

PROGRAM

2015 OJEN

SUMMER LAW Tuesday, August 25 & Wednesday, August 26 INSTITUTE

Osgoode Hall, 130 Queen St. West, Toronto



A CIVIL SOCIETY THROUGH EDUCATION AND DIALOGUE

ABOUT OJEN

The Ontario Justice Education Network is a non-profit, charitable organization that brings together leading institutions and individuals from the legal and education sectors to collaborate on initiatives designed to foster public understanding of the justice system. With the commitment of hundreds of volunteers, including judges from all levels of the courts, members of the bar, the Crown Attorney's office, court staff, legal aid clinics, law schools, teachers, and community representatives, OJEN reaches thousands of youth across the province each year.

For more information on OJEN's programs and resources, please visit www.ojen.ca.



#ojensli2015

TUESDAY, AUGUST 25

8:30 ^{AM}	REGISTRATION (coffee and breakfast will be available) Convocation Hall, Law Society of Upper Canada, 2nd Floor
9:00 ^{AM} – 9:15 ^{AM}	WELCOME Jessica Reekie, Executive Director, Ontario Justice Education Network
9:15 ^{AM} – 10:00 ^{AM}	Remembering Alan Borovoy Danielle McLaughlin, Director of Education, Canadian Civil Liberties Association (CCLA); Allan Hux, Acting President, Ontario History Humanities & Social Sciences Consultants' Association (OHHSSCA); Laura Kirby-McIntosh, Teacher, Peel District School Board; Sukanya Pillay, General Counsel, CCLA
10:00 ^{AM} – 11:15 ^{AM}	Getting Married: Whose Choice is It? A Curriculum on Forced Marriage and Youth Agency in the Law Allan Hux; Persia Etamadi, JD/MSW Candidate, University of Toronto
11:15 ^{AM} – 11:30 ^{AM}	BREAK
11:30 ^{AM} – 12:30 ^{PM}	Current Issues in the Law of Search and Seizure Benjamin Berger, Associate Professor, Osgoode Hall Law School; Nader Hasan, Stockwoods LLP
12:30 ^{PM} – 1:30 ^{PM}	LUNCH
1:30 ^{PM} – 2:30 ^{PM}	Canadian Mining and Human Rights Abuses: Why You Might Want to Take the Canadian Flag off Your Backpack Shin Imai, Associate Professor, Osgoode Hall Law School and Director, Justice and Corporate Social Accountability Project (JCAP); Cory Wanless, Lawyer, Klippensteins; Sarah Colgrove, LLM Candidate, University of Victoria
2:30 ^{PM} – 3:30 ^{PM}	Being an Ally: Supporting Students with Precarious Immigration Status Karin Baqi, Staff Lawyer, South Asian Legal Clinic of Ontario (SALCO); Rathika Vasavithasan, Staff Migration Lawyer, Barbra Schlifer Commemorative Clinic
3:30 ^{PM} – 3:45 ^{PM}	BREAK
3:45 ^{PM} – 5:00 ^{PM}	Truth and Reconciliation Commission Report on Canada's Residential School System The Honourable Bob Rae, Lawyer, Ontario's 21 st Premier, and Former Interim Leader for the Liberal Party of Canada; Kimberly Murray, Assistant Deputy Attorney General, Aboriginal Justice Division, Ministry of the Attorney General
5:30 ^{PM} – 7:30 ^{PM}	Wine and Cheese Reception with presentation of Hux-Kiteley Exemplary Justice Educator Award - Upper & Lower Barristers' Lounge, Law Society of Upper Canada

WEDNESDAY, AUGUST 26

8:30 ^{AM} –9:00 ^{AM}	BREAKFAST
9:00 ^{AM} –10:00 ^{AM}	The International Criminal Court: Justice or Injustice Leo Adler, Criminal Lawyer, Adler Bytensky Prutschi Snikhman and Adjunct Professor, Osgoode Hall Law School; Karen Heath, Criminal Lawyer, Adler Bytensky Prutschi Snikhman
10:00 ^{AM} –10:15 ^{AM}	BREAK
10:15 ^{AM} –11:15 ^{AM}	Raising the Roof: An Introduction to Real Estate and Housing Law Ray Leclair, Vice President Public Affairs, Lawyers' Professional Indemnity Company (LAWPRO)
11:15 ^{AM} – 12:00 ^{PM}	New OJEN Resources Andrea Sobko and Nat Paul, OJEN
12:00 ^{PM} –1:00 ^{PM}	LUNCH (optional tour of Osgoode Hall from 12:15 ^{PM} -1 ^{PM})
1:00 ^{PM} – 2:00 ^{PM}	The Law on Sexual Assault and Consent Tamar Witelson, Legal Director, METRAC – Action on Violence; Lisa Jacek, Counsel, Director of Crown Operations, Ministry of the Attorney General
2:00 ^{PM} –2:15 ^{PM}	BREAK
2:15 ^{PM} – 3:30 ^{PM}	Top Five Most Significant Court Cases of the Past Year Stephen Goudge, Counsel, Paliare Roland Rosenberg Rothstein LLP
3:30 ^{PM}	Distribution of Resources

2015 SPEAKERS

LEO ADLER

Leo Adler is a criminal lawyer at Adler Bytensky Prutschi Shikhman. Mr. Adler attended Osgoode Hall Law School and graduated in 1973 and was called to the Ontario Bar in 1975. Mr. Adler almost exclusively practices criminal law, and has appeared before various boards, tribunals and inquests throughout Canada, including the Supreme Court of Canada. Mr. Adler is an adjunct professor at Osgoode Hall Law School where he teaches Trial Advocacy and International Criminal Law. Since 2007, Mr. Adler has coached the Osgoode Hall Law School team at the annual International Criminal Court Law Moot. From 1999 to 2009, Mr. Adler was the Director of National Affairs for Friends of Simon Wiesenthal Center for Holocaust Studies. In that capacity, he provided public commentary in the media on matters relating to war crimes, the International Criminal Court, human rights, the Internet, national security and terrorism, and other issues.

KARIN BAQI

Karin Baqi is a Staff Lawyer at the South Asian Legal Clinic of Ontario (SALCO) where she practices primarily in the areas of immigration and income security law. Outside of her practice she strives to use her legal skills and education to support social movements. She is involved in grassroots campaigns for migrant justice and organizes against immigration detentions and deportations, and for access to services for non-status people.

BENJAMIN BERGER

Benjamin Berger is Associate Dean (Students) and Associate Professor at Osgoode Hall Law School at York University. Professor Berger's areas

of teaching and research include criminal and constitutional law and theory, law and religion, and the law of evidence. He holds an appointment as an Associate Professor in the Department for the Study of Religion at the University of Toronto and is a member of the faculty of the Graduate Program in Socio-Legal Studies at York University. Prior to joining Osgoode, Professor Berger was an associate professor in the Faculty of Law and held a cross appointment in the Department of Philosophy at the University of Victoria, where he began teaching in 2004. He served as law clerk to the Rt. Honourable Beverley McLachlin, Chief Justice of Canada, and was a Fulbright Scholar at Yale University. Professor Berger is active in professional and public education, is involved in public interest advocacy, and has appeared before the Supreme Court of Canada. While at UVic Law, Professor Berger twice received the Terry J. Wuester Teaching Award, and was awarded the First Year Class Teaching Award; he received the Osgoode Hall Law School Teaching Award in 2013.

SARAH COLGROVE

Sarah Colgrove is an LLM candidate at the University of Victoria. During her legal studies at Osgoode Hall Law School, she collaborated with MiningWatch on a research project through the Justice and Corporate Accountability Project. She completed her undergraduate degree at McGill, and articulated for Legal Aid Ontario. She is a member of the Ontario bar.

PERSIA ETEMADI

Persia Etemadi is a student in the combined law and social work program at the University of Toronto, and is interested in the many ways that social and legal issues intersect. Persia is a co-editor-in-chief of the Journal of Law and Equality, and has worked in the refugee and family law divisions of Downtown Legal Services, a community legal clinic at the University of Toronto. This summer, Persia is working at the Office of the Children's Lawyer, which represents children involved in a variety of legal matters.

STEPHEN GOUDGE

Stephen Goudge completed his Hons. B.A. (Political Science/Economics) at the University of Toronto in 1964, his M.Sc. (Econ.) at the London School of Economics in 1965, and his LL.B. (Awarded Dean's Key) at the University of Toronto in 1968. Mr. Goudge was called to the Bar of Ontario in 1970, and was appointed a Queen's Counsel in 1982. He practiced with the small litigation firm of Cameron Brewin and Scott until it merged with Gowling and Henderson in 1983. He was managing partner of the firm Gowling, Strathy & Henderson in Toronto where he engaged in a general litigation practice. Mr. Goudge has appeared before many administrative tribunals and Courts at all levels in Ontario and the Supreme Court of Canada. Mr. Goudge was a lecturer at the University of Toronto Faculty Of Law in both Labour Law and Native Rights from 1974 to 1985 and in Professional Responsibility from 2001 to present. He was active in the Ontario Bar Association and the Canadian Civil Liberties Association, and an elected Benchler of the Law Society of the Upper Canada from 1991 to 1996. Additionally, he was a Judicial Fellow of the American College of Trial Lawyers; a Board member of Pro Bono Law Ontario from 2002 to 2006; a member Chief Justice's Advisory Committee on Professional Responsibility from 2001 to present; a member of the Board of Governors of the Law Commission of Ontario from 2009 to present; and a member of the Civil Rules Committee from 2009 to present. On April 25, 2007, Mr. Goudge was appointed by the government of Ontario to conduct the Inquiry into Pediatric Forensic Pathology, which reported on October 1, 2008. He was appointed as a judge in 1996 and resigned from the Court of Appeal for Ontario on April 30, 2014. Since May 1, 2014, he has been counsel to Paliare Roland Rosenberg Rothstein LLP.

NADER HASSAN

Nader Hasan holds an A.B. from Harvard (2002), an M. Phil from Cambridge (2003), and a J.D. from the University of Toronto (2006). Mr. Hasan is counsel with the Toronto law firm Stockwoods LLP, specializing in criminal and constitutional litigation at both the trial and appellate

levels. He has argued at every level of court, including the Supreme Court of Canada, where he regularly appears on behalf of both accused persons and civil liberties organizations. He has also appeared in state and federal courts in the United States. Mr. Hasan has been an adjunct professor in the faculty of law at the University of Toronto since 2010.

KAREN HEATH

Karen Heath is a criminal lawyer at the firm of Adler Bytensky Prutschi Shikhman. Ms. Heath attended the University of Ottawa, Faculty of Law and graduated cum laude in 2014. She articulated as a judicial law clerk at the Ontario Superior Court of Justice and was called to the Ontario bar in June 2015. Ms. Heath also holds a Master of Arts degree from the University of Toronto in political science and international relations, as well as a Bachelor of Arts degree from Dalhousie University in political science and international development studies. In 2013, Ms. Heath interned with the defence team of General Ratko Mladic at the International Criminal Tribunal for the Former Yugoslavia. During law school, Ms. Heath researched and wrote reports on the Central African Republic and the Democratic Republic of the Congo for the All-Party Parliamentary Group for the Prevention of Genocide and Other Crimes Against Humanity, chaired by Romeo Dallaire. In 2012, Ms. Heath participated in an internship program at the American University, Washington College of Law, conducting research at the War Crimes Research Office. Ms. Heath has also worked at the Department of Foreign Affairs, Trade and Development and Amnesty International.

ALLAN HUX

Allan Hux is currently the acting President of the Ontario History Humanities and Social Sciences Consultants' Association. Mr. Hux is also a Founding Board Member of the Ontario Justice Education Network (OJEN), and is the former Program Coordinator for the Toronto District School Board. Mr. Hux is the author of numerous history, law, and political school texts.

SHIN IMAI

After becoming a lawyer in 1980, Shin Imai practised at Keewaytinok Native Legal Services in Moosonee and later established his own practice in the areas of human rights, refugee law and indigenous rights. He joined the Ontario Ministry of the Attorney General in 1989 to work on the development of Alternative Dispute Resolution programs and to initiate justice projects in indigenous communities. He was appointed to faculty at Osgoode Hall Law School in 1996 and is currently a director of the Justice and Corporate Accountability Project (justice-project.org). He has served as Academic Director at Parkdale Community Legal Services; the Director of the Intensive Program on Aboriginal Lands, Resources and Governments; the Director of Clinical Education; and Co-director of the Latin American Network on Research and Education in Human Rights (RedLEIDH). Mr. Imai was awarded the Excellence in Teaching Award at the law school in 2004 and 2007, and the university-wide Teaching Award in 2010.

LISA JACEK

Lisa Jacek holds an B.A. in Political Science from the University of Toronto, an M.A. in Political Science from Dalhousie University, and an LLB from Queen's University. Ms. Jacek articulated with the Ministry of the Attorney General in the Criminal Law Division and continued practicing as an Assistant Crown Attorney in downtown Toronto until 2006. Following that, she held the position of Counsel to the Assistant Deputy Attorney General for five years. Currently, Ms. Jacek is Counsel to the Regional Director of Crown Operations for the Toronto Region. She has also been active in education of Crown Attorneys as a Director of the Sentencing Course for over 10 years, and has presented or moderated panels at educational events including Ministry conferences and plenary events. Ms. Jacek has also been requested to provide training to the police – both the OPP and the Toronto Police Service -- largely in the area of sexual assault prosecutions and elder abuse. She has also lectured at Queen's University and for outside Agencies. As an Assistant Crown Attorney, Ms. Jacek has prosecuted in both the Ontario Court of Justice

and at the Superior Court of Justice in a variety of trials, including domestic assaults, sexual assaults, firearm cases, arson cases, and murder cases, in addition to appearing as Counsel on Inquests. In her current role, Ms. Jacek is the Domestic Violence Lead for the Toronto Region.

LAURA KIRBY-MCINTOSH

Laura Kirby-McIntosh has been a teacher for over 20 years. She is a “repeat offender” at mock trial tournaments, OJEN’s Charter Challenge, and the Toronto Summer Law Institute. She has written for Emond Montgomery, Pearson publishing, the Toronto Star, and the Ministry of Education. Ms. Kirby-McIntosh is also a mother of two children on the autism spectrum, and is a vocal advocate for children with special needs.

RAY LECLAIR

Ray Leclair joined the Lawyers’ Professional Indemnity Company (LAWPRO) in June 2008 in the role of Vice President, TitlePLUS, and as of May 2012 became Vice President, Public Affairs. Formerly General Counsel for the Kanata Research Park Corporation, a development company and major commercial landlord in Ottawa, Mr. Leclair has practised in both major national law firms and as a sole practitioner. He was also a part-time professor at the University of Ottawa Law School and Cité Collégiale, instructing the French language portion of the real estate law course. Mr. Leclair served for 15 years as the Ottawa senior instructor for the French and English Real Estate Sections of the Bar Admission Course and as a member of the Law Society of Upper Canada’s Solicitor Advisory Group, Licensing Process. Called to the bar in 1984, Mr. Leclair is Vice President of the North American Bar-related® Title Insurers; a member of the Ontario Bar Association Council; a member of the Canadian Bar Association’s (CBA) National Sections Council budget committee; and a Past-Chair of both the National Real Property Section of the CBA and of the Real Property Section of the Ontario Bar Association. He was Co-Chair, and

remains a member, of the Working Group on Lawyers & Real Estate, is President of the Ontario Real Estate Lawyers Association (ORELA), and Past President of the Advisory Committee for the Cité Collégiale Legal Assistants Program. Mr. Leclair has been a frequent presenter in numerous programs on real estate and other law-related topics.

DANIELLE MCLAUGHLIN

Danielle McLaughlin is Director of Education for the Canadian Civil Liberties Association and Education Trust. She worked with Alan Borovoy from January 1988 until his death in May 2015. Ms. McLaughlin has been a member of the OJEN network since its inception, and has made many presentations to the participants of the Summer Law Institute over the years.

KIMBERLY MURRAY

Kimberly Murray is currently the Assistant Deputy Attorney General of the Aboriginal Justice Division at the Ministry of the Attorney General. She was previously the Executive Director of the Truth and Reconciliation Commission of Canada and the Executive Director at Aboriginal Legal Services of Toronto. She has served on a number of notable committees and groups, such as the Aboriginal Working Group of the Law Society of Upper Canada and the Aboriginal Advisory Committee of Legal Aid Ontario. Ms. Murray, who is a member of the Kanehsatake Mohawk Nation, was called to the Ontario Bar in 1995. Over the past 20 years, she has gained considerable experience in the field of Aboriginal law as a legal counsel, and as a leader.

SUKANYA PILLAY

Sukanya Pillay is the General Counsel and Executive Director of the Canadian Civil Liberties Association and Education Trust. She succeeds Alan Borovoy and Nathalie Des Rosiers in this role. Ms. Pillay is much in demand as a speaker for a wide variety of audiences, and especially enjoys engaging young people in thinking critically about rights and freedoms.

BOB RAE

Bob Rae was elected eleven times to the House of Commons and the Ontario legislature between 1978 and 2013. He was Ontario's 21st Premier from 1990 to 1995, and served as interim leader of the Liberal Party of Canada from 2011 to 2013. Mr. Rae is currently a senior partner at Olthius Kleer Townshend LLP, as well as a negotiator, mediator, and arbitrator with a particular focus on First Nations, Aboriginal, and governance issues. He also teaches at the University of Toronto School of Governance and Public Policy, and is a widely respected writer and commentator. An author of four books and many studies and reports, Bob Rae is a Privy Councillor, an Officer of the Order of Canada, a member of the Order of Ontario, and most recently (July 2015), a Companion of the Order of Canada. Mr. Rae has numerous awards and honorary degrees from institutions in Canada and around the world.

RATHIKA VASAVITHASAN

Rathika Vasavithasan is the Staff Migration Lawyer at the Barbra Schlifer Commemorative Clinic in Toronto. The clinic provides legal, counselling, and interpreter services to women who have experienced gender-based violence. Prior to this, Ms. Vasavithasan worked in front-line, program, and policy positions in community-based women's centres and immigrant/refugee serving organizations. She was a staff lawyer at Parkdale Community Legal Services and South Asian Legal Clinic of Ontario where she practiced primarily immigration/refugee and income security law.

CORY WANLESS

Cory Wanless is a lawyer at Klippensteins Barristers and Solicitors. Cory represents clients across Canada and beyond in the areas of corporate accountability, native rights, environmental law, and affordable housing. Along with Murray Klippenstein, he currently represents 13 Mayan Q'eqchi' in three ground breaking lawsuits against Canadian company HudBay Minerals regarding human rights abuse in Guatemala. Cory

and Murray (along with Renu Mandhane of the IHRP) also recently represented the IHRP, MiningWatch, and the Canadian Centre for International Justice in an intervention at the Supreme Court of Canada in the matter of *Yaiguaje v Chevron*. Mr. Wanless has appeared at all levels of court in Ontario and Alberta. He is a frequent speaker on the topics of corporate accountability, Canadian mining, and human rights, and has guest-lectured at various universities and faculties of law throughout Canada. He is a graduate of the University of Alberta (B.A.) (2004) and the University of Toronto (J.D.) (2008) where he was an active member of the International Human Rights Program (IHRP).

TAMAR WITELSON

Tamar Witelson is the Legal Director at METRAC Action on Violence. Ms. Witelson heads METRAC's Community Justice Program, which develops and delivers accessible, in-person, online, and printed legal information and education to community support workers, and to women from diverse backgrounds who have experienced violence. Ms. Witelson works with other legal and community-based professionals to develop and deliver training, workshops and webinars, aimed at increasing public understanding about legal rights, options, and processes related to gender-based violence. Ms. Witelson's legal career has spanned the public and private spheres, with a focus on equality and human rights law. Before joining METRAC, Ms. Witelson was staff lawyer at the Women's Legal Education and Action Fund (LEAF), where she launched an equality rights website for legal updates and analysis. She has served as Counsel at the Constitutional Law Branch of the Ontario Ministry of the Attorney General, and as Counsel at the Human Rights Tribunal of Ontario, working on the transition to the Tribunal's current direct access model. She also had a private practice in union-side labour and human rights law, following her Clerkship at the Supreme Court of Canada. Before becoming a lawyer, Ms. Witelson worked for twelve years in television news, political and current affairs.

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