

Robert J. Sharpe

Curriculum Vitae

Personal

Date of birth: December 4, 1945
Citizenship: Canadian
Marital Status: Married, three children
Languages: English, French (spoken and understood)

Academic History

1966 University of Western Ontario, B.A. in Political Science
1968 University of Caen, France, 'Certificat Pratique de la Langue Française'
1970 University of Toronto, Honours LL.B.
1974 Oxford University, Degree of D.Phil.
1974 Bar Admission Course, Osgoode Hall, Toronto

Professional Qualifications and Appointments

1974 Admitted to the Ontario Bar
1974-76 Associate with MacKinnon, McTaggart, later Wright, McTaggart
1976-88 Professor, Faculty of Law, University of Toronto
1988-90 Executive Legal Officer, Supreme Court of Canada
1990-95 Dean, Faculty of Law, University of Toronto
1995-99 Ontario Court of Justice (General Division), now Superior Court of Justice
1999-2020 Court of Appeal for Ontario (supernumerary or senior status from June, 2013)
2011- Visiting Professor, Oxford University

- 2020- Distinguished Jurist in Residence, Faculty of Law, University of Toronto
- 2020- Member, Arbitration Place, Toronto

Awards and Honours

- 1970 Butterworths Prize, Faculty of Law, University of Toronto.
- 1971-72 Carswell-Sweet and Maxwell Scholarship
- 1972-73 Canada Council Doctoral Fellowship
- 1987 Walter Owen Book Prize for *Injunctions and Specific Performance*
- 1991 Elected Fellow, Royal Society of Canada
- 2004 John Wesley Dafoe Book Prize for *Brian Dickson: A Judge's Journey*
- 2005 Ontario Bar Association Distinguished Service Award
- 2006 Senior Fellow, Massey College, University of Toronto
- 2007 Canadian Law and Society Association Book Prize for *The Persons Case: The Origins and Legacy of the Fight for Legal Personhood*
- 2009 Mundell Medal for Distinguished Contribution to Law and Letters
- 2011 Law Society of Upper Canada LL.D. *honoris causa*
University of Windsor Doctor of Civil Laws *honoris causa*
- 2013 Ontario Historical Society Fred Landon Book Prize for *The Lazier Murder: Prince Edward County, 1884*
- 2019 Walter Owen Book Prize, Second Place for *Good Judgment: Making Judicial Decisions*
- 2020 University of Toronto, Faculty of Law, Distinguished Alumni Award

Publications

Books

The Law of Habeas Corpus, Oxford: Oxford University Press, 1976. (2nd ed 1989) (3rd ed with Judith Farbey 2011)

Interprovincial Product Liability Litigation, Toronto: Butterworths, 1982.

Injunctions and Specific Performance, Aurora: Canada Law Book, 1983. (2nd ed 1992), (3rd ed 2000), (4th ed 2012), (5th ed 2017)

Charter Litigation (R.J. Sharpe editor), Toronto: Butterworths, 1987.

The Last Day, the Last Hour: The Currie Libel Trial, Toronto: Carswell and the Osgoode Society, 1988 (2009 edition, University of Toronto Press and the Osgoode Society)

The Charter of Rights and Freedoms, (with Katherine Swinton), Toronto: Irwin Law, 1998. (2nd ed 2002 with Kent Roach), (3rd ed 2005 with Kent Roach), (4th ed 2009 with Kent Roach) (5th ed 2013 with Kent Roach), (6th ed 2017 with Kent Roach).

Brian Dickson: A Judge's Journey, (with Kent Roach) Toronto: University of Toronto Press and the Osgoode Society, 2003.

The Persons Case: The Origins and Legacy of the Fight for Legal Personhood, (with Patricia McMahon) Toronto: University of Toronto Press and Osgoode Society, 2007.

Taking Remedies Seriously (Robert Sharpe and Kent Roach editors), Ottawa: Canadian Institute for the Administration of Justice, 2009

The Lazier Murder, Prince Edward County, 1884, University of Toronto Press and Osgoode Society, 2011.

Good Judgment: Making Judicial Decisions, Toronto: University of Toronto Press, 2018

Articles, Chapters in Books and Comments

"Habeas Corpus in Canada" (1975), 2 Dalhousie Law Review 241-267.

"*Wroth v. Tyler*: Must Equity Remedy Contract Damages" (With B.J. Reiter) (1979), 3 Canadian Business Law Journal 146-160.

"Strict Liability and Due Diligence in Public Welfare Offences: *R. v. City of Sault Ste. Marie*" (1979), 4 Canadian Business Law Journal 453-62.

"Interlocutory Injunctions: The Post-American Cyanamid Position" Chapter 8 in *Studies in Civil Procedure*, Eric Gertner ed., Toronto: Butterworths, 1979, 185-207.

"Specific Relief for Contract Breach" Chapter 5 in *Studies in Contract Law*, John Swan & Barry Reiter (eds.), Toronto: Butterworths, 1980, p. 123.

"Constricting Federal Court Jurisdiction: A Comment on *The Queen v. Fuller Construction*" (With John Laskin) (1980) 30 *University of Toronto Law Journal* 283-306.

"Discovery - Privilege and Preliminary Investigative Reports" (1981) 59 *Canadian Bar Review* 830-840.

"Damages for Lost Opportunity to Bargain" (With S.M. Waddams) (1982) 2 *Oxford Journal of Legal Studies* 290-297.

"Enforcement of Foreign Judgments" Chapter 15 in *Debtor-Creditor Law*, Mel Springman and Eric Gertner (eds.), Toronto: Butterworths, 1985, pp. 641-689.

"Claiming Privilege in the Discovery Process" [1984] *Law Society of Upper Canada Special Lectures*, pp. 163-178.

"Injunctions and the Charter" (1984) 22 *Osgoode Hall Law Journal*, pp. 473-485.

"Bora Laskin and Civil Liberties" (1985) 35 *University of Toronto Law Journal* 632-671.

"The Charter and Defamation: Will the Courts Protect the Media?" in *The Media, the Courts, and the Charter*, Philip Anisman and Allen Linden (eds.), Toronto: Carswell, 1986, pp. 149-157.

"The Charter of Rights and Freedoms and the Supreme Court of Canada: The First Four Years" [1987] *Public Law* 48-61.

"Commercial Expression and the Charter" (1987) 37 *University of Toronto Law Journal* 229-259.

"Judicial Development of Principles in Applying the Charter", Chapter 1 in Brian Rogers and Neil Finkelstein (eds.), *Charter Issues in Civil Cases*, Toronto: Carswell, 1988.

"A Comment on Allan Hutchinson's 'Money Talk: Against Constitutionalizing Commercial Speech'" (1990) 17 *Canadian Business Law Journal* 35-44.

"Habeas Corpus, Extradition and the Burden of Proof: The Case of the Man Who Escaped From Devil's Island" (1990) 49 *Cambridge Law Journal* 422-440.

"A Comment on David Beatty's 'The Politicization of Law'" (1991) 41 *University of Toronto Law Journal* 469-483.

"New Ways of Thinking: Liberalism" [1991] *Cambridge Lectures*, McArdle (ed.).

"Citizenship, The Constitution Act, 1867 and the Charter" in William Kaplan (ed.), *Belonging: Essays on the Meaning and Future of Canadian Citizenship*, Montreal: McGill-Queens University Press, 1993, pp. 221-244.

"La Carta canadese dei diritti e delle liberta" [1992] *Quaderni Costituzionali* 363-377.

"The Judicial System and the Power of Judicial Review in Canadian Constitutional Law" (1996) 43 *Hogaku Zasshi (Journal of Law and Politics)* of Osaka City University Part 1 at No. 1, p.163; Part 2 at No. 2, p.167.

"Ordinamento giudiziario e giustizia costituzionale" in *L'ordinamento costituzionale del Canada*, G. Giappichelli Editore, Torino, 1997.

"The Application and Impact of Judicial Discretion in Commercial Litigation" (1998), 17 (1) *Advocates' Society Journal* 4. (also published in M.L. Pilkington, J.M. Spence and H. Dumont, eds, *The Administration of Justice in Commercial Disputes*, Edition Themis, 1997)

"The Doctrine of *Stare Decisis*" in Guth (ed.), *Brian Dickson at the Supreme Court of Canada 1973-1990*, Supreme Court of Canada Historical Society, Faculty of Law, University of Manitoba, 1998.

"Brian Dickson: Portrait of a Judge" (1998), 17 (3) *Advocates' Society Journal* 3.

"*Habeas Corpus* and the Canadian *Charter of Rights and Freedoms*" in Goodwin-Gill and Talmon (eds), *The Reality of International Law: Essays in Honour of Ian Brownlie*, Oxford: Oxford University Press, 1999.

"The Impact of a Bill of Rights on the Role of the Judiciary" in Philip Alston (ed.), *Promoting Human Rights Through Bills of Rights: Comparative Perspectives*, Oxford: Oxford University Press, 1999.

"Class Actions in Ontario and the Strike Suit Phenomenon" [1999] *Queen's Annual Business Symposium* 255.

"The La Forest Years: The Vocation of Judging – A Judge's Perspective" in R. Johnson and J.P. McEvoy eds., *Gerard V. La Forest at the Supreme Court of Canada 1985-1997*, Supreme Court of Canada Historical Society, Canadian Legal History Project, Faculty of Law, University of Manitoba, Winnipeg, 2000.

“The Constitutional Legacy of Chief Justice Brian Dickson” (2000), 38 Osgoode Hall Law Journal 189.

"Therrien, Ocean Port and the Doctrines of Judicial and Tribunal Independence" (with Shirley Margolis) (2002), 16 S.C.L.R. 315.

“Impartiality, Equality and the Judicial Role” in T. Brettel Dawson ed., *Women, Law and Social Change* 4th ed, Canadian Legal Studies Series, Concord: Captus Press, 2002.

“Brian Dickson, the Supreme Court of Canada, and the Charter of Rights: A Biographical Sketch” (2002), 21 Windsor Yearbook of Access to Justice 603-629.

“Judicial Activism: The Debate in Canada” in Carlo Cassonato, ed., *The Protection of Fundamental Rights in Europe: Lessons from Canada*, Univerista Delgi Sudi di Trento, Trento, Italy, 2004.

“Commercial Law Damages: Market Efficiency or Regulation of Behaviour?” [2005] Law Society of Upper Canada Special Lectures 327.

“Laskin and the Constitutional Protection of Rights and Freedoms” in Neil Finkelstein and Constance Backhouse, eds, *The Laskin Legacy: Essays in Commemoration of Chief Justice Bora Laskin*, Toronto: Irwin Law, 2007.

“The Old Commonwealth: Canada” in Louis Blom-Cooper, Brice Dickson and Gavin Drewry eds, *The Judicial House of Lords 1876-2009*, Oxford: Oxford University Press, 2009.

“Antonio Lamer and Section 7 of the Charter: A Law Reformer’s Ambition, a Judge’s Restraint” in Adam Dodek and Daniel Jutras eds, *The Sacred Fire: The Legacy of Antonio Lamer*, Toronto: Lexis-Nexis, 2009.

“Remedies for Bad Behaviour in Canadian Contract Law”, Jeff Berryman and Rick Bigwood eds., *The Law of Remedies; New Directions on the Common Law*, Toronto: Irwin Law, 2010.

“Crisis in Pakistan” (with Michelle Bradfield) in Adam Dodek and Lorne Sossin eds, *Judicial Independence in Context*, Toronto: Irwin Law, 2010

“The Use of Academic Writing in Appellate Decision-Making” (with Vincent-Joël Proulx) (2011), 50 Canadian Business Law Journal 550.

“Access to Charter Justice” (2013), 63 The Supreme Court of Canada Law Review 3.

“The Persons Case and the Living Tree Theory of Constitutional Interpretation” (2013), 64 UNB Law Journal 1.

“Are Courts Representative Bodies? A Canadian Perspective”, Policy Brief, Foundation for Law, Justice and Society, Oxford, 2013.

“Interim Remedies and Constitutional Rights” (2019), 69 UTLJ 9.

“How Judges Decide” in Assay and Higgins, eds., *Principles, Procedure and Justice: Essays in Honour of Adrian Zuckerman*, Oxford: OUP, 2020).

“Good Judgment: Three Case Studies” (2020), 68 Criminal Law Quarterly 1.

“The Case for Judicial Independence in the Age of Populism” in Galligan, ed., *Courts: Friend or Foe*, Hart Publishing, forthcoming.

Other Professional Activities

Appearance as counsel before courts at all levels including the Supreme Court of Canada.

Numerous reported judgments as a trial and appellate judge, 1995-2020

Frequent lecturer at continuing education seminars.

Conducted reviews of the National Judicial Institute, the New Zealand Institute of Judicial Studies, the Faculty of Law, University of Western Ontario, the University of Windsor, and the Faculty of Law, Ottawa (Civil).

Lectures and presentations at many international universities.

Member of the Advisory Panel to assist the Constitution of Kenya Review Commission regarding the judiciary (2002).

Member of International Bar Association Rapid Response Missions to investigate threats to judicial independence in Russia (2005) and Pakistan (2007).

Board of Directors, Canadian Institute for the Administration of Justice (2013-).

International Bar Association Human Rights Institute Council (2012-15).

President, Canadian Institute for Advanced Legal Studies (2014-2020).

President, Osgoode Society for Canadian Legal History (2015-).