

THE *POA* PRACTITIONER'S UPDATE 2022: *What's New and Important*

“*Very practical information during these unprecedented times.*”

Vicky Makarov
Professional Standards Coordinator, CPA Ontario
(2021 Online Participant)

While the pandemic continues to affect the availability of Provincial Offences courts across Ontario, there has still been a multitude of developments concerning all *POA* practitioners.

Over one intensive day, get a comprehensive review of important cases, and administrative developments over the last 12 months, along with solutions to emerging issues affecting *POA* practitioners, including:

- Legislative updates impacting the *Provincial Offences Act* (new powers given to clerks of the court to impose default convictions and grant extensions of time)
- An update on the pandemic's effect on procedural and substantive *POA* matters (the new regulations on defective certificates of offence, issues associated with virtual, in-person and/or hybrid hearings, including when to request them)
- *Charter* litigation and unreasonable delay for provincial offences during the pandemic

PROGRAM CHAIR

The Hon. Justice Rick Libman
Ontario Court of Justice

REGISTRATION OPTIONS

Saturday, April 30, 2022:

Online, Live

9:00 a.m. – 4:15 p.m. ET

OR

June 3, 2022:

Online Replay

9:00 a.m. – 4:15 p.m. ET

Can't make the date?

Registration includes 120-day unlimited, online access to the recorded program.

Register today at:

osgoodepd.ca/POA

The *POA* Practitioner's Update 2022: *What's New and Important*

The pandemic continues to affect the availability of Provincial Offences courts across Ontario. With a backlog of cases, *POA* practitioners remain highly uncertain as to how the criteria for unreasonable delay will be considered and applied to the pandemic.

Led by **The Hon. Justice Rick Libman**, an expert faculty of prosecutors and defence practitioners will give you a comprehensive review of important cases and answers to critical issues affecting *POA* practitioners including how the pandemic has impacted the framework for unreasonable delay. You will get the latest information and practical tips you can immediately apply.

Topics Include

- The impact of the *Charter* on virtual provincial offences proceedings
- Disclosure practices in making full answer and defence in the *POA* context
- The sentencing process and remote hearings, including plea inquiry and the use of breakout rooms
- Recent cases on the admissibility of evidence in the *POA* context
- Taking the pandemic into account when negotiating resolutions with the other side
- Representing clients remotely, in-person and/or in hybrid hearings:
The duty of competency and avoiding conflicts

Who Should Attend

- Lawyers
- Paralegals

Register today at:
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Agenda

8:45 a.m. ET

Program Login

9:00 a.m.

Chair's Opening Remarks

The Hon. Justice Rick Libman

Ontario Court of Justice

9:15 a.m.

Legislative and Critical Case Law Updates

Grace Condello

Neuberger & Partners LLP

The Hon. Justice Rick Libman

Ontario Court of Justice

Volga Pankou

Associate Counsel, Prosecutions
Regional Municipality of York

This opening session will bring you up to speed on important recent decisions and legislative updates affecting your *POA* practice. You'll get expert insight on important developments over the last twelve months including:

- Legislative updates impacting the *Provincial Offences Act*:
 - The new powers given to clerks of the court to impose default convictions and grant extensions of time
 - The new regulations on defective certificates of offence

- Issues associated with virtual, in-person and/or hybrid hearings, including when to request them
- Recent cases on the admissibility of evidence in the *POA* context

10:45 a.m.

Break

11:00 a.m.

Charter Litigation and its Impact on Provincial Offences

The Hon. Justice Rick Libman

Ontario Court of Justice

Fredrick Schumann

Stockwoods LLP

Erin Winocur

Assistant Crown Attorney
Crown Attorney's Office (Toronto)

How will the criteria for **unreasonable delay** be considered and applied to the pandemic? In this session, you'll hear from an expert panel as they examine this and other recent *Charter* developments including:

- Disclosure practices in making full answer and defence in the *POA* context
- The impact of the *Charter* on virtual provincial offences proceedings
- *Charter* remedies and the effect of the pandemic

12:30 p.m.

Lunch Break

1:15 p.m.

Recent Developments in Sentencing

Daniel Kleiman

Counsel, Ministry of Labour (Ontario)

The Hon. Justice Rick Libman

Ontario Court of Justice

Royland Moriah

MacGregor Moriah Horic LLP

The pandemic continues to give rise to new rules and procedures relating to sentencing. In this session, you'll hear about these recent developments, along with best practices for addressing potential difficulties in advocating within these new parameters.

Experts will discuss:

- Taking the pandemic into account when negotiating resolutions with the other side
- Quantum of fines and relief from payment of minimum fines – section 59(2) of the *POA*
- The sentencing process and remote hearings, including plea inquiry and the use of breakout rooms

2:45 p.m.

Break

3:00 p.m.

Ethics and Professionalism for the *POA* Practitioner

The Hon. Justice Rick Libman

Ontario Court of Justice

Melina Macchia

Kim Schofield & Associates

Kristina MacDonald

Discipline Paralegal
Litigation Service
Law Society of Ontario

Examine some of the key professional challenges confronting today's *POA* practitioner. These include:

- Professionalism issues associated with the use of electronic communications in light of the Rules of Professional Conduct
- Strategies and approaches when representing vulnerable clients
- Representing clients remotely, in-person and/or in hybrid hearings: The duty of competency and avoiding conflicts

4:15 p.m.

Program Ends

“Once again, an excellent program put together by OsgoodePD!”

Richard Joseph Dunn
RJ Dunn Legal Services
(2021 Online Participant)

“An excellent program for both new and seasoned POA practitioners.”

Victoria Vozinis
Paralegal, Victoria Vozinis Legal Services
(2021 Online Participant)

Chair

The Hon. Justice Rick Libman
Ontario Court of Justice

Faculty Includes

Grace Condello
Neuberger & Partners LLP

Royland Moriah
MacGregor Moriah Horic LLP

Daniel Kleiman
Counsel, Ministry of Labour
(Ontario)

Volga Pankou
Associate Counsel
Prosecutions
Regional Municipality of York

Melina Macchia
Kim Schofield & Associates

Fredrick Schumann
Stockwoods LLP

Kristina MacDonald
Discipline Paralegal
Litigation Service
Law Society of Ontario

Erin Winocur
Assistant Crown Attorney
Crown Attorney's Office
(Toronto)

"This is a fantastic update for an ever-changing landscape. I look forward to the annual updates!"

Jenna Little
MBA, Paralegal, J. Little Legal
(2021 Online Participant)

Registration Details

Fee per Delegate: \$595 plus tax

Newly Licensed*: 50% off regular rate plus tax

**This fee applies to newly licensed professionals within the past 2 years*

Fees include online attendance, electronic program materials, and 120-day online access to program archive. Group discounts and financial assistance are available. Visit www.osgoodepd.ca/group-discounts for details.

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 the program date. If a cancellation request is made with less than 14 days notice, a \$75 administration fee will apply. No other refund is available.



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(4h 30m Substantive; 1h 30m Professionalism; 15m EDI)

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416.597.9724

1 Dundas Street West, Suite 2600



@OsgoodePD

Toronto, ON Canada M5G 1Z3

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