The program that provides annual “one-stop shopping” for analysis of significant new developments, including:

- Reassessing the inherent remedial jurisdiction of the courts
- The most significant class proceedings affecting Crown litigation
- Distinctive challenges in drafting submissions on behalf of the Crown
- Has the Crown's duty to consult and accommodate changed due to Tsilhqot'in and Keewatin?
- Ethical and professional issues facing government counsel “when the client doesn’t listen”

**Plus! Optional Pre-Conference Workshop:**
*The Legal Framework of Crown Litigation: Navigating the Procedural Maze*

“PRETTY GREAT ALL AROUND...[I'M] EXCITED ABOUT THE MATERIALS”
Heather Anne Burnett
Counsel, Crown Law Office - Civil Ministry of the Attorney General (Ontario)

“A VERY WORTHWHILE CONFERENCE... AN EMBARRASSMENT OF RICHES”
Robert H. Reynolds, Q.C.
Legislative Assembly of Alberta
Crown Liability has established a reputation as an outstanding guide to the relevant substantive law, procedural rules and winning strategies and tactics in the field.

The Crown - both Federal and provincial - continues to find itself a target of litigation, including but not limited to highly visible class actions. Both plaintiffs’ and Crown counsel must be equipped to meet the challenges posed in this continuously developing area - challenges that embrace the nature and scope of liability, the procedures and best practices involved in suing or defending the government, and the far-reaching consequences for the public interest.

OsgoodePD’s expert faculty will provide you with the insights and tools you need to navigate these often complex claims. This much-praised program, now in its 11th year, will guide you through the latest developments - and help you over the gravest pitfalls - in civil litigation involving public authorities.

Don't miss the opportunity to learn from and engage with the experts. Also, if you’re new to the field, or want a brisk refresher of basics, don’t miss the Optional Pre-Conference Workshop, The Legal Framework of Crown Litigation: Navigating the Procedural Maze.

REGISTER NOW BY VISITING WWW.OSGOODEPD.CA, CALLING 416.597.9724 OR 1.888.923.3394, EMAILING OSGOODEPD@OSGOODE.YORKU.CA OR FAXING 416.597.9736
Optional Pre-Conference Workshop
February 26, 2015 (2:00 p.m. - 5:00 p.m.)

The Legal Framework of Crown Litigation:
Navigating the Procedural Maze

Note: Workshop only available in-person.

Falguni Debnath, Counsel, Government Law Services -
Extraditions, Justice Canada
Heather Mackay, Counsel, Crown Law Office - Civil
Raivo Uukkivi, Cassels Brock & Blackwell LLP

Crown litigation raises unique challenges. A practitioner
unfamiliar with this procedural terrain faces an uphill
struggle to manoeuvre through it effectively. This perennially
highly-rated workshop will give you the procedural information
you need, whether you’re acting for or against the Crown.
Topics cover a broad range including, proper forum, limitations,
standing, essential procedural considerations in Federal Court,
effective disclosure strategies, Crown privilege and costs for
or against the Crown.

Conference - February 27, 2015

8:30-9:00
Registration and Continental Breakfast

9:00-9:10
Chairs’ Welcome and Introductory Remarks

9:10-10:25
Government Liability: Negligence, Immunity
and Misfeasance
Prof. Erika Chamberlain, Western Law
Prof. Bruce Feldthusen, University of Ottawa

Two distinguished academics will provide their unique
and thoughtful perspectives in such areas as:
• The interaction of misfeasance in a public office with
judicial review and administrative law principles
• The influence of fiduciary concepts in proceedings
against the Crown
• The scope of liability for discretionary decision-making
by public officers
• The potential for class proceedings in misfeasance
• The justiciability of negligence claims against governments
when proximity to the plaintiff has been established
• The incoherence of immunizing conduct for which the
government has agreed to be held liable

10:25-10:40
Refreshment Break

10:40-11:40
“Just Watch Me” – What Can the Court Do?
Jasmine T. Akbarali, Lerners LLP
Sunil Kapur, McCarthy Tétrault LLP
Malliha Wilson, Assistant Deputy Attorney General, Legal
Services Division, Ministry of the Attorney General (Ontario)

Christopher P. Thompson (moderator)
Counsel, Crown Law Office - Civil

What is the inherent remedial jurisdiction of a court, considered
in itself and in comparison with the broader remedial authority
of administrative tribunals? The question has come up in
significant recent cases such as Parsons v. Canadian Red
Cross and Trial Lawyers Association of B.C. [S.C.C.]. The panel
will examine the evolving law and its implications for future
litigation.

11:40-12:05
Update: Justiciability and Standing
Andrew Lokan, Paliare Roland Rosenberg Rothstein LLP
Christine Mohr, Counsel, Justice Canada

This session will summarize how the more flexible and liberal
approach to standing in public law cases which the Supreme
Court of Canada developed in Downtown Eastside has fared
in later cases, including Canadian Doctors for Refugee Care
[Federal Court of Canada, 2014]. The contribution of cases such as
Teskey to our understanding of justiciability will also
be considered.

12:05-12:55
Luncheon

12:55-2:00
Recent Class Actions Litigation Involving the Crown
R. Douglas Elliott, Cambridge LLP
Sonal Gandhi, Counsel, Crown Law Office - Civil
Paul B. Vickery, Senior General Counsel, Justice Canada
Caroline Zayid, McCarthy Tétrault LLP

An incisive survey of the most significant class-proceedings
developments (including the G20 litigation) seen through the
prism of how they affect litigation involving the Crown and
where they present challenges and potential pitfalls for
Crown counsel.

2:00-3:15
“Her Majesty Submits”: Effective Written Advocacy
in Crown Litigation
The Hon. Justice Peter Lauwers, Court of Appeal
for Ontario
The Hon. Justice James O’Reilly, Federal Court of Canada
Lise G. Favreau, Counsel, Crown Law Office - Civil
Michael H. Morris, General Counsel, Justice Canada

What particular issues and challenges arise in drafting
submissions on behalf of the Crown? Benefit from the
experience and insight of distinguished judges and
government lawyers in identifying how to frame pleadings
and other documents that win the respect of the Court and
enhance the credibility of your case.

3:15-3:30
Refreshment Break

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5:00

Inappropriate or illegal action. The result is a potential being pulled into “gray zones” in which clients contemplate counsel who advise diverse departments. Counsel also risk expectations can be particularly challenging for government.

The problem of “who is my client?” and of how to manage client effectiveness as an advisor/advocate.

Charlotte Bell, Counsel [retired], Justice Canada

David R. Byers, Stikeman Elliott LLP

Tom D. McKinlay, Counsel, Crown Law Office - Civil

The problem of “who is my client?” and of how to manage client expectations can be particularly challenging for government counsel who advise diverse departments. Counsel also risk being pulled into “gray zones” in which clients contemplate inappropriate or illegal action. The result is a potential minefield. Let this expert panel help you navigate your professional obligations without compromising your effectiveness as an advisor/advocate.

5:00

Course Concludes

AGENDA (cont’d)

3:30-4:00

Tsilhqot’in and Grassy Narrows Revisited

Peter W. Hutchins, Hutchins Legal Inc.

• Are these two decisions really landmark judgments?
• What are their implications for lawyers acting for the Crown and for Aboriginal peoples?
• Have parties’ expectations changed and how will this affect future consultations?

4:00-5:00

Ethical and Professional Issues: “What To Do When the Client Doesn’t Listen”

Charlotte Bell, Counsel [retired], Justice Canada

David R. Byers, Stikeman Elliott LLP

Tom D. McKinlay, Counsel, Crown Law Office - Civil

The problem of “who is my client?” and of how to manage client expectations can be particularly challenging for government counsel who advise diverse departments. Counsel also risk being pulled into “gray zones” in which clients contemplate inappropriate or illegal action. The result is a potential minefield. Let this expert panel help you navigate your professional obligations without compromising your effectiveness as an advisor/advocate.

5:00

Course Concludes

Conference:

February 26, 2015
9:00 a.m. - 5:00 p.m. EST

Optional Workshop
February 27, 2015
2:00 p.m. - 5:00 p.m.

Fee Per Delegate

Conference Only: $795 plus 13% HST; Conference plus Workshop: $995 plus 13% HST

Fees include attendance, program materials, continental breakfast, lunch (conference only) and break refreshments. Group discounts are available. Visit www.osgoodepd.ca for details. Please inquire about financial assistance.

Date & Time

February 26, 2015
9:00 a.m. - 5:00 p.m. EDT/EST

Optional Workshop
February 27, 2015
2:00 p.m. - 5:00 p.m.

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.

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Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund (less $75 administration fee) is available if a cancellation request is received in writing 5 days prior to the program date. No other refund is available.

REGISTRATION

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