



2017 NATIONAL CRIMINAL LAW PROGRAM
Criminal Procedure, Ethics, and the *Charter*

July 10 to 14, 2017

Westin Bayshore Resort and Conference Centre
1601 Bayshore Drive
Vancouver, British Columbia

PROGRAM AGENDA

PRE-PROGRAM: SUNDAY JULY 9

3:30 PM – 6:30 PM

ADVANCE CHECK-IN: Pick-up your materials, and avoid the Monday morning line-ups!

5:30 pm – 7:30 pm

First-Time Attendee Reception. It's your first time! Get out there and meet people. Details will be sent to attendees a couple of weeks before the Program. Sponsored by LexisNexis.

DAY 1: MONDAY JULY 10

7:45 am

Conference Centre doors open for delegate check-in. Light breakfast served.

8:45 am - 9:00 am

Welcome and Introductions

Program Chairs

Local Dignitaries

9:00 am - 9:40 am

A. Panel #1 (Roundtable Discussion): Are We Doing Enough to Prevent Wrongful Convictions?

Moderator: The Hon. Marshall Rothstein, Q.C.
The Hon. Justice J.C. Marc Richard
William Smart, Q.C.
Jocelyn Speyer

9:40 am - 10:00 am

B. Point/Counterpoint: Is "Mr. Big" Dead, or Just Resting?

Dead: Dane Bullerwell

Resting: Cameron H. Gunn, Q.C.

DAY 1: MONDAY JULY 10

10:00 am - 10:20 am

C. How Public Is Your Privacy? (An Interactive Lecture)

Presenter: The Hon. Justice Joyce DeWitt-Van Oosten

10:20 am - 10:40 am

Health Break

Many things that go on this week wouldn't be possible without the generous support of our Sponsors and Exhibitors. Please make the rounds, learn what our Exhibitors have to offer, and drop your business card or fill out a ballot for door prizes and book draws.

10:40 am - 11:20 am

D. Panel #2: When Is There a Reasonable Expectation of Privacy?

Chair: Scott K. Fenton
Michelle Booker
Fraser M. Kelly
The Hon. Justice Sheilah L. Martin

11:20 am - 12:05 pm

E. Lectures on Search Powers

E.1 Border Searches

Presenter: David W. Schermbrucker

E.2 The "911" Entry

Presenter: Danielle Robitaille

E.3 Search Incident to Investigative Detention

Presenter: Randy Schwartz

12:05 pm – 1:30 pm

Lunch (On your own)

So many great restaurants, so little time... Don't forget to review the list of nearby restaurants provided by Tourism Vancouver, the Westin Bayshore and our Local Planning Committee.

1:30 pm - 2:15 pm

F. Panel #3: The "Garofoli" Application

Chair: Iona M. Jaffe
Lyne Décarie
Willie deWit, Q.C.
The Hon. Justice Marcy Henschel

2:15 pm - 3:00 pm

G. Panel #4: Searches of Cell Phones, Computers, and Electronic Devices

Chair: Suzanne Kendall
Giuseppe Battista, Ad. E.
Allison Dellandrea
Scott C. Hutchison

DAY 1: MONDAY JULY 10

3:00 pm - 3:20 pm

*Health Break**Introduce yourself to our exhibitors and pick up cutting edge publications and practice tips!***3:25 pm - 4:25 pm****H. Concurrent Break-Out Sessions**

Advance registration is not required for break-outs. Delegates make break-out selections on site. Seating is on a first-come, first-served basis.

H.1 Racial Profiling, Police Stops and Warrantless Searches

Chair: Frank Addario
The Hon. Judge Harbans K. Dhillon
Ami Kotler

H.2 The *St-Cloud* Approach to Bail

Chair: The Hon. Judge Frank Hoskins
Teresa Donnelly
Karen E. Endres

H.3 Advocacy Break-Out: Effectively Preparing and Responding to *Charter Applications*

Chair: The Hon. Justice Joseph Di Luca
Danielle Robitaille
Lesley Ruzicka

H.4 Extradition and Mutual Legal Assistance *Advanced session, intended for registrants with significant criminal law experience*****

Chair: Eric V. Gottardi
Scott K. Fenton
Trevor Shaw

4:30 pm

Opening Reception. *Don't miss our annual Opening Reception sponsored by Thomson Reuters. This is a great chance to meet new friends and reconnect with former colleagues. A year is a long time so there's lots of catching up to do! Hors d'oeuvres are included, and a cash bar will be available for alcohol purchases.*

DAY 2: TUESDAY JULY 11*7:40 am**Conference Centre doors open early for Mentoring breakfast attendees. Pre-registration is required. Light breakfast for all delegates in main foyer will be available starting at 8:15 am.***7:45 am – 8:45 am****Mentoring Breakfast**

Senior faculty interact with registrants with 5 years or less criminal law experience, over a light breakfast, to talk informally about common practice problems encountered by prosecutors and defence counsel, and offer insight based on their own case management experience. Pre-registration is required. Sponsored by Emond.

9:00 am - 9:45 am**I. Panel #5: A Call to Action in Reducing Delay: S. 11(b) and the Impact of R. v. Jordan**

Chair: The Hon. Justice Michelle Fuerst
Eric V. Gottardi
The Hon. Judge Frank Hoskins
Lesley Ruzicka

9:45 am - 10:30 am**J. Lectures on Ethics****J.1 The Ethical Obligation of the Crown to Address Police Misconduct**

Presenter: Susan Magotiaux

J.2 Who Calls the Shots?: Decision-Making by the Defence

Presenter: Richard C.C. Peck, Q.C.

J.3 Judicial Use of Social Media

Presenter: The Hon. Justice J.C. Marc Richard

*10:30 am - 10:50 am**Health Break**Browse our Exhibitors' booths and meet some of the great people who help make this week's learning and networking possible. You'll be surprised how passionate they are about helping you succeed in your practice.***10:50 am - 11:35 am****K. Panel #6: The "Problem Witness": From s. 9 to K.G.B.**

Chair: The Hon. Justice Marcy Henschel
Teresa Donnelly
Andi MacKay
Julien Tardif

DAY 2: TUESDAY JULY 11

11:40 am - 12:30 pm

Concurrent Workshops:

Unless you select the Writing Workshop or the Trial Management Workshop in advance during online registration, you are automatically placed into the Tuesday and Thursday small group workshops.

Small Group Workshop #1

Two faculty members lead a discussion of scenario based problems. Workshop problems will be distributed at Program check-in. English or French workshop available.

Trial Management Workshop: Part 1 (application required by registrants)

In the post-*Jordan* world, effective management of trials is a responsibility shared by prosecutors, defence counsel, and the judiciary. Using specific fact scenarios, the Workshop will explore how cases can be better organized for trial, and what tools counsel can expect trial judges to employ to keep trials on track. There will be an interactive element to the session.

The Hon. Justice David Watt

Persuasive Writing Workshop (application required by registrants)

A unique opportunity to learn an issue-driven approach to legal writing, applicable to every phase of litigation from drafting indictments to writing appellate judgments. The result is shorter pleadings and judgments, better organization, clearer style, and more precise logic. Suitable for judges and counsel. Participants may provide writing samples in advance or bring a writing sample, to be used as the basis of a revision exercise.

James C. Raymond, Ph.D.

12:30 pm – 2:00 pm

Lunch (On your own)

Remember to review the list of nearby restaurants provided in your Delegate Information Package you received at check-in. Also, please note that delegate questions for the Wednesday Ethics Roundtable must be submitted by the end of the Tuesday lunch break. Look for boxes in the Registration and Exhibitor areas.

2:00 pm - 2:45 pm (45 mins)

L. Panel #7: Demonstration: Cross-Examination of the Affiant

Judge: The Hon. Justice David Watt

Crown: David W. Schermbrucker

Defence: Frank Addario

Witness: Dane Bullerwell

DAY 2: TUESDAY JULY 11

2:45 pm - 3:30 pm

M. Panel #8: Indigenous Accused in the Criminal Justice System

Chair: The Hon. Judge Hugh M. Harradence
 Leah Fontaine
 Ami Kotler
 Jonathan Rudin

3:30 pm – 3:50 pm

Health Break

Chat up our Exhibitors and drop your card or fill out a ballot for a chance to win prizes.

3:50 pm - 4:30 pm

**N. Panel #9: The Supreme Court's Most Important Decision on Ethics
 (The Faculty Speaks, the Registrants Vote)**

Chair: William Smart, Q.C.
 Allison Dellandrea
 Scott C. Hutchison
 Suzanne Kendall

Registrants will be asked to submit ballots immediately following the panel. Look for a ballot at your seat, and then ballot boxes in the Exhibitor area and as you leave the Plenary room. Results will be announced between Panels 10 and 11 on Wednesday, and one ballot drawn for free registration at at 2018 program in St. John's or 2019 program in Ottawa. Please note that you must be present to win the future free registration.

6:00 pm +

Dine Around Town. *This is new event in 2017, designed to provide additional opportunities for new and veteran Program attendees to meet in small groups, and have face to face conversations over a meal, outside of the Program. A list of local hosts and their restaurant of choice will be published closer to the Program date, with sign-up sheets. Check the Program website for updates. This is a pay-as-you-go event, not included in the Program registration fee. Bring your wallet!*

DAY 3: WEDNESDAY JULY 12*8:15 am**Conference Centre doors open. Light breakfast served.***9:00 am - 9:45 am****O. Panel #10: Statement-Taking and Voluntariness Issues**

Chair: The Hon. Judge Elizabeth A. Buckle
 Cameron H. Gunn, Q.C.
 Andi MacKay
 Lesley Ruzicka

9:45 am - 10:30 am**P. Panel #11: Infringement of the Right to Counsel**

Chair: The Hon. Justice Joyce DeWitt-Van Oosten
 Karen E. Endres
 Susan Magotiaux
 Trevor Shaw

*10:30 am - 10:50 am**Health Break**Browse our Exhibitors' booths and learn more about today's best legal publications, products and services to help you be the best criminal lawyer you can be.***10:50 am - 11:10 am****Q. Point/Counterpoint: Should s. 24(1) Be Available to Remedy Police Misconduct?**

Yes: Michael Davies
 No: Lyne Décarie

11:10 am - 12:00 pm**R. Ask Me Anything About Ethics: A Roundtable Discussion of Difficult Ethical Problems**

Chair: Richard C.C. Peck, Q.C.
 The Hon. Justice Sheilah L. Martin
 Jocelyn Speyer
 Michael D. Tochor, Q.C.

12:00 pm - 12:20 pm**Special Announcements****FREE AFTERNOON**

Explore beautiful Vancouver, and discover why it draws visitors back again and again. Look for updates in advance emails and on the FLSC website about optional third party group outings. These events are not included in the conference registration fee. Also – this is the last chance to submit questions for Thursday's Q & A period. Look for Q & A boxes before heading out!

DAY 4: THURSDAY JULY 13*7:40 am**Conference Centre doors open early for Mentoring breakfast attendees. Pre-registration is required. Light breakfast for all delegates in main foyer will be available starting at 8:15 am.***7:45 am - 8:45 am****Mentoring Breakfast**

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9:00 am - 9:40 am**S. Panel #12: Jury Selection and Its Complications**

Chair: Willie deWit, Q.C.

The Hon. Justice Joseph Di Luca

Iona M. Jaffe

Michael D. Tochor, Q.C.

9:40 am - 10:20 am**T. Panel #13: When Jury Trials Take Unexpected Turns
(interactive session using clickers)**

Chair: Giuseppe Battista, Ad. E.

Dane Bullerwell

The Hon. Justice Michelle Fuerst

Fraser M. Kelly

*10:20 am - 10:40 am**Health Break**Visit our Exhibitors' booths and leave your card or fill out a ballot for a chance to win prizes.***10:40 am - 11:20 am****U. Demonstration: Making Sentencing Submissions**

Judge: The Hon. Justice David Watt

Crown: Iona M. Jaffe

Defence: Michael Davies

11:25 am - 12:15 pm**Concurrent Workshops:**

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Small Group Workshop #2

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The Hon. Justice David Watt

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A unique opportunity to learn an issue-driven approach to legal writing, applicable to every phase of litigation from drafting indictments to writing appellate judgments. The result is shorter pleadings and judgments, better organization, clearer style, and more precise logic. Suitable for judges and counsel. Participants may provide writing samples in advance or bring a writing sample, to be used as the basis of a revision exercise.

James C. Raymond, Ph.D.

12:15 pm - 1:30 pm

Lunch (On your own)

Vancouver is a food lover's paradise. See recommendations for nearby restaurants in your Delegate Information Package provided at check-in.

1:30 pm - 2:15 pm**V. Panel #14: The Conduct of the Sentencing Hearing**

Chair: Eric V. Gottardi

The Hon. Judge Harbans K. Dhillon

Cameron H. Gunn, Q.C.

Danielle Robitaille

2:15 pm - 3:00 pm**W. Panel #15: *Gladue* and the Sentencing of Indigenous Offenders**

Chair: Trevor Shaw

Leah Fontaine

The Hon. Judge Hugh M. Harradence

Jonathan Rudin

3:00 pm – 3:15 pm**Question Period***3:15 pm - 3:35 pm**Health Break*

Our Exhibitor area contains a premier list of criminal law vendors and suppliers, eager to showcase their solutions to help simplify your practice. Say hello and drop your card for a chance to win a prize before the conference ends.

3:40 pm - 4:30 pm**X. Concurrent Break-Out Sessions**

Advance registration is not required for break-outs. You make break-out selections on site. Seating is on a first-come, first-served basis.

X.1 The Role and Operation of “Specialized” Courts

Chair: Michael Davies

The Hon. Judge Harbans K. Dhillon

Leah Fontaine

Jonathan Rudin

X.2 Right to Silence and Self-Incrimination

Chair: Randy Schwartz

Julien Tardif

Scott K. Fenton

X.3 Hot Button *Charter* and Procedural Issues in Impaired Driving Cases

Chair: The Hon. Judge Frank Hoskins

Judge Marcy Henschel

Michael D. Tochor, Q.C.

X.4 Controlling the Recidivist Offender *Advanced session, intended for registrants with significant criminal law experience*****

Chair: Willie deWit, Q.C.

Michelle Booker

The Hon. Judge Elizabeth A. Buckle

6:00 pm +

Optional Thursday Evening Closing Event. Join faculty, sponsors and registrants for a special West Coast-style Closing Event and Dinner! Please note this is a ticketed event, not included in the conference registration fee. Enrolment is limited, and the event may be pre-sold by the Program date. If you didn't sign up during online registration, check with the Registration desk at the Program to see if tickets are still available. Sponsored by Thomson Reuters.

DAY 5: FRIDAY JULY 14

8:15 am

Convention Centre doors open. Light breakfast served.

9:00 am - 9:40 am

Y. Panel #16: Section 24(2): Where Has it Been, and Where is it Going After *Grant*?

Chair: Susan Magotiaux
Frank Addario
The Hon. Justice Joseph Di Luca
David W. Schermbrucker

9:40 am - 10:20 am

Z. Panel #17: Civility and Professionalism in the Criminal Justice System

Chair: Jocelyn Speyer
The Hon. Judge Elizabeth A. Buckle
Teresa Donnelly
William Smart, Q.C.

10:20 am - 11:00 am

AA. Panel #18: Supreme Court of Canada Report

Chair: The Hon. Justice David Watt
Ami Kotler
Richard C.C. Peck, Q.C.
Randy Schwartz

11:00 am - 11:20 am

BB. The Year Ahead in Ottawa: The Cases to Watch For

Presenter: Scott C. Hutchison

11:20 am - 11:30 am

Closing Remarks

11:30 am

Program Concludes

Thanks for joining us! We hope you had an outstanding week of learning, networking, and enjoying everything that makes Vancouver and the Westin Bayshore Resort special. Don't forget to mark your calendar for next year's Program taking place July 9 to 13, 2018 in St. John's, Newfoundland!