



46th 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.

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

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

The Hon. Justice Michael J. Moldaver

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. Chief 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. Sponsored by Emond.

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 pre-selected their session during online registration. Registrants who did not pre-select their session were 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
The Hon. John I. Laskin

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 of Difficult Ethical Problems

Chair: The Hon. Justice Jocelyn Speyer
Teresa Donnelly
The Hon. Chief 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. Sponsored by Emond.

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: The Hon. Justice David M. Gibson

11:25 am - 12:15 pm

U. Concurrent Sessions

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U.1 Thursday Small Group Workshop English

-or-

Thursday 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

The Hon. John I. Laskin

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

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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 Events

Join faculty, Exhibitors and delegates for this year's special Closing Events 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. Sponsored by Thomson Reuters.

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!