

CURRICULUM VITAE

MICHEL WILLIAM DRAPEAU
Colonel-Maître® - Bar of Ontario
Adjunct Professor of Law – University of Ottawa

PART I – LEGAL CAREER: 2002 TO THE PRESENT

I was called to the Bar of Ontario in 2002. Between 2002 and 2007, I acted as counsel to an Ottawa law firm. In May 2007, I opened my own law practice with colleagues from the Bar of Ontario. My practice is restricted to administrative law, in particular, military, veterans and national security law, access-to-information and privacy law and other administrative law cases. I am currently involved in three Class Action litigation.

More than three-quarters of my clientele consists of members of the Regular Force (including Royal Military College cadets) or the Reserves, DND civilian employees and veterans for whom I act and provide advice on such matters as pensions, complaints, claims, grievances, conditions of service, discipline, harassment. I also represent several sexual assault, sexual abuse and sexual harassment survivors.

My practice involves regular contact with various DND/CF office holders such as the Minister of National Defence and the Minister of Veterans Affairs (and Opposition Parties' Defence and Veterans critics), the Deputy Minister (DM), the Chief of the Defence Staff (CDS), the Vice Chief of the Defence Staff (VCDS), the Judge Advocate General and the DND/CF Legal Advisor, the Chief of Military Personnel, the Provost Marshall as well as the DND/CF Ombudsman, the Director General Canadian Forces Grievance Authority, the Military Grievances External Review Committee, the CF Military Police Complaints Commission and other administrative authorities within the Department of National Defence and the Department of Veterans Affairs.

I have appeared before a host of administrative tribunals, the Ontario Court of Justice, the Ontario and Quebec Superior Court, the Federal Court of Canada, the Federal Court of Appeal, the Court Martial Appeal Court of Canada, the Canadian Radio and Television Commission (CRTC) and the former Security and Intelligence Review Committee (SIRC).

I have appeared as an expert witness concerning the management of military affairs before the House of Commons Standing Committee on National Defence and the Senate Committee on Legal and Constitutional Affairs concerning several legislative changes made to the *National Defence Act* [NDA] and proposed changes to the *National Defence Act*, in particular on Bill C-15, Bill C-41, Bill C-71 and Bill C-77- *An Act to Amend the NDA etc.* I have also appeared before the House of Commons *Special Committee on the Canadian Mission to Afghanistan*. In February 2010, I co-chaired with the Honorable Bob Rae and Professor Craig Scott a Special Forum on the Canadian Mission in Afghanistan on the “*Moral and Legal Responsibility with Respect to the Alleged Mistreatment of Transferred Detainees in Afghanistan.*”

I have appeared as an expert witness before the House of Commons Standing Committee on Access to Information, Privacy and Ethics as well as the Senate on changes to the *Access to Information Act* and the *Privacy Act*, in particular on Bills C-42, C-58, C-421. I am currently a member of the International Society for Military Law and the Law of War as well as the International Society for the Reform of Criminal Law.

PART 2 – PRIOR EXPERIENCE: 1993-2001

- 1993-1994** Served at executive level in the Federal Public Service of Canada.
- On retirement from active duty in the Canadian military in June 1993, I went on to serve in the Public Service of Canada at National Defence Headquarters (NDHQ) as the Director Corporate Administration and acting Director General Corporate Management Services. As such, I was responsible for a mixed force of approximately 800 civilians and military staff whose main functions consisted of providing corporate and administrative services to the approximately 8,500 military and civilians then serving at NDHQ. These functions included comptrollership, facilities management, records management, access to information and privacy matters, postings, releases, security, grievances, discipline, pay and allowances.
- 1996-2000** Co-owned and managed a consulting firm specializing in access to information and privacy matters.
- 1996-2001** Attended Faculty of Law, University of Ottawa, on a full-time basis from 1996-2000; completed Bar Licensing Course and Examinations and *Articles of Clerkship* at the Federal Court of Appeal in 2001.
- 1997** During the *General Election*, I ran as a Progressive-Conservative [PC] candidate in the Ottawa riding of Orléans.
- 1998** Chaired the Eastern Ontario/Western Quebec's leadership campaign of the Right Honorable Joe Clark for election as Leader of the then Progressive Conservative Party of Canada.

PART 3 – MILITARY CAREER: 1959-1993

RESERVE FORCE: 1959-1961

I enrolled in the Canadian Army (Militia) in 1959 in the rank of Private where I first served with the *Voltigeurs de Québec* and then with the *Royal Canadian Ordnance Corps*.

I served with the Militia on a part-time basis until my component transfer to the Regular Force in 1961.

REGULAR FORCE: 1961-1993

Upon commissioning in 1962, I served with the *Royal Canadian Army Service Corps*.

After Unification in 1967, I served with the CAF *Logistics Branch* which includes the transportation, supply, finance and personnel administration functions. During my military service, I served at home and abroad in various staff and command positions.

In 1984, I was seconded to the then Secretary of State Department to act as the Deputy Coordinator for the 1984 Royal Visit by Her Majesty Queen Elizabeth II and His Royal Highness, Prince Philip, Duke of Edinburgh on the Bicentennial of New Brunswick, Ontario and Manitoba. Her Majesty also toured several cities in Manitoba.

At the time of my voluntary release from the Canadian Armed Force in June 1993, I held the rank of Colonel and was serving in the dual appointments of Executive Secretary, National Defence Headquarters and Secretary, Armed Forces Council.

PART 4 – EDUCATION

I graduated *cum laude* from the University of Ottawa, Faculty of Law where I obtained the following degrees on the dates shown below:

- Licentiate in Law (LL.L - Civil Law) 1999
- Bachelor in Law (LL.B -Common Law) 2000

I completed my *Articles of Clerkship* at the Federal Court of Appeal of Canada under the supervision of the Honourable Mr. Justice Gilles Létourneau. 2001

I am a graduate of the following military institutions:

- National Defence College. (Kingston, Ontario) 1988
- US Army School of Comptrollership (Indianapolis, Indiana). 1977
- US Armed Forces Staff College. (Norfolk, Virginia) 1976
- Canadian Forces Command and Staff College. (Toronto, Ontario) 1975

I attended Sir George Williams University (evening studies) where I attained third year standing in a Baccalaureate (Commerce) program.

1966-1971

PART 5 - RECENT ACADEMIC ACTIVITIES AND COMMUNITY INVOLVEMENT

In May 2020, I will be participating in an International Conference in Aix-en-Provence sponsored jointly by the Institute for International Humanitarian Studies and the International Society for Military Law and the Law of War on “*Tensions, crisis and war in accordance with international law and humanitarian principles.*”

In November 2019, I participated in an international expert workshop at the Yale Law School to develop draft principles indicating the minimum standards under international law that should be observed by any system of military summary proceedings. These principles are intended to be published by the UN to provide guidance on the proper scope of, and limitations on, the use of summary proceedings to maintain discipline in armed forces

In March 2018, I participated in an international expert workshop at the Yale Law School on the UN Draft Principles Governing the Administration of Justice Through Military Tribunals (Decaux Principles).

In July 2017, I acted as a panellist at the 30th Annual Conference of the International Society for the Reform of Criminal Law in San Francisco, where I tabled the book: “*Calling the House to Order*”, calling upon the Minister of Justice to exercise her statutory ‘*superintendence function*’ to assure greater civilian control of the Canadian Military Criminal Justice System.

In March 2017, I co-authored with the Honourable Gilles Létourneau, the book “*Behind the Times: a plan for the modernization of the Canadian Military Criminal Justice*”.

In 2016, I authored an article titled: “*Winds of Change: The Canadian Military Justice System is so far removed from the society it is supposed to represent and defend*”, published in *Power and Influence* magazine, Winter 2016, Vol 5. No. 1, p 14.

In November 2015, I organized and participated in the first International Military Law Conference hosted by the Faculty of Law, University of Ottawa, debating how best to contemporize the Canadian military justice system to bring it more in line with traditional Canadian legal doctrine and in harmony with reforms enacted by a majority of our allies.

In October 2013, I authored an essay titled *Canadian Military Justice System: At a Crossroads* for presentation at the Global Seminar on Military Justice Reform at Yale Law School, New Haven Connecticut.

In May 2015, I testified before a Committee of the Ontario Legislature on the subject of “*Strategy on Sexual Violence and Harassment.*”

In September 2013, I authored an essay titled *Canadian Military Justice System: Marking Time?* for presentation before the US Congress Response Panel on US Military Justice and Sexual Assault.

In August 2013,¹ I participated in a working session of the US Congress Response Panel on Military Justice and Sexual Assault in Washington, DC.

In 2010, I acted as a guest Speaker, at Conference on Military Jurisdictions by the International Society of the Law of War and Military Law, September 28- October 2, 2010, Rhodes, Greece.

Appointed Adjunct Professor in the Faculty of Law by the Senate of the University of Ottawa in June 2009. Between 2009-2016, my course load included a course on Canadian Military and Veterans Law to graduate and undergraduate law students at the Faculty of Law.

Between 2006 and 2011, I lectured on *Public Administration and the Law* at the Faculty of Social Sciences, University of Ottawa. Between 2003-2010, I lectured on *Media and the Law* to journalism students at the *Cité Collégiale*, Ottawa, Ontario.

Since 2019, I have acted as counsel for the Friends of the Nationals Arts Centre Orchestra in Ottawa, Ontario.

PART 6 – LEGAL PUBLISHING

Military Law

I am the co-author of the following legal texts in Canadian military law published by Thomson Carswell:

- *Canadian Military Law Annotated* 2005
- *Canadian Encyclopedic Digest: Military Law* 2009
- *Military Justice in Action* First Edition: 2011
Second Edition: 2015

In August 2003, my article titled, *Sentencing under the National Defence Act: Perspectives and Musings of a Former Soldier*, was published in the Canadian Bar Review, a publication of the Canadian Bar Association.

Also in 2003, I wrote an article on the Law of Armed Conflicts (LOAC) entitled, *What happens when soldiers commit crimes abroad: The Highway to the International Court* which was published by *Les Éditions Thémis*, Université de Montréal.

¹ Discussions in Congress and in the media on the U.S. military's handling of sexual assault allegations regularly include a comparison of the U.S. system to the military justice systems of allied democracies such as Canada. This often focuses on the role of military commanders as "convening authorities" with discretion on the filing and disposition of charges; authority that does not exist in many systems with regard to serious felonies such as sexual assault. To that end, I have been asked as "an expert in Canada's system of military justice", and the structural changes to the system completed in recent years to appear before a panel established by Congress to assess the systems used to investigate, prosecute and adjudicate allegations of adult sexual assault in the US military.

PART 7 – DIRECTORSHIPS

- Ontario Bar Association – Provincial Council 2014-2020
- Board of Governors, Saint-Paul University, Ottawa, Ontario 2012-2019
- Board of Governors, Royal Military College (Saint-Jean) 2008-2012

PART 8 – AWARDS AND DECORATIONS

Professional

- In 2020, selected by the Ontario Bar Association as recipient *Award for Distinguished Service*.

Military

- In 2012, I was awarded the *Queen Elizabeth II Diamond Jubilee Medal* marking the 60th anniversary of her accession to the Throne as Queen of Canada.
- In 2002, I was awarded the *Queen Elizabeth II Golden Jubilee Medal*.
- In 1992, I was awarded the *Commemorative Medal for the 125th Anniversary of the Confederation of Canada*.
- In 1990, I was appointed to the *Order of Military Merit* (Grade: Officer) [OMM].