

Date of Revision: 14 June 2017

**The University of New Brunswick**

**CURRICULUM VITAE**

**SECTION 1: BIOGRAPHICAL**

**Surname:** O'Byrne

**Given Names:** Nicole Colleen

**Signature:**

**Faculty/Department Address:**

Faculty of Law

P.O. Box 4400

Fredericton, New Brunswick, Canada E3B 5A3

**Office Phone No.** (506) 451-6887

**Home Address:** 175 Southamptn Drive, Fredericton, NB E3B 4T5

**Home Phone No.** (506) 443-6424

**Email:** nobyrne.ca@gmail.com

**Present Citizenship Status:** Canadian

**SECTION 2: EDUCATION**

**2.1 Post Secondary Education**

Doctorate of Philosophy in Law and Society (Ph.D.) (2015)

Faculty of Law, University of Victoria, Victoria, BC

Master of Laws (LL.M.) (2006)

Institute of Comparative Law, McGill University, Montreal, QC

Bachelor of Arts (Honours) (B.A. Hons.) (2003)

Campion College, University of Regina, Regina, SK

Bachelor of Laws (with distinction) (LL.B.) (2001)

College of Law, University of Saskatchewan, Saskatoon, SK

Bachelor of Science (B.Sc.) (1996)

Queen's University, Kingston, ON

**2.2 Title of Graduate Thesis and Supervisor's Name:**

Ph.D. Dissertation: “Challenging the Liberal Order Framework: Natural Resources and Métis Policy in Alberta and Saskatchewan (1930-1948)”

Co-Supervisors: Dean Jeremy Webber (CRC Law and Society), University of Victoria  
Professor Hamar Foster, Faculty of Law, University of Victoria

Committee Member: Dr. James Lawson, Political Science, University of Victoria

LL.M. Thesis: “The Answer to the ‘Natural Resources Question’: A Historical Analysis of the *Natural Resources Transfer Agreements*.”

Supervisor: Roderick A. Macdonald

Examiner: G. Blaine Baker

Institute of Comparative Law, McGill University, Montreal, QC

### 2.3 Other Formal Education (if applicable):

February 2017 *Certificate Course in University Culture and Governance*  
Canadian Association of University Business Officers

January 2010 *Diploma in University Teaching*  
Centre for Enhanced Teaching and Learning, University of New Brunswick

September 2002 – *French Language Courses* – Centre for Training & Development  
April 2003 Dawson College, Montreal, QC

September 2001 – *Intermediate Oral Communication* – Institut français  
April 2002 University of Regina, Regina, SK

September 1995 – *Courses in French literature and grammar* – Institut français  
April 1998 University of Regina, Regina, SK

July 1996 – *Summer Language Bursary Program* – Université de Montréal  
August 1996 Montreal, QC

**2.4 Briefly Indicate General Area (s) of Academic Interest:** Canadian federalism, public policy history, Métis property rights, natural resources policy, water rights, legal pedagogy, Aboriginal constitutional law, Program of Equal Opportunity (New Brunswick), Aboriginal-non-Aboriginal relations

### **SECTION 3: EMPLOYMENT**

#### **3.1 Employment History at UNB**

July 2015 Associate Professor, Faculty of Law

July 2009 to June 2015 Assistant Professor, Faculty of Law

#### **3.2 List Relevant Previous Employment in Chronological Order**

Sessional Instructor, Law 388 Advanced Legal Research and Writing, Faculty of Law, University of Victoria (September 2008 to December 2008)

Research Assistant to Professor Emeritus John McLaren, Faculty of Law, University of Victoria (September 2007 to April 2007)

Private Tutor – Administrative Law, Constitutional Law, Evidence Law (May 2006 to December 2008)

Research Assistant to Dr. Gregory Marchildon, Johnson-Shoyama Graduate School of Public Policy, University of Regina, Regina, SK (September 2005 to July 2007)

Legal Historian – Constitutional Law Branch, Saskatchewan Justice, Regina, SK (January 2006 to August 2006)

Law Clerk to Justices Cameron, Tallis and Gerwing – Court of Appeal for Saskatchewan (May 2001 to May 2002)

#### **3.3 Leaves granted by UNB or other University (type, date) None**

#### **3.4 Distinctions, Honours, Fellowships, Scholarships (with dates): see above**

Law Foundation of British Columbia Fellowship, 2005-2006 (\$15,000)

University of Victoria Graduate Student Fellowship, 2006-2008 (\$30,000)

Dean's Honour List, Institute of Comparative Law, McGill University, 2006

Ian Pilarczyk Graduate Award for Legal History, Institute of Comparative Law, McGill University, 2005 (\$500)

Greenshields Thesis Scholarship, Institute of Comparative Law, McGill University, 2003 (\$1,000)

Greenshields Entrance Scholarship, Institute of Comparative Law, McGill University, 2002 (\$5,000)

Dean's Honour List, University of Regina, 2003

The Reverend John J. LePine, S.J. Scholarship, Campion College, University of Regina (History), 2003 (\$500)

Moxon Scholarship for Graduate Studies, College of Law, University of Saskatchewan, 2002 (\$2,000)

Canadian Bar Association Prize, College of Law, University of Saskatchewan, 2001

University of Saskatchewan Academic Award, College of Law, University of Saskatchewan, 2001 (\$1,000)

Thomas P. Deis Prize in Constitutional Law, College of Law, University of Saskatchewan, 2000 (\$1,000)

Canada Scholar, Queen's University, 1990 (\$8,000)

Queen's Anniversary Scholarship, Queen's University, 1990 (\$5,000)

Queen's Entrance Scholarship, Queen's University, 1990 (\$3,000)

#### **SECTION 4: DISSEMINATION OF KNOWLEDGE**

##### **4.1 Courses Taught in preceding 5 years**

Winter 2017	Law 4193 Aboriginal Peoples and Law (36) upper year lecture Law 1500 Criminal Law (53) 1 <sup>st</sup> year mandatory
Fall 2016	Law 1500 Criminal Law (53) 1 <sup>st</sup> year mandatory Law 2243 Evidence (42) 2 <sup>nd</sup> year mandatory
Winter 2016	6 month sabbatical (January to June 2016)
Fall 2015	Law 4193 Aboriginal Peoples and Law (16) upper year seminar Law 3801 Aboriginal Self-Government and Economic Development (6) Upper year seminar
Winter 2015	Law 1500 (S1 and S2) Criminal Law (100) 1 <sup>st</sup> year mandatory Law 5083 Readings in Legal Theory – 1 project Law 4093 Directed Research – 4 projects
Fall 2014	Law 4193 Aboriginal Peoples and Law (16) upper year seminar Law 1500 (S1) Criminal Law (50) 1 <sup>st</sup> year mandatory Law 4093 Directed Research – 1 project
Winter 2014	Law 1500 Criminal Law (50) 1 <sup>st</sup> year mandatory Law 4193 Aboriginal Peoples and Law (15) upper year seminar

	Law 4093 Directed Research – 4 projects Law 5083 Readings in Legal Theory – 2 projects
Fall 2013	Law 1500 Criminal Law (50) 1 <sup>st</sup> year mandatory Law 2243 Evidence Law (44) 2 <sup>nd</sup> year mandatory Law 4093 Directed Research – 4 projects Law 5083 Readings in Legal Theory -1 project
Fall 2012	Law 1500 Criminal Law (50) 1 <sup>st</sup> year mandatory Law 4093 Directed Research – 3 projects
Winter 2013	Law 1500 Criminal Law (50) 1 <sup>st</sup> year mandatory Law 2243 Evidence Law (35) 2 <sup>nd</sup> year mandatory Law 4193 Aboriginal Peoples and Law (16) upper year seminar Law 4093 Directed Research – 1 project
Fall 2011	Law 1500 Criminal Law (48) 1 <sup>st</sup> year mandatory Law 4093 Directed Research – 2 projects Law 5019 Kawaskimhon Moot 2012
Winter 2012	Law 2243 Evidence Law (35) 2 <sup>nd</sup> year mandatory Law 4193 Aboriginal Peoples and Law (13) upper year seminar Law 1500 Criminal Law (48) 1 <sup>st</sup> year mandatory Law 4093 Directed Research – 1 project Law 5019 Kawaskimhon Moot 2012 – co-taught with Dean Peach
Fall Term 2010	Law 2243 Evidence Law (44) 2 <sup>nd</sup> year mandatory Law 1500 Criminal Law (44) 1 <sup>st</sup> year mandatory Law 4093 Directed Research – 3 projects
Winter 2011	Law 5015 Gale Cup Moot (4) competitive moot team Law 1500 Criminal Law (44) 1 <sup>st</sup> year mandatory Law 4193 Aboriginal Peoples and Law (12) upper year seminar Law 4093 Directed Research – 3 projects
Fall 2009	Law 4193 Aboriginal Peoples and Law (18) upper year seminar
Winter 2010	Law 2243 Evidence Law (44) 2 <sup>nd</sup> year mandatory Law 1500 Criminal Law (44) 1 <sup>st</sup> year mandatory Law 4093 Directed Research – 2 projects

## 4.2 Development of New Courses:

Law 4093 Directed Research Seminar – In response to increased student demand for supervised research

projects, I developed an instructional seminar on how to write a directed research paper.

Law 3801 Aboriginal Self-Government and Economic Development (Fall 2015)

#### **4.3 Updating of Existing Courses**

Law 2243 Evidence Law – During my time as Scholar-in-Residence (January to June 2016), I updated the course materials to include short videos and more problem-solving components.

Law 4193 Aboriginal Peoples and Law - In response to student demand, I adapted this seminar course to a lecture format.

#### **4.4 Effective Use or Development of Teaching Aids and Techniques**

Law 2243 Evidence

- Classroom response systems Socrative 2.0
- Podcast lecture on Hearsay evidence (pilot project)
- Group Presentations

Law 1500 Criminal Law

- Group Presentations

Law 4193 Aboriginal Peoples and Law

- Community Research Partnerships with the Urban Aboriginal Knowledge Network– Duty to Consult
- Student Discussants

#### **4.5 Involvement in Curriculum Development**

Member, Curriculum Committee, Faculty of Law (2011-12; 2014-15; Fall 2015)

#### **4.6 Organization of Field Schools, Labs, or Practica N/A**

#### **4.7 a) Direction of Research of Undergraduate or Graduate Studies**

**Winter 2017**

**Law 5083 Readings in Legal Theory**

Julian Renaud, “The Increasingly Blurry Distinction between Criminal Law and University Discipline”

## **Law 4093 Directed Research**

Mike Carver, “Trial by Judge Alone as a Tangible Benefit for the Accused”

Susan Johnson, “Removing Barriers to Aboriginal Economic Development: The Impact of Canada’s Federal Government/First Nations Land Reform Initiatives”

Keara Lundrigan, “R v Jordan: A ticking time bomb” (Winner of the Horace Hanson prize in Constitutional law and Civil Liberties)

Patrick McGuinty, “Impaired Driving and the Admissibility of Illegally Obtained Evidence”

Taylor Morin, “Mr. Big Operations”

Sarah Rouse, “Cross-over Kids in New Brunswick: Examining the Intersection between the youth criminal justice system and youth in government care” (Winner of the Barry Morrison Prize for Legal Writing)

## **Fall 2016**

Anne Gall, “The Application of Canada’s Sexual Assault Law: Assessing the Influence of Stereotype and Myth”

## **Winter 2016**

Brennan LeJean, “Self-defence Reform in Canada”

Mark Mancini, “Charteritis: A New Generation Afflicted”

## **Fall 2015**

Matthew Ryder, “On Popular Culture, Perception and Law”

## **Winter 2015**

Rafal Szymanski, “Evaluating Aboriginality and Judicial Discretion – Fiduciary Obligations and the Honour of the Crown.”

Amanda MacIssac, “Examining the Admissibility of Torture-extracted Evidence”

Ryan Moss, “Section 24(2) and Impaired Driving – Luck of the Judicial Draw?”

Kurt Goddard, “Abolition of the New Brunswick Provincial Court System”

## **Fall 2014**

Ryan Adams, “Electronic Records and the Business Records Hearsay Exception”

## **Winter 2014**

Courtney Barbour, “Drug and Alcohol Testing Policies in Newfoundland and Labrador's Offshore Oil Industry: Making the Case Legislative Intervention.”

Andrea MacNevin, “When is a Nation not a Nation? Unriddling Sui Generis Treaty Interpretation against the backdrop of Customary International Law.”

Gwen Stadig, “The Signing and Implementation of the “Tripartite Framework Agreement”: Will it Lead to “Success” for First Nation Health in BC or is it Merely an Aspirational Document?”

## **Fall 2013**

Matthew Moulton, “Testing the Limits of Unlawful Action: Non-violent Aboriginal Civil Disobedience, Defensibility, and Criminal Law.”

Chris Rapson, “Green & Red: The Colours of Consent – The Northern Gateway Pipeline and the Duty to Consult.”

Robert Hamilton, “Critiques of the Inherent Right of Self-Government.”

Maddy Tracey, “A Head-on Collision: 718.2(e) and Mandatory Minimum Sentences.”

## **Winter 2013**

Jennifer Weston, “Traditional Restorative Justice: A Comparison of Aboriginal Sentencing Circles in Canada and the Gacaca Courts in Rwanda.”

## **Fall 2012**

Cristian Manucci, “An Examination of the Amendments to the CDSA: Will Mandatory Minimum Sentences Achieve Parliament’s Objectives?”

Nicole LaFosse, “Civil Contempt and Social Media.

James Strickland, “Chartered Company Colonialism and the Law: A Case Study of the East India Company and the Hudson Bay Company 1600-1870.” (winner of the Horace Hanson Prize in Constitutional Law)



**Winter 2012**

Josh Lehr, “Moral Codes versus Libertarian Ideals: An Outdated Dialogue”

**Fall 2011**

Aaron Weinroth, “On the Admission and Exclusion of Character Evidence in the Modern Civil Trial: A Matter of Achieving Fairness and Doing Justice between the Parties”

Susan Sparrow, “The Impact of Confederation on the Legal Debate Surrounding Residential Schools for Aboriginal Children in Newfoundland and Labrador”

**Winter 2011**

Tyler Vibert, “From Harm to Offence and Back Again – Canada’s Shifting Conception of ‘Harm’ in Relation to Speech”

Johnathon Earle, “Who Owns the Arctic? A Review of the Inuit’s Position in the Arctic”

Matt Pearn, “Section 24(2): Does the Truth Cost Too Much?”

**Fall 2010**

Anupa Varghese, “Judicial Notice on the Run with Justice: Indisputability, Neutrality and the Law”

Gavin Kotze, “Finding the Path Back to Aboriginal Self-Government” (winner of the Barry Morrison Prize for Legal Writing)

Adam Baker, “The Supreme Court and the Law of Tendering – Balancing Fairness and Freedom of Contract”

**Winter 2010**

David Steele, “Contentious Issues in Marxist Jurisprudence”

Vera Francis, “Reconstructing Narrative within Canada’s Bi-juridical Legal Tradition: Seeking Reconciliation in Contested Spaces, Treaty Federalism and Legal Pluralism”

**b) External Examiner for Ph.D. Thesis** (identify University, date) N/A

**4.8 Publication or Production of Books, Articles, Films, etc. that advance teaching effectiveness**

O'Byrne, Nicole and Matthew Kane. "Deception Detection: Using Technology to Teach Credibility Assessment in Evidence Law." Proceedings of the 2013 Association of Atlantic Universities Teaching Showcase, Mount Allison University, October 26, 2013 (proposal and paper peer reviewed)

#### **4.9 Awards or honours for Teaching**

Nominated and Short-listed for UNB Law Award for Teaching Excellence (2010, 2014, 2015)

Nominated for the Allan P. Stuart Excellence in Teaching Award (2015)

#### **4.10 Any Other Equivalent Accomplishments**

Nominated for the Canadian Association of Law Teachers Scholarly Paper Award

"Last Province Aboard: New Brunswick and National Medicare." *Acadiensis*, volume XLII (Winter/Spring 2013): 150-167.

### **SECTION 5: RESEARCH, SCHOLARLY OR CREATIVE ACTIVITY**

#### **5.1 Articles Published or Accepted for Publication in Refereed Journals**

O'Byrne, Nicole. "'No other weapon except organization': The Métis Association of Alberta and the 1938 *Metis Population Betterment Act*" *Journal of the Canadian Historical Association* vol 24, no. 2 (2013): 311-352.

Marchildon, Gregory P. and Nicole O'Byrne. "Last Province Aboard: New Brunswick and National Medicare." *Acadiensis*, volume XLII (Winter/Spring 2013): 150-167. (50/50)

Bulman, Donna, Matthews, Maria, Parsons, Karen and Nicole O'Byrne, "HIV Testing in Pregnancy: Using Women's Voices to Inform Policy," *Women and Birth* 26(2013) issue 1: 37-40.

O'Byrne, Nicole. "A rather vexed question...": The Federal-Provincial Debate over the Constitutional Responsibility for Métis Scrip." *The Review of Constitutional Studies*, volume 12(2007): 41-79.

#### **5.2 Refereed conference proceedings**

O'Byrne, Nicole and Matthew Kane. "Deception Detection: Using Technology to Teach Credibility Assessment in Evidence Law." 2013 Association of Atlantic Universities Teaching Showcase, Mount Allison University, July 2014.

### 5.3 a) Books

#### b) Part(s) of Books

O'Byrne, Nicole. "Through the Grace of God I am the founder of Manitoba': Louis Riel's Constitutional Thought." Hans V. Hansen (ed.) *Riel's Defence: Perspectives on His Speeches*. McGill-Queen's University Press, 2014, pp. 90-105.

Marchildon, Gregory P. and Nicole C. O'Byrne. "From Bennetcare to Medicare: The Morphing of Medical Care Insurance in British Columbia." In *Making Medicare: New Perspectives on the History of Medicare in Canada*, ed. Gregory P. Marchildon (Toronto: University of Toronto Press), 2012, pp. 207-228.

### 5.4 Editorial Responsibilities

### 5.5 Creative Accomplishments

### 5.6 Non-Refereed Publications

O'Byrne, Nicole. "A Tribute to Professor Roderick A. Macdonald," The Unbounded Level of the Mind: Rod Macdonald's Legal Imagination Symposium Proceedings, *McGill Law Journal*

O'Byrne, Nicole. "Review – Incidents in the Life of Markus Paul by David Adams Richards". *Inroads* 31 (Summer/Fall 2012): 126-127.

O'Byrne, Nicole and Gregory Ericson. "Is There a Future for the NDP in New Brunswick?" *Inroads* 28(Winter/Spring 2011): 20-23. (50/50)

O'Byrne, Nicole. "Conservation and Economic Development: An Overview of Saskatchewan's Natural Resources Policies in the North, 1930-1948." *CURA Otipimsuak Discussion Paper No.2*. Edmonton: University of Alberta, 2007, pp. 79.

### 5.7 a) Manuscripts submitted

#### b) Manuscripts in preparation

O'Byrne, Nicole. *Public Government and the Métis in Canada – An exploration of section 91(24) of the British North America Act* – to be submitted to University of Manitoba Press

### 5.8 Papers Presented at Professional and Technical Meetings and Invited Lectures

- O'Byrne, Nicole. "Challenges in University Governance," Canadian Sociological Association/Society for Socialist Studies, Congress of the Social Sciences and Humanities, Ryerson University, 31 May 2017.
- O'Byrne, Nicole. "Piecemeal Policy-Making: Metis-State Relations under the Patterson Administration in Saskatchewan (1938-1944), Canadian Historical Association Annual Conference, Congress of the Social Sciences and Humanities, University of Calgary, 1 June 2016.
- O'Byrne, Nicole. "A Game of Jurisdictional Football?" Metis-state Relations in Saskatchewan during the Great Depression and World War II," Canadian Law and Society Association, Congress of the Social Sciences and Humanities, University of Calgary, 30 May 2016.
- O'Byrne, Nicole. "Robichaud's Programme of Equal Opportunity in the Press." Canadian Historical Association, Congress of the Social Sciences and the Humanities, University of Ottawa, June 2, 2015.
- O'Byrne, Nicole. "Media Reaction to Louis Robichaud's Programme of Equal Opportunity." Canadian Law and Society Mid-Winter Meeting, Concordia University, January 17, 2015.
- O'Byrne, Nicole. "Using Technology to Enhance Experiential Learning: Lessons from an experiment in Evidence Law." Open Doors: Teaching and Learning Law for Justice, Faculty of Law, University of Manitoba, June 7, 2014.
- O'Byrne, Nicole. "The Promised Land: A History of the Alberta Metis Land Settlements." Law's Encounters: Co-existing and Contradictory Norms & Systems. Canadian Law and Society Association Annual Meeting, Faculty of Law, University of Manitoba, June 6, 2014.
- O'Byrne, Nicole. "Robbing Peter to Pay Pierre?: The Contested Legacy of the 1963 Byrne Commission," Images of Atlantic Canada/Représentation du Canada atlantique en evolution, 20<sup>th</sup> Atlantic Canada Studies Conference, Saint Thomas University/University of New Brunswick, May 2, 2014.
- O'Byrne, Nicole and Matthew Kane. "Using Integrative Technology in Law Teaching." 18<sup>th</sup> Annual Dalhousie Conference on University Teaching & Learning, Dalhousie University, April 30, 2014.
- O'Byrne, Nicole and Matthew Kane. "Using Online Student Opinion Response Technology to Enhance Learning Outcomes," Kaleidoscope Teaching Showcase, University of New Brunswick, December 5, 2013.
- O'Byrne, Nicole. "Moving on After 'The Last One Aboard: New Brunswick and National Medicare.'" Sci-Med-Tech Discussion Group, Saint Thomas University/University of New Brunswick, November 19, 2013. By invitation.
- O'Byrne, Nicole and Matthew Kane. "Using Student Response Technology in the Classroom," Works in Progress Series/Speakers' Hour, Faculty of Law, UNB, November 9, 2013.
- O'Byrne, Nicole. "Media Response to the Byrne Report/Réaction des medias sur le Rapport Byrne." The Byrne @ 50 Symposium, Urban and Community Studies Institute, University of New Brunswick,

November 4, 2013. By invitation.

O'Byrne, Nicole, Matthew Kane and Ryan Moss. "Deception Detection: Using Technology to Teach Credibility Assessment in Evidence Law." Association of Atlantic Universities Teaching Showcase 2013, Mount Allison University, October 26, 2013.

O'Byrne, Nicole. "Fighting 'Nascent Monopoly Capital': The Metis Association of Alberta in the 1930s." Canadian Committee on Labour History, Canadian Historical Association, Congress of the Social Sciences and the Humanities, University of Victoria, June 2, 2013. By invitation.

O'Byrne, Nicole and Gregory P. Marchildon. "The Last Province Aboard: New Brunswick and National Medicare." Canadian Society for the History of Medicine, Congress of the Social Sciences and the Humanities, University of Victoria, June 2, 2013.

O'Byrne, Nicole. "The Promised Land: A History of the Alberta Metis Land Settlements (1930 to 1940)," Works in Progress Series. Faculty of Law, UNB, February 26, 2013.

O'Byrne, Nicole. "The History of Medicare: A Comparative Overview." SOCI 2375 Sociology of Health, Illness and Healing. Instructor: Dr. Allison Luke, Department of Sociology, UNB, July 18, 2012. By invitation.

O'Byrne, Nicole. "Federalism, Medicare...and Lobsters?? The History of Medicare in New Brunswick." 17<sup>th</sup> Annual Nursing Research Day, Faculty of Nursing, UNB, April 27, 2012.

O'Byrne, Nicole. "The History of Medicare in New Brunswick." Annual Rand Lecture, Faculty of Law, UNB, February 24, 2012. By invitation.

O'Byrne, Nicole. "The Last Province Aboard: New Brunswick and the Implementation of National Medicare." Atlantic Canada Seminar Series, Faculty of Arts, UNB, November 22, 2011. By invitation.

O'Byrne, Nicole. "An Analysis of *Canada (A.G.) v. PHS Community Services (Insite)*." NURS 3065 Community and Population Health. Instructor: Dr. Donna Bulman, Faculty of Nursing, UNB, October 27, 2011. By invitation.

O'Byrne, Nicole. "The Last One Aboard: New Brunswick and National Medicare." HIST 1001: Past into the Present: Medicine & Health Care in New Brunswick History. Instructor: Dr. Sasha Mullally, Department of History, UNB, October 5, 2011. By invitation.

O'Byrne, Nicole and Gregory P. Marchildon. *The Last One Aboard: New Brunswick and the Implementation of Medicare*. Transformation: State, Nation and Citizenship in a New Environment. York University, October 13-15, 2011.

O'Byrne, Nicole and Gregory Ericson. "1961-2011: Reflections of the NDP at Fifty." Socialist Studies, Congress of the Social Sciences and Humanities, UNB, June 1, 2011. By invitation.

- O'Byrne, Nicole and Gregory P. Marchildon. *The Last One Aboard: New Brunswick and National Medicare*. People and Politics – Interactions between Citizens and the State in Canada. Centre for Canadian Studies, Mount Allison University, March 4, 2011.
- O'Byrne, Nicole. *Negotiating Manitoba's Entry into Confederation: An Examination of Louis Riel's Interpretation of The British North America Act, 1867*. Riel's Defence – A Conference Devoted to Louis Riel's Speeches at his Trial for High Treason, 1885. Centre for Research in Reasoning, Argumentation and Rhetoric, University of Windsor, October 30, 2010.
- O'Byrne, Nicole. *The Pursuit of Economic Democracy or the Expression of Internal Colonialism? An Analysis of Saskatchewan's Natural Resources Policies in the North (1930 to 1960)*. Vision and Voice. 3<sup>rd</sup> Biennial Conference of the Canadian Initiative in Law, Culture, and the Humanities. Carleton University, Ottawa, October 17, 2009.
- O'Byrne, Nicole and Gregory P. Marchildon. *The Rise and Fall of Bennetcare in British Columbia*. 2009 Joint Annual Meeting of the Canadian Society for the History of Medicine and the Canadian Association for the History of Nursing. Carleton University, Ottawa, May 31, 2009.
- O'Byrne, Nicole. *'A rather vexed question....': The Federal-Provincial Debate over the Constitutional Responsibility for Métis Scrip*. Aboriginal Policy Research Network Workshop, Office of the Federal Interlocutor, Congress 2008, University of British Columbia, Vancouver, BC, June 5, 2008. By invitation.
- O'Byrne, Nicole. *Colonialism, Co-option, or Co-operation? Saskatchewan's Natural Resources and Aboriginal Policies in the North (1930-1964)*. Joint Meetings of the Law and Society Association and the l'Association Canadienne Droit et Société/Canadian Law and Society Association, Montreal, QC, May 29, 2008.
- O'Byrne, Nicole. *Métis Scrip: A Study in Political and Legal Culture*. Canadian Initiative in Law, Culture and the Humanities, Carleton University and University of Ottawa, October 12, 2007.
- O'Byrne, Nicole. *A 'rather vexed question'...: The Constitutional Responsibility for Métis Scrip*. Canadian & British Perspectives in Legal History: Commonalities and Departures, British Association of Canadian Studies, London House, London, UK, June 22, 2007.
- O'Byrne, Nicole. *Why History Matters in Constitutional Law: A Tribute to Dr. W.H. McConnell (1930-2006)*. Law, Power and Communities, Canadian Law and Society Association Conference, University of Saskatchewan, June 1, 2007.
- O'Byrne, Nicole. *From Bennetcare to Medicare: The Evolution of Medical Care Insurance in British Columbia*. The Policy History of Canadian Medicare Workshop, Canadian Historical Association, Congress, University of Saskatchewan, May 30, 2007.
- O'Byrne, Nicole. *A Living Tree has Roots: The Natural Resources Transfer Agreements and the*

*Constitutionalization of Treaty Rights Prior to 1982. A Living Tree: The Legacy of 1982 in Canada's Political Evolution*, Saskatchewan Institute of Public Policy, Regina, SK, May 25, 2007.

O'Byrne, Nicole. *The Historical Debate over Health Insurance in British Columbia*. Qualicum History Conference, Parksville, BC, February 10, 2007.

O'Byrne, Nicole. *Free Enterprise or Socialized Medicare? The Debate over Health Insurance and Medicare in British Columbia*. Canadian Law and Society Mid-Winter Meeting, Green College, University of British Columbia, January 19, 2007.

O'Byrne, Nicole. *A Provincial or Federal Responsibility? The Debate over Métis Scrip at the Dysart Commissions*. 11<sup>th</sup> Annual Interdisciplinary Legal Studies Graduate Student Conference, Green College, University of British Columbia, May 5, 2006.

O'Byrne, Nicole. *The Debate over Métis Scrip at the Dysart Commissions*." Canadian Law and Society Association, York University, May 31, 2006.

O'Byrne, Nicole. *The Struggle for Autonomy: A Historical Analysis of the Natural Resources Transfer Agreements*. Qualicum History Conference, Qualicum Beach, BC, January 29, 2006.

## 5.9 Presentation of Seminars, Clinics, Workshops

O'Byrne, Nicole, Anna Lund (Alberta), Malcolm Lavoie (Alberta), Brock Roe (Saskatchewan), Thomas Telfer (Western), Virginia Torrie (Manitoba), Daniel Simeone (McGill), "Lost Harvests: The Work of Sarah Carter", University of Manitoba, 27 June 2017.

O'Byrne, Nicole, Brad Morse, Nicole Schabus, Thomas McMorow, Rachel Arliss. "Reconciliation Pedagogies." Canadian Association of Law Teachers, Congress of the Social Sciences and Humanities, University of Calgary, 31 May 2016.

O'Byrne, Nicole, Mary Hemmings, Carolyn Strange, Andy Kaladelfos, John Lutz, and Lyndsay Campbell. "Socio-legal and Historical Scholarship: Digital Opportunities and Challenges," Canadian Law and Society Association, Congress of the Social Sciences and Humanities, University of Calgary, 30 May 2016.

O'Byrne, Nicole. "Implementing the Recommendations of the Truth and Reconciliation Committee – Impacts on Post-Secondary Curriculum at Maritime Universities," Dalhousie Conference on Teaching and Learning, Dalhousie University, 28 April 2016.

O'Byrne, Nicole, Khoday, Amar and Robert Diab. "Roundtable: Teaching 1<sup>st</sup> year Criminal Law," Canadian Association of Law Teachers, Congress of the Social Sciences and Humanities, University of Ottawa, June 3, 2015.

- O'Byrne, Nicole, Seck, Sara, Amar Khoday, Shauna Van Praagh and Suzanne Bouclin. "Professional Development: Academic Positions." Canadian Association of Law Teachers/Canadian Law and Society Annual Conference, University of Manitoba, June 7, 2014.
- O'Byrne, Nicole. "Classroom Response Systems: Socrative 2.0," Centre for Enhanced Teaching and Learning, University of New Brunswick, February 27, 2014.
- O'Byrne, Nicole and Janet Austin. "Highlights from the Future of Law School Conference held at the University of Alberta, September 26-28, 2013," Faculty of Law, UNB, October 20, 2013.
- O'Byrne, Nicole. Facilitator - Evidence Roundtable discussion (Participants: Peter Sankoff, Constance Backhouse, Patricia Cochrane, Hamar Foster). Canadian Association of Law Teachers. Congress of the Social Sciences and Humanities, University of Victoria, June 5, 2013.
- O'Byrne, Nicole, McKee, Derek and Janna Promislow. "How to Get an Academic Job?" Graduate Student Workshop. Canadian Association of Law Teachers Annual Conference, Université de Montréal, May 23-24, 2012.
- O'Byrne, Nicole, Morton, Erin and Cody Waite. "The Art of Dispute: an interdisciplinary inquiry into the Beaverbrook Art Gallery arbitration. Faculty Research Seminar. Faculty of Law, UNB, January 12, 2012. By invitation.
- O'Byrne, Nicole, Austin, Janet and Carl MacArthur. "Getting Hired." Graduate Student Workshop. Canadian Law and Society Association, Congress of the Social Sciences and Humanities, University of New Brunswick, Fredericton, NB, June 1, 2011. By invitation.
- O'Byrne, Nicole. "How to Write a Law School Exam." Faculty of Law, UNB, November 25, 2010.
- O'Byrne, Nicole. Facilitator. "Justice Harry Laforme Roundtable." Faculty of Law, UNB, March 22, 2010.
- O'Byrne, Nicole. "Why Pursue Graduate Studies in Law." Faculty of Law, UNB, October 22, 2010 (participated in panel discussion)
- O'Byrne, Nicole. "*John East Ironworks v. Saskatchewan Labour Relations Board*: A Test for the Infant Administrative State." Labour History Workshop, University of Victoria, June 19, 2008. (discussant for article written by Professor Beth Bilson)
- O'Byrne, Nicole. "The Debate over Métis Scrip during the Alberta and Saskatchewan Natural Resources Royal Commissions, 1935." First Nations and Métis Relations, Government of Saskatchewan, March 22, 2005. (led a workshop on this issue with department employees)

#### **5.10 Consulting Activities, Professional Services to Governmental, Professional and Industrial Associations, Educational Institutions, Granting Agencies, etc.**

(Include refereeing of articles or books, and external refereeing of promotion cases.)



## Research Consultant:

Palairé Roland LLP, Toronto, ON (June to August 2011)

Woodward & Co., Victoria, BC (February 2009 to March 2010)

Otipimsuak CURA Project, School of Native Studies, University of Alberta (May 2005)

Constitutional Law Branch, Saskatchewan Justice, Regina, SK (September 2004 to March 2005)

## Peer reviewer:

University of British Columbia Law Journal, “Demonstrations and the Law: Recurring Patterns of Law’s Bluntness and the Practical Implications for Social Change,” (June 2016)

University of New Brunswick Law Journal, “Who is Justice For? Analyzing R v N.S. (2012) through the Lens of International Criminal Justice and Victimology” (February 2014)

University of New Brunswick Law Journal, “Moving Past Rhetoric: Achieving Reconciliation through Fulfillment of Indigenous People’s Right to Self-Determination.” (February 2014)

University of British Columbia Law Review, “The Failure of the Delgamuukw Test for Proof of Aboriginal Title (November 2013 and second review March 2014)

Acadiensis, “A Political Union of Canada’s Maritime Provinces, 1960-1980: Why Did a Union Not Happen?” (October 2013)

Manitoba Law Journal, “The Manitoba Northern Flood Agreement: Contract or Treaty?” (August 2013)

University of British Columbia Law Review, “Self-Determination, Subordination and Semantics: Rhetorical and Real-world Conflicts over the Human Rights of Indigenous Women.” (August 2013)

University of Manitoba Press, Book manuscript: “Beyond Doctrines of Dominance: Conceptualizing a Path to Legal Recognition and Affirmation of the Manitoba Métis Treaty” by D’Arcy Vermette (March 2013)

Saskatchewan Law Review, “Aboriginal Powers, Privileges, and Immunities of Self-government.” (February 2013)

University of New Brunswick Law Journal, “The Development of an Aboriginal Criminal Justice System: The Case of Elsipogtog.” (February 2013)

Ottawa Law Review (April 2012)

University of New Brunswick Law Journal (March 2012)  
 Alberta Law Review (July 2009)

### **5.11 Awards (Grants, Contracts, Fellowships)**

#### **Canadian Water Network, Hydraulic Fracturing & Water Knowledge Integration: Landscape Impacts**

Core project team member, along with Principal Investigator Michael Quinn (Director & Talisman Energy Chair for Environmental Sustainability, Mount Royal University), Mary-Ellen Tyler (Calgary), Anil Mehrotra (Calgary), Stephen Hill (Trent), Danah Duke (Mount Royal), Gwen O’Sullivan (Mount Royal), Dena McMartin (Regina), Connie Van der Byl (Mount Royal), Stephen Tomblin (MUN), Chris Hugenholtz (Calgary), Israel Dunmade (Mount Royal), Greg Chernoff (Mount Royal), Pablo Pina Poujol (Calgary), David Poulton (Calgary), Ryan Parks (Mount Royal), Duncan Kenyon (Pembina), Brad Stelfox (ALCES Group)  
 (Total Funding \$120,000)

#### **Institutional Funding:**

New Brunswick Law Foundation \$7210 “The History of Medicare in Prince Edward Island and Newfoundland” (Winter 2017)

New Brunswick Law Foundation \$2000 “Land, Agency and Sovereignty – The Constitutional Rights of Métis Peoples in Canada” (Winter 2017)

Law Endowment Trust \$6500 (Winter 2016)

Endowment Trust Funding, Faculty of Law (Winter term 2014 and 2015)

Research Assistant Funding. Faculty of Law (Summer 2010, 2011, 2012, 2013, 2014)

Heritage Committee Research Grant, (\$910.00) (Fall 2013)

Heritage Committee Research Grant (\$750.00) (Summer 2012)

New Brunswick Law Foundation, \$1,865.00 (Fall 2011)

Law Dean’s Discretionary fund, \$4,000 (Fall 2011)

Heritage Committee Research Grant (\$2,683.66) (Summer 2011)

New Brunswick Law Foundation, \$1325.00 (Fall 2010)

Osgoode Society for Canadian Legal History Research Grant, \$2,000 (2007)

## **5.12 Other Evidence of Research Accomplishments**

## **5.13 Membership and Active Involvement in Professional and Learned Societies**

Chair, Book Prize Committee, Canadian Law and Society Association (January to June 2017)

Member, Truth and Reconciliation Committee, Law Society of New Brunswick (April 2016 to present)

Vice-President Conferences, Canadian Law and Society Association (June 2015 to June 2017)

Conference Chair, “Piluwithasuwasuwakon – Changing Minds, Living the Truth” Mid-Winter Meeting, Canadian Law and Society Association, University of New Brunswick, 20 & 21 January 2017.

Member. Program Chair Plenary Sub-Committee. Law and Society Association Annual Conference, Mexico City, 20-23 June 2017.

Member, Book Prize Committee, Canadian Law and Society Association (January to June 2016)

Member, Board of Directors, Canadian Law and Society Association (June 2014 to June 2017)

Chair, Book Prize Committee, Canadian Law and Society Association (June 2014 to June 2015)

Vice-President. Canadian Association of Law Teachers (June 2013 to June 2014)

Member, Conference Planning Committee, Canadian Association of Law Teachers Annual Conference (January 2014 to June 2014)

Member-at-Large. Board of Directors. Canadian Association of Law Teachers (May 2011 to June 2013)

Local Arrangements Co-ordinator of CALT Annual conference at Congress of the Social Sciences and Humanities (March 2010 to June 2011)

Member, Osgoode Society for Canadian Legal History (2002 to present)

Member, Board of Directors, Canadian Law and Society Association (May 2007 to May 2009)

Member, Law Society of Saskatchewan (2002 to 2006)

Member, Canadian Bar Association (2000 to 2003)

## **5.14 Record of Pursuit of Advanced Degrees and/or Further Academic Study**

## **SECTION 6: SERVICE**

### **6.1 Service to the University**

#### **University of New Brunswick**

Faculty Representative, Board of Governors (July 2014 to June 2017)

Member, Properties Committee, Board of Governors (July 2014 to June 2017)

Member, Senate-Board of Governors Residence Committee (July 2014 to June 2017)

Member, College of Extended Learning Senate Committee (July 2014 to June 2017)

Member, Dean of Business Administration Search Committee (July 2015 to March 2016)

Member, President's Executive Marketing Council (October 2012 to October 2015)

Member, Collective Bargaining Council, AUNBT (March 2013 to January 2014)

Member, Vice-President Research Search Committee (April 2011 to April 2012)

Senator, Faculty of Law Representative (September 2010 to June 2013)

Member, Academic Planning Committee (September 2010 to June 2013)

Member, Dean of Nursing Search Committee (June 2010 to April 2012)

Member, Congress of the Social Sciences and Humanities Academic Planning Committee  
(March 2010 to May 2011)

#### **UNB Faculty of Law (2016-2017)**

Chair, Speakers' Committee

Members, Library Committee

#### **UNB Faculty of Law (Fall 2015)**

Member, Curriculum Committee

Member, Library Committee

#### **UNB Faculty of Law (2014-2015)**

Chair, Library Committee  
Member, Curriculum Committee  
Member, Scholarships and Recruitment Committee  
Member, Admissions Committee

**UNB Faculty of Law (2013-2014)**

Chair, Library Committee  
Member, Academic Standing & Appeals Committee

**UNB Faculty of Law (2012-2013)**

Member, Speakers' Committee (January to April)  
Member, Heritage Committee  
Student Mentor

**UNB Faculty of Law (2011-2012)**

Member, Heritage Committee

Member, Curriculum Committee  
Member, Faculty Assessment Committee  
Co-coach, Kawaskimhon Moot Team  
Student Mentor

**UNB Faculty of Law (2010-2011)**

Chair, Library Committee  
Member, Academic Standing & Appeals Committee  
Member, Faculty Assessment Committee  
Member, Ad hoc Committee re UNB's Strategic Plan  
Coach, Gale Moot Team  
Student Mentor

**UNB Faculty of Law (2009-2010)**

Member, Library Committee  
Member, Academic Standing & Appeals Committee  
Student Mentor

**University of Victoria (2008-2009)**

Chair, Graduate Students' Society  
 Member, Vice-President Research and Funding Committee  
 Member, Graduate Executive Committee

### **Faculty of Law, University of Victoria (2005-2008)**

Ph.D. Representative, Faculty Council  
 Member, Graduate Studies Committee  
 Member, Graduate Representative Council, Graduate Students' Society

### **College of Law, University of Saskatchewan**

Vice-President (Academic), Law Students' Association (2000-2001)  
 Member, Curriculum Committee (2000-2001)  
 Student Representative, Faculty Council (1998-2000)

## **6.2 Service outside the University of scholarly or academic significance**

Member, Walter S. Tarnopolsky Human Rights Award Selection Committee, Canadian Bar Association  
 (February 2013 to July 2013) (February 2014 to June 2014)

Legal Representative, Research Ethics Board, Saint Thomas University (2011 to 2014)

Legal Alternate, Research Ethics Board, Saint Thomas University (2010 to 2011)

Member, New Brunswick Social Policy Research Network (2010 to present)

Secretary, Association to Elect Greg Ericson (2012)

## **SECTION 7: OTHER RELEVANT INFORMATION**

Winner of the 1<sup>st</sup> Annual UNB Teach-off Competition. Centre for Enhanced Teaching and Learning, UNB

### **Recent Media Interviews:**

2017

April 18, 2017 – The Lawyer’s Daily  
Experts urge NB to compromise on job transfers for federal judges

April 11, 2017 – UNB  
Law professor emerges triumphant in first UNB teach-off

April 5, 2017 – Telegraph Journal  
Uncovering property tax truth hinges on access, expert says

March 25, 2017 – CBC  
Historic or of limited value? Legal experts assess Dennis Oland bail decision

March 23, 2017 – Global News  
Supreme Court says Dennis Oland wrongly denied bail in murder trial

March 21, 2017 – The Star  
Supreme Court to make decision on whether Dennis Oland was wrongly denied bail

March 21, 2017 – Canadian Press  
Supreme Court of Canada to rule Thursday on bail issue in Oland murder case

March 6, 2017 – Daily Gleaner  
Should we worry when courts get it wrong?

March 2, 2017 – CBC  
Preliminary hearings too important to eliminate, says UNB law prof

February 10, 2017, Daily Gleaner  
Video emerges of 2<sup>nd</sup> school fight

February 9, 2017 – Daily Gleaner  
Police have video of second Leo Hayes fight

February 3, 2017 – Lawyer’s Weekly  
Fight over NB judicial residency could end up going to SCC

February 1, 2017 – CBC  
UNB law profs urge immediate action against Trump’s refugee policies

February 1, 2017 – Telegraph Journal  
UNB professors urge action against Trump refugee policies

January 20, 2017 – Daily Gleaner  
NB judge distancing himself in debate of controversial legislation

2016

October 31, 2016 – National Post  
Oland ‘very happy as he awaits top court case

October 30, 2016 – Globe and Mail  
‘Very happy’ Dennis Oland in Ottawa as top court hears groundbreaking bail appeal

December 28, 2016 – Telegraph Journal  
Oland free but new trial looms

December 28, 2016 – Daily Gleaner  
Dennis Oland free but new trial in dad’s death looms

December 22, 2016 – CBC  
Oland getting bail pending appeal is ‘tricky question,’ says expert

October 30, 2016 – CTV  
Oland ‘very happy’ in Ottawa while awaiting hearing

October 30, 2016 – National Post  
When should convicted killers be granted bail? Dennis Oland to attend groundbreaking Supreme Court Hearing

October 25, 2016 – Daily Gleaner  
Oland conviction overturned

October 25, 2016 – Globe and Mail  
Court grants retrial to Oland

October 24, 2016 – CBC  
Dennis Oland murder conviction appeal decision expected today

October 16, 2016 – Canadian Press  
Oland lawyers launch attack on ‘house of cards’ murder conviction

October 15, 2016 – Daily Gleaner  
Oland appeal to test admissibility of key evidence

October 10, 2016 – Telegraph-Journal  
Law Professor unhappy about lack of access, lack of space for Oland appeal

September 24, 2016 – Telegraph-Journal  
High court clears way for interveners at Oland bail hearing

September 20, 2016 – Daily Gleaner



Atlantic lawyers take feds to court

September 13, 2016 – Canadian Press

Oland bail appeal could set legal precedent on release of convicted murderers

September 1, 2016 – CBC

HBB Medical plans more illegal marijuana dispensaries in Maritimes

August 19, 2016 – CBC

Supreme Court shift to diverse justices ‘an enormous shift’, says UNB law prof

February 16, 2016 – Canadian Press

New Brunswick judge to decide on rare request by convicted murderer for bail

February 16, 2016 – UNB Newsroom

Associate professor appointed CETL Visiting Scholar

February 12, 2016 – Globe and Mail

Oland jury got it wrong, lawyer tells appeal court as he seeks bail

February 9, 2016 – The Bend

Chances of Dennis Oland getting bail are slim, says UNB prof

February 9, 2016 – Telegraph Journal

NB First Nations group vows to veto pipeline

January 21, 2016– Telegraph Journal

Dennis Oland appeals murder conviction, seeks bail

2015

September 6, 2015 – Canadian Press

Wide net cast for jurors in high-profile murder trial of Dennis Oland

December 21, 2015 – National Post

As Oland found guilty, police come under scrutiny

December 20, 2015 – National Post

As Dennis Oland found guilty of father’s murder, police blunders under scrutiny in New Brunswick

February 4, 2015 – Daily Gleaner

Some students fear reprisals if they speak about law school, UNB senate hears

2013

January 29, 2013 – The Link  
Something to Say About the CFS

2011

May 18, 2011 – CBC  
NDP facing fissures over Cardy's leadership

CBC Information Morning (Fredericton, Moncton, Saint John) "Jury Selection at the Oland Murder Trial,"  
June 17, 2015

CBC New Brunswick Newsmaker: "Oland Murder Trial Jury Selection," June 17, 2015

"Anti-shale gas court case could work, says expert," *Moncton Times & Transcript* 1 November 2013

"Complex case revealed in Oland documents." *Telegraph-Journal* 28 October 2013

"Media Coverage unlikely to affect jury, lawyers say," *Telegraph-Journal* 21 May 2013.

### **Contribution to Graduate Programs**

Member, Ph.D. Committee. Sam Hamza. Interdisciplinary Program, UNB.

Member, Examining Board for Karen Stote. Ph.D. Interdisciplinary Studies. "An Act of Genocide: Eugenics, Indian Policy, and the Sterilization of Aboriginal Women in Canada." UNB, April 23, 2012.

### **CETL Courses Taken:**

Teaching & Learning Summer Institute: Part 1 Using Images in Instructional Slide Presentations (July 10, 2012)

Using Tablets as Teaching Tools CETL 0426 (April 26, 2012)

Effective Teaching Institute on Team-based Learning. One day workshop at UNBSJ (April 25, 2012)

Trial by Hire: The Seven Stages of Learning to Teach in Higher Education (April 19, 2012)

Participant – Teaching Dossier Workshop (April 15, 2011)

### **Other:**

Lean 6 Sigma Champion Training, UNB College of Extended Learning (September 2014)