Annual “one-stop shopping” for practical analysis of significant new developments, including:

- Monetary relief in public law cases: should it displace the liability of public authorities for negligence?
- Has the SCC gone too far in imposing unique duties on the Crown?
- Practical challenges and considerations when bringing or defending motions for injunctive relief
- The latest on when the Crown may be liable for breaching obligations in respect of citizens’ personal information
- *Carter v. Canada* and physician-assisted dying: challenges in legislating and implementing in response to the SCC’s historic decision
- Recent health regulation law and the Crown: *P.S. v. Ontario* and *Apotex*
- *Hamilton Health Sciences Corp. v. D.H:* an exciting new paradigm for engagement between Aboriginal communities and the Crown?

**Plus!** Optional Pre-Conference Workshop: *The Legal Framework of Crown Litigation: Navigating the Procedural Maze*

“BEST THING [WAS THE] BREADTH OF LEGAL ISSUES WHICH, WHILE DISPARATE, ALL RESONATE FOR COUNSEL WHO ACT FOR THE CROWN”

Lisa Thiele
Senior General Counsel, Canadian Nuclear Safety Commission

“A VERY WORTHWHILE CONFERENCE... AN EMBARRASSEMENT OF RICHES”

Robert H. Reynolds, Q.C.
Legislative Assembly of Alberta

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**Chairs**

**Malliha Wilson,** Assistant Deputy Attorney General, Legal Services Division, Ministry of the Attorney General (Ontario)

**Joseph K. Cheng,** Counsel, Business, Regulatory and Extradition Law Division, Justice Canada (Ontario Regional Office)

**Andrew Lokan,** Paliare Roland Rosenberg Rothstein LLP

**Dates and Times**

**February 25, 2016**

9:00 a.m. - 4:30 p.m. EST

**Optional Workshop**

February 24, 2016

2:00 p.m. - 5:00 p.m.

**Location**

Osgoode Professional Development

1 Dundas St. W., 26th Floor

Toronto, ON

**Online Replay:** March 23, 2016
The Crown – both Federal and Provincial – continues to find itself a target of litigation. Counsel need to be equipped to meet the challenges posed by the constant flow of legislative and caselaw developments – challenges that embrace the nature and scope of liability, the procedures and best practices in cases alleging Crown liability, and the far-reaching consequences for the public interest.

As a government lawyer, private practitioner or in-house litigation counsel, you need the insights and tools which an expert faculty will provide you in this twelfth annual OsgoodePD program. Crown Liability will guide you through the latest developments – and help you over the graver pitfalls – in civil litigation involving public authorities.

Don’t miss the opportunity to hear from the experts and to pose your most pressing questions to them. And if you’re new to the field, or want a brisk refresher on basics, don’t miss the Optional Pre-Conference Workshop, The Legal Framework of Crown Litigation: Navigating the Procedural Maze.

WHO SHOULD ATTEND

• Lawyers acting for the Federal or Provincial Crown
• Private-bar lawyers with suits against the Crown
• Litigation law clerks/paralegals

REGISTER NOW by visiting osgoodepd.ca/crownliability

Chairs

Mallilah Wilson, Assistant Deputy Attorney General, Legal Services Division, Ministry of the Attorney General (Ontario)

Joseph K. Cheng, Counsel, Business, Regulatory and Extradition Law Division, Justice Canada (Ontario Regional Office)

Andrew Lokan, Paliare Roland Rosenberg Rothstein LLP

Faculty

Jasmine T. Akbarali
Lerners LLP

Sandra Barton
Gowling Lafleur Henderson LLP

Robin K. Basu
Counsel, Ministry of the Attorney General (Ontario), Constitutional Law Branch

Chantelle A. Blom
Counsel, Ministry of the Attorney General (Ontario), Crown Law Office-Civil Law

Charleen Brenzall
General Counsel Justice Canada (Ontario Regional Office)

Alex Cameron
Fasken Martineau DuMoulin LLP

Prof. Erika Chamberlain
Western Law, Western University

Sarah Clarke
Clarke Child and Family Law

Falguni Debnath
Counsel, Government Law Services - Extractions, Justice Canada

Julia A. Evans
Acting Portfolio Director Office of the Assistant Deputy Attorney General, Ministry of the Attorney General (Ontario)

Lise G. Favreau
Counsel, Ministry of the Attorney General (Ontario), Crown Law Office-Civil

Prof. Bruce Feldthusen
Faculty of Law (Common Law) University of Ottawa

Heather Mackay
Counsel, Ministry of the Attorney General (Ontario) Crown Law Office-Civil

Sunil Mathai
Counsel, Ministry of the Attorney General (Ontario) Crown Law Office-Civil

Eliza J. Montour
Montour Law

Liam D.M. Scott
Counsel, Legal Branch Ministry of Health and Long-Term Care (Ontario)

P. Tamara Sugunasiri
Senior Counsel, Justice Canada, Ontario Regional Office, Tax Law Services Section

Raivo Uukkivi
Cassels Brock & Blackwell LLP

Christopher Wayland
Counsel, Ministry of the Attorney General (Ontario) Crown Law Office-Civil
**Optional Pre-Conference Workshop**

February 24, 2016 (2:00 p.m. - 5:00 p.m.)

**The Legal Framework of Crown Litigation:**
**Navigating the Procedural Maze**

*Note: Workshop only available in-person.*

Falguni Debnath, Justice Canada  
Heather Mackay, Crown Law Office—Civil  
Raivo Uukkivi, Cassels Brock & Blackwell LLP

A practitioner unfamiliar with the unique challenges of litigation involving the Federal or provincial Crown faces an uphill struggle to manoeuvre through the procedural terrain. This perennially highly-rated workshop covers a broad range of key areas including proper forum, limitations, standing, effective disclosure strategies, Crown privilege and costs against the Crown.

**Conference - February 25, 2016**

8:30  
Registration and Continental Breakfast

9:00  
Chairs’ Introduction and Welcome

9:10  
**Recent Developments in Negligence Affecting Crown Liability**

Prof. Erika Chamberlain, Western Law, Western University  
Prof. Bruce Feldthuens, Faculty of Law (Common Law), University of Ottawa

The Federal Court’s 2015 decision in *Paradis Honey* suggested discarding public authorities’ liability for negligence in favour of a discretion to award monetary relief on judicial review. What are the pros and cons of this approach? The session will also consider the issues raised by the SCC’s imposition of unique duties of care on public authorities.

10:25  
Refreshment Break

10:40  
**Interlocutory Relief and Stays Pending Appeal: When Are They Available Against the Crown?**

Sandra Barton, Gowling Lafleur Henderson LLP  
Robin K. Basu, Counsel, Ministry of the Attorney General (Ontario)—Constitutional Law Branch  
P. Tamara Sugunasiri, Senior Counsel, Justice Canada, Ontario Regional Office, Tax Law Services Section

The availability of injunctions and specific performance against the Crown has become a livelier issue in view of recent reconsideration in Federal Court. Our expert panel will take you through the current case law and strategies for addressing the unique challenges arising in connection with such relief.

11:30  
**Liability of the Crown For Privacy Breaches**

Alex Cameron, Fasken Martineau DuMoulin LLP  
Christopher Wayland, Counsel, Ministry of the Attorney General (Ontario), Crown Law Office—Civil

When is the Crown liable for breaches of its privacy obligations? What is the potential scope of liability, and what must government counsel advise their clients to bear in mind regarding how information is stored or retained?

12:15  
Luncheon

1:00  

Julia A. Evans, Acting Portfolio Director, Office of the Assistant Deputy Attorney General, Ministry of the Attorney General (Ontario)  
Liam D.M. Scott, Counsel, Legal Branch, Ministry of Health and Long-Term Care (Ontario)

The SCC has unanimously struck down the *Criminal Code* prohibition against assisted suicide. This area involves a host of pitfalls for the Crown in responding legislatively, and for provinces and territories in regulating health care institutions and providers. Our speakers will assess the implications for counsel and government departments involved with this issue.

1:50  
**Update On Recent Health Law Challenges For the Crown**

Lise G. Favreau, Counsel, Ministry of the Attorney General (Ontario)—Crown Law Office  
Sunil Mathai, Counsel, Ministry of the Attorney General (Ontario)—Crown Law Office

Ongoing *Mental Health Act* reform arising from the Court of Appeal's recent decision in *P.S. v. Ontario* holding that involuntary committals in excess of six months violate the *Charter*. The session will also discuss the Federal Court's *Apotex* decision against the government in connection with the importation of pharmaceutical products.

2:30  
Refreshment Break

2:45  
**Aboriginal Rights vs. Best Interest of the Child: Hamilton Health Sciences Corp. v. D.H.**

Sarah Clarke, Clarke Child and Family Law  
Eliza J. Montour, Montour Law  
Malliha Wilson, Assistant Deputy Attorney General, Legal Services Division, Ministry of the Attorney General (Ontario)
AGENDA (cont’d)

The HHSC sought an order that an 11-year-old cancer patient was a “child in need of protection” because her parents, who wished to pursue traditional medicine options, had withdrawn consent for continued chemotherapy. Our panelists will discuss how engagement was used to ensure that the best interests of the child were properly reconciled with Aboriginal rights. The paradigm shift involved may be essential to moving towards reconciliation in a broad variety of matters involving the legal relationship between Aboriginal communities and the Federal or provincial governments.

3:30

Ethics and Professionalism In Litigation Involving the Crown

Jasmine T. Akbarali, Lerners LLP
Chantelle A. Blom, Counsel, Ministry of the Attorney General (Ontario), Crown Law Office--Civil
Charleen Brenzall, General Counsel, Justice Canada (Ontario Regional Office)

An interactive discussion of how best to meet the ethical and professional challenges which can arise at the various stages of Crown litigation.

4:30

Program Concludes