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Don't miss this valuable one day update of the Supreme Court of Canada's constitutional decisions of the prior year

2009 Constitutional Cases

The Thirteenth Annual Analysis of the Constitutional Decisions of the Supreme Court of Canada

Canada's leading constitutional scholars and practitioners will give you practical and thoughtful analysis of:

- Noteworthy 2009 Supreme Court of Canada constitutional decisions and their implications
- Key developments under section 2's fundamental freedoms
- Federalism and the upcoming securities reference
- Legal rights and the remedial consequences of *Charter* violations
- Upcoming rulings of importance

Plus! Breakout sessions on *Freedom of the Press and the Rights of the Media*, *Freedom of Expression and Association* as well as *Developments on Legal Rights, Criminal Justice and Federalism*

Special Keynote Speaker

Rebecca Snyder, Deputy Director, Navy-Marine Corps Appellate Defense Division

Chairs

Patrick J. Monahan, Vice-President Academic and Provost, York University

Jamie Cameron, Professor, Osgoode Hall Law School, York University

Bruce B. Ryder, Assistant Dean First Year, Osgoode Hall Law School, York University



DATE & TIME

Friday, April 16, 2010
9:00 a.m. - 4:45 p.m.

LOCATION

Osgoode Professional Development Centre
1 Dundas St. W., 26th Floor
Toronto, ON

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2009 Constitutional Cases

The Thirteenth Annual Analysis of the Constitutional Decisions of the Supreme Court of Canada

Why hundreds of your colleagues make *Osgoode's Constitutional Cases* their annual update...

Constitutional Cases brings together the most respected constitutional scholars, top constitutional law practitioners and experts for an insightful and practical analysis of the Supreme Court of Canada's significant constitutional judgments of the past year. Combining plenary sessions, with opportunities to attend breakout sessions on topics of your choice, this conference gives you a unique opportunity to get thoroughly up-to-date on the developments that will resonate through all levels of Canadian courts.

Whether you're in government, private practice, or academia, it is imperative that you have a solid grasp on what the Supreme Court said in 2009 and how it will impact future cases. You cannot afford to miss this must-attend event that sells out well in advance every year.

Register now by visiting www.osgoodepd.ca, calling 416.597.9724 or 1.888.923.3394, emailing opd-registration@osgoode.yorku.ca or faxing 416.597.9736.

Keynote Speaker

Rebecca Snyder, Deputy Director, Navy-Marine Corps Appellate Defense Division

Chairs

Patrick J. Monahan, Vice-President Academic and Provost, York University

Jamie Cameron, Professor, Osgoode Hall Law School, York University

Bruce B. Ryder, Assistant Dean First Year, Osgoode Hall Law School, York University

Faculty

Jane Arbour, General Counsel, Human Rights Law Section
Department of Justice Canada

Benjamin Berger, Associate Professor
Faculty of Law, University of Victoria

Gerald Chan, Ruby and Shiller

Robert E. Charney, General Counsel, Constitutional Law
Branch, Ministry of the Attorney General of Ontario

Jonathan Dawe, Sack Goldblatt Mitchell LLP

Nathalie Des Rosiers, General Counsel
Canadian Civil Liberties Association

Adam Dodek, Associate Professor, Faculty of Law
University of Ottawa

Peter Downard, Fasken Martineau DuMoulin LLP

Brad Elberg, Heenan Blaikie LLP

Fay Faraday, Cavalluzzo, Hayes, Shilton, McIntyre
& Cornish LLP

Ryder Gilliland, Blake, Cassels & Graydon LLP

Daniel Guttman, Counsel, Constitutional Law Branch
Ontario Ministry of the Attorney General

Michel Hélie, Director, Ministry of the Attorney General
(Ontario), Legal Services Division, Constitutional Law Branch

Peter W. Hogg QC, Scholar in Residence, Blake, Cassels
& Graydon LLP; Professor Emeritus, Osgoode Hall Law School

Jean Leclair, Professor, Faculté de Droit
Université de Montréal

Brian MacLeod Rogers, Barrister & Solicitor

Audrey Macklin, Professor, Faculty of Law

University of Toronto

Janet Minor, General Counsel, Constitutional Law Branch
Ontario Ministry of the Attorney General

Richard Moon, Professor, Faculty of Law
University of Windsor

Alex Neve, Secretary General
Amnesty International Canada

Warren Newman, Senior General Counsel, Constitutional and
Administrative Law Section, Department of Justice Canada

Steven Penney, Associate Professor
Faculty of Law, University of Alberta

Marilyn Pilkington, Associate Professor
Osgoode Hall Law School

Poonam Puri, Associate Professor
Osgoode Hall Law School

Brian Slattery, Professor, Osgoode Hall Law School

Rebecca S. Snyder, Deputy Director, Navy-Marine Corps
Appellate Defense Division

Lorne Sossin, Dean Designate, Osgoode Hall Law School

Lori Sterling, Deputy Minister
Ontario Ministry of Aboriginal Affairs

Jennifer M. Woolcombe, Counsel, Crown Law Office
Ministry of the Attorney General of Ontario

Wade Wright, Associate in Law, Columbia Law School

Alan Young, Associate Professor
Osgoode Hall Law School

- 9:00 Welcoming Remarks**
Lorne Sossin, Dean Designate, Osgoode Hall Law School
- 9:05 Introduction and Overview**
Patrick J. Monahan, Vice-President Academic and Provost
York University
- 9:30 A Preview of Upcoming Rulings**
Bruce B. Ryder, Assistant Dean First Year
Osgoode Hall Law School, York University
- 9:45 The *Charter* and Omar Khadr**

Does the federal government's decision not to request Omar Khadr's return to Canada violate his *Charter* rights? Is a remedy available, and should the Court grant an order requiring the federal government to request his release from military detention at Guantánamo Bay in Cuba? What do we know about Khadr's treatment, and the US military commissions? What should be determinative: Khadr's circumstances or institutional arguments against judicial review?

Moderator

Adam Dodek, Associate Professor, Faculty of Law
University of Ottawa

Speakers

Jane Arbour, General Counsel, Human Rights Law Section
Department of Justice Canada

Audrey Macklin, Professor, Faculty of Law
University of Toronto

Alex Neve, Secretary General
Amnesty International Canada

11:00 Refreshment Break

11:15 Concurrent Panels - Choose One of:

Panel A: *Freedom of the Press and the Rights of the Media*

Will the Court protect the media's constitutional rights in a cluster of appeals in 2009 which raised key questions about the law of defamation, journalist-source privilege, and publication bans? How does the new defence for "public interest responsible communication" - which was introduced in *Grant v. Torstar Corp.* - change the law of defamation? How might the Court's key decisions on defamation law affect the other appeals, still under reserve, in the privilege and publication ban cases?

Moderator

Janet Minor, Constitutional Law Branch
Ontario Ministry of the Attorney General

Speakers

Jamie Cameron, Professor, Osgoode Hall Law School
York University

Peter Downard, Fasken Martineau DuMoulin LLP

Brian MacLeod Rogers, Barrister & Solicitor

Panel B: *Freedom of Expression and Association*

In 2009 the Court's fundamental freedoms docket included important cases on expressive and associational freedom. What is the significance of the Court's long-awaited decision in *Translink*? What is the connection between freedom of information and section 2(b) in the *Criminal Lawyers' Association* appeal? What are the Court's next steps under section 2(d); in

particular, what is at stake in *Fraser v. Ontario*, which requires the Court to decide the status of post-*Dunmore* legislation in light of *B.C. Health Services*?

Moderator

Lori Sterling, Deputy Minister, Ontario Ministry of
Aboriginal Affairs

Panel

Fay Faraday, Cavalluzzo, Hayes, Shilton, McIntyre &
Cornish LLP

Brad Elberg, Heenan Blaikie LLP

Daniel Guttman, Counsel, Constitutional Law Branch
Ontario Ministry of the Attorney General

Brian Slattery, Professor, Osgoode Hall Law School

12:30 Luncheon Address/Keynote Speaker
Rebecca Snyder, Deputy Director, Navy-Marine Corps
Appellate Defense Division

2:00 Concurrent Panels - Choose One of:

Panel C: *Criminal Law - Legal Rights and Remedies*

What emerged from the Court's vital decisions in *Grant*, *Harrison* and *Suberu* on search, investigative detention and the right to counsel? How does the Court's revised framework for the exclusion of evidence work? How have these cases clarified the law?

Moderator

Alan Young, Associate Professor, Osgoode Hall Law School

Panel

Jonathan Dawe, Sack Goldblatt Mitchell LLP

Steven Penney, Associate Professor, Faculty of Law
University of Alberta

Marilyn Pilkington, Associate Professor
Osgoode Hall Law School

Jennifer M. Woolcombe, Counsel, Crown Law Office
Ministry of the Attorney General of Ontario

Gerald Chan, Ruby and Shiller (paper only)

Panel D: *Federalism/Securities Reference*

There are challenging federalism issues before the Court at this time. Will the Court uphold the *Assisted Human Reproduction Act*? What kinds of arguments will be made against the proposed legislation in the upcoming federal securities reference, and what chance do they have of succeeding?

Moderator

Warren Newman, Senior General Counsel
Constitutional and Administrative Law Section
Department of Justice Canada

Panel

Peter W. Hogg QC, Blake, Cassels & Graydon LLP

Jean Leclair, Professor, Faculté de Droit
Université de Montréal

Poonam Puri, Associate Professor
Osgoode Hall Law School

Wade Wright, Associate in Law, Columbia Law School

Agenda [Cont'd]

3:15 Refreshment Break

3:30 Freedom of Religion

To what extent should section 2(a) protect individuals from laws which conflict with religious beliefs? Why did Chief Justice McLachlin uphold a mandatory photo requirement which infringed the religious freedom of Hutterites seeking drivers' licences? Why did Abella J. dissent, and how should the proportionality analysis be conducted in a case of this kind?

Moderator

Michel Hélie, Director, Ministry of the Attorney General (Ontario), Legal Services Division
Constitutional Law Branch

Panel

Benjamin Berger, Associate Professor
Faculty of Law, University of Victoria

Robert E. Charney, General Counsel, Constitutional Law Branch, Ministry of the Attorney General of Ontario

Nathalie Des Rosiers, General Counsel
Canadian Civil Liberties Association

Richard Moon, Professor, Faculty of Law
University of Windsor

4:45 Program Concludes

Registration

Register me for: **2009 Constitutional Cases**

Choose one: A. Freedom of the Press (Morning)

B. Freedom of Expression & Association (Morning)

Choose one: C. Criminal Law - Legal Rights and Remedies (Afternoon)

D. Federalism/Securities Reference (Afternoon)

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Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund (less \$50 administration fee) is available if a cancellation request is received in writing 14 days prior to the program date. No other refund is available.

Date & Time

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Please arrive a half hour early for sign-in and material pick-up.

Dress is business casual.

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