The stakes are high. Get fully up-to-date on **significant developments** in Crown liability cases **across Canada**.

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- The effect of the **CLPA** on litigating certain causes of action as common ones, along with other key procedural and substantive updates
- The nature of Crown liability claims brought by Indigenous communities and claimants and the unique responsibilities of the Crown
- What should public authorities consider when contemplating legislative or regulatory actions that might amount to a “constructive taking”?

**PROGRAM CHAIRS**

- **Ewa Krajewska**  
  Partner, Henein Hutchison LLP
- **Michael H. Morris**  
  Senior General Counsel  
  National Litigation Sector  
  Department of Justice (Canada)
- **Paul Sheridan**  
  Counsel, Crown Law Office – Civil  
  Ministry of the Attorney General (Ontario)

**REGISTRATION OPTIONS**

- **April 21, 2023:**  
  Online (Live)  
  9:00 a.m. – 4:45 p.m. ET
- **May 26, 2023:**  
  Online (Replay)  
  9:00 a.m. – 4:45 p.m. ET

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Whether you are a government or private practice lawyer or in-house counsel, you need to be fully cognizant of legal issues unique to Crown liability.

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Topics Include

- Issues of consideration when pursuing Crown liability as a class
- Full update on the evolving duty of care in negligence suits against the Crown
- The law, evidence and procedure in relation to the rapidly evolving state of the law in claims brought by Indigenous communities and claimants
- In-depth review and practical guidance on the law of takings

Who Should Attend

- Lawyers acting for the Federal or Provincial Crown
- Private practice litigators
- Lawyers advising clients regarding potential government liabilities
- Risk management professionals
- Litigation law clerks and paralegals

Register today at:
osgoodepd.ca/crownliability
• Some Crown liability statutes provide that the Crown can only be “vicariously liable” in tort – what does that mean, exactly?

• What is the legal effect of Ontario’s new Crown Liability and Proceedings Act, 2019 in the wake of the Ontario Court of Appeal’s decision in Francis?

This panel will consider these issues and others arising from recent case law.

NOTE: A 15-minute break will be taken during this session

12:00 p.m.
Lunch

1:00 p.m.

Issues to Consider When Pursuing Crown Liability as a Class

Ann Christian-Brown
Senior Counsel, Crown Law Office – Civil, Ministry of the Attorney General (Ontario)

Celeste Poltak
Koskie Minsky LLP

Gregory Tzemenakis
General Counsel, Civil Litigation Section, National Litigation Sector, Department of Justice (Canada)

This session will focus on noteworthy class action proceedings involving the federal and provincial (Ontario) governments. This includes a discussion on the recently certified long-term care homes class action (Robertson v Ontario), the effects of the CLPA on litigating certain causes of action as common ones, and other key procedural and substantive updates.

2:00 p.m.

Honour of the Crown, Fiduciary Duty, and Equitable Compensation: Claims brought by Indigenous Communities and Claimants

Darian Baskatawang
OKT Law

Julie Blackhawk
General Counsel, Department of Justice (Canada)

Kevin Hille
OKT Law

Richard Ogden
Senior Counsel, Crown Law Office – Civil, Ministry of the Attorney General (Ontario)

The nature of Crown liability in claims brought by Indigenous communities and claimants engage unique responsibilities of the Crown. Panelists will discuss the rapidly evolving state of the law, evidence and procedure in relation to these claims. This will include a discussion on the Supreme Court of Canada’s 2021 decision in Southwind v Canada, 2021 SCC 28 addressing equitable compensation models for breach of fiduciary duty in relation to the flooding of reserved lands.

3:30 p.m.
Break

3:45 p.m.

The Law of Takings after Annapolis Group

Dayna Anderson
General Counsel, National Litigation Sector, Department of Justice (Canada)

Sharon W. Au
MLT Aikins LLP

Vanessa Glasser
Counsel (Litigation) Crown Law Office – Civil, Ministry of the Attorney General (Ontario)

A government may be liable where there has been a “constructive taking” of property, but what constitutes a “constructive taking”? The Supreme Court of Canada split on this issue in the 2022 decision Annapolis Group Inc. v. Halifax Regional Municipality. Did Annapolis Group merely “clarify” the law of takings (as the majority decision states) or did it “significantly expand” the potential liability of public authorities (as the minority decision warns)? What should public authorities consider when contemplating legislative or regulatory actions that might amount to a “constructive taking”? This panel will address these issues and provide practical guidance on this difficult area of the law.

4:45 p.m.
Program Ends

Really good presenters and timely topics.

Karen Watt
Department of Justice (2022)

The panels were well versed on the subjects.

(2022 Delegate)
Chairs
Ewa Krajewska
Partner, Henein Hutchison LLP
Michael H. Morris
Senior General Counsel
National Litigation Sector
Department of Justice (Canada)

Paul Sheridan
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Ministry of the Attorney General
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Professor and Dean, Faculty of Law,
Western University

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16th Annual Conference on Crown Liability

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