



CERTIFICATE IN ADJUDICATION FOR ADMINISTRATIVE AGENCIES, TRIBUNALS AND BOARDS

Learn to run a fair and effective
administrative proceeding.

A joint program of the Society of Ontario Adjudicators and Regulators (SOAR) and Osgoode Professional Development.

Over five intensive modules, you'll be taught by leading experts using an interactive delivery method that includes lectures, video simulations, discussions and hands-on exercises.

Over the course of 10 years, the Certificate has provided hundreds of professionals with the practical skills and legal knowledge they need to perform effectively in the administrative adjudication sector.

Participants will:

- Acquire foundational knowledge of administrative law principles
- Learn how to manage a hearing – from start to finish
- Understand the legal and practical requirements of administrative decisions
- Explore the evolving challenges faced by administrative adjudicators
- Gain insight from leaders in administrative justice

PROGRAM DIRECTOR

Pamela Chapman
Legal Educator and Consultant

REGISTRATION OPTIONS

Live, Online

- December 6 – 10, 2021
- May 2 – 6, 2022

OR

Blended, Online

- January 24, February 7, 28,
March 24 & 25, 2022

Register today at:

osgoodepd.ca/soar

Certificate in Adjudication for Administrative Agencies, Tribunals and Boards

The Certificate Program in Adjudication for Administrative Agencies, Boards and Tribunals is a collaboration between the Society of Ontario Adjudicators and Regulators (SOAR) and Osgoode Professional Development of Osgoode Hall Law School, York University.

OsgoodePD

Osgoode Hall Law School's Osgoode Professional Development offers both credit and non-credit programming to meet the life-long learning needs of lawyers and other professionals who need legal information. Osgoode Hall Law School is one of the world's pre-eminent law schools.

OsgoodePD embodies the law school's commitment to meeting the educational needs of the broader community and has offered many continuing legal education programs in the areas of administrative law, professional and statutory regulation, and alternative dispute resolution, including its Professional LLM in Administrative Law.

SOAR

The Society of Ontario Adjudicators and Regulators (SOAR) was created in 1991 for the purpose of advancing administrative justice through education, advocacy and innovation. Membership in SOAR includes Order-in-Council appointed Chairs and Members and staff of administrative justice system agencies. SOAR supports their work through various activities, including training programs for newly appointed adjudicators and administrative staff, conferences and other educational programs, and participation in policy initiatives of relevance to the direction and integrity of the administrative justice system. The premiere event in Ontario's administrative justice community is SOAR's annual Conference of Ontario Boards and Agencies (COBA) held each November and dealing with the latest developments in administrative justice. SOAR is explicitly non-partisan and non-profit; its focus is the public interest. www.soar.on.ca

About the Program

The rigorous curriculum provides solid grounding through learning and practicing practical adjudication skills. Working with real-life fact scenarios, problems and demonstrations, you will acquire a solid foundation in the legal underpinnings of administrative adjudication, develop and refine your adjudication skills, and learn practical strategies for effective hearing management. The program culminates with an interactive hearing simulation and guided decision writing exercise, in which you'll benefit from individual feedback from recognized experts in the field.

Program Formats

The Certificate in Adjudication is now offered in two formats to suit your learning needs:

Live, Online

The Live, Online format allows you to learn and engage in all content in real time with a cohort. Each day typically begins with a roadmap for the day, followed by a combination of lectures, discussions, small group exercises, video demonstrations and fireside chats. In the last two days of the program, participants will practice their decision-writing skills and take turns running a simulated hearing.

Over the course of one week, with plenty of opportunity to engage with leading adjudicators and your peers, this format will provide face-to-face learning in a live and focused environment.

Blended, Online

This format gives you more control over how and when you learn. **The first 3 Modules are released in sequence over two months and completed online through an interactive learning platform.** Complete each module at your own pace within the recommended learning period, and then join other participants and the

lead instructors for a live Fireside Chat and office hours. Interactive learning elements include an introductory roadmap of topics to be covered, short lectures, fact pattern discussions, video scenarios, reflection questions, instructor debriefs, and content summaries.

The final two Modules are delivered live and must be completed on the scheduled dates. As with the Live, Online program, Modules 4 and 5 will give you live hands-on practice with writing a decision and running an administrative hearing.

No matter which option, you will obtain valuable resources, hone your skills and be able to immediately apply your learning.

Space is strictly capped in each offering. Reserve your place now by visiting osgoodepd.ca/soar.

Designed and delivered by acknowledged experts, Certificate modules include:

MODULE 1

Administrative Adjudication Fundamentals

MODULE 2

Fair and Efficient Proceedings

MODULE 3

Making and Delivering Decisions

MODULE 4

Evolving Adjudication Challenges and Decision Writing Skills*

MODULE 5

Putting it All Together – Hearing Simulation*

* must be completed live



Select from two delivery formats to suit your learning needs:

Live, Online

- Consists of five live, online modules, allowing for concentrated learning over consecutive days:
 - Modules 1 – 5 to be completed live over five consecutive days
- Real-time discussions and check-ins with faculty
- Ample opportunities to connect with experienced adjudicators and your peers
- Hands-on participation in an online decision writing and simulated e-hearing session
- Program completion within one week
- 120-day access to program materials

Blended, Online

- Consists of five modules specifically designed for online learning:
 - Modules 1 – 3 to be completed online over the course of 2 months
 - Modules 4 and 5 to be held in an interactive live online session where you can apply your learning.
- Hands-on participation in an online decision writing and simulated e-hearing session
- Virtual office hours and messaging forum to connect with faculty and your peers
- Live chats with experienced adjudicators and leaders in administrative justice (can be completed live, online or viewed as an archive)
- 120-day access to program materials

Who Should Attend

Initially developed to meet the needs of recent appointees, the Certificate is also well-suited for those looking to make the transition into administrative adjudication, or for legal professionals who regularly appear in front of agencies, boards or tribunals.

The program will be of particular benefit to professionals who exercise adjudicative functions arising from a public or quasi-public power, including:

- Recent appointees to administrative agencies, boards and tribunals
- Professional regulators
- Members of disciplinary bodies
- Adjudicators from the provincial, federal or municipal sectors
- Leaders required to conduct hearings in the broader public sector, including health and education
- Professionals looking to transition into the adjudicative sector
- Legal professionals who regularly appear in front of administrative boards, tribunals or agencies

Drawing upon the expertise and experience of leading adjudicators, academics, members of the judiciary and counsel from the administrative justice community.

Program Director



Pamela Chapman

Legal Educator and Consultant

Pamela Chapman is an educator and former adjudicator, mediator and lawyer, who combines these skills to develop and deliver training on a wide range of topics to diverse groups of all sizes. For the past 10 years she has focused on adjudication, cultural competence and decision-writing training, working with agencies like SOAR, OPD and the National Judicial Institute, and developing custom training for provincial, federal and municipal tribunals, regulators and other agencies across Canada.

She was a member of the Human Rights Tribunal of Ontario from 2009 to 2012, a Vice-Chair of the Ontario Labour Relations Board from 1993 to 2002, and a labour arbitrator and mediator for 20 years. She taught at the University of Ottawa, Faculty of Law, Common-Law Section for 15 years, and has taught as an adjunct professor at the University of Toronto (the Faculty of Law, School of Graduate Studies, and the Centre for Industrial Relations and Human Resources), Osgoode Hall Law School, and the Department of Law at Carleton University.

Program Faculty includes

The Hon. Justice John Laskin

Court of Appeal for Ontario (retired)

The Hon. Justice Lorne Sossin

Court of Appeal for Ontario

Rosemary Basa

Counsel, Workplace Safety & Insurance Board

Benjamin Berger

Professor and York Research Chair in Pluralism and Public Law, Osgoode Hall Law School

Robert Blair

Manager, Adjudication Legal Services, Ontario Securities Commission

Christopher D. Bredt

Partner, Borden Ladner Gervais LLP

Brian Cook

Member, Immigration and Refugee Board

Ian Darling

Chair, Condominium Authority Tribunal

David Goodis

Partner, INQ Law; Former Assistant Commissioner, Information and Privacy Commissioner of Ontario

James Gorham

Senior Counsel, Department of Justice Canada

Trevor Guy

Counsel, Tribunals Ontario

Susan Heakes

Member, Consent & Capacity Board; Tribunal Committee, ICCRC; Former Counsel, Law Society of Ontario

Kiran Kang

Counsel, Goldblatt Partners LLP

Taivi Lobu

Former Vice-Chair, Health Professions Appeal and Review Board

Emily Lawrence

Counsel, Paliare Roland LLP

Caroline Mandell

Legal Communication Consultant, Mandell Coaching

Tim Moseley

Vice-Chair, Ontario Securities Commission

Susan Opler

Former Ombudsman, City of Toronto; Former Vice-Chair, Consent and Capacity Board

Cynthia Pay

Member, Immigration and Refugee Board

Deborah Pressman

Legal Counsel, Office of the Chief Justice – Ontario Court of Justice

Moya Teklu

Executive Director and General Counsel, Black Legal Action Centre

David A. Wright

Tribunal Director and Discipline Committee Chair, College of Physicians and Surgeons of Ontario; Former Chair, Law Society Tribunal

Register today at:

osgoodepd.ca/soar

Agenda

MODULE 1

Administrative Adjudication Fundamentals

Get a solid grounding in the legal structure and fundamental principles that are the essential foundations for any adjudicator.

Introduction to Administrative Adjudication

- Adjudication as a form of dispute resolution
- Nature and scope of administrative adjudication
- Common elements of administrative proceedings

Administrative Law Fundamentals

- What can administrative tribunals do?
- What limits are imposed?
- What do they do?
- How do they do it?

Focus on Procedural Fairness – Right to be Heard

- Key principles and central aspects underlying procedural fairness
- The right to be heard: notice and participation
- In Ontario: *Statutory Powers Procedure Act*

Focus on Procedural Fairness – Independence and Impartiality

- Key principles underlying the right to an impartial and independent decision-maker
- Impartiality and independence concerns
- “S/he who hears must decide” and institutional consistency

MODULE 2

Fair and Efficient Proceedings

Using video demonstrations and group discussion, and focusing on issues drawn from actual hearings, this session will equip you with the key knowledge and practical strategies you need to run a proceeding in a fair and efficient manner.

Before the Proceeding: Preparation and Case Management

- Mediation/other early intervention to resolve
- Preparation for the proceeding
- Case management, including case conferences
- Preliminary or procedural requests

Effective Communication and Opening the Proceeding

- Effective communication for adjudicators
- Opening the proceeding

Conducting a Proceeding

- Proceeding stages and formats
- Oral testimony: direct examination, cross-examination, re-examination
- Admitting documents into evidence
- Maintaining confidentiality and protecting privacy
- Closing the proceeding

Evidence Key Principles

- What is evidence? What are the key concepts?
- The rules of evidence in administrative adjudication
- A rubric for approaching evidence
- Common challenges: hearsay, documents, privilege, expert evidence

Proceeding Management Challenges

- Managing objections
- Assisting self-represented parties
- Dealing with under representation
- Encouraging and maintaining appropriate behaviour

Active Adjudication

- Adversarial v. inquisitorial dispute resolution
- Goals and rationales: efficiency and proportionality; power imbalance and self-representation
- Concerns and limits to active adjudication
- Forms of active adjudication
 - Adjudicator questioning
 - Other innovations, including limiting proceedings
 - Other best practices and opportunities

Culturally Competent Adjudication

- What is cultural competence?
- Why is it important for adjudicators?
- Three building blocks:
 - Acknowledge the risk of implicit bias and check your assumptions
 - Take culture into account – appropriately – in making decisions
 - Ensure that the process is inclusive, accessible, and respectful

Human Rights Obligations

- The duty to accommodate
- Key obligations
- Linguistic, religious and disability accommodation
- Mental health and addiction challenges

MODULE 3

Making and Delivering Decisions

Deliberations and Decision-making

- Deliberations: the process, best practices
- Deciding: key considerations
- Oral versus written decisions

Principles of Effective Decision-writing

- The duty to give reasons
- Fundamental goals of effective decision writing: clarity and conciseness
- Principles to achieve those goals: audience, context and point-first, identifying the deep issues

Applying the Principles – Issue-driven organization and effective introductions

- Structure the decision using the issues: issue-driven organization
- Put the issues into an effective introduction to the decision

Applying the Principles – Context before details in the body of the decision

- Use context before details when reviewing the evidence, the law and making reference to caselaw and statutes
- Consider how much detail is required

MODULE 4

Evolving Adjudication Challenges and Decision Writing Skills

Throughout the hearing process, adjudicators must remain neutral, ensure the hearing is accessible to all parties and keep control of the hearing room. Through discussions of complex, challenging scenarios in small groups, you will explore the best practices reviewed in Module 2 and receive proactive tips to competently and confidently manage these challenges.

In the second part of this module, you will continue working in small groups to apply the decision-writing principles explored in Module 3, doing hands-on exercises guided by expert facilitators. You will also learn more about the writing process and how to revise effectively to meet your writing goals.

MODULE 5

Putting it All Together – Hearing Simulation

The hearing simulation provides an important opportunity to pull together the skills and practice what you have learned, in a non-intimidating environment. Working in small breakout groups with skilled facilitators, you'll engage in a mock simulation and perform the key functions of a hearing panel.

This is a hands-on opportunity to practice hearing management, including ruling on objections, dealing with various procedural challenges and conferring effectively as a panel on procedural rulings and the outcome of the case. Each panel will develop and deliver an oral judgment, practicing their decision-writing training from Module 4. Benefit from detailed, individualized feedback from experienced counsel and adjudicators.

The day concludes with a group debriefing and reflection – comparing and contrasting the various rulings – followed by concluding comments from the faculty and the group.

“The delivery of administrative justice requires highly skilled and trained members of agencies, boards and tribunals. As a non-profit, non-partisan organization with deep roots in the administrative justice community, SOAR has been a trusted provider of administrative adjudicator education in Ontario for many years. Building on that experience, SOAR’s innovative partnership with Osgoode in this program will provide new administrative adjudicators with the skills and knowledge they need to become effective decision makers.”

Debra Roberts

Deputy Chief of Staff, Human Resources and
Public Appointments, Office of the Premier, Ontario



Registration Details

Fee per Delegate

\$3,295 plus HST

Fees include attendance, electronic materials, and technical support.

Visit www.osgoodepd.ca/financial-assistance for details about financial assistance.

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 is available if a cancellation request is received in writing 21 days prior to the program date. If a cancellation request is made with less than 21 days' notice, a \$150 administration fee will apply. No other refund is available.

For Further Program-Related Information, Please Contact:

Gail Geronimo, Program Lawyer at ggeronimo@osgoode.yorku.ca

Certificate of Program Completion

In order to receive the **Certificate in Adjudication for Administrative Agencies, Tribunals and Boards**, participants must complete and participate all modules, including the live final hearing simulation.



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO.



OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions. To inquire about credit eligibility, please contact cpd@osgoode.yorku.ca.

Register today at: osgoodepd.ca/soar

Information Session: SOAR/Osgoode Training (and Transition) for Current and Prospective Adjudicator

Join us over lunch, get your questions answered, start to build your network and learn how these programs can help fulfill your professional development goals. **Learn more: osgoodepd.ca/soar-info**

"This was a great learning experience with resource material provided for deeper research and practiced learning. It gave me the opportunity to experience the 'butterflies' now and to be more prepared in the real life act."

Lileath Claire
Ontario Health Regulatory College,
2020 Participant

"This program is invaluable to anyone who is interested in becoming an adjudicator, or regularly appears before an adjudicative tribunal. The skills obtained in this program definitely enhanced the way I prepare for cases before administrative tribunals."

Michelle Zare
Zare Paralegal Services Professional
Corporation, 2020 Participant

"An excellent way to learn about administrative law and to prepare to work on tribunals."

Margaret Samuel
President, CEO, Portfolio
Manager and In-house counsel,
Enriched Investing Incorporated,
2020 Participant

"This was an excellent learning opportunity. The facilitators did an excellent job!"

Tim Galvin
HGK Partners LLP, 2020 Participant

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