

# THE *POA* PRACTITIONER'S UPDATE 2023:

## *What's New and Important*

“The gold standard of *POA* programming.”

Sandeep Bandhu

Principal, Brickhouse Legal Services (2022)

Although Provincial Offences courts are reopening, the pandemic's effects on *POA* proceedings can still be felt by practitioners.

In one intensive day, get a comprehensive review of all the 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* (default convictions and administrative adjournments by the clerk of the court)
- An update on the pandemic's effect on procedural and substantive *POA* matters
- Critical case law update (digital exhibits, remote testimony, and regaining jurisdiction from COVID court closure)
- *Charter* litigation and unreasonable delay for provincial offences in a post-COVID era

### PROGRAM CHAIR

The Hon. Justice Rick Libman  
Ontario Court of Justice

### REGISTRATION OPTIONS

**Saturday, April 29, 2023:**

Online (Live)

9:00 a.m. – 4:30 p.m. ET

*OR*

**Friday, June 2, 2023:**

Online (Replay)

9:00 a.m. – 4:30 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](https://osgoodepd.ca/POA)

# The *POA* Practitioner's Update 2023: *What's New and Important*

The effects of the pandemic on *POA* proceedings can still be felt by practitioners. A high level of uncertainty remains in relation to such issues as how the criteria for unreasonable delay will be considered and applied in light of the pandemic.

On April 29, join **The Hon. Justice Rick Libman** and an expert faculty of judges, prosecutors and defence practitioners as they bring you the latest information and everything you need to know from the preceding 12 months.

This annual update is a **must-attend** for anyone practicing in the Provincial Offences Court.

## Topics Include

- The use of certified evidence in *POA* proceedings
- The expansion of administrative monetary penalties
- The importance of affidavit evidence by the legal service provider and defendant in the case of errors or omissions leading to conviction
- The impact of collateral consequences on *POA* convictions
- The new regulations on defective certificates of offence

## Who Should Attend

- Lawyers
- Paralegals

Register today at:

[osgoodepd.ca/POA](https://osgoodepd.ca/POA)

## Agenda

9:00 a.m. ET

### 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, LL.B**

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 hear valuable prosecution, defence and judicial perspectives 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, grant administrative adjournments and extend payment of fines
  - The use of certified evidence at trial (s. 48.1)
  - The new regulations on defective certificates of offence

- The expansion of administrative monetary penalties
- Critical case law update:
  - Digital exhibits, *R. v. Delorme*
  - Remote testimony, *R. v. Molland*
  - Regaining jurisdiction from COVID court closure, *York (Regional Municipality) v. Klein*
  - Appeal of pre-paid fines, *Halton (Regional Municipality) v. Saunders*
  - Appeal of Fail to Respond conviction, *Toronto (City) v. Yusuf*
  - Errors or omissions leading to conviction

**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 in the post-COVID era? In this session, you'll hear from an expert panel as they examine this and other recent *Charter* developments.

**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

In this session, you'll hear about recent developments in sentencing with a specific focus on the following two areas:

- Determining the impact of collateral consequences on *POA* convictions
- The SCC's recent decision in *Nahanee* (when a judge imposes a sentence that exceeds the range proposed by the Crown) and how it impacts *POA* sentencing

**2:45 p.m.**

**Break**

**3:00 p.m.**

### Ethics and Professionalism for the *POA* Practitioner

**Melina Macchia**

Kim Schofield & Associates

**Kristina MacDonald**

Discipline Paralegal, Litigation Service,  
Law Society of Ontario

**The Hon. Justice Enzo Rondinelli**

Ontario Court of Justice

Leading experts will examine some of the key professional challenges confronting today's *POA* practitioner. These include:

- Responsibilities of the legal services provider when an error or omission has been committed by their agent
- Maintaining good, effective and appropriate communications with your client

**4:30 p.m.**

**Program Ends**

*“Very informative.”*

J. Brodie Timms-Fryer  
Stalwart Paralegal Solutions (2022)

*“An excellent program!”*

Robert Zensner  
WSIB (2022)

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

Vicky Makarov  
Professional Standards Coordinator,  
CPA Ontario (2021)

*“I learned quite a bit about each topic.”*

Thomas A. Vanner  
Paralegal, Vanner Paralegal Services  
(2021 Online Participant)

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

Richard Joseph Dunn  
RJ Dunn Legal Services  
(2021)

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

Victoria Vozinis  
Paralegal, Victoria Vozinis Legal Services  
(2021)

# Chair

The Hon. Justice Rick Libman  
Ontario Court of Justice

# Faculty Includes

Grace Condello, LL.B.  
Neuberger & Partners LLP

Daniel Kleiman  
Counsel  
Ministry of Labour (Ontario)

The Hon. Justice Rick Libman  
Ontario Court of Justice

Melina Macchia  
Kim Schofield & Associates

Kristina MacDonald  
Discipline Paralegal  
Litigation Service  
Law Society of Ontario

Royland Moriah  
MacGregor Moriah Horic LLP

Volga Pankou  
Associate Counsel  
Prosecutions  
Regional Municipality of York

The Hon. Justice  
Enzo Rondinelli  
Ontario Court of Justice

Fredrick Schumann  
Stockwoods LLP

Erin Winocur  
Assistant Crown Attorney  
Crown Attorney's Office (Toronto)  
Ministry of the Attorney General  
(Ontario)

*"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)

# Registration Details

**Fee per Delegate: \$595 + TAX**

**Newly Licensed\*: 50% off regular rate + TAX**

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

Fee includes program registration, electronic program materials and 120-day unlimited online access to program archive. Group discounts and financial assistance available. Visit [www.osgoodepd.ca/group-discounts](http://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.



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



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

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).

Register today at:

[osgoodepd.ca/POA](http://osgoodepd.ca/POA)



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UNIVERSITÉ  
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