

# Curriculum Vitae

## Han-Ru Zhou, Associate Professor of Public Law

Université de Montréal Faculty of Law  
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### Appointments and Employment

UNIVERSITÉ DE MONTRÉAL, FACULTY OF LAW Associate Professor of Public Law, 2016- Assistant Professor of Public Law, 2011-16	2011-
UNIVERSITY OF OTTAWA, FACULTY OF LAW Visiting Scholar, Public Law Centre, 2021- Visiting Professor, Civil Law Section, 2021-22	2021-
UNIVERSITY OF CALIFORNIA, BERKELEY John A. Sproul Research Fellow, Canadian Studies Program, Institute of International Studies Senior Visiting Scholar, School of Law	2017-2018
MCGILL UNIVERSITY, FACULTY OF LAW Boulton Research Fellow	2009-2010
SUPREME COURT OF CANADA Law Clerk to the Honourable Madam Justice Marie Deschamps	2006-2007
MCCARTHY TÉTRAULT LLP, MONTRÉAL Associate, Corporate Finance and Mergers & Acquisitions	2002-2004

### Education

WORCESTER COLLEGE, UNIVERSITY OF OXFORD Doctor of Philosophy in Law (D.Phil.) Thesis: Implied Constitutional Principles Supervisor: Prof Nicholas Bamforth	2013
HARVARD LAW SCHOOL Master of Laws (LL.M.)	2005
UNIVERSITÉ DE MONTRÉAL, FACULTY OF LAW Bachelor of Laws (LL.B.)	2001

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CONSERVATORY OF MUSIC OF MONTRÉAL  
Program of Advance Studies in Music (D.E.S.M. I)  
Specialization: Piano

1992-1999

## Courses Taught

- DRT1501 Droit constitutionnel 1 (2012- )
- DRT1502 Droit constitutionnel 2 (2015- )
- DRT1022 Fondements du droit 2 (2013-17)
- DRT6816A Fondements du droit public (2015- )
- DRT6859, 6845A, 3002 Droit constitutionnel comparé (2012-14)
- DRT2001 Interprétation des lois (2012)
- DCC2118A General Public Law (2021)

## Publications

### Work in progress

- H.-R. Zhou, “Twenty Shades of *Ultra Vires*: The Many Faces of Canadian Judicial Review of Legislation”, in S. Bindman, G. Chan and V. MacDonnell (eds.), *Justice Rosalie Silberman Abella: A Life of Firsts* (Irwin Law 2023), under review
- H.-R. Zhou, “Power, Money and Merits: Legacies Abroad of a Century and a Half of the Case Method”, under review
- F. Chevrette and H. Marx, *Constitutional Law: Federalism and Division of Powers – Notes and Cases* (by H.-R. Zhou, Thémis), forthcoming 2023
- H.-R. Zhou, “‘Unwritten Constitutional Principles’ and the Argument from Extreme Cases”, in G. Cartier and M.D. Walters (eds), *The Promise of Legality* (Hart), in progress
- H.-R. Zhou, “L’État de droit, une perspective de droit comparé – Canada”, European Parliamentary Research Service, Comparative Law Library Unit, forthcoming 2023

## Books

- F. Chevrette and H. Marx, *Constitutional Law: Fundamental Principles – Notes and Cases* (by H.-R. Zhou, Thémis 2021), 1,164 pages
- F. Chevrette and H. Marx, *Droit constitutionnel: principes fondamentaux – notes et jurisprudence* (2nd revised edn by H.-R. Zhou, Thémis 2021), 1,290 pages
- F. Chevrette and H. Marx, *Droit constitutionnel: principes fondamentaux – notes et jurisprudence* (2nd edn by H.-R. Zhou, Thémis 2016), 1,264 pages  
Reviewed: F. Levesque, (2017) 58 *C. de D.* 593; R. Pepin, (2016) 46 *R.D.U.S.* 247
- H.-R. Zhou and J. Leclair (eds.), “Les Conférences Chevrette-Marx/The Chevrette Marx Lectures” Series (Thémis 2016-)  
Web: <http://chevrette-marx.openum.ca/en/>

### Peer reviewed book chapters

- H.-R. Zhou and A. Labrecque, “Le principe de la primauté du droit en droit canadien”, in M. Safjan (ed.), *The Revival of the Rule of Law Issue* (Intersentia 2023), 12 pages, accepted
- H.-R. Zhou, “The Continuing Significance of *Dr Bonham’s Case*”, in P. Daly (ed.), *Apex Courts and the Common Law* (University of Toronto Press 2019) 279-99

### Peer-reviewed articles

- H.-R. Zhou, “Legal Principles, Constitutional Principles and Judicial Review”, (2019) 67 *American Journal of Comparative Law* 899-930
- H.-R. Zhou, “*Erga Omnes* or *Inter Partes*? The Legal Effects of Federal Courts’ Constitutional Judgments”, (2019) 97 *Canadian Bar Review* 275-99
- H.-R. Zhou, “A Contextual Defense of ‘Comparative Constitutional Common Law’” (2014) 12 *International Journal of Constitutional Law* 1034-53
- H.-R. Zhou, “Revisiting the ‘Manner and Form’ Theory of Parliamentary Sovereignty” (2013) 129 *Law Quarterly Review* 610-38
- H.-R. Zhou, “The Enforcement of Arrest Warrants by International Forces: From the International Criminal Tribunal for the Former Yugoslavia to the International Criminal Court” (2006) 4 *Journal of International Criminal Justice* 202-18

### French

- H.-R. Zhou, “La pertinence en contexte canadien de la jurisprudence constitutionnelle du Conseil privé relative à l’indépendance judiciaire” (2015) 45 *Revue de droit de l’Université de Sherbrooke* 235-71
- H.-R. Zhou, “L’immunité de la Couronne à l’égard des lois, la Loi sur le droit d’auteur et l’affaire *Manitoba c. Canadian Copyright Licensing Agency*” (2014) 26 *Cahiers de propriété intellectuelle* 823-40
- H.-R. Zhou, “Développements récents en droit constitutionnel durant l’année 2005-2006: les arrêts *Multani*, 2952-1366 *Québec Inc.* et *Imperial Tobacco*” (2006) 35 *Supreme Court Law Review* (2d) 413-61
- H.-R. Zhou, “Le test de la personne raisonnable en responsabilité civile” (2001) 61 *Revue du Barreau* 451-529

### Other publications

- H.-R. Zhou and J. Leclair, « Canada Report », in R. Albert et al. (eds.), *The 2021 I-CONnect-Clough Center Global Review of Constitutional Law*, 8 pages (accepted)
- H.-R. Zhou and D. Pomerleau-Normandin, “Canada Report”, in R. Albert et al. (eds.), *The 2020 I-CONnect-Clough Center Global Review of Constitutional Law* 49-53
- H.-R. Zhou, “The Resurgence of the Notwithstanding Clause”, in T.G. Daly and W. Sadurski (eds), *Democracy 2020: Assessing Constitutional Decay, Breakdown and Renewal Worldwide* (International Association of Constitutional Law 2020) 67-71
- H.-R. Zhou, “Canada Report”, in R. Albert et al. (eds.) *The 2019 I-CONnect-Clough Center Global Review of Constitutional Law* (2020) 51-55
- H.-R. Zhou, “*Ford et Irwin Toy* 30 ans plus tard : une conversation avec le juge de Montigny” (2019) 28(3) *Forum constitutionnel* 39-49

- H.-R. Zhou, “*Ford and Irwin Toy 30 Years Later: A Conversation with Justice de Montigny*” 28(3) *Constitutional Forum* 51-60 (tr.)
- H.-R. Zhou, “Le droit constitutionnel à la Faculté: d’hier à aujourd’hui” (2017) 41 *Le Pigeon dissident* 13
- N. Karazivan and H.-R. Zhou, “International Survey: Canada—Supreme Court extends scope of Indian Act 1876 – Metis decision, *Daniels v Canada (Indian Affairs and Northern Development)*”, [2016] *Public Law* 517-18
- N. Karazivan and H.-R. Zhou, “International Survey: Canada—No torture exception to foreign state immunity: *Kazemi Estate v Islamic Republic of Iran*”, [2016] *Public Law* 160-62
- N. Karazivan and H.-R. Zhou, “International Survey: Canada—Co-operative federalism cannot limit the scope of legislative authority: *Quebec (Attorney General) v Canada (Attorney General)*”, [2016] *Public Law* 158-60
- H.-R. Zhou and N. Karazivan, “International Survey: Canada—Mandatory prison term for a firearm licensing offence held constitutionally invalid: *R. v Nur*”, [2016] *Public Law* 157-58
- H.-R. Zhou and N. Karazivan, “International Survey: Canada—Physician-assisted dying judicially legalised: *Carter v Canada (AG)*”, [2016] *Public Law* 156-57
- H.-R. Zhou, Hommage à la mémoire du Pr. François Chevrette (2012-13) 15 *Droit Montréal* 22-23

## Grants, Fellowships and Scholarships

### External (principal investigator)

- Social Sciences and Humanities Research Council (SSHRC) Insight Grant, \$196,836 (2020-25)
- SSHRC Insight Development Grant, \$57,339 (2017-19)
- Foundation for Legal Research Grant, Canadian Bar Association, \$5,000 (2016-17)
- Fonds de recherche du Québec – Société et culture (FRQSC) Grant, \$39,600 (2014-17)
- SSHRC Doctoral Fellowship, \$80,000 (2007-11)
- FRQSC Doctoral Scholarship, \$80,000 (2007-11) (declined)

### Internal

- Fonds Marcel-Faribault/Université de Montréal Grant, \$5,000 (2018-19)
- SSHRC-Université de Montréal Grant, \$4,500 (2015-17)
- Fonds Georg-Stellari Grant, \$4,700 (2012-2013)

## Guest Lectures

- “Le tournant des grands courants de droit nord-américains vers les sciences sociales”, DCL5535 Enjeux contemporains en droit: l’interdisciplinarité et le droit, 25 January 2022, Faculty of Law, University of Ottawa
- “Recent Developments in Constitutional Law”, continuing legal education course, 31 March 2021, Université de Montréal
- “Développements récents en droit constitutionnel”, continuing legal education course, 7 October 2020, Université de Montréal
- “Développements récents en droit constitutionnel”, continuing legal education course, 22 March 2020, Université de Montréal
- “Principles, Constitutional Principles and Judicial Review: A Transnational Account”, International and Comparative Law Workshop, 14 September 2016, Harvard Law School

- “Introduction to the Canadian Legal System and the Role of the Judge in Canada”, Chinese Judges Training Program, Canadian Institute for the Administration of Justice, National Judges College of China and Université de Montréal Faculty of Law, October 2015-18, Université de Montréal
- “Common Law and Comparative Constitutional Law”, annual symposium of the Association of Transnational Law Schools (ATLAS), 9 June 2015, Université de Montréal
- “Canadian Constitutional Law”, North American Law Study Program, China University of Political Science and Law, Eastern China University of Political Science and Law and Université de Montréal Faculty of Law, July 2012-16, Université de Montréal (annual summer lecture)
- “Introduction to the Canadian Legal System”, North American Law Study Program, China University of Political Science and Law, Eastern China University of Political Science and Law and Université de Montréal Faculty of Law, July 2012-16, Université de Montréal (annual summer lecture)
- “English and Canadian Parliamentary Sovereignty”, McGill University Faculty of Law, October 2009

## Presentations

- “Power, Money and Merits: L’héritage de la méthode des cas au Canada et dans le monde”, Legal Theory Seminar, McGill University Faculty of Law, 4 November 2022
- “Power, Money and Merits: Legacies Abroad of a Century and a Half of the Case Method”, Institute of Advanced Legal Studies, School of Advanced Studies, University of London, 26 October 2022
- “Power, Money and Merits: Legacies of the Case Method in Singapore, Quebec and Abroad”, Comparative Law Speaker Series, Centre for Asian Legal Studies, National University of Singapore, 6 October 2022
- “50 Shades of *Ultra Vires*: The Many Faces of Judicial Review of Legislation”, uOttawa Public Law Centre, the Canadian Institute for the Administration of Justice, the Human Rights Research and Education Centre, and The Advocates’ Society, Ottawa, 11-13 May 2022 (<https://www.cpac.ca/episode?id=a3750ece-53eb-4877-8b91-90bb42b1156b>)
- “Pouvoir, argent et mérite : 150 ans de la méthode des cas à travers le Commonwealth” [*Power, Money and Merit: 150 Years of the Case Method Throughout the Commonwealth*], Civil Law Section, Faculty of Law, University of Ottawa, 14 February 2022
- “Taking Policy Action Against Anti-Asian Racism”, Global Shapers Community (World Economic Forum), 20 May 2021 (online)
- “The Resurgence of the Notwithstanding Clause”, International Association of Constitutional Law, University of Melbourne, 16 November 2020 (online)
- “The Legal Effects of Canadian Federal Courts’ Constitutional Judgments”, Federal Court of Appeal and Federal Court of Canada, Ottawa, 8 June 2018
- “How Exceptional is Judicial Review in Canada? Past, Present and Future”, Berkeley Canadian Studies Program Colloquium Series, University of California, Berkeley, 28 February 2018
- “Libertés publiques : contributions constitutionnelles au vivre-ensemble” [*Civil Liberties: Constitutional Contributions to the Living-Together*], Institut d’administration publique du Québec, École nationale d’administration publique, Québec, 2 March 2017
- “Principes constitutionnels”, Common Law Colloquium Series, Université de Montréal, 9 November 2016
- “Principles, Constitutional Principles and Judicial Review”, Nathanson Guest Seminar, Osgoode Hall Law School, York, Ontario, 9 September 2016

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- “Constitutional Principles”, International Society of Public Law Annual Conference, Humboldt University, Berlin, 17-19 June 2016
  - “The Continuing Significance of *Dr Bonham’s Case*”, annual symposium of the Common Law Programme, Université de Montréal, 27 May 2016
  - “The Judicial Committee of the Privy Council’s Constitutional Legacy in Sri Lanka: A Blue-Print for Rethinking Transnational Common Law Constitutionalism in Asia?”, 12<sup>th</sup> Asian Law Institute Conference, National Taiwan University, Taipei, 21-22 May 2015
  - “The Reception of the Common Law, Judicial Review and Constitutional Principles”, 33<sup>rd</sup> Annual Australia and New Zealand Law and History Society Conference, University of New England School of Law, Australia, 10-13 December 2014
  - “Towards a ‘Thin’ Substantive Conception of the Rule of Law under Westminster Constitutions”, 2014 Annual Conference, The Society of Legal Scholars, University of Nottingham, 9-12 September 2014
  - “A Contextual Defense of ‘Comparative Constitutional Common Law’”, IX<sup>th</sup> World Congress of Constitutional Law, University of Oslo, 16-20 June 2014
  - “Le principe de l’immunité de la Couronne et la *Loi sur le droit d’auteur*” [*The Principle of Crown Immunity and the Copyright Act*], Association Littéraire & Artistique Internationale, Norton Rose Canada, Montréal, 24 February 2014
  - “Le contrôle de constitutionnalité au Canada” [*Judicial Review of Legislation in Canada*], Journée québéco-suisse, “Fédéralisme : du droit public au droit privé”, Association Henri-Capitant and Swiss Institute of Comparative Law, Lausanne, 25 October 2013
  - “Judicial Independence under Westminster Constitutions”, China University of Political Science and Law, Beijing, 14 May 2013; University of Macau Faculty of Law, 20 May 2013
  - “Comparative Constitutional Common Law”, Second Annual Young Comparativists Committee Conference, American Society of Comparative Law, Robert H. McKinney School of Law, University of Indiana, Indianapolis, USA, 18-19 April 2013
  - “Jurisprudence constitutionnelle et droit comparé”, Second Annual Constitutional Workshop Series, Université de Montréal Faculty of Law, 8 April 2013
  - “Four Questions about Unwritten Constitutional Principles”, *Les matinées constitutionnelles* Annual Conference Series, McGill University, Montreal, 1 February 2013
  - “Substantive Conceptions of the Rule of Law in Common Law Systems”, Second Annual International Forum on the Rule of Law and Development, Chinese Academy of Social Sciences, Beijing, 15-16 December 2012
  - “Retour sur la Déclaration des droits implicite” [*Revisiting the Implied Bill of Rights Theory*], First Annual Beetz-Laskin Conference on Constitutional Law, Université de Montréal, 14 September 2012
  - “A Dynamic View of Canadian Parliamentary Sovereignty”, Inaugural Conference of the New Institute for Canadian Identities, University of Ottawa, 17-18 April 2012
  - “The Living Tree Metaphor, H.L.A. Hart, Dworkin and the Common Law”, Constitutional Workshop Series 2011-12, McGill University, 30 September 2011
  - “The Canadian Implied Bill of Rights and Freedom of Expression under English Common Law”, Oxford Public Law Discussion Group, University of Oxford, 12 May 2010
  - “Revue annuelle de la jurisprudence sur la *Charte canadienne des droits et libertés*”, Canadian Bar Association, Montréal, 18 September 2006

## Referee Activity

- Member of the Independent Advisory Board for Supreme Court of Canada Judicial Appointments for Quebec Seats, Government of Canada, 2019
- SSHRC
  - Selection Committee, Insight Grants Program, 2022-
  - Selection Committee, Insight Development Grants Program, 2019-21
  - Chair, Faculty Preselection Committee, Canada Graduate Scholarships-Master's (CGS M) Program, 2016
  - Selection Committee, Canada Graduate Scholarships-Master's (CGS M) Program, Faculty of Graduate and Postdoctoral Studies, 2015-16
  - Preselection Committee for Social Sciences and Humanities Research Council Graduate Scholarships and Doctoral Awards, Faculty of Graduate and Postdoctoral Studies, 2015-16
  - External reviewer, one application to the Insight Program, 2014
- FRQSC
  - Evaluation Committee Member, Doctoral & Masters Research Scholarship Program, 2018-20
  - Evaluation Committee Member, Research Support for New Academics Program, 2017-18
- Cahiers de propriété intellectuelle; Canadian Bar Review; Common Law World Review; Journal of Commonwealth Law; Manitoba Law Journal; McGill Journal of Law and Health; McGill Law Journal; Ottawa Law Review; Queen's Law Journal; Revue générale de droit; Revue juridique Thémis de l'Université de Montréal, UBC Law Review

## Other Professional Activities and Services

- Co-Editor-in-Chief, *Review of Constitutional Studies*, 2018-
- Vice-President, Director and *directeur-adjoint*, Les Éditions Thémis, 2019- (Secretary 2012-19)
- Member, Executive Committee, *Revue juridique Thémis de l'Université de Montréal*, 2021-
- Université de Montréal Faculty Union Delegate, 2015-17, 2019-
- Director, Université de Montréal Faculty of Law Student Coop, 2021-
- Examiner in constitutional law, Québec Bar School, 2012-22
- Harvard Law School Class of 2005 15th Reunion Gift Committee, 2020; Class Agent, 2020-
- President, Harvard Club of Québec, 2018-20 (Executive VP 2016-18, Secretary 2012-16, Director 2012-21)
- Prize and Scholarship Committee, Faculty of Law, 2012-17
- Vice-President and Director, Académie de musique du Québec, 2010-17

## Bar Admission

Québec, 2002