



# THE OSGOODE CERTIFICATE IN PROVINCIAL OFFENCES COURT PRACTICE

November 2020 – March 2021  
5 Modules over 5 Months  
Online Only

50% off for  
Newly Licensed  
(2017-2020)

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](https://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

*“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)

*“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)

*“This course was so well organized and very informative. Thank you!”*

Audrey Skinner  
Paralegal (2019)

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 6<sup>th</sup> 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

### Can't attend a module?

All participants will have **unlimited and on-demand** 120-day access to each archived webcast.

## Who Should Attend

- Paralegals and Lawyers

Register today at:

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

*“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)

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

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

*“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)

*“An excellent course! I learned, in a very detailed way, how to maneuver the key stages of a POA case.”*

April Bollers  
April J. Bollers Legal Services (2020)

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

*Reserve your place now  
to take advantage of this  
unique learning opportunity  
while fulfilling your LSO CPD  
requirements for both 2020  
and 2021!*

Register today at:

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

## Program Faculty

### **Her Worship Justice of the Peace**

**Jeannie Anand**

Ontario Court of Justice

### **Chris Bendick**

Senior Counsel, Prosecutions,  
Regional Municipality of York

### **His Worship Justice of the Peace**

**Mohammed Brihmi**

Ontario Court of Justice

### **Detective Constable Jackie Brown**

Toronto Police Services (Traffic Services)

### **Despina Cadieux**

Provincial Prosecutor,  
Ministry of the Attorney General (Ontario)

### **Paul Calarco**

Barrister & Solicitor

### **His Worship Justice of the Peace**

**Mangesh Singh Duggal**

Ontario Court of Justice

### **Melissa Elaschuk**

Postal Inspector, Security &  
Investigation Services, Canada Post,  
former Detective Constable,  
Toronto Police Services

### **Jeanette Gevikoglu**

Legal Counsel, Public Prosecution Service  
of Canada

### **Soussanna Karas**

Senior Counsel, Litigation,  
Electrical Safety Authority

### **Raphael Leong**

Provincial Prosecutor,  
Ministry of the Attorney General (Ontario)

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

Ontario Court of Justice

### **Kristina MacDonald**

Discipline Paralegal, Litigation Services,  
Law Society of Ontario

### **Jamie MacPherson**

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

### **Carla Mariuz**

Manager, Prosecutions, Legal Services Division,  
City of Mississauga

### **Theodore Mercado**

Criminal Duty Counsel, Legal Aid Ontario

### **Robert Montrose**

Detective/Sergeant,  
Metro Toronto Police Force (retired)

### **Royland Moriah**

MacGregor Moriah Horic LLP

### **Hans Saamen**

Director of Prosecutions,  
Regional Municipality of York

### **Lorne Sabsay**

Sabsay Lawyers

### **Fredrick Schumann**

Stockwoods LLP

### **Serhiy Senatorov**

Traffic Law Legal Services

### **Richard Stern**

Barrister & Solicitor

### **Her Worship Justice of the Peace**

**Karen Walker**

Ontario Court of Justice

### **Erin Winocur**

Assistant Crown Attorney,  
Crown Attorney's Office (Toronto),  
Ministry of the Attorney General (Ontario)



# Agenda

## MODULE 1

**Saturday, November 21, 2020**  
**9:00 a.m. – 4:15 p.m.**  
**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

### **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**

- Various ethical situations encountered by the POA practitioner

## Faculty

### **Paul Calarco**

Barrister & Solicitor

### **Soussanna Karas**

Senior Counsel, Litigation,  
Electrical Safety Authority

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

Ontario Court of Justice

### **Kristina MacDonald**

Discipline Paralegal, Litigation Services,  
Law Society of Ontario

### **Lorne Sabsay**

Sabsay Lawyers

*\* This module is available for individual purchase*

## MODULE 2

**Saturday, December 12, 2020**  
**9:00 a.m. – 4:15 p.m.**  
**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

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

Ontario Court of Justice

### **Carla Mariuz**

Manager, Prosecutions, Legal Services Division,  
City of Mississauga

### **Hans Saamen**

Director of Prosecutions,  
Regional Municipality of York

### **Serhiy Senatorov**

Traffic Law Legal Services

### **Her Worship Justice of the Peace**

**Karen Walker**

Ontario Court of Justice

*\* This module is available for individual purchase*

## MODULE 3

**Saturday, January 30, 2021**  
**9:00 a.m. – 4:15 p.m.**  
**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

### **Despina Cadieux**

Provincial Prosecutor,  
Ministry of the Attorney General (Ontario)

### **Paul Calarco**

Barrister & Solicitor

### **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

**Erin Winocur**  
Assistant Crown Attorney,  
Crown Attorney's Office (Toronto)

#### MODULE 4

**Saturday, February 27, 2021**  
**9:00 a.m. – 4:15 p.m.**  
**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

**Jeanette Gevikoglu**  
Legal Counsel,  
Public Prosecution Service of Canada

**Raphael Leong**  
Provincial Prosecutor,  
Ministry of the Attorney General (Ontario)

**The Hon. Justice Rick Libman**  
Ontario Court of Justice

**Royland Moriah**  
MacGregor Moriah Horic LLP

**Richard Stern**  
Barrister & Solicitor

*\* This module is available for individual purchase*

#### MODULE 5

**Saturday, March 6, 2021**  
**9:00 a.m. – 4:30 p.m.**  
**Intensive Advocacy Workshops**

Prior to the module, all participants will receive the case file that will form the basis of both workshops.

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

**Her Worship Justice of the Peace Jeannie Anand**  
Ontario Court of Justice

**His Worship Justice of the Peace Mohammed Brihmi**  
Ontario Court of Justice

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

**Despina Cadieux**  
Provincial Prosecutor,  
Ministry of the Attorney General (Ontario)

**Paul Calarco**  
Barrister & Solicitor

**His Worship Justice of the Peace Mangesh Singh Duggal**  
Ontario Court of Justice

**Melissa Elaschuk**  
Postal Inspector, Security & Investigation Services,  
Canada Post; former Detective Constable,  
Toronto Police Services

**The Hon. Justice Rick Libman**  
Ontario Court of Justice

**Jamie MacPherson**  
Manager, Provincial Prosecution Services  
of Canada

**Carla Mariuz**  
Manager, Prosecutions, Legal Services Division,  
City of Mississauga

**Theodore Mercado**  
Criminal Duty Counsel, Legal Aid Ontario

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

**Richard Stern**  
Barrister & Solicitor

#### 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 (2017 – 2020): \$1,297.50 plus HST**

**Modules 1, 2 & 4 can be purchased individually at \$595 plus HST per session.**  
**Visit [osgoodepd.ca/POA](http://osgoodepd.ca/POA) for details.**

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

Stéphane McRoberts, Program Lawyer at 647-999-5723  
or email [smcroberts@osgoode.yorku.ca](mailto:smcroberts@osgoode.yorku.ca)

# Certificate of Program Completion

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

# 4 Convenient Ways to Register



Mail



Online



Fax



Call

**Register today at:**

**[osgoodepd.ca/poa](http://osgoodepd.ca/poa)**



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

Eligible CPD Hours – LSO (ON): 32h (24h Substantive; 6h Professionalism; 2h EDI)



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).

*“Every paralegal should take this program.”*

Richard Joseph Dunn  
RJ Dunn Legal Services (2017)

*“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)

*“The instructors and faculty were very helpful and knowledgeable.”*

Kathryn Banman  
Paralegal, PRA Group Canada Inc. (2019)

*“The workshops were fantastic!”*

Nadine Little  
Paralegal (2020)

*“Excellent program... would highly recommend.”*

Suzanne Burtenshaw  
Paralegal (2020)

*“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)

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

Peter Gillies  
Gillies Law Firm (2017)

*“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)