

# THE OSGOODE CERTIFICATE IN ADJUDICATION FOR ADMINISTRATIVE AGENCIES, BOARDS & TRIBUNALS

- Consecutive Program (5 days) runs: August 19-23, 2019
- Consecutive Program (5 days) runs: December 9-13, 2019

Learn to run a fair and effective administrative proceeding.

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

Over five intensive modules, you'll be taught by leading experts using a blended-delivery method that includes lectures, video simulations, class discussions and hands-on exercises. Participants will:

- Acquire foundational knowledge of administrative law principles
- Learn how to manage a hearing – from start to finish
- Understand the legal and practical requirements of administrative decisions
- Explore the evolving challenges faced by administrative adjudicators
- Gain insight from leaders in administrative justice

Register today at:

[osgoodepd.ca/soar](http://osgoodepd.ca/soar)

## Program Co-Chairs:

**Heather Gibbs**

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

**TBD**

Osgoode Hall Law School

## Location

**Osgoode Professional Development**

1 Dundas St. West, 26th Floor  
Toronto, ON





## OsgoodePD

Osgoode Hall Law School's Osgoode Professional Development offers both credit and non-credit programming to meet the life-long learning needs of lawyers and other professionals who need legal information. Osgoode Hall Law School is one of the world's pre-eminent law schools. OsgoodePD embodies the law school's commitment to meeting the educational needs of the broader community and has offered many continuing legal education programs in the areas of administrative law, professional and statutory regulation, and alternative dispute resolution, including its Professional LLM in Administrative Law.

## SOAR

The Society of Ontario Adjudicators and Regulators (SOAR) was created in 1991 for the purpose of advancing administrative justice through education, advocacy and innovation.

Membership in SOAR includes Order-in-Council appointed Chairs and Members and staff of administrative justice system agencies. SOAR supports their work through various activities, including training programs for newly appointed adjudicators and administrative staff, conferences and other educational programs, and participation in policy initiatives of relevance to the direction and integrity of the administrative justice system. The premiere event in Ontario's administrative justice community is SOAR's annual Conference of Ontario Boards and Agencies (COBA) held each November and dealing with the latest developments in administrative justice. SOAR is explicitly non-partisan and non-profit; its focus is the public interest. [www.soar.on.ca](http://www.soar.on.ca)

## Who Should Attend?

Initially developed to meet the needs of recent appointees, the Certificate is also well suited for those looking to make the transition into administrative adjudication, or for legal professionals who regularly appear in front of agencies, boards or tribunals.

The program will be of particular benefit to professionals who exercise adjudicative functions arising from a public or quasi-public power, including:

- Recent appointees to administrative agencies, boards and tribunals
- Professional regulators
- Members of disciplinary bodies
- Adjudicators from the provincial, federal or municipal sectors
- Leaders required to conduct hearings in the broader public sector, including health and education
- Professionals looking to transition into the adjudicative sector
- Legal professionals who regularly appear in front of administrative boards, tribunals or agencies

# The Osgoode Certificate in Adjudication for Administrative Agencies, Boards & Tribunals

## **Module One**

Introduction to Administrative Adjudication Key Principles: Administrative Law & the Administrative Justice System

## **Module Two**

How to Run a Hearing: Fairness & Efficiency

## **Module Three**

Administrative Adjudication: Evolving Challenges

## **Module Four**

Decision-writing: Key Principles & Effective Strategies

## **Module Five**

Hearing Simulation: Putting it All Together

In five one-day modules the Certificate Program in Adjudication for Administrative Agencies, Boards & Tribunals is a collaboration between the Society of Ontario Adjudicators and Regulators (SOAR) and Osgoode Professional Development of Osgoode Hall Law School, York University. Over the course of 5 years, the Certificate has provided hundreds of professionals with the practical skills and legal knowledge they need to perform effectively in the administrative adjudication arena.

The rigorous curriculum provides solid grounding through learning and practicing practical adjudication skills. Working with real-life fact scenarios, problems and demonstrations, you will acquire a solid foundation in the legal underpinnings of administrative adjudication, develop and refine your adjudication skills, and learn practical strategies for effective hearing management. The program culminates with an interactive hearing simulation and guided decision writing exercise, in which you'll benefit from obtain individual feedback from recognized experts in the field.

Drawing upon the expertise and experience of leading adjudicators, academics, members of the judiciary and counsel from the administrative justice community.

## Program Director



### Pamela Chapman

Pamela Chapman is an educator and adjudicator who combines these skills to develop and deliver training on a wide range of topics, to diverse groups of all sizes, including lawyers and non-lawyers, tribunals, courts, regulators and other agencies. Recently she has focused on skills-based adjudication and decision-writing training, working with organizations like SOAR, OPD and the National Judicial Institute, and developing custom training for a wide range of federal, provincial and municipal tribunals and regulators, professional regulators, and other agencies. She has taught at the Faculty of Law at the University of Ottawa since January 2002, and has been an adjunct professor at Osgoode Hall Law School and the University of Toronto. From 2009 to 2012 she was a part-time member of the Human Rights Tribunal of Ontario, and from 1993 to 2002 a Vice-Chair of the Ontario Labour Relations Board, between 1995 and 2015 she also worked as a labour arbitrator and mediator.

## Program Faculty have included:

**The Hon. John Evans**, formerly of the Federal Court of Appeal, now counsel to Goldblatt Partners

**The Hon. Stephen Gouge**, formerly of the Court of Appeal for Ontario, now counsel to Paliare Roland Rosenberg Rothstein LLP

**The Hon. Freya Kristjanson**, Superior Court of Justice (Toronto)

**The Hon. Susan Lang**, formerly of the Court of Appeal for Ontario

**The Hon. Justice John Laskin**, Court of Appeal for Ontario

**The Hon. Justice Kevin Whitaker**, Ontario Superior Court of Justice (Toronto), Former Chair, Ontario Labour Relations Board

**Raj Anand**, WeirFoulds LLP

**Benjamin Berger**, Professor and Associate Dean, Osgoode Hall Law School

**Christopher D. Bredt**, Partner, Borden Ladner Gervais LLP

**Sandra (Sandi) Driesel**, Member, Ontario College of Trades

**James (Jim) Girling**, formerly Legal Director, Divisional Priority Projects, Legal Services Division, Ministry of the Attorney General

**David Goodis**, Assistant Commissioner, Information and Privacy Commissioner of Ontario

**James Gorham**, Senior Counsel, Department of Justice Canada

**Michael Gottheil**, Executive Chair, Social Justice Tribunals Ontario

**Mark Hart**, Vice-Chair, Human Rights Tribunal of Ontario

**Taivi Lobu**, Vice-Chair, Health Professions Appeal and Review Board

**Sophie Martel**, Vice-Chair, Human Rights Tribunal of Ontario

**Tim Moseley**, Vice-Chair, Ontario Securities Commission

**Susan Opler**, Ombudsman, City of Toronto; Former Vice-Chair, Consent and Capacity Board

**Zeynep Onen**, Vice-Chair, Workplace Safety and Insurance Appeal Tribunal

**Cynthia Pay**, Member, Immigration and Refugee Board

**Deborah Pressman**, Counsel, Safety, Licensing Appeals and Standards Tribunals Ontario

**Luisa Ritacca**, Partner, Stockwoods LLP

**Carol Street**, Partner, Symes, Street & Millard LLP

**Moya Teklu**, Staff Lawyer, Legal Aid Ontario

**David A. Wright**, Chair, Law Society Tribunal

# Agenda

## MODULE 1

9:00 a.m. – 4:30 p.m.  
**Introduction to Administrative Adjudication Key Principles**

Get a solid grounding in the legal structure and fundamental principles that are the essential foundations for any adjudicator.

### **Introduction to Administrative Adjudication**

- The role of statutory agencies, boards and tribunals
- Guiding principles: fairness, independence, accountability, diversity, accessibility
- Sources of jurisdiction and law: statutes, regulations, policies, rules and use of precedents
- Statutory interpretation; the exercise of discretion

### **Key Principles: Administrative Law & the Administrative Justice System**

- Sources of procedural fairness: common law, statutory procedural requirements, constitutional rights
- Key components of procedural fairness: the right to be heard; the rule against bias
- Fundamentals of judicial review

### **Adjudicator Independence and Impartiality**

- Reasonable apprehension of bias
- Institutional independence and institutional consistency
- Conflicts of interest and ethics for adjudicators

### **Fireside Chat - “Administrative Justice in the Legal System”**

*Leading experts in the administrative justice community will discuss the role of administrative adjudication and its place in the justice system.*

## MODULE 2

9:00 a.m. – 4:30 p.m.  
**How to Effectively Run a Hearing: Fairness & Efficiency**

Effectively managing the hearing process is one of the biggest challenges for even the most experienced adjudicators. Using video demonstrations and group discussion, and focusing on issues drawn from actual hearings, this session will equip you with the key knowledge and practical strategies you need to run a hearing, from pre-hearing to preparing to write the decision.

### **Pre-hearing stages and starting the hearing:**

- Mediation and case management
- Preliminary rulings; pre-hearing preparation
- Openings: setting the tone, directions to the parties

### **Evidence at the hearing:**

- Oaths and affirmations, cautioning witnesses
- Admitting documents and other exhibits
- Refresher on the law of evidence and challenges to admissibility

### **Active adjudication techniques:**

- Adjudicator questioning
- The use of inquisitorial and other techniques
- Benefits of active listening
- Risks of adjudicator intervention
- Self-represented parties: facilitating effective participation without crossing the line
- Dealing with civility and decorum problems

## **Finishing the hearing:**

- Closing statements
- Deliberations and considerations for decision making – oral vs. written decisions

## MODULE 3

9:00 a.m. – 4:30 p.m.  
**Administrative Adjudication: Evolving Challenges**

Throughout the hearing process, adjudicators must remain neutral, ensure the hearing is accessible to all parties and keep control of the hearing room. This can often be challenging, and poor management can derail the hearing process. This session will provide you with proactive tips to competently and confidently manage these challenges, as well as practical strategies to deal with complex issues.

### **Effective management of the hearing:**

- Handling and ruling on objections
- Time management, privacy and confidentiality

### **Inclusive and accessible adjudication:**

- The role of culture in adjudication
- Hearing accommodations
- Working with interpreters
- Mental health problems in the hearing room
- Strategies to ensure effective participation

### **Fireside Chat – “Evolving Challenges”**

*Leading experts will discuss hot-button issues facing the administrative justice community.*

## MODULE 4

### 9:00 a.m. to 4:30 p.m. Decision-Writing: Key Principles & Effective Strategies

Understanding the fundamental goals and principles of effective decision writing is critical for any adjudicator. Working in small groups, this session will allow you to apply these principles and obtain individualized feedback. Topics include:

- The duty to give reasons and common sufficiency problems
- Writing for multiple audiences
- Fundamental principles: audience; context and point-first writing
- Issue-driven organization
- Practical strategies for approaching decision-writing
- Elements of a good decision: plain language; the “human voice”
- Key measures of good writing: clarity; coherence; conciseness; credibility

## MODULE 5

### 9:00 a.m. to 3:00 p.m. Hearing Simulation: Putting It All Together

The hearing simulation provides an important opportunity to pull together the skills and practice what you have learned, in a non-intimidating environment. Working in small groups with skilled facilitators, you’ll engage in a mock simulation and perform the key functions of a hearing panel.

This is a hands-on opportunity to practice hearing management, including ruling on objections, dealing with various procedural challenges and how to effectively confer as a panel on procedural rulings and the outcome of the case. Each panel will develop and deliver an oral judgment, practicing their decision-writing training from Module 4. Benefit from detailed, individualized feedback from experienced counsel and adjudicators.

The day concludes with a group debriefing and reflection – comparing and contrasting the various rulings – followed by a graduation ceremony.

## Co-Chairs



### Heather Gibbs

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

“SOAR is committed to providing innovative and high-quality education and training to our community. SOAR’s Adjudicator Training Course has provided an introduction to adjudication to generations of decision-makers in Ontario and beyond. We look forward to training a new generation through this collaboration with Osgoode.”

TBD

Osgoode Hall Law School

“*The delivery of administrative justice requires highly skilled and trained members of agencies, boards and tribunals. As a non-profit, non-partisan organization with deep roots in the administrative justice community, SOAR has been a trusted provider of administrative adjudicator education in Ontario for many years. Building on that experience, SOAR’s innovative partnership with Osgoode in this program will provide new administrative adjudicators with the skills and knowledge they need to become effective decision makers.*”

Debra Roberts, Deputy Chief of Staff, Human Resources and Public Appointments,  
Office of the Premier, Ontario

# Registration Details

## Fee per Delegate

**\$2,995 plus HST**

Fees include attendance, program materials, lunch and break refreshments. Please inquire about 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 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:

Gail Geronimo, Program Lawyer at 416.736.5495  
or [gail.geronimo@osgoode.yorku.ca](mailto:gail.geronimo@osgoode.yorku.ca)

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## Certificate of Program Completion

You will receive a certificate upon completion of The Certificate in Adjudication for Administrative Agencies, Boards & Tribunals. Participants must attend all modules and participate in the hearing simulation to receive a certificate.

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## 4 Convenient Ways to Register



Mail



Online



Fax



Call

Register today at:

[osgoodepd.ca/soar](https://osgoodepd.ca/soar)



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

Eligible CPD Hours - LSO (ON): 32h (21h Substantive, 7h Professionalism, 4h EDI);  
NY CLE: 35 credit hours in the Area of Professional Practice for transitional and nontransitional lawyers.



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](mailto:cpd@osgoode.yorku.ca).

*“The quality of the course materials was excellent and very comprehensive. The hearing simulation was extremely realistic and the coaches were excellent!”*

*“For a number of reasons, most importantly the hearing simulation, I will have no hesitation in recommending this course.”*

*“No other way to put it, this session is by far the best I have ever taken... Very engaging and never a dull moment. Well done and thank you!”*

*“The energy of the facilitators rubbed off on all participants.”*