

NATIONAL SYMPOSIUM ON SEXUAL ASSAULT CASES IN THE CRIMINAL COURT

Can't make the date?

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Join an **experienced** and **multi-disciplinary**
faculty to explore:

- Cross-examination of the complainant; law, ethics, and strategy
- Debunking myths and stereotypes in sexual assault cases
- Deep dive into s. 276 S.C.C. trilogy
- New rules for a s. 276 hearing; records and other sexual history
- Ethics and professionalism; issues and guidelines
- Top five recent "need to know" appellate cases

Special Guest Speaker

Christa Big Canoe

Legal Advocacy Director at Aboriginal Legal Services,
Former Lead Commission Counsel for the National Inquiry into
Missing and Murdered Indigenous Women and Girls

Program Chairs

Jill Witkin

Counsel, Ministry of the
Attorney General (Ontario),
Crown Law Office - Criminal and
Chair, Sexual Violence Advisory
Group

Frank Addario

Addario Law Group LLP

Megan Savard

Savard Foy LLP

Date and Time

February 27, 2021

9:00 a.m. – 4:30 p.m. EDT

Online – Live, Interactive

Online Replay: March 26, 2021

Register today at:

osgoodepd.ca/sac

NATIONAL SYMPOSIUM ON Sexual Assault Cases in the Criminal Court

Sexual assault cases are difficult for all parties involved. The complainant must undergo emotional and sometimes lengthy cross-examination. The accused faces the stigma of a sexual assault conviction as well as the prospect of a lengthy jail sentence, collection of DNA and compliance with the sex offence registry. There is often no corroboration and much public scrutiny.

A widely respected faculty will offer guidance on key challenges and optimal approaches. This conference will be a forum for robust discussion and brainstorming. You will be able to ask your questions, make comments and share solutions.

You will get practical tips and guidance on:

- Best practices in cross-examining a complainant in a sexual assault case
- Drilling down on the S.C.C.'s 2019 trilogy of cases on other sexual history evidence
- Most recent case update on five "need to know" key cases
- New rules for a *Criminal Code* (C-51) hearing for other sexual history (s. 276) and private records in the hands of the accused (s. 278.92) - process, admissibility and legal representation for the complainant
- Difference between a myth, a stereotype and a legitimate line of inquiry

Who Should Attend

- Lawyers
- Judges
- Police sex crime investigators and supervisors
- Sexual assault and rape crisis centre support workers
- Medical personnel involved in rape and sexual assault cases
- Psychologists, psychiatrists, counsellors

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Agenda

8:15 a.m.

Registration

9:00 a.m.

Welcome and Introduction from the Chairs

9:10 a.m.

Complainant's Other Sexual History (s. 276): Drilling Down on the Supreme Court of Canada Trilogy

Samara Secter

Addario Law Group

Karen Papadopoulos

Counsel, Crown Law Office – Criminal, Ministry of the Attorney General (Ontario)

Crown and defence perspectives on three recent SCC decisions on other sexual history evidence and a discussion of the practical application of these cases

- *R. v. Barton*, (2019 SCC 33)
- *R. v. Goldfinch*, (2019 SCC 41)
- *R. v. R.V.*, (2019 SCC 41)

9:45 a.m.

Five Cases for the Hip Pocket: Notable Decisions and Recent Trends

Erin Dann

Embry Dann LLP

Mabel Lai

Counsel, Crown Law Office – Criminal, Ministry of the Attorney General (Ontario)

Experienced counsel will discuss the five recent "need to know" cases dealing with sexual assault law.

10:15 a.m.

Break

10:30 a.m.

How to Run a s. 276 Hearing: New Rules for Records and Other Sexual History

The Hon. Justice Peter Doody
Ontario Court of Justice

Neville Golwalla
Assistant Crown Attorney, Regional Sexual
Violence Crown, Toronto, Ministry of the
Attorney General (Ontario)

Joanna Birenbaum
Ursel Phillips Fellows Hopkinson LLP

Megan Savard
Savard Foy LLP

*Bill C-51 – An Act to amend the Criminal
Code and Department of Justice Act*
became law on December 13, 2018.
This legislation can change the way in
which a sexual assault trial is prosecuted
and defended. Learn about the new
procedural provisions impacting s. 276
applications as well as the use of private
records in the defendant's possession

11:30 a.m.

Myths and Stereotypes in Sexual Assault Prosecutions

The Hon. Justice Jill Copeland
Ontario Superior Court of Justice

Appellate courts have long warned
against improper reliance on myths and
stereotypes in sexual assault cases. What
exactly are these "myths" and why does
it matter? How do you tell the difference
between a myth, a stereotype and a
legitimate line of inquiry?

12:00 p.m.
Break

12:30 p.m.

Keynote Address

"Sensitivity and Responsiveness to Indigenous Victims of Sexual Assault"

Christa Big Canoe
Legal Advocacy Director at Aboriginal
Legal Services; Former Lead Commission
Counsel for the National Inquiry into
Missing and Murdered Indigenous
Women and Girls

1:15 p.m.

"What Worries Me About Sexual Assault Prosecutions"

Alan D. Gold
Alan D. Gold Professional Corporation

Melanie Randall
Professor of Law, Western University

Balancing the interests of the
complainant with the interests of the
accused in a sexual assault case involves
significant challenges for the criminal
justice system.

Is a traditional criminal trial the best
way to deal with sexual assault cases?
Do we expect too much from criminal
prosecutions, or not enough?

2:00 p.m.

Timing Is Everything

The Hon. Justice Susan Chapman
Ontario Court of Justice

The Hon. Justice Timothy Breen
Ontario Court of Justice

Should an Application under s. 276 (other
sexual history) or s. 278.92 (private

records in the hands of the accused) be
brought pre-trial or mid-trial?

2:45 p.m.

Cross-Examination of the Complainant: Law, Ethics and Strategy

The Hon. Justice Breese Davies
Ontario Superior Court of Justice

The Hon. Justice Gillian Roberts
Ontario Superior Court of Justice

Two trial judges will discuss the limits
of cross-examination in sexual assault
prosecutions, including relevant
jurisprudence and the circumstances
under which a trial judge may intervene

3:45 p.m.

Judges' Top Tips: Civility and Professionalism

The Hon. Justice Gary Trotter
Court of Appeal of Ontario

The Hon. Justice David E. Harris
Ontario Superior Court of Justice

What constitutes professionalism and
civility in the courtroom?

- How to advance your case without
hurting your reputation
- Proper behaviour of trial counsel, trial
etiquette and courtroom demeanour
- The duty of civility in the courtroom
- Tips on resolving real-life courtroom
scenarios and ethical dilemmas

4:30 p.m.

Program Ends

*"This program was a topical, timely,
thought provoking program put on by
a first-class faculty. One of the very
best CLE programs I have attended in
my 28 years practicing criminal law."*
Criminal Defence Lawyer

*"All speakers were extremely
knowledgeable and informative.
An excellent program all around."*
Law Enforcement

"Great speakers, well organized program."
Crown Attorney

*"A truly outstanding program.
Excellent format. One of the most
interesting seminars I have ever
attended. Great speakers."*
Judge

Chairs

Jill Witkin
Counsel, Crown Law Office –
Criminal, Ministry of the Attorney
General (Ontario) and
Chair, Sexual Violence Advisory Group

Frank Addario
Addario Law Group LLP

Megan Savard
Savard Foy LLP

Keynote Speaker

Christa Big Canoe
Legal Advocacy Director at Aboriginal Legal Services,
Former Lead Commission Counsel for the National Inquiry into Missing and
Murdered Indigenous Women and Girls

*"Sensitivity and Responsiveness to Indigenous Victims
of Sexual Assault"*

Faculty Includes

Joanna Birenbaum
Ursel Phillips Fellows Hopkinson LLP

The Hon. Justice Timothy Breen
Ontario Court of Justice

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Samara Selter
Addario Law Group

The Hon. Justice Gary Trotter
Court of Appeal of Ontario

Registration Details

Fee per Delegate: \$495 plus HST

Newly Licensed Lawyers (2017 – Present): \$247.50 plus HST

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