



# 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.

For more than 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 DIRECTORS

To Be Confirmed

## REGISTRATION OPTIONS

*Online (Blended)*

• September 16, 30, October 15,  
November 7 & 8, 2024

OR

*Online (Live)*

• December 2 – 6, 2024

Register today at:

[osgoodepd.ca/soar](https://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](http://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:**

### *In-Person OR Online (Live)*

The live 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.

### *Online (Blended)*

This format gives you more control over how and when you learn. **The first 3 Modules are released in sequence over two months (in the case of our accelerated version, the first 3 Modules are all released at the outset of the program).** 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 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](http://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:

### ***In-Person or Online (Live)***

- Consists of five live 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 a decision writing and simulated e-hearing session
- Program completion within one week
- 120-day access to program materials

### ***Online (Blended)***

- Consists of five modules specifically designed for online learning:
  - Modules 1 – 3 to be completed online over the course of 2 months (typical timeline) or 3 weeks (accelerated version)
  - 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

To Be Confirmed

## Program Faculty includes

### **Paul Aterman**

Former Chairperson, Social Security Tribunal

### **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; President, SOAR

### **Christopher D. Bredt**

Mediator and Arbitrator, ADR Chambers; Retired Partner, Borden Ladner Gervais LLP

### **Brian Cook**

Member, Adjudicator and Mediator, Condominium Authority Tribunal

### **Elizabeth Cowie**

Former Head, Administrative Tribunals, Chartered Professional Accountants of Ontario

### **Ian Darling**

Chair, Condominium Authority Tribunal

### **Linda Gehrke**

Vice-Chair, Workplace Safety & Insurance Appeals Tribunal (Ontario)

### **David Goodis**

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

### **James Gorham**

Former Senior Counsel, Department of Justice Canada

### **Susan Heakes**

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

### **Kiran Kang**

Associate, Goldblatt Partners LLP

### **Juliet Chang Knapton**

Advocate in Residence, University of Ottawa Faculty of Law; Chair, Roundtable of Legal Diversity Associations (RODA)

### **Taivi Lobu**

Member, Licence Appeal Tribunal, Tribunals Ontario

### **Caroline Mandell**

Legal Communication and Litigation Consultant, Mandell Coaching

### **Leslie Maunder**

Alternate Chair, Ontario Review Board

### **Tim Moseley**

Chief Adjudicator, Capital Markets Tribunal

### **Susan Opler**

Lawyer and Educator; Former Adjudicator and Ombudsman, City of Toronto

### **Cynthia Pay**

Counsel, Law Society Tribunal

### **Deborah Pressman**

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

### **David A. Wright**

Chair, Ontario Physicians and Surgeons Discipline Tribunal; Former Chair, Law Society Tribunal

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# 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

**\$3,595 + TAX**

Fees include attendance, electronic materials, and technical support. Visit [www.osgoodepd.ca/financial-assistance](http://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](mailto:ggeronimo@osgoode.yorku.ca)

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## CERTIFICATE REQUIREMENTS

In order to receive the **Certificate in Adjudication for Administrative Agencies, Tribunals and Boards**, participants must complete and participate in 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](mailto:cpd@osgoode.yorku.ca).

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**Register today at: [osgoodepd.ca/soar](http://osgoodepd.ca/soar)**

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

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](http://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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