

PROGRAM

2018 OJEN

SUMMER LAW Tuesday, August 28 & Wednesday, August 29 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.



#ojensli2018

TUESDAY, AUGUST 28

8:30 ^{AM}	REGISTRATION (coffee and breakfast will be available) <i>Convocation Hall, Law Society of Ontario, 2nd Floor</i>
9:00 ^{AM} – 9:15 ^{AM}	WELCOME – Introduction
9:15 ^{AM} – 10:30 ^{AM}	Human Rights, Charter Rights and the 1998 Sex-Ed Curriculum Cara Faith Zwibel – Director, Fundamental Freedoms Program, Canadian Civil Liberties Association (CCLA); Marcus McCann – Lawyer, Symes Street & Millard LLP
10:30 ^{AM} – 10:45 ^{AM}	BREAK
10:45 ^{AM} – 12:00 ^{PM}	Refugee Status Decision Making: the Good, the Bad and the Ugly Dr. Hilary Evans Cameron – Professor, Osgoode Hall Law School & University of Toronto; Barbara Jackman – Senior Partner, Jackman, Nazami & Associates
12:00 ^{PM} – 1:00 ^{PM}	LUNCH (optional tour of Osgoode Hall with Elise Brunet, Curator, Law Society of Ontario)
1:00 ^{PM} – 2:15 ^{PM}	Top 5 Cases Hon. Stephen Goudge, Q.C. – Counsel, Paliare Roland Barristers
2:15 ^{PM} – 3:30 ^{PM}	#MeToo and Harassment at Work Devin Jarcaig – Associate Lawyer, Milburn & Associates; Michelle Thompson – Manager of Legal and Digital Development, OJEN
3:30 ^{PM} – 3:45 ^{PM}	BREAK
3:45 ^{PM} – 5:00 ^{PM}	The Law and Your Online Life (and Death) Paul Adam – Associate Lawyer, Wise Law; Simran Bakshi – Associate Lawyer, Wise Law; Dan Nelson – Senior Partner, Civis Law LLP
5:30 ^{PM} – 7:30 ^{PM}	Wine and Cheese Reception - Upper & Lower Barristers' Lounge, <i>Law Society of Ontario</i>

WEDNESDAY, AUGUST 29

8:30 ^{AM} –9:00 ^{AM}	BREAKFAST
9:00 ^{AM} –10:00 ^{AM}	<p>A High School Teacher’s Guide to Racial Profiling in Policing Sunil Gurmukh – Counsel, Ontario Human Rights Commission (OHRC); Roger Love – Legal Counsel, Client Services Manager (Applications); Human Rights Legal Support Centre (HRLSC)</p>
10:00 ^{AM} –10:30 ^{AM}	BREAK
10:30 ^{AM} –12:00 ^{PM}	<p>Sentencing Circle Demonstration SESSION HELD AT: Old City Hall (60 Queen St. West), Courtroom #121 André Chamberlain – Prosecutor, Public Prosecution Service of Canada; Emma Haydon – Crown Counsel, Ministry of the Attorney General; Shaunna Kelly – Criminal Defence Lawyer; Rhonda Roffey – Justice of the Peace, Ontario Court of Justice</p>
12:00 ^{PM} –1:00 ^{PM}	LUNCH
1:00 ^{PM} –2:00 ^{PM}	<p>OJEN’s New Resources! Nat Paul – Director of Educator Support, OJEN</p>
2:00 ^{PM} –2:15 ^{PM}	BREAK
2:15 ^{PM} –3:30 ^{PM}	<p>Let’s Hash It Out: What Marijuana Legalization Means for Youth Emily Chan – Staff Lawyer, Justice for Children and Youth (JFCY); Paul Lewin – Cannabis Lawyer, Lewin & Sagara LLP; Dessy Pavlova – Board Chair, Canadian Students for Sensible Drug Policy (CSSDP)</p>
3:30 ^{PM}	Closing Remarks & Distribution of Resources

2018 SPEAKERS

PAUL ADAM

Paul Adam is an Associate at Wise Law Office, a boutique litigation firm in Toronto. He specializes in civil litigation, and has argued claims at all levels of the Ontario Court system, including the Human Rights Tribunal, Superior Court, Small Claims Court, and Court of Appeal. He acts in matters where the use and abuse of social media can have a direct impact on the outcome of a case, including defamation, sexual misconduct, invasion of privacy and other emotionally charged litigation.

SIMRAN BAKSHI

Simran graduated from Osgoode Hall Law School in 2013. She articulated with WISE LAW OFFICE and continued as an associate of the firm upon her call to the Ontario Bar in 2014. Simran's areas of practice include Employment Law, Civil Litigation, and Family Law. Simran also holds an Honours Bachelors Degree in Business Administration with a specialization in Finance and International Business from the Schulich School of Business at York University.

Prior to joining the WISE LAW OFFICE, Simran worked at the Human Rights Legal Support Centre and has volunteered at the Community Legal Aid Service Program, Pro Bono Students Canada, the World Sikh Organization, and the Bangalore-based non-profit organization, The Concerned for Working Children.

DR. HILARY EVANS CAMERON

A former litigator, Hilary Evans Cameron represented refugee claimants for a decade, and now holds a doctorate in refugee law from the University of Toronto. She is the SSHRC's 2017 Bora Laskin National Fellow in Human Rights Research and the author of a book about the law of fact-finding in refugee status decision-making (*Refugee Law's Fact-finding Crisis: Truth, Risk, and the Wrong Mistake*, Cambridge 2018). Her research, which largely focuses on how refugee status decision-makers make credibility assessments, has been influential internationally and was recently included in a leading anthology of "the finest scholarship available" in refugee law from the 1930s to the present. Hilary teaches at Trinity College in the Ethics, Society and Law program and is a postdoctoral fellow and Adjunct professor at Osgoode Hall Law School.

ANDRÉ CHAMBERLAIN

André Chamberlain is a member of the Innu Nation and his home community, Mashteuiatsh, is located on Lac-Saint-Jean in Quebec. André first worked in mental health in Thunder Bay and Toronto. André went to law school in his 30's and articulated at the Office of the Children's Lawyer and worked briefly in private practice in a family law firm before being hired by the Department of Justice. There he worked in the Regulatory Section and was lead counsel in the inquest into the deaths of Robert Gentles and Vanessa Young. In 2003, he transferred to criminal prosecutions where he has developed a niche practice in restorative justice initiatives, working in the Toronto Gladue Court since its early beginnings and in the Toronto Drug Treatment Court. He also has a practice prosecuting immigration offences.

EMILY CHAN

Emily is the Community Development Lawyer at Justice for Children and Youth (JFCY). In her litigation work, Emily has appeared at all levels of tribunals and courts; she was counsel as an intervenor before the Supreme Court regarding the rights of child soldiers (*Prime Minister of Canada v Khadr*) and the rights of unaccompanied children seeking refugee status (*Kanthasamy v Minister of Citizenship and Immigration*) and counsel in JFCY's joint application to challenge the federal governments cuts to refugee health care. In addition to casework, Emily participates in a variety of law reform and community initiatives including roundtable participation on the *Cannabis Act*, facilitates legal education workshops in schools and other settings for youth and front-line staff who work with youth; organizes and presents at numerous conferences; is a member-at-large of the Ontario Bar Association's Constitutional, Civil Liberties and Human Rights Law section; and served as a board member of the Canadian Coalition for the Rights of Children (CCRC). Emily joined JFCY in 2003 where she has also held the positions of Acting Executive Director and Street Youth Legal Services Lawyer.

HON. STEPHEN GOUDGE, Q.C.

Hon. Stephen Goudge received his Honours BA at the University of Toronto, his MSc from the London School of Economics and his LLB from the University of Toronto, at which he was awarded the Dean's Key.

Justice Goudge articulated to the Hon. Ian G. Scott, Q.C. He was called to the Bar of Ontario in 1970 and appointed 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 in Toronto where he practiced general litigation. He has appeared before many administrative tribunals and Courts at all levels in Ontario and the Supreme Court of Canada.

Justice Goudge was a Lecturer at the University of Toronto Faculty of Law in Labour Law and Native Rights from 1974 to 1985 and in Professional Responsibility from 2001 onward. He was active in the Ontario Bar Association and the Canadian Civil Liberties Association and 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.

Justice Goudge was 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. He was 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 Barristers as of May 1, 2014.

SUNIL GURMUKH

Sunil Gurmukh is a lawyer at the Ontario Human Rights Commission (OHRC). Prior to joining the OHRC in 2011, he worked at the African Canadian Legal Clinic as a Staff Lawyer and articulated at Hicks Morley Hamilton Stewart Storie LLP. He has worked on significant human rights cases at the Human Rights Tribunal of Ontario and all levels of court, including the Supreme Court of Canada. He has a B.Comm from Queen's University (2005) and an LL.B. from Western University (2008). He has been recognized for his work on racial profiling as a winner of the 2016 Precedent Setter Award and Hennessy V.S.O.P. Privilège Award and member of Bay Street Bull's 2017 Power 50 Guide.

EMMA HAYDON

Emma Haydon is an Assistant Crown Attorney on secondment as Crown Counsel at the Crown Law Office – Criminal. Emma is currently working on criminal law policy and recently worked as counsel for Ontario in response to the National Inquiry into Missing and Murdered Indigenous Women and Girls. Emma's home office is College Park, where she focuses her practice on domestic violence, sexual violence, and proceedings involving Indigenous persons.

BARBARA JACKMAN

Barbara Jackman is a lawyer in private practice at Jackman, Nazami & Associates in Toronto, ON. She received an Honours BA at the University of Windsor and her law degree at the University of Toronto. She was called to bar in 1978 and has been specializing in immigration, refugee and citizenship law since.

Over the years, Ms. Jackman has taught as a special lecturer in various law programs. She has spoken and written on immigration, refugee and citizenship, Federal Court practice, national security and human rights.

Ms. Jackman has appeared a number of times before the Supreme Court (acting as counsel for appellant, respondent or intervener). Ms. Jackman has been active in a number of organizations in the past including the Canadian Bar Association, the Law Union of Ontario, Canadian Civil Liberties Association, Working Women Community Centre, INTERCEDE, and Defence for Children International. She has received a number of honours and three honorary doctorates from the Law Society of Upper Canada, University of Windsor and University of Ottawa.

DEVIN JARCAIG

Devin Jarcaig is an associate at Milburn & Associates. She regularly advises both employees and employers on a wide range of complex employment law issues, including actions involving wrongful dismissal, human rights legislation, written offers of employment, constructive dismissal cases, post-employment restrictions, and partnership and shareholder disputes. Her practice focuses primarily on providing employment-related legal advice to executives in the financial services industry. She also has experience advising clients in situations where discrimination, harassment, and bullying arise. Devin regularly represents clients at mediations and other forums for alternative dispute resolution.

Devin received her Bachelor of Laws (Ontario) and Juris Doctor (Michigan) in 2011 from The Canadian & American Dual JD Program at the University of Windsor and the University of Detroit Mercy. Prior to attending law school, she earned a Bachelor of Arts degree at McGill University in 2008. Devin was called to the Bar of Ontario in 2012. She is a member of the Advocates' Society, the Canadian Bar Association, and Women in the Capital Markets.

SHAUNNA KELLY

Shaunna Kelly was called to the Ontario Bar in 2009 and has been practicing exclusively in the area of criminal defence. Ms. Kelly focuses much of her practice in the area of the specialized Aboriginal Persons Gladue Court, representing Indigenous people who have come in contact with the criminal justice system. She is a member of the Criminal Lawyers Association and has been the Gladue Court Representative for the Criminal Lawyers Association since 2015.

Shaunna Kelly graduated from Laurentian University's Law and Justice Program (Sudbury) in 2004. She then went on to attend Queen's University, graduating with a J.D. in 2008. While at Queen's, Ms. Kelly had the opportunity to participate in the Correctional Law Project (now the Prison Law Clinic), obtained her international criminal law certificate from the Bader International Study Centre at Herstmonceux Castle, U.K. and attended as a visiting student to Osgoode's Intensive Program in Aboriginal Lands, Resources and Governments.

PAUL LEWIN

Paul Lewin is a cannabis lawyer in Toronto who has litigated a vast array of cannabis issues. Paul has litigated the constitutionality of the doctor-as-gatekeeper requirement under the old MMARs, patient access to cannabis under the ACMPRs, and the prohibition on the religious use of cannabis under the CDSA. Paul challenged and ended the police practice of accessing hydro consumption records without warrant in order to raid cannabis gardens. He has been practicing in Toronto for almost 25 years. He is also a long-time board member for NORML Canada.

ROGER LOVE

Roger Love serves as Legal Counsel and Client Services Manager (Applications) for the Human Rights Legal Support Centre (HRLSC). He has litigated several cases regarding systemic discrimination and racial profiling, including *Wickham v Hong Shing Chinese Restaurant*, a case which concerned racial discrimination at a Toronto restaurant. He also represented Charline Grant, who filed a human rights complaint against the York Region District School Board to address incidents of Anti-Black racism at the Board and the use of a racial slur by a school board official. Prior to joining the HRLSC, he worked for the African Canadian Legal Clinic (ACLC) where he was heavily involved in their litigation and advocacy work. He served as co-counsel for the ACLC when they appeared as interveners at the Supreme Court of Canada in *R v Lloyd*. Moreover, Mr. Love has fought tirelessly to end the practice of carding. He has advocated to end the practice before police service boards, high schools, and community groups across the GTA. He is a graduate of the University of Toronto and Osgoode Hall Law School.

MARCUS MCCANN

Marcus McCann is a lawyer who practices employment and human rights law. He has appeared before all levels of court in Ontario, as well as Federal Court and the Supreme Court of Canada, and represented clients before the Ontario Human Rights Tribunal and the Canadian Human Rights Commission. He regularly represents clients in negotiations and mediations, inside and out of formal court proceedings. His firm has launched a human rights challenge to the shelving of the 2015 Health and Physical Education curriculum by the Doug Ford government.

DANIEL NELSON

Daniel Nelson is senior partner of Civis Law LLP. His legal practice focuses on estate planning and administration, trusts, substitute decision-making (powers of attorney), and business law for entrepreneurs, particularly in design and social media. He is a frequent lecturer, writer and commentator on legal, historical and new media topics, has appeared on CBC TV and Radio, CTV, Global, and Canada AM, and has been quoted in newspapers as diverse as the Lawyer's Daily, the Washington Post and Canadian Business Magazine. He frequently lectures to students at George Brown College.

Dan is also member of the Conservation Review Board, which adjudicates disputes related to the designation of historic property in Ontario. In addition, he serves as General Counsel to the Association of Canadian Industrial Designers and is a director of several new media companies. He holds undergraduate and graduate degrees in Canadian Studies from Trent University and a degree in law from the University of Windsor and is the 2013 recipient of the Ontario Bar Association's Widdifield Award for his research into digital legacy, which addresses questions of what happens to our online lives when we die.

NAT PAUL

Nat Paul is OJEN's 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.

DESSY PAVLOVA

Dessy has been studying drug policy and the cannabis industry for over a decade. As a marketing strategist, she has worked with a number of medical cannabis companies through the various changes in regulations from Health Canada's original Medical Marijuana Access Regulations (MMAR) to the Access to Cannabis for Medical Purposes Regulations (ACMPR). In her role as chair of Canadian Students for Sensible Drug Policy (CSSDP) and as an advisory board member of the National Institute for Cannabis Health and Education (NICHE) she works closely with stakeholders from cannabis organizations to politicians and educators to the general public on drug and health education. Dessy works with start-ups and small businesses to develop their brand and digital marketing strategies in and outside of the Canadian cannabis industry.

HER WORSHIP RHONDA ROFFEY

Her Worship Rhonda Roffey is a Justice of the Peace presiding at Old City Hall. Justice Roffey earned her Bachelor of Arts degree from the University of Toronto in 1989 and more recently held the position of executive director of Women's Habitat. Previously she worked in various capacities with the Ontario Aboriginal Health Advocacy Initiative, the Barrie and District Rape Crisis Centre, the AIDS Committee of Simcoe County, and Canada World Youth. She has also spent time volunteering for a number of Toronto-based organizations, including Toronto Women's City Alliance, Social Planning Toronto, Toronto Board of Health, and Native Child and Family Services. Justice of the Peace Roffey was assigned to the Toronto Region.

MICHELLE THOMPSON

Michelle Thompson is a lawyer who works for the Ontario Justice Education Network and Community Legal Education Ontario, where she specializes in plainer language legal communication and training for legal sector volunteers. Before joining OJEN, she worked in labour and employment law and community responses to gender-based violence. As OJEN's Manager of Legal and Digital Development, she develops PLE projects that engage youth through smart uses of technology and game design.

CARA FAITH ZWIBEL

Cara Faith Zwibel joined the Canadian Civil Liberties Association (CCLA) in 2009 as Director of the Fundamental Freedoms Program. She graduated from McGill University in 2001 with an Honours degree in Political Science and received her LL.B. from Osgoode Hall Law School in 2004. She articulated as a law clerk to the Honourable Justice Ian Binnie at the Supreme Court of Canada before being called to the Ontario bar in 2005. Cara also received her Master of Laws degree from New York University, as an Arthur T. Vanderbilt Scholar. Prior to joining CCLA, Cara was an associate at a national law firm, practicing public law, health law and commercial litigation. She has experience representing clients at all levels of court and before administrative tribunals, and has authored and co-authored published articles on constitutional law. Her work with CCLA involves providing legal opinions and research, coordinating interventions and representing CCLA before the courts, preparing submissions to legislative bodies and assisting with the CCLET's public education work.

OJEN wishes to thank the following sponsors for their generous support of the 2018 Summer Law Institute:



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