

# SOAR's 29<sup>th</sup> Annual Conference

Thursday, November 2<sup>nd</sup>, 2017

## Exploring Justice: An Experiential Journey

*Welcome and Opening Remarks from Conference Co-Chairs:  
Carolyn Slon, Senior Legal Counsel, Ontario Securities Commission;  
and Gary Yee, Chair, Toronto Licensing Tribunal*

### TRADITIONAL OPENING CEREMONY AND WELCOME

**JOANNE DALLAIRE, LL.D.**, Elder, Ryerson University and Ryerson's Aboriginal Council, and Traditional Counsellor at Ryerson's Aboriginal Student Services, will provide a Traditional opening ceremony, including an acknowledgement that we are meeting on the Traditional territory of the Mississaugas of the New Credit and former home of the Haudenosaunee and Huron-Wendat, a song and a prayer.  
*We ask those attending the conference to be seated promptly and observe silence during this ceremony.*

EVENT LOCATION:  
Chestnut Conference Centre,  
89 Chestnut Street  
Toronto, Ontario M5G 1R1



## MORNING PLENARY

### A User-Centric Approach – How Am I Being Heard?

The objective of this Opening Plenary is to focus on the users' experience, and present something out of the ordinary, to help disrupt and change attitudes, and increase empathy for persons who are affected by our processes and decisions. Developing our empathy is crucial to building the foundation for a user-centric approach. This panel of three speakers will provide different perspectives on the profound impact that regulators, commissioners and adjudicators can have on the lives of the persons who appear before them. The speakers will convey to us the experiences of users who are seeking to be heard in our proceedings, and what we can do to ensure that we are responsive to those different experiences in a way that respects the users, promotes their effective participation, and increases access to justice. **CPD = 1 hr Professionalism**

Moderator: **MAGGIE WENTE**, Barrister and Solicitor, Olthuis, Kleer, Townshend LLP

Speakers: **JULIAN FALCONER**, Partner, Falconers LLP, **JULIE MACFARLANE**, Professor of Law, University of Windsor, Faculty of Law, **AVVY GO**, Clinic Director, Chinese & Southeast Asian Legal Clinic

## CONCURRENT MORNING WORKSHOPS

### WORKSHOP #1 Insiders and Outsiders: Learning from the User Experience

People who walk into a tribunal for the first time are met by an established set of rules and procedures which are run and used by an array of experienced Insiders: lawyers, agency staff, and legal decision-makers. These two groups, Outsiders and Insiders, literally view the decision making process and the possible outcomes differently.

This workshop panel builds on the opening plenary and is designed to bring together Insiders with institutional and legal experience with self-represented litigants who can share their perspective on the administrative, regulatory, and judicial world. The session will give you an opportunity to share your tribunal's best practices and learn about other tribunals' best practices. It will also provide practical tips, tools, and strategies for staff, mediators, and adjudicators to make access to justice, and the experience of appearing at a tribunal, better for everyone. **CPD = 1 hr Professionalism**

Moderator: **CAROLINE KING**, Vice Chair, Assessment Review Board, ELTO

Speakers: **RANDI DRUZIN**, Self-represented Litigant, **AARON CHRISTOPHER HUIZINGA**, Self-represented Litigant, **CECILE LANDON**, Dispute Resolution Officer, Landlord and Tenant Board, **LORI MISHIBINIJIMA**, Legal Counsel, Indigenous Services, Human Rights Legal Support Centre

### WORKSHOP #2 Compassion Fatigue

There is currently growing awareness of the concept of compassion fatigue for participants in legal proceedings. Many administrative tribunals deal with issues of injuries and crimes of violence. What impact does this have on tribunal staff and adjudicators? How can we be more aware of compassion fatigue, and reduce the impact? What are practical, concrete strategies that we can take to build individual resilience? **CPD = 1 hr + 15 m Professionalism**

Moderator: **CYNTHIA PAY**, Member, Refugee Appeal Division, Immigration and Refugee Board

Speakers: **JANE BRADLEY RP**, Certified Compassion Fatigue Specialist, **MARIA TASSOU**, Associate Chair, Criminal Injuries Compensation Board (SJTO)

### WORKSHOP #3 The Evolution of Administrative Law

Procedural fairness is among the most important common law duties imposed on adjudicators, and it can be difficult to apply in the changing environment of the hearing room. Hearings today involve more self-represented parties, more demand for efficiency, and an ever greater reliance on technology. Our panel of administrative law experts will provide participants a better understanding of the modern treatment of procedural fairness. They will review recent

## CONCURRENT MORNING WORKSHOPS (cont'd)

developments in the law of procedural fairness, focusing on recent decisions on bias, delay, and the independence of decision-makers. **CPD = 1 hr + 15 m Substantive**

Moderator: **JAMES GORHAM**, Counsel, Department of Justice, Canada

Speakers: **RAJ ANAND**, Partner, WeirFoulds LLP, **SEAN GAUDET**, General Counsel, Department of Justice, Canada

## AFTERNOON PLENARY

### Intuition, Deliberation and Decision Making

Human judgment involves two types of mental processes: intuition and deliberation. Although both processes are essential to good judgment, and human intuition is surprisingly accurate, people commonly rely too heavily on intuition alone. Judgments made in the courtroom are no different. Research on trial judges demonstrates that judges implicitly use intuition to evaluate legal issues, even when it leads them to make judgments that are erroneous or hard to defend. This can be particularly troublesome when invidious, unconscious biases about the race or gender of parties are the source of intuitive judgments. This plenary will review the evidence and research on how unconscious, or implicit, sources of intuition can affect judgment in the courtroom and beyond, and how to facilitate more deliberative, and more accurate, judgments. **CPD = 1 hr Professionalism**

Moderator: **LILIAN MA**, Executive Director, Canadian Race Relations Foundation

Speaker: **PROF. JEFFREY RACHLINSKI**, Cornell Law School

## CONCURRENT AFTERNOON WORKSHOPS

### WORKSHOP #4 Modernization: Nimble and Reusable Technologies

Reducing the costs and delay of proceedings before an administrative tribunal is a priority. Modernizing the delivery of government services through the adoption of incremental, reusable digital technology is an excellent way of reducing costs and improving service. Ontario continues to drive digital transformation across government and modernize public service deliveries. This session will explore the importance of modernization, technology that is and will be available, and the opportunities it provides to improve administrative justice. **CPD = 1 hr Professionalism**

Moderator: **CARLO FALLETTA**, Education, Outreach & Partnership Coordinator, Ministry of Labour

Speaker: **CHRISTOPHER JOHNS**, Executive Director, Innovation Office, Ministry of the Attorney General

### WORKSHOP #5 Restorative and Indigenous Justice Approaches

Tribunals at SLASTO and SJTO have expanded their service approaches to incorporate Indigenous and restorative justice practices. In 2017, the Ontario Parole Board (OPB), under the leadership of Associate Chair Karen Restoule, formalized the use of circles in OPB hearings for Indigenous parole applicants. Karen will present on the capacity-building process to support the adaptation of its procedures, learning and development for its members as well as the lessons learned.

The Child and Family Services Review Board (CFSRB) has a lengthy history of offering talking circles as an early resolution option to Indigenous applicants with significant success. The SJTO initiated its Indigenous Insights Initiative in mid-2016 to facilitate the exploration of additional areas where Indigenous approaches to conflict resolution and restorative practices could enhance its processes. CFSRB member, Marisha Roman, is leading this initiative. She will speak to the process undertaken by the SJTO for developing external relationships with Indigenous service organizations and community leadership to pave the way for mutually beneficial dialogue.

**CPD = 1 hr + 15 m Professionalism**

Moderator: **LIZ NASTASI**, Legal Counsel, Safety, Licensing Appeals and Standards Tribunals Ontario (SLASTO)

## CONCURRENT AFTERNOON WORKSHOPS (cont'd)

Speakers: **KAREN RESTOULE**, Associate Chair, Ontario Parole Board (SLASTO), **MARISHA ROMAN**, Member, Child and Family Services Review Board (SJTO)

### WORKSHOP #6 **The Desiderata of Good Decision Making**

"What do judges, who have been given responsibility by society to decide an aspect of an individual's life, owe to the person standing physically or notionally before them?"

Justice Peter Lauwers has extensively reflected on this question.

Judges and adjudicators must often wend their way through complex or emotionally charged issues to arrive at decisions directly affecting an individual's life. Perceptions as a judge can be affected by cognitive illusions - such as how issues are framed, representativeness, anchoring, emotional effects, hindsight and confirmation bias.

Justice Lauwers has spent years deciding cases, writing and reviewing decisions. He will draw from his experience on the bench to speak to practices to manage cognitive illusions and the tools we have available to improve the process of decision making. Other elements of adjudicative practice that contribute to the legitimacy and effectiveness of decisions we make and communicate to parties, will also be addressed. Adjudicators will benefit from the insight and practical experience shared at this session to advance their own decision-making practice.

**CPD = 1 hr Professionalism**

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

Speaker: **THE HONOURABLE JUSTICE PETER D. LAUWERS**, Ontario Court of Appeal

## CLOSING PLENARY

### **Using LEGO® SERIOUS® PLAY® to support a Culture of Creativity**

Our world is changing more rapidly than ever before. In order to continue as creative thinkers throughout our lifetimes, we have to be able to develop innovative solutions to unexpected problems. Through play, we have the ability to explore, experiment and take risks. In this interactive session, you will learn and apply the fundamentals of the LEGO® SERIOUS® PLAY® process to support innovative problem-solving going forward.

Moderator: **VOY STELMASZYNSKI**, SOAR President

Speaker: **JENNIFER WEBSTER**, Mediator/Arbitrator/Facilitator