

# PROGRAM

2017 OJEN

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# SUMMER LAW Tuesday, August 29 & Wednesday, August 30 INSTITUTE

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Osgoode Hall, 130 Queen St. West, Toronto



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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](http://www.ojen.ca).**



#ojensli2017

# TUESDAY, AUGUST 29

8:30 <sup>AM</sup>	<b>REGISTRATION</b> (coffee and breakfast will be available) Convocation Hall, Law Society of Upper Canada, 2nd Floor
9:00 <sup>AM</sup> – 9:15 <sup>AM</sup>	<b>WELCOME – Introduction</b> Jessica Reekie, OJEN Executive Director
9:15 <sup>AM</sup> – 10:30 <sup>AM</sup>	<b>The Trump Immigration Agenda: Canadian Lawyer Responses</b> Sharry Aiken, Professor, Queen’s University, Faculty of Law; Erin Simpson, Lawyer
10:30 <sup>AM</sup> – 10:45 <sup>AM</sup>	<b>BREAK</b>
10:45 <sup>AM</sup> – 12:00 <sup>PM</sup>	<b>Privacy and Online Information: Privacy Law, Practice, Promise and Peril for Teachers and Students</b> Brenda McPhail, Director, Privacy, Surveillance & Technology Project, Canadian Civil Liberties Association (CCLA); Renee Barrette, Director of Policy, Office of the Information and Privacy Commissioner of Ontario; CCLA Peer Privacy Protectors: Erum Hasan, Afreen Mohamed, Sameena Mohamed, Miraj Umar
12:00 <sup>PM</sup> – 1:00 <sup>PM</sup>	<b>LUNCH</b> (optional tour of Osgoode Hall with Elise Brunet, Curator, Law Society of Upper Canada)
1:00 <sup>PM</sup> – 2:15 <sup>PM</sup>	<b>Top Five Significant Court Cases of the Past Year</b> Stephen Goudge, Counsel, Paliare Roland Barristers
2:15 <sup>PM</sup> – 3:15 <sup>PM</sup>	<b>OJEN’s New Resources &amp; CLEO’s Steps to Justice</b> Nat Paul, Acting Director of Educator Support, OJEN; Rebecca Stulberg, Steps to Justice Legal Content Developer and Project Manager, CLEO (Community Legal Education Ontario)
3:15 <sup>PM</sup> – 3:30 <sup>PM</sup>	<b>BREAK</b>
3:30 <sup>PM</sup> – 5:00 <sup>PM</sup>	<b>Omar Khadr: Case and Settlement</b> Azeezah Kanji, Director of Programming, Noor Cultural Centre; Audrey Macklin, Professor & Chair in Human Rights Law, University of Toronto, Faculty of Law & Director of the Centre for Criminology and Sociological Studies; Lorne Sossin, Dean & Professor, Osgoode Hall Law School, York University; Michelle Shephard, Journalist & Author, The Toronto Star
5:30 <sup>PM</sup> – 7:30 <sup>PM</sup>	<b>Wine and Cheese Reception in celebration of OJEN’s 15th Birthday with presentation of Hux-Kiteley Exemplary Justice Educator Award - Upper &amp; Lower Barristers’ Lounge, Law Society of Upper Canada</b>

# WEDNESDAY, AUGUST 30

8:30 <sup>AM</sup> –9:00 <sup>AM</sup>	<b>BREAKFAST</b>
9:00 <sup>AM</sup> –10:00 <sup>AM</sup>	<b>A Crash Course on Carding: What You Need to Know</b> Anthony Morgan, Lawyer, Falconers LLP
10:00 <sup>AM</sup> –10:30 <sup>AM</sup>	<b>BREAK</b>
10:30 <sup>AM</sup> –12:00 <sup>PM</sup>	<b><i>R v. Jordan: The Right to a Timely Trial – Demonstration</i></b> Paul Calarco, Lawyer; Elizabeth A. Moore, Staff Lawyer, Court of Appeal for Ontario; Andrew Smith, Provincial Prosecutor <b>SESSION HELD AT:</b> Superior Court of Justice, 361 University Ave., Courtroom 6-1
12:00 <sup>PM</sup> –1:00 <sup>PM</sup>	<b>LUNCH</b>
1:00 <sup>PM</sup> – 2:00 <sup>PM</sup>	<b>Bringing Human Rights into your Classroom: Key Issues and Resources</b> Rita Samson, Public Education and Outreach Officer, Ontario Human Rights Commission; Nat Paul, Acting Director of Educator Support, OJEN
2:00 <sup>PM</sup> –2:15 <sup>PM</sup>	<b>BREAK</b>
2:15 <sup>PM</sup> – 3:30 <sup>PM</sup>	<b>Family Legal Services: How Separating Families can get the Legal Advice that they need as they move towards a Resolution of their Dispute</b> Lisa Eisen, Lawyer, Family Law: A La Carte; Joel Miller, Lawyer, The Family Law Coach; Tami Moscoe, Family Counsel, Office of the Chief Justice, Superior Court of Justice
3:30 <sup>PM</sup>	<b>Closing Remarks &amp; Distribution of Resources</b>

# 2017 SPEAKERS

## SHARRY AIKEN

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Sharry Aiken is an associate professor and former associate dean at Queen's University, Faculty of Law. Her teaching portfolio includes international refugee law, immigration law, international law, international human rights law, law & poverty as well as administrative law. Her current research engages with the complexities and challenges posed by immigration and border security measures as well as the impact of these measures on asylum seekers, refugees and the communities they have established in Canada. A past president of the Canadian Council for Refugees, Prof. Aiken was co-chair of CCR's Legal Affairs Committee from 1998 to 2016 and served as pro bono counsel in many precedent-setting cases before the Supreme Court of Canada. She remains an active member of CCR's Legal Affairs Committee; while currently serving as Co-Chair of the Canadian Centre for International Justice. In 2015, together with a group of parents at her daughter's public school, Prof. Aiken launched a campaign to sponsor a Syrian refugee family. The group succeeded in raising the required funds in less than two months but have been frustrated by processing delays and are worried about the fate of the family - living with extremely precarious status in Lebanon. As the parent of school age children, much of Prof. Aiken's advocacy over the past several years has focused on raising awareness of international and national issues in the local context of neighbourhood, school and community.

## **RENEE BARRETTE**

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Renee is the Director of Policy with the Information and Privacy Commissioner of Ontario. She is a graduate of Dalhousie University's law school, and was called to the Ontario bar in 1984. Renee manages a team of 6 policy analysts who conduct research, educate the public and raise awareness of Ontario's access and privacy laws. The policy department also works with government institutions to ensure compliance with our access and privacy laws. Renee began her career working in private practice and in various other public sector capacities. She joined the IPC in 2003.

## **PAUL CALARCO**

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Paul Calarco studied history and law at the University of Toronto, receiving his B.A. in 1980 and LL.B. in 1982. In 1999, he received an LL.M. specializing in constitutional law from Osgoode Hall Law School. He has practised as a defence counsel since 1984, was granted an Order In Council as a part-time Assistant Crown Attorney in 1987 and from 1989 to 1995 was a Standing Agent for the Attorney General of Canada. Mr. Calarco has been an instructor in numerous educational programmes, written many submissions to the Governments of Canada and Ontario on criminal law reform and the practice of law, as well as articles on specific issues in criminal law and appeared before Parliamentary Committees. He was a member of four Canadian delegations to the People's Republic of China teaching advocacy and law reform to defence counsel in that country as well as a speaker at the China-Canada Symposium on the Reform of Criminal Justice in Beijing and is the editor of the Canadian Sentencing Digest.

## LISA EISEN

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Lisa Eisen was called to the Ontario Bar in 1995 and earned her Associate Certified Coach (International Coaching Federation) credential in 2013. She uses her education along with her work experience as a family law lawyer, facilitator of negotiation/mediation training workshops, and professional coach to support people going through separation and divorce. She provides unbundled family law legal services. That means that she works with each client in a way that makes sense for them. Most of her clients represent themselves and come to her for some type of support. Some clients need assistance in negotiation. Some clients retain her to help them prepare material for a court appearance, which they then attend without her. Some clients hire Lisa to appear with them at a court appearance and some clients retain her in a traditional way to represent them from beginning to end. More about her services can be found on her website: [www.FamilyLawALaCarte.ca](http://www.FamilyLawALaCarte.ca) With a colleague, she has also started running in-person, small-group workshops to provide the general public with information about family law. More about these workshops can be found at [www.TheFamilyLawWorkshop.ca](http://www.TheFamilyLawWorkshop.ca)

## HON. STEPHEN GOUDGE, Q.C.

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Hons. B.A. (Political Science/Economics), University of Toronto, 1964. M.Sc. (Econ.), London School of Economics, 1965. LL.B. (Awarded Dean's Key), University of Toronto, 1968. Articled to the Hon. Ian G. Scott, Q.C. Called to the Bar of Ontario in 1970. Appointed Queen's Counsel in 1982. Practiced with the small litigation firm of Cameron Brewin and Scott until it merged with Gowling and Henderson in 1983. Was managing partner of the firm Gowling, Strathy & Henderson in Toronto where he engaged in a general litigation practice. Appeared before many administrative tribunals and Courts at all levels in Ontario and the Supreme Court of Canada. Lecturer, University of Toronto Faculty of Law in Labour Law and Native Rights 1974 to 1985 and in Professional Responsibility 2001

to date. Was active in the Ontario Bar Association and the Canadian Civil Liberties Association. Was an elected Bencher of the Law Society of the Upper Canada from 1991 to 1996. He is a Fellow of the American College of Trial Lawyers. Appointed to the Court of Appeal for Ontario in 1996. Board member, Pro Bono Law Ontario 2002 to 2006. Member, Chief Justice's Advisory Committee on Professional Responsibility, 2001 to date. Appointed on April 25, 2007 by Ontario to conduct the Inquiry into Pediatric Forensic Pathology, which reported on October 1, 2008. Member, Board of Governors, Law Commission of Ontario, 2009 to date. Member, Civil Rules Committee, 2009 to date. Resigned from the judiciary April 30, 2014. Counsel to Paliare Roland Rosenberg Rothstein LLP as of May 1, 2014.

## **ERUM HASAN**

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Erum Hasan recently graduated from Sir Wilfrid Laurier C. I, located in Scarborough. She heard about Canadian Civil Liberties through YWCA Girls Center where she is on the Girls Council. She wanted the opportunity to work with a team to create a tool to inform people about Privacy. While working with CCLA as a Peer Privacy Protectors Member, she had the chance to find people who are likeminded and share some of the same opinions on technology while also bringing different ideas to discuss. This project has inspired her to take on studying Computer Studies at Ryerson.

## **AZEEZAH KANJI**

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Azeezah Kanji is a legal researcher and writer based in Toronto. She is a columnist at the Toronto Star, focusing on issues of race, law, and national security. Her writing has also appeared in the Ottawa Citizen, the National Post, OpenDemocracy, rabble, Roar Magazine, and academic anthologies and journals. Azeezah serves as Director of Programming at Noor Cultural Centre, a Muslim educational, religious, and cultural institution in Toronto.

## AUDREY MACKLIN

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Audrey Macklin is Director of the Centre for Criminology and Sociolegal Studies and Chair in Human Rights at the University of Toronto. She teaches, researches and writes in the area of migration and citizenship law, business and human rights, and administrative law. Through her scholarship and advocacy, Professor Macklin's body of work addresses academic and non-academic legal audiences, interdisciplinary scholarly networks, and civil society inside and outside Canada. Prof. Macklin is a frequent commentator in Canadian and international print, radio and television media, and appears in the documentaries *Continuous Journey* and *The Secret Trial Five*. Her op-eds have appeared in the New York Times, The Guardian, the Globe and Mail, the Toronto Star, and the National Post. From 1994-96, Professor Macklin was a Member of Canada's Immigration and Refugee Board, where she adjudicated refugee claims. In 2007, she became involved in the case of Omar Khadr, a Canadian citizen detained by the United States at Guantànamo Bay for almost a decade. She worked with Mr. Khadr's US military defence (JAG) team, was twice an observer for Human Rights Watch at the Military Commission proceedings against Mr. Khadr in Guantànamo Bay, and represented Human Rights Watch as intervener before the Supreme Court of Canada in two Khadr appeals. Professor Macklin has also acted as pro bono intervener counsel or academic legal advisor in several public interest human rights cases, including legal challenges to security certificates, withdrawal of health care for refugees, citizenship revocation, and the ban on niqabs at citizenship ceremonies.

## BRENDA MCPHAIL

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Brenda McPhail is the Director of the Canadian Civil Liberties Association's Privacy, Surveillance, and Technology Project. Her recent work includes guiding CCLA's interventions in key court cases that raise privacy issues, most recently at the Supreme Court of Canada in *R. v. Marakah* which focuses on privacy rights in text messages; research into surveillance of dissent, government information sharing, digital surveillance capabilities, privacy in relation to emergent technologies; and developing resources and presentations to drive public awareness about the importance of privacy as a social good. She received her Ph.D. from the University of Toronto, Faculty of Information in 2013. In her peer-reviewed, published work and at international conferences, she has explored do-it-yourself approaches to privacy protective identification, privacy risks of RFID-enhanced driver's licenses, identity performance in government service interactions, Canadian ePassport development, attitudes to video surveillance, and privacy issues inherent in connected cars and usage-based insurance.

## JOEL MILLER

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Joel Miller has been practicing law since 1970 at all levels of the court, and doing only family law since the early 1980's. He has spoken at numerous conferences and events, and been interviewed on radio and TV, on family law matters. He has spoken at numerous conferences and events, been interviewed on radio and TV on family law matters and has been a Dispute Resolution Officer. Joel has recently become concerned about the profession's lack of response to the needs of family law litigants representing themselves in family court, and the lack of access to justice in a system that seems to cater to those who can afford lawyers and ignores those who can't. He created The Family Law Coach, (<http://thefamilylawcoach.com>) as a partial answer to this. This is Canada's only exclusively online service dedicated to family law self-reps, providing a suite of affordable, à la carte, fixed fee, services accessible by phone or email.

## **AFREEN MOHAMED**

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Afreen Mohamed is a first year student at Wilfrid Laurier University who has taken part in the Peer Privacy Protectors Program and has been involved in many volunteering efforts throughout the years. She has dedicated time alongside the PPPP team to create a guidebook that will stand out when issues of privacy concern arise. She believes that everyone is entitled to their privacy and hopes to bring about public awareness about privacy rights and the importance of consent with online information through the CCLA's recent guidebook.

## **SAMENA MOHAMED**

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Samena Mohamed is a first year UCEP student at University of Waterloo. From June 2016 to March 2017, she has taken part in the Peer Privacy Protectors Program along with many other students and contributed in creating a guidebook which can help students understand their privacy rights and ensure their safety online. She has contributed time and effort along with the rest of the PPPP team to enforce the privacy of students. Throughout the years, Samena has also been involved in many volunteering efforts such as Youth Social Media Workshops alongside the RCMP Students Commissions of Canada.

## **ELIZABETH MOORE**

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Elizabeth Moore is currently a staff lawyer at the Court of Appeal for Ontario. Elizabeth was called to the Bar in 2000 and was an associate with the criminal defence firm Cooper, Sandler and West before joining the Etobicoke Crown Attorney's Office in 2006. From 2013 to 2017, Elizabeth was counsel in the office of the Chief Justice of the Superior Court of Justice, where she was the counsel responsible for criminal matters (including the Superior Court's response to *R. v. Jordan*), information technology and access to court records. Elizabeth is a mediocre but enthusiastic athlete in a number of sports, including hockey, ultimate, skiing, mountain biking and whitewater kayaking.

## **ANTHONY MORGAN**

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Anthony Morgan is a human rights and civil liberties lawyer at Falconers LLP, where his practice focuses on state accountability litigation. He is also an advocate and frequent legal, social and public affairs commentator on issues concerning racism, critical multiculturalism and critical race theory in Canada. He has appeared on or written for CBC, CityNews, CTV, CNN, Toronto Star, Globe & Mail. He specializes in intersectional anti-racist human rights litigation and advocacy that addresses anti-Black racism in policing and the broader criminal justice system. He has advocated on the issue of anti-Black racism in Canada at various levels of court, including the Supreme Court of Canada, and before two United Nations human rights committees in Geneva, Switzerland. In both 2016 and 2017, Anthony was nominated as one of Canada's Top 25 Most Influential Lawyers by Canadian Lawyer Magazine. You can follow him on Twitter: @anthonymorgan

## **TAMI MOSCOE**

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Tami Moscoe provides advice to Chief Justice Heather Smith and Senior Family Justice Czutrin on any and all issues relating to family law, family court processes and the Unified Family Court. This includes developing internal and external resources for the Superior Court of Justice to assist with the resolution of family cases, including a new guide to process for family litigants. It also includes assisting with the development and implementation of best practices for family law and child protection proceedings. Ms. Moscoe also advises on improvements to the Family Law Rules and potential family justice innovations, working closely with representatives of the Ministry, the family law bar and other stakeholders. Over the past three years, Ms. Moscoe has contributed to several successful family law initiatives, including co-chairing the Walsh Family Law Negotiation Competition and contributing to the development of CLEO's new Steps to Justice website. She also co-authored an important paper on potential improvements to address challenges relating to the provision of custody and access assessments. Ms. Moscoe joined the

public service in 2006 after 8 years of family law practice at Torkin Manes. She also became an Accredited Family Mediator (Ontario Association for Family Mediation) during her time in private practice.

## **NAT PAUL**

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Nat Paul is OJEN's Acting Director of Educator Support. He is an Ontario Certified Teacher specializing in Inner-City Education and holds a Master of Arts in sociology and education. Prior to joining OJEN in 2011, Nat worked in social justice teaching in secondary, community college and university classrooms, where he emphasized personal and social transformation through student engagement and empowerment.

## **RITA SAMSON**

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Rita received her LL.B and BA degrees from the University of Toronto and her MA (Understanding and Securing Human Rights) from the University of London, England. She is called to the Bar of Ontario and practised human rights, labour and administrative law for four years, representing clients from both the public and private sectors. For eight years, Rita coordinated Disability Rights Promotion International (DRPI), an international human rights project promoting the rights of persons with disabilities, based at York University. At DRPI, Rita developed, managed and delivered participatory human rights education and capacity building programs in diverse communities around the world. Rita is a former member of the Human Rights Committee of Human Rights Watch Canada and the LEAF (Legal Education and Action Fund) Law Program Committee. Rita currently works as a Public Education and Outreach Officer with the Ontario Human Rights Commission where she develops and delivers public education on a range of human rights and social justice issues and engages in outreach with stakeholder groups and the broader public.

## **MICHELLE SHEPHARD**

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Michelle Shephard is a journalist, author and filmmaker who has been covering issues of terrorism and civil rights since the September 11, 2001 attacks, reporting from Canada and around the world, including repeated trips to Somalia, Yemen, Pakistan and traveling more than two dozen times to the US prison at Guantanamo Bay. In 2011, she wrote about her journeys in, "Decade of Fear: Reporting from Terrorism's Grey Zone." Her Emmy-nominated documentary "Guantanamo's Child," told the story of Omar Khadr and was based on her 2008 book about his case.

## **ERIN SIMPSON**

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Erin Simpson is a refugee lawyer in private practice in Toronto. Erin acts for clients in refugee protection hearings, judicial reviews, detention reviews, and other immigration proceedings. She currently acts as counsel to Amnesty International, the Canadian Council for Refugees and the Canadian Council of Churches in a legal challenge to the Safe Third Country Agreement (STCA). In addition to her focus on refugee law, Erin also represents and advises NGOs working for legislative reform in the area of corporate accountability for international human rights violations. Erin sits on the National Executive of the Canadian Association of Refugee Lawyers (CARL), and is Co-Chair of CARL's Advocacy Committee. Erin clerked at the Supreme Court of Canada for Justices Fish and Karakatsanis. She is called to the Bar of Ontario, and a member in good standing of the Law Society of Upper Canada. Prior to attending law school, Erin worked in international human rights advocacy, focused on women's rights in the context of violent conflict, and corporate accountability. She speaks English, French and Spanish.

## ANDREW SMITH

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Andrew Smith is a Provincial Prosecutor in Toronto, and has been prosecuting Provincial Offences Act cases for over 17 years. Andrew has a Diploma in Law Enforcement from Seneca College, and a Bachelor of Arts Degree from the University of Toronto, where he completed majors in Criminology and Political Science. Andrew has been appeared for the Attorney General of Ontario in such cases as *R. v. Jane Raham*, 2009 ONCJ 403; [2009] O.J. No. 3669, the test case on the constitutionality of the Stunt Driving provisions of the Highway Traffic Act, and at the Trial and First Level Appeal in *R. v. Ioannis Hajivasilis*, where the Court of Appeal for Ontario [(2013) 114 O.R. (3d) 337] subsequently reversed part of one of their prior decisions and preserved the Highway Traffic Act. Andrew also argued what may be the first reported case of arguments involving *R. v. Jordan* in a Provincial Offences Act prosecution, *R. v. Christopher Ramsay*, 2016 ONCJ 569; [2016] O.J. No. 4841. Andrew is a life-long resident of Toronto, and is most grateful for the opportunity to participate in this event.

## LORNE SOSSIN

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Lorne Sossin is a Professor and Dean of Osgoode Hall Law School, at York University and, since 2015, York's Presidential Advisor on Community Engagement. Prior to this appointment in 2010, Professor Sossin was a Professor with the Faculty of Law at the University of Toronto (2002-2010). He is a former Associate Dean of the University of Toronto (2004-2007) and served as the inaugural Director of the Centre for the Legal Profession (2008-2010). His teaching interests span administrative and constitutional law, the regulation of professions, civil litigation, public policy and the judicial process. In 2012 and 2013, Dean Sossin was chosen by *Canadian Lawyer* as one of the 25 Most Influential Lawyers in Canada. Dean Sossin is also the recipient of the 2012 David Mundell Medal for excellence in Legal Writing.

## REBECCA STULBERG

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Rebecca is the Project Manager and Legal Content Developer for CLEO's Steps to Justice website. In this role Rebecca oversees the drafting and legal review of Steps to Justice content, maintains relationships with contributing organizations, and assists in managing the direction of the project as a whole. Before joining CLEO, Rebecca spent four years working in employment, labour and human rights law at a Toronto firm. Her practice included representing clients in grievance arbitrations and mediations, wrongful dismissal and discrimination claims, and in professional misconduct and capacity matters. Rebecca has also held positions with the Ministry of Labour-Legal Services Branch, the Ontario Labour Relations Board, the Canadian HIV/AIDS Legal Network, the University of Ottawa Community Legal Aid Clinic, and the Hong Kong Refugee Advice Centre. Prior to law school, Rebecca worked as the Director of International Projects and Education for a Non-Governmental Organization. In this role, she managed community development and public health projects in four countries.

## MIRAJ UMAR

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Miraj Umar is a grade 10 student at Galt Collegiate Institute (GCI) in Cambridge Ontario. She is excited to part of GCI's 2017/2018 student council. Her favorite subjects are science and math. In her free time, she loves to do creative writing, reading and outdoor activities such as hiking. For extracurricular activities outside of school, she volunteers at many places. In the past, she has volunteered with the RCMP's National Youth Advisory Committee and the Cambridge Summer Playgrounds as an L.I.T. Working with CCLA for the Privacy Protector's Project was an amazing opportunity and she is very proud of our Privacy Guidebook!

**OJEN wishes to thank the following sponsors for their generous support of the 2017 Summer Law Institute:**



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