

## Craig Elton Jones, Q.C.

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### Education:

2002	LL.M., Harvard Law School
1998	LL.B., University of British Columbia
1995	B.G.S., Thompson Rivers University

### Academic Employment History:

2012-	Faculty of Law, Thompson Rivers University (Full Professor, Tenured, Associate Dean 2012-14).
2008-09	Faculté de droit, Université de Sherbrooke (Visiting Professor [contract]).
2000-07	Faculty of Law, University of British Columbia (Adjunct Professor 2000-03, Assistant Professor, 2006-07).

### Legal Employment History:

2012-	Branch MacMaster LLP, Vancouver, B.C. (Associate Counsel).
2006-2012	Ministry of Attorney General Victoria/Vancouver B.C. (Supervising Counsel, Constitutional & Administrative Law Group).
1996-2006	Bull, Houser & Tupper LLP, Vancouver, B.C. (Articled Student 1996-99, Associate 1999-2005, Partner, 2006).

### Professional Memberships and Activities:

- B.C. Civil Liberties Association (president, 1999 to 2001; vice-president, 1998-99, member of board of directors and executive committee, 1995-1998 and 2001-2006).
- Uniform Law Conference of Canada, Class Action Legislation Reform Committee (member, 2004-05).
- UBC Law Alumni Association (member of Board of Directors, 2004-).
- "Casenotes" Contributing Editor, *The Advocate* (2002-03).
- Member, Law Society of British Columbia (called to the Bar 1999).

**Honours and Awards:**

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| 2011 | Appointed Queen's Counsel                               |
| 2008 | Distinguished Alumnus Award, Thompson Rivers University |

## Legal Publications & Presentations

### Books

- 2012 Craig Jones, *A Cruel Arithmetic: Inside the Case Against Polygamy* [with foreword by Andrew Coyne] (Toronto: Irwin Law Book, 2012).
- 2005 Jamie Cassels & Craig Jones, *The Law of Large Scale Claims: Products Liability, Toxic Torts and Complex Litigation in Canada* (Toronto: Irwin Law Book, 2005).
- 2003 Craig Jones, *Theory of Class Actions* [with foreword by David Rosenberg] (Toronto: Irwin Law Book, 2003).

### Articles & Book Chapters

- 2013 Craig Jones, "The Troubling New Science of Legal Persuasion: Heuristics and Biases in Judicial Decision Making" (2013) 41 *Adv. Q.* 48.
- 2013 Craig Jones, "The Attorney General, the Courts, and the New Ministry of Justice" (2013), 71(2) *The Advocate* 189.
- 2013 Craig Jones, "Litigate or Regulate? The Elusiveness of an Effective Consumer Protection Regime" (2013), 53 *Can. Bus. L.J.*, 202.
- 2013 Craig Jones, "Standing on Our Rights: Why 'who can sue' has become the most important question of all" in *BCCLA 50<sup>th</sup> Anniversary Celebration of Civil Liberties in Canada and Around the World* (2012, BC Civil Liberties Association, Forthcoming).
- 2011 Craig Jones, "Reasoning Through Probabilistic Causation in Individual and Aggregate Claims: The Struggle Continues" (2011) 39 *Adv. Q.* 18.
- 2007 Craig Jones, "The Attorney General's Standing to Seek Relief in the Public Interest: The Evolving Doctrine of *Parens Patriae*" (2007) 86 *Can. Bar. Rev.* 121.
- 2007 Angela Baxter and Craig Jones, "The Class Action and Public Authority Liability: 'Preferability Re-Examined'" (2007) 57 *U.N.B.L.J.* 27.
- 2007 Craig Jones, "New Solitudes: Recent Decisions Call into Question the "National Class" (2007) 45 *Can. Bus. L.J.* 47.
- 2006 Craig Jones, "Litigating Conspiracy" (Book Review) (2006) 44 *Can. Bus. L.J.* 1.
- 2006 Angela Baxter and Craig Jones, "Fumbling Toward Efficacy: National Classes after *Currie v. McDonald's*" (2006) 3 *Can. Class Action R.* 86.
- 2005 Craig Jones, "The Class Action in Common Law Legal Systems: A Comparative Perspective" (Book Review), (2005) 2 *Can. Class Action R.* 216.
- 2004 Craig Jones, "The Case for the National Class", (2004) 1 *Can. Class Action R.* 29.
- 2004 Jamie Cassels and Craig Jones, "Rethinking Ends and Means in Mass Tort: Probabilistic Causation and Risk-Based Mass Tort Claims after *Fairchild v. Glenhaven Funeral Services*" (2003) 82 *Can. Bar. Rev.* 597.

- 2003 Craig Jones, "Immunizing Universities from *Charter* Review: Are we 'Contracting Out' Censorship?" (2003) 52 *U.N.B.L.J.* 261.
- 2002 Craig Jones, "Fixing to Sue: Does the Government Have a Legal Duty to Establish Safe Injection Facilities in British Columbia?" (2002) 35 *U.B.C. L. Rev.* 391.
- 2002 Craig Jones and John Kleefeld, "*Whiten v. Pilot: Safe Harbour for Punitive Damages in Contract?*" (Case Comment) (2002) 60 *The Advocate* 507.
- 2001 Craig Jones, "The Struggle for Civil Liberties: Political Freedom and the Rule of Law in Britain, 1914-1915" (Book Review) (2001) 39 *Alta. L. Rev.* 605.
- 2000 Craig Jones, "The Partial Commencement of Acts: A Constitutional Criticism of the Lieutenant Governor-in-Councils' 'Line-Item Veto' Power", (2000) *V Rev. Const. Studies* 172.
- 2000 Elliott M. Myers and Craig Jones, "Coping with the "National Class": Corporate Response to Canadian 'Multi-Jurisdictional' Class Actions," *North American Corporate Lawyer*, Spring 1999.
- 1999 Steven Wexler and Craig Jones, "The Charter's Burdens: The Return to the Presumption of Validity in Section 7 of the *Charter of Rights and Freedoms*", (1999) 10 *Constitutional Forum* 31.
- 1998 Craig Jones, "The Spoliation Doctrine and Expert Evidence in Civil Trials" (1998) 32 *U.B.C. L. Rev.* 293.

### **CLE Presentations, Conference Papers, Symposia**

- 2013 Co-presenter (with Art Vertlieb, Q.C.): "Judicial Bias: Say it Isn't So (Or Is It?)" in *Canadian Bar Association (BC Branch) Annual Conference*, San Diego, November 2013.
- 2013 Presenter, "Heuristics and Biases in Judicial Decision Making" in *2013 Northwest Regional Meeting, American College of Trial Lawyers*, Whistler, B.C., July 26, 2013.
- 2012 Panel Member, "Are class actions an adequate substitute for public enforcement of consumer protection legislation?" in *42<sup>nd</sup> Annual Workshop on Consumer and Commercial Law*, Schulich School of Law at Dalhousie University, Halifax, Nova Scotia. October 13, 2012.
- 2012 Panel Member, "Charter Principles Protecting Liberty", in *The Law Protecting Liberty: What You Need to Know*, BCCLA 50<sup>th</sup> Anniversary CLE, Vancouver, B.C. June 2, 2012.
- 2012 Conference Co-Chair (with Murray Rankin, Q.C.): *Advanced Administrative Law: Legal Update and Special Duties* Pacific Business & Law Institute, Vancouver B.C. (April 25, 2012).
- 2012 Presentation: "Vulnerable Populations: Current Charter Challenges", *NJI Charter Conference*, National Judicial Institute / Court of Queen's Bench of Alberta (January 25, 2012).
- 2011 Panel Member, "Where We Are and How We Got Here", in *Invitational Class Action Forum*, Northwind CLE, Cambridge, Ont, (June 21, 2011).
- 2011 Panel Member: "Cameras in the Courtroom", in *Lawyers in the Media*, CLEBC, Vancouver B.C. (June 6, 2011).
- 2011 Panel Member/Presenter: "Reasoning Through Causation in Probabilistic Claims", in *Causation in Tort II* CLEBC, Vancouver B.C. (June 1-2, 2011).

- 2011 Presentation: "Class Actions Against Government", in *NJI Class Actions Conference*, National Judicial Institute, Toronto. (July 27, 2011).
- 2011 Presentation: "Behaviour Modification vs. Access to Justice", in *Windsor Law Class Actions Conference*, Windsor Ont. (March 29, 2011).
- 2011 Conference Co-Chair (with Frank Falzon): *Advanced Administrative Law: Legal Update and Special Duties* Pacific Business & Law Institute, Vancouver B.C. (March 11, 2011).
- 2010 Panel Discussion, "National Classes Conundrum: The Search for a Solution", moderated by Peter W. Hogg, Q.C. in *7<sup>th</sup> Annual Osgoode Hall Class Action Symposium*, Toronto (April 30, 2010).
- 2010 Conference Co-Chair (with Joseph Arvay), *Suing and Defending the Government*, CLEBC, Vancouver B.C. (April 8, 2010).
- 2010 Panel Discussion, "National Classes Conundrum: The Search for a Solution", moderated by Peter W. Hogg, Q.C., *7<sup>th</sup> Annual Osgoode Hall Class Action Symposium*, Toronto (April 30, 2010).
- 2009 Panel Discussion, "Racial equality, aboriginal rights, and Section 15: examining the impact of *R. v. Kapp*", Canadian Constitution Foundation, Toronto (October 2-4, 2009).
- 2009 Panel Discussion, "Ocean Port and the Constitutional Independence of Tribunals", *Canadian Council of Administrative Tribunals Annual Conference*, Halifax, N.S. (June 1, 2009).
- 2009 Conference Co-Chair (with Murray Rankin), *Administrative Law: Key Concepts and Thorny Issues*, Pacific Business & Law Institute, Vancouver B.C. (February 5, 2009).
- 2008 Craig Jones, "Riffing on Mass Torts, Risk & Uncertainty: *Resurface Corp. v. Hanke* and Proof of Causation in Populations", *Causation in Tort After Resurface* CLEBC, Vancouver B.C. (June 26, 2008).
- 2007 Craig Jones, "Developments in Standing and *Res Judicata* in Collective Actions: The Report from Canada to the World Congress of Procedural Law" (2007), *International Association on Procedural Law* (Brazil, 2007).
- 2007 Craig Jones, "Damages Under s. 24(1): The Uncertain Civil Remedies under the *Charter of Rights and Freedoms*" *Torts 2007* CLEBC, Vancouver B.C. (May 21, 2007).
- 2007 Craig Jones, "Disorderly and Unfair: The Weird Present and Uncertain Future of 'Full Faith and Credit' in Interjurisdictional Class Actions" in *4<sup>th</sup> Annual Osgoode Hall Class Action Symposium*, Toronto (April 26&27, 2007).
- 2006 Craig Jones, "The Class Action and Public Authority Liability: Principle and Practice" in *Public Wrongs and Private Duties*, University of New Brunswick Law School Conference, Fredericton (May 18&19, 2006).
- 2006 Craig Jones, "National Classes after *Currie v. McDonald's*" in *Class Actions Without Borders*, Osgoode Hall Class Action Symposium, Toronto (April 6&7, 2006).
- 2006 Craig Jones, "Emerging Areas of Governmental Liability" in *Suing and Defending the Government*, CLEBC, Vancouver B.C. (January 27, 2006).
- 2005 Craig Jones, "Libel as Internet Tort" in *Contracts and Torts* Panel Discussion, UBC Faculty of Law's Diamond Jubilee, September 2005.

- 2005 Craig Jones, "The Class Action as Public Law" CLE Seminar for the Nunavut Branch of the Canadian Bar Association, Iqaluit September 2005.
- 2005 Craig Jones, "Causation in Mass Tort Cases" CLE Seminar for the National Civil Litigation and Insurance Sections of the CBA, Toronto, ON April 2005.
- 2004 Elliott M. Myers Q.C. and Craig Jones, "Class Actions" in 5<sup>th</sup> Annual Civil Litigation Conference (Continuing Legal Education Society of British Columbia, October 21, 2004).
- 2004 Craig Jones, "Interjurisdictional Class Actions" in Canadian Bar Association Annual Conference, Winnipeg, MB (August 2004).
- 2004 Craig Jones, "Trends in Tort Causation" in *Annual Torts Update* CLEBC (April 23, 2004).
- 2001 Craig Jones: "Civil Liability and Safe Injection Sites" *Safe Injection Facilities: Opening the Legal Doors* (Symposium at Simon Fraser University, Harbour Centre Campus), June 18, 2001.
- 2000 Craig Jones: "Censorship from Socrates to *Sharpe*": *Symposium on Pornography and the Law*, Institute for Practical Philosophy (Malaspina University College), March 18, 2000.
- 1996 Craig Jones, "Criminalizing AIDS Transmission in Canada"; 10th Annual B.C. Conference on HIV/AIDS October 27, 1997.

## Counsel Work:

### Special Projects and Inquiries

- *Missing Women Commission of Inquiry* (2011): Counsel for Attorney General and Province before the Oppal Commission.
- *Thomas R. Braidwood Hearing and Study Commission Inquiry into the Death of Robert Dziekanski* (2009-10): Lead counsel for Attorney General before Commission in constitutional challenge brought by Attorney General of Canada and others to authority of Commission.
- Nunavut Land Claims Negotiations (2005-06): Counsel to the federally-appointed Conciliator, Thomas R. Berger O.C., Q.C. in stalled negotiations between the governments of Canada and Nunavut, and the Nunavut Inuit.
- Vancouver Electoral Reform Commission (2004-05): Counsel to Commission during hearings and subsequent report on municipal electoral system reform in the City of Vancouver.

### Trial and Appellate Work

- *Reference re: Constitutionality of Section 293 of Criminal Code (Polygamy)* 2009 BCSC 1668; 2010 BCSC 517; 2010 BCSC 1308, 2011 BCSC 1588: Lead counsel for Attorney General in constitutional reference.
- *In the Matter of Interference with Access to or Operation of the Courts of Justice* (2011 BCSC 1815): Lead counsel for Attorney General in "Occupy Vancouver" *parens patriae* injunction application.
- *Vancouver Network of Drug Users v. Canada / Portland Hotel Society v. Canada* 2008 BCCA 441; 2010 BCCA 15; 2011 SCC 44: Lead counsel for Attorney General in constitutional challenge to closure of the Insite safe injection facility.
- *Blackmore v. British Columbia* 2009 BCSC 1299: Lead counsel for Attorney General in Judicial review of prosecutorial decision in Bountiful case.
- *Taser International v. Braidwood et al.* 2010 BCSC 623; 2010 BCSC 1120: Lead counsel for Attorney General in judicial review seeking to quash the findings of Braidwood Study Commission into Taser use in British Columbia.
- *Rundel et al v. Braidwood* 2009 BCSC 814; 2009 BCCA 604: Lead counsel for Attorney General in constitutional challenge by RCMP officers to jurisdiction of provincial inquiry.
- *BC Teachers' Federation v. British Columbia (A.G.)* 2008 BCSC 1599, 2008 BCSC 1626, 2008 BCSC 1699, 2008 BCSC 1769, 2009 BCSC 436, 2009 BCSC 440, 2009 BCCA 156: Lead Counsel for Attorney General in constitutional challenge to third-party election advertising limits.
- *Arkininstall et al v. City of Surrey et al*, 2007 BCSC 1116; 2008 BCSC 1419; 2009 BCSC 240; 2010 BCCA 250: Lead counsel for Attorney General in challenge to 'grow op' searches conducted under the *Safety Standards Act*.
- *MacKinnon v. National Money Mart Company*, 2007 BCSC 348; 2009 BCCA 103: Lead counsel for Attorney General in *Charter* challenge to s. 347 of the *Criminal Code*.

- *V.M. v. British Columbia (Director of Child, Family and Community Service)*, 2007 BCSC 552, 2007 BCCA 338, 2008 BCSC 449: Counsel (with G.H. Copley, Q.C.) for Attorney General in constitutional challenge to Director's seizure of Jehovah's Witness sextuplets for blood transfusions.
- *British Columbia Nurses' Union v. Medical Services Commission* 2008 BCSC 321: Lead counsel for Medical Services Commission in challenge based on extra billing in private medical clinics.
- *Canada v. JTI-Macdonald Corp.*, 2007 SCC 30: Lead Counsel for Attorney General (intervenor) in constitutional challenge to federal tobacco advertising restrictions.
- *Crown Point Hotel (1981) Ltd. v. British Columbia (Public Safety and Solicitor General)* 2007 BCSC 1048: Counsel for Province in challenge to Fire Inspector's authority to close a residential hotel.
- *Canadian Federation of Students v. Greater Vancouver Transportation Authority*, 2006 BCCA 529: Counsel (with Neena Sharma) for Attorney General in *Charter* challenge to advertising restrictions on buses.
- *Her Majesty the Queen v. Imperial Tobacco Canada Limited et al.* 2005 SCC 49, affirming 2004 BCCA 953, reversing 2003 BCSC 877: Counsel (with T.R. Berger, Q.C., D.A. Webster, Q.C., and E.M. Myers, Q.C.) for Her Majesty in constitutional challenges by industry to the *Tobacco Damages and Health Care Costs Recovery Act*.
- *District of Kitimat v. Alcan Inc.* 2005 BCSC 44: Counsel (with D. Bennett) for Alcan Inc. in declaratory action by municipality alleging unlawful power sales.
- *Comox-Strathcona Regional District v. Hansen* 2005 BCSC 220: Counsel (with D.A. Webster, Q.C.) municipality in division of powers case regarding federal jurisdiction over civil aeronautics.
- *Powerex Corp. v. Alcan Inc.* 2003 BCSC 1096 (granting discretionary adjournment pending US appeal); 2004 BCSC 876 (granting statutory adjournment pending 2<sup>nd</sup> US appeal); 2004 BCCA 504 (leave to appeal *Voth* order granted). Counsel (with Simon Margolis) for Alcan in attempted enforcement of \$100M international commercial arbitration award. Matter settled while under appeal.
- *Alcan Inc. v. Farris, Vaughan, Wills & Murphy* 2004 BCSC 74: Counsel for Alcan Inc. (with D.A. Webster, Q.C.) in challenge based on solicitor's conflict of interest.
- *Nixon v. Vancouver Rape Relief Society* 2004 BCCA 516 (motion for intervention): (B.C. Court of Appeal): Counsel (with G.A. Allison) for Society resisting interventions by activist groups in action by transsexual woman denied a position as rape crisis counsellor.
- *Reference re: Same Sex Marriage* 2004 SCC 79: Counsel (*pro bono* with E.M. Myers, Q.C.) for B.C. Civil Liberties Association in constitutional reference (drafted materials but did not appear).
- *Kempling v. B.C. College of Teachers* 2003 BCSC 133: Counsel (*pro bono* with E.M. Myers, Q.C.) for B.C. Civil Liberties Association (Intervenor) in *Charter* challenge to College's discipline of teacher for anti-gay writings.
- *Gray et al v. Alma Mater Society of the University of British Columbia et al*, 2003 BCSC 864: Counsel for members of student club in tort and contract action against students' union and individuals.