

Draft Program published
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2020 NCLP

FEDERATION OF LAW SOCIETIES OF CANADA

CRIMINAL PROCEDURE, ETHICS, AND THE *CHARTER*

47th National Criminal Law Program
Victoria, BC | July 6-10, 2020

PROGRAM AGENDA



All sessions will take place in Carson Hall within the Victoria Convention Centre unless noted otherwise.

REGISTRATION

SUNDAY JULY 5, 2020

3:30 pm – 6:30 pm

Registration

Victoria Convention Centre, Level 1

6:30 pm – 8:30 pm

First Timer's Reception

Lido Bar & Bistro, 1234 S. Wharf St.

This casual meet and greet is designed to give new Program attendees a chance to network with other first-timers and receive information from experienced faculty about the week ahead. (Cash bar)



MONDAY JULY 6, 2020

7:45 am – 4:00 pm

Registration

Victoria Convention Centre, Level 1

8:45 am - 9:00 am

Welcome and Introductions

Program Chairs
Local Dignitaries

9:00 am - 9:45 am

Opening Presentation: Criminal Procedure in the 21st Century

Presenter: guest presenter to be determined
Faculty: Scott Fenton

Materials at Tab A

9:45 am – 10:00 am

TED TALK by Department of Justice policy representative re: Bill C-75

Materials at Tab A

10:00 am - 10:45 am

Preliminary Inquiries, Hybrid Offences, and Intimate Partner Violence after Bill C-75

Chair: The Hon. Judge Cameron Gunn
Karen Endres
The Hon. Justice Allison Dellandrea
Trevor Shaw

Materials at Tab B

10:45 am – 11:05 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.

11:05 am – 12:00 pm

Judicial Release

Chair: The Hon. Justice Joseph Di Luca
Ian Carter
Mabel Lai
Jill Drennan

Materials at Tab C

12:00 pm - 1:20 pm

Lunch (on your own)

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

1:20 pm - 2:10 pm

Procedures unique to the trial of sexual offences

Chair: Ami Kotler
The Hon. Justice Michael Tochor
Erin Dann
Lida Nouraie

Materials at Tab D

DAY ONE

2:10 pm - 3:00 pm

Police-citizen encounters on the street

Chair: Nader Hasan
Frank Addario
Michelle Booker
Police officer (tbc)

Materials at Tab E

3:00 pm - 3:20 pm

Health Break

BREAK-OUT SESSIONS

3:25 pm - 4:25 pm

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.

1. Dangerous Offenders, Long Term Supervision Orders and Specialized Peace Bonds

Lecture Hall

Advanced session, intended for registrants with significant criminal law experience

Chair: The Hon. Judge Elizabeth Buckle
Teresa Donnelly
Michael Davies

Materials at Tab F.1

2. Extradition

Carson Hall A

Advanced session, intended for registrants with significant criminal law experience

Chair: Rob Currie
Gerald Chan
Jennifer Conroy

Materials at Tab F.2

3. Garofoli applications – challenging search warrants and wiretaps

Carson Hall B/C

Chair: Scott Fenton
The Hon. Judge Hugh Harradence
Danielle Robitaille
Francois Lacasse

Materials at Tab F.3

4. Garofoli applications – challenging search warrants and wiretaps (FRENCH)

Saanich

Chair: Giuseppe Battista
Marie-Christine Godbout
The Hon. Justice Alexandre Boucher
Trevor Shaw

Materials at Tab F.3

4:30 pm

OPENING RECEPTION

VCC Pavillion

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.

TUESDAY, JULY 7

DAY TWO

7:45 am – 8:45 am

Mentoring Breakfast

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 - 9:45 am

Police Access to Online Information

Chair: Dane Bullerwell
Scott Hutchison
Randy Schwartz
Andi McKay

Materials at Tab G

9:45 am - 10:25 am

Lectures on Ethics

Ethical issues for the Crown in Plea Negotiations

Presenter: Lesley Ruzicka

Ethical issues for the Defence in Plea Negotiations

Presenter: Danielle Robitaille

Ethical issues for Crown and Defence relating to witness preparation

Presenter: The Hon. Judge Cameron Gunn

Ethical obligations to the court, as officers of the court

Presenter: The Hon. Judge Donovan Molloy

Materials at Tab H

10:25 am - 10:45 am

Health Break

10:45 am - 11:35 am

Search and Seizure: What's new and interesting?

Chair: Eric Gottardi
The Hon. Justice Susan Magotiaux
Gerald Chan
Suzanne Kendall

Materials at Tab I



11:40 am - 12:40 pm

This session features four concurrent sessions, with a focus on practical advice. Registrants pre-selected their session during online registration.

1. Small Group Workshop #1*See nametag for room assignment**Materials at Tab J.1***2. Writing Workshop (Part 1 of 2)****TBC***(advance registration required)*

Presenter: The Honourable John Laskin

3. Seminar on Bringing and Responding to a Charter application – the basics**Carson Hall***(advance registration required)*

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

David Schermbrucker

Karen Endres

The Hon. Justice Allison Dellandrea

*Materials at Tab J.2***12:40 pm - 2:00 pm****Lunch (on your own)**

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**Demonstration: The Judicial Pre-trial Conference**

Judge: The Hon. Justice Jocelyn Speyer

Counsel: Ami Kotler

Erin Dann

Nader Hasan

*Materials at Tab K***2:45 pm - 3:30 pm****The Right to Free Speech and its Limits**

Chair: Allison Dellandrea

Sandra Bracken

Rob Currie

Marie-Christine Godbout

*Materials at Tab L***3:30 pm - 3:50 pm****Health Break****3:50 pm - 4:30 pm****The Least Effective Change in Criminal Procedure in the 21st Century - The Faculty Speaks, the Registrants Vote**

Immediately following this debate, registrants are asked to submit their votes. Results to be announced at 9:45 am on Wednesday, and one ballot will be drawn for a free registration at the 2021 NCLP in Halifax.

Chair: Frank Addario

Jonathan Rudin

Andi McKay

David Schermbrucker

Materials at Tab M



WEDNESDAY JULY 8, 2020

9:00 am - 9:45 am

Specialized Courts: Their purposes and processes

Chair: Suzanne Kendall
The Hon. Justice Len Marchand
Michael Davies
Jennifer Conroy

Materials at Tab N



This session contains 15 minutes of EDI Professionalism content

9:45 am - 10:30 am

Impaired Driving: What's new and interesting

Chair: The Hon. Justice Michael Tochor
Leslie Ruzicka
Ian Carter
The Hon. Judge Hugh Harradence

Materials at Tab O

10:30 am - 10:50 am

Health Break

10:50 am - 11:10 am

Judicial Involvement in Resolution Discussions

A judge's perspective: The Hon. Judge Elizabeth Buckle
Counsel's perspective: Eric Gottardi

Materials at Tab P

11:10 am - 12:10 pm

Ask Me Anything about Ethics: A Roundtable Discussion of Difficult Ethical Problems

Registrants can submit questions for this session at appointed ballot boxes near the registration desk or through the link provided in your registration confirmation. Questions must be submitted by Tuesday at 2:00 pm. Chair: The Hon. Justice Jocelyn Speyer
Joe DiLuca
Teresa Donnelly
Giuseppe Battista

Materials at Tab Q



THURSDAY JULY 9, 2020

DAY FOUR

7:45 am – 8:45 am

Mentoring Breakfast

Over a light breakfast, selected faculty members will interact with registrants with 5 years or less criminal law experience 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

The Right to Counsel

Chair: Francois Lacasse
Dane Bullerwell
Lida Nouraie
Mabel Lai

Materials at Tab R

9:45 am - 10:15 am

Lectures on Ethics

Obligations to the self-represented defendant: Crown and Judiciary

Presenter: Jonathan Rudin

Defence counsel removal from the record – withdrawal and disqualification

Presenter: Karen Endres

What are the trial judge's obligations to the under-represented defendant?

Presenter: The Hon. Justice Susan Magotiaux

Materials at Tab S

10:15 am - 10:35 am

Health Break

10:35 am - 11:20 am

Demonstration: Limits on the Closing Addresses

Judge: The Hon. Justice Alexandre Boucher

Crown: Michelle Booker

Defence: Danielle Robitaille

Materials at Tab T

CONCURRENT WORKSHOPS

11:25 am - 12:15 pm

This session features four concurrent sessions, with a focus on practical advice. Registrants pre-selected their session during online registration.

1. Small Group Workshop #2

See nametag for room assignment

Materials at Tab U.1

2. Writing Workshop (Part 2 of 2)

(advance registration required)

Presenter: The Honourable John Laskin

TBC

3. Seminar on Bringing and Responding to a Charter application – complex issues Carson Hall
(advance registration required)

Chair: The Hon. Justice M. Joyce DeWitt-Van Oosten
David Schermbrucker
Nader Hasan
Erin Dann

Materials at Tab U.2

12:15 pm - 1:30 pm

Lunch (on your own)

1:30 pm - 2:10 pm

Lecture: The Legacy and Impact of Residential Schools

Presenter: The Hon. Justice Len Marchand



*This session contains 1
hour of EDI
Professionalism content*

2:10 pm - 2:55 pm

Sentencing Hearings

Chair: The Hon. Judge Donovan Molloy
Sandra Bracken
Teresa Donnelly
Guiseppa Battista

Materials at Tab V

2:55 pm - 3:10 pm

Question Period

Description text to follow

3:10 pm - 3:30 pm

Health Break

BREAK-OUT SESSIONS

3:30 pm - 4:30 pm

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.

1. Jury Selection After Bill C-75

Carson Hall A

Chair: The Hon. Justice Michael Tochor
Frank Addario
Michelle Booker

Materials at Tab W.1

2. Jury Selection After Bill C-75 (FRENCH)

Saanich

Chair: The Hon. Justice Alexandre Boucher
Marie-Christine Godbout
Lida Nouraie

Materials at Tab W.1

3. Regulatory Investigations: Crossing the Rubicon Lecture Theatre

Advanced session, intended for registrants with significant criminal law experience

Chair: Trevor Shaw
Scott Hutchison
Jennifer Conroy

Materials at Tab W.2

4. Statements to Persons in Authority

Chair: Gerald Chan
Jill Drennan
Jonathan Rudin

Carson Hall B/C

Materials at Tab W.3

6:30 pm – 10:00 pm

Optional Group Social Event

Royal BC Museum

Join faculty, delegates and sponsors for a memorable evening at the Royal BC Museum. Mingle with fur traders and explorers, walk turn-of-the-century streets, and explore a replica of North America's second oldest Chinatown all while enjoying a custom-themed menu of local food, drinks and entertainment. Spaces are limited – don't miss out! Please note: this is an optional, ticketed event not included in the Program registration fee, tickets must be purchased through the registration system.



FRIDAY JULY 10, 2020

DAY FIVE

9:00 am - 9:40 am

Section 24(1) remedies

Chair: Leslie Ruzicka
The Hon. Justice Joseph Di Luca
Randy Schwartz
Francois Lacasse

Materials at Tab X

9:40 am – 10:20 am

Applying Social Context in Criminal Litigation

Chair: The Hon. Justice M. Joyce DeWitt-Van Oosten
Suzanne Kendall
Rob Currie
The Hon. Judge Cameron Gunn

Materials at Tab Y

10:20 am – 11:00 am

Supreme Court of Canada Report: The Year in Review

Chair: Scott Hutchison
Dane Bullerwell
The Hon. Justice Susan Magotiaux
Michael Davies
Andi MacKay

Materials at Tab Z

11:00 am -11:15 am

Supreme Court of Canada Cases to Watch For in 2020/21

Presenter: Ami Kotler

Materials at Tab AA

11:15 am - 11:30 am

Closing Remarks

11:30 am

Program Concludes



*This session contains
45 minutes of EDI
Professionalism content*

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