

THE CANADIAN ASSOCIATION
OF LAW TEACHERS



BULLETIN
March 2003

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WORD FROM THE PRESIDENT

France Houle, University of Montreal

Hello!

I would just like to offer a short note to let you all know about the progress we are making in the run up to the annual conference this Spring.

This issue contains the result of a lot of hard work from our very dynamic executive committee in putting together the final programme for the conference. I would like to thank all the people who assisted in its development and encourage you all to read it with care. You will see that your colleagues in law faculties across Canada have many stimulating ideas to present to you, and they look forward to your critical reflections.

In addition to the hard work, the programme could not have been made possible without all of you who answered our various calls for papers. Many thanks! The quality and quantity of conference proposals that we've received are a good reflection of our association's new vitality.

Finally, I would again encourage you all to book early for the conference in Halifax – it's a small city and the limited hotel rooms will fill up fast.

I look forward to welcoming and meeting many of you at what is looking more and more like a very successful meeting!

Best regards,

France Houle

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Annual Conference 2003

– Dalhousie: Halifax

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TECHNOLOGY AND TEACHING: 25 YEARS AND COUNTING...

Gayle Long
Director, Online
Carswell
February 2003

It's been 25 years since the first personal computers became available for purchase. There really weren't any applications available and "naysayers" predicted that educators and the general public wouldn't know what to do with them and had no need to learn about them. Besides, a computer as small as the original Apple, even the Apple II, couldn't do "real computing" and what else would anyone use a computer for? By the time the Apple II + was released, IBM was almost ready to launch its first IBM PC into the market. In 1983, business applications like Lotus 123 and WordPerfect, were just beginning to change the face of personal productivity and to drive new analytical capabilities down into organizations. Then in 1984, after two years of collaboration with twelve universities in the US, Apple launched the Macintosh with its graphical user interface (GUI), setting a new standard for ease of use and opening the door for greater penetration of technology into non-math and science related faculties.

Over the next 10 to 15 years we watched as computer power grew exponentially and brilliant minds created a whole new software industry that changed not only the way we produced information, but also the way we collected, stored and analyzed it. It changed the face of many industries ...everything from publishing to music production came to the desktop. Computers became portable and people began to carry their work with them, to work from home, and to communicate through networks. We began to think in terms of "groupware"...applications that allowed people to share information and collaborate on joint projects. Not only did educators need to rethink the content of curriculum or the application specific skills students would need to be competitive in the workplace, educators had to rethink how businesses were using and producing information. They needed

to ensure that students were developing problem solving and analytical skills using the most time and cost effective means available and that they would be able to "fit in" to the technology environments in their chosen profession. By 1995 a computer was on most desktops and was the standard for information production...and there were those who believed that the next great technology would be the internet, a new "information highway".

While it took about 10 years for the hardware and software industries to revolutionize information analysis and production, it took less than 3 years for the internet and the World Wide Web to revolutionize communication and the distribution of and access to information. From newspapers to yellow pages, from online shopping to paying bills, from free government information sites to corporate information sites, and more...it's available on the WWW. The internet is about instant access and it is about having the most current information at any point in time, certainly a competitive advantage in today's world...and an absolute requirement in some professions. But "most current" only counts when it's always available. Those who are most concerned about anywhere, anytime access have moved on to more portable technologies like PDA's and handheld computers that enable them to retrieve new information the minute it becomes available. So once again, educators have had to evaluate the impact of a new technology, the internet, on the way people conduct their business and manage information. Once again, educators have to determine the skills students will need when they enter the work place (whether this year or 4 years from now) and integrate best practices into their curriculum: for example, finding and validating best sources of information and developing new study and research skills that enable the graduating student to quickly and efficiently produce concise and on point information solutions. This may mean that educators in any faculty must integrate online research skills across all courses in the curriculum, as opposed to providing only a specific course dealing with the technology and leaving it to students to adopt the skills as they see fit.

So how has this 25 year evolution of technology impacted teaching and what are the implications for the future? Prior to about 1980 when faculties other than math and science began to experiment with microcomputers, there had been no real changes to the way teachers throughout a university taught or managed the student learning environment in perhaps a hundred years. There were textbooks, lectures, labs and libraries. Even the advent of film and audio tapes didn't significantly change the teaching style or content.

In the last 20 years education has been in a constant state of technology evolution. Students have gone from conducting their research in the library with the aid of 3 x 5 index cards to collecting data electronically from anywhere in the world and manipulating it in spreadsheets or databases. Professors can now structure learning situations in which students create simulations, models and case studies to test hypotheses. Professors can deliver and receive assignments via email and bulletin boards and encourage students to share their work with classmates...and when students have access to technology, they can complete more research, more thoroughly, in less time.

The Pew Internet & American Life Project released the results of their September 2002 report titled, "The Internet Goes to College". The US-based study found that 85% of university and college students own their own computer and 86% go online. Having access to and using a computer is a given. 73% of the students surveyed said they use the internet more than the library. Most of the students viewed the internet as a functional tool that enabled them to easily communicate with their professors, access library information and collaborate with classmates.

However, what the study doesn't tell us is what competencies the students have or where they acquired them. Many high schools simply don't have adequate access to the internet and so internet literacy skills have not been incorporated into courses. There are no standards for admittance to post secondary education with respect to computer/internet literacy skills. We do know that students graduate from high school with a wide range of computer experiences. We know that many

students have computers at home and have open access to the internet. We don't know that most students have been taught how to evaluate and validate information found on the internet. While we can assume that all students coming to university learned basic library research skills throughout their high school years, we can also probably assume that students in 1st year law school or even 3rd year university probably had their first internet experience at the university. It is critical that educators not assume that students have evolved "best practices" with respect to internet-based research and that they must incorporate these "best practices" into their curriculum.

During the past decade, educators focused on technology tools that helped students in one of several categories: 1) modeling or manipulating data; 2) collecting and storing data for retrieval and analysis; 3) acquiring content specific skills (design, etc.) 4) general information production (papers, etc.). Most students have entered their chosen profession competent in these four skills. However, the internet has posed new challenges for academics. Businesses, including law firms, want their new employees to not only know the most cost effective ways to analyze and produce information, but also the most efficient and cost effective way to access information. It will be up to educators to build learning models that demonstrate the right tool for the right situation in order to retrieve the best information from the most current and accurate source.

Universities realize that they have to remain competitive and that means meeting the needs of the professions they serve. It isn't just a matter of teaching students how to use technology or the internet today. It's also about understanding the complexity of the world in which they will work and helping them build the underlying skills necessary to be successful tomorrow.



ANNUAL CONFERENCE

June 1st to 3rd, 2003 | Faculty of Law, Dalhousie University, Halifax

PROGRAM

Saturday, May 31st, 2003

9:00 – 10:30

DISABILITIES AND LAW

Panel 1: Theories on Disabilities

Presenters:

Marcia Rioux, School for Health Policy & Management, York University and **F. Valentine**, Professor, Political Science, University of Toronto,

“Does Theory Matter?: Exploring the Nexus Between Disability, Human Rights and Public Policy”

R. Malhotra, SJD candidate, University of Toronto,
“Toward a Counter-Hegemonic Theory of Disablement: Analyzing the Duty to Accommodate Unionized Workers with Disabilities in the United States and Canada”

10:30 – 10:45

Break

10:45 – 12:30

Panel 2: A Judiciary and Governmental Point of View

Presenters:

Judith Mosoff & Isabel Grant, Faculty of Law, University of British Columbia,

“Whose Life is it Anyway? Disability and the Life Cycle in the Supreme Court of Canada”

Peter J. Carver, Faculty of Law, University of Alberta,
“Section 15, the Right to Medically Required Health Care, and Disability”

Dana L. Baker, Harry S. Truman School of Public Affairs, University of Missouri-Columbia, “Autism as Public Policy”

Sunday June 1st, 2003

9:00 – 5:00

DISABILITIES AND LAW

Legal Scholarship Day

Simultaneous interpretation

Theme: “Power, Law and Trust”

See full Legal Scholarship Day Program for details.

9:00 – 10:30

Panel 3: Application of the Concept from a Legal Perspective: torts and Immigration Law

Darcy MacPherson, Faculty of Law, University of Manitoba,
“Damage Quantification in Tort and Pre-Existing Disability: Arguments for a Reconceptualization”

Rose Voyvodic & Sukanya Pillay, Faculty of Law, Windsor University,
“Disability, Equality and Immigration Law”

PROGRAM continued

Sunday June 1st, 2003

continued

10:30 – 10:45

Break

10:45 – 12:30

Panel 4: Application of the Concept from a Social Science Perspective

Mary Ann McColl, William Boyce, Sam Shortt, Jerome Bickenbach and A. James, Queen’s

“The Construction of Disability in Canadian National Survey Data: Issues of Definition and Measurement”

Teri Hibbs, Institute for Dispute Resolution, University of Victoria,
“Post-Secondary Education and Students with Disabilities – Mining a Level Playing Field or Playing in a Mine-Field?”

12:00 – 1:30

Lunch – Sponsored by CALT
CALT General Annual Meeting

5:00 – 6:00

Cocktails – offered by the Dean of the School of Law of Dalhousie University

6:45

Meeting of CALT Executive Committee
Argyle Bar & Grill, 1575 Argyle St. Downtown Halifax

7:30

Dinner of the new professors

Monday June 2nd, 2003

9:00 – 12:00

LAW FORUM

Simultaneous interpretation

Panel 1: What Makes Law Possible?

Moderator:

Pierre Noreau, Centre de recherche en droit public

Presenters:

Desmond Manderson, Faculty of Law, McGill University, “What Makes Law Possible”

Pierre-André Côté, Faculty of Law, University of Montreal,
“Felicitous Statutes are a Bore”



ANNUAL CONFERENCE

June 1st to 3rd, 2003 | Faculty of Law, Dalhousie University, Halifax

PROGRAM continued

Monday June 2nd, 2003 continued	9:00 – 12:00	<p>Panel 2: What Does Law Make Possible?</p> <p>Lesley Jacobs, Director, Law & Society Program, York University, "Law, Race, and the Pursuit of Equal Opportunities as a Regulative Ideal"</p> <p>Paul Millar, Faculty of Sociology, University of Calgary, "Law, Freedom and Social Relations"</p> <p>Marie-Claude Prémont, Faculty of Law, University McGill, "What does Law Make Possible? An Example of a Hidden Mutation in Health Law."</p> <p>Jennifer A. Chandler, Faculty of Law, University of Ottawa, "Unconscionable Silence: When should we refuse to enforce contractual restrictions on speech?"</p>
	12:00 – 1:30	<p>Lunch</p> <p>Sponsored by the Council of Law Deans</p>
	1:30 – 5:00	<p>Legal Dimensions</p> <p><i>Simultaneous interpretation</i></p> <p>Theme: Law and Risk</p> <p>Moderator:</p> <p>Serge Rousselle, Dean, University of Moncton and Chair of the Council of Law Deans of Canada</p> <p>Presenters:</p> <p>Dayna Nadine Scott, Doctoral candidate, Osgoode Hall Law School "Shifting the Burden of Proof: The Precautionary Principle and its Potential for the 'Democratization' of Risk"</p> <p>David MacAlister, School of Criminology, Simon Fraser University: "Law and Risk: Use of Risk Assessments by Canadian Judges in the Determination of Dangerous and Long-Term Offender Status from 1997-2002"</p> <p>Danielle Pinard, Faculty of Law, University of Montreal "Principles of Evidence in Constitutional Law: An Example of Risk Management?"</p> <p>Fu Jingkun, University of Shenzhen, China "The Transplantation of Law and Risk – Based on the Drafting of the Civil Code of China, in a Comparative Perspective"</p> <p>Mariana Valverde, Dr. Ron Levi, Dawn Moore, Doctoral Candidate, Centre of criminology, University of Toronto "Legal Knowledge of Risk"</p>

PROGRAM continued

Monday June 2nd, 2003 continued	7:00	<p>Trudo Lemmens, Dr. Duff R. Waring, Research Associate, Faculty of Law, University of Toronto "A Legal Approach to Value Framework in Risk/Benefit Assessments of Biomedical Research"</p> <p>Commentator:</p> <p>William Leiss, R. Samuel McLaughlin Centre for Population Health Risk Assessment</p> <p>Banquet – Westin Nova Scotia Hotel, 1181 Hollis St. Excellence Award and Scholarly Paper Award</p> <p>Keynote Speaker: Archie Kaiser, Professor, Dalhousie Law School</p>
Tuesday June 3rd, 2003	9:30 – 11:00	<p>LAW TEACHING AND RESEARCH DAY</p> <p>Moderator:</p> <p>Geneviève Cartier, University of Sherbrooke</p> <p>Presenters:</p> <p>Silvie Bernier, Research and International Cooperation Office, University of Sherbrooke, "Around research: Institutional support to professors and researchers"</p> <p>Jean-François Fortin and Suzanne Larivière, Social and Human Sciences Research Council, "Research programs and selection of proposals"</p> <p>Béatrice Godard, Research Associate, Centre for Research in Public Law, University of Montréal, "Research Pressures: Challenges for Young/New Investigators"</p>
	11:00 – 11:15	<p>Break</p>
	11:15 – 12:45	<p>New Ideas on Law School Tuition Fees</p> <p>Speaker:</p> <p>Bruce Pardy, Professor, Queen's University "Poor Student, Well-Paid Lawyers: An Introduction to Post Graduation, Income-Contingent Tuition Fees for Law Schools"</p>
	1:00 – 3:00	<p>Lunch</p> <p>Sponsored by Carswell</p> <p>Technology and Teaching Issues</p> <p>Speaker: Daniel Dabney, Senior Director, Research and Development Legal Products, West Group</p>



PROGRAM – CALT CONFERENCE, HALIFAX
LEGAL SCHOLARSHIP DAY 1 | JUNE 2003

ROOM: A (TBA)

9:00 – 10:30

Business Law

Anita Anand, Queen's, "The Place of Trust in Corporate Governance"

Janis Sarra, UBC, "Signaling Quality: Comparative Standards of Corporation Efficiency"

Ron Davis, Toronto, "Pension Funds and Corporate Governance: Normative and Prudential Reasons for Beneficiary Control"

Kim Brooks, Queen's, "Slapshot, Enron and the Rules of Tax Planning"

10:45 – 12:30

Public Law & Governance

Stéphane Beaulac, Montréal

"Sovereignty in Bodin's République: A Question of Power, Full Stop"

Lorne Sossin, Toronto

"The Fiduciary State: Public Trust, Public Authority and Public Law"

Evan Fox-Decent, Toronto "The Fiduciary Nature of Free-Standing Public Duties"

Tsvi Kahana, Alberta "Deliberative Constitutionalism: Trust, Democracy and Constitutionalism"

ROOM: B (TBA)

9:00 – 10:30

Intellectual Property

Moderators: Ysolde Gendreau, Montréal, and Robert Howell, Victoria

Presenters:

Myra Tawfik, Windsor

"Canadian Copyright Law Under NAFTA: Harmonization? Transformation? Isolation?"

Margaret Ann Wilkinson, UWO

"Is 'Empowerment' Overwhelming 'Balance' in Recent Canadian Intellectual Property Decisions?"

Sam Trosow, UWO

"TRIPS, WIPO and the Draft FTAA: Is There a Crowd?"

10:45 – 12:30

Information Technology

Moderator: Teresa Scassa, Dalhousie

Presenters:

Elaine Gibson, Dalhousie "Government's Role as Repository of Personal Health Information"

Elizabeth Judge, Ottawa "Personal Information and Electronic Court Records"

Anne Mussett, Dalhousie "Workplace Surveillance and the Private Sector Employee"

1:30 – 3:15

Health Law

Moderator: Elaine Gibson, Dalhousie and Fiona Bergin, Dalhousie "Physicians' Conflicting Roles as Caregivers and Researchers"

ROOM: C (TBA)

9:00 – 10:30

Critical Disability Theory

Darcy MacPherson, Manitoba

"Damage Quantification in Tort and Pre-Existing Disability: Arguments for a Re-conceptualization"

Rose Voyvodic and Sukanya Pillay, Windsor

"Disability, Equality and Immigration Law"

10:45 – 12:30

Critical Disability Theory

MA McColl, Queen's, S. Shortt, J. Bickenbach, W. Boyce, Queen's, and A. James

"The Construction of Disability in Canadian National Survey Data: Issues of Definition and Measurement"

T. Hibbs, Victoria

"Post-Secondary Education and Students with Disabilities – Mining a Level Playing Field or Playing in a Mine-Field?"

1:30 – 3:15

Aboriginal Law

Richard Devlin, Dalhousie, and RONALDA MURPHY, Dalhousie

"Indigenous Peoples and the Duty to Consult: Between Solidarity and Scepticism"

ROOM: A continued

1:30 – 3:15

Lunch

Criminal Law I

Marc Gorbet, Dalhousie

"Bill C-24's Police Immunity Provisions: Parliament's Unnecessary Legislative Response to Police Illegality in Undercover Operations"

Steve Coughlan, Dalhousie

"Why We Should Worry About General Warrants"

Steve Penney, UNB

"Reasonable Expectations of Privacy in the Digital Age: A Canadian Perspective"

3:30 – 5:00

Criminal Law II

Diana Young, Carleton

"Trust and Consent and the Criminalization of HIV Transmission"

Michelle Gallant, Manitoba

"Sentinels or Facilitators: Entrusting Money Laundering Prevention to Lawyers"

Maneesha Deckha, Victoria

"Exercising Power (and Trust?) over Non-Humans: The Cruelty to Animals Provision in the Criminal Code"

ROOM: B continued

Jocelyn Downie, Dalhousie

"Rescuing Research Through Regulation"

Martina Munden, Dalhousie

"Elder Abuse and Restorative Justice: Seeking a New Way to Address an Old Problem"

Bev Baines, Queen's

"Abortion: Law, Power and Trust"

ALSO DURING THIS TIME SLOT (in a different room):

Intellectual Property II

David Lametti, McGill

"CCH and Delrina: The Case for Creativity"

Carys Craig, Osgoode

"Fiction and Authorship in Theberge and Beyond: The Force of the Physical in a Metaphysical Realm"

Abraham Drassinower, Toronto

"Capturing Ideas: Copyright and the Law of First Possession"

Ikechi Mgbueji, UBC

"While The Mouse Is Away: The Supreme Court and The Rat-race for Patents on Modified Life Forms"

3:30 – 5:00

Family Law

Philip Girard, Dalhousie, & Heather Conway, Queen's (Belfast)

"No Place Like Home: The Family Residence, Law Reform and Human Rights"

Mary Jane Mossman, Osgoode Hall

"Private Lives and Public Policies: Conversations about Families in Canadian Courts"

ROOM: C continued

Paul Ocheje, Windsor

"The First Nations Governance Act in Perspective of the Quest for Self-Determination Among Aboriginal Peoples: A Continuation of Past Mistakes or Positive Step Forward?"

Susan Haslip, Ottawa, and Victoria Edwards, Dalhousie

"Declarations of War and Breaches of Constitutionally Entrenched Promises of Protection: Use of the Aid to Civil Power Provision to Call Out the Military Against Aboriginal Peoples"

3:30 – 5:00

Environmental Law

Meinhard Doelle, Dalhousie

"Intergenerational Equity in the Face of a Failing Climate Change Regime: Opportunities to Protect Future Generations' Rights to a Stable Climate Outside the Kyoto Process"

Helene Trudeau, Montréal

"Ratification of the Kyoto Protocol and its Implications for Canada"

Bruce Pardy, Queen's

"Leaving Standards Up in the Air: Flaws in the Kyoto Approach"



ACCOMMODATIONS • TRANSPORTATION • REGISTRATION

Accommodation

On-Campus Accommodation

Some 1200 residence beds have been reserved at Dalhousie University, King's College and Saint Mary's University.

Dalhousie University Conference Services and Summer Housing

6136 University Avenue, Room 407
Halifax, NS B3H 4J2
T: (902) 494 8840 F: (902) 494 1219
conference.services@dal.ca
www.dal.ca/confserv

Saint Mary's University

923 Robie Street
Halifax, NS B3H 3C3
1-888-347-5555 T: (902) 420-5485
F: (902) 496-8118
conference.services@stmarys.ca
http://stmarys.ca/conference

University of King's College

6350 Coburg Road
Halifax, NS B3H 2A1
T: (902) 423 1756 F: (902) 423 3357
rbowser@admin.ukings.ns.ca

Off-Campus Accommodation

The Secretariat has reserved a large block of hotel rooms for Congress 2003. Special rates have been negotiated and will be guaranteed until March 31st. Room rates are not guaranteed after the cut-off date. To take advantage of the special rates, delegates must quote the Congress code (CSSH-2003) when making their reservation.

Please consult the Congress of the Humanities and Social Sciences website for more details, a list of the hotels and request form for residences:

<http://www.hssfca.ca/english/congress/accommodation.cfm>

Transportation

Airport shuttle

Frequently-operated bus service charges a one-way adult fare of \$12.00 and a return fare of \$20.00 to major hotels in Halifax. Wheelchair accessible vehicles can be arranged with 72 hours notice.

Contact Airbus at the Halifax International Airport:
(902) 873-2091

Car rental

Budget Car and Truck rental, as the official car rental company of Congress 2003, will offer rates starting at \$34.00 per day with unlimited kilometers within the Maritime Provinces. Please call us at **1-888-492-4888** or **1-902-492-7500** (within Halifax). You can also make your reservation by entering our website at www.budgetmaritimes.com and clicking the convention tab. Please ensure that you quote code LHSS when making your booking.

Airlines

Call AIR CANADA at **1-800-268-0024** or your travel agent to take advantage of the discounted Congress rates. For discounted fares with AIR CANADA, mention the Congress Number **CV030020** upon booking your flight. For CanJet flight information visit: <http://www.canjet.ca>. Call the Reservations Sales Centre at **1-800-809-7777** to book a flight.

For discounted fares with CanJet, mention the Congress Code "**Congress03**" upon booking your flight.

Rail

When reserving your ticket, please make sure to mention "Promo number **10035**" in order to take advantage of the system-wide discounts available.

For schedules, fares and reservations please call 1-888-VIA-Rail.

For more information getting to the conference, and for accessibility and child care services, please visit the Congress website at:

<http://www.hssfca.ca/english/congress/gettingthere.cfm>

Registration

The payment of Congress fees is compulsory for every delegate. This includes people who are speakers, presenters, panelists and those moderating or attending a session.

By mail: Fill out the Registration Form and send the completed version prior to May 15 to:

Congress of the Humanities and Social Sciences
Canadian Federation for the Humanities and Social Sciences

415 -151 Slater
Ottawa, ON K1P 5H3

By fax: Fill out the Registration Form as above and fax to the Congress Secretariat: (613) 236-4853

Important: Delegates registering by fax should refrain from sending the Registration Form by mail.

Fees: \$100 for the Congress
\$60 for members of CALT
\$40 for the banquet

