclusion) (under contract with Oxford University Press; policy manual based on research to be co-published by Center for Constitutional Transitions, Forum of Federations and International IDEA).

Security Sector Reform and Constitutional Transitions in Emerging Democracies (co-editor with Z. Barany, S. Bisarya, and R. Stacey; 9 case-studies; co-author of introduction and synthetic conclusion) (under contract with Oxford University Press; policy manual based on research to be co-published by Center for Constitutional Transitions and International IDEA).

Security Sector Oversight: Protecting Democratic Consolidation from Authoritarian Backsliding and Partisan Abuse (co-editor with Z. Al-Ali and R. Stacey; 11 case-studies; co-author of synthetic introduction) (policy manual based on research to be co-published by Center for Constitutional Transitions and International IDEA in English and Arabic).

Semi-Presidentialism and Constitutional Instability in Ukraine (co-author with T. Sidelius & R. Stacey) (to be co-published by Center for Constitutional Transitions and International IDEA).

BOOKS

Constitution Making (co-editor with T. Ginsburg) (Edward Elgar, 2016).

Oxford Handbook of the Indian Constitution (Oxford University Press, 2016) (co-editor with P.B. Mehta & M. Khosla).

Canadian Constitutional Law, 4th ed. (Toronto: Emond Montgomery, 2010) (member of casebook team).

Constitutional Design for Divided Societies: Integration or Accommodation? (Oxford University Press, 2008) (editor).

The Migration of Constitutional Ideas (Cambridge University Press, 2006) (editor).

Dilemmas of Solidarity: Rethinking Redistribution in the Canadian Federation (University of Toronto Press, 2006) (co-editor with J.-F. Gaudreault-DesBiens & L. Sossin).

SPECIAL JOURNAL ISSUES

Constitutional Transitions in the Middle East, (2013) 11 *International Journal of Constitutional Law* 553-831 (symposium issue; editor).

Citizenship and Constitutionalism, (2010) 8 *International Journal of Constitutional Law* 6-130 (symposium issue; co-editor with C. Saunders).

Constitutionalism in Divided Societies, (2007) 5 *International Journal of Constitutional Law* 573-753 (symposium issue; editor).

Education, Administration, and Justice: Essays in Honour of Frank Iacobucci, (2007) 57 *University of Toronto Law Journal* 129-606 (symposium issue; co-editor with P. Macklem, D. Schneiderman & L. Austin).

ARTICLES, BOOK CHAPTERS, WORKING PAPERS AND REPORTS

“Democratic backsliding and comparative constitutional law: Comment on Dixon & Landau”, *International Journal of Constitutional Law* (forthcoming).

“The Canadian Constitution and the World” in N. DesRosiers, P. Macklem & P. Oliver, eds., *Oxford Handbook of the Canadian Constitution* (Oxford University Press, forthcoming).

“Introduction” in S. Choudhry & T. Ginsburg, eds., *Constitution Making* (Edward Elgar, 2016) xiii-xix.

“Locating Indian Constitutionalism” in S. Choudhry, M. Khosla & P.B. Mehta, eds., *Oxford Handbook of the Indian Constitution* (Oxford University Press, 2016) 1-14.

“Language” in S. Choudhry, M. Khosla & P.B. Mehta, eds., *Oxford Handbook of the Indian Constitution* (Oxford University Press, 2016) 180-195.

“How to Do Constitutional Law and Politics in South Asia” in M. Tushnet & M. Khosla, eds., *Unstable Constitutionalism: Law and Politics in South Asia* (Cambridge University Press, 2015) 18-44.

“Constitutional Transitions and Territorial Cleavages” (with G. Anderson) (The Center for Constitutional Transitions and International IDEA, 2015).

“Combating Corruption: Constitutional Frameworks for the Middle East and North Africa”, *The Center for Constitutional Transitions, International IDEA and United Nations Development Program Reports: Constitutional Design in the Middle East and North Africa* (2015) (also translated into Arabic).

“Decentralization in Unitary States: Constitutional Frameworks for the Arab States Region”, *The Center for Constitutional Transitions, International IDEA and United Nations Development Program Reports: Constitutional Design in the Middle East and North Africa* (2015) (also translated into Arabic).

“Oil and Natural Gas: Constitutional Frameworks for the Arab States Region”, *The Center for Constitutional Transitions, International IDEA and United Nations Development Program Reports: Constitutional Design in the Middle East and North Africa* (2015) (also translated into Arabic).

“Still Not Equal? Visible Minority Vote Dilution in Canada” (2014) 8 *Canadian Political Science Review* 85-101.

“Semi-Presidential Government in the Post-Authoritarian Context”, *The Center for Constitutional Transitions Meeting the Challenges of Emerging Constitutional Democracy Working Paper Series* (with Richard Stacey) (2014).

“Minority Rights in Culturally Diverse Societies”, *The Center for Constitutional Transitions Meeting the Challenges of Emerging Constitutional Democracy Working Paper Series* (with G. Anderson) (2014).

“Constitutional Courts after the Arab Spring: Appointment mechanisms and relative judicial independence”, *The Center for Constitutional Transitions at NYU Law & International IDEA Reports: Constitutional Design in the Middle East and North Africa* (with K. Glenn Bass) (2014) (also translated into Arabic).

“Semi-Presidentialism as Power-Sharing: Lessons for the Middle East and North Africa”, *The Center for Constitutional Transitions at NYU Law & International IDEA Reports: Constitutional Design in the Middle East and North Africa* (with R. Stacey) (2014) (also translated into Arabic).

“Political Party Finance Regulation: Lessons for the Middle East and North Africa”, *The Center for Constitutional Transitions at NYU Law & International IDEA Reports: Constitutional Design in the Middle East and North Africa* (with K. Glenn Bass) (2014) (also translated into Arabic).

“Classical and Post-Conflict Federalism: Implications for Asia” in T. Ginsburg and R. Dixon, eds., *Research Handbook on Comparative Constitutional Law in Asia* (Edward Elgar Publishing, 2014) 163-199.

“The Commonwealth constitutional model or models?” (2013) 11 *International Journal of Constitutional Law* 1094-99.

“Proportionality: Comparative Perspectives on Israeli Debates” in G. Sapir, D. Barak-Erez, and A. Barak, eds., *Israeli Constitutional Law in the Making* (Hart Publishing, 2013) 255-266.

“Constitutional Review in New Democracies”, *The Center for Constitutional Transitions at NYU Law & Democracy Reporting International Briefing Papers* (with K. Glenn Bass) (2013).

“International Standards for the Independence of the Judiciary”, *The Center for Constitutional Transitions at NYU Law & Democracy Reporting International Briefing Papers* (with R. Stacey) (2013).

“Constitutional transitions in the Middle East: Introduction” (2013) 11 *International Journal of Constitutional Law* 611-614.

“Semi-Presidentialism as a Form of Government: Lessons for Tunisia”, *International IDEA & The Center for Constitutional Transitions at NYU Law Working Papers: Consolidating the Arab Spring – Constitutional Transition in Egypt and Tunisia* (with R. Stacey) (2013).

“Rights Adjudication in a Plurinational State: the Supreme Court of Canada, Freedom of Religion, and the Politics of Reasonable Accommodation” (2013) 50 *Osgoode Hall Law Journal* 575-608.

“Living Originalism in India? ‘Our Law’ and Comparative Constitutional Law” (2013) 25 *Yale Journal of Law & Humanities* 1-22.

- “How to Do Comparative Constitutional Law in India: *Naz Foundation*, Same Sex Rights, and Dialogical Interpretation” in S. Khilnani, V. Raghavan & A. Thiruvengadam, eds., *Comparative Constitutionalism in South Asia* (Oxford University Press, 2012) 45-85.
- “The Globalization of the Canadian Constitution” in *Trudeau Foundation Papers*, vol. 4 (2012) 88-112.
- “Civil War, Ceasefire, Constitution: Some Preliminary Notes” (2012) 33 *Cardozo Law Review* 1907-21.
- “Method in Comparative Constitutional Law: A Comment on Law & Versteeg” (2012) 87 *New York University Law Review* 2078-87.
- “Group Rights in Comparative Constitutional Law: Culture, Economics, or Political Power?” in M. Rosenfeld & A. Sajo, eds., *Oxford Handbook of Comparative Constitutional Law* (Oxford University Press, 2012) 1100-1123.
- “Independent or Dependent? Constitutional Courts in Divided Societies” in C. Harvey & A. Schwartz, eds., *Rights in Divided Societies* (Hart Publishing, 2012) 89-123 (with R. Stacey).
- “Growing Legal Aid Ontario into the Middle Class: A Proposal for Public Legal Expenses” in M.J. Trebilcock, T. Duggan & L. Sossin, eds., *Middle-Income Access to Justice* (University of Toronto Press, 2011) ch. 13 (with M.J. Trebilcock and J. Wilson).
- “Federalism, Devolution & Secession: From Classical to Post-Conflict Federalism” in T. Ginsburg and R. Dixon, eds., *Research Handbook on Comparative Constitutional Law* (Edward Elgar Publishing, 2011) 356-384 (with N. Hume).
- “The Impact of Regionally Differentiated Entitlement to EI on *Charter*-Protected Canadians” (2011) (Toronto: Mowat Centre Employment Insurance Task Force) (with M. Pal).
- “Voter Equality & Other Canadian Values: Finding the Right Balance” (2011) (Toronto: Mowat Centre for Policy Innovation) (with M. Mendelsohn).
- “Mechanisms for Resolving Divisive Issues in Constitutional Negotiations” (2010) *Interpeace Working Paper Series* (with N. Haysom).
- “After the Rights Revolution: Bills of Rights in the Post-Conflict State” (2010) 6 *Annual Review of Law and Social Science* 301-322.
- “Symposium on citizenship: Foreword” (2010) 8 *International Journal of Constitutional Law* 6-8 (with C. Saunders).
- “Constitutional Politics and Crisis in Sri Lanka” in J. Bertrand & A. Laliberté, eds., *Multination States in Asia: Accommodation or Resistance* (Cambridge: Cambridge University Press, 2010) 103-135.
- “Constituency Boundaries in Canada” in H. MacIvor, ed., *Election* (Toronto: Emond Montgomery, 2010) 87-105 (with M. Pal).
- “‘He had a mandate’: The South African Constitutional Court and the African National Congress in a Dominant Party Democracy” (2009) 2 *Constitutional Court Review* 1-86.

"Not a New Constitutional Court: The Canadian *Charter*, the Supreme Court and Quebec Nationalism" in P. Pasquino & F. Billi, eds., *The Political Origins of Constitutional Courts: Italy, Germany, France, Poland, Canada, United Kingdom* (Rome: Adriano Olivetti Foundation, 2009) 39-76.

"Managing linguistic nationalism through constitutional design: Lessons from South Asia" (2009) 7 *International Journal of Constitutional Law* 577-618.

"Drafting Nepal's Language Policy" (2009) 8:2 *Federations* 26-28.

"Bills of Rights as Instruments of Nation-Building in Multinational States: the Canadian *Charter* and Quebec Nationalism" in J. Kelly & C. Manfredi, eds., *Contested Constitutionalism: Reflections on the Charter of Rights and Freedoms* (Vancouver: University of British Columbia Press, 2009) 233-250.

"Constitutional Change in the 21st Century: A New Debate over the Spending Power" (2008) 34 *Queen's L.J.* 375-390.

reprinted in P. H. Russell et al., eds., *Essential Readings in Canadian Government and Politics* (Toronto: Emond Montgomery, 2010) 293-296.

"Bridging Comparative Politics and Comparative Constitutional Law: Constitutional Design for Divided Societies" in S. Choudhry, ed., *Constitutional Design for Divided Societies: Integration or Accommodation?* (Oxford: Oxford University Press, 2008) 3-40.

"Ackerman's higher lawmaking in comparative constitutional perspective: Constitutional moments as constitutional failures?" (2008) 6 *International Journal of Constitutional Law* 193-230.

"Constitutionalism in divided societies" (2007) 5 *International Journal of Constitutional Law* 573-575.

"Does the world need more Canada? The Politics of the Canadian Model in Constitutional Politics and Political Theory" (2007) 5 *International Journal of Constitutional Law* 606-638.

reprinted in S. Choudhry, ed., *Constitutional Design for Divided Societies: Integration or Accommodation?* (Oxford: Oxford University Press, 2008) 141-172.

"Frank Iacobucci as Constitution-Maker: From the *Quebec Veto Reference*, to the Meech Lake Accord and the *Quebec Secession Reference*" (2007) 57 *University of Toronto Law Journal* 165-193 (with J.-F. Gaudreault-DesBiens).

"Referendum? What Referendum?" (2007) 15:3 *Literary Review of Canada* 7-9.

"Is Every Ballot Equal? Visible Minority Vote Dilution in Canada" (2007) 13 *IRPP Choices* 1-30 (with M. Pal).

"The Legal Architecture of Intergovernmental Transfers: A Comparative Examination" in R. Boadway & A. Shah, eds., *Intergovernmental Fiscal Transfers: Principles and Practice*, (Washington, DC: World Bank, 2006) (with B. Perrin) 259-292.

"Migration as a New Metaphor in Comparative Constitutional Law" in S. Choudhry, ed., *The Migration of Constitutional Ideas* (New York: Cambridge University Press, 2006) 1-36.

“Introduction: Exploring the Dilemmas of Solidarity” in Sujit Choudhry, J.-F. Gaudreault-DesBiens & L. Sossin, eds., *Dilemmas of Solidarity: Rethinking Redistribution in the Canadian Federation* (Toronto: University of Toronto Press, 2006) (with J.-F. Gaudreault-DesBiens and L. Sossin) 1-28.

“Redistribution in the Canadian Federation: The Impact of the Cities Agenda and the New Canada” in S. Choudhry, J.-F. Gaudreault-DesBiens & L. Sossin, eds., *Dilemmas of Solidarity: Redistribution in the Canadian Federation* (Toronto: University of Toronto Press, 2006) 45-56.

“Afterword: Solidarity as the Boldness of Modesty” in S. Choudhry, J.-F. Gaudreault-Desbiens & L. Sossin, eds., *Dilemmas of Solidarity: Rethinking Redistribution in the Canadian Federation* (Toronto: University of Toronto Press, 2006) (with J.-F. Gaudreault-DesBiens and L. Sossin) 206-216.

“Popular Revolution or Popular Constitutionalism? Reflections on the Constitutional Politics of Quebec Secession” in T. Kahana & R. Bauman, eds., *The Least Examined Branch: The Role of Legislatures in the Constitutional State* (New York: Cambridge University Press, 2006) 480-98.

“What is a Canadian?” in I. Studin, ed., *What is a Canadian?* (Toronto: McLelland & Stewart/Douglas Gibson Books, 2006) 117-123.

“So What is The Real Legacy of Oakes? Two Decades of Proportionality Analysis under the Canadian Charter’s Section 1” (2006) 35 *Supreme Court Law Review* (2d) 501-535.

cited by *Alberta v. Hutterian Brethren of Wilson Colony*, 2009 SCC 37 at para. 154; *R. v. Bryan*, 2007 SCC 12 at paras. 20 and 29; *R. v. K.R.J.*, 2016 SCC 31 at paras. 90 and 94.

“Worse than *Lochner*?” in C.M. Flood, K. Roach & L. Sossin, eds., *Access to Care, Access to Justice: The Legal Debate over Private Health Insurance in Canada* (Toronto: University of Toronto Press, 2005) 75-100.

The City We Want – The Government We Need: The Report of the Governing Toronto Advisory Panel (City of Toronto, 2005, 50 pp.) (with A. Buller & M. Connell).

“Old Imperial Dilemmas and the New Nation-Building: Constitutive Constitutional Politics in Multinational Polities” (2005) 37 *Connecticut Law Review* 933-945.

“The Legal Regulation of Referral Incentives: Physician Kickbacks and Physician Self-Referral under Provincial Rules of Physician Professional Misconduct” in C.M. Flood, ed., *Just Medicare: What’s In, What’s Out, How We Decide* (Toronto: University of Toronto Press, 2005) (with N.K. Choudhry & A. Brown) 261-280.

“Specialty vs. Community Hospitals: What Role for the Law?” (2005) *Health Affairs* W5-361 - W5-372 (with N.K. Choudhry & T.A. Brennan).

“The Supreme Court Appointments Process: Improved Federal-Provincial Relations vs. Democratic Renewal?” (2005) (7) *Democracy and Federalism Series*, Queen’s University Institute of Intergovernmental Relations.

“Continuing the Conversation: A Reply to Manfredi and Kelly” (2004) 49 *McGill Law Journal* 765-778 (with C. Hunter).

a reply to C.P. Manfredi & J.B. Kelly, “Misrepresenting the Supreme Court’s Record? A Comment on Choudhry and Hunter” (2003) 49 *McGill Law Journal* 741-764.

“Unregulated private markets for health care in Canada? Rules of professional misconduct, kickbacks to physicians and physician self-referral in Canada” (2004) 170 *Canadian Medical Association Journal* 1115-18 (with N.K. Choudhry & A. Brown).

“The *Lochner* era and comparative constitutionalism” (2004) 2 *International Journal of Constitutional Law* 1-55.

“Putting the Past Behind Us? Prospective Judicial and Legislative Constitutional Remedies” (2003) 21 *Supreme Court Law Review* (2d) 205-66 (with K. Roach).

cited by *Hislop v. Canada*, 2007 SCC 10 at paras. 86, 138, 158, 159; 2004 CanLII 43774 (ON C.A.) at para. 85.

“Measuring Judicial Activism on the Supreme Court of Canada: A Comment on *Newfoundland (Treasury Board) v. Newfoundland Association of Public Employees*” (2003) 48 *McGill Law Journal* 525-562 (with C. Hunter).

“Racial and Ethnic Profiling: Statutory Discretion, Constitutional Remedies and Democratic Accountability” (2003) 41 *Osgoode Hall Law Journal* 1-36 (with K. Roach).

“Unrelated living organ donation: ULTRA needs to go” (2003) 29 *Journal of Medical Ethics* 169-70 (with A.S. Daar et al.).

“Beyond the Flight from Constitutional Legalism: Rethinking the Politics of Social Policy post-Charlottetown” (2003) 12 *Constitutional Forum Constitutionnel* 77-83.

A National Framework for Infectious Disease Outbreaks in Canada: Selected Legal Issues (National Advisory Committee on SARS and Public Health, 2003, 46 pp.).

Review Essay of *Judicial Power and the Charter: Canada and the Paradox of Liberal Constitutionalism*, 2d ed. by C.P. Manfredi (2003) 1 *International Journal of Constitutional Law* 379-90.

“CPR for the DNR: The Role of the Limited Aggressive Therapy Order” (2003) 138 *Annals of Internal Medicine* 65-68 (with N.K. Choudhry and P.A. Singer).

winner of the K.J.R. Wightman Award for Research in Biomedical Ethics from the Royal College of Physicians of Canada.

“Recasting Social Canada: A Reconsideration of Federal Jurisdiction over Social Policy” (2002) 52(3) *University of Toronto Law Journal* 163-252.

“Strengthening the Economic Union: the *Charter* and the *Agreement on Internal Trade*” (2002) 12 *Constitutional Forum Constitutionnel* 52-59.

revised and expanded version of “The *Agreement on Internal Trade*, Economic Mobility, and the *Charter*” in *Strengthening Canada: Challenges for Internal Trade and Mobility* (Winnipeg: Internal Trade Secretariat, 2001) 101-111, also published in French as “L’Accord sur le commerce intérieur, la mobilité économique et la *Charte*” in *Un Canada Performant: Les défis du commerce intérieur et de la mobilité* (Winnipeg: Secrétariat du Commerce Intérieur, 2001) 120-132.

“National Minorities and Ethnic Immigrants: Liberalism's Political Sociology” (2002) 10 *Journal of Political Philosophy* 54-78.

Jurisdiction and Health Care (Health Canada, 2002, 14 pp.).

Strengthening the Foundations: Modernizing the Canada Health Act (Discussion Paper No. 13, Royal Commission on the Future of Health Care in Canada, 2002, 46 pp.) (with C.M. Flood).

reprinted in T. McIntosh, G.P. Marchildon & P.-G. Forest, eds., *The Governance of Health Care in Canada: The Romanow Papers, Volume III* (Toronto: University of Toronto Press, 2003) 346-387.

“Protecting Equality in the Face of Terror: Ethnic and Racial Profiling and the *Charter*” in R. Daniels, P. Macklem & K. Roach, eds., *The Security of Freedom: Essays on Canada's Anti-Terrorism Bill* (Toronto: University of Toronto Press, 2001) 163-78.

“Collective Bargaining by Physicians: Labor Law, Antitrust, and Organized Medicine” (2001) 345 *New England Journal of Medicine* 1141-4 (with T.A. Brennan).

“Citizenship and Federations: Some Preliminary Reflections” in K. Nicolaidis and R. Howse, eds., *The Federal Vision: Legitimacy and Levels of Governance in the US and the EU* (Oxford: Oxford University Press, 2001) 377-402.

“Unwritten Constitutionalism in Canada: Where Do Things Stand?” (2001) 35 *Canadian Business Law Journal* 113-122.

cited by *Lalonde v. Ontario (Commission de restructuration des services de santé)*, 56 O.R. (3d) 505 at para. 176 (C.A.).

“Distribution vs. Recognition: The Case of Anti-Discrimination Laws” (2000) 9 *George Mason Law Review* 145-178.

reprinted in C. McCrudden, ed., *Anti-Discrimination Law: International Library of essays in Law and Legal Theory, 2Pnd Series* (London: Ashgate Publishing, 2004).

“Constitutional Theory and the *Quebec Secession Reference*” (2000) 13(2) *Canadian Journal of Law and Jurisprudence* 143-169 (with R. Howse).

reprinted in D. Dyzenhaus and A. Ripstein, eds., *Law and Morality: Readings in Legal Philosophy* (Toronto: University of Toronto Press, 2001) 634-71.

cited by *Chaoulli v. Quebec (Attorney General)*, 2005 SCC 35 at para. 90.

“Bill 11, The *Canada Health Act* and the Social Union: The Need for Institutions” (2000) 38 *Osgoode Hall Law Journal* 39-99.

reprinted in B. von Tigerstrom and T. Caulfield, eds., *Health Care Reform and the Law in Canada: Meeting the Challenge* (Edmonton: University of Alberta Press, 2002) 37-84.

“Globalization in Search of Justification: Toward a Theory of Comparative Constitutional Interpretation” (1999) 74 *Indiana Law Journal* 819-892.

“The Enforcement of the *Canada Health Act*” (1996) 41 *McGill Law Journal* 461-508.

“Public Opinion Regarding End of Life Decisions: Influence of Prognosis, Practice, and Process” (1995) 41(11) *Social Science & Medicine* 1517-21 (with P.A. Singer, J. Armstrong, E. Meslin & F. Lowy).

Challenging the Repeal of the Canada Assistance Plan by Bill C-76: A Case Development Report prepared for the Charter Committee on Poverty Issues (1995, 122 pp.).

“A Review of Legal Instruments and Codes on Medical Experimentation with Children” (1994) 3 *Cambridge Quarterly of Health Care Ethics* 560-73.

“Hospital policies on life-sustaining treatments and advance directives in Canada” (1994) 150 *Canadian Medical Association Journal* 1265-70 (with I. Rasooly et al.).

“Public Opinion Regarding Consent to Treatment” (1993) 41 *Journal of the American Geriatric Society* 112-116 (with P.A. Singer & J. Armstrong).

“Ontario’s proposed consent laws: 2. Advocacy” (1992) 146 *Canadian Medical Association Journal* 1165-68 (with P.A. Singer).

“Ontario’s proposed consent laws: 1. Consent and capacity, substitute decisions, advance directives and emergency consent” (1992) 146 *Canadian Medical Association Journal* 829-32 (with P.A. Singer).

PROFESSIONAL EXPERIENCE

CENTER FOR CONSTITUTIONAL TRANSITIONS (2012-
Founder and Director.

The Center for Constitutional Transitions (<http://www.constitutionaltransitions.org>) generates and mobilizes knowledge in support of constitution building by assembling and leading international networks of experts to produce evidence-based policy options for decision-makers and agenda-setting research, in partnership with a global network of multilateral organizations, think tanks, and NGOs. We have worked with over 50 experts from more than 25 countries.

INTERNATIONAL INSTITUTE FOR DEMOCRACY AND ELECTORAL ASSISTANCE 2012-
(INTERNATIONAL IDEA)

Consultant for technical assistance projects in support of constitutional transitions in Egypt, Jordan, Libya and Tunisia. Missions to Beirut (July 2012, for Jordan project), Tunis (many missions, 2012-present), Tripoli (December 2012 & January 2013), Cairo (December 2013), and Colombo (September 2015).

POLICY IMPLEMENTATION ASSISTANCE PROJECT, VIETNAM 2011

Consultant to project providing technical advice to Law Committee of National Assembly of Vietnam on constitutional reform. Led workshop for visiting delegation of Law Committee, June 2011 (in Toronto).

UNITED NATIONS MEDIATION ROSTER 2010-

Invited member of roster of mediation experts for rapid deployment by the United Nations Department of Political Affairs.

CANADIAN BAR ASSOCIATION, ENGAGING CIVIL SOCIETY IN DEMOCRATIC 2007-11
DEVELOPMENT IN NEPAL PROJECT

Project Advisory Committee. Canadian International Development Agency funded project, building capacity of Nepal Bar Association for constitutional negotiations. Missions to Nepal: April-May 2007; June 2010. Delivered workshops on federalism, self-determination, official language policy.

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION, VANCOUVER 2008, 2009
Counsel in the *Khadr 1* and *Khadr 2* appeals before the Supreme Court of Canada.

UNITED NATIONS DEVELOPMENT PROGRAM 2007
Consultant on constitutional issues in connection with official language rights and federalism. Mission to Nepal: April-May 2007.

ONTARIO CITIZENS' ASSEMBLY ON ELECTORAL REFORM 2007
Consultant. Prepared memorandum on the impact of reforms to Ontario's electoral system on the weight of the votes of visible minority urban residents.

LEGAL AID ONTARIO, TORONTO 2006-10
Member, Board of Directors, of Ontario's publicly funded legal assistance program. Finance & Audit Committee (2006-10), Public Affairs & Education Committee (2006-8).

HUMAN RIGHTS WATCH, NEW YORK 2006
Counsel (including oral argument) in the *Almrei*, *Charkaoui* and *Harkat* appeals before the Supreme Court of Canada, through the International Human Rights Clinic at the University of Toronto.

GOVERNING TORONTO ADVISORY PANEL, CITY OF TORONTO 2005
Member of three-member panel appointed by Toronto City Council, which proposed major reforms to the structure of municipal government in Toronto which have been implemented.

WORLD BANK INSTITUTE, WORLD BANK 2005
Consultant. Prepared paper on constitutional and legal framework for intergovernmental transfers in federations.

DEMOCRATIC RENEWAL SECRETARIAT, PROVINCE OF ONTARIO 2004-5
Member, Academic Advisory Committee.

NATIONAL ADVISORY COMMITTEE ON SARS AND PUBLIC HEALTH (NAYLOR COMMITTEE) 2003
Consultant. Prepared report on selected legal issues raised by the creation of a national system to manage infectious disease outbreaks.

FORUM OF FEDERATIONS, OTTAWA & CENTRE FOR POLICY ALTERNATIVES, COLOMBO, SRI LANKA 2003
Member of team of foreign constitutional experts on mission to Sri Lanka; led seminars and workshops in support of the Sri Lankan peace negotiations.

ROYAL COMMISSION ON THE FUTURE OF HEALTH CARE (ROMANOW COMMISSION) 2002
Consultant. Prepared report on *Canada Health Act*.

HEALTH CANADA, GOVERNMENT OF CANADA 2001-2
Consultant to Policy Division. Prepared policy manual on federal jurisdiction over health care.

SUPREME COURT OF CANADA 1996-97
Law Clerk to the Rt. Hon. Antonio Lamer, Chief Justice of Canada.

LEGAL RESOURCES CENTRE, JOHANNESBURG, SOUTH AFRICA Summer 1996
Constitutional Litigation Unit. Prepared factum on behalf of Constitutional Assembly of South Africa in *Re Certification of the Constitution of the Republic of South Africa*.