

PUBLIC SECTOR LAWYERS

Dealing with the Public's Right to Know: A Public Sector Lawyer's Perspective

Monday, February 2, 2009 9:00 a.m. to 12:15 p.m.

This program will take a broad, critical and informed look at various manifestations of the public's right to know, including public inquiries, freedom of information requests, auditors-general, and - new to Canada - Truth and Reconciliation Commissions! We will explore the implications for lawyers, especially those who work in the public sector or who act for clients in government or elsewhere. We will ask whether there is a downside to the right to know, and whether the shining of bright lights on a few high-profile issues actually permits other activities of public sector entities to escape worthwhile public scrutiny altogether.

Co-Chairs: **Daniel J. Abrahams**, Senior Counsel, Professional Regulation, The Law Society of Upper Canada
Julia E. Hanigsberg, General Counsel and Secretary of the Board of Governors, Ryerson University

REAL PROPERTY

The Good, The Bad and The Ugly - Condominium Law for Lawyers and The New Ontario Standard Closing Documents

Monday, February 2, 2009 9:00 a.m. to 12:15 p.m.

Our skills, experience and training have taught us how best to represent our clients in a real estate transaction. With an aging population and prime real estate continuing to be a scarce commodity, condominium living has become increasingly popular. We invite you to come and hear some of Ontario's best known condominium lawyers provide invaluable, practical advice on how best to represent our clients' interests in a real estate transaction.

BONUS!

Come see the proposed New Ontario Standard Closing Documents. Don't miss this opportunity to get in on the ground floor and provide your feedback. See what's new in the world of real estate law.

Chair: **Timothy P. Kennedy**,
Nelligan O'Brien Payne LLP – Ottawa

TRUSTS & ESTATES

Will-ful and Wantin': Estates Practice in the First Half of the 21st Century

Tuesday, February 3, 2009 9:00 a.m. to 5:00 p.m.

A trusts and estates practice today involves a broad range of issues. Estate planners, administrators and litigators need to know about diverse issues that affect their clients and the files they bring in. This year's trusts and estates section of the Institute covers a selection of topics, including environmental liability of trustees, registered plans, family law surprises about trusts, changes to non-share capital corporations, conflict of laws, costs, trustee mistakes, adult dependant support and many of the intricacies of capacity and powers of attorney. Leading practitioners in the field will be presenting practical updates and views. Not to be missed!

Co-Chairs: **Ann Elise Alexander**, Senior Counsel,
Canadian Imperial Bank of Commerce
Sean Lawler, Shibley Righton LLP

SPECIAL EVENTS

DÉJEUNER-CAUSERIE • BILINGUAL BREAKFAST

La sécurité nationale au Canada : développements récents
dans le domaine juridique depuis les événements du 11
septembre, 2001

National security in Canada: Recent developments in the justice system since the events of September 11th, 2001

Le lundi 2 février 2009 8 h à 8 h 50
Monday, February 2, 2009 8:00 a.m. to 8:50 a.m.

ONTARIO LAWYERS' ASSISTANCE PROGRAM BREAKFAST

The A, B & C's of Lawyer Wellness – Assistance,
Balance & Colleagues
Monday, February 2, 2009 8:00 a.m. to 8:50 a.m.

SOLE, SMALL FIRM AND GENERAL PRACTICE BREAKFAST

Law Office Leases ...Beware the Pitfalls
Monday, February 2, 2009 8:00 a.m. to 8:50 a.m.

YOUNG LAWYERS' DIVISION Opening Up Your Own Law Practice

Monday, February 2, 2009 2:30 p.m. to 4:30 p.m.

WELCOME RECEPTION

Monday, February 2, 2009 4:30 p.m. to 6:00 p.m.

INTERNATIONAL LAW BREAKFAST

Crossing the Canadian/U.S. Border:
Are Your Electronic and Personal Data and Information at
Risk
Tuesday, February 3, 2009 8:00 a.m. to 8:50 a.m.

LAW PRACTICE MANAGEMENT BREAKFAST Using Information Technology for Better Lawyering

Tuesday, February 3, 2009 8:00 a.m. to 8:50 a.m.

ONTARIO LAWYERS' ASSISTANCE PROGRAM BREAKFAST - 2

The Q's and A's of Mentoring
Tuesday, February 3, 2009 8:00 a.m. to 8:50 a.m.

MEDIA TRAINING

Managing Your Message: Complimentary Media Training
Tuesday, February 3, 2009 1:15 p.m. to 3:15 p.m.

HOW TO REGISTER

FAX 416-642-0424
MAIL ONTARIO BAR ASSOCIATION
300-20 TORONTO STREET
TORONTO ON, M5C 2B8
ONLINE WWW.OBA.ORG/PD

FOR FURTHER INFORMATION

WEB WWW.OBA.ORG/2009INSTITUTE
PHONE 416-869-1047 OR 1-800-668-8900
E-MAIL INFO@OBA.ORG

2009 OBA Institute

Monday, February 2 and Tuesday, February 3, 2009
Metro Toronto Convention Centre South Building, 222 Bremner Boulevard, Toronto (most events)

Saturday, January 31, 2009
OBA Conference Centre - 200 - 20 Toronto Street, Toronto (Criminal Justice only)

ABORIGINAL

Along the Two-Row Wampum, the 401 and the 403:
Lessons for All from Iroquois Ontario
Tuesday, February 3, 2009 1:15 p.m. to 4:45 p.m.

This important session is devoted to the Six Nations situation—as a “case study” of conflictual Crown-indigenous relations in the rest of Ontario. In 2006, Six Nations activists occupied a housing development in Caledonia. In Brantford, Six Nations opposes further development. The City of Brantford is enforcing injunctions against occupiers and has called for Canadian military intervention. Six Nations and Crown relations reflected in the Two-Row Wampum, the Haldimand Proclamation of 1784 (granting the Grand River Valley to the Six Nations), and other important pre- and post-Confederation instruments.

Caledonia/Brantford/Six Nations are emblematic of some of the thorniest aspects of Crown-Native relations in Canada, including:

- contending Crown and native sovereignties;
- contested jurisdiction of non-native courts and laws;
- disputed title to vast lands and resources;
- injunctions and coercion as a response to aboriginal assertions of nation-status, titles and rights;
- community confrontation;
- governmental policies of non-recognition and extinguishment of indigenous rights and titles.

Eight expert speakers will examine the dramatic conflicts playing out in Caledonia and Brantford—and by extension elsewhere.

Co-Chairs: **Andrew Orkin**, Orkin Barristers - Hamilton
Jane Mulkewich, Legal Aid Ontario

BUSINESS

Current Trends and Changes in Your Own Backyard
Monday, February 2, 2009 9:00 a.m. to 12:15 p.m.

The times are changing for corporate/commercial practitioners in Ontario and Canada. Whether you represent small and entrepreneurial clients who are establishing a business, seeking foreign investment or are concerned with how their business will be managed, this business law update is critical to staying on top of current trends and the landscape of stakeholder rights and corporate investment. This half day program will include a review of the Supreme Court of Canada's current view on stakeholder rights and where foreign investment may be coming from into Canada with the changes brought about by the Fifth Protocol and Sharia Compliant Funds. This program will update you on those trends and the changing corporate law landscape.

Chair: **Arlene D. O'Neill**, Gardiner Roberts LLP

CIVIL LITIGATION

When the Butterfly Flaps its Wings:
Cross-Border Litigation in Your Practice
Monday, February 2, 2009 9:00 a.m. to 4:30 p.m.

It doesn't take an international incident or catastrophe for writs to start flying across both sides of the Peace Bridge. In an age of interdependence and branch-plant commerce, litigation is no longer a local phenomenon. Our innovative, interactive program allows you to pick and chose from a menu of moderated expert panels offering advanced tools to build your bi-national law suit into a winner.

Co-Chairs: **R. Lee Akazaki**, Gilbertson Davis Emerson LLP
Jon-David Giacomelli, Ross & McBride LLP - Hamilton
Brett D. Moldaver, Davis Moldaver LLP
Lauren D. Rachlin, Hodgson Russ LLP - Buffalo, NY

CONSTRUCTION

Hot Topics in Construction Law
Tuesday, February 3, 2009 9:00 a.m. to 12:15 p.m.

The following developments have been of recent concern to construction lawyers - the *Limitations Act*; the refinement of the scope of the *Construction Lien Act*; and the advancement of insurance where bonds previously dominated. The traditional remedies and their alternatives are hot topics as a result. Specific issues concerning construction liens and construction trusts that bear further examination include their application to residential subdivisions, off-site liens and the inter-relationship of statutory and common law trusts. The speakers in this session will provide you with a brief overview of these issues and discuss the most relevant recent developments.

Co-Chairs: **Charles G.T. Wiebe**, Glaholt LLP
Janice L. Quigg, Eccleston LLP

For Further Information on the 2009 OBA Institute

Go to <http://www.oba.org/2009Institute>
for the latest updates on the Institute.
Online registration and direct links to our
sponsors' and exhibitors' websites will be
available in late November.

Call 416-869-1047 or 1-800-668-8900
or by e-mail at info@oba.org



ONTARIO
BAR ASSOCIATION
A Branch of the CANADIAN BAR ASSOCIATION

CORPORATE COUNSEL**Love and Marriage? An Employment Law Refresher**

Tuesday, February 3, 2009 9:00 a.m. to 12:15 p.m.

This workshop is designed to give participants the tools they need to advise on the hot button employment law issues that they may face through all stages of the employment relationship, given the new developments in the areas of privacy and human rights and damages for wrongful dismissal. This workshop will benefit corporate counsel as well as any practitioner who deals with employment law issues from time to time.

Co-Chairs: **Sean M. Kennedy**, Senior Regional Counsel, Legal Affairs, Central & Western Regions, Canada Post Corporation
Terrie-Lynne Devonish, Chief Counsel, Aon Canada Inc.

CRIMINAL**The Charter: The Practical Perspective**

Saturday, January 31, 2009 9:00 a.m. to 4:30 p.m.

The *Charter's* influence on criminal law is felt every day in the courthouses of Canada. But how does one make the most effective *Charter* argument? And how does one best respond? Is there really a pendulum-swing on the law? And what is the most recent word from the appellate courts? Join us for a practical look and in-depth discussion of the past, present and future of the *Charter*. Lectures, updates, panels and live demonstrations by the most experienced members of the criminal bar and judiciary coupled with a wealth of papers on individual areas of the *Charter* make this a not-to-be-missed program. Take a look at our most important constitutional safeguard through a very practical perspective.

Co-Chairs: **Suhail A.Q. Akhtar**, Assistant Crown Attorney, Ministry of the Attorney General Ontario
Scott Bergman, Counsel, Cooper and Sandler

EDUCATION**Student Rights in a Safe Schools Context**

Tuesday, February 3, 2009 1:15 p.m. to 4:30 p.m.

Ontario has seen dramatic developments in the past year that have impacted the rights of its elementary and secondary school students. In February 2008, amendments to the *Education Act* took effect, altering student discipline provisions originally introduced as part of the *Safe Schools Act*. Then, on June 30, revolutionary changes were implemented to the province's human rights complaint system, providing direct access to the Human Rights Tribunal or the Courts, and refining the role of the Human Rights Commission. These significant developments provide the backdrop for an afternoon program that will focus on student rights in Ontario's Safe Schools environment. This program will be of interest to lawyers who represent youths in criminal and civil matters, and include discussion of challenges involving Aboriginal and special needs students.

Co-Chairs: **Robert H. Brent**, Thomson Rogers
Lee Ann Chapman, Justice for Children and Youth

ENVIRONMENTAL**Emerging Trends and Challenges in Environmental Law**

Monday, February 2, 2009 1:15 p.m. to 4:30 p.m.

Cutting edge technologies are changing the practice of environmental law, while the reach of environmental law is extending to securities law and corporate transactions. This program explores these two phenomena: It takes a look at the potential for the developing science of nanotechnology, its risks and its regulation and the implications for legal practice as well as the emerging trend of requiring the disclosure of environmental information in public disclosure documents. This program will also outline important trends and reforms in the environmental approvals process and discuss new law and policy developments, in a case-law and policy round-up. This must-attend session is structured as a series of panel discussions to provide a wide-range of views on each of these emerging trends and will provide environmental and business lawyers with the necessary tools for stepping-up to these challenges.

Co-Chairs: **Barry M. Weintraub**, Rueter Scargall Bennett LLP
Kristi M. Ross, Fogler, Rubinoff LLP - Ottawa

FAMILY**Everything You STILL Don't Know about Family Law and are Afraid to Ask!**

Monday, February 2, 2009 9:00 a.m. to 4:15 p.m.

This program will answer many of the questions you were either afraid to ask or did not know to ask! The morning will feature a panel discussion and presentation by the renowned Dr. Richard Warshak of Texas, on parental alienation and judicial remedies for alienation. The morning will wrap up with "Six Hot Topics" in child support, with everything you ever wanted to know about complex child support issues in 10 minutes or less per issue. The afternoon features support and property issues in family law, including: the definitive case law review on costs of disposition - when to take them and at what rate; how to deal with income tax issues as they come up in your practice with respect to property and support; how to obtain non-party disclosure and what key cases you need to you know on your motion; and a panel with the judges to learn how to successfully make your pitch for costs. Also back in 2009 is the ever popular "year in review" of substantive case law and legislative changes. Don't miss hearing from senior counsel, judges, chartered business valuers and parenting professionals about these hot topics in family law.

Co-Chairs: **James H. Herbert**, Chappell Bushell Stewart LLP
Anita T. Kain, Kain and Ball
Lorna M. Yates, Wilson Christen LLP

IMMIGRATION**Solutions for Common Immigration Issues**

Tuesday, February 3, 2009 1:15 p.m. to 4:30 p.m.

Learn how to assist potential clients with common immigration issues. By attending this program, you will learn how to assess your clients' options and choose the best process to facilitate their transition to permanent residence. This program will provide you with the nuts and bolts of securing permanent residence status for clients who are in Canada and ensuring their temporary status is maintained through finalization. With the introduction of new discretion-friendly legislation, Canada's immigration laws and procedures are constantly changing. Make sure you have the knowledge you need to advise and assist clients throughout these changing times.

Co-Chairs: **Shoshana T. Green**, Green and Spiegel
Nan M. Berezowski, Berezowski Business Immigration Law

INSOLVENCY**The 2008 Amendments to the BIA – What You NEED to Know to Advise Your Small Business and Individual Clients**

Monday, February 2, 2009 1:15 p.m. to 4:30 p.m.

The *Bankruptcy and Insolvency Act* is in the process of being amended and these will be the most significant changes to the BIA since 1993, when the Act was amended to facilitate reorganizations. Some of the BIA amendments came into force on July 7, 2008 and the remaining amendments are expected to be in force before the end of 2008. The BIA amendments will have a broad impact and will be encountered by practitioners in numerous other areas including family law, banking, debtor-creditor, etc. Knowledge of these amendments is essential for all practitioners to properly advise their clients with respect to a wide range of issues beyond bankruptcy.

This program will provide participants with key information about the BIA amendments. The focus of the program will be the amendments as they relate to individuals and small businesses and will feature professionals who have been closely connected to the amendments and who provide insight into the intention underlying the amendments, the issues created by the amendments and strategies for dealing with those issues.

The program will also include an overview of the Wage Earner Protection Program. The WEPP, which came into force on July 7, 2008 -- provides recovery for employees who are impacted by the bankruptcy or receivership of their employer. Under the WEPP, employees who are owed wages, vacation pay, etc. will be able to make a claim to recover up to \$3,000 from a government fund. This program will provide practitioners what they need to know in advising clients with respect to making a claim under the WEPP.

Co-Chairs: **E. Patrick Shea**, Gowling Lafleur Henderson LLP
Frank Spizzirri, Cassels Brock & Blackwell LLP
Alex A. Ilchenko, Lang Michener LLP

MUNICIPAL**THIS PROGRAM CAN BE TAKEN AS A FULL DAY OR HALF DAY.****A Primer on Current Municipal and Planning Law Issues**

Tuesday, February 3, 2009 9:00 a.m. to 4:30 p.m.

Part I – Planning Law 9:00 am to 12:15 pm
Part II – Municipal Law 1:15 pm to 4:30 pm

All the significant amendments to the *Planning Act*, *Municipal Act*, 2001 and the *Building Code Act*, 1992 have been made and the *City of Toronto Act*, 2006 has been passed. Now the real work begins as landowners, developers and municipalities must deal with all the changes. This is a perfect time to catch up with the law in these ever-changing areas. This program will examine the current state of municipal and planning law by examining the past, analyzing the present and looking ahead to the future. It is the perfect primer program whether you're just starting out or have been in the trenches for years.

Co-Chairs: **John Mascarin**, Aird & Berlis LLP
Jason Park, Fraser Milner Casgrain, LLP
David Potts, City Solicitor, City of Oshawa

PENSIONS**So You Think You Know Pensions**

Tuesday, February 3, 2009 9:00 a.m. to 12:15 p.m.

Pension Practitioners - don't miss this opportunity to tap into the expertise of leading counsel and consultants in three of the more specialized areas of the law relating to pension plans.

Co-Chairs: **Deron P. Waldock**, Blake Cassels and Graydon LLP
Priscilla H. Healy, Fogler, Rubinoff LLP

PRIVACY**What Every Lawyer Needs to Know about Privacy**

Monday, February 2, 2009 1:15 p.m. to 4:30 p.m.

Come to this session and learn how to recognize privacy issues that may arise in your practice and how to address them. How should you be advising your clients regarding compliance about privacy? This program seeks to provide all lawyers (especially non-privacy lawyers) with tangible skills they can take away and use in their practices and update them on the latest issues. This session will provide relevant guidance on how to mitigate and manage privacy risks.

Co-Chairs: **Priscilla Platt**, Heenan Blaikie LLP
Howard Simkevitz, Lang Michener LLP

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