

SPECIAL EDITION FOREWARD

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The assembly of this collection of essays on public authority liability, edited by my colleagues Alope Chatterjee, Neil Craik and Carissima Mathen, has given me a great deal of personal satisfaction. The rules governing the legal responsibility public bodies have to compensate persons harmed as a result of “wrongful” administration have intrigued me since 1984 when, as one of Madam Justice Bertha Wilson’s law clerks, I assisted her in preparing the reasons for judgment of the Supreme Court of Canada majority in *Nielsen v. Kamloops*. The subject was of sufficient interest to me that I made it an important component of my graduate work at Harvard the following year. The doctrinal and public policy challenges facing the lawyers, judges and scholars who work with this body of law were daunting then, and they remain so to this day. I was delighted, therefore, when my colleagues proposed to organize a symposium at the Faculty of Law of the University of New Brunswick in the summer of 2006 to explore this fascinating subject. The essays in this volume are the result of that symposium, and in my view they represent a significant contribution to the literature on public authority liability in Canada and throughout the common law world.

Satisfying as the substance of these essays is to me, their real importance lies in the approach the editors took to bringing this body of work together, and what that approach says about how our Faculty can make its greatest contribution to the legal community. This was a truly collaborative effort, from the selection of presenters and essay topics, to the invitation of commentators and other symposium participants, to the careful review and editing of the essays themselves. Of particular significance, in my view, was the interaction at the symposium among scholars presenting their work, current and former members of the judiciary, and senior lawyers at the federal, provincial and municipal levels of government. This dialogue both challenged the scholars to come to grips with the practical problems faced by lawyers and judges and, I believe, stimulated the practitioners to think about issues in new and constructive ways.

Good legal scholarship has always involved a significant amount of private reflection, research and analysis, and this type of effort is clearly apparent in the essays found in this volume. What is also evident, however, is the creative interaction of lawyers, judges and legal scholars. The authors have clearly benefited

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from that exchange of views, and the reader will be enriched by the depth of understanding the flows from it. In fostering that interaction, the editors have drawn on the best traditions of legal scholarship at the University of New Brunswick, and they deserve not only my congratulations, but those of our entire scholarly and professional community.