

TERRY SKOLNIK

57 LOUIS-PASTEUR #325, OTTAWA, ON, CANADA, K1N 6N5.
E: TSKOLNIK@UOTTAWA.CA

1. ACADEMIC EMPLOYMENT, CLERKSHIPS, AND FELLOWSHIPS

Sandra Day O'Connor College of Law, Arizona State University

- *Research professor* 2024–Present
- *Executive director of the Academy for Justice* 2024–Present
- *Interim executive director of the Academy for Justice* 2023–2024
- *Visiting research fellow at the Center for Constitutional Design* 2023–Present

University of Ottawa, Faculty of Law

- *Associate professor (tenured) (on leave)* 2022–Present
- *Co-director, University of Ottawa Public Law Centre* 2021–2023
- *Assistant professor* 2018–2022
- *Lecturer* 2013–2014

Tel Aviv University, Faculty of Law

- *Visiting research fellow* 2021

NYU, Faculty of Law, Centre for Human Rights and Global Justice

- *Affiliated scholar* 2018–2019
- *Scholar in residence* 2016–2018

Supreme Court of Canada

- *Law clerk to the Honourable Justice Russell Brown* 2015–2016

Montreal Police Service

- *Police officer* 2012–2013

2. EDUCATION

Doctorate in Juridical Sciences, S.J.D. 2018

University of Toronto, Toronto, ON, Canada

Master of Law, L.L.M. 2013

University of Cambridge, Cambridge, UK

Licentiate in Civil Law, L.L.L., summa cum laude 2012

University of Ottawa, Ottawa, ON, Canada

3. PUBLICATIONS AND CONFERENCE PROCEEDINGS

A. Books (2)

1. HOMELESSNESS, LIBERTY, AND PROPERTY (Cambridge University Press, 2024) [Forthcoming].
2. ANCILLARY POLICE POWERS IN CANADA: A CRITICAL REASSESSMENT (with Akwasi Owusu-Bempah, John Burchill, and Richard Jochelson) (Vancouver: UBC Press, 2024) [Forthcoming]

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B. Law review articles and case comments (34)

1. *The Tragedy of the Criminal Justice Commons*, 58 UC DAVIS L. REV. (2025) [Forthcoming]
2. *Two Cultures of Justification in Constitutional Law*, 22 INT. J. CON LAW (I-CON) (2024) (Peer reviewed) [Forthcoming].
3. *The Regulatory Offence Revolution in Criminal Justice, Part 1: Policing and the Expanding Role of Regulatory Offences*, 61 ALTA. L. REV. (2024) (Peer reviewed) [Forthcoming].
4. *The Regulatory Offence Revolution in Criminal Justice, Part 2: The Choice Architecture of Regulatory Offences*, 61 ALTA. L. REV. (2024) (Peer reviewed) [Forthcoming].
5. *Three Stages of Criminal Justice Remedies*, 56 UBC L. REV. (2024) (Peer reviewed) [Forthcoming].
6. *Cruel and Unusual Punishments as Legislative Gross Negligence*, CRIMINAL L. & PHIL. (2024) (Peer reviewed) [Forthcoming].
7. *Expanding Equality*, 47 DALHOUSIE LJ (2023) (Peer reviewed) [Forthcoming].
8. *Policing, Technology, and the Erosion of Constitutional Rights*, 49 QUEEN'S LJ 40 (2023) (Peer reviewed)
9. *Luamba et la fin des interceptions au hasard*, 101 REVUE DU BARREAU CANADIEN 671 (2023) (Peer reviewed)
10. *Policing in the Shadow of Legality: Pretext, Leveraging, and Investigation Cascades*, 60 OSGOODE HALL LJ 505 (2023) (Peer reviewed)
11. *Two Criminal Justice Systems*, 56:1 UBC L REV 286 (2023) (Peer reviewed)
12. *Homeless Encampments: A Philosophical Justification*, 36 J LAW & SOCIAL POLICY 97 (2022) (Peer reviewed)
13. *Use of Force and Criminalization*, 85:3 ALBANY L REV 663 (2022)
14. *Rééquilibrer le rôle de la Cour suprême du Canada en procédure criminelle*, 67:3 RD MCGILL 259 (2022) (Peer reviewed).
15. *Criminal Justice Reform: A Transformative Agenda*, 59:3 ALBERTA L REV 631 (2022) (Peer reviewed).
16. *Precedent, Principles, and Presumptions*, 54:3 UBC L REV 935 (2021) (Peer reviewed).
17. *Racial Profiling and the Perils of Ancillary Powers*, 99 CANADIAN BAR REV 429 (2021) (Peer reviewed).
18. *Policing Arbitrariness: Fleming v. Ontario and the Ancillary Powers Doctrine*, 100 SUPREME CT L REV 187 (2021) (with Vanessa MacDonnell) (Peer reviewed).
19. *Criminal Law During (and After) COVID-19*, 43 MANITOBA LJ 145 (2020) (Peer reviewed).
20. *Causation, Fault, and Fairness in the Criminal Law*, 65 MCGILL LJ 1 (2020) (Peer reviewed).
21. *Hot Bench: A Theory of Appellate Adjudication*, 61 BOSTON COLLEGE L REV 1271 (2020).
22. *Homelessness and Unconstitutional Discrimination*, 15 LAW & EQUALITY 69 (2019) (Peer reviewed).

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23. *Beyond Boudreault: Challenging Choice, Culpability, and Punishment*, 50 CRIM REPORTS (7th) 283 (2019) (Peer edited).
24. *Rethinking Homeless People's Punishments*, 22 NEW CRIM L REV 73 (2019) (Peer reviewed).
25. *How and Why Homeless People Are Regulated Differently*, 42 QUEEN'S LJ 297 (2018) (Peer reviewed).
26. *Freedom and Access to Housing: Three Conceptions*, 35 WYAJ 226 (2018) (Peer reviewed).
27. *Objective Mens Rea Revisited*, 22 CAN CRIM L REV 315 (2017) (Peer edited).
28. *Homelessness and the Impossibility to Obey the Law*, 43 FORDHAM URB. LJ 741 (2016).
29. *Improving the Law of Warrantless Cellphone Searches After R. v. Fearon* 49 RJT 825 (2016) (Peer reviewed).
30. *The Suspicious Distinction Between Reasonable Suspicion and Reasonable Grounds to Believe*, 47 OTTAWA L REV 223 (2016) (Peer reviewed).
31. *Three Problems with Duress and Moral Involuntariness*, 63 CRIM LQ 124 (2016) (Peer edited).
32. *R. v. MacDonald and the Illogicality of The Reasonable Belief Requirement for Safety Searches*, 62 CRIM LQ 43 (2015) (Peer edited).
33. *Why There Should Be No Constitutional Right to Contact Counsel from A Police Car*, 5 WESTERN J LEG STUD (2014) (Peer reviewed).
34. *Responsibility and Intervening Acts: What 'Maybin' An Overbroad Approach to Causation*, 44 REVUE GEN DROIT 557 (2014) (Peer reviewed).

C. Book chapters (4)

1. *Homelessness, Poverty, and the Limits of Preventive Exclusion* in Ryberg & Søbirk (Eds.), PREVENTING CRIME BY EXCLUSION (New York: Routledge, 2024) (Peer edited) (Forthcoming).
2. *Bijuralism and Bilingualism in Supreme Court of Canada Decisions: A Quantitative Analysis* in Alschner, Mathen, and MacDonnell (Eds.), DECODING THE COURT: LEGAL DATA INSIGHTS FROM THE SUPREME COURT OF CANADA (New York: Routledge, 2024) (Peer edited) (Forthcoming).
3. *Socially Deprived Offenders* in Jesper Ryberg (ed.), OXFORD HANDBOOK OF PUNISHMENT THEORY AND PHILOSOPHY (Oxford University Press, 2024) (Peer edited) (Forthcoming).
4. *The Punitive Impact of Physical Distancing Laws on Homeless People* in Flood et al. (Eds.), THE LAW, POLICY, AND ETHICS OF COVID-19 (University of Ottawa Press, 2020) (Peer reviewed).

D. Select invited presentations and conference proceedings (35)

1. "A Theory of Socio-Economic Criminal Justice"
Presented to:
uOttawa Public Law Centre Criminal Law Workshop, Ottawa, March 8th, 2024 (Workshop).
2. "Two Cultures of Justification in Constitutional Law"
Presented to:
The Sandra Day O'Connor College of Law Faculty Colloquium, ASU, January 22nd, 2024 (Academic presentation)

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3. “Rééquilibrer le rôle de la Cour suprême du Canada en procédure criminelle”
Presented to:
The Quebec Bar Continuing Legal Education Series, December 5th, 2023 (Academic presentation)
4. “La fin des interceptions routières au hasard” (with Fernando Belton)
Presented to:
uOttawa Civil Law Section, Cycle de conférences, Ottawa, November 14th, 2023 (Academic presentation).
5. “Proportionality, Justification, and State Wrongdoing”
Presented to:
uOttawa Public Law Centre Criminal Law Workshop, Ottawa, September 22nd, 2023 (Workshop).
6. “Policing and the Regulatory Offence Revolution, Part 1: The New Role of Regulatory Offences”
Presented to:
Queen’s University and University of Ottawa Public Law Workshop, May 15, 2023 (Workshop)
7. “Luamba et la fin des interceptions au hasard” (with Fernando Belton)
Presented to:
uOttawa Public Law Centre Criminal Law Workshop, Ottawa, May 9th, 2023 (Workshop).
8. “Substantive Justice and Criminal Law”
Presented to:
Osgoode Hall Law School Constitutional Cases Conference, Toronto, April 14, 2023 (Panel presentation with Michelle Lawrence, Megan Stephens, Lisa Dufraimont, and François Tanguay-Renaud)
9. “Three Stages of Criminal Justice Remedies”
Presented to:
Nathanson Centre on Transnational Human Rights, Crime, and Security, York University, Toronto, April 13, 2023 (Workshop).
10. “Legal Issues Surrounding Tent Encampments”
Presented to:
uOttawa Public Law Center, Ottawa, March 31, 2023 (Panel presentation with Professors Ben McJunkin (ASU) and Alexandra Flynn (UBC)).
11. “Homelessness, Liberty, and Property”
Presented to:
uOttawa Public Law Centre, Ottawa, March 30, 2023 (Book workshop)
12. “Policing and National Security Reform after the Rouleau Commission Report”
Presented to:
Conference on the Public Order Emergencies Commission, uOttawa, March 29, 2023 (Panel presentation with professors Thomas Juneau (uOttawa), Michael Kempa (uOttawa), and Sylvia Rich (uOttawa)).
13. “The Indirect Criminalization of Homelessness”
Presented to:
Vanier College Humanities Symposium, Montreal, February 6th, 2023 (Invited presentation).
14. “The Regulatory Offence Revolution, Part 2: The Choice Architecture of Regulatory Offences”
Presented to:
uOttawa Public Law Centre Criminal Law Workshop, January 27th, 2023 (Workshop)

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15. “The Tragedy of the Criminal Justice Commons”
Presented to:
uOttawa Public Law Centre Criminal Law Workshop, Ottawa, November 18th, 2022 (Workshop)
16. “Bijuralism and Bilingualism in Supreme Court of Canada Decisions: A Legal Data Analysis”
Presented to:
uOttawa Public Law Centre, Ottawa, September 30th, 2022 (Workshop)
17. “Policing and Homelessness”
Presented to:
Academy for Justice, Sandra Day O’Connor Law School, Arizona State University, Phoenix, September 15, 2022 (Panel presentation)
18. “Socially Deprived Offenders”
Presented to:
Queen’s University and University of Ottawa Public Law Workshop, May 27, 2022 (Workshop)
19. “Use of Force and Criminalization”
Presented to:
Western University, Faculty of Law, Legal Theory Workshop, March 18, 2022 (Workshop).
20. “Inconduite policière: perspectives du droit privé et public”
Presented to:
University of Ottawa, Public Law Centre, March 16, 2022 (Panel presentation with Mariève Lacroix, Jude Mary Cénat, and Fernando Belton)
21. “Use of Force and Criminalization”
Presented to:
Tel Aviv University, Faculty of Law Workshop, October 27, 2022 (Workshop).
22. “A Theory of Criminal Justice Reform”
Presented to:
Queen’s University and University of Ottawa Public Law Workshop, June 7, 2021 (Workshop)
23. “Human Rights and Civil Liberties” during COVID-19
Presented to:
University of Ottawa, Centre of Health Law, Policy, and Ethics, October 14, 2020 (Panel presentation).
24. “Access to Justice During a Pandemic: The Impact of COVID-19 on the Criminal Justice System”
Presented to:
The Senate of Canada, Ottawa, ON, May 26, 2020 (Panel presentation).
25. “Homelessness and the Problem of Unconstitutional Discrimination”
Presented to:
University of Ottawa, Faculty of Law, Law and Social Justice Speaker Series, September 11, 2019 (Presentation).
26. “Criminal Law and the Problem of Asymmetric Information”
Presented to:
University College London, Faculty of Law, May 22, 2019 (Workshop).

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27. “Mandatory Fines as Cruel and Unusual Punishment: Reflecting on *R v. Bondreault*”
Presented to:
Queen’s University, Faculty of Law, March 11, 2019 (Panel presentation).
28. “Hot Bench: A Theory of Appellate Adjudication”
Presented to:
University of Ottawa, Faculty of Law workshop series, Ottawa, November 6, 2018 (Workshop).
29. “Towards a Theory of Expressively Egalitarian Regulation”
Presented to:
The NYU Center for Human Rights and Global Justice, New York, April 23rd, 2018 (Workshop).
30. “Homelessness as an Analogous Ground of Discrimination”
Presented to:
Faculty Workshop, The University of Toronto Faculty of Law, Toronto, ON, April 2nd, 2018 (Workshop).
31. “Changing the Ways that Homelessness is Criminalized and Punished”
Presented to:
The NYU Center for Human Rights and Global Justice, New York, June 29th, 2017 (Presentation).
32. “A Complementary Moral Basis for the Right to Housing”
Presented to:
-The Third Annual Housing Law Symposium, University of Malmö, Sweden, March 22nd, 2017 (Workshop).
-Center for Human Rights and Global Justice Scholars in Residence Forum, NYU, New York, April 5th, 2017 (Workshop).
33. “Persisting Trends in the Criminalization of Homelessness: A Comparative Historical Perspective”
Presented to:
The University of Ottawa Graduate Students in Law Conference, Ottawa, Canada, May 7th, 2015 (Presentation).
34. “Is Criminal Negligence Morally Blameworthy?”
Presented to:
The University of Ottawa Criminal Law Students Association, University of Ottawa, Canada. November 26th, 2013 (Presentation).
35. “Taking Rights Seriously or Seriously Taking Away Rights? A Comparative Study of Warrantless Search of Persons in England and Canada”
Presented to:
The Cambridge University Commonwealth Society, Westminster College, Cambridge, United Kingdom. March 8th, 2013 (Presentation).

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4. SCHOLARSHIPS, GRANTS, AWARDS, AND FELLOWSHIPS (14)

1. *First Place in the Quebec Bar Foundation Legal Competition* 2023
Awarded first place in the Quebec Bar Foundation's Legal Competition for law review article of the year published in 2022:
"Rééquilibrer le rôle de la Cour suprême du Canada en procédure criminelle" (McGill Law Journal).
(\$4,000)
2. *SSHRC Insight Development Grant* 2023-2025
Grant to conduct a research project in law and behavioural economics entitled:
"Using Choice Architecture to Improve Criminal Trials and Sentencing"
(\$40,460)
3. *uOttawa Research Team Creation Grant,* 2023-2024
Grant to form an interdisciplinary research team related to criminal justice reform.
(\$10,000)
4. *uOttawa CWCO Grant* 2023
Grant to fund a workshop at uOttawa for the book *Homelessness, Liberty, and Property*
(\$6,000)
5. *Raoul Barbe Research Grant, Faculty of Civil Law, uOttawa* 2022-2023
Grant to publish a French academic article regarding the judiciary in Canada
(\$5,000)
6. *Faculty of Civil Law Distinguished Teaching Award* 2020-2021
Awarded for excellence in teaching
7. *SSHRC Insight Development Grant (co-investigator)* 2020-2022
(with: Carissima Mathen, Vanessa MacDonnell, and Wolfgang Alschner)
Grant to conduct data analysis into how courts interpret the notion of equality
(\$74,000)
8. *Raoul Barbe Research Grant, Faculty of Civil Law, uOttawa* 2020-2021
Grant to publish a French academic article regarding the judiciary in Canada
(\$5,000)
9. *Internal Research Grant: Faculty of Civil Law* 2020-2021
Grant to publish an academic article that examines the impact of COVID-19 on Canadian criminal law
(\$5000)
10. *University of Ottawa Seed Funding Opportunity* 2019-2020
Grant to conduct research into asymmetric information theory in the criminal law
(\$10,000)
11. *SSHRC - CGS Joseph Armand Bombardier Doctoral Fellowship* 2015-2018
Fellowship to support doctoral research
(\$105,000)

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| 12. <i>FRQSC - Research Fellowship</i>
Fellowship to support doctoral research
(\$60,000, reduced to \$20,000 due to other scholarships) | 2014-2018 |
| 13. <i>University of Toronto Graduate Research fellowship</i>
Fellowship to support doctoral research
(\$66,000, reduced to \$20,000 due to other scholarships) | 2014-2018 |
| 14. <i>Cambridge Commonwealth Trust Scholarship</i>
Scholarship to support LLM studies
(\$11,000) | 2012-2013 |