

TOBY SUSAN GOLDBACH
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ACADEMIC APPOINTMENTS

University of British Columbia, Allard School of Law
Assistant Professor, 2017-Present

Cornell University Law School
Postdoctoral Associate and Adjunct Professor of Law, 2015-2017

EDUCATION

Cornell University Law School
Doctor of the Science of Law (J.S.D.), 2016
Master of the Science of Law (LL.M.), 2011

Osgoode Hall Law School (York University)
Master of the Science of Law (LL.M.) in Alternative Dispute Resolution, 2010
Juris Doctorate (J.D.) 1998

McGill University
Bachelors of Arts in Political Science, 1992

CLERKSHIPS

Chief Justice Patrick LeSage, Ontario Superior Court of Justice
Senior Law Clerk, 2000-2001

Ontario Divisional Court and Ontario Superior Court of Justice
Law Clerk (articling position) for Judges of the Divisional Court, Civil Litigation Roster
and the Commercial List (including Justices Blair, Ground, and Sanderson), 1998-1999

PROFESSIONAL EXPERIENCE

College of Nurses of Ontario (Professional Health Regulator)
Complaints Coordinator, 2010
Mediator/Investigator, 2007-2010

Marcovitch and Associates
Academic Program Consultant 2003-2007

Ministry of the Attorney General (Ontario)
Research and Policy Lawyer for the Civil Justice and Family Reform Branch, 2002

TEACHING EXPERIENCE

Courses taught:

Courts, Politics and the Judicial Function

Ethics and Professionalism

Foundations of Dispute Resolution

Jurisprudence and Critical Perspectives

Principles of American Legal Writing (Cornell Law School)

Transnational Law

Guest lectureship in: LAW 610, Issues in Legal Theory (PhD course), and in

Law 524D, Methodologies in Law and Policy (LLM course)

PUBLICATIONS

“Building the Aboriginal Conference Settlement Suite: Hope and Realism in Law as a Tool for Social Change” (forthcoming 2020) *Law and Social Inquiry* (using the new courthouse in Thunder Bay, Ontario that features an area designed to emulate an Anishinaabe roundhouse, the article examines law reformers’ ongoing commitment to legal solutions).

“Why Legal Transplants?” (2019) *15 Annual Review of Law and Social Science* 583-601 (arguing that despite comparative law’s apolitical approach, the transnational movement of law is deeply embedded in power imbalances and political struggles).

“Judicial Practice in Action: Court Reform and Responsive Judges in Canada” in Tania Sourdin and Archie Zariski, eds., *The Responsive Judge*. Singapore: Springer, 2018 pp. 217-240 (describes responsive judging outside of the courtroom, including Ontario judges’ efforts to incorporate non-adversarial processes and procedures within the life of a case).

“From the Court to the Classroom: Judges’ Work in International Judicial Education” (2016) *49:3 Cornell International Law Journal* 617-682 (examines international judicial education, commonly associated with rule of law initiatives, and the experiences of Israeli judges who established judicial training institutes).

“Instrumentalizing the Expressive: Transplanting Sentencing Circles into the Canadian Criminal Trial” (2015) *25:1 Transnational Law & Contemporary Problems* 61-107 (original data compiled from a review of all relevant decisions; analyzes judges’ efforts to incorporate alternative Indigenous justice methods into the sentencing phase of a criminal trial).

“Legal Instrumentalism and the LSA: A ‘Movie Treatment’,” Law and Society Association, Second Half Century Junior Scholars Essay Competition (honorable mention) (2014) (arguing that socio-legal scholars should investigate the practice of using law as a tool for social change).

“Juries, Lay Judges, and Trials” in Gerben Bruinsma and David Weisburd, eds., *Encyclopedia of Criminology and Criminal Justice*. New York: Springer, 2014 pp. 2716-2727 (surveying lay participation in fact finding and sentencing across multiple jurisdictions) (lead author, with Valerie Hans).

“The Movement of U.S. Criminal and Administrative Law: Processes of Transplanting and Translating” (2013) 20:1 *Indiana Journal of Global Legal Studies* 141-181 (arguing that the new normal for legal transplants is broad consultation and a facility for translating varieties of legal practices) (lead author, with Peter J. Katzenstein and Benjamin Brake)

Book Review: Theory and Practice of Harmonisation by Mads Andenæs and Camilla B. Andersen, 41 *International Journal of Legal Information* 222 (2013) (reviews collection on legal harmonization within the context of recent theories on governance, legal pluralism and legal transplants).

“Cultural Conflict Obscured? The Alternative of Sentencing Circles, Clashing Worldviews, and the Case of Christopher Pauchay,” 10 *Illumine: Journal of the Centre for the Study Religion and Society* 53 (2011) (arguing that advocates of ADR need to consider outcomes when adapting cultural processes).

In Progress

Judges’ ‘Other’ Work: The Politics and Practices of Law Reform and Legal Change (book manuscript, accepted to present manuscript at the Cambridge Studies in Law and Society Early Career Manuscript Workshop)

“Re-writing Ross et al. v. Her Majesty the Queen,” in Sonia Lawrence & Estair Van Wagner, eds., *Canadian Feminist Judgments Project* (with Daniel Del Gobbo)

PRESENTATIONS AND CONFERENCES (SELECTED)

“Class Action Fairness Hearings as Rule and Resistance,” Law and Society Association Annual Meeting, Online (May 29, 2020)

“Reforming Procedure for Mass Tort Class Action Settlements: Backroom Politics & the Battles over FRCP Rule 23(e),” University of New Mexico Law School Faculty Colloquium, Albuquerque, New Mexico (March 4 2020).

“Reforming Procedure in Class Action Settlements and the Judicial Politics of Rulemaking,” Law and Society Association Annual Meeting, Washington (June 2019)

Harvard Law School, Institute for Global Law & Policy, Idea Lab: The Fate of Law as Technology, Cambridge (June 2019)

“Teaching Dispute Resolution in a JD Curriculum,” Osgoode Hall Law School Mediation Clinic Symposium on Dispute Resolution, Toronto (February 2019)

“El acceso a la justicia a través de la construcción y el diseño de los tribunales de justicia,” Faculty Colloquium, Universidad del Norte, Barranquilla, Colombia (May 2018)

8th International Conference on the Training of the Judiciary, International Organization for Judicial Training, Manila, Philippines, (November 5-9, 2017)

“The Role of Judicial Epistemic Communities and the Global South in Contemporary Law and Development,” Law and Society Association Annual Meeting, New Orleans (June 3, 2016)

“The Role of Socio-legal Research in Advancing Social Change,” Law and Society Association Annual Meeting, Seattle (May 30, 2015) (by invitation)

“Judicialization of Foreign Relations: Judges and International Judicial Education,” LSA Annual Meeting, Seattle (May 29, 2015)

- “Reimagining Judges and Legal Change,” LSA Meeting, Minneapolis (May 31, 2014)
- “Transplanting Aboriginal Sentencing Circles: The Path of Instrumentalism and the Case for Legal Techniques,” The Toronto Group for the Study of International, Transnational and Comparative Law Annual Conference, Toronto (May 2, 2014)
- “International Judicial Training and the Rule of Law,” Harvard Law School, Institute for Global Law and Policy Workshop, Doha, Qatar (January 3-13, 2014)
- Law, Justice and Development Week 2013: Towards a Science of Delivery in Development, World Bank, Washington DC (November 18-22, 2013)
- 6th International Conference on the Training of the Judiciary, International Organization for Judicial Training, Washington D.C. (November 3-7, 2013)
- “Legal Norms’ Distinctiveness in Legal Transplants and Global Legal Pluralism,” Harvard Law School, Institute for Global Law and Policy, Cambridge (June 4, 2013)
- “Processes of Transplanting Legal Procedures: Normative Options, Legal Aesthetics and Polymorphism at Court,” Law and Society Association Annual Meeting, Boston (June 1, 2013)
- “Legal Norms’ Distinctiveness in Legal Transplants and Global Legal Pluralism,” International Studies Association Annual Convention, Catalytic Workshop: What Makes Legal Norms Distinctive?, San Francisco (April 2, 2013) (by invitation)
- “Lay Participation in the Criminal Trial: First Nations Sentencing Circles and Law Reform in Canada,” LSA International Meeting, Hawaii (June 6, 2012)
- “Systems Theory and Integrated Conflict Management Systems Design,” Centre for Conflict Education, Ottawa (February 5, 2010)

PUBLIC COMMENTARY AND INTERVIEWS

- Interview with The Lawyer’s Daily, “Judges must give notice if banishment is part of sentence, legal experts say,” October 16, 2019
- Interview with The Lawyer’s Daily, “B.C. disability insurance decision commentary on access to justice, law prof says,” October 1, 2019
- Interview on CTV News Channel to provide commentary on Jody Wilson-Raybould’s testimony regarding SNC-Lavalin prosecution, February 27, 2019
- Interview with the Lawyer’s Daily, “MPs recommend increased financial, mental health support for jurors in report,” June 25, 2018
- Interview with Global News Radio, “The B.C. judge who ‘ignored evidence,’ ‘erred in law’ and put a ministry under fire,” November 27, 2017
- Interview on CBC Power and Politics to comment on the appointment of Justice Martin to the Supreme Court of Canada, November 29, 2017

GRANTS AND AWARDS

- Grant Recipient (with Tania Sourdin, University of Newcastle and Brian Barry, Technological University Dublin), Law and Society Association, International Research Collaboration, for project titled, “Judges and Technology” 2020-2022
- Grant Recipient (with Sara Ghebremusse, UBC), Lew Innovation Fund, for project titled, “Re-imagining Agenda 2063: A Sociolegal Foundation of the Africa We Want,” 2020-2021
- Grant Recipient, Farris Fund Research Grant, for project titled, “Class Action Fairness Hearings, Global Settlements, and the Judicial Function,” 2018-2020

Grant Recipient, Hampton Fund Research Grant, for project titled “Constructing Transnational Legal Orders: Canadian Judges’ Influence on the Introduction of Court-Connected ADR in Ghana,” 2017-2019

Grant Recipient, Berger Center for Comparative & International Law, TAU Exchange Grant, Cornell University Law School, Spring 2014

Grant Recipient, Cornell University Graduate School, Research Travel Grant, Fall 2013

Graduate Reading Group Grant Recipient, Cornell Institute for Comparative Modernities, “Reimagining Global Politics: Power, Freedom, and Culture,” 2012-2013

Cornell Law School Graduate Fellowship 2011-2015

Rudolf B. Schlesinger Research Fellow 2011-2012

CALI Excellence for the Future Award for highest grade in the Cornell Research Colloquium, 2010 and 2011

CALI Excellence for the Future Award for highest grade in Social Science and the Law, 2010

Professor Marilyn L. Pilkington Award 2008

Legal & Literary Society Student Honour Award 1998

SERVICE WORK AT ALLARD SCHOOL OF LAW

Curriculum Reform:

Addressing the TRC Calls to Action: Developed and received Senate approval for a new course to address the recommendations of the Truth and Reconciliation Commission of Canada, in particular Call to Action 28. Beginning in September 2020, the new course, *Indigenous Settler Legal Relations*, will be part of the mandatory first year curriculum at Allard School of Law.

Experiential Learning: Helped to develop and introduce the Experiential Learning Requirement for all JD students at Allard, enabling students to build practical experience and apply classroom learning to real life situations.

Civil Litigation and Procedure: Developed a new course, *Foundations of Dispute Resolution*. Addressing the gap between law school learning and the contemporary practice of law, the course exposes students to the broad spectrum of dispute resolution processes used within the legal system.

Additional Service:

- Established the *Global South Visiting Scholar* program to allow scholars residing in the Global South to engage with colleagues and access the resources available at Allard School of Law while visiting as a scholar-in-residence
- Graduate Student Committee, UBC, Magdalena Wojda (Law Ph.D.),
- Graduate Student Committee, Oludolapo Makinde (Law LL.M. & Ph.D.), 2018-present
- Judge & Simulation Advisor, Environmental Law Negotiation Competition, 2018-2020
- Working with the Dean of the University of Ghana to develop institutional affiliation
- Group leader for first year Equity Reorientation

SERVICE TO THE ACADEMIC COMMUNITY

Law and Society Association

Co-Chair of the Collaborative Research Network “Innovations in Judging,” 2018-present
(Network comprises 95 scholars and judges from Australia, Canada, China, Ireland,
Israel, Pakistan, Thailand, the U.S. and the U.K.

Committee Member, International Activities Committee, 2014-2016

Green College (residential college), University of British Columbia

Leading Scholar 2018-2020

Reviewer for article manuscripts: *Law and Social Inquiry*, *Law and Society Review*, *Alberta Law Review*,
Journal of Forensic Psychology: Research and Practice

COMMUNITY SERVICE AND PERFORMING ARTS

Assistant Teacher for Kwasi Dunyo, Faculty Member, York University and University of

Toronto, at Worlds of Music Workshop Series and Toronto District School Board
Drummer in Ainiké, with Richard Underhill (Juno 2003) and members of the African Guitar
Summit (Juno 2005). Debut CD release February 2010.

Musical performances at Toronto Distillery Jazz Festival, LuminaTO Festival, Festival Bana
y’Afrique, Small World Music Jazz Series, Worlds of Music Series at Hart House

Performer in Kekeli Drum and Dance Ensemble, directed by Kwasi Dunyo and Andy Morris of
The Lion King (Toronto Production)

Founder of Adzena Fund Canada, charity raising funds to pay for junior and senior level
education in the Volta Region of Ghana

Correspondent for the CBC Radio program The Global Village, episode titled “The Healing
Drum” recorded in Dagbemeté, Ghana, aired October 12, 2002

Fireball Gala Fundraising Committee Member for Sheena’s Place, a support center for people
affected by eating disorders

PROFESSIONAL ACCREDITATION

Called to the Bar of Ontario, the Law Society of Upper Canada, February 24, 2000