

Recent Tables of Contents – September 2021

Appeal – Volume 25 (2020)

Banking & Finance Law Review/Revue de droit bancaire et de finance – Volume 36 no. 1 (December 2020)

Banking & Finance Law Review/Revue de droit bancaire et de finance – Volume 36 no. 2 (May 2021)

Banking & Finance Law Review/Revue de droit bancaire et de finance – Volume 36 no. 3 (August 2021)

Canadian Family Law Quarterly/Cahier trimestriel de droit de la famille Canada – Volume 39 no. 2 (June 2020)

Canadian Family Law Quarterly/Cahier trimestriel de droit de la famille Canada – Volume 39 no. 3 (November 2020)

Canadian Intellectual Property Review/Revue canadienne de propriété intellectuelle – Volume 35 (Fall 2020)

Canadian Journal of Administrative Law and Practice/Revue canadienne de droit administratif et de pratique – Volume 34 no. 1 (March 2021)

Canadian Journal of Administrative Law and Practice/Revue canadienne de droit administratif et de pratique – Volume 34 no. 2 (June 2021)

Canadian Journal of Administrative Law and Practice/Revue canadienne de droit administratif et de pratique – Volume 34 no. 3 (September 2021)

Canadian Labour & Employment Law Journal – Volume 23 no. 2 (2021)

Estates Trusts & Pensions Journal – Volume 40 no. 4 (August 2021)

Intellectual Property Journal/Revue de propriété intellectuelle – Volume 33 no. 1 (December 2020)

Intellectual Property Journal/Revue de propriété intellectuelle – Volume 33 no. 2 (April 2021)

Journal of the Canadian College of Construction Lawyers – Volume 2021

Manitoba Law Journal – Volume 44 no. 1 (2021)

National Journal of Constitutional Law/Revue nationale de droit constitutionnel – Volume 41 no. 1 (December 2020)

National Journal of Constitutional Law/Revue nationale de droit constitutionnel – Volume 41 no. 2 (April 2021)

University of Toronto Law Journal – Volume 71 no. 1 (Winter 2021)

University of Toronto Law Journal – Volume 71 no. 2 (Spring 2021)

University of Toronto Law Journal – Volume 71 no. 3 (Summer 2021)

Appeal

Volume 25 (2020)

ARTICLES

- A Rose by Any Other Name : Well-Being Checks, a New Manifestation of Discriminatory Policing?
 - Leila Gaid, 3-
- From Ringing to Impinging : The Intrusion of Technology into the Employment Relationship
 - Katie Dakus, 27-
- Fundamental Rights for All : Toward Equality as a Principle of Fundamental Justice under Section 7 of the *Charter*
 - Suzy Flader, 43-

- Social Science Evidence in Poverty-Related *Charter* Claims : An Example in *Bedford v Canada*
 - Sydney McIvor, 61-
- Indigenous Sacred Sites & Lands : Pursuing Preservation Through Colonial Constitutional Frameworks
 - Chase Blair, 73-
- The Price of God : Understanding Reason and Religion in the Duty to Mitigate
 - Emma Compeau, 89-
- Misspent Youth : The (Mis)application of the *Youth Criminal Justice Act* by the *Criminal Code* Review Boards of British Columbia and Ontario
 - Kyle McCleery, 109-

Banking & Finance Law Review/Revue de droit bancaire et de finance

Volume 36 no. 1 (December 2020)

- Introduction
 - Virginia Torrie, 1-

ARTICLES

- AI Governance in Canadian Banking : Fairness, Credit Models, and Equality Rights
 - Dominique Payette and Virginia Torrie, 5-
- Global Challenges and Regulatory Strategies to Fintech
 - Aurelio Gurrea-Martinez and Nydia Remolina, 39-
- Selling Coins from a Sandbox
 - Nick Shorten, 75-

RECENT DEVELOPMENTS

- Virtual Assets, Real Insolvency Issues
 - Myles Bayliss, 107-
- Fintech in Payment Systems - How Does Mobile Money Challenge Existing Legal Regimes? A Case Study of Indonesia
 - Jonathan Greenacre, 119-

CASE NOTES AND COMMENTS

- The Law of Cryptoassets Is the Law of the Horse
 - Akshaya Kamalnath, 135-
- Virtual Currencies in India : Analyzing the Reserve Bank of India's Big "Ban" Theory
 - Nubee Naved, 145-

Banking & Finance Law Review/Revue de droit bancaire et de finance

Volume 36 no. 2 (May 2021)

ARTICLES

- Notice of Refusal – Blessing or Curse?
 - Dr. Zaid M. Aladwan, 155-
- Damages for Letter of Credit Wrongful Dishonour in China : Reviewing the *Humei* Case
 - Wang Jingen, 181-
- Monetary Transitions and Property Rights : Lessons from India's 2016 Demonetization
 - Federico Lupo-Pasini, 209-

RECENT DEVELOPMENTS

- Are Recent Developments in South African Contract Law Regarding the Interpretation of Contracts and the Role of Good Faith a Threat to the Independence of Demand Guarantees?
 - Michael Foxcroft, 237-
- Solicitors' Liens in Canada
 - Scott A. Carrière, 253-

CASE NOTES AND COMMENTS

- Implications of the *Bluberi* Decision : An Affirmation of Broad Judicial Discretion in CCAA and a "Green Light" for Litigation Funding in Canada
 - Virginia Torrie, 277-
- The Buck Stops with the Bank : *Toronto Dominion Bank v. Canada*
 - Monica Carinci, 291-
- The Inconvenient Act : Letters of Credit and Landlord Rights in Bankruptcy
 - Vern W. Dare and Alfonso Nocilla, 303-

BOOK REVIEWS

- *The Code of Capital : How the Law Creates Wealth and Inequality* (Princeton, NJ : Princeton University Press, 2019) Katharina Pistor.
 - Ryan Clements, 323-
- *European Cross-Border Banking and Banking Supervision* (Oxford, UK : Oxford University Press, 2020) Dalvinder Singh.
 - Ligia Catherine Arias-Barrera, 329-
- *The Globalized Governance of Finance* (Cambridge, UK : Cambridge University Press, 2019) David Zaring.
 - Florian Gamper, 333-

Banking & Finance Law Review/Revue de droit bancaire et de finance

Volume 36 no. 3 (August 2021)

ARTICLES

- Parading Their Ignorance of Financial Transactions : The Smith/Jarvis Trial of 1934
 - C. Ian Kyer, 339-
- Imagine One Restructuring Act in Canada
 - Vern Dare and Teodora Prpa, 363-
- A Journal of the COVID Year in Fintech : Payments Edition
 - Thibault de Ravel d'Esclapon, 391-

RECENT DEVELOPMENTS

- In Search of the Perfect Coin : China's Approach towards Cryptocurrency and Its Own Central Bank Digital Currency
 - Xia Mian, 419-
- Thinking Outside the Box : The New Regulatory Sandbox Regime in Israel
 - Ruth Plato-Shinar, 457-

- The Fall of Online P2P Lending in China : A Critique of the Central-Local Co-Regulatory Regime
 - Robin Hui Huang and Christine Menglu Wang, 481-

CASE NOTES AND COMMENTS

- The Role of Knowledge in Secured Financing Priority Disputes – Three Recent Cases
 - Mohamed Khimji, 517-
- To Levy or Not to Levy, There Lies the Question : The Application of Section 147 of the *Business Insolvency Act* Levy in the Course of Proposal Proceedings Since the *Topsyn* Case
 - Elena Scaini, 529-

BOOK REVIEWS

- *Bankrupt in America : A History of Debtors, Their Creditors, and the Law in the Twentieth Century* (Chicago : University of Chicago Press, 2020) Mary Eschelbach Hansen and Bradely A. Hansen.
 - Virginia Torrie, 539-
- *European Central Banking Law : The Role of the European Central Bank and the National Central Banks under European Law* (London : Palgrave Macmillan, 2020) Christos V. Gortsos.
 - Kern Alexander, 543-
- *Conceptualizing the Regulatory Thicket : China's Financial Markets after the Global Financial Crisis* (London and New York : Routledge, 2021) Shen Wei.
 - Thomas Stanton, 551-
- *Reinventing Bankruptcy Law : A History of the Companies' Creditors Arrangement Act* (Toronto : Toronto University Press, 2020) Virginia Torrie.
 - Honourable Philippe Bélanger, S.C.Q.), 557-

Canadian Family Law Quarterly/Cahier trimestriel de droit de la famille Canada

Volume 39 no. 2 (June 2020)

ARTICLES

- Ontario's Publicly Funded Family Mediation Services : Exploring What Influences Uptake
 - Denise Whitehead and Rachel Birnbaum, 109-
- The Importance of Psychological Testing in Canadian Family Law
 - David Frenkel and Dr. Irwin S. Butkowsky, 151-
- Post-Separation Increases in Payor Income and Spousal Support
 - Rollie Thompson, 185-

Canadian Family Law Quarterly/Cahier trimestriel de droit de la famille Canada

Volume 39 no. 3 (November 2020)

ARTICLES

- The Court's Business in the Bedrooms of the Nation : Allegations of Sex Addiction in Child Custody and Access Cases
 - Robert Nanni, 223-
- Stand By Me : An Analysis of the Functions of Child and Youth Advocates in Canadian Society
 - Payton Wood, 257-

- Parents with Fetal Alcohol Spectrum Disorder within Canada’s Child Protection Trials
 - Choate, Tortorelli, et al.
- The Supreme Court Begins to Rewrite D.B.S in *Michel v. Graydon*
 - Rollie Thompson, 309-

Canadian Intellectual Property Review/Revue canadienne de propriété intellectuelle
Volume 35 (Fall 2020)

ARTICLES

- Trade Secrets, Big Data, and the Future of Public Interest Litigation Over Artificial Intelligence in Canada
 - Matt Malone, 6-
- Contributory Infringement in Canadian Law
 - Norman Siebrasse, 11-
- The Prospects and Limits of Blockchain Technologies in the Global Protection of Geographical Indications
 - Daniela Bassan, 37-
- Constitutionalized Rights to Indigenous Intellectual Property
 - Peter Wells and Tilaye Terrefe, 65-

Canadian Journal of Administrative Law and Practice/Revue canadienne de droit administratif et de pratique
Volume 34 no. 1 (March 2021)

ARTICLES

- Reviewing Delegated Legislation after *Vavilov* : Vires or Reasonableness?
 - John M. Evans, 1-
- Adapting the Role of Tribunal Counsel to Promote Access to Justice : How Far Can We Go?
 - Michelle A. Alton, Suman Furmah, and Kayla Seyler, 27-
- Peer Review and Adjudicative Independence : Finding the Right Balance in Administrative Justice
 - Christopher D. Bredt and Mannu Chowdhury, 55-
- The History of Administrative Law
 - Justice Malcolm Rowe and Michael Collins, 87-

CASE COMMENT

- Tribunal Independence : The Constitutional Foundation – An Epiphany Moment on the Road to Tribunal Justice
 - Ron Ellis, 133-

Canadian Journal of Administrative Law and Practice/Revue canadienne de droit administratif et de pratique
Volume 34 no. 2 (June 2021)

ARTICLES

- The “Digital Transformation” at Tribunals Ontario : The Impact on Access to Justice
 - Kathy Laird, 141-
- Patent Unreasonableness after *Vavilov*
 - Paul Daly, 167-

- What Is an Appeal? Vavilov and the New Framework for Statutory Appeals
 - Jonathan Silver and Henry Federer, 179-
- Accommodating Rights in Administrative Law : A Critique of the *Doré/Loyola* Framework
 - Carmelle Dieleman, 197-

BOOK REVIEW

- Against a Grand Unified Theory of Judicial Review – Review of *The Anatomy of Administrative Law* (Oxford : Hart Publishing, 2020) Joanna Bell.
 - Dustin Kenall, 219-

Canadian Journal of Administrative Law and Practice/Revue canadienne de droit administratif et de pratique

Volume 34 no. 3 (September 2021)

ARTICLES

- Is the Civil Resolution Tribunal Headed for a Crash – How Will the BCCA Apply the *Article 35* Reference to Trial Lawyers 2021?
 - Josh Hunter, 231-
- Wildlife Management, Privative Clauses, Standards of Review, and Inuit Qaujimajatuqangit : The Dimensions of Judicial Review in Nunavut
 - Daniel W. Dylan, 265-

CASE COMMENT

- *Abrametz v. Law Society of Saskatchewan*, 2020 SKCA 81
 - Morgana Kellythorne, 313-

BOOK REVIEW

- *Rules for a Flat World* (Oxford : Oxford University Press, 2020) Gillian J. Hadfield.
 - Voy Stelmaszynski, 323-

Canadian Labour & Employment Law Journal

Volume 23 no. 2 (2021)

- Alt-Labour Law : Enabling Labour Action without Certification in the Canadian Workplace
 - Thoby King, 141-
- Reasonableness Review Post-*Vavilov* : An “Encomium for Correctness” or Deference as Usual?
 - David Mullan, 189-
- The Futility of Mandatory Arbitration Clauses in Canada : Putting the Last Nail in the Coffin
 - Eric Tucker, 221-
- A Volunteer by Any Other Name : Navigating the Contours of the “True Volunteer” in Canadian Employment Law
 - Alison Braley-Rattai, 247-

COMMENTARY ON CASES, LEGISLATIONS AND POLICY

- Wage Restraint Legislation and the *Charter* After *Manitoba Federation of Labour*
 - Ryan Ng, 299-

Estates Trusts & Pensions Journal

Volume 40 no. 4 (August 2021)

ARTICLES

- Conflicts When Acting as Trustee and Lawyer
 - C. David Freedman, 347-
- Why Estate Planning Matters for the LGBTQ+ Community
 - Darren G. Lund and Brittany Sud, 356-
- Is There a Limit to the AG's Parens Patriae Jurisdiction over Charities?
 - Joel Nitikman, 377-

Intellectual Property Journal/Revue de propriété intellectuelle

Volume 33 no. 1 (December 2020)

COMMENT

- Good Faith in Canadian Trademark Applications
 - David Vaver, 1-

ARTICLES

- Overbreadth in Canadian Patent Law : Part I
 - Norman Siebrasse, 21-
- Faux-riginality in an Age of Mass Production : Why Copyright Should Not Protect Machine-Generated Content
 - Sarit K. Mizrahi, 59-
- *United Airlines, Inc. v Jeremy Cooperstock* : A Critical Review
 - Daniel R. Bereskin, Q.C. 91-
- Global Vendetta against Infringement : Evidence from Global Patent Litigations between Apple and Samsung
 - Dely Yang and Mahmut (Maho) Sonmez, 121-

Intellectual Property Journal/Revue de propriété intellectuelle

Volume 33 no. 2 (April 2021)

ARTICLES

- Overbreadth in Canadian Patent Law : Part II
 - Norman Siebrasse, 147-
- The Legitimization of Customized Sex Robots in the Age of COVID-19
 - Jake Okechukwu Effoduh, 161-
- Life Imitating Art Imitating Life : Copyright Ownership in AI-Generated Works
 - Lindsay Paquette, 183-

BOOK REVIEW

- *The Intellectual Properties of Learning* (Chicago : University of Chicago Press, 2017) John Willinsky.
 - Myra Tawfik, 217-

Journal of the Canadian College of Construction Lawyers

Volume 2021

ARTICLES

- P3s : Post-Pandemic Partnerships
 - James Dunn, 1-
- "Pay When Paid" Clauses Revisited
 - Andrew J. Heal, 27-
- Lien Issues and Insolvency
 - Scott Marcus and Christopher Hirst, 43-
- Contract Termination : Considerations in Terminating for Default or for Convenience
 - Paul Ivanoff and Ethan McCarthy, 61-
- Alliance Contracting in Canada : An Upcoming Trend?
 - Jason Roth, Parker McKibbin, David Little, Charlene Hiller, Julie Whitehead, Luke Trimarchi, and Ray Zhai, 89-
- The Holdback : The Ontario Experience (From the *Mechanics Lien Act* to the *Construction Act*)
 - Maria Ruberto and Kyle Kuczynski, 111-
- Limitation of Liability Clauses in Multi-Party Construction Disputes : An Uncertain Risk Management Tool
 - Christopher Rusnak, Q.C. and Adam Way, 143-
- Consultation in Canadian Construction and Resource Projects
 - Andrew Sullivan, 175-
- Corporate Compliance Programs for the Construction Industry – A Primary
 - Andrew Wallace and Mitchell Hayward, 193-

National Journal of Constitutional Law/Revue nationale de droit constitutionnel

Volume 41 no. 1 (December 2020)

SPECIAL ISSUE ON THE PANDEMIC

ARTICLES

- Bordering the Pandemic : COVID-19, Immigration, and Emergency
 - Asha Kaushal, Bethany Hastie, and Devin Eeg, 1-
- COVID-19 in Canada : The Division of Powers Over Quarantine and Borders
 - David Robitaille, 30-
- Restrictions on Mobility Rights of Canadians During the Pandemic : The Critical Need for Proper Scientific and Public Health Rationales
 - Professor Errol Patrick Mendes, 57-

Manitoba Law Journal

Volume 44 no. 1 (2021)

SPECIAL ISSUE ON CANADIAN TERROR : MULTIDISCIPLINARY PERSPECTIVES ON THE TORONTO 18 TERRORISM TRIALS

PART ONE: SOCIOLOGICAL AND CRIMINOLOGICAL PERSPECTIVES ON THE TORONTO 18

- Chapter 1 – Homegrown Terrorist Radicalization : The Toronto 18 in Comparative Perspective
 - Lorne L. Dawson and Amarnath Amarasingam, 1-

- Chapter 2 – A Social Network Analysis of the Toronto 18
 - David C. Hoffman, 35-
- Chapter 3 – Criminological Perspectives of the Toronto 18
 - Tiana Gaudette, Garth Davies, and Ryan Scrivens, 55-
- Chapter 4 – The Infiltration of the Toronto 18 : A Conversation with Mubin Shaikh
 - Amarnath Amarasingam and Mubin Shaikh, 81-
- Chapter 5 – The Canadian Security Intelligence Service and the Toronto 18 Case
 - Stephanie Carvin, 97-

PART TWO: THE INVESTIGATION AND CHARGING OF THE TORONTO 18

- Chapter 6 – Navigating National Security : The Prosecution of the Toronto 18
 - Croft Michaelson, 115-
- Chapter 7 – Curing Complexity : Moving Forward from the Toronto 18 on Intelligence-to-Evidence
 - Jay Pelletier and Craig Forcese, 155-
- Chapter 8 – Improving the Intelligence to Evidence (I2E) Model in Canada
 - Dave Murray, 181-
- Chapter 9 – Financing the Toronto 18
 - Jessica Davis, 197-

PART THREE: LEGAL ISSUES AT TRIAL

- Chapter 10 – Trial by Jury and the Toronto 18
 - Kent Roach, 221-
- Chapter 11 – *Canada v. Asad Ansari* : Avatars, Inexpertise, and Racial Bias in Canadian Anti-Terrorism Litigation
 - Anver M. Emon and Aaqib Mahmood, 255-
- Chapter 12 – Policing Entrapment
 - Vincent Chiao, 295-
- Chapter 13 – The Dangers of Charter-Proofing the Toronto 18’s Prosecution
 - Kent Roach, 321-

PART FOUR: SENTENCING, PAROLE, REINTEGRATION, AND AN UNKNOWN FUTURE

- Chapter 14 – Sentencing the Toronto 18 : Lessons from Then, Lessons for Now
 - Michael Nesbitt, 363-
- Chapter 15 – Rehabilitation, Intervention, and Parole for the Toronto 18 : Dead Ends and Silver Linings
 - Reem Zaia, 391-
- Chapter 16 – A Brief History of the Brief History of Citizenship Revocation in Canada
 - Audrey Macklin, 425-

CONCLUDING THOUGHTS

- Conclusion
 - Michael Nesbitt, Kent Roach, and David C. Hoffman, 457-

National Journal of Constitutional Law/Revue nationale de droit constitutionnel

Volume 41 no. 1 (December 2020)

SPECIAL ISSUE ON THE PANDEMIC

ARTICLES

- Bordering the Pandemic : COVID-19, Immigration, and Emergency
 - Asha Kaushal, Bethany Hastie, and Devin Eeg, 1-
- COVID-19 in Canada : The Division of Powers Over Quarantine and Borders
 - David Robitaille, 30-
- Mobility Rights of Canadians During the Pandemic ; The Critical Need for Proper Scientific and Public Health Rationales
 - Professor Errol Patrick Mendes, 57-

National Journal of Constitutional Law/Revue nationale de droit constitutionnel

Volume 41 no. 2 (April 2021)

SPECIAL ISSUE ON THE PANDEMIC

ARTICLES

- Towards a New Intergovernmental Agreement on Early Pandemic Management
 - Michael Da Silva and Maxime St-Hilaire, 77-
- Navigating the Division of Powers in a Time of Pandemic : Interjurisdictional Immunity, Paramountcy, and Provincial Public Health Measures' Effects on Interprovincial Travel
 - Misha Boutillier and Kirandeep K. Mahal, 107-
- Balancing Legality and Legitimacy in Canada's COVID-19 Response
 - Amy Goudge, 153-

University of Toronto Law Journal

Volume 71 no. 1 (Winter 2021)

ARTICLES

- Conscientious Refusal to Provide Medically Assisted Dying
 - L.W. Sunmer, 1-
- A Theory of Mistaken Assumptions in Contract Law
 - Jennifer Nadler, 32-
- Autonomy
 - Gideon Parchomovsky and Alex Stein, 61-
- Catalytic Agents? Lon Fuller, James Milner, and the Lawyer as Social Architect, 1950-69
 - David Sandomierski, 91-

REVIEW ESSAYS

- Bureaucracy without Alienation - Review Essay of *The Public's Law : Origins and Architecture of Progressive Democracy* (Oxford : Oxford University Press, 2019) Blake Emerson.
 - Colin Grey, 126-

- Contracts, Markets, and Justice – Review Essay of *Justice in Transactions* (Cambridge, MA : Belknap Press, 2019) Peter Benson.
 - Felipe Jiménez, 144-

University of Toronto Law Journal

Volume 71 no. 2 (Spring 2021)

ARTICLES

- Reflecting Back on the Future of Labour Law
 - David J. Doorey, 165-
- The Domain of Private Law
 - Hanoch Daga and Avihay Dorfman, 207-
- Modern Treaty Making and the Limits of the Law
 - Harry Hobbs and Stephen Young, 234-

REVIEW ESSAYS

- Law and Macroeconomics as Mainstream – Review Essay of *Law and Macroeconomics : Legal Remedies to Recessions* (Cambridge, MA : Harvard University Press, 2019) Yair Listokin.
 - Bruno Meyerhof Salama, 274-
- The Question of Fairness in Contract Law – Review Essay of *Sanctity of Contracts in a Secular Age : Equity, Fairness and Enrichment* (Cambridge, UK : Cambridge University Press, 2019) Stephen Waddams.
 - John D. McCamus, 285-

University of Toronto Law Journal

Volume 71 no. 3 (Summer 2021)

ARTICLES

- Elaborate Imaginings : Rethinking Environmental Obligations in Canadian Insolvency Law
 - Anna Lund, 301-
- A Unified Model of Public Law : Charter Values and Reasonableness Review in Canada
 - Richard Stacey, 338-
- Private Law Rights as Democratic Participation : Kelsen on Private Law and (Economic) Democracy
 - Helge Dedek, 376-

REVIEW ESSAY

- Taking Tort Seriously – Review Essay of *Recognizing Wrongs* (Cambridge, MA : Harvard University Press, 2020) John Goldberg and Benjamin Zipursky.
 - Stephen Smith, 415-