

# The Commons Institute

This program can be listed for up to 7 Substantive Hours under the LSUC's Continuing Professional Development requirement. Additionally, this program has been accredited by the LSUC for 2 Professionalism Hours.

accredited  
**cpd**

**EARLY BIRD DEADLINE: March 2nd, 2012**

## ADMINISTRATIVE LAW SYMPOSIUM 2012

MARCH 22ND & 23RD, 2012 | ROYAL YORK | TORONTO, ONTARIO

# The Commons Institute

[www.thecommonsinstitute.com](http://www.thecommonsinstitute.com)

## **FACULTY**

**Raj Anand**  
**WEIR FOULDS**

Raj is a partner at Weir Foulds. He practices in the areas of human rights, constitutional and administrative law. He is a former Chief Commissioner of the Ontario Human Rights Commission. He is a bencher of the Law Society of Upper Canada.

**Janet Leiper**  
**CITY OF TORONTO INTEGRITY COMMISSIONER**  
**BARRISTER & SOLICITOR, TORONTO**

Janet's law practice has spanned administrative and criminal law. She has been involved in both the investigation and prosecution stages of administrative matters, and has acted as both independent counsel and as an adjudicator. Janet is the Integrity Commissioner for the City of Toronto, and an Alternate Chair for both the Ontario and Nunavut Review Boards.

**Marc Spector**  
**SHIBLEY RIGHTON**

Marc is a partner at Shibley Righton, and spearheads the firm's Professional Regulation and Discipline Group. His practice is devoted to helping professionals and the Colleges that govern them navigate the complicated world of professional regulation. Marc routinely appears as counsel before a host of disciplinary tribunals. He is also involved in a number of health care charities.

**Freya Kristjanson**  
**CAVALLUZZO HAYES SHILTON MCINTYRE & CORNISH**

Freya Kristjanson practices administrative law, pension and benefits and civil litigation. Freya is recognized in The Best Lawyers in Canada 2010 in the fields of Administrative and Public Law and Class Actions. She is recognized in the Canadian Legal Lexpert Directory in the field of Litigation – Public Law. Freya has argued leading cases before the Supreme Court of Canada, the Federal Courts, all levels of court in Ontario and a wide variety of administrative tribunals. Freya teaches Administrative Law at the Faculty of Law, University of Toronto.

**Gregory Kane**  
**STIKEMAN ELLIOTT**

Greg Kane is the head of Stikeman Elliott's Communications Group and is a member of the Government Relations, Regulatory and Public Policy practice group. His practice has involved clients in all aspects of domestic and international electronic and telecommunications sectors including regulatory, transactional and privatization mandates in telephony, satellite, wireless, Internet, broadcasting, broadcasting distribution and copyright. Greg is recognized as a leading legal practitioner in communications law.

**Leila Gosselin**  
**CITY OF CALGARY LAW DEPARTMENT**

Leila Gosselin is a lawyer and Chartered Mediator with The City of Calgary Law Department, responsible for the conduct of cases in all levels of court. Leila has made 3 Supreme Court of Canada appearances, and possesses extensive administrative litigation experience in large complex regulatory cases and municipal law issues. Leila has acted with regard to the Taxi Commission, Livery Transport Board, License Appeal Board and Community Standards Appeal Board.

## **Administrative Law Symposium 2012**

As contemporary governance grows ever more complex, rule making, administration, regulation and the implementation of laws are becoming highly specialized, resulting in myriad impacts - on citizens, industry and the environment. As a result, Administrative Law has never been more important. It is worthwhile for administrative actors and practitioners alike to examine the workings and continued applicability of its time-tested norms, understand how they have recently evolved, and upgrade tools for an area of law that forms part of the framework of modern societal life.

Over the course of this two-day conference, our expert faculty will provide overviews, analyses and implications of developments within Administrative Law, including bias and lack of independence, administrative decision writing, ethics regimes, and trends in professional regulation. The conference will include opportunities for debate, dialogue, questions and answers between and from attendees and faculty.

### **A Sampling Of Issues To Be Addressed:**

The conference will address themes focused on updating tools for administrative actors as well as administrative law practitioners. Topical areas include updates on:

- Bias and lack of independence
- Writing tribunal decisions
- Trends in professional regulation
- Ethics regimes
- Judicial review
- Procedural fairness
- Rules, policies and guidelines

### **Who Should Attend:**

- Lawyers in private practice in the area of Administrative law
- In-house counsel that appear before administrative decision making bodies
- Tribunal counsel
- Judges
- Tribunal members and other administrative actors
- Tribunal staff seeking a sound grasp of legal norms
- Academics
- Government officials and lawyers working in regulation and policy development in administrative environments
- Students

# Administrative Law Symposium 2012

22 MARCH 2012

- 9:30 Welcome and Introduction
- 9:40 Judicial Review
- An examination of the basis of the doctrine
  - Judicial deference and the administrative actor
  - Recent judicial developments
- 10:20 Questions and Discussion
- 10:40 Refreshment Adjournment
- 10:50 Procedural Fairness
- Natural justice and impartiality as a legitimate expectation
  - Recent developments and the content of the duty of fairness
- 11:30 Questions and Discussion
- 11:50 Lunch Adjournment
- 1:30 Writing Tribunal Decisions
- Best practices and pitfalls
  - The importance of style, language & structure
  - Distinctions between fact and law
- 2:10 Questions and Discussion
- 2:30 Regulatory Negligence
- Avoiding claims of negligence
  - Duties and standards of care
- 3:10 Questions and Discussion
- 3:30 Refreshment Adjournment
- 3:50 Bias and Lack of Independence
- The legal test and common law grounds
  - Recent decisions
  - Who decides the issue of bias?
- 4:30 Questions and Discussion
- 4:50 Closing Remarks
- 5:00 Conference Adjourns for Day 1

23 MARCH 2012

- 9:30 Welcome and Introduction
- 9:40 Rules, Policies and Guidelines
- What do they accomplish and how are they best written?
  - Clarity, content and cost
- 10:20 Questions and Discussion
- 10:40 Refreshment Adjournment
- 10:50 Evidence in Administrative Proceedings
- Obtaining evidence on behalf of a party other than the tribunal and parties
  - A tribunal's right to gather its own evidence
  - New developments and admissibility
- 11:30 Questions and Discussion
- 11:50 Lunch Adjournment
- 1:30 Municipal Ethics Regimes
- Integrity, codes of conduct and the roles of Commissioners in administrative decision Making
  - Key features and best practices for administrative environments
- 2:10 Questions and Discussion
- 2:30 Trends in Professional Regulation
- Challenges to maintaining the social value of professional self regulation and how they can be addressed
  - Best practices and addressing the public interest
- 3:10 Questions and Discussion
- 3:30 Closing Remarks
- 3:40 Conference Concludes

# INFORMATION

**Ways to Register:**

1. Online: visit [www.thecommonsinstitute.com](http://www.thecommonsinstitute.com)
2. Email: send desired conference details to [info@thecommonsinstitute.com](mailto:info@thecommonsinstitute.com)
3. Telephone: call us at 1.800.278.3170
4. Fax: send the form below to 1.800.278.3170
5. Mail: mail the form below to The Commons Institute, 407 Laurier Avenue West, PO Box 56062, Ottawa, Ontario, K1R 7Z0

**EARLY BIRD DEADLINE:** March 2nd, 2012

**Registration:**

**EARLY BIRD:** Per person: \$1300 + HST OF \$169 = \$1469  
**EARLY BIRD:** 5 or more persons: \$1100 + HST of \$143 = \$1243  
**REGULAR:** Per person: \$1500 + HST of \$195 = \$1695  
**REGULAR:** 5 or more persons: \$1300 + HST of \$169 = \$1469

Covers attendance, materials, continental breakfasts, and refreshments.

**Payments:**

You may pay by VISA, MasterCard, American Express, or by cheque. Cheques should be made payable to "The Commons Institute, care of Goshay Total Media Inc." Goshay Total Media Inc. is the corporate parent of The Commons Institute. Registration must be paid prior to the conference.

**Arrival:**

Endeavour to arrive to check in up to 30 minutes before the indicated start time.

**Materials:**

The faculty will prepare materials regarding presentations given over the course of the conference. Please visit our web site if you wish to purchase a set of materials. [[www.thecommonsinstitute.com](http://www.thecommonsinstitute.com)]

**Your Privacy:**

We will keep all information that you provide to us in the strictest confidence. We will prepare a delegate list containing your name, title, firm and city for our faculty and for other conference delegates. We do not share our mailing lists with any corporation or organization.

**Cancellations:**

A full refund will be given for a cancellation if notice is received in writing ten full business days prior to the conference. Unfortunately, after that time we are unable to refund registration fees. However, substitutions are always permitted. We reserve the right to cancel, change or revise the date, faculty, content or venue of the conference.



**This program can be listed for up to 7 Substantive Hours under the LSUC's Continuing Professional Development requirement. Additionally, this program has been accredited by the LSUC for 2 Professionalism Hours.**

## Registration Form

The Commons Institute  
 407 Laurier Avenue West,  
 PO Box 56062, Ottawa, Ontario, K1R 7Z0  
 Telephone: 1.800.278.3170  
 Fax: 1.800.278.3170  
 Email: [info@thecommonsinstitute.com](mailto:info@thecommonsinstitute.com)

## Administrative Law Symposium 2012

March 22nd & 23rd 2012  
 Royal York  
 Toronto, Ontario

Salutation	First Name	Last Name	Position/Title
Firm/Company			
Credit Card Billing Address [May Not Be Firm/Company Address]			City
			Province
			Postal Code
Telephone		Email	
Fax			
Payment By:	<input type="checkbox"/> VISA	<input type="checkbox"/> MasterCard	<input type="checkbox"/> American Express
		<input type="checkbox"/> Cheque	
Cheque should be made payable to "The Commons Institute, care of Goshay Total Media Inc."			
Card Number		Expiry Date	CVN [3 or 4 Digits on Front or Back of Card]