

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

ADVANCED PROGRAMS IN

Adjudication for Administrative Agencies, Boards & Tribunals

Get in-depth coverage, at an advanced level, of principles and techniques required to run a fair and effective administrative proceeding.

- **Mediation for Adjudicators**
September 29, 2021
- **Managing Evidentiary Challenges**
October 13, 2021
- **Culturally Competent Adjudication**
October 27, 2021
- **Advanced Administrative and Regulatory Decision Making**
November 10, 2021
- **Effective Communication in the Hearing Room**
November 24, 2021

PROGRAM DIRECTOR
Pamela Chapman
Legal Educator and Consultant



Advanced Certificate in Adjudication

Complete all five days of programming and receive the **Advanced Certificate in Adjudication**.

Register today at:

osgoodepd.ca/adv-soar



Program Director



Pamela Chapman
Legal Educator and Consultant

Pamela Chapman is an experienced adult educator who develops and delivers training on a wide range of topics to lawyers and non-lawyers, judges, adjudicators, and organizations. She has focused on adjudication and decision-writing training since 2011, when she became Program Director of the Certificate in Adjudication for Administrative Agencies, Boards and Tribunals run by SOAR and OsgoodePD.

Ms. Chapman is also an experienced adjudicator, who 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 from 2002 to 2015, and as an adjunct professor at the University of Toronto, Osgoode Hall Law School, and Carleton University.

Past Faculty has Included:

Shelley Appleby-Ostroff, Sessional Professor, University of Ottawa, Faculty of Law

Aaron Barth, Ph.D., President, Dialectic Solutions

Michelle Flaherty, Professor, University of Ottawa, Faculty of Law

Greig Henderson, Associate Professor, University of Toronto

Steve Joordens, Professor, University of Toronto

Travis Kearns, Manager of Field Services, Ontario Labour Relations Board

Neil Khanna, Legal Counsel, Environment and Land Tribunals Ontario (ELTO)

The Hon. Justice John I. Laskin, Federal Court of Appeal

The Hon. Justice Peter D. Lauwers, Ontario Court of Appeal

Shannon Moldaver, Shannon Moldaver Dispute Resolution Inc.

Barbara J. Morris, Professor, Humber College

Tim Moseley, Vice-Chair, Ontario Securities Commission

Rosemary Muzzi, Member, Condominium Authority Tribunal

Zeynep Onen, Vice-Chair, Workplace Safety and Insurance Appeals Tribunal

Deborah Pressman, Legal Counsel, Office of the Chief Justice - Ontario Court of Justice

Moya Teklu, Black Legal Action Centre

David A. Wright, Tribunal Director and Discipline Committee Chair, College of Physicians and Surgeons of Ontario

This program is recommended for:

- Graduates of the SOAR/OsgoodePD Certificate in Adjudication; **OR**
- Those with two or more years of full-time experience as an adjudicator, **OR** an equivalent amount of experience as a part-time adjudicator; **OR**
- Senior tribunal staff, such as counsel, who work closely with adjudicators and would benefit from advanced training in adjudication.

Are you confident you are up-to-date and have the skills you need to succeed in today's changing adjudicative sector?

The adjudicative process is evolving, which is shifting the required skill set for adjudicators. The *Advanced Certificate in Adjudication* provides deep insights into critical areas that experienced tribunal adjudicators have identified as essential to their professional development and success in (and out) of the hearing room.

Designed to provide a curriculum-based learning platform for experienced adjudicators or graduates of the original Certificate in Adjudication, this program will enable you to:

- **Enhance** your skills across core competencies involved in adjudication
- **Practice** applying skills with an opportunity to get constructive feedback
- **Deepen** your knowledge of the legal standards which structure these competencies
- **Learn** about and reflect upon best practices, and evolving approaches, across a range of adjudicative settings
- **Obtain** a deeper understanding of the values underlying administrative adjudication and their application to adjudicative tasks

Further, the modular design of the Certificate allows you to **customize** your learning and focus your development on relevant practice areas. In each program module, there is an emphasis on skills-based learning, with in-class lectures being supplemented by video simulations, demonstrations, group exercises, role play simulations, case studies and peer interaction.

Advanced Program Features:

1. **Highly enriched topics, resources & experienced faculty:** thinking outside the box, emerging ideas, new frameworks, and learning from external experts
2. **In-depth exploration of critical issues:** extended time on more advanced-level topics, nuanced analysis and opportunity to apply and reflect
3. **Learn-by-doing:** obtain individualized critique from recognized leaders to improve and refine skills
4. **Peer learning:** experienced participants, enhanced learning through peer interaction and peer facilitation
5. **Interaction across different sectors & settings:** exposure to best practices, innovation and networking opportunities

Customize Your Advanced Adjudication Programming

Register for programs individually, **OR** complete five days of programming to receive the *Advanced Certificate in Adjudication*.

“The small group and larger group lecture setting provided an excellent opportunity to deliver and discuss content.”

Mediation for Adjudicators

September 29, 2021
9:00 a.m. - 4:30 p.m.

An increasing number of boards, tribunals and agencies are requiring their adjudicators to step into the role of mediator. For even the most senior professional, this is a different skill set that must be learned and practiced. This session will discuss:

- Mediation theory: facilitative & evaluative approaches
- Preparation, mediation agreements, opening remarks
- Key communication skills, including active listening, framing & reframing
- How to generate options, explore issues and develop a framework for mediation
- Mediation options: plenary, caucus, shuttle
- Confidentiality, ethical dilemmas, institutional requirements
- Managing the risks of mediation by adjudicators, including “mediation-adjudication”
- Best practices and pitfalls in settlement agreements

You will:

- Acquire and improve the skills necessary to mediate disputes
- Identify and explore issues and interests, generate multiple options, evaluate options, and guide parties to identify common interests
- Learn how to use effective communication skills in mediation, including active listening, framing and reframing
- Gain confidence and improve effectiveness when dealing with conflict in a hearing, as well as in formal mediation
- Increase your ability to analyze and diagnose the causes of conflict and uncover options to manage and intervene in conflict effectively
- Understand the risks of mediation by adjudicators, and explore best practices for transitioning between roles

Fee:
\$695 plus HST

Eligible CPD Hours:
LSO (ON): 6h 30m CPD
(3h 30m Substantive; 3h Professionalism)

Managing Evidentiary Challenges

October 13, 2021
9:00 a.m. - 4:30 p.m.

Administrative tribunals have one objective – to ensure a fair and efficient hearing. However, for even the most senior adjudicator, evidentiary issues can be daunting to manage and if mishandled, lead to procedural challenges. While the cardinal rule is: if relevant, hear it, there are additional questions that must be considered and weighed. This advanced level program will provide a hands-on, deep dive into the key principles underlying the rules of evidence. Using video scenarios, scenario based exercises, specific topics include:

- Application of evidentiary principles by tribunals
- Common evidentiary challenges: hearsay, privilege, documents
- Effective management of evidentiary objections
- Admissibility versus weight
- Special problems created by electronic evidence
- Managing expert evidence
- Making credibility findings
- Observation, recollection and truth-telling, and the value of oral evidence

You will:

- Improve the skills involved in receiving and weighing evidence
- Understand and apply the key principles underlying the law of evidence to ensure fairness and reliability in hearings
- Improve effectiveness when dealing with challenging evidentiary issues, such as assessing credibility
- Learn about emerging issues relating to electronic records and develop best practices
- Gain confidence when confronted with expert evidence
- Practice dealing with evidentiary objections in a safe environment with an opportunity for constructive feedback

Fee:
\$695 plus HST

Eligible CPD Hours:
LSO (ON): 6h 30m CPD
(5h 30m Substantive; 1h Professionalism)

Culturally Competent Adjudication

October 27, 2021

9:00 a.m. - 4:30 p.m.

As an adjudicator, it is imperative that you understand culture and recognize its role in administrative adjudication. Over the course of one day, you will learn current best practices and participate in challenging fact scenarios and role plays. Developed using a reflective template designed to encourage a systematic approach to questioning our assumptions and improving our cultural competence, specific topics include:

- The key elements of cultural competence: knowledge, skills and attitude
- The role of implicit bias, power and privilege in the hearing room
- Creating an inclusive and accessible hearing environment
- Hearing accommodation, including: disability-related needs, religion
- Mental health challenges

You will:

- Refine cultural competence skills
- Understand the impact of culture in decision-making and impact when conducting a hearing
- Learn strategies and gain confidence in identifying and dealing with challenging situations which may involve culture
- Get individualized feedback on your approaches and techniques and how they support inclusive and accessible adjudication

Fee:

\$695 plus HST

Eligible CPD Hours:

LSO (ON): 6h 30m CPD
(45m Substantive; 5h 45m EDI)

Advanced Administrative & Regulatory Decision Making

November 10, 2021

9:00 a.m. - 4:30 p.m.

In one intensive day, you'll learn from subject matter experts the powers of the subconscious and appreciate its influence on our decision making and thought processes. You will get to practice decision making skills in a safe, zero-consequence environment with opportunity for constructive feedback. The course will cover:

- Intuitive versus deliberative decision-making (interactive session involving cognitive testing)
- The modern approach to statutory interpretation: how to apply and reconcile the rules
- Limits on the exercise of discretion
- Considerations pertaining to onus and burden of proof
- Decision-making templates for administrative tribunals

You will:

- Improve your skills in statutory interpretation and the exercise of discretion
- Develop an effective and systematic approach to decision-making
- Strengthen your identification of issues and use of statutory tests
- Develop and use decision-making templates relevant to your specific context
- Refine your knowledge of the legal framework for administrative adjudication, including recent developments
- Understand the role of intuition in decision-making, and the conditions which support a more deliberative approach

Fee:

\$695 plus HST

Eligible CPD Hours:

LSO (ON): 6h 30m CPD
(4h 30m Substantive; 2h Professionalism)

Effective Communication in the Hearing Room

November 24, 2021

9:00 a.m. - 4:30 p.m.

A primary role of an adjudicator is to keep control of the hearing and ensure a fair process. To successfully do this, effective communication skills are essential. Often overlooked, failure to control your verbal and non-verbal messages can impede the hearing – and ultimately your reputation. Through a mix of interactive lectures, video scenarios, exercises and small group work applying communication principles to hearing challenges, topics include:

- Non-verbal communication: tone, intention and body language
- Developing and maintaining an effective voice: control, awareness, projection
- Active listening and engagement
- Effective verbal communication: literacy challenges, avoiding jargon, metaphors, etc.
- Strategies for developing intercultural communication

You will:

- Refine the communication skills necessary to conduct hearings
- Gain awareness and strategies to ensure your verbal and non-verbal communication delivers the messages you intend
- Learn how to establish and maintain control of the hearing by setting an appropriate tone
- Practice and develop active listening techniques for effective hearing management
- Gain confidence and improve effectiveness when dealing with hearing challenges
- Learn best practices for dealing with difficult people

Fee:

\$695 plus HST

Eligible CPD Hours:

LSO (ON): 6h 30m CPD
(4h Substantive; 2h Professionalism; 30m EDI)

Registration Details

Per Program: \$695 plus HST

**Take advantage of bundled pricing when registering for all five programs:
\$3,295 plus HST**

Fees include attendance and program materials.

Visit www.osgoodepd.ca/group-discounts for details on 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 14 days prior to each program start date. If a cancellation request is made with less than 14 days' notice, a \$75 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

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

Certificate of Program Completion

The Advanced Certificate in Adjudication will be granted upon completing 5 days of program modules.

Attendance and participation is mandatory in each module.



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



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