

12th Annual *Charter* Conference

Date: Friday, November 22, 2013 | 9:00 am – 1:45 pm

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

Program Chairs: **Joseph Cheng**, Department of Justice Canada, Ontario Regional Office
Sarah Kraicer, Ministry of the Attorney General, Constitutional Law Branch
Ewa Krajewska, Borden Ladner Gervais LLP



Live



Webcast

4.25 Substantive Hours
0.0 Professionalism Hour



Note: New members may apply any program that contains a minimum of **0.5 Professionalism Hours** toward the annual CPD requirement.

Leading constitutional scholars and practitioners will bring you up-to-date on essential developments in the *Canadian Charter of Rights and Freedoms* (“*Charter*”) jurisprudence. Learn about recent Supreme Court decisions, upcoming cases and developing trends in *Charter* law, with a particular focus on equality (section 15), freedom of association (section 2(d)) and search and seizure (section 8).

This year is the tenth anniversary of the Ontario Court of Appeal’s decision in *Halpern v. Canada (Attorney General)*, a decision that made Ontario the first jurisdiction in the country to allow same-sex marriage. To mark the occasion, this year’s keynote panel features a blue-ribbon panel of experts discussing the legacy and impact of the landmark decision, and the continued issues surrounding LGBT rights at home and abroad.

Register now for this essential conference. We look forward to seeing you there!

8:30 am Registration and Coffee

9:00 am Welcome and Opening Remarks from the Program Chairs

9:05 am **Critical Updates on Significant *Charter* Litigation**
Get to your need-to-know overview of 2012-2013 Constitutional cases!

Sarah Kraicer, Ministry of the Attorney General,
Constitutional Law Branch

9:20 am **Section 15: Shedding Light on the Uncertainty Surrounding the Adjudication of Discrimination**
After unanimously clarifying the test under section 15 in *R. v. Kapp*, the Supreme Court of Canada split again when considering the status of “common-law spouses” in *Quebec v. (A)*.

- Do the courts continue to struggle with how to adjudicate discrimination?
- Defining the impact of *Quebec v. (A)* on the landscape of equality litigation

Moderator: **Ewa Krajewska**, Borden Ladner Gervais LLP
Matthew Horner, Ministry of the Attorney General,
Constitutional Law Branch
Guy Pratte, Borden Ladner Gervais LLP
Professor Sonia Lawrence, Osgoode Hall

10:10 am **Section 2(d): Understanding the Limits in Scope of the Right to Collective Bargaining**

- Challenges to the *Expenditure Restraint Act*
- How has the right to collective bargaining been limited by the Court of Appeal's decision in *Mounted Police Association of Ontario v. Canada*? What did the Supreme Court of Canada have to say on November 5, 2013?

Moderator: **Ranjan Agarwal**, Bennett Jones LLP
Stephen Barrett, Sack Goldblatt Mitchell LLP
Kathryn Hucal, Department of Justice Canada, Ontario Regional Office

11:00 am Networking Break

11:15 am **Section 8: Navigating the Intersection of Privacy and Electronic Device Searches**
In *R. v. Fearon*, the Ontario Court of Appeal tackled the issue of a cell phone search. Hear from the counsel who represented the Crown, the Criminal Lawyers’ Association and the Canadian Civil Liberties Association as they analyse

- Are the Courts headed in the right direction in balancing privacy interests in electronic device searches?
- What are the ramifications of the latest line of precedent?

Moderator: **Sarah Kraicer**, Ministry of the Attorney General, Constitutional Law Branch
Susan Chapman, Ursel Phillips Fellows Hopkinson LLP
Matthew Milne-Smith, Davies Ward, Phillips and Vineberg LLP
Randy Schwartz, Crown Law Office Criminal, Ontario Ministry of the Attorney General

12:05 pm Lunch (Provided)

12:20 pm **Luncheon Plenary - Pride and Prejudice: Reflections on LGBT Rights at Home and Abroad**

In the decade since the seminal case of *Halpern v. Canada (Attorney General)*, controversy over LGBT rights in Canada has slowly receded from the headlines. Abroad, however, LGBT rights continue to be front and center. Join our expert panel to examine the successes and continuing challenges, including:

- Freedom to marry victories in the United Kingdom, New Zealand, Brazil and France
- The United States Supreme Court's landmark marriage decisions in *United States v. Windsor and Hollingsworth v. Perry*
- Russia's "homosexual propaganda" legislation
- Outstanding issues in Canada

Moderator: **Paul Jonathan Saguil**, TD Bank Group
Professor Brenda Cossman, Bonham Centre for Sexual Diversity Studies, University of Toronto
Douglas Elliott, Heydary Elliott PC
Martha McCarthy, Martha McCarthy & Company
Evan Wolfson, Freedom to Marry

1:30 pm Interactive Question Session and Closing Remarks

1:45 pm Program Concludes

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org