

2022 NCLP



CRIMINAL PROCEDURE, ETHICS, AND THE *CHARTER*

47th NATIONAL CRIMINAL LAW PROGRAM
VICTORIA, BC JULY 4-8, 2022

PROGRAM AGENDA



The NCLP thanks its valued partners, sponsors and exhibitors



SUNDAY JULY 3, 2022

3

3:30 pm - 6:00 pm

Registration

Registration sponsored by:



Victoria Convention Centre

720 Douglas Street, Level 1

4:30 pm - 6:00 pm

First Timer's Reception

The Sticky Wicket Pub (Rooftop)

919 Douglas 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)

Accreditation

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 23 hour of which 7.0 are Ethics

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





7:45 am - 4:00 pm

Registration

Registration sponsored by:



Victoria Convention Centre
Level 1

8:00 am - 8:45 am

Breakfast

A light breakfast will be provided daily

Victoria Convention Centre
Level 2

8:45 am - 9:00 am

Welcome and Introductions

Victoria Convention Centre
Carson Hall, Level 2*

Presenters: Planning Committee
Pinder Cheema, Representative of the Federation of Law Societies

9:00 am - 9:30 am

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

Presenters: Justice Joyce DeWitt Van Oosten
Section: A Scott Fenton
Justice Jocelyn Speyer

9:30 am - 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
Section: B Karen Endres
Rod Garson Section: B

10:45 am - 11:05 am

Health Break

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



11:05 am - 12:00 pm

Interim Judicial Release

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

12:00 pm - 1:20 pm

Lunch

*Lunch is not provided.
Suggested local restaurants at page 15*

1:20 pm - 2:10 pm

Procedures unique to the trial of sexual offences

Chair: Ami Kotler
Panelists: Marie-Christine Godbout
Annie Emond
Anil Kapoor
Section: D



2:10 pm - 3:00 pm

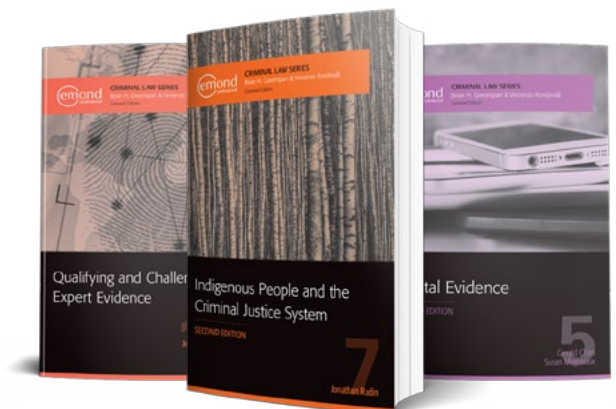
Police-citizen encounters on the street

Chair: Nader Hasan
Panelists: Frank Addario
Michelle Booker
Section: E

3:00 pm - 3:20 pm

Health Break

CRIMINAL LAW SERIES NEW RELEASES



INDIGENOUS PEOPLE AND THE CRIMINAL JUSTICE SYSTEM, 2ND EDITION BY RUDIN

QUALIFYING AND CHALLENGING EXPERT EVIDENCE
BY GOTTARDI, MACLELLAN, LACY, & FLUMERFELT

DIGITAL EVIDENCE, 2ND EDITION BY CHAN & MAGOTIAUX

3:25 pm - 4:25 pm

Breakout Sessions

Sessions selected onsite.

1

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

Advanced session, intended for registrants with significant criminal law experience

Chair: Judge Elizabeth Buckle
Panelists: Michael Davies
Teresa Donnelly

Section: F.1

Saanich

2

Extradition

Advanced session, intended for registrants with significant criminal law experience

Chair: Rob Currie
Panelists: Gerald Chan
Jennifer Conroy

Section: F.2

Lecture Hall

3

Garofoli applications – challenging search warrants and wiretaps

Chair: Scott Fenton
Panelists: Judge Hugh Harradence
Rod Garson

Section: F.3

Carson Hall

4

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

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

Section: F.3

Colwood

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: 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.

Sponsored by:



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

Section: G

9:45 am - 10:25 am

Lectures on Ethics

Section: H

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 am

Health Break

10:45 am - 11:35 am

Search and Seizure: What's new and interesng?

Chair: Eric Gottardi
Panelists: Gerald Chan
 Suzanne Kendall
 Justice Susan Magotiaux

Section: I



11:40 am - 12:40 pm

Concurrent Workshops Sessions selected during registration.

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.

Section: J.1

2

Writing Workshop (Part 1 of 2)

This 2-part workshop will focus on three topics:

- The cardinal rules of written advocacy
- Knowing your reader's brain
- The link between written argument and oral submissions.

Presenter: The Honourable John Laskin

Saanich



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

Section: J.2

12:40pm - 2:00 pm

Lunch

2:00 pm - 2:45 pm

Demonstration: The Judicial Pre-trial Conference

Judge: Justice Jocelyn Speyer
Counsel: Nader Hasan
Ami Kotler
Michelle Booker

Section: K

2:45 pm - 3:30 pm

The Right to Free Speech and its Limits

Chair: Justice Allison Dellandrea
Panelists: Sandra Bracken
Rob Currie
Randy Schwartz

Section: 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

Chair: Frank Addario
Panelists: Justice Susan Magotiaux
Jonathan Rudin
David Schermbrucker

Section: M

Vote using Poll Everywhere

Deadline: Tuesday 5 pm

Results announced at 9:45 am on Wednesday.



WEDNESDAY, JULY 6

8:00 am - 8:45 am

Breakfast

8:15 am - 8:45 am



Demo: Accelerating your Research with Thomson Reuters

Join Thomson Reuters over breakfast as we show you how to research more efficiently using Westlaw Edge Canada, Topical Text and Annotations, ProView (eBook platform)) and an introduction to CaseLines.

9:00 am - 9:15 am

Remarks by the Minister of Justice and Attorney General of Canada

The Honourable David Lametti
Minister of Justice and Attorney General of Canada
Member of Parliament for LaSalle-Émard-Verdun

9:15 am - 10:00 am

Specialized Courts: Their purposes and processes

Chair:

Suzanne Kendall

Panelists:

Jennifer Conroy

Michael Davies

Justice Len Marchand

Section: N



10:00 am - 10:45 am

Impaired Driving: What's new and interesting

Chair:

Judge Hugh Harradence

Panelists:

Justice Ian Carter

Anil Kapoor

Lesley Ruzicka

Section: O

10:45 am - 11:00

Health Break

11:00 am - 11:20 am

Judicial Involvement in Resolution Discussions

A judge's perspective: Judge Elizabeth Buckle

Counsel's perspective: Eric Gottardi

Section: P



11:20 am - 12:20 pm

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

Chair:

Justice Jocelyn Speyer

Panelists:

Giuseppe Battista

Justice Joe DiLuca

Teresa Donnelly

Section: Q



7:45 am - 8:45 am

Mentoring Breakfast: 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.

Sponsored by:



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
Section: R

9:45 am - 10:15 am

Lectures on Ethics

Section: S

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 am

Health Break

10:35 am - 11:20 am

Demonstration: Limits on the Closing Addresses

Judge: Justice Alexandre Boucher
Crown: Michelle Booker
Defence: Scott Hutchison
Section: T



11:25 am - 12:15 pm

Concurrent Workshops Sessions selected during registration.

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.

Section: U.1

2 **Writing Workshop (Part 2 of 2)** **Saanich**
Continuation of Tuesday's Workshop.

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: Scott Fenton
Nader Hasan
David Schermbrucker

Section: U.2

12:15 pm - 1:30 pm

Lunch

12:30 pm - 1:00 pm

Lexum

Demo: Lexbox by Lexum

Join Lexum over the lunch hour to learn about Lexbox, a KM-as-a-Service solution integrating your documented knowledge in a resource such as CanLII that your organization's lawyers probably use daily. Five major features shape the product: Searching your documented knowledge alongside the CanLII content; Leveraging the CanLII citation network in user documents; Monitoring authorities to flag potentially outdated documents; Integrating with practice management solutions; and annotating primary law available on CanLII

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: Justice Jocelyn Speyer
Panelists: Guisepppe Battista
Sandra Bracken
Teresa Donnelly

Section: V



2:55 pm - 3:10 pm

Question Period

Submit questions to the faculty in advance using Poll Everywhere or at the Registration Desk. Selected questions will be addressed during this session.

3:10 pm - 3:30 pm

Deadline: Wednesday 12pm

Health Break



3:30 pm - 4:30 pm

Sessions selected onsite.

Breakout Sessions

1

Jury Selection After Bill C-75

Carson Hall

Chair: Frank Addario
Panelists: Anil Kapoor
Section: W.1 Michelle Booker

2

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

Colford

Chair: Justice Alexandre Boucher
Panelists: Marie-Christine Godbout
Section: W.1 Annie Emond

3

Regulatory Investigations: Crossing the Rubicon

Advanced session, intended for registrants with significant criminal law experience

Saanich

Chair: Scott Hutchison
Panelists: Jennifer Conroy
Section: W.2 Rod Garson

4

Statements to Persons in Authority

Lecture Hall

Chair: Gerald Chan
Section: W.3 Sarah Inness
Jonathan Rudin

6:30 pm

Closing Dinner

The Inn at Laurel Point
680 Montreal St

Join faculty, delegates and sponsors for a memorable evening at The Inn at Laurel Point. Tickets on sale through online registration or at the Registration Desk. (availability limited)



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
Section: X

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
Section: Y



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
Section: Z

11:00 am - 11:15 am

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

Presenter: Ami Kotler
Section: AA

11:15 am - 11:30 am

Closing Remarks

