

A joint program of the **Society of Ontario Adjudicators and Regulators (SOAR)** and **Osgoode Professional Development**

ADVANCED PROGRAMS IN

Adjudication for Administrative Agencies, Boards & Tribunals

Get in-depth coverage, at an advanced level, of principles and techniques required to run a fair and effective administrative proceeding.

- **Culturally Competent Adjudication** – April 16, 2018
Optional Workshop: **Adjudicating Human Rights Issues** – April 17, 2018 (AM)
- **Effective Communication in the Hearing Room** – June 4, 2018
This session will take place at: Bond Place Hotel, 65 Dundas Street East, Toronto, ON
- **Mediation for Adjudicators** – October 3, 2018
Optional Skills Workshop – October 4, 2018 (all day)
- **Effective Hearing Management** – December 3, 2018
- **Managing Evidentiary Challenges** – March 4, 2019
- **Advanced Administrative & Regulatory Decision Making** – April 29, 2019
- **Advanced Decision Writing** – November 29, 2019

Program Co-Chairs

Lorne Sossin,
Dean, Osgoode Hall Law School

Heather Gibbs,
President, SOAR; Manager of
Legal Services, Environment
and Land Tribunals Ontario

Program Director

Pamela Chapman,
Legal Educator and Consultant

LOCATION

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



Advanced Certificate in Adjudication

Complete 5 days of programming - from the above list -
within 2 years to earn the Advanced Certificate.

Register today at:

osgoodepd.ca/adv-soar



Program Co-Chairs



Lorne Sossin

Dean, Osgoode Hall Law School

"Osgoode Professional Development is delighted to partner with SOAR in deepening our commitment to serving the Administrative Justice community through this new Certificate. This advanced series of programs carries on the tradition of our partnership in providing an innovative, relevant and engaging learning experience for administrative adjudicators and decision-makers."



Heather Gibbs

President, SOAR; Manager of Legal Services, Environment and Land Tribunals Ontario

"SOAR is pleased to continue its partnership with Osgoode Professional Development in this natural (and long-awaited) extension of the original Certificate program. Once again, we have collaborated to offer cutting-edge, topical and timely content, exceptional faculty and an opportunity to enhance adjudicative skills and competencies."

Program Director



Pamela Chapman

Legal Educator and Consultant

Pamela Chapman is an experienced adult educator who develops and delivers training on a wide range of topics to lawyers and non-lawyers, judges, adjudicators, and organizations. She has focused on adjudication and decision-writing training since 2011, when she became Program Director of the Certificate in Administrative Adjudication run by SOAR and OsgoodePD.

Ms. Chapman is also an experienced adjudicator, who was a member of the Human Rights Tribunal of Ontario from 2009 to 2012, a Vice-Chair of the Ontario Labour Relations Board from 1993 to 2002, and a labour arbitrator and mediator for 20 years. She has taught at the University of Ottawa Faculty of Law since 2002, and as an adjunct professor at the University of Toronto, Osgoode Hall Law School, and Carleton University.

Faculty Includes

Shelley Appleby-Ostroff, Sessional Professor, University of Ottawa, Faculty of Law

Aaron Barth, Ph.D., President Dialectic Solutions

Catherine Bickley, Vice-chair, Licence Appeal Tribunal (SLASTO)

Marcie Bourassa, Vice-chair, Assessment Review Board (ELTO)

Michelle Flaherty, Professor, University of Ottawa, Faculty of Law

Greig Henderson, Associate Professor, University of Toronto

Travis Kearns, Manager of Field Services, Ontario Labour Relations Board

Neil Khanna, Legal Counsel, Environment and Land Tribunals Ontario (ELTO)

The Hon. Susan Lang, Ontario Court of Appeal (retired)

The Hon. Justice John I. Laskin, Federal Court of Appeal

The Hon. Justice Peter D. Lauwers, Ontario Court of Appeal

Margaret Leighton, Chair, Council of Canadian Administrative Tribunals; Manager of Legal Services, Social Justice Tribunals of Ontario (SJTO)

Leslie H. Macleod, Adjunct Professor, Osgoode Hall Law School; Founder, Leslie H. Macleod & Associates

Barbara J. Morris, Program Coordinator & Professor, Humber College

Tim Moseley, Vice-Chair, Ontario Securities Commission

Zeynep Onen, Vice-Chair, Workplace Safety and Insurance Appeals Tribunal

Deborah Pressman, Counsel, SLASTO

David A. Wright, Chair, Law Society Tribunal

This program is recommended for:

- Graduates of the SOAR/OsgoodePD Certificate in Adjudication; **OR**
- Those with two or more years of full-time experience as an adjudicator, **OR** an equivalent amount of experience as a part-time adjudicator; **OR**
- Senior tribunal staff, such as counsel, who work closely with adjudicators and would benefit from advanced training in adjudication.

Are you confident you are up-to-date and have the skills you need to succeed in today's changing adjudicative sector?

The adjudicative process is evolving, which is shifting the required skill set for adjudicators. The *Advanced* Certificate in Adjudication provides deep insights into critical areas experienced tribunal adjudicators have identified as essential to their professional development and success in (and out) of the hearing room.

Designed to provide a curriculum-based learning platform for experienced adjudicators or graduates of the original Certificate in Adjudication, this program will enable you to:

- **Enhance** your skills across core competencies involved in adjudication
- **Practice** applying skills with an opportunity to get constructive feedback
- **Deepen** your knowledge of the legal standards which structure these competencies
- **Learn** about and reflect upon best practices, and evolving approaches, across a range of adjudicative settings
- **Obtain** a deeper understanding of the values underlying administrative adjudication and their application to adjudicative tasks

Further, the modular design of the Certificate allows you to **customize** your learning and focus your development on relevant practice areas. In each program module, there is an emphasis on skills-based learning, with in-class lectures being supplemented by video simulations, demonstrations, group exercises, role play simulations, case studies and peer interaction.

Advanced Program Features:

- (1) **Highly enriched topics, resources & experienced faculty:** thinking outside the box, emerging ideas, new frameworks, and learning from external experts
- (2) **In-depth exploration of critical issues:** extended time on more advanced-level topics, nuanced analysis and opportunity to apply and reflect
- (3) **Learn-by-doing:** obtain individualized critique from recognized leaders to improve and refine skills
- (4) **Peer learning:** experienced participants, enhanced learning through peer interaction and peer facilitation
- (5) **Interaction across different sectors & settings:** exposure to best practices, innovation and networking opportunities



Programs at a Glance

Advanced Decision Writing

Building on key concepts learned in the introductory Certificate program and SOAR's one-day course Effective Decision-Writing for Administrative Adjudicators, this program is designed as a second-level course. Over two days, you'll learn and practice effective writing techniques and get constructive feedback from leading writing experts

Mediation for Adjudicators

Mediation for Adjudicators is designed to deal with the unique challenges faced by adjudicators when dealing with conflict in a hearing, who also mediate before or during the adjudicative process. The optional full-day skills workshop will put into practice learned concepts and you'll get individualized feedback.

Effective Hearing Management

In one intensive day, you'll learn and practice tactics for dealing with the complex and evolving issues that arise in the hearing process – ones even the most skilled adjudicators grapple with.

Managing Evidentiary Challenges

Designed for those with experience in adjudication, this advanced level program will provide a hands-on, deep dive into the key principles underlying the rules of evidence and best practices to ensure a fair and efficient hearing.

Advanced Administrative & Regulatory Decision Making

This practical program focuses on the core skills in decision-making. Taught by both strategic learning experts and subject matter experts, you will learn about thought processes and strategies for analyzing challenging problems, and how to apply them to difficult legal concepts.

Culturally Competent Adjudication

Developed using a reflective template designed to encourage a systematic approach to questioning our assumptions and improving cultural competence, you will learn current best practices and participate in challenging fact scenarios and role plays. The optional ½ day workshop will provide you with best practices for adjudicating human rights issues in administrative and regulatory proceedings.

Effective Communication in the Hearing Room

Through a mix of lectures, video scenarios, exercises and small group work applying communication principles to hearing challenges, this program will provide you with tips, best practices and individualized feedback to improve this often overlooked skill.

Program-specific Details

Advanced Decision Writing

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

Through the course of two days, this hands-on program will boost your decision writing skills. In a small-group, supportive environment, you will cover the following in-depth:

- Condensed refresher on key principles: the importance of audience, context & point-first
- Identifying the deep issue and showing your analytical path
- Narrative and rhetoric in legal writing
- Issue-driven structure and strategic organizational choices
- Clarity at the paragraph, sentence and word level
- Style and tone: developing a strong and sound voice
- Developing and delivering effective oral judgments
- Review and revision best practices
- Fireside Chat - *The Duty to Give Reasons*: evolving approaches, common sufficiency challenges

You will:

- Learn how to bring a more audience-focused perspective to your decision writing
- Craft powerful introductions and develop innovative strategies to provide context and use point-first writing
- Develop effective writing process techniques, and structure issue-driven decisions
- Improve your overall writing – including precision at the paragraph, sentence and word level
- Increase your ability to write in a clear and credible voice
- Improve your confidence and skill in oral delivery of reasons

Mediation for Adjudicators

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

An increasing number of boards, tribunals and agencies are requiring their adjudicators to step into the role of mediator. For even the most senior professional, this is a different skill set that must be learned and practiced. This session will discuss:

- Mediation theory: facilitative & evaluative approaches
- Preparation, mediation agreements, opening remarks
- Key communication skills, including active listening, framing & reframing

- How to generate options, explore issues and develop a framework for mediation
- Mediation options: plenary, caucus, shuttle
- Confidentiality, ethical dilemmas, institutional requirements
- Managing the risks of mediation by adjudicators, including “mediation-adjudication”
- Best practices and pitfalls in settlement agreements

You will:

- Acquire and improve the skills necessary to mediate disputes
- Identify and explore issues and interests, generate multiple options, evaluate options, and guide parties to identify common interests
- Learn how to use effective communication skills in mediation, including active listening, framing and reframing
- Gain confidence and improve effectiveness when dealing with conflict in a hearing, as well as in formal mediation
- Increase your ability to analyze and diagnose the causes of conflict and uncover options to manage and intervene in conflict effectively
- Understand the risks of mediation by adjudicators, and explore best practices for transitioning between roles

Optional Intensive Skills Workshop: Mediation for Adjudicators

This optional hands-on workshop will build on concepts learned in the prior day. Leading faculty - drawn from across a wide range of tribunal settings - will discuss process options, innovative practices, and their place in the dispute resolution spectrum.

The focus of the workshop will be hands-on, practical learning. Using custom-designed role play exercises you will work in small groups to resolve challenging scenarios, with facilitation and individualized feedback provided by experienced dispute resolution instructors and senior mediator-adjudicators.

You will:

- Practice the most common issues faced by adjudicator mediators, and go beyond the everyday issues to explore more difficult challenges
- Understand and appreciate the key roles, including change agent, process manager, educator, facilitator, evaluator & decision-maker
- Learn strategies for transitioning between roles
- Obtain best practices when dealing with self-represented parties and other power imbalances in mediation
- Learn how to manage other challenges: rationality, public interest and confidentiality

- Acquire best practices for de-escalation of conflict
- Develop techniques for designing effective mediation processes

Registration for the workshop will be **strictly limited**, in order to permit greater opportunities for role-play exercises and feedback. You **must** complete Day One in order to register.

Effective Hearing Management

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

In one day, you'll practice effective hearing management skills and get individualized feedback from a faculty of leading experts. You'll explore the appropriate balance between fairness and efficiency, and learn strategies for ensuring that competing interests are taken into account. The course will cover:

- Active adjudication techniques: appropriate purposes, reasonable limits, best practices
- Effective strategies for adjudicator questioning
- Alternative hearing approaches: new models and smaller-scale innovations
- Managing self-represented parties: knowing your roles, limits and obligations
- Under-representation, the use of non-legal representatives and the scope of adjudicator intervention
- Civility & decorum challenges: tools and supports available to tribunals and individual adjudicators

You will:

- Acquire and improve the skills necessary to conduct hearings
- Gain confidence and improve effectiveness when dealing with hearing challenges
- Learn the appropriate balance between fairness and efficiency, and how to resolve competing fairness interests
- Understand the conditions underlying the growth of self-representation, and explore obligations and limits
- Develop best practices with expert faculty and other adjudicators
- Practice and refine effective hearing management techniques with an opportunity for constructive feedback

Managing Evidentiary Challenges

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

Administrative tribunals have one objective – to ensure a fair and efficient hearing. However, for even the most senior adjudicator, evidentiary issues can be daunting to manage and if mishandled, lead to procedural challenges. While the cardinal rule is: if relevant, hear it, there are additional questions that must be considered and weighed. This advanced level program will provide a hands-on, deep dive into the key

principles underlying the rules of evidence. Using video scenarios, scenario based exercises, specific topics include:

- Application of evidentiary principles by tribunals
- Common evidentiary challenges: hearsay, privilege, documents
- Effective management of evidentiary objections
- Admissibility versus weight
- Special problems created by electronic evidence
- Managing expert evidence
- Making credibility findings
- Observation, recollection and truth-telling, and the value of oral evidence

You will:

- Improve the skills involved in receiving and weighing evidence
- Understand and apply the key principles underlying the law of evidence to ensure fairness and reliability in hearings
- Improve effectiveness when dealing with challenging evidentiary issues, such as assessing credibility
- Learn about emerging issues relating to electronic records and develop best practices
- Gain confidence when confronted with expert evidence
- Practice dealing with evidentiary objections in a safe environment with an opportunity for constructive feedback

Advanced Administrative & Regulatory Decision Making

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

In one intensive day, you'll learn from subject matter experts the powers of the subconscious and appreciate the influence on our decision making and thought processes. You will get to practice decision making skills in a safe, zero-consequence environment with opportunity for constructive feedback. The course will cover:

- Intuitive versus deliberative decision-making (interactive session involving cognitive testing)
- The modern approach to statutory interpretation: how to apply and reconcile the rules
- Limits on the exercise of discretion
- Considerations pertaining to onus and burden of proof
- Decision-making templates for administrative tribunals

You will:

- Improve your skills in statutory interpretation and the exercise of discretion

- Develop an effective and systematic approach to decision-making
- Strengthen your identification of issues and use of statutory tests
- Develop and use decision-making templates relevant to your specific context
- Refine your knowledge of the legal framework for administrative adjudication, including recent developments
- Understand the role of intuition in decision-making, and the conditions which support a more deliberative approach

Culturally Competent Adjudication

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

As an adjudicator, it is imperative that you understand culture and recognize its role in administrative adjudication. Over the course of one day, you will learn current best practices and participate in challenging fact scenarios and role plays. Developed using a reflective template designed to encourage a systematic approach to questioning our assumptions and improving our cultural competence, specific topics include:

- The key elements of cultural competence: knowledge, skills and attitude
- The role of implicit bias, power and privilege in the hearing room
- Creating an inclusive and accessible hearing environment
- Hearing accommodation, including: disability-related needs, religion
- Mental health challenges

You will:

- Refine cultural competence skills
- Understand the impact of culture in decision-making and impact when conducting a hearing
- Learn strategies and gain confidence in identifying and dealing with challenging situations which may involve culture
- Get individualized feedback on your approaches and techniques and how they support inclusive and accessible adjudication

Optional Workshop:

Adjudicating Human Rights Issues

9:00 a.m. - 12:00 p.m.

Tribunals are increasingly called upon to interpret and enforce human rights law. In this optional half-day workshop, you will examine in greater depth:

- The legal framework for cultural competence and inclusive and accessible adjudication
- Evolving legal obligations and best practices, including:
 - the scope of a tribunal's duty to accommodate

- interpreting and enforcing human rights legislation, arising from *Tranchemontagne* and other cases
- Interpreting and enforcing the *Charter* and *Charter* values, arising from *Conway*, *Doré* and other cases

You will:

- Learn best practices for dealing with accommodation and inclusion, including dignity, integration, independence, privacy
- Understand how to deal with overlapping jurisdiction: statutory provisions and key cases, including *Figliola* and *Penner*
- Gain an understanding of the important developments in equality law
- Practice learned concepts and apply these to hearing management, case management and mediation challenges

Registration for the workshop will be **strictly limited**. You **must** complete Day One in order to register.

Effective Communication in the Hearing Room

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

A primary role of an adjudicator is to keep control of the hearing and ensure a fair process. To successfully do this, effective communication skills are essential. Often overlooked, failure to control your verbal and non-verbal messages can impede the hearing – and ultimately your reputation. Through a mix of lectures, video scenarios, exercises and small group work applying communication principles to hearing challenges, topics include:

- Non-verbal communication: tone, intention and body language
- Developing and maintaining an effective voice: control, awareness, projection
- Active listening and engagement
- Effective verbal communication: literacy challenges, avoiding jargon, metaphors, etc.
- Working with interpreters
- Strategies for developing intercultural communication

You will:

- Refine the communication skills necessary to conduct hearings
- Gain awareness and strategies to ensure your verbal and non-verbal communication delivers the messages you intend
- Learn how to establish and maintain control of the hearing by setting an appropriate tone
- Practice and develop active listening techniques for effective hearing management
- Gain confidence and improve effectiveness when dealing with hearing challenges
- Learn best practices for dealing with difficult people

What past participants have said:

“Speakers were engaging, great and practical refresher on writing and on considerations in adjudication.”

“The small group and larger group lecture setting provided an excellent opportunity to deliver and discuss content.”

“Well organized and informative, learned a lot.”

“Qualified, credible and experienced presenters and facilitators.”

“Caused some thinking on how to do things in differently.”

Certificate of Program Completion

Upon completing 5 days of program modules within a two year period, in addition to successfully passing in-class or online assessment(s) in each module (format varies by program), an Advanced Certificate in Adjudication will be granted.

Registration Details

Advanced Decision Writing
\$1,195 plus HST

Mediation for Adjudicators
\$695 plus HST
\$1,195 plus HST w/ workshop –
NOTE: workshop is only available to program attendees

Effective Hearing Management
\$695 plus HST

Advanced Evidentiary Issues
\$695 plus HST

Administrative & Regulatory Decision Making
\$695 plus HST

Culturally Competent Adjudication
\$695 plus HST
\$895 + HST w/ workshop –
Adjudicating Human Rights Issues
NOTE: workshop is only available to program attendees

Effective Communication in the Hearing Room
\$695 plus HST

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

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 14 days prior to each program start date. If a cancellation request is made with less than 14 days' notice, a \$75 administration fee will apply. No other refund is available.

For Further Program-Related Information please Contact:

Gail Geronimo, Program Lawyer at 416.736.5495 or email gail.geronimo@osgoode.yorku.ca



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO. LSO (ON) Eligible CPD hours:



Advanced Decision Writing
6h 30m CPD Hours (2h 30m Substantive, 4h Professionalism)

Mediation for Adjudicators
Program + Workshop: 13h
(10h Substantive; 3h Professionalism)
Program Only: 6h 30m CPD Hours
(3h 30m Substantive, 3h Professionalism)

Effective Hearing Management
6h 30m CPD Hours (3h 30m Substantive, 3h Professionalism)

Managing Evidentiary Challenges
6h 30m CPD Hours (5h 30m Substantive, 1h Professionalism)

Advanced Administrative & Regulatory Decision Making
6h 30m CPD Hours (4h 30m Substantive, 2h Professionalism)

Culturally Competent Adjudication
Program + Workshop: 9h 30m CPD Hours
(4h Substantive; 5h 30m EDI Professionalism Content)
Program Only: 6h 30m CPD Hours
(1h Substantive; 5h 30m EDI Professionalism Content)

Effective Communication in the Hearing Room
6h 30m CPD Hours (3h 30m Substantive, 3h Professionalism)



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



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