

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

Washburn University School of Law, Topeka, Kansas, U.S.A.

- *Associate Professor*, summer 2011 - present.

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

- *Visiting Assistant Professor*, 2010-2011.

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

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

University of Baltimore School of Law, Baltimore, Maryland, 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 AREAS

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

TEACHING

- *The Law of Armed Conflict*, - 3 Credit course, **Washburn University School of Law**, Spring 2012.
- *Professional Responsibility* – 3 credit course, **Washburn University School of Law**, Spring 2012.
- *Public International Law*, - 4 credit course, **University of Baltimore School of Law**, Spring 2011; **Washburn University School of Law**, Fall 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; **Washburn University School of Law**, 2011-present.
- *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 schools in Italy and Germany via the internet and video feed, **Osgoode Hall Law School**, Fall 2003 and Fall 2004.

PUBLICATIONS

JOURNAL ARTICLES AND BOOK CHAPTERS

- “Going Medieval: Targeted Killing, Self-Defense and *Jus ad Bellum*,” in Jen Ohlin *et al.*, eds., *Targeted Killing: Law and Morality in an Asymmetrical World* (Oxford University Press, forthcoming, 2012).
- “The Japanese Constitution as Law and the Legitimacy of the Supreme Court’s Constitutional Decisions: A Response to Matsui” 88 *Washington University Law Review* 1527 (2011).
- “Taking War Seriously: A Model for Constitutional Constraints on the Use of Force in Compliance with International Law,” 76 *Brooklyn Law Review* 611 (2011).
- “Glimmers of Hope: The Recent Evolution of Equality Rights Doctrine in Japanese Courts, From a Comparative Perspective,” 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 *University of British Columbia Law Review* 127 (1997).

SELECT OP-ED AND BLOG ARTICLES

- “Debating Canada’s Role and Objectives in Libya.” *The Huffington Post (Canada)*, Jun. 13, 2011.
- “The Fallacies of the Torture Debate.” *The Huffington Post*, May 19, 2011.
- “The Legal Implications of Military Intervention in Libya.” *The Huffington Post*, Mar. 2, 2011.
- “New START is About More Than Russia.” *The Huffington Post*, Dec. 15, 2010.
- “Japan’s Leadership Test in Sri Lanka.” *The Japan Times*, Dec. 2, 2010
- “It’s Wrong to Backpedal on Nonnuclear Principles.” *The Japan Times*, Aug. 18, 2010.
- “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,” *The 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

- “Japan’s Peace Constitution at 65: Time for a Change?”, Woodrow Wilson International Center, panel discussion, Washington, D.C., Sep. 2011.
- “Going Medieval: Targeted Killing, Armed Conflict, and Self-Defense,” *Law & Society Association Conference*, San Francisco, Jun. 2011.
- “Taking War Seriously,” Brooklyn Law Review Author Spotlight Series, Brooklyn Law School, Brooklyn, Oct. 2010.

“Response to Shigenori Matsui’s ‘Why the Japanese Court is so Conservative,’” Washington University in St. Louis, *Decision Making on the Japanese Supreme Court Conference*, St. Louis, Sep. 2010.

“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.

BOARDS, COMMITTEES, MEMBERSHIPS

- *American Society of International Law*, 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 and Society Association*, member.
- *Law Society of Upper Canada*, member (i.e., called to the Bar of Ontario, in good standing).
- *Truman National Security Project*, Senior Fellow.

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