**Hilary A. N. Young, Ph.D., LL.M., LL.B.**

University of New Brunswick Faculty of Law

P.O. Box 4400

Fredericton, New Brunswick E3B 5A3

**hyoung@unb.ca**

**Employment**

University of New Brunswick Associate Professor (tenured) 2016-present

University of New Brunswick Assistant Professor 2012-2016

Queen’s UniversityAssistant Professor (Adjunct) 2011-2012

University of Ottawa Assistant Professor (Adjunct) 2009-2010

Cox & Palmer (Halifax) Associate(Civil Litigation) 2009

Supreme Court of Canada Law Clerk to Justice Louis LeBel 2007-2008

**Education**

2011, Harvard Law School, Master of Laws (LL.M.)

2007, University of Ottawa, Baccalaureate of Laws (LL.B.), *summa cum laude*

2002, Rice University,Doctorate of Philosophy in Linguistics (Ph.D.)

2002, Rice University, Master of Arts in Linguistics (M.A.)

1995, Mount Allison University**,** Bachelor of Arts (B.A. Hons.)

**Publications**

**a) Peer-Reviewed Articles**

Hilary Young, “Access to Treatment Contrary to Clinical Judgment in Canada and the United Kingdom”, forthcoming in the McGill Journal of Law & Health

* made the SSRN Top Ten Downloads list for the topics:
  + English Law: Personal Obligations & Legal Theory;
  + Canadian Law - Personal Obligations & Legal Theory; and
  + Medical-Legal Studies
* featured in the SSRN Medico-Legal Studies e-Journal, July 12, 2016

Hilary Young, “The Canadian Defamation Action: An Empirical Study”, forthcoming in the Canadian Bar Review

* made the SSRN Top Ten Downloads list for the topics:
  + Canadian Law - Personal Obligations & Legal Theory;
  + Rights & Remedies (Private Law - Torts);
  + Canadian Law; and
  + Law & Society (Private Law – Torts)
* featured in the law blog “Media Law Prof Blog”, July 18, 2016
* featured in the law blog “Slaw”, August 11, 2016
* featured in the *Lawyers Daily* (“Study of Canadian defamation cases produces surprising results”, June 5, 2017)

Hilary Young, “Public Body Defamation Actions” (2016) 39 Dal LJ 249-287.

Hilary Young, “*Cuthbertson v. Rasouli*: Continued Confusion over Consent-based Entitlements to Life Support” (2015) 52 UAlberta Law Rev 745-760.

Hilary Young, “Adding Insult to Injury in Assessing Damages for Corporate Defamation” (2013) 21 Tort L Rev 127.

* made the SSRN Top Ten Downloads list for the topics:
  + SRPN: CSR Enforcement Issues;
  + LSN: Canadian Law – Business; and
  + SRPN: Reputation Issues.
* featured in the “Trial Warrior” blog.

Hilary Young, “Rethinking Canadian Defamation Law as Applied to Corporate Plaintiffs” (2013) 46 UBC L Rev 529.

* cited in *Ramar Construction Ltd. v. Seguin*, 2014 NSSC 169 at paras 17, 48.

Hilary Young, “Why Withdrawing Life Support Should Not Require “*Rasouli* Consent”, (2012) 6 McGill JL & Health 54-104.

* cited in *Cuthbertson v. Rasouli*, [2013] 3 SCR 341, 2013 SCC 53 at paras 134, 185.

Hilary Young, “But Names Won’t Necessarily Hurt Me: Considering the Effect of Disparaging Statements on Reputation” (2011) Queen’s LJ 37 1-37.

Hilary Young, “Unconscious Decisions: *JA* and the Legal Status of Advance Consent to Unconscious Sex” (2010) 14 Can Crim Law Rev3 273-306.

**5.2 Book Chapters**

Hilary Young, “*Reynolds v Times Newspapers*”, forthcoming in David Rolph, ed., *Landmark Cases in Defamation Law* (2018, Hart Publishing)

Hilary Young, “‘Anyone… in Any Medium’?: The Scope of Canada’s Responsible Communication Defence” in *Comparative Defamation and Privacy Law*, Andrew Kenyon, ed. (2016, Cambridge: Cambridge University Press).

**5.3 Non-Refereed Publications**

Colleen Thrasher and Hilary Young, “Legal aspects of genetic testing regarding insurance and employment” national report for Canada, for the International Association of Comparative Law’s 2018 comparative law project, June 2017

Emily Laidlaw and Hilary Young, “Internet Intermediary Liability in Defamation: Proposals for Statutory Reform”, commissioned by the Law Commission of Ontario, March 2017

Hilary Young, “Is Responsible Communication a Journalism Defence?” Canadian Bar Association, Media and Entertainment Law Section, November 16, 2015, online: <https://www.cba.org/Sections/Entertainment,-Media-and-Communications/Articles/2015/Is-responsible-communication-a-journalism-defence>

Hilary Young, “Presuming Consent to Posthumous Reproduction”, (2014) 27 Cleveland Marshall Journal of Law and Health 68-97.

Hilary Young, “The Right to Posthumous Bodily Integrity and Implications of Whose Right it is”, (2013) 14 Marquette Elder’s Advisor L Rev 2 197-267.

Brendan Green, David Quayat and Hilary Young, “Bill C-35: Real Justice for Victims of Terrorism?” (2010) 36 Advocates’ Quarterly3, 329-362. [equal contribution]

Invited submission to the Senate Committee on Legal and Constitutional Affairs regarding the *Justice for Victims of Terrorism Act*, February 20, 2012 (with Brendan Green and David Quayat [equal contribution])

**5.4 Conference, Workshop and Poster Presentations and Guest Lectures**

Conference Presentation, “An Empirical study of Internet Libel Cases”, Society of Legal Scholars conference, Dublin, Ireland, September 7, 2017.

Conference Presentation, “Advance Directives for Medical Assistance in Dying: the ‘Suffering’ Problem”, Second International Conference on End of Life Law, Ethics, Policy and Practice, Halifax, September 14, 2017

Invited Plenary Talk, “Legal Issues Regarding Unilateral Withholding & Withdrawal of Life-sustaining Medical Treatment”, Invited plenary talk, Second International Conference on End of Life Law, Ethics, Policy and Practice, Halifax, September 14, 2017

Conference Presentation, “Internet Intermediary Liability in Defamation” (with Emily Laidlaw) at the Canadian Law of Obligations conference, Vancouver, May 2017.

Conference Presentation, “Against Advance Directives for Medical Assistance in Dying”, Canadian Law and Society Association Mid-winter conference, Fredericton NB, January 21, 2017.

Conference Presentation, “Canadian Defamation Actions: An Empirical Study”, Canadian Media Lawyers Association (Ad Idem) Conference, Halifax, November 4, 2016.

Guest Lecture, “Law for Nurses”, UNB Nursing Faculty, Fredericton NB, November 1, 2016.

Poster presentation, “Internet Intermediary Liability in Defamation: What Canada Can Learn from the UK and US” Society of Legal Scholars conference, Oxford UK, September 6-7, 2016.

Conference Presentation, “Canadian Corporate Defamation Actions: An Empirical Study”, Protecting Business and Economic Interests: Contemporary Issues in Tort Law conference, Singapore, August 18, 2016.

Conference Presentation, “Physicians’ Conscientious Professional Discretion after *Rasouli*”, Canadian Law and Society conference, Calgary AB, May 29, 2016.

Conference Presentation, “The Test for Consent and Capacity as Applied to the Mentally Ill”, 2015 Provincial Mental Health Forum, Moncton NB, October 29, 2015

Poster Presentation, “Who decides whether to end life support: doctors or families?”, UNB Research Showcase, Fredericton NB, September 25, 2015

Guest Lecture, “Informed Consent and Entitlements to End of Life Medical Treatment”, UNB LSS Speakers Hour, Fredericton NB, September 22, 2015

Conference Presentation, “Public Institutions as Defamation Plaintiffs”, Society of Legal Scholars conference, York, UK, September 2, 2015

Conference Presentation, “The *Rasouli* Case and Consent-based Entitlements to Health Care”, Society of Legal Scholars Conference, York, UK, September 3, 2015

Guest Lecturer for STU *Charter* Rights & Criminal Justice class on the difference between the right to refuse medical treatment and the right to demand it, STU April 2, 2015; Nov 9, 2015

UNB Law Speaker’s Hour talk, “Rob Ford & Jian Ghomeshi: How the Responsible Communication Defence Helped Change Canadian Journalism”, UNB Law, November 25, 2014

Conference Presentation, “Responsible Communication: Looking to Quebec’s Civil Law”, Society of Legal Scholars conference, Nottingham, UK, September 2014

Invited Workshop Presentation, “Anyone… in any Medium”: The Scope of Canada’s Responsible Communication Defence” at the Defamation and Privacy: Comparative Law, Media and Public Speech workshop, Melbourne, Australia, April 2014

Conference Presentation, “Adding Insult to Injury: Damages in Corporate Defamation Cases”, Society of Legal Scholars Conference, Edinburgh, UK, September 2013

Symposium Presentation, “Presumed Consent to Posthumous Reproduction*”*, Cleveland Marshall School of Law Journal of Law and Health Symposium: The Legal and Ethical Implications of Posthumous Reproduction, Cleveland, OH, March 2013

Works in Progress session, “Why Corporations Should Not be Allowed to Sue in Defamation”, UNB Faculty of Law, January 2013

Invited guest lecturer on assisted suicide and s.7 of the *Charter*, University of Ottawa Civil Law section, October 2012.

Seminar on end of life medico-legal issues for medical students at Queen’s University, May 2012

Invited witness, Senate Committee on Legal and Constitutional Affairs, regarding the *Justice for Victims of Terrorism Act*, February 2012

Invited debater, Feminist Law Students’ Association’s debate (against Don Stuart) on *R. v. J.A.*, February 2012

Invited panellist: “*The Changing Face of Death: Legal and Ethical Issues in Organ Donation*”, University of Ottawa, February 2010

Conference Presentation, “The Search for Identity: Evaluating Canada’s Policy of Gamete Donor Anonymity”, Nobody’s Child, Everybody’s Children (Conference on Reproductive Technology), Nanaimo, BC, May 2007.

**Judicial Citations of Research**

*Cuthbertson v. Rasouli*, [2013] 3 SCR 341, 2013 SCC 53 at paras 134, 185

*Ramar Construction Ltd. v. Seguin*, 2014 NSSC 169 at paras 17, 48

**Selected Grants, Contracts, & Awards**

2016: Commissioned to write a paper on internet intermediary liability (with Emily Laidlaw) for the Law Commission of Ontario’s defamation reform project

2016: SSHRC Insight Development Grant ($32,544)

2016: Harrison McCain Young Scholar Award ($12,000)

Short-listed for the UNB Faculty of Law Teaching Excellence Award, 2017 and 2013

Harvard University**,** Frank Knox Memorial Fellowship (scholarship for full Harvard Law School tuition plus stipend),2010-2011

University of Ottawa, University Gold Medal and George W. Ainslie Memorial Prize (both for the highest cumulative GPA in the LL.B. program), 2007

**Memberships, Consulting Activities and Professional Service**

Law Commission of Ontario’s Advisory Group on Defamation Law Reform

Member, 2016 – present

New Brunswick Court Interpreters

Educated court interpreters on the basics of the civil justice system, February 2013, October 2013, May 2016

Canadian Bar Association, Entertainment, Media & Communications Section

Executive Member, 2015-2016