



Society of Ontario Adjudicators and Regulators

# SOAR's Annual Conference 2015

Thursday, November 5, 2015

## ACTING IN THE PUBLIC INTERESTS: Access, Innovation and Accountability

Is our decision making influenced by hidden biases?

How do we remain transparent and accountable while serving  
the interests of the public?

How can we manage complex cases while maintaining procedural fairness?

What is the regulator's duty to serve and protect the public interest?

*Opening Remarks:* **THE HONOURABLE MADELEINE MEILLEUR**, Attorney General,  
Ministry of the Attorney General

### OPENING PLENARY

#### "The Public Interests"- Useful Concept or Meaningless Subterfuge?

Join our knowledgeable and experienced panel in this interactive session which will explore the meaning of "the public interests". Find out what your colleagues think "the public interests" means. The panel will examine the hidden ambiguities and possible uses and mis-uses of the term in the context of administrative regulation and adjudication.

*Moderator:* **LINDA GEHRKE**, Lobbyist Registrar, City of Toronto

*Speakers:* **FREYA KRISTJANSON**, Counsel, Wardle Daley Bernstein Bieber LLP, **DAVID A. WRIGHT**, Chair, Law Society Tribunal, **FIONA CREAN**, Ombudsman, City of Toronto

#### EVENT TIME & LOCATION:

8:00 A.M., Thursday, November 5<sup>th</sup>, 2015  
Chestnut Conference Centre,  
89 Chestnut Street, Toronto, Ontario

CONTACT: [information@soar.on.ca](mailto:information@soar.on.ca)

## CONCURRENT MORNING WORKSHOPS

### WORKSHOP #1 Expert Opinion Evidence: A Return to First Principles or a New Paradigm?

Administrative adjudication is increasingly on the front lines when it comes to the use of and reliance on expert evidence. Over the past year the Supreme Court of Canada and the Ontario Court of Appeal have looked at bringing simplicity to a complex area of evidence by a return to first principles. Are these (sometimes ancient) principles sufficiently flexible to address the realities of modern administrative law? Or is a whole new paradigm required? This session will look at some of the challenges facing administrative tribunals in respect of expert opinion evidence.

Moderator: **CHRISTINA SOKULSKY**, Conference Planning Committee Member

Speaker: **BENSON COWAN**, Counsel to the Executive Chairs and Legal Services Manager, SLASTO and ELTO

### WORKSHOP #2 Workplace Innovation

How do you add value for your clients, eliminate wasteful processes and react to a changing environment while balancing budgetary constraints? This workshop showcases short-term and cost-effective improvements that can be made to support and improve delivery of core business functions. You will learn about design thinking, technology improvements and accessible communication tools.

Moderator: **GRACE LIN**, Project Director, Gender Wage Gap, Pay Equity Commission

Speakers: **KEVIN KATIGBAK**, Senior Strategist, **MATTHEW RUEFFER**, Consultant, **HORACE MCPHERSON**, Senior Manager, Ministry of Community Safety and Correctional Services

### WORKSHOP #3 Promoting Tribunal Neutrality in an Integrated Regulatory Model

Learn how regulators can ensure procedural fairness where overlapping functions between policy makers and decision makers exist. Our experienced panel will discuss case law, tribunal innovation and processes and statutory provisions to avoid bias and enhance tribunal independence. This session will explore how best to transparently communicate your tribunal's operations to stakeholders and the public; consider conflict screening practices of other tribunals; and promote neutrality in an integrated regulatory model.

Moderator: **GRACE KNAKOWSKI**, Registrar and Senior Counsel, Law Society Tribunal

Speakers: **MARY CONDON**, Commissioner, Ontario Securities Commission and Professor, Osgoode Hall Law School, **GRACE KNAKOWSKI**, Registrar and Senior Counsel, Law Society Tribunal, **VICKI WHITE**, Co-Director, Legal Office, College of Physicians and Surgeons of Ontario, **DAVID A. WRIGHT**, Chair, Law Society Tribunal

### WORKSHOP #4 The Art of Adjudication

This workshop will explore options that are available to enhance fairness, improve access to justice and consider the public interests in dispute resolution. Come and hear perspectives from the specialized "Gladue Court" for aboriginal peoples and tribunal members who practice active adjudication. *LSUC CPD=45 min Professionalism*

Moderator: **SAM LAREDO**, Conference Planning Committee Member

Speakers: **THE HONOURABLE JUSTICE SHAUN NAKATSURU**, Ontario Court of Justice, **BRIAN COOK**, Chair of SOAR's Advocacy and Innovation Committee and Vice Chair, Human Rights Tribunal, **SUSAN OPLER**, Vice Chair, Consent and Capacity Board; Adjudicator, Law Society Tribunal

### WORKSHOP #5 Serving the Public in Both Official Languages

Learn about French-language rights and best practices to serve the public in French and English. Gain critical information and key strategies from our expert panel on:

## CONCURRENT MORNING WORKSHOPS (cont'd)

- Understanding the relevant statutes and case law
- What are your professional obligations in respect of French-language?
- Developing French-language policies for your tribunal
- The additional barrier of language in dealing with self-represented parties
- How to navigate a bilingual proceeding

*This program will be delivered in English. Some presenters may also provide bilingual materials.*

**LSUC CPD=45 min Professionalism**

Moderator: **JOSÉE TURCOTTE**, Secretary, Ontario Securities Commission

Speakers: **PAUL LEVAY**, Partner, Stockwoods LLP Barristers, **SONIA OUELLET**, Vice Chair, Health Professions & Health Services Appeal and Review Boards, **SUZANNE GILBERT**, Associate Chair, Child and Family Services Review Board/Custody Review Board

## CONCURRENT PLENARIES

### CONCURRENT PLENARY #1 **Administrative Law Blast 2015**

Come and hear what's trending now! Our panel will share their insights on the cutting edge of administrative law trends, including judicial review and administrative law values; trends in cost awards; and developments in expert evidence. This practical and dynamic session is one not to be missed for adjudicators and regulators.

Moderator: **LUISA RITACCA**, Partner, Stockwoods LLP Barristers

Speakers: **PAUL DALY** Associate Dean, Faculty of Law, University of Montreal, **ROBERT A. CENTA**, Partner, Paliare Roland Rosenberg Rothstein LLP

### CONCURRENT PLENARY #2 **Staff Blast 2015 - Accountability and Transparency**

Transparency and accountability are two central pillars of good governance. Join us in looking at accountability and transparency as they affect agencies, municipalities and public service staff. In this interactive session, we will examine the impact of Bill 8 and its implications for municipalities and look at the mechanisms in place to keep agencies, boards and commissions accountable and relevant. We will identify and address conflicts of interest, ethical dilemmas and the do's and don'ts for public service staff. **LSUC CPD=45 min Professionalism**

Moderator: **SEAN ISAAC**, Manager of Corporate Services, Environment and Land Tribunals of Ontario

Speakers: **VOY STELMASZYNSKI**, Solicitor, Ontario Labour Relations Board, **DAVID POTTS**, Solicitor, The Corporation of the City of Oshawa, **VICTORIA PEACE**, Manager, Tribunal Relations Unit, Ministry of the Attorney General

## CONCURRENT AFTERNOON WORKSHOPS

### WORKSHOP #6 **Hidden Biases vs. An Open Mind**

We will go behind the decision maker's mind and delve into how unconscious biases can influence us and impact the outcome of our work. Is an open mind, in reality, a myth? Come and explore with experts in this area and find out about the power and prevalence of hidden biases. Contrast the decision making processes of the courts and administrative tribunals and behold the latest contemplative techniques to better us as adjudicators and decision makers.

Moderator: **DR. LILIAN MA**, Conference Planning Committee Members

Speakers: **ANDREW GREEN**, Associate Professor, Faculty of Law, University of Toronto, **NORMAN FARB**, Assistant Professor, Department of Psychology, University of Toronto, **DR. LILIAN MA**, Associate Chair, Social Justice Tribunals Ontario

## CONCURRENT AFTERNOON WORKSHOPS (cont'd)

### WORKSHOP #7 Structure & Sufficiency - What do Our/Your Decisions Say?

At the end of the day, the parties are left with the tribunal's decision. No matter what the administrative justice process has been like up until then, the written decision and reasons is where it leads. How a decision is written and presented can determine whether, in the minds of the parties, the notion of access to justice is myth or reality. It is the ultimate job of the adjudicator.

Mastering communications in complex settings is an evolving, lifelong task. This session, with The Honourable Justice John Laskin, will build upon last year's presentation. Don't miss this opportunity to take your abilities, and your tribunal, to new levels of excellence. *LSUC CPD=1hr 15min Professionalism*

Moderator: **TAIVI LOBU**, Vice Chair, Health Professions & Health Services Appeal and Review Boards

Speaker: **THE HONOURABLE JUSTICE JOHN I. LASKIN**, Ontario Court of Appeal

### WORKSHOP #8 Proactive Case Management for Complex Cases

Your organization has worked hard to create a fair, transparent and efficient process to manage your cases, but how do you manage complex cases that challenge your tribunal's regular case processing streams? Perhaps one party has unreasonable demands or there is a requirement for an extensive accommodation? Or there are a large number of parties or intense media scrutiny. These are all issues that can potentially derail your normal processes. Our panelists will delve into these issues to provide you with tips to proactively manage the complexities that these scenarios raise.

Co-Moderators: **ARSHAD ALLI**, Assistant Registrar, Human Rights Tribunal, **LINA PROCHILO**, Executive Assistant, Human Rights Tribunal

Speakers: **MICHELLE ALTON**, General Counsel (Acting), Workplace Safety & Insurance Appeals Tribunal, **CHRISTIE JEFFERSON**, Board Member, Criminal Injuries Compensation Board

### WORKSHOP #9 Innovative Projects and Resources for the Self-Represented Litigant

Learn about the innovative programs and tools that tribunals can adopt to enhance access to justice and procedural fairness for self-represented litigants. Our expert panel will discuss a combination of services, resources and projects implemented at various tribunals to assist the self-represented litigant, including: Pro bono programs, education resources and best tribunal practices. *LSUC CPD=1hr 15min Professionalism*

Co-Moderators: **LIZ NASTASI**, Legal Counsel, Financial Services Commission of Ontario, **CAROLYN SLON**, Legal Counsel, Ontario Securities Commission

Speakers: **USMAN SHEIKH**, Partner, Gowlings LLP, **MARY E. MARRONE**, Director, Advocacy & Legal Services, Income Security Advocacy Centre, **SUE RICE**, Project Manager, National Self-Represented Litigants Project (NSRLP), University of Windsor

## CLOSING PLENARY

### The Great Public Interest Debate

In this entertaining session, four debaters will engage in extemporaneous debates — six rounds of ten minutes each. For each round, the moderator will select one resolution out of a box, and two debaters will pair up and then flip a coin to take a "pro" or "con" side.

Moderator: **GARY YEE**, Associate Chair, Licence Appeal Tribunal

Debaters: **LORNE SOSSIN**, Dean, Osgoode Hall Law School, **PAUL DALY**, Associate Dean, Faculty of Law, University of Montreal, **FREYA KRISTJANSON**, Counsel, Wardle Daley Bernstein Bieber LLP, **KATHY LAIRD**, Executive Director, Human Rights Legal Support Centre