

Brief Biographical Note of Justice Robert J. Sharpe

Robert Sharpe has been a judge of the Court of Appeal for Ontario since 1999.

After graduating with a B.A. from the University of Western Ontario in 1966 and an LL.B. from University of Toronto in 1970, he attended Oxford University where he graduated in 1974 with a D.Phil.

Robert Sharpe was called to the Bar of Ontario in 1974 and practised with MacKinnon McTaggart (later McTaggart Potts) in the area of civil litigation.

He taught at the Faculty of Law, University of Toronto from 1976 to 1988 and served under Chief Justice Brian Dickson as Executive Legal Officer at the Supreme Court Canada from 1988 to 1990.

Robert Sharpe was appointed Dean of the Faculty of Law, University of Toronto in 1990 and served in that capacity until his appointment as member of the Ontario Court of Justice (General Division) (now the Superior Court of Justice), in 1995.

He was elected a Fellow of the Royal Society of Canada in 1991, awarded the Ontario Bar Association Distinguished Service Award in 2005, elected a Senior Fellow of Massey College in 2006, and received the Mundell Medal for Distinguished Contribution to Law and Letters in 2008.

In 2011, he was appointed as a Visiting Professor, Oxford University and received the honorary doctoral degrees from the Law Society of Upper Canada and the University of Windsor.

Robert Sharpe has written several books including *The Law of Habeas Corpus* (3rd ed. 2011); *The Last Day, the Last Hour: The Currie Libel Trial*, (1988); *Injunctions and Specific Performance* (3rd ed. 2000); *The Charter of Rights and Freedoms* (with Kent Roach) (4th ed. 2009), *Brian Dickson: A Judge's Journey* (with Kent Roach) (2003); *The Persons Case: The Origins and Legacy of the Fight for Legal Personhood* (with Patricia McMahon) (2007); *The Lazier Murder: Prince Edward County, 1884* (2011). Justice Sharpe has also published many scholarly articles.

He was a member of the Advisory Panel to assist the Constitution of Kenya Review Commission regarding the judiciary (2002) and a member of the International Bar Association Rapid Response Missions to investigate threats to judicial independence in Russia (2005) and Pakistan (2007).

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Synopsis of Lecture:

On 29 October, 1929, John Sankey, England's reform-minded Lord Chancellor, ruled in the 'Persons Case' that women were eligible for appointment to Canada's Senate. The decision departed from a long line of cases excluding women from public office and established the organic theory of interpretation. In a memorable phrase, Lord Sankey described The *British North America Act, 1867*, Canada's constitution, as 'a living tree capable of growth and expansion within its natural limits'. The Privy Council rejected the proposition that the courts could not depart from the original intent of the framers. The Canadian constitution could no longer be viewed as fixed and unalterable, but had to be treated as a document that, in the words of Lord Sankey, was in 'a continuous process of evolution.'

This lecture, based upon Robert Sharpe and Patricia McMahon's book length case study, *The Persons Case: The Origins and the Legacy of the Fight for Legal Personhood*, will examine the case in its historical context and explore its interpretive implications.

