

## 13th Annual *Charter* Conference

**Date:** Tuesday, September 30, 2014 | 9:00 am - 2:00 pm

**Location:** Twenty Toronto Street Conferences and Events  
20 Toronto Street, 2nd Floor, Toronto



Live



Webcast

This program is eligible for up to 4.0 Substantive Hours.  
The program contains 0.5 Professionalism Hours.

The OBA has been approved as an Accredited Provider of Professionalism Content by The Law Society of Upper Canada.

Leading constitutional scholars and practitioners will bring you up-to-date on essential developments in *Canadian Charter of Rights and Freedoms* (“*Charter*”) jurisprudence. Learn about recent Supreme Court of Canada decisions, upcoming cases and developing trends in *Charter* law, with a particular focus on the areas of criminal law, religious accommodation, and constitutional litigation practice. Do not miss our luncheon plenary on democratic rights under the *Charter*, and gain critical insights on recent cases and legislative reforms at the federal level.

An essential conference for any practitioner who deals with *Charter* issues in his/her practice. We look forward to seeing you there!

8:30 am Registration and Coffee

9:00 am Welcome and Opening Remarks

9:05 am **The Year in Review: Critical Updates on Significant *Charter* Litigation**

Get your need-to-know overview of key constitutional cases from the 2013-2014 year.  
**Ranjan Agarwal**, Bennett Jones LLP

9:25 am **Navigating Competing Rights: Religious Accommodation and the *Charter***

From the Quebec *Charter of Values* to Trinity Western’s proposed law school: The media has been awash with recent examples of clashes between freedom of religion and other *Charter* rights. Join us to explore:

- How can these competing rights be balanced?
- What have the courts had to say on the issues?
- Key strategies for assessing when religious accommodation is required

**Balpreet Singh Boparai**, Legal Counsel, World Sikh Organization of Canada

**Professor Benjamin Berger**, Osgoode Hall Law School, York University

**Robert Charney**, General Counsel, Ministry of the Attorney General, Constitutional Law Branch

**Susan Ursel**, Ursel Phillips Fellows Hopkinson LLP

Moderator: **Joseph Cheng**, Department of Justice Canada

10:30 am Networking Break

10:45 am **Are the Courts Getting Tough on “Tough on Crime” Legislation?**

- Weighing legislative freedom and judicial discretion: Making sense of mandatory minimums, pre-trial credit and victim surcharges
- What the *Whaling* decision means for retroactive amendments to legislation

**Michal Fairburn**, Stockwoods LLP

**Scott Hutchison**, Henein Hutchison LLP

**Professor Hamish Stewart**, University of Toronto Faculty of Law

Moderator: **Cheryl Milne**, David Asper Centre for Constitutional Rights

11:30 am **Critical Practice Issues in *Charter* Litigation**

- Clarifying jurisdiction: Should you commence a Court Application or an Application for Judicial Review?
- Practical strategies for building and attacking the evidentiary record
- A view of key practice issue from the Bench

**The Honourable Mr. Justice David Corbett**, Superior Court of Justice

**Shannon Chace**, Ministry of the Attorney General, Constitutional Law Branch

**Brendan van Niejenhuis**, Stockwoods LLP

Moderator: **Sarah Kraicer**, Ministry of the Attorney General, Constitutional Law Branch

12:25 pm Lunch (Provided)

12:45 pm **Luncheon Plenary: The *Charter* and the Democratic Process**

As Bill C-23 worked its way through Parliament and became law, the issue of democratic rights under the *Charter* was drawn to the forefront. This year’s luncheon plenary will delve into this topic as our expert panel tackles the challenges, including:

- Exploring the scope of “democratic rights” under the *Charter*
- How has the Supreme Court interpreted these rights?
- Grappling with the *Fair Elections Act* and s. 3 of the *Charter*: What is the impact on voting rights?
- Unravelling campaign financing rules, and the consequences for participatory rights and freedom of expression

**Shaun O’Brien**, Cavalluzzo Shilton McIntyre Cornish LLP

**Professor Yasmin Dawood**, University of Toronto Faculty of Law

**Gail Sinclair**, Department of Justice Canada

Moderator: **Sebastian Spano**, Privy Council, Canada

1:45 pm Questions and Closing Remarks

2:00 pm Program Concludes

**PROGRAM REGISTRATION IS ONLINE** [www.oba.org/pd](http://www.oba.org/pd)

Questions? [pd@oba.org](mailto:pd@oba.org)