



Society of Ontario Adjudicators and Regulators

SOAR 28th Annual Conference

Thursday, November 3rd, 2016

SOARing Ahead: Mindful, Proportional, Proactive

*Welcome from Co-Chairs Linda Gehrke, Vice-Chair, WSIAT and Gary Yee,
Associate Chair, Licence Appeal Tribunal, SLASTO.*

Opening Remarks, by video, from the Premier, The Honourable Kathleen Wynne

OPENING CEREMONY

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.

Keynote Speaker: THE HONOURABLE STEPHEN GOUDGE Q.C., Counsel, Paliare Roland Rosenberg LLP

Reflections on Administrative Justice: Former Ontario Court of Appeal Justice and recent SOAR Medal and Order of Ontario recipient Stephen Goudge will draw on his decades of legal, adjudicative and public inquiry experience to provide his insights on some of the core issues affecting our sector. He will address the important role of agencies, boards and commissions in Ontario's overall justice system, the concept of independence as it applies to both adjudicative and regulatory bodies, and tenure.

EVENT LOCATION:

Chestnut Conference Centre,
89 Chestnut Street
Toronto, Ontario M5G 1R1

CONCURRENT MORNING WORKSHOPS

WORKSHOP #1 **Deep Diversity**

Come explore the inner workings of human nature, our biases and blind spots, through the lens of racism and stereotyping, in a land of “us” and “them”. Working in a judicial system with impartiality as a founding pillar, it is vital for us to return to the basics. Are we as fair, just and open as we believe ourselves to be? Or does the data say otherwise? Combining personal experience and scientific research and analysis, this award winning presenter will take us through the “why’s” of our being part of the problem, and transform us with the “how’s” to becoming the solution to century old problems of racial and other forms of hierarchy. **Total CPD = 45 m Professionalism**

Moderator: **LILIAN MA**, Part-time Member, Refugee Protection Division, Immigration and Refugee Board of Canada

Speaker: **SHAKIL CHOUDHURY**, Author

WORKSHOP #2 **Gladue Court Principles: Restorative Justice and Application to Administrative Tribunals**

In 1996 the *Criminal Code* responded to the over-incarceration of Aboriginal offenders by requiring judges to consider unique circumstances and allow culturally-relevant sanctions. In 1999 the Supreme Court in *R v Gladue* recognized the significant over-incarceration of Aboriginal people as “a crisis in the Canadian criminal justice system”. By 2012 the Supreme Court was lost for words, declaring what was then a “crisis” as even worse. Now, 20 years later there is still much work to be done. Promise Holmes Skinner is at the forefront of that work.

Join Promise as she provides an overview of the principles and case law of *Gladue*. The session will explore how the current practices of restorative justice in criminal law can be expanded and applied in the administrative law context.

Total CPD = 1 hr + 15 m Substantive

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

Speaker: **PROMISE HOLMES SKINNER**, Aboriginal Legal Services Toronto, Senior Manager, Gladue Program Specialist

WORKSHOP #3 **Proactive Case Management**

“Justice delayed is justice denied.”

Reducing the costs and delay of proceedings before an administrative tribunal is a priority. As a “master of its own procedure” an administrative tribunal can proactively manage proceedings to reduce delay and increase efficiency and the timely resolution of matters before it.

This session will explore how proactive case management can be used as a tool by a tribunal to facilitate efficient and fair hearings. Topics discussed will include:

- Appropriate issues a tribunal member can deal with during case management
- Managing the hearing process and proportionality
- Creating tribunal policies and procedures relating to case management
- Case management considerations when dealing with a self-represented party

Total CPD = 37.5 m Professionalism + 37.5 m Substantive

Moderator: **CAROLYN SLON**, Senior Legal Counsel, Ontario Securities Commission

Speakers: **THE HONOURABLE JUSTICE DAVID M. BROWN**, Court of Appeal for Ontario, **THE HONOURABLE JUSTICE THOMAS J McEWEN**, Superior Court of Justice of Ontario

WORKSHOP #4 **Psychological Safety and Wellbeing in the Workplace**

The mental wellness of our colleagues and employees and the role of psychological safety in the workplace is a focus of ever increasing attention. A commitment to achieving and sustaining a psychologically healthy workplace reflects the principle that organizational culture impacts every aspect of the experience of those who work within the organization and, in turn, those who are served by the members of that organization.

CONCURRENT MORNING WORKSHOPS (cont'd)

In this session, Dr. Melyn Leszcz, Professor of Psychiatry and Vice Chair, Clinical, at the University of Toronto and Psychiatrist-in-Chief at Mount Sinai Hospital, will explore individual and organizational approaches to reduce stigma, improve psychological resilience and foster psychological safety in the workplace. Through both a review of contemporary models with illustrations and dialogue with participants, the session will enhance participants' capacity to shape and maintain a reflective, responsive and resilient workplace that promotes the mental health of the members of the organization. **Total CPD= 1 hr + 15 m Professionalism**

Moderator: **CAROLYN GORA**, Manager, Hearings Office, College of Physicians and Surgeons of Ontario

Speaker: **DR. MOLYN LESZCZ**, Department of Psychiatry, Mount Sinai Hospital

PLENARY

PLENARY #1 **The Truth and Reconciliation Commission: its Impact on Administrative Justice**

Ms. Murray, who served as Counsel to the Truth and Reconciliation Commission, will discuss the impact of the Commission's Report and Calls to Action on administrative justice. **Total CPD = 1 hr Substantive**

Speaker: **KIMBERLY R. MURRAY**, BA, LL.B, IPC., Assistant Deputy Attorney General, Aboriginal Justice Division, Ministry of the Attorney General.

CONCURRENT PLENARIES

PLENARY #2 **Hot Topics in Admin Law**

An insightful and entertaining look at the state of administrative law in the second half of the second decade of the 21st century. From Divisional Court to the Supremes, find out who's correct, who's reasonable, who gets standing from three of Ontario's brightest legal minds in the field. **Total CPD = 1 hr Substantive**

Moderator: **JAY SENGUPTA**, Vice Chair, Human Rights Tribunal of Ontario

Speakers: **MARGARET LEIGHTON**, Director, Legal Services, SJTO, **MICHELLE FLAHERTY**, Professor, University of Ottawa, Faculty of Law, **MIKE DOI**, Director, Legal, Financial Services Commission of Ontario

PLENARY #3 **Building a Culture of Excellence, Innovation & Wellness**

A culture of excellence requires quality, innovation and wellness to grow, thrive and sustain itself. Exceptional leaders are aware of this. This plenary will assist you to gain insight into how you can evolve your culture with proven leadership principles and practices. Learn of practical techniques and tools to lead people more effectively, helping your organization to continually improve. **Total CPD = 1 hr Professionalism**

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

Speaker: **CATHERINE NEVILLE**, Vice President, Quality & Integrated Programs at Excellence Canada

CONCURRENT AFTERNOON WORKSHOPS

WORKSHOP #5 **Perspectives and Reflections on Decision Writing - What is it we do?**

Continuing from the decision-writing sessions originally established for SOAR by Justice John I. Laskin, we are fortunate in 2016 to welcome Justice Peter Lauwers, of the Ontario Court of Appeal.

Developing excellence in decision-writing is central to advancing the work of the adjudicative community. What do we bring to our role as decision writers? How do we approach the decision in the case before us? What do our decisions communicate?

CONCURRENT AFTERNOON WORKSHOPS (cont'd)

From the Divisional Court and Trial Division of the Superior Court of Justice to the Court of Appeal, Justice Lauwers brings extensive decision writing experience in civil, criminal and family matters, as well as class actions. Participants will be able to build upon their decision-writing practice from the insights offered in this session. **Total CPD = 1 hr + 15 m Substantive**

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

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

WORKSHOP #6 Proactive Support to Self-Represented Parties

Tribunals and Regulators endeavor to ensure accessible processes, particularly where parties are self-represented. While there is a public interest in proactively providing information and tools to self-represented parties, are there limits to the extent to which tribunals and regulators should go in assisting them? This workshop examines some approaches taken by courts and tribunals to proactively support self-represented parties and offers insight into the successes and the challenges in this area. **Total CPD = 1 hr + 15 m Professionalism**

Moderator: **NOELINE PAUL**, Assistant Deputy Chairperson, Immigration Appeal Division, Immigration and Refugee Board of Canada

Speakers: **MATT COHEN**, Director of Litigation Projects, Pro Bono Law Ontario, **WARREN ROBERTSON**, Assistant Registrar, Human Rights Tribunal Ontario, **JULIE MATHEWS**, Executive Director, Community Legal Education Ontario (CLEO)

WORKSHOP #7 What's Public, What's Not? - Access to a Hearing and its Record

Technological advancements and transparency objectives have raised expectations by the public, media and parties for timely, accurate and specific access to file information. Adjudicators must often balance competing interests in determining a third party's right of access to a hearing, its record and file information. Legislation, rules, policy, and recent court decisions may all inform this decision. What overarching principles should a tribunal or regulator consider when determining requests for access from the public? This session may be of interest to both staff and adjudicators as we explore access considerations and practical strategies to navigate evolving approaches to privacy and transparency. **Total CPD = 1 hr + 15 m Substantive**

Moderator: **LORNE SOSSIN**, Dean, Osgoode Hall Law School

Speakers: **JERRY V. DEMARCO**, Alternate Executive Chair, Environment and Land Tribunals Ontario, **ROSLYN J. LEVINE**, Q.C. Executive Legal Officer, Superior Court of Justice

WORKSHOP #8 Welcome to E-Hearings and Mediation

This workshop will explore ways to enhance access to justice through electronic hearings (while maintaining fairness). We will examine issues to consider when adopting new technology, sharing best practices and protocols of various tribunals who are regularly conducting video conference mediations and hearings. Panel speakers will share their experiences, how they overcame limitations and challenges of using new technology to ensure efficiency, effectiveness and fairness of dispute resolution processes. **Total CPD = 1 hr + 15 m Professionalism**

Moderator: **MARY LEE**, Director of Operations, Social Justice Tribunals Ontario (SJTO)

Speakers: **PAUL MULDOON**, Associate Chair, Assessment Review Board, ELTO, **ANN McRAE**, Executive Director, Rexdale Community Legal Clinic, **STEVE ADAMSON**, Registrar, B.C. Human Rights Tribunal (by video)

CLOSING PLENARY

Putting Words to Silence: Speaking out about the unspeakable

A journalistic career spent writing about subjects no one wants to talk about. **Total CPD = 1 hr Substantive**

Speaker: **IAN BROWN**, Author, journalist, features writer for the Globe & Mail