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Don't miss the only program  
in Canada for Crown counsel,  
defence counsel, police,  
and forensic scientists on  
**DNA Forensic Evidence**

## 11<sup>th</sup> Annual Canadian Symposium on DNA Forensic Evidence

You'll hear from top lawyers, judges and leading experts on the latest cutting-edge developments in both the law and the science of DNA.

Topics include:

- Recent developments and legal implications of viral DNA
- Impact of the National Research Council Report
- DNA at trial – tactics and tips
- DNA databanking – an international perspective
- Legislative and case law updates in DNA search and seizure

### Chairs

**Ricardo G. Federico**  
Barrister-at-Law

**David Rose**  
Neuberger Rose LLP

*"Excellent learning! Topics were cutting edge and relevant to all."*  
(September 2008)

*"Important and emerging area of law – Osgoode programs are at a very high level! This was a great experience. Very informative, organized and well presented."* (September 2008)



### DATE & TIME

Saturday, March 27, 2010  
9:00 a.m. - 4:45 p.m. EDT/EST

### LOCATION

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# 11<sup>th</sup> Annual Canadian Symposium on DNA Forensic Evidence

**DNA law and science is constantly evolving. Are you current on all the latest developments?**

**T**he role of DNA evidence in criminal law continues to expand with the emergence of novel science and technology at an incredible rate. Forensic DNA evidence is now mainstream and forms part of many criminal investigations, prosecutions and defences. Given DNA's continued importance, a thorough understanding of the science and law of forensic DNA evidence is essential for those involved in the criminal justice system.

*Osgoode Professional Development's 11th Annual Canadian Symposium on DNA Forensic Evidence* brings together the best criminal defence lawyers, Crown Counsel, judges, law enforcement professionals, and scientists. From the practical and legal limitations on the collection, retention, and use of DNA evidence, to the latest significant legislative and policy developments, this program will give you what you need to know to ensure that your knowledge of DNA and its use in the criminal process is fully up-to-date. Other topics include:

- Understanding the difference between viral and molecular DNA
- Effect of the National Research Council Report on DNA
- Pitfalls and practical tips when presenting DNA evidence at trial
- Review and impact of the RCMP National DNA Data Bank Annual Report
- Judicial scrutiny and constitutional validity of the international exchange of DNA evidence
- The future of the DNA databank
- Hybrid humans and *Chimera*
- Arrestee DNA sampling

You cannot afford to miss this must-attend event. This conference fills up well in advance every year.

**Register now by visiting [www.osgoodepd.ca](http://www.osgoodepd.ca), calling 416.597.9724 or 1.888.923.3394, emailing [opd-registration@osgoode.yorku.ca](mailto:opd-registration@osgoode.yorku.ca) or faxing 416.597.9736.**

## Chairs

**Ricardo G. Federico**, Barrister-at-Law

**David Rose**, Neuberger Rose LLP

## Faculty

**Leo Adler**, Adler Bytensky Prutschi

**Suhail A.Q. Akhtar**, Assistant Crown Attorney  
Crown Attorney's Office (Scarborough)

**The Hon. Justice Mary Lou Benotto**  
Superior Court of Justice (Ontario)

**Liesha D. Earle**, Ministry of the Attorney  
General, Ontario, Criminal Law Division

**The Hon. Justice Eugene G. Ewaschuk**  
Superior Court of Justice (Ontario)

**Martha Mackinnon**, Executive Director  
Justice for Children and Youth

**The Hon. Justice J. David McCombs**  
Superior Court of Justice (Ontario)

**John S. McInnes**, Crown Counsel, Ministry of  
the Attorney General, Ontario

**Enzo Rondinelli**, Lafontaine & Associates

**Dr. Paul Sandstrom**, National HIV &  
Retrovirology Laboratories (Ottawa)

**Karen A. Shea**, Assistant Crown Attorney  
Crown Attorney's Office (Hamilton)

**Edward J. Ungvarsky**, Northern Virginia Capital  
Defender Office

**Greg Yost**, Department of Justice Canada  
Criminal Law Policy Section

**8:30 Registration and Continental Breakfast**

**9:00 Welcome and Introduction from the Chairs**

Ricardo G. Federico, Barrister-at-Law  
David Rose, Neuberger Rose LLP

**9:05 Novel DNA Science & Technology**

Scientific research is constantly evolving and yielding new information about DNA and the new possibilities for its use. These experts will review the most recent developments and explore their potential legal implications.

**Viral DNA**

**Moderator**

The Hon. Justice Mary Lou Benotto  
Superior Court of Justice (Ontario)

**Panellists**

Karen A. Shea, Assistant Crown Attorney  
Crown Attorney's Office (Hamilton)

Dr. Paul Sandstrom, National HIV & Retrovirology  
Laboratories (Ottawa)

- Viral DNA and the difference compared to molecular DNA
  - different tests?
- How are viral DNA cases prosecuted? similarities? differences?
- Unique and challenging procedural issues (ie. voir dire)

**National Research Council Report (NRC Report)**

Edward J. Ungvarsky, Northern Virginia Capital  
Defender Office

The work of those in the forensic science community is vitally important, but they are often strapped in their work for lack of adequate resources, sound policies, and national support. Recognizing that change and advancements, both systemic and scientific, are needed in a number of forensic science disciplines in order to: ensure the reliability of the disciplines; establish enforceable standards; and promote best practices and their consistent application, the United States Congress directed the National Academy of Sciences to undertake a study that led to this report. The report provides constructive criticism of the current state of forensic labs in the U.S. This session will provide an overview of this report, and discuss:

- The effect and impact of the NRC Report
- Compliance with the report
- Is DNA the gold standard?

**10:30 Refreshment Break**

**10:45 Trial Tactics and Perspectives: What Works and What Doesn't**

The Hon. Justice Eugene G. Ewaschuk  
Superior Court of Justice (Ontario)  
Suhail A.Q. Akhtar, Assistant Crown Attorney  
Crown Attorney's Office (Scarborough)  
Leo Adler, Adler Bytensky Prutschi

- Presentation of the evidence
- Pitfalls and how to avoid them
- Effective methods of challenging DNA evidence

**12:00 Luncheon**

**1:00 DNA Databanking: An International Perspective**

**Moderator**

Ricardo G. Federico, Barrister-at-Law

**Panellists**

Enzo Rondinelli, Lafontaine & Associates

John S. McInnes, Crown Counsel  
Ministry of the Attorney General, Ontario

Martha Mackinnon, Executive Director  
Justice for Children and Youth

Greg Yost, Department of Justice Canada  
Criminal Law Policy Section

**Part I – The DNA Databank**

- Review of the *RCMP 2008-2009 National DNA Data Bank Annual Report*
- Statutory Review of the *DNA Identification Act* (June 2009 – 40th parliament, 2nd session)
- The international exchange of DNA evidence – Interpol police – judicial scrutiny
- Constitutional validity of current legislation

**Part II – Authentication: Natural vs. Artificial-Fabricated DNA Evidence**

- What is the relevant scientific community when it comes to the DNA databank?
- What is the authentication process in Canada to clearly define natural vs. artificial-fabricated DNA evidence?
- Is a DNA databank profile considered to be electronic evidence?
- What is the relevancy of electronic evidence?
- What impact does this have on the admissibility of a DNA profile?
- What is the relevancy of the *Canada Evidence Act* s.31.1 – 31.8?
- Double the DNA (*Chimera* – hybrid humans)
- The future of the DNA databank

## Agenda [Cont'd]

### 3:00 Refreshment Break

### 3:15 DNA Search and Seizure

#### Moderator

**The Hon. Justice J. David McCombs**  
Superior Court of Justice (Ontario)

#### Panellists

**David Rose, Neuberger Rose LLP**

**Liesha D. Earle, Ministry of the Attorney General  
Ontario, Criminal Law Division**

This expert panel will explore the key issues in the collection of DNA evidence and explore the latest developments in this area. Topics include:

- New Rules under s. 24(2) (*Grant* case)
- Arrestee DNA sampling
- Case law and legislative updates
- Practical tips and strategies for Crown and defence

### 4:45 Concluding Remarks/Program Ends

## Registration

Register me for:  DNA Forensic Evidence

I will attend:  On site  Via webcast - single viewer

Name: \_\_\_\_\_ Title: \_\_\_\_\_

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#### Fee Per Delegate

\$450 plus 5% GST for a total of \$472.50. Fees include attendance, program materials, continental breakfast, lunch, and break refreshments. Group discounts are available for both on site and webcast participants. Visit [www.osgoodepd.ca](http://www.osgoodepd.ca) for details. Please inquire about financial assistance and CLE credits.

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#### CLE Credits

Approved in accordance with the requirements of LSUC Certified Specialist Program, the BC CPD, Barreaux du Québec and the NY CLE Board (for transitional and non-transitional lawyers).

Note: NY CLE Credits are not available for webcast participants. BC CPD webcast participants must contact us for further information.

#### Payment Options

- Cheque enclosed (payable to York University – GST# R119306736)  
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#### 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 (less \$50 administration fee) is available if a cancellation request is received in writing 14 days prior to the program date. No other refund is available.

#### Date & Time

**Saturday, March 27, 2010**  
**9:00 a.m. - 4:45 p.m. EDT/EST**

Please arrive a half hour early for sign-in and material pick-up.  
Dress is business casual.

#### Location

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