



**How Do We Know What We Think We Know:  
Facts in the Legal System**

**October 9 - 11, 2013**

**The King Edward Hotel  
Toronto, Ontario**

*With the support of*



CANADIAN INSTITUTE  
FOR THE ADMINISTRATION  
OF JUSTICE

REGISTRATION FORM

How Do We Know What We Think We Know: Facts in the Legal System

October 9 - 11, 2013
The King Edward Hotel
Toronto, Ontario

(Participation to this conference is approved under Section 41 (1) of the Judges Act according to Resolution 29 (2012/2013) of the CJC and is accredited for 12 hours in provinces where CLE requirements for lawyers are mandatory)

TO REGISTER,

please complete and return this form together with your cheque to:

Canadian Institute for the Administration of Justice
Faculty of Law, University of Montreal
PO Box 6128, Station "Centre Ville"
3101 chemin de la Tour, Rm. 3421
Montreal, Quebec, H3C 3J7
Tel.: (514) 343-6157 Fax : (514) 343-6296
e-mail : ciaj@ciaj-icaj.ca URL : http://www.ciaj-icaj.ca

Surname:.....First Name:.....

Title to appear on name tag:.....

Organization:.....

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I am fluent in English..... in French ..... both .....
(simultaneous translation is provided throughout the conference)

REGISTRATION FEE:

Early Bird - Until August 2, 2013

CIAJ members \$795 non members \$895

Regular - From August 3, 2013

CIAJ members \$895 non members \$995

Students \$75 (enrolled as full-time at Canadian universities)

(Reception, breaks, luncheons, and conference material provided)

I WILL ATTEND

Wednesday, October 9, reception [ ] Yes [ ] No

Annual Reception and Dinner

Additional fee: 110 \$/ per person

I WILL ATTEND

Thursday, October 10, annual dinner [ ] Yes [ ] No

I will be accompanied by guest [ ] Yes [ ] No

Name of Guest/s .....

I wish to purchase ..... tickets at \$110 per person

Do you have any dietary restrictions?.....

Which? .....

Payment by

[ ] Cheque [ ] MasterCard [ ] Visa [ ] AmEx [ ] Invoice

Account No .....Exp. Date.....

Signature.....

ACCOMMODATION: A block of rooms has been reserved at The King Edward Hotel, 37 King Street East, Toronto, Ontario, Canada M5C 1E9: 1-855-265-9100 or 416-863-9700, reservations@thekingedwardhotel.com, http://www.thekingedwardhotel.com \$189 single or double occupancy (taxes not included). Participants are required to make their own hotel reservations before September 9, 2013 to take advantage of this rate.

CANCELLATION FEE: Requests for reimbursement must be submitted in writing to CIAJ seven (7) days prior to the event. An administrative fee of 10% will be withheld on cancellations submitted 7 days prior to the event. Except as noted, fees will not be reimbursed. Another participant may be designated as substitute.

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# How Do We Know What We Think We Know: Facts in the Legal System

The recent evolution in the law of evidence is a vital topic for those interested in our legal system, whether a decision-maker, advocate, litigator, academic, teacher, student and or law-maker. In the past 25 years, the Supreme Court of Canada has ushered in a set of revolutionary changes to the rules of evidence in several areas, including witness competence, privilege, hearsay and similar act evidence. It has developed a “principled approach” designed to return evidence law to fundamental first principles while conforming to the normative commitments of the *Charter*. The conference will address how facts are established through rules of evidence in criminal cases and how evidence law impacts the legal system in family law mediation, administrative hearings, civil cases, public inquiries and commissions through innovative, comparative and theoretical perspectives.

## Conference Co-Chairs

**The Honourable Chief Justice Annemarie Bonkalo**, Ontario Court of Justice, Toronto, ON

**Ronalda Murphy**, Counsel, Crown Law Office – Civil Law, Ministry of the Attorney General (Ontario), Toronto, ON, and Professor, Schulich School of Law, Dalhousie University, Halifax, NS

**The Honourable Justice Gladys Pardu**, Superior Court of Justice (Ontario), Toronto, ON

**Paul Schabas**, Partner, Blakes Toronto, ON

## The Planning Committee also includes

**Professor Emma Cunliffe**, Faculty of Law, University of British Columbia, Vancouver, BC

**Bart Danko**, Osgoode Hall Law Student, Toronto, ON

**The Honourable Justice Georgina Jackson**, Saskatchewan Court of Appeal, CIAJ Vice President, Regina, SK

**The Honourable Justice David Paciocco**, Ontario Court of Justice, Toronto, ON

**Dean Lorne Sossin**, Osgoode Hall Law School, York University, Toronto, ON

**Beth Symes**, LSM, CM, CIAJ President, Symes Street & Millard LLP, Toronto, ON

## WEDNESDAY, OCTOBER 9, 2013

6:00 PM – 8:00 PM OPENING RECEPTION at the  
KING EDWARD HOTEL

## THURSDAY, OCTOBER 10, 2013

8:00 AM – 8:45 AM REGISTRATION

8:45 AM – 9:00 AM WELCOME REMARKS

**Beth Symes**, LSM, CM, CIAJ President,  
Symes Street & Millard LLP, Toronto, ON

9:00 AM – 9:15 AM CONFERENCE OVERVIEW

**Ronalda Murphy, Counsel**, Counsel, Crown Law  
Office – Civil Law, Ministry of the Attorney General  
(Ontario), Toronto, ON, and Professor, Schulich  
School of Law, Dalhousie University, Halifax, NS

9:15 AM – 10:15 AM

### KEYNOTE SPEECH STRUCK BY LIGHTNING: THE CURIOUS WORLD OF PROBABILITIES

*Introduction* **Paul Schabas**, Partner, Blakes, Toronto, ON

*Keynote Speaker* **Jeffrey Rosenthal**, Professor, Department of  
Statistics, University of Toronto, Toronto, ON

10:15 AM – 10:30 AM BREAK

10:30 AM – 12:00 PM

### CANADA'S EVIDENCE REVOLUTION

*Chair* **The Honourable Lynn Smith, Smith**, Faculty of  
Law, University of British Columbia, formerly at the  
Supreme Court of British Columbia, Vancouver, BC

*Panel* **Professor Benjamin Berger**, Osgoode Hall Law  
School, York University, Toronto, ON

**The Honourable Ian Binnie**, Counsel, Lenczner  
Slaght Royce Smith Griffin LLP, formerly at the  
Supreme Court of Canada, Toronto, ON

12:00 PM – 1:15 PM LUNCH

12:00 PM – 12:15 PM

### ANNUAL CIAJ MEMBERS' MEETING

1:15 PM – 3:15 PM

### CRIMINAL MODEL

*Introduction* **The Honourable Judge Patrick Healy**, Quebec  
Court, Montreal, QC

*Panel* **The Honourable Judge Anne Derrick**,  
Provincial Court of Nova Scotia, Halifax, NS

**Professor Lisa Dufraimont**, Faculty of Law,  
Queen's University, Kingston, ON

**The Honourable Justice Renee Pomerance**,  
Superior Court of Justice (Ontario), Windsor, ON

3:15 PM – 3:30 PM BREAK

3:30 PM – 4:30 PM

### CIVIL CASES

*Chair* **Paul Schabas**, Partner, Blakes, Toronto, ON

*Panel* **The Honourable Justice Marie St-Pierre**,  
Quebec Court of Appeal, Montreal, QC

**Linda Rothstein**, Partner, Paliare Roland,  
Barristers, Toronto, ON

**The Honourable Lynn Smith, Smith**, Faculty of  
Law, University of British Columbia, formerly at the  
Supreme Court of British Columbia, Vancouver, BC

6:30 PM RECEPTION at the  
KING EDWARD HOTEL

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7:30 PM ANNUAL DINNER at the  
KING EDWARD HOTEL

*Introduction* **Ronalda Murphy**, Counsel, Crown Law Office – Civil Law, Ministry of the Attorney General (Ontario), Toronto, ON, and Professor, Schulich School of Law, Dalhousie University, Halifax, NS

#### **EPISTEMOLOGY AND THE LAW OF EVIDENCE: PROBLEMS AND PROJECTS**

*Dinner Speaker* **Dr Susan Haack**, Distinguished Professor in the Humanities, Cooper Senior Scholar in Arts and Sciences and Professor of Law and of Philosophy, Faculty of Law, University of Miami, Coral Gables, FL (USA)

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## **FRIDAY, OCTOBER 11, 2013**

9:00 AM – 9:30 AM

#### **CDG Fellowship**

*Introduction* **The Honourable Chief Justice Annemarie Bonkalo**, Ontario Court of Justice, Toronto, ON

*Presentation* **Professor France Houle**, Faculty of Law, University of Montreal, 2012 Charles D. Gonthier Fellowship Recipient, Montreal, QC

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9:30 AM – 10:30 AM

#### **ADMINISTRATIVE TRIBUNALS**

*Chair* **Dean Lorne Sossin**, Osgoode Hall Law School, York University, Toronto, ON

*Panel* **Professor Geneviève Cartier**, Faculty of Law, University of Sherbrooke, and Research Director for the Charbonneau Commission, Sherbrooke, QC

**Professor Nicolas Lambert**, Faculty of Law, University of Moncton, Moncton, NB

**David Wright**, Associate Chair, Human Rights Tribunal of Ontario (Social Justice Tribunals Ontario), Toronto, ON

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10:30 AM – 10:45 AM BREAK

10:45 AM – 12:00 AM

#### **COMPARATIVE**

*Chair* **TBA**

*Panel* **The Honourable Justice Yves-Marie Morissette**, Quebec Court of Appeal, Montreal, QC

**Professor Gary Edmond**, Faculty of Law, University of New South Wales, Sydney, NSW (Australia)

**Professor Emma Cunliffe**, Faculty of Law, University of British Columbia, Vancouver, BC

**Aimée Craft**, Public Interest Law Centre, Winnipeg, MB

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12:00 PM – 1:00 PM LUNCH

1:00 PM – 2:30 PM

#### **ETHICS/WITNESS CAPACITY/SELF-REPS**

*Chair* **The Honourable Justice Gladys Pardu**, Superior Court of Justice (Ontario), Toronto, ON

*Panel* **The Honourable Justice Michael Code**, Superior Court of Justice (Ontario), Toronto, ON

**Professor Elaine Craig**, Schulich Law School, Dalhousie University, Halifax, NS

**Professor David Tanovich**, Faculty of Law, University of Windsor, Windsor, ON

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2:30 PM – 2:45 PM BREAK

2:45 PM – 4:00 PM

#### **CONSTITUTIONAL FACTS**

*Chair* **The Honourable Justice Georgina Jackson**, Saskatchewan Court of Appeal, CIAJ Vice President, Regina, SK

*Panel* **Joseph Arvay**, Arvay Finlay Barristers, and Osgoode Hall Law School, Toronto, ON

**Joseph Cheng**, Counsel, Public Law Section, Ontario Regional Office, Justice Canada, Toronto, ON

**Ronalda Murphy**, Counsel, Crown Law Office – Civil Law, Ministry of the Attorney General (Ontario), Toronto, ON, and Professor, Schulich School of Law, Dalhousie University, Halifax, NS

**Sheila Tucker**, Associate Counsel, Davis LLP, Vancouver, BC

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4:00 PM – 4:30 PM

#### **WILL THERE BE FACTS IN 2025?**

*Introduction* **Beth Symes**, LSM, CM, Symes Street & Millard LLP, Toronto, ON

*Panel* **The Honourable Judge Patrick Healy**, Quebec Court, Montreal, QC

**Professor Alana Klein**, Faculty of Law, McGill University, Montreal, QC

**Paul Schabas**, Partner, Blakes, Toronto, ON

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4:30 PM

#### **CLOSING REMARKS**

*Incoming CIAJ President*

**The Honourable Judge Patrick Healy**, Quebec Court, Montreal, QC

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*Program subject to change*