



## 46<sup>th</sup> National Criminal Law Program

Substantive Criminal Law, Advocacy, and the Administration of Justice  
Ottawa, Ontario  
July 8 to 12, 2019

### PROGRAM SCHEDULE

*Unless noted otherwise, all sessions take place at the Westin Ottawa.*

#### **PRE-PROGRAM: SUNDAY, JULY 7**

**3:30 pm – 6:30 pm**

**Advance Check-in**

Avoid the Monday morning line-ups! Check-in early and pick-up your nametag and any materials or other items you ordered.

**6:00 pm – 8:00 pm**

**First Time Attendee Reception**

It's your first time! Get out there and meet people. Details will be sent to first-timers in advance of the Program.

#### **DAY 1: MONDAY, JULY 8**

*7:45 am*

*Plenary room doors open. Coffee and a breakfast item will be served.*

**8:45 am - 9:00 am**

**Welcome and Introductions**

Program Chairs  
Local Dignitaries

**9:00 am - 10:00 am**

**A. Opening Presentation: Current State of the Criminal Justice System – A Perspective**

The Hon. Justice Michael J. Moldaver and  
The Hon. Justice M. Joyce DeWitt-Van Oosten

**10:00 am - 10:30 am**

**B. Lectures on New Offence Provisions Post-2015**

**B.1 Involuntary or Child Marriages (Bill S-7)**

Presenter: Suzanne Kendall

**B.2 Medical Assistance in Dying (Bill C-14)**

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

### **B.3 Offences Based on Blood Drug Concentration (Bill C-46)**

Presenter: Ian M. Carter

**10:30 am - 10:50 am**

*Health Break*

*Many things go on this week that 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.*

**10:50 am - 11:30 am**

#### **C. Panel #1: Principals, Parties and Fault Requirements**

Chair: The Hon. Judge Hugh M. Harradence  
The Hon. Justice Alexandre Boucher  
Gerald Chan  
Col. Bruce W. MacGregor, C.D., Q.C.  
The Hon. Justice Susan Magotiaux

**11:30 am - 12:15 pm**

#### **D. Panel #2: Prosecuting and Defending Criminal Organizations**

Chair: The Hon. Justice Lyne Décarie  
The Hon. Justice Allison Dellandrea  
Eric V. Gottardi  
Fraser M. Kelly

**12:15 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 Ottawa Tourism and our Local Planning Committee.*

**1:30 pm - 2:15 pm**

#### **E. Panel #3: The Straight Dope on Canada's New Cannabis Laws**

Chair: François Lacasse  
Michael Davies  
Ami Kotler  
The Hon. Justice Michael D. Tochor

*\*Audience response technology to be used with this Panel.*

**2:15 pm - 3:00 pm**

#### **F. Panel #4: Importation and Drug Trafficking**

Chair: Trevor Shaw  
The Hon. Judge Elizabeth A. Buckle  
Andi MacKay  
Randy Schwartz

**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**

**G. Concurrent Break-outs**

Advance registration is not required for Break-outs. Instead, they run concurrent to one another and registrants make their selection on site. Seating is on a first-come, first-served basis. When a room reaches capacity, we close the doors.

**G.1 Human Trafficking**

Chair: Robert Currie  
Teresa Donnelly  
Karen E. Endres

**G.2 Managing and Assisting Self-represented Litigants (French Language Break-out)**

Chair: The Hon. Justice Alexandre Boucher  
Giuseppe Battista, Ad. E.  
Julien Tardif

**G.3 Impaired Driving and Other Vehicular Offences**

Chair: The Hon. Justice Michael D. Tochor  
Nader R. Hasan  
Tannis King

**G.4 Firearms Offences**

Chair: Dane Bullerwell  
Michelle Booker  
Ian M. Carter

**4:30 pm**

**OPENING RECEPTION**

*Don't miss our annual Opening Reception. This is a great chance to make 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. Sponsored by Thomson Reuters.*

**DAY 2: TUESDAY, JULY 9**

*7:40 am*

*Staff will be on site early to greet Mentoring Breakfast attendees. Pre-registration is required for the Mentoring Breakfast. Coffee and a breakfast item for all delegates will be available starting at 8:15 am.*

**7:45 am - 8:45 am**

**Mentoring Breakfast - Focus on Practice Management**

*Over a light breakfast, selected faculty members interact with registrants with 5 years or less criminal law experience. Involves informal discussion about the challenges and unknowns of early criminal practice. Tuesday's breakfast will focus on practice management issues. Pre-registration is required and registrants are welcome to submit questions in advance.*

**9:00 am - 9:40 am**

**H. Lectures on the Administration of Justice**

**H.1 Section 11(b) of the *Charter* – Update on Application of the Jordan Framework**

Presenter: Eric V. Gottardi

**H.2 Robust Trial Management, Within Limits**

Presenter: The Hon. Justice M. Joyce DeWitt-Van Oosten

**H.3 The Crown's Responsibilities in a Post-Jordan World**

Presenter: The Hon. Judge Cameron H. Gunn

**H.4 Balancing Full Answer and Defence with Timely Proceedings**

Presenter: Andi MacKay

**9:40 am - 10:30 am**

**I. Panel #5: Child Luring, Child Pornography and Distributing Intimate Images**

Chair: Suzanne Kendall

Frank Addario

Michelle Booker

Robert Currie

**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**

**J. Panel #6: Application of Open Court Principle to Criminal Cases**

Chair: The Hon. Judge Elizabeth A. Buckle

Scott K. Fenton

The Hon. Judge Donovan F. Molloy

Lesley Ruzicka

**11:40 am - 12:30 pm**

**K. Concurrent Sessions**

This session features four concurrent sessions, with a focus on practical advice. Registrants can pre-select their session during online registration. Registrants who do not pre-select their session will be automatically placed into an English small group workshop.

**K.1 Tuesday Small Group Workshop English**

**-or-**

**Tuesday Small Group Workshop French** (*advance registration required*)

Two faculty members lead a discussion of scenario-based problems. Problems will be included in the Program materials and posted to the Program Intranet in advance.

**K.2 Persuasive Writing at Trial Seminar** (*advance registration required*)

This seminar will focus on the hallmarks of effective written submissions for use at trial.

Presenters: Scott C. Hutchison and Guest Presenter

**K.3 Prosecuting and Defending Peace Officers Seminar** (*advance registration required*)

These cases raise unique issues, including legal justification for the use of force or committing offences in furtherance of an investigation. The seminar will focus on *Criminal Code* provisions specific to peace officer prosecutions, as well as practical challenges in these cases, including managing public profile and perception.

Chair: Lesley Ruzicka  
Michelle Booker  
Gerald Chan

**12:30 pm - 2:00 pm**

*Lunch (on your own)*

*Remember to review the list of nearby restaurants provided in your Registrant Information Package you receive 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**

**L. Panel #7: Fraud and Other Forms of Economic Crime**

Chair: The Hon. Judge Cameron H. Gunn  
The Hon. Judge Hugh M. Harradence  
Nader R. Hasan  
François Lacasse

**2:45 pm - 3:30 pm**

**M. Panel #8: Terrorism and Trans-National Crime**

Chair: David W. Schermbrucker  
Robert Currie  
Col. Bruce W. MacGregor, C.D., Q.C.  
Julien Tardif

*\*Audience response technology to be used with this Panel.*

**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. Debate: The Supreme Court's Most Impactful Decision on the Administration of Justice (The Faculty Speaks, the Registrants Vote)**

Chair: Michael Davies

The Hon. Judge Cameron H. Gunn

The Hon. Justice Marcy Henschel

Trevor Shaw

*Registrants should 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 Wednesday morning. One ballot will be drawn for a free registration to the 2020 Program in Victoria. Please note that you must be present to win the future free registration.*

**DAY 3: WEDNESDAY, JULY 10**

*8:15 am*

*Plenary room doors open. Coffee and a breakfast item will be served.*

**9:00 am - 9:45 am**

**O. Demonstration: Mini-scenarios Involving Open Court Principle**

Chair: Scott K. Fenton

Frank Addario

Tannis King

Ami Kotler

The Hon. Judge Donovan F. Molloy

**9:45 am - 10:25 am**

**P. Lectures on Crimes Against the Administration of Justice**

**P.1 Obstructing Justice**

Presenter: The Hon. Judge Hugh M. Harradence

**P.2 Perjury**

Presenter: The Hon. Justice Lyne Décarie

**P.3. Contempt in the Face of the Court**

Presenter: Scott C. Hutchison

**P.4 Breach of Trust**

Presenter: David W. Schermbrucker

**10:25 am - 10:45 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 practitioner you can be.*

**10:45 am - 12:00 pm**

**Q. Ask Me Anything about Ethics: A Roundtable Discussion**

Chair: The Hon. Justice Jocelyn Speyer  
Teresa Donnelly  
The Hon. Justice J. C. Marc Richard  
Jonathan Rudin

*\*Audience response technology to be used with this Panel.*

**FREE AFTERNOON**

*Explore spectacular downtown Ottawa on your own and discover why it draws visitors back again and again or choose from a wide selection of optional ticketed walking, cycling and coach tours. Check out the Social Activities link on the Program web page for more information. Please note: these are optional, ticketed events, not included in the Program 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 11**

*7:40 am*

*Staff will be on site early to greet Mentoring Breakfast attendees. Pre-registration is required for the Mentoring Breakfast. Coffee and a breakfast item for all delegates will be available starting at 8:15 am.*

**7:45 am - 8:45 am**

**Mentoring Breakfast - Focus on Professional Relationships**

*Over a light breakfast, selected faculty members will interact with registrants with 5 years or less criminal law experience. Involves informal discussion about the challenges and unknowns of early criminal practice. Thursday's breakfast will focus on establishing and maintaining professional relationships, including managing inter-personal conflicts. Pre-registration is required and registrants are welcome to submit questions in advance.*

**9:00 am - 9:45 am**

**R. Panel #9: Culpable Homicide**

Chair: Fraser M. Kelly  
The Hon. Justice Allison Dellandrea  
Karen E. Endres  
The Hon. Justice Susan Magotiaux

**9:45 am - 10:30 am**

**S. Panel #10: Assault, Kidnapping and Related Crimes**

Chair: Giuseppe Battista, Ad. E.  
The Hon. Justice Marcy Henschel  
The Hon. Judge Donovan F. Molloy  
Trevor Shaw

**10:30 am - 10:50 am**

*Health Break*

*Visit our Exhibitors' booths and leave your card or fill out a ballot for a chance to win prizes.*

**10:50 am - 11:20 am**

**T. Guest Lecturer: Indigenous Persons and the Administration of Justice**

Presenter TBA

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

**U. Concurrent Sessions**

This session features four concurrent sessions, with a focus on practical advice. Registrants can pre-select their session during online registration. Registrants who do not pre-select their session will be automatically placed into an English small group workshop.

**U.1 Tuesday Small Group Workshop English**

**-or-**

**Tuesday Small Group Workshop French** (*advance registration required*)

Two faculty members lead a discussion of scenario-based problems. Problems will be included in the Program materials and posted to the Program Intranet in advance.

**U.2 Persuasive Writing on Appeals Seminar** (*advance registration required*)

This seminar will focus on the hallmarks of effective written submissions for use in appellate proceedings.

Presenters: Ami Kotler and Guest Presenter

**U.3 Youth Prosecutions - Complex Issues Seminar** (*advance registration required*)

Unique and challenging issues can arise within the context of the *Youth Criminal Justice Act*, particularly in cases involving serious offences and applications to have the young person treated as an adult for the purpose of prosecution and sentencing. This seminar will explore the complexities of youth prosecutions, both substantive and procedural.

Chair: The Hon. Judge Elizabeth A. Buckle  
Dane Bullerwell  
Tannis King

*\*Audience response technology to be used with this session.*

**12:15 pm - 1:30 pm**

*Lunch (on your own)*

*There is something delicious around every corner in Ottawa. Check-out the Byward Market or other nearby popular lunch destinations recommended in your Delegate Information Package!*

**1:30 pm - 2:15 pm**

**V. Panel #11: Self-Defence, Provocation and Duress**

Chair: Karen E. Endres

Ian M. Carter

Randy Schwartz

The Hon. Justice Michael D. Tochor



**2:15 pm - 3:00 pm**

**W. Panel #12: NCRMD and Fitness Findings – Next Steps**

Chair: Dane Bullerwell  
Michael Davies  
The Hon. Justice Marcy Henschel  
Lesley Ruzicka

**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 professional life. Say hello and drop your card for a chance to win a prize before the Program ends.*

**3:40 pm - 4:30 pm**

**X. Concurrent Break-outs**

Advance registration is not required for Break-outs. Instead, they run concurrent to one another and registrants make their selection on site. Seating is on a first-come, first-served basis. When a room reaches capacity, we close the doors.

**X.1 Prosecuting and Defending Regulatory Offences**

Chair: Scott C. Hutchison  
Gerald Chan  
Suzanne Kendall

**X.2 Conspiracy and Other Inchoate Crimes**

Chair: Eric V. Gottardi  
Nader R. Hasan  
Julien Tardif

**X.3 Procedural Issues Specific to Jury Trials**

Chair: The Hon. Justice Jocelyn Speyer  
Frank Addario  
The Hon. Justice Alexandre Boucher  
Fraser M. Kelly

*\*Audience response technology to be used with this session.*

**X.4 Abuse of Process and Other Charter-based Defences (French Language Break-out)**

Chair: The Hon. Justice Lyne Décarie  
Giuseppe Battista, Ad. E.  
François Lacasse

**6:00+ pm**

**Optional Evening Social Event**

*Join faculty, Exhibitors and delegates for this year's special Closing Event in the nation's capital! Check out the Social Activities link on the Program web page for more information. Please note: this is an optional, ticketed event not included in the Program registration fee.*

**DAY 5: FRIDAY, JULY 12**

*8:15 am*

*Plenary room doors open. Coffee and a breakfast item will be served.*

**9:15 am - 9:45 am**

**Y. Point/Counterpoint – Bill C-51 (“Strengthening Sexual Assault Law”) - Does it Go Too Far?**

Yes: Andi MacKay

No: Teresa Donnelly

**9:45 am - 10:45 am**

**Z. Panel #13: Supreme Court of Canada Report**

Chair: The Hon. Justice M. Joyce DeWitt-Van Oosten

The Hon. Justice Susan Magotiaux

Jonathan Rudin

Randy Schwartz

**10:45 am - 11:00 am**

**AA. The Year Ahead in Ottawa: Cases to Watch For**

Presenter: Scott K. Fenton

**11:00 am - 11:20 am**

**Closing Remarks**

**11:20 am**

**Program Concludes**

*Thanks for joining us! We hope you had an outstanding week of learning, networking, and enjoying everything that makes Ottawa special. Don't forget to mark your calendar for next year's Program taking place July 6 to 10, 2020 in Victoria, British Columbia!*