

# THE OSGOODE CERTIFICATE IN HANDLING SUMMARY CONVICTION OFFENCE CASES

50% off for  
Newly Licensed  
(2016-2019)

October 2019 - March 2020  
Over 5 intensive 1-day Modules  
Modules 1-4: In Person or Webcast  
Module 5: In Person only

Get the knowledge and practical skills you need from a faculty of over 20 judges, defence lawyers and Crown Attorneys.

- Disclosure: when to ask for it, what to look for and how to identify what's missing
- Strategies for preparing and conducting your Crown pre-trial and judicial pre-trial
- Expert insight into how to best prepare and conduct your trial
- Full-day intensive workshops on conducting your cross-examination and making submissions on sentencing

## Program Director

The Hon. Justice Rick Libman  
Ontario Court of Justice

## Location

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

Register today at:

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





## Learn from the experts as they discuss the key stages of a summary conviction file from start to finish.

- Techniques for getting the most out of the Crown pre-trial and judicial pre-trial
- Charter applications and how to improve your written advocacy overall
- Effective oral advocacy at trial: practical tips from the Bench
  - Crafting opening statements and closing arguments
  - 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

**Plus!** Intensive, full-day workshops on **making sentencing submissions on a guilty plea** as well as **cross-examining a witness at trial**. You'll receive individualized feedback from our expert facilitators including judges and senior legal practitioners.

## Who Should Attend:

- Defence Lawyers
- Crown Attorneys
- Paralegals

Here's what past participants said about *The Osgoode Certificate in Provincial Offences Court Practice* (also chaired by The Hon. Justice Rick Libman):

“After eight years of university, I didn't realize how much 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

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

Joseph Kanoni  
Active Justice Legal Services P.C.

# THE OSGOODE CERTIFICATE IN HANDLING SUMMARY CONVICTION OFFENCE CASES

Modules 1 & 2 can be purchased individually. See registration page for further details:  
[osgoodepd.ca/  
summaryconvictions](https://osgoodepd.ca/summaryconvictions)

**Register today at:**

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

## *Can't attend a module?*

Webcast option is available for Modules 1-4 and all participants will have an **unlimited** 90-day access to each archived module.

As a legal professional who defends or prosecutes summary conviction offences, it is imperative you have a clear grasp on the how to effectively advocate your case.

Created by the developers of *The Osgoode Certificate in Provincial Offences Court Practice* and led by The Honourable Justice Rick Libman, this new program will explore key stages of a summary conviction offence matter while emphasizing ways of strengthening your written and oral advocacy.

Over five intensive one-day modules (spread out over 5 months), our expert faculty will give you a comprehensive overview of the relevant law and a unique opportunity to hone your advocacy skills.

**Learn-by-doing** exercises and individualized feedback from defence lawyers, Crown attorneys and judges will take your confidence and skills to a new level.

Drawing on the expertise of these judges and senior practitioners including:

## Program Director



**The Hon. Justice  
Rick Libman**

Ontario Court of Justice

Here's what past participants said about *The Osgoode Certificate in Provincial Offences Court Practice* (also chaired by The Hon. Justice Rick Libman):

“*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

“*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

## Program Faculty

### **Paul Calarco**

Barrister & Solicitor

### **Rochelle Direnfeld**

Deputy Director, Director of  
Crown Operations Office,  
Ministry of the Attorney  
General (Ontario)

### **Ari Goldkind**

Barrister & Solicitor

### **Emily Lam**

Kastner Law

### **Daniel Libman**

Damien Frost & Associates LLP

### **The Hon. Justice Rick Libman**

Ontario Court of Justice

### **Ruth McGuirl**

Crown Counsel, Public  
Prosecution Service of Canada

### **Royland Moriah**

MacGregor Moriah Horic LLP

### **Kim Schofield**

Kim Schofield & Associates

### **Janani Shanmugunathan**

Erin Dann Barrister

### **Richard Stern**

Barrister & Solicitor

### **Erin Winocur**

Assistant Crown Attorney,  
Crown Attorney's Office  
(Toronto)

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# Agenda

## MODULE 1\*

Saturday, October 26, 2019

9:00 a.m. – 4:15 p.m.

### Overview of Summary Conviction Trials

#### The Statutory Framework and the Court's Jurisdiction

- Rules of Court (for summary conviction trials)
- The impact of Bill C-75 on summary conviction offences

#### Critical Issues at the First Client Meeting

- Finalizing your retainer
- Managing client expectations at an early stage
- Obtaining proper instructions
- Developing a strategic defence plan
- Preparing for first court appearance
- Securing and reviewing initial disclosure
- Avoiding conflicts
- Ensuring you do not act contrary to your client's instructions
- Investigating any potential mental health issues with your client

#### Current Developments in Summary Conviction Offences

- Recent cases of interest bearing on summary conviction procedure
- The impact of "unreasonable delay" on summary offences

#### Pre-Trials and Resolution Discussions

- Strategies for discussing resolution with both your client and the Crown
- Practical tips when preparing for the Crown pre-trial and judicial pre-trial

- Do's and don'ts when discussing the evidence with the other side

## Faculty

### Rochelle Direnfeld

Deputy Director, Director of Crown Operations Office, Ministry of the Attorney General (Ontario)

### Ari Goldkind

Barrister & Solicitor

### The Hon. Justice Rick Libman

Ontario Court of Justice

### Erin Winocur

Assistant Crown Attorney,  
Crown Attorney's Office (Toronto)

## MODULE 2\*

Saturday, November 30, 2019

9:00 a.m. – 4:15 p.m.

### Evidence in Summary Conviction Trials

- **Overview of the most critical evidentiary issues:** hearsay, privileged information, business records, electronic information
- **"Dissecting Disclosure":** An experienced criminal defence lawyer will examine a sample set disclosure pertaining to a real summary conviction offence matter. This session will answer all of the critical questions so that you know will how to use disclosure effectively to advance your case. The analysis will also address how to identify outstanding information and provide strategies on how to obtain what you need.
- **Judicial Interim Release:** key strategies on what to do when

your client is still in custody. An experienced defence lawyer, Crown attorney and Justice of the Peace will discuss the most pertinent issues when addressing bail.

- **"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 relating to admissibility of evidence.

## Faculty

### The Hon. Justice Rick Libman

Ontario Court of Justice

### Royland Moriah

MacGregor Moriah Horic LLP

### Kim Schofield

Kim Schofield & Associates

## MODULE 3\*

Saturday, January 18, 2020

9:00 a.m. – 4:30 p.m.

### The Charter and Summary Convictions

- Overview of the key sections of the *Charter* and their application to summary conviction offences:
  - Unreasonable search and seizure
  - Right to counsel
  - Disclosure and unreasonable delay
  - Exclusion of evidence
- Review of *Charter* claims and available remedies
- Leading *Charter* cases
- Written advocacy: Drafting an effective *Charter* application



## Faculty

### Daniel Libman

Damien Frost & Associates LLP

### The Hon. Justice Rick Libman

Ontario Court of Justice

### Janani Shanmugunathan

Erin Dann Barrister

### Richard Stern

Barrister & Solicitor

#### MODULE 4\*

Saturday, February 29, 2020

9:00 a.m. – 4:15 p.m.

**Trial, Sentencing and Appeals**

#### The Trial

- How to prepare your client and witnesses
- Preparing the examination-in-chief of your witnesses and preparing for the cross-examination of the Crown's witnesses
- Understanding the significance of each witness and knowing which questions to ask

#### Effective Advocacy: View from the Bench

- An experienced judge will lead an in-depth discussion into what makes an effective advocate at trial.

#### Guilty Pleas and Sentencing

- Plea comprehension inquiry—getting instructions from your client and ensuring it is a proper plea, the importance of collateral consequences
- Sentencing objectives/principles
- Effective advocacy at the sentencing stage

## Appeals

- Proper grounds and knowing when to appeal
- Bail pending appeal, lifting driving prohibitions, etc.
- Effective advocacy in writing and oral argument

## Faculty

### Paul Calarco

Barrister & Solicitor

### Emily Lam

Kastner Law

### The Hon. Justice Rick Libman

Ontario Court of Justice

### Ruth McGuirl

Crown Counsel, Public Prosecution Service of Canada

### Richard Stern

Barrister & Solicitor

#### MODULE 5\*\*

Saturday, March 28, 2020

9:00 a.m. – 4:15 p.m.

**Intensive Advocacy Workshops**

Before the module, participants will receive the summary conviction offence 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.

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 lawyers. These skills-

based workshops will focus on two key areas: cross-examinations and sentencing submissions.

#### Workshop #1: Cross-Examination

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, followed by discussion. Participants will then split into small groups, and will have the opportunity to conduct a cross-examination of an officer. Participants will receive individualized feedback from the facilitators.

#### Workshop #2: Sentencing Submissions

In this second learn-by-doing workshop, participants will draft and deliver submissions on sentencing before a judge. Each participant will receive individualized feedback from the facilitators.

\* Available by Webcast.

\*\* 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.

# Registration Details

## Fee per Delegate

**\$2,595 plus HST**

**Newly Licensed (2016-2019): \$1,297.50 + HST**

Fees include attendance, program materials, lunch and break refreshments.

Group discounts are available. Visit [www.osgoodepd.ca/group-discounts](http://www.osgoodepd.ca/group-discounts) for details. Please inquire about financial assistance.

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

**Visit [osgoodepd.ca/summaryconvictions](http://osgoodepd.ca/summaryconvictions) 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](mailto:smcroberts@osgoode.yorku.ca)

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## Certificate of Program Completion

You will receive the certificate upon completion of **The Osgoode Certificate in Handling Summary Conviction Offence Cases**. Participants must attend all program modules and successfully complete the post-program multiple choice assessment to receive a Certificate.

Reserve your place now to take advantage of this unique learning opportunity and **fulfil your CPD requirements for both 2019 and 2020.**

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## 4 Convenient Ways to Register



Mail



Online



Fax



Call

**Register today at:**

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



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

Eligible CPD Hours - LSO (ON): 32h 30m CPD (29h 30m Substantive; 2h 30m Professionalism; 30m EDI)



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