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Dean Logan's Blog

Prof. Monestier: Expert in U.S. and Canadian Law

Posted by David Logan on 06/12/2012 at 03:41 PM

It's no secret that RWU Law's faculty comprises a world-class collection of legal scholars and educators. One such standout is Associate [Professor Tanya Monestier](#), who joined us after graduating from both Osgoode Hall, Canada's top law school, and the University of Cambridge, with an impressive array of honors.

Tanya clerked for Justice Frank Iacobucci of the Supreme Court of Canada, and has also taught at Queen's University. It was during her term as a clerk that Tanya first encountered *Muscutt v. Courcelles*, an Ontario Court of Appeals case that was Canada's leading case for determining personal jurisdiction over defendants.



Tanya Monestier with Justice Frank Iacobucci

For Tanya, *Muscutt* – which laid out eight factors for courts to consider in the jurisdictional inquiry – seemed problematic. *“It just wasn’t working. This eight-pronged test was all over the place. I thought, this is just not the way to do jurisdiction.”* Her reflections eventually found voice in a 2007 law review article, “A Real and Substantial Mess: The Law of Jurisdiction in Canada” (33 Queen’s L.J. 179), critiquing *Muscutt*, and attempting, as Tanya says, to *“put a bee in the bonnet of the Ontario Court of Appeal.”* The article quickly positioned her as an expert on the topic, with many judges citing her work.

She refined her arguments in a second article, “A ‘Real and Substantial’ Improvement? Van Breda Reformulates the Law of Jurisdiction in Ontario,” appearing in the 2010 edition of Canada’s Annual Review of Civil Litigation, and again the courts relied upon her analysis as she

was cited favorably by the Canadian Supreme Court in the landmark case of Club Resorts Ltd. v. Van Breda (2012 SCC 17), the rough equivalent of the United States' International Shoe decision.

Tanya's work is also appearing in leading U.S. journals; most recently she had the lead article in the Tulane Law Review, "*Transnational Class Actions and the Illusory Search for Res Judicata.*"