

PUBLICATIONS

Dr. Elizabeth Adjin-Tettey
Professor
University of Victoria, Faculty of Law

Books

Co-author (with Ken Cooper Stephenson), *Personal Injury Damages in Canada*, 3rd ed. (Thomson Reuters, 2018)

Editor, *Canadian Encyclopedic Digest, Insurance (General)* (Carswell, 2016)

Co-author (with Jamie Cassels), *Remedies: The Law of Damages*, 3rd ed. (Toronto: Irwin Law, 2014)

Articles

“Moral Legitimacy of the Principle of *Restitutio in Integrum*: Towards Social Progress in the Valuation of Impaired Working Capacity?” (2021) 102 *Supreme Court Law Rev* (forthcoming)

“Striking the Right Balance: Does the *Genetic Non-Discrimination Act* Promote Access to Insurance?” (2021) 14(2) *McGill Journal of Law & Health*, 145-176

“Pierringer Settlement Agreements: Proceeding with Eyes Wide Open” (2021) 99 *Canadian Bar Rev*, 28-64

“Rights and Tort Law: Respecting Children’s Decisional Autonomy for Medical Interventions” (2018) 84 *Supreme Court Law Rev* (2d) 161-199, reprinted in Margaret I. Hall, ed., *The Canadian Law of Obligations: Private Law for the 21st Century and Beyond* (LexisNexis, 2018), 161–199

“Multi-Party Disputes: Equities between Concurrent Tortfeasors” (2016) 53:4 *Alberta Law Review*, 863-878

“Shield or Shackles: The Pitfalls of Stronger Dispute Resolution Provisions in Insurance Legislation” (2015) 93 *Canadian Bar Review* 721-745

“Protecting Survivors of Domestic Violence within the Insurance Regime: Opportunities to Seek Termination or Variation of Insurance Contracts”, *Canadian Journal of Family Law* (2014) 29(1) *Canadian Journal of Family Law*, 211-238

“Navigating the Tripartite Relationship in Liability Insurance Claims: Minimizing the Need for Insured-Appointed Independent Counsel” (2014) 43 *Advocates’ Q*, 194-218

“Potential for Genetic Discrimination in Access to Insurance: Is there a Dark Side to Increased Availability of Genetic Information?” (2013) 50(3) *Alberta Law Rev*, 577–614

“Personal Responsibility for Intentional Conduct: Protecting the Interests of Innocent Co-Insureds under Insurance Contracts” (2013) 50(3) *Alberta Law Rev*, 615-630

“Improving the Potential of Tort Law for Redressing Historical Abuse Claims: The Need for a Contextualized Approach to the Limitation Defence” (with Freya Kodar) (2010-11) 42 *Ottawa Law Rev*, 95-122,
<http://ssrn.com/abstract=1932455>

- “Rethinking the Materiality Requirement for Non-Disclosure and Misrepresentation in Insurance Contracts” (2010) 89 Canadian Bar Rev, 241-283,
http://www.cba.org/cba_barreview/Search.aspx?VolDate=07%2f01%2f2011;
<http://ssrn.com/abstract=1931147>
- “Film as a Complement to the Written Text: Reflections on Using The Sterilization of Leilani Muir to Teach *Muir v. Alberta*” (with Freya Kodar) (2011) 48:3 Alberta Law Rev, 615–629, <http://ssrn.com/abstract=1932449>
- “Promises and Challenges of Achieving Racial Equality in Legal Education in Canada” (with Maneesha Deckha) 2010 Canadian Legal Education Annual Review, 175-212, <http://ssrn.com/abstract=1931143>
- “Using Film in the Classroom” (with Freya Kodar) (2009) 21(1) Canadian J Women & Law, 197
- “The Marginalizing Effect of Deductibility of Welfare Benefits” (2009), 44 Supreme Court Law Rev (2d), 37– 60
- “Postcard from Edge of Empire” (co-author) (2008), 17(1) Soc & Legal Stud. 5
- “Accountability of Public Authorities through Contextualized Determinations of Vicarious Liability and Non-Delegable Duties” (2007), 57 UNB Law J, 46-83, <http://ssrn.com/abstract=1932233>
- “Sentencing Aboriginal Offenders: Balancing Offenders’ Needs, Victims and Society’s Interests and Decolonization of Aboriginal Peoples” (2007), 19.1 Canadian J Women & Law, 179–216,
<http://ssrn.com/abstract=1931107>
- “Righting Past Wrongs through Contextualization: Assessing Claims of Aboriginal Survivors of Historical and Institutional Abuse” (2007), 25(1) Windsor Yearbook of Access to Justice, 95-34
- “Protecting the Dignity and Autonomy of Women: Rethinking the Place of Constructive Consent in the tort of Sexual Battery” (2006), 39:1 UBC Law Rev, 3-61, <http://ssrn.com/abstract=1932268>
- “Replicating and Perpetuating Inequalities in Personal Injury Claims through Female-Specific Contingencies” (2004), 49 McGill Law J, 309-348, <http://ssrn.com/abstract=1931217>
- “Measurement of Damages for Interference with Property Interests in Torts and Contracts” (2003), 26 Advocates’ Quarterly, 391-428
- “Significance and Consequences of Parental Responsibility Legislation” (2002), 17 Supreme Court Law Rev (2d), 221-268 (Special edition in honour of Mr. Justice Allen Linden’s contribution and commitment to tort law)
- “Social Host Liability: A Logical Extension of Commercial Host Liability?” (2002), 65(2) Sask Law Rev, 515-547,
<http://ssrn.com/abstract=1931089>
- “Contemporary Approaches to Compensating Female Tort Victims for Incapacity to Work” (2000) 38(2) Alberta Law Rev, 504-535, <http://ssrn.com/abstract=1932231>
- “Failure of State Protection Within the Context of the Convention Refugee Regime with Particular Reference to Gender-Related Persecution” (1997) 3(1) Journal of International Legal Studies, 53
- “Reconsidering the Criteria for Assessing Well-Founded Fear of Persecution in Refugee Law” (1997) 25(1)

Manitoba Law J, 127

“Defining a Particular Social Group Based on Gender” 6(4) REFUGE, 22 (October 1997)

Book Chapters

“Rights and Tort Law: Respecting Children’s Decisional Autonomy for Medical Interventions”, in Margaret Hall ed., *The Canadian Law of Obligations: Private Law for the 21st Century and Beyond* (LexisNexis, 2018); also “Rights and Tort Law: Respecting Children’s Decisional Autonomy for Medical Interventions” (2018) 84 *Supreme Court Law Rev* (2d) 161-199

“Sexual Wrongdoing: Do the Remedies Reflect the Wrong”, in Janice Richardson & Erika Rackley, eds, *Feminist Perspectives on Tort Law*, (Milton Park, Abingdon, Oxon; New York: Routledge, 2012), 179-204 (refereed)

“Discriminatory Impact of Application of *Restitutio in Integrum* in Personal Injury Claims” in Canadian Institute for the Administration of Justice, *Taking Remedies Seriously* (Justice Robert Sharpe & Kent Roach, eds.) (2010), 119-166: <http://ssrn.com/abstract=2006550>

“Picking up Where Justice Wilson Left Off: The Tort of Discrimination Revisited”, part of a collection of essays in honour of the late Madam Justice Wilson, Kim Brooks ed., *Justice Bertha Wilson: One Woman’s Difference* (Vancouver: UBC Press, 2009) 113-130 (refereed)

“Claims of Involuntary Parenthood: Why the Resistance?”, in *Emerging Issues in Tort Law*, Jason Neyers, Erika Chamberlain & Stephen Pitel, eds. (Oxford & Portland, Oregon: Hart Publications, 2007 chapter 4 (Hart Publishing, 2007), 85-111

“International Law, Population Pressure and the Environment: North-South Relations”, in Harold Coward ed., *Population, Consumption, and the Environment: Religious and Secular Responses* (Albany: State University of New York, 1995)

Casebook

Remedies: Cases and Materials, 8th ed. (Emond Montgomery Publications, 2020) (contributor)

Case Comment

Case Comment: *Baker v. Canada (Minister of Citizenship and Immigration)* (2002) 12(2) *Canadian Journal of Women and the Law*, 454

Book Review

"Claire L'Heureux-Dubé: A Life, Constance Backhouse (Vancouver: UBC Press for the Osgoode Society for Canadian Legal History 2017) -- a collective review" (co-author), (2018) 56:1 *Alberta Law Rev*, 263-274

Other Publications

“Navigating the Tripartite Relationship” 32(14) *The Lawyers Weekly*, August 17, 2012: <http://ssrn.com/abstract>

“Time to Write Some Rules for Genetic Risk” 32(6) *The Lawyers Weekly*, June 8, 2012

“Protecting the Interests of the Innocent Insured” 31(33) *The Lawyers Weekly*, January 13, 2012:
<http://ssrn.com/abstract=2007905>

“Reforming the Disclosure Duty in Insurance Contracts” 30(14) *The Lawyers Weekly*, August 20, 2010, pp. 9-10:
<http://ssrn.com/abstract=1932276>

“How Genetic Information Might Affect Access to Insurance”, 29(14) *Lawyers Weekly*, August 21, 2009:
<http://ssrn.com/abstract=1932236>

“Gender and Race Issues in the Assessment of Civil Damages” National Judicial Institute, 2009

“Deducting Welfare Benefits may Unfairly Impact Aboriginal Claimants” *The Lawyers Weekly*, June 24, 2005:
<http://ssrn.com/abstract=1932278>

“Social Justice in Private Law” 3(3) *Purple Prose - Scholarship Show Case*, February, 2005