

2022 NCLP



CRIMINAL PROCEDURE, ETHICS, AND THE *CHARTER*

47TH NATIONAL CRIMINAL LAW PROGRAM
VICTORIA, BC

JULY 4-8, 2022

PROGRAM AGENDA



Registration

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

SUNDAY JULY 3, 2022

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)

The following specific accreditations have been received:

Law Society of British Columbia: Accredited CPD Provider; up to 23.0 Credits

Law Society of Saskatchewan: Accredited CDP provider, up to 7.0 Ethics Hours

Law Society of New Brunswick: Approved CPD activity, up to 21.0 Hours

Law Society of Ontario: This program contains 2 hours of EDI Professionalism content and 8 hours and 20 minutes of Professionalism content. Refer to indicated sessions





MONDAY JULY 4, 2022

7:45 am - 4:00 pm
Registration

Victoria Convention Centre
Level 1

DAY ONE

8:00 am - 8:45 am

Breakfast

A light breakfast will be provided daily

8:45 am - 9:00 am

Welcome and Introductions

Carson Hall

Presenters: Planning Committee
Local Dignitaries

9:00 am - 9:30 am

**Opening Presentation: It's Good to Be Back
Reflecting on the Last Two Years**

Presenters: Program Chairs

9:30 - 9:45 am

Innovation and Resilience

Video presentation on the courts' response to COVID-19 in British Columbia.

9:45 am - 10:45 am

**Where Do We Go From Here? Virtual Appearances and
Other Possibilities**

Chair: Judge Cameron Gunn
Panelists: Justice Allison Dellandrea
Karen Endres
Rod Garson

10:45 am - 11:05

Health Break

11:05 am - 12:00 pm

Interim Judicial Release

Chair: Justice Joe Di Luca
Panelists: Ian Carter
Sarah Inness
Mabel Lai

12:00 pm - 1:20 pm

Lunch

*Lunch is not provided. Suggested local
restaurants available in the on-site program*

1:20 pm - 2:10 pm

Procedures unique to the trial of sexual offences

Chair: Ami Kotler
Panelists: Erin Dann
Annie Emond
Anil Kapoor



Faculty Biographies can
be reviewed in the Faculty
Biography compilation
document.

2:10 pm - 3:00 pm

Police-citizen encounters on the street

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

3:00 pm - 3:20 pm

Health Break

3:25 pm - 4:25 pm

break-out sessions

1

D.O.'s, L.T.S.O.'s and specialized peace bonds

Lecture Theater

Advanced session, intended for registrants with significant criminal law experience

Chair: Judge Elizabeth Buckle
Panelists: Michael Davies
Teresa Donnelly

2

Extradition

Carson Hall A

Advanced session, intended for registrants with significant criminal law experience

Chair: Rob Currie
Panelists: Gerald Chan
Jennifer Conroy

3

Garofoli applications – challenging search warrants and wiretaps

Carson Hall B/C

Chair: Scott Fenton
Panelists: Judge Hugh Harradence
Rod Garson
Danielle Robitaille

4

Garofoli applications – challenging search warrants and wiretaps (session en français)

Saanich

Chair: Giuseppe Battista
Panelists: Justice Alexandre Boucher
Marie-Christine Godbout
Francois Lacasse

Advance registration is not required for Break-outs.

Registrants make their selection on site. Seating is on a first-come, first-served basis.

When a room reaches capacity, the doors are closed.

4:30 pm

OPENING RECEPTION

VCC Pavilion

Don't miss our annual Opening Reception. This is a great chance to make new friends and reconnect with former colleagues - after two years away, there's lots of catching up to do! Light refreshments provided, cash bar.





TUESDAY, JULY 5

7:45 am – 8:45 am

Mentoring Breakfast: Focus on Practice Management Issues

Over a light breakfast, selected faculty members interact with registrants with 5 years or less criminal law experience in 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 will be able to submit questions in advance.



8:00 am - 8:45 am

Breakfast

9:00 am - 9:45 am

Police Access to Online Information

Chair: Dane Bullerwell

Panelists: Scott Hutchison

Andi MacKay

Randy Schwartz



9:45 am - 10:25 am

Lectures on Ethics

Ethical issues for the Crown in Plea Negotiations

Lesley Ruzicka

Ethical issues for the Defence in Plea Negotiations

Danielle Robitaille

Ethical issues for Crown and Defence relating to witness preparation

Judge Cameron Gunn

Ethical obligations to the court, as officers of the court

Scott Fenton

10:25 am - 10:45

Health Break

10:45 am - 11:35 am

Search and Seizure: What’s new and interesting?

Chair: Eric Gottardi

Panelists: Gerald Chan

Suzanne Kendall

Justice Susan Magotiaux

concurrent workshops

This session features three concurrent sessions, with a focus on practical advice.

Sessions are selected during online registration.

11:40 am - 12:40 pm

1

Small Group Workshop #1

See name tag for room assignment

These sessions will involve faculty-led discussions based on a fact-problem that registrants will receive in advance.

2

Writing Workshop (Part 1 of 2)

TBC

This 2-part workshop will focus on three topics:

The cardinal rules of written advocacy: what judges want to see in your factums or briefs.

Know your reader's brain: The research by cognitive psychologists and neuroscientists on how the reading brain best processes and absorbs information, and the implications of that research for written argument.

The link between written argument and oral submissions.



Presenter: The Honourable John Laskin

3

Seminar on Bringing and Responding to a Charter Application – the Basics

Carson Hall

Chair: Justice Joyce DeWitt-Van Oosten

Panelists: Justice Allison Dellandrea, Karen Endres, David Schermbrucker

12:40pm - 2:00 pm

Lunch

2:00 pm - 2:45 pm

Demonstration: The Judicial Pre-trial Conference

Judge: Justice Jocelyn Speyer

Counsel: Erin Dann, Nader Hasan, Ami Kotler

2:45 pm - 3:30 pm

The Right to Free Speech and its Limits

Chair: Justice Allison Dellandrea

Panelists: Sandra Bracken, Rob Currie, Marie-Christine Godbout

3:30 pm - 3:50 pm

Health Break

Immediately following this debate, registrants are asked to vote.

3:50 pm - 4:30 pm

The Least Effective Change in Criminal Procedure in the 21st Century - The Faculty Speaks, the Registrants Vote

Chair: Frank Addario

Panelists: Justice Susan Magotiaux, Jonathan Rudin, David Schermbrucker

Results to be announced at 9:45 am on Wednesday, and one ballot will be drawn for a free registration at the 2023 NCLP.



WEDNESDAY, JULY 6

8:00 am - 8:45 am

Breakfast

9:00 am - 9:45 am

Courts: Their purposes and processes

Chair: Suzanne Kendall
Panelists: Jennifer Conroy
Michael Davies
Justice Len Marchand



9:45 am - 10:30 am

Impaired Driving: What's new and interesting

Chair: Judge Hugh Harradence
Panelists: Ian Carter
Anil Kapoor
Lesley Ruzicka

10:30 am - 10:50

Health Break

10:50 am - 11:10 am

Judicial Involvement in Resolution Discussions

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

11:10 am - 12:10 pm

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

Chair: Justice Jocelyn Speyer
Panelists: Guiseppe Battista
Justice Joe DiLuca
Teresa Donnelly



Registrants will be provided with the opportunity to submit questions for this session in advance.

Deadline: Tuesday 4pm



DAY FOUR

THURSDAY, JULY 7

7:45 am - 8:45 am

Mentoring Breakfast: Focus on Establishing and Maintaining Professional Relationships

Over a light breakfast, selected faculty members interact with registrants with 5 years or less criminal law experience in 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 will be able to submit questions in advance.



8:00 am - 8:45 am

Breakfast

9:00 am - 9:45 am

The Right to Counsel

Chair: Francois Lacasse
Panelists: Dane Bullerwell
Mabel Lai
Annie Emond



9:45 am - 10:15 am

Lectures on Ethics

Obligations to the self-represented defendant: Crown and Judiciary

Jonathan Rudin

Defence counsel removal from the record – withdrawal and disqualification

Karen Endres

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

Justice Susan Magotiaux

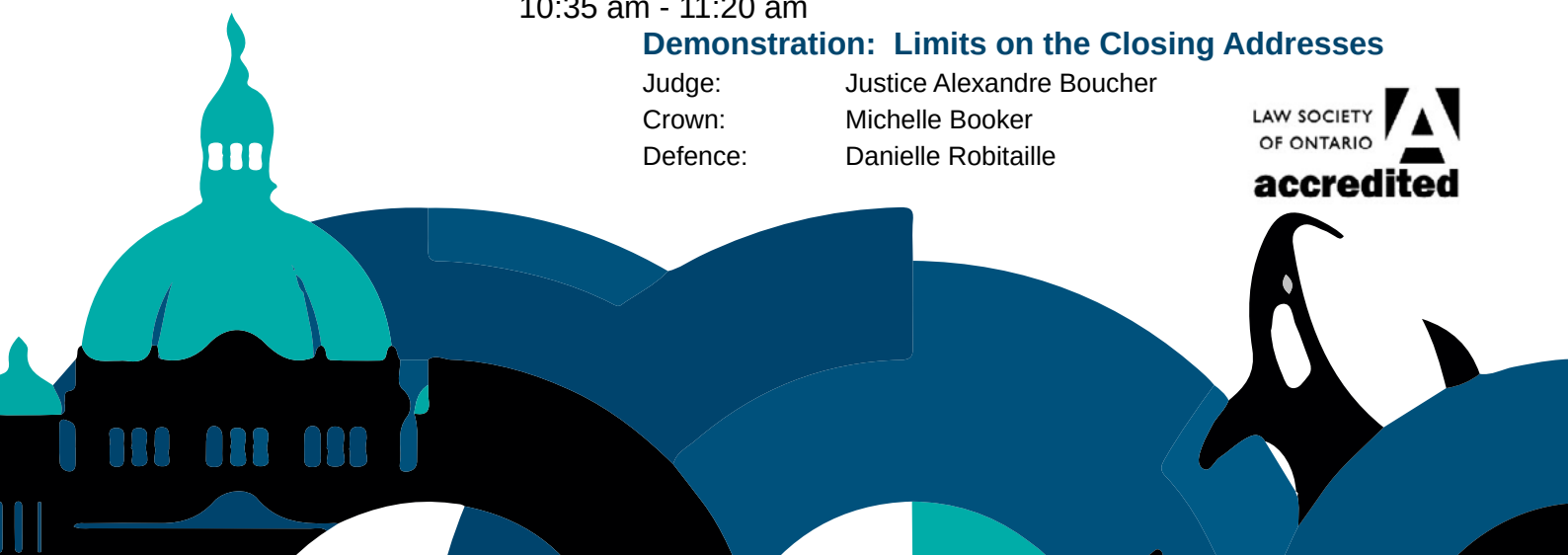
10:15 am - 10:35

Health Break

10:35 am - 11:20 am

Demonstration: Limits on the Closing Addresses

Judge: Justice Alexandre Boucher
Crown: Michelle Booker
Defence: Danielle Robitaille



concurrent workshops

11:25 am - 12:15 pm

1

Small Group Workshop #2

See name tag for room assignment

These sessions will involve faculty-led discussions based on a fact-problem that registrants will receive in advance.

2

Writing Workshop (Part 2 of 2)

TBC

Continuation of Tuesday's session.

Presenter: The Honourable John Laskin

3

Seminar on Bringing and Responding to a Charter Application - Complex Issues

Carson Hall

Chair: Justice Joyce DeWitt-Van Oosten

Panelists: Erin Dann, Nader Hasan, David Schermbrucker

This session features three concurrent sessions, with a focus on practical advice.

Sessions are selected during online registration.

12:15pm - 1:30 pm

Lunch

1:30 pm - 2:10 pm

Lecture: The Legacy and Impact of Residential Schools

Presenter: Justice Len Marchand



2:10 pm - 2:55 pm

Sentencing Hearings

Chair: Scott Fenton

Panelists: Guiseppe Battista, Sandra Bracken, Teresa Donnelly

Registrants will be asked to submit questions to the faculty by Wednesday at noon.

2:55 pm - 3:10 pm

Question Period

Selected questions will be addressed by the faculty.

3:10 pm - 3:30 pm

Health Break

break-out sessions

3:30 pm - 4:30 pm

1

Jury Selection After Bill C-75

Carson Hall A

Chair: Frank Addario
Panelists: Anil Kapoor, Michelle Booker

2

Jury Selection After Bill C-75 (session en français)

Saanich

Chair: Justice Alexandre Boucher
Panelists: Marie-Christine Godbout, Annie Emond

3

Regulatory Investigations: Crossing the Rubicon

Lecture Theater

Chair: Scott Hutchison
Panelists: Jennifer Conroy, Rod Garson

Advanced session, intended for registrants with significant criminal law experience

4

Statements to Persons in Authority

Carson Hall B/C

Chair: Gerald Chan
Panelists: Sarah Inness, Jonathan Rudin

Advance registration is not required for Break-outs.

Registrants make their selection on site. Seating is on a first-come, first-served basis.

When a room reaches capacity, the doors are closed.

4:30 pm

SOCIAL EVENT

The Inn at Laurel Point

Join Faculty and delegates for a memorable evening in the dining room and terrace on the grounds of the beautiful Inn at Laurel Point. Ticketed event: \$98 per person. Advance registration required





FRIDAY, JULY 8

8:00 am - 8:45 am

Breakfast

9:00 am - 9:40 am

Section 24(1) remedies

Chair: Lesley Ruzicka
Panelists: Justice Joe Di Luca
Francois Lacasse
Randy Schwartz

9:40 am - 10:20 am

Applying Social Context in Criminal Litigation

Chair: Justice Joyce DeWitt-Van Oosten
Panelists: Rob Currie
Judge Cameron Gunn
Suzanne Kendall



10:20 am - 11:00 am

Supreme Court of Canada Report: Three Years in Review

Chair: Scott Hutchison
Panelists: Dane Bullerwell
Michael Davies
Andi MacKay
Eric Gottardi

11:00 am - 11:15 am

Supreme Court of Canada Cases to Watch For in 2022/23

Presenter: Ami Kotler

11:15 am - 11:30 am

Closing Remarks

