

## WALTER OWEN BOOK PRIZE

Since 1988, The Canadian Foundation For Legal Research has funded Walter Owen Book Prizes. The Prizes, in alternating years, are conferred on French language and English language Canadian law books chosen by Walter Owen Book Prize juries. Candidates for the Prizes comprise exceptional legal scholarship in Canada. From 1988 to date, about 680 books have been nominated as candidates for the Prizes. At least one Prize has been awarded in each year, commencing 1988. Three Prizes were awarded in 2021.

The Prizes honor their namesake (1904-1981) who privately practiced law for 40 years in Vancouver, served as President of the Canadian Bar Association from 1958 to 1959 and, in 1959, was the Foundation's first President.

David C. Day, Q.C. of Lewis, Day law firm, St. John's, NL has served as a Prize juror since 1989.

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October 8, 2021 – Ottawa – Four practising Crown and defence barristers are co-recipients of the first place 2021 Walter Owen Book Prize [English Language], for authorship of *Search and Seizure*, published by Emond Montgomery Publications Limited, Toronto.

The first place Prize includes \$15,000.00, provided by The Canadian Foundation for Legal Research which is dedicated to funding and recognizing exceptional legal scholarship in Canada.

The four Prize co-recipients are Nader Hasan, privately-practising barrister, Toronto; Mabel Lai, Ontario Crown counsel, Toronto; David Schermbrucker, federal Crown counsel, Halifax, and Randy Schwartz, Director, Ontario Crown Law Office—Criminal, Toronto.

Second place Prize distinction recipient is Carissima Mathen, for *Courts Without Cases: The Law and Politics of Advisory Opinions* (Oxford: Hart Publishing, 2019). Third place recipient is John S. Tyhurst, for *Canadian Competition Law And Policy* (Toronto: Irwin Law Inc., 2021).

An eminent Jury appointed by the Foundation, recommended the first place Prize distinction co-recipients, as well as second and third place recipients, after about four months of deliberations.

The Jury foreperson was John N. Davis, Professor Emeritus, Osgoode Hall Law School, York University, Toronto. Professor Davis, English language Prize Jury foreperson since 1995, exhaustively managed the rigorous selection process (from a long list of 27 Prize book nominees) in challenging Covid-19 circumstances. The other jurors were: Hon. Kenneth C. Mackenzie, Q.C., retired British Columbia Court of Appeal Justice, Vancouver; Hon. Marguerite Trussler, Q.C., retired Alberta Court of Queen's Bench Justice and currently Alberta Ethics Commissioner, Edmonton; Arthur L. Close, Q.C., Member Emeritus, British Columbia Law Institute, New Westminster until his passing in late June 2021; John-Paul E. Boyd, Q.C., Calgary barrister, arbitrator, mediator and author, and David C. Day, Q.C., barrister and Supreme Court Master, St. John's.

On behalf of the Jury, Day, Q.C. assessed that *Search and Seizure*, of which he was principal reviewer, "contributes to Canadian legal literature as the currently definitive concise work on its subject"; is "probably being consulted daily, ... by criminal law practitioners (Crown and defence) ... and by civil law practitioners addressing search and seizure issues in civil contexts", and is

“[also] of abiding interest to the judiciary.” The book, he emphasized, is “enhanced, inestimably, by frequent, illuminating, pragmatic Practice Points; ... the principal search and seizure pleading precedents, and ... occasional tables defining substantive and procedural law issues.”

The Jury selected, for the second place Walter Owen Book Prize distinction, *Courts Without Cases: The Law and Politics of Advisory Opinions*, by Carissima Mathen, a University of Ottawa Faculty of Law (Common Law [English Section]) Professor. Principal Jury reviewer Hon. Marguerite Trussler, Q.C. assessed the work to have been “extremely well researched”; “a fascinating look at the development of advisory opinions ... more often ... [called] references” which produced a book “bring[ing] the esoteric down to earth”, and furnishing a “unique approach” that “requires readers to consider both advisory opinions and constitutional law in a different way.”

Chosen by the Jury for the third place Prize distinction was *Canadian Competition Law And Policy*, by John S. Tyhurst, a University of Ottawa Faculty of Law (Common Law [English Section]) Visiting Professor. The book, concludes its principal Jury reviewer, Hon. Kenneth C. Mackenzie, Q.C., “should be a standard reference on Canadian competition law for practitioners, students and policy makers.” The author, he noted, “provides a comprehensive guide to the current law[;] .... [o]ffers constructive criticism and recognizes that competition law and policy will need to continue to adapt to new competitive challenges .... [including those presented by] innovative and fast moving new digital and data markets.”

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In alternate years since 1988, the Prize has been awarded to authors of French and English language Canadian law books which incorporate theoretical breadth, depth and erudition in addressing a legal doctrine subject of current interest. The subject must have been substantially and cogently treated, with superb legal writing. Books recognized by the Prize must be, or harbor considerable potential to be, highly valued by Canada’s legal profession, judiciary and law academies. The three 2021 Prize recipients, whose books were published or completed for publication in 2019 or 2020, satisfied these demanding criteria.

All selections, by the Jury, of recipients of the Prize distinction were unanimous. Close Q.C., before his passing, had ranked the recipients in the same order as did the remaining jurors, subsequently, during deliberations which concluded on July 09, 2021.

Receiving honorable mention were two books: *Reinventing Bankruptcy Law: A History of the Companies’ Creditors Arrangement Act* (Toronto: University of Toronto Press, 2020), by Victoria Torrie, and *The Justice Crisis: The Cost and Value of Accessing Law* (Vancouver: UBC Press, 2020), edited by Trevor C.W. Farrow and Lesley A. Jacobs.

Michelle J. Ouellette, Q.C., Chair of The Canadian Foundation for Legal Research, applauds, and conveys the Foundation’s gratitude for, the signal achievement of each of the Prize distinction recipients. “Their books,” she said, “contribute invaluable to Canadian legal literature, and enrich legal discourse on the bench, at the Bar, and in law faculties.”

For additional information about Walter Owen Book Prize and The Canadian Foundation for Legal Research, please visit: [www.cflr-fcrj.ca](http://www.cflr-fcrj.ca).