



THE OSGOODE CERTIFICATE IN PROVINCIAL OFFENCES COURT PRACTICE

November 2018 – March 2019
5 Modules over 5 Months
Modules 1-4: In Person or Webcast
Module 5: In Person only

An intensive, hands-on program that will give you the knowledge and practical skills you need for effective *POA* advocacy.

You will get practical tips and strategies on some of the key areas including:

- Disclosure – when to ask for it, what to look for and how to identify what's missing
- A thorough review of *Charter* applications in *POA* court and how to draft an effective *Charter* application
- Expert insight in how to best prepare and conduct your *POA* trial
- Full day intensive workshops on conducting your cross-examination and making submissions on sentencing

Register today at:

osgoodepd.ca/poa

Program Director

The Hon. Justice Rick Libman
Ontario Court of Justice

Location

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

The Osgoode Certificate in Provincial Offences Court Practice

Reserve your place now to take advantage of this unique learning opportunity while **fulfilling your full CPD requirements for both 2018 and 2019.**

“This program provided an insightful analysis of ALL important topics POA paralegals should know...”

Jenna Little, Appeals Manager, X-Copper Professional Corporation (2018)

As someone whose practice includes *POA* files, you need to be able to adeptly manage the broad range of challenging situations that arise before, during and after a hearing. Now in its 4th year, **The Osgoode Certificate in Provincial Offences Court Practice** drills down on the key stages of a *POA* file — from meeting your client for the first time, conducting the trial, and making submissions on sentencing, to understanding if and how to appeal a decision.

Led by the Hon. Justice Rick Libman, this program is must-attend for paralegals and other legal professionals practicing in the Provincial Offences Court.

Throughout five intensive modules (spread over five months), an expert faculty will provide you with a comprehensive overview of the relevant law and a unique opportunity to hone your written and oral advocacy skills with learn-by-doing exercises and individualized feedback from judges, justices of the peace and senior legal practitioners.



Topics Include:

- The statutory framework that governs provincial offences
- Role, duties and professional responsibilities of the *POA* practitioner
- Strategies for getting the most out of the pre-trial
- *Charter* applications in *POA* court (including a workshop in how to draft an effective *Charter* application)
- Effective oral advocacy in *POA* court
 - How to prepare for the examination-in-chief
 - Key strategies for cross-examining the prosecution's witness
 - Refining sentencing submissions
- Appeals – the law and the strategies

Who Should Attend?

- Paralegals
- Paralegal Educators
- Lawyers

“An excellent, one of a kind program with an all-star cast! A must-take for anyone working within the realm of the POA!”

Brian Lass, Prosecutor, Go Transit/METROLINX
(2018)

“The discussions were very helpful. All of the instructors' experience and knowledge really can't be duplicated. Excellent program.”

Chris Buckle, Traffic Ticket Advocates Professional Corporation
(2017)

Drawing on the expertise of judges, senior legal practitioners and Justices of the Peace including:

Program Director



**The Hon. Justice
Rick Libman**

Ontario Court of Justice

“Excellent presentations. An overall great program. This is the best course I have ever taken!”

Peter Gillies, Gillies Law Firm (2017)

“We received lots of tips, advice and strategies - we need more programs like this!”

Joseph Kanoni, Active Justice Legal Services P.C. (2017)

“I completed an entire appeal factum based on what I learned at the program. This course has benefited my practice greatly! Thank you.”

Marian Lippa, Paralegal, Lippa Legal Services; Paralegal Benchers, Law Society of Upper Canada (2016)

“Very intensive learning experience and very useful to my practice!”

Vincent Bridgell, Vintax Paralegal Consultants (2017)

Program Faculty

Carla Agatiello

Legal Counsel, Ministry of the Attorney General (Ontario)

Chris Bendick

Senior Counsel, Prosecutions, Regional Municipality of York

Detective Constable Jackie Brown,

Toronto Police Services (Traffic Services)

Paul Calarco

Barrister & Solicitor

The Hon. Justice Steve Coroza

Superior Court of Justice (Ontario)

His Worship Justice of the Peace Mangesh Singh Duggal

Ontario Court of Justice

Detective Constable Melissa Elaschuk

Toronto Police Services (Traffic Services)

Jessyca Greenwood

Greenwood Lam LLP

Soussanna Karas

Senior Counsel, Litigation, Electrical Safety Authority

His Worship Justice of the Peace Rizwan Khan

Ontario Court of Justice

Emily Lam

Greenwood Lam LLP

Raphael Leong

Manager, Provincial Offences Court Administration, Ontario Court of Justice

The Hon. Justice Rick Libman

Ontario Court of Justice

Her Worship Justice of the Peace

Paula Liu

Ontario Court of Justice

Diana Lumba

Legal Counsel, Public Prosecution Service of Canada

Jamie MacPherson

Manager, Provincial Prosecutions, Ministry of the Attorney General (Ontario)

Theodore Mercado

Criminal Duty Counsel, Legal Aid Ontario

Robert Montrose

Detective/Sergeant, Metro Toronto Police Force (retired)

Stephen Parker

President, Ontario Paralegals Association

His Worship Justice of the Peace

Richard Quon

Ontario Court of Justice

Hans Saamen

Director of Prosecutions, Regional Municipality of York

Lorne Sabsay

Barrister & Solicitor

Fredrick Schumann

Stockwoods LLP

Serhiy Senatorov

Traffic Law Legal Services

Her Worship Justice of the Peace

Christine Smythe

Ontario Court of Justice

Richard Stern

Barrister & Solicitor

Frank Wozniak

(ret. Detective), Forensic Polygraph Examiner, Toronto Polygraph Services Inc.

Agenda

MODULE 1

Saturday, November 17, 2018
9:00 a.m. - 4:15 p.m. EST
The Provincial Offences Court:
A Comprehensive Overview*

Overview of the Statutory Framework and the Court's Jurisdiction

- Legislative framework: a review of the *Provincial Offences Act* (rules and procedure)
- Recent legislative developments
 - New administrative monetary procedure for parking infractions
 - Bill 177, *Stronger, Fairer Ontario Act* – new procedures and practices under the *POA*

Preliminary Issues – Putting Your Best Foot Forward

Critical Issues in the First Client Meeting:

- Finalizing your retainer
- Managing client expectations at an early stage
- Obtaining proper instructions
- Developing a strategic defence plan
- Securing and reviewing initial disclosure
- Best practices for avoiding conflicts
- Ensuring you do not act contrary to your client's instructions

The Pre-Trial Phase

- Planning and preparing for the pre-trial
- Discussing early resolution with your client

Professionalism Issues in *POA* Cases

Faculty

Chris Bendick, Senior Counsel, Prosecutions,
Regional Municipality of York

Paul Calarco, Barrister & Solicitor

Jessyca Greenwood, Greenwood Lam LLP

Soussanna Karas, Senior Counsel, Litigation,
Electrical Safety Authority

The Hon. Justice Rick Libman, Ontario Court
of Justice

Stephen Parker, President, Ontario Paralegals
Association

Lorne Sabsay, Barrister & Solicitor

* Available by Webcast

MODULE 2

Saturday, December 1, 2018
9:00 a.m. - 4:15 p.m. EST
Evidence in *POA* Matters*

- Review of common types of evidence in Provincial Offences Court (emphasis on *Highway Traffic Act* proceedings)
- Overview of the most critical evidentiary issues: hearsay, electronic evidence, privileged information, etc.
- "Good Evidence, Bad Evidence" – Using a variety of case scenarios, judges and experienced counsel will lead the group in an interactive discussion on the issues and circumstances related to admissibility of evidence.
- "Dissecting Disclosure – a Case Study" – Prior to the module date, all participants will receive a sample set of disclosure pertaining to a *POA* matter. In this session, faculty will conduct a detailed review of the disclosure, addressing the key components and how they can be relied upon to advance your case. The discussion will also address how to identify outstanding information and strategies about how to obtain what you need.

Faculty

Jessyca Greenwood, Greenwood Lam LLP

His Worship Justice of the Peace
Rizwan Khan, Ontario Court of Justice

The Hon. Justice Rick Libman, Ontario Court
of Justice

Hans Saamen, Director of Prosecutions,
Regional Municipality of York

Serhiy Senatorov, Traffic Law Legal Services

* Available by Webcast

MODULE 3

Saturday, January 19, 2019
9:00 a.m. - 4:15 p.m. EST
The *Charter* and *POA* Prosecutions**

- Overview of the key sections of the *Charter* and their application in Provincial Offences Court
- Disclosure and delay – bringing an 11(b) application
- Review of *Charter* claims and available remedies (exclusion of evidence)
- A study of the leading *Charter* cases and their effect on *POA* Court

Written Advocacy Workshop: Drafting an Effective *Charter* Application

Prior to the module, participants will be provided with a fact scenario which they will use to draft a *Charter* application (to be submitted for review before the start of Module 3). Working in small groups, facilitators will discuss the principles of effective written advocacy, and provide participants with individualized feedback on their applications.

Faculty

Carla Agatiello, Assistant Crown Attorney,
Ministry of the Attorney General (Ontario)

Paul Calarco, Barrister & Solicitor

Raphael Leong, Manager, Provincial Offences
Court Administration, Ontario Court of Justice

The Hon. Justice Rick Libman, Ontario Court
of Justice

Jamie MacPherson, Manager, Provincial
Prosecution Services of Canada

Fredrick Schumann, Stockwoods LLP

Richard Stern, Barrister & Solicitor

* Available by Webcast

MODULE 4

Saturday, February 9, 2019
9:00 a.m. - 4:30 p.m. EST
The *POA* Trial, Sentencing
and Appeals*

Preparing for the Trial

- How to prepare your client and witnesses
- Strategies on pre-trial negotiations with the prosecutor
- Preparing the examination-in-chief of any of your witnesses and preparing for the cross-examination of the prosecutor's witnesses
- Recognizing the importance and significance of each witness and knowing which questions to ask

The *POA* Trial

- Opening statements and closing submissions
- Tips on effective advocacy when examining witnesses

Guilty Pleas and Sentencing

- Plea comprehension inquiry – getting instructions from your client and ensuring it is a proper plea
- Sentencing objectives/principles
- Effective advocacy at the sentencing stage
- Appeals - proper grounds and knowing when to appeal

Faculty

Chris Bendick, Senior Counsel, Prosecutions, Regional Municipality of York

Emily Lam, Greenwood Lam LLP

Raphael Leong, Manager, Provincial Offences Court Administration, Ontario Court of Justice

The Hon. Justice Rick Libman, Ontario Court of Justice

Diana Lumba, Legal Counsel, Public Prosecution Service of Canada

* Available by Webcast

MODULE 5

Saturday, March 2, 2019
9:00 a.m. - 4:30 p.m. EST
Intensive Advocacy Workshops*

Prior to the module, all participants will receive the case file that will form the basis of both workshops. Please note that **all participants must attend this module in person** as there will be no webcast option.

On the day of the module, participants will break into small groups and work with expert facilitators to practice and hone their oral advocacy skills. Facilitators will include judges, justices of the peace and senior legal practitioners. These skills-based workshops will focus on two key areas of *POA* advocacy: cross-examinations and sentencing submissions.

Workshop #1: Cross-Examination of a Police Officer

The session will start with a live demonstration of an examination-in-chief of an officer, performed by an experienced prosecutor and a former police officer. After a discussion of the demonstration, participants will split into small groups, and will have the opportunity to conduct a cross-examination of an officer. Participants will receive individualized feedback from the expert facilitators.

Workshop #2: Sentencing Submissions

In this second learn-by-doing workshop, participants will draft and deliver submissions on sentencing, in a small group, before a judge and/or justice of the peace. Each participant will receive individualized feedback on their submissions from the expert facilitators in the group.

Faculty

Carla Agatiello, Assistant Crown Attorney, Ministry of the Attorney General (Ontario)

Detective Constable Jackie Brown, Toronto Police Services (Traffic Services)

Paul Calarco, Barrister & Solicitor

The Honourable Justice Steve Coroza, Ontario Superior Court of Justice

Detective Constable Melissa Elashuk, Toronto Police Services (Traffic Services)

Soussanna Karas, Senior Counsel, Litigation, Electrical Safety Authority

His Worship Justice of the Peace Rizwan Khan, Ontario Court of Justice

The Hon. Justice Rick Libman, Ontario Court of Justice

Her Worship Justice of the Peace Paula Liu, Ontario Court of Justice

Diana Lumba, Edward H. Royle & Associates

Jamie MacPherson, Manager, Provincial Prosecution Services of Canada

Theodore Mercado, Criminal Duty Counsel, Legal Aid Ontario

Robert Montrose, Detective/Sergeant, Metro Toronto Police Force (retired)

Lorne Sabsay, Barrister & Solicitor

Her Worship Justice of the Peace Christine Smythe, Ontario Court of Justice

Richard Stern, Barrister & Solicitor

Frank Wozniak (ret. Detective), Forensic Polygraph Examiner, Toronto Polygraph Services Inc.

* In person attendance is required for this module.

Earn an Osgoode Certificate!

A multiple choice, take home exam will be distributed at the end of Module 5. Participants must attend all modules and successfully complete the exam to receive the Osgoode Certificate.

“Every paralegal should take this program.”

Richard Joseph Dunn, RJ Dunn Legal Services (2017)

Registration Details

Fee per Delegate

\$2,595 plus HST

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Visit www.osgoodepd.ca/financial-assistance for details about financial assistance.

Modules 1, 2 & 4 can be purchased individually at \$525 plus HST per session.

Visit osgoodepd.ca/poa for details.

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 is available if a cancellation request is received in writing 21 days prior to the program date. If a cancellation request is made with less than 21 days notice, a \$150 administration fee will apply. No other refund is available.

For Further Program-Related Information please contact:

Stéphane McRoberts, Program Lawyer at 647-999-5723
or email smcroberts@osgoode.yorku.ca

Certificate of Program Completion

You will receive the certificate upon completion of **The Osgoode Certificate in Provincial Offences Court Practice**. Participants must attend all program modules and successfully complete the post-program multiple choice assessment to receive a Certificate.

4 Convenient Ways to Register



Mail



Online



Fax



Call

Register today at:

osgoodepd.ca/poa



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO.

Eligible CPD Hours:

LSO (ON): 32h 15m CPD (25h Substantive; 7h 15m Professionalism)

OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions. To inquire about credit eligibility, please contact cpd@osgoode.yorku.ca.



“Engaging exercises with valuable feedback. I appreciated the time allotted for questions and discussion. Well developed scenarios. Good preparation for court practice.”

Raj Bharati, Legal Counsel, Alcohol & Gaming Commission of Ontario (2016)

“This program was very engaging and motivating. Each segment tied nicely into the next. Justice Libman as the Program Director was great!”

Lucy DeFilippis, Paralegal, Ministry of Education (2017)

“After 8 years of university, I didn't realize how practical and helpful more education could be. I was forced outside of my comfort zone at times, gained the perspectives of many experienced professionals, and learned so much in the process.”

Venetia Whiting, Bennett Jones LLP (2018)

“A must attend course for anyone practicing or thinking of practicing in the Provincial Offences Court. The faculty are all top notch.”

Claude Gelbard, Discipline Paralegal, The Law Society of Upper Canada (2017)