

# CRAIG MARTIN

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## EDUCATION

**S.J.D.**, University of Pennsylvania Law School, 2010.

- *Dissertation*: a case for constitutional constraints on the use of armed force, involving the incorporation of principles of *jus ad bellum*, and increased separation of powers on decisions to use force, with the Japanese experience as a case study.
- *Research and syllabus design*: for course on national security and human rights, for Prof. William Burke-White, 2006-2007.

**J.D.**, University of Toronto, Faculty of Law, 1997.

- *Senior Editor (International Law)*: University of Toronto Faculty of Law Review.
- *Research assistant*: for Prof. Martin Friedland, for the Public Commission of Inquiry into the Canadian Forces in Somalia, and resulting book *Controlling Misconduct in the Military* (1997).
- *Mooting*: Grand Moot (top 4 mooters in school) 1996; Jessup International Law Moot, 1996.

**LL.M.**, Osaka University, Graduate School of Law and Politics, 1994.

- *Thesis*: study of misperception in Japanese-American relations regarding the Ishii-Lansing Agreement, and Japan's legal rights in Manchuria in the 1920s.

**Language study and research**, Osaka University, Graduate School of Law and Politics, and Osaka University of Foreign Languages, 1990–1992.

**B.A. (History)**, Royal Military College of Canada, 1986.

- *Thesis*: study of army factionalism as a factor in the rise of militarism in Japan in the 1930s.

## ACADEMIC EXPERIENCE

**University of Baltimore School of Law**, Baltimore, U.S.A.

- *Visiting Assistant Professor*, 2010-2011.

**University of Pennsylvania Law School**, Philadelphia, U.S.A.

- *Visiting Faculty Fellow and Lecturer*, Spring semester, 2010.

**University of Baltimore School of Law**, Baltimore, U.S.A.

- *Adjunct Professor*, Spring semester, 2010.

**Osaka University, Graduate School of Law and Politics**, Osaka, Japan.

- *Visiting Lecturer*, for one-week intensive courses 2003-05 and 2007-08, and full Spring semester, 2006.

**Osgoode Hall Law School**, Toronto, Canada.

- *Adjunct Professor*, Winter semesters 2003 and 2004.

## PROFESSIONAL EXPERIENCE

**Lenczner Slaght Royce Smith Griffin LLP**, Toronto, Canada, 2002-2006 (consistently ranked No. 1 litigation boutique in Ontario by *Lexpert*, and ranked top tier by *Chambers*).

- *Litigation Lawyer (Associate)* - Corporate-commercial and securities-related litigation, administrative law, class-actions, technology-related litigation, professional negligence and medical malpractice work, and some constitutional litigation.

**Stikeman Elliott LLP**, Toronto, Canada, 1997-2002 (one of the “Seven Sisters” top firms in Ontario, and Canada’s “international law firm,” ranked top tier by *Chambers*).

- *Litigation Lawyer (Associate)* - Corporate-commercial and securities-related litigation, administrative law, class-action work, technology-related litigation, and human rights advocacy (*Articling Student*, 1997-1998).

**Fasken Campbell Godfrey LLP**, Toronto, Canada, summer 1996.

- *Summer Law Student* - Assisted counsel in preparation for and conduct of a four week trial.

**Canadian Armed Forces**, Victoria and Halifax, Canada, and New York City, U.S.A., 1986-1990.

- *Naval Officer (Lieutenant (N))* - Naval Attaché, Canadian delegation to the *United Nations* General Assembly and Security Council, 1989; public affairs officer, Halifax, 1988-90; bridge watch-keeper/divisional officer, diving officer, and demolitions officer, *HMCS Preserver*, 1987-88; naval training, Victoria, 1986-87.

## RESEARCH AND TEACHING

### RESEARCH INTERESTS

- International law, with particular emphasis on the use of armed force and the law of armed conflict.
- National security law, and the comparative analysis of war powers across constitutional democracies.
- Comparative law, particularly comparative constitutional law, with an emphasis on Japanese law as compared to Anglo-American law.

### TEACHING INTERESTS

- Public International Law, Laws of War, National Security Law and War Powers, National Security and Human Rights, International Business Transactions, and Private International Law.
- Comparative Law, Japanese Law, and Comparative Constitutional Law (Japan, Canada, and the United States).
- Torts, Contracts, Trial Advocacy, ADR, and Professional Responsibility.

### COURSES TAUGHT

- *Public International Law*, 4 credit course, **University of Baltimore School of Law**, Spring 2011.
- *International Business Transactions*, 3 credit course, **University of Baltimore School of Law**, Fall 2010 and Spring 2011.

- *International Law and the Use of Force*, 3 credit seminar, **University of Baltimore School of Law**, Spring 2010.
- *The Development of Legal Constraints on the Use of Armed Force*, 3 credit seminar, **University of Pennsylvania Law School**, Spring 2010.
- *Faculty advisor and coach*, Jessup International Law teams, **University of Pennsylvania Law School**, 2008-2009 and 2009-10; **University of Baltimore School of Law**, 2010-11.
- *Introduction to Japanese Constitutional Law*, 3 credit seminar, **Osaka University, Graduate School of Law and Politics**, 2006 (full semester) and 2008 (intensive).
- *Article 9 and the Laws of War*, intensive 3 credit seminar, **Osaka University, Graduate School of Law and Politics**, 2007.
- *Comparative Constitutional Law: Equality Rights in Canada and Japan*, 4 credit intensive course, **Osaka University, Graduate School of Law and Politics**, 2005 and 2007.
- *Comparative Constitutional Law: Freedom of Expression in Canada and Japan*, 4 credit course, **Osaka University, Graduate School of Law and Politics**, 2003 (intensive) and 2006 (full semester).
- *Comparative Constitutional Law: Privacy rights in Canada and Japan*, 4 credit intensive course, **Osaka University, Graduate School of Law and Politics**, 2004.
- *Comparative Law: The Free Flow of Information on the Internet*, 3 credit seminar taught in conjunction with Università di Bologna, Facoltà di Giurisprudenza, Italy, and the Hans-Bredow-Institut, Universität Hamburg, Germany, via the internet and video feed, **Osgoode Hall Law School**, Fall 2003 and Fall 2004.

## **PUBLICATIONS**

### **JOURNAL ARTICLES AND BOOK CHAPTERS**

- “Targeted Killing, Armed Conflict, and Self-Defense,” (Work in progress).
- “Recent Developments in Japanese Law”, co-authored with Eric Feldman, in *A Handbook of Japanese Studies*, James Babb, ed. (forthcoming) (Sage, 2011) (Work in progress).
- “Taking War Seriously: The Case for Constitutional Constraints on the Use of Force, in Compliance with International Law and Constitutional Theory,” (forthcoming) *76 Brooklyn Law Review* (2011).
- “Glimmers of Hope: The Recent Evolution of Equality Rights Doctrine in Japanese Courts,” *20(2) Duke Journal of Comparative & International Law* 167 (2010).
- “Binding the Dogs of War: Japan and the Constitutionalizing of *Jus ad Bellum*,” *30 University of Pennsylvania Journal of International Law* 267 (2008).
- “Coming of Age: The Courts and Equality Rights in Japan’s Aging Society,” In Florian Coulmas *et al* eds., *The Demographic Challenge: A Handbook About Japan* (Leiden, 2008).
- “The Case Against ‘Revising Interpretations’ of the Japanese Constitution,” *The Asia-Pacific Journal: Japan Focus*, May 29, 2007.
- “Unequal Shadows: Negotiation Theory and Spousal Support Under Canadian Divorce Law,” *56 University of Toronto Faculty of Law Review* 135 (1998) (cited by the Supreme Court of Canada in *Bracklow v. Bracklow*, [1999] 1 S.C.R. 420; *Miglin v. Miglin*, [2003] 1 S.C.R. 303; and *Rick v. Brandesma* (2009), 10 SCC (2009).

“*Tolofson and Flames in Cyberspace: the Changing Landscape of Multistate Defamation*,” 31 *U.B.C. Law Review* 127 (1997).

#### **SELECT OP-ED AND BLOG ARTICLES**

“Time to Scrap ‘Don’t Ask Don’t Tell’,” *CBSNews.com*, Feb. 12, 2010.

“The Use of Force and International Law – The Void in American Discourse,” *The Progressive Fix*, Dec. 24, 2009.

“Debate Afghan War Goals, Then Select Strategy,” (co-authored with Adnan Zulfiqar) *The Japan Times*, Nov. 7, 2009.

“Climate Insecurity: Military Implications Must be Part of Congress’ Discussion of Climate Change Legislation,” *Baltimore Sun*, Sept. 10, 2009.

“A Turning Point in Japan for the Right to Equality?” *The Japan Times*, Jun. 10, 2009.

“Piracy and the Constitution,” *The Japan Times*, Mar. 26, 2009.

“The Fatal Flaw in Trying to Impose a New Interpretation on Article 9,” *The Japan Times*, Oct. 5, 2008.

“Japan Opens the Way for Military Use of Outer Space,” *Foreign Policy Digest*, Jun. 2008.

“Permanent SDF Overseas Deployment Law Endangers Democracy,” *The Japan Times*, May 21, 2008.

“Rule of Law Comes Under Fire: Government Response to High Court Ruling on SDF Operations in Iraq,” *The Japan Times*, May 3, 2008.

“Establish Limits on Naval Support to U.S.: Lessons from Canada,” *The Japan Times*, Jan. 10, 2008.

“Japan’s Antiterrorism Special Measures Law and Confusion Over U.N. Authority,” *The Japan Times*, Oct. 8, 2007.

“Collective Self-Defense and Collective Security: What the Differences Mean for Japan,” *The Japan Times*, Aug. 30, 2007.

“Who Will Defend Japan’s Constitution?” *The Japan Times*, Apr. 29, 2007.

#### **PRESENTATIONS, GUEST LECTURES, AND PANELS**

“The Judicial Review of National Security Issues: A Comparative Analysis,” *Law & Society Association Conference*, Chicago, May 2010.

“Taking War Seriously: The Case for Constitutional Implementation of *Jus ad Bellum*,” *Foundations of International Law Conference*, University of Pennsylvania Law School, Apr. 2010.

Discussant, panel on “Trajectories of Japanese Law,” *Association of Asian Studies Conference*, Philadelphia, Mar. 2010.

“National Security Implications of Climate Change,” Guest lecture, graduate course in Global Sustainability and Health, Johns Hopkins University Bloomberg School of Public Health, Nov. 2009.

- Moderator for panel on use of surveillance and vérité street video in the judicial system, *Annual Video and Visual Advocacy Conference*, University of Pennsylvania Law School, Oct. 2009.
- “Returning to the Vanguard: A New Model for Japan’s Article 9,” *Law & Society Association Conference*, Denver, May 2009.
- “Glimmers of Hope: Equality Rights in Japanese Courts,” *Law & Society Association Conference*, Denver, May 2009.
- “Sheathing the Sword of War: Law and the Constraints on the Use of Armed Force,” *Toward Critical Mass: Conference on International, Transnational and Comparative Law*, University of Toronto, Jan. 2009.
- “Article 9 of the Japanese Constitution,” Guest lecturer in Prof. Eric Feldman’s *Law and Society in Japan* course, 2007, 2008, and Prof. Jennifer Amyx’ *Japanese Politics* course, 2008, University of Pennsylvania.
- Discussant, Panel on Japanese Constitutional Issues, *Japanese Law Conference: Current Trends in Japanese Law and the Legal Profession*, Creighton University School of Law, May 2007.
- “Not in the Blood: *Jus Sanguinis*, the Denial of Nationality, and Non-Discrimination in International Law,” *Human Rights Conference*, University of Toronto, Faculty of Law, 1999.

## **LITIGATION – SELECT CASES**

- Kerr v. Danier* (2004), 76 B.L.R. 3d 167 (Ont. S.C.J.); rev’d (2005) 77 O.R. 3d 321 (C.A.), aff’d [2007] S.C.R. (S.C.C.) (involvement ended with leave to appeal to Supreme Court) – Precedent setting securities class action on misrepresentation.
- Nantais v. Easyhome Ltd.*, [2005] O.J. No. 5805 (Ont. S.C.J.) – Criminal rate of interest class action.
- In (Re) Abelsohn*, The Discipline Committee of the College of Physicians and Surgeons of Ontario (2004) – Medical sexual abuse discipline case.
- Molson v. O.I. Canada Corp.*, [2003] O.J. No. 556 (Ont. S.C.J.); aff’d [2003] O.J. No. 2328 (C.A.) – CCAA/secured creditor litigation.
- Cowboy Pictures v. Ontario (Ministry of Consumer and Business Services)*, January 28, 2003, unreported (Ont. Div. Ct.) – Freedom of expression constitutional case.
- Consumers Packaging Inc. (Re)*, [2001] O.J. No. 3736 (Ont. S.C.J.); aff’d [2001] O.J. No. 3908 (Ont. C.A.) – CCAA/secured creditor litigation.
- Banque Nationale de Paris (Canada) v. Canadian Imperial Bank of Commerce* (2001), 52 O.R. (3d) 161 (Ont. C.A.); application for leave to appeal to the Supreme Court of Canada denied, S.C.C. Bulletin, 2001, p. 1965 – Secured creditor litigation.
- Hughes v. Sunbeam Corporation (Canada)*, [2000] O.J. No. 4595 (Ont. S.C.J.); aff’d (2002) 61 O.R. (3d) 433 (C.A.); application for leave to appeal to the Supreme Court of Canada denied, (2003) 189 O.A.C. 200 – Product liability class action.
- Robet v. Versus Brokerage Services Inc. (c.o.b. E\*Trade Canada)*, [2001] O.J. No. 1341 (Ont. S.C.J.); further reasons [2001] O.J. No. 2564 (Ont. S.C.J.) – Securities broker negligence case.

## **BOARDS, COMMITTEES, MEMBERSHIPS**

- *American Society of International Law*, member.
- *Law and Society Association*, member.
- *Association of Asian Studies*, member.
- *Canadian Bar Association (Ontario)*, member.
- *Canada-Japan Society (Toronto)*, Board of Directors 1999-2006, President 2003-06.
- *External Review Committee*, Osaka University, Faculty of Law, 2003, 2007.
- *Law Society of Upper Canada*, member (i.e., called to the Bar of Ontario, in good standing).

## **FELLOWSHIPS AND HONOURS**

- *Osaka University, Graduate School of Law and Politics*, Handai Law Teaching and Research fellowship, 2006, 2007.
- *Dean Cecil A. Wright Key Award – the “Dean's Key”* (awarded to the graduating student with the best combination of high academic achievement and involvement in academic extra-curricular activities), University of Toronto, Faculty of Law, 1997.
- *Dean's Honours List*, University of Toronto, Faculty of Law, 1996.
- *Macdonald Prize*, for Public International Law, University of Toronto, Faculty of Law, 1996.
- *Shūryō Sōdai*, first place, LL.M. program, Osaka University, Graduate School of Law and Politics, 1994.
- *Monbushō Scholarship*, Japanese Government scholarship for language study and post-graduate research in Japan, extended to cover a two-year LL.M. 1990-94.
- *Gold Medal*, first place, History Department, Royal Military College, 1986.

## **LANGUAGES**

**Japanese** - fluent; **French** – fair