

NATIONAL SYMPOSIUM ON SEXUAL ASSAULT CASES IN THE CRIMINAL COURT

PROGRAM CHAIRS

Jonathan Shime
Cooper, Sandler, Shime &
Schwartzentruber LLP

Meaghan Cunningham
Assistant Crown Attorney,
East Region, Human Trafficking
Prosecution Team, Ministry of the
Attorney General (Ontario)

REGISTRATION OPTIONS

Friday, November 24, 2023:
Online (Live)
9:00 a.m. – 4:30 p.m. ET

OR

Thursday, January 18, 2024:
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.*

Join an **experienced, multi-disciplined**
faculty to explore:

- Navigating the complexities of s. 276 and s. 278 of the Criminal Code; complainant's sexual activity and production of third-party records post *R. v. JJ (2022 SCC 28)*
- Five cases for the hip pocket: notable decisions and recent trends
- How to strategize concurrent prosecutions – regulatory, criminal and civil
- Knowing your sentencing options and the implications of your choice
- Judge alone or Judge and jury? Crucial considerations in making the right election
- Civil suits for sexual assault: when to consider, how to frame and how to defend

SPECIAL GUEST SPEAKER

Robin Parker

Paradigm Law Group

"A Time of New Suns: Rethinking Justice in Sexual Assault Trials."

Register today at:

[osgoodepd.ca/
sac2023](https://osgoodepd.ca/sac2023)

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. The emotional toll on lawyers and judges involved in these cases is also significant. 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, an exploration of new approaches, and an opportunity to ask your questions and make your comments.

Topics Include

- Managing the expectation of privacy post *R. v. JJ* (2022 SCC 28)
- How to maneuver the perils of parallel criminal and civil cases
- Avoiding bias, myths and stereotypes in prosecutions and judgments
- Sentencing options and implications

Who Should Attend

- Criminal lawyers, defence and Crowns (Federal and provincial)
- Police sex crimes investigators and trainers
- Police and medical health profession regulators (SIU, College of Physicians and Surgeons, College of Massage Therapists)
- Sexual assault victim support workers (medical and social service sectors)
- Judges
- Civil litigators specializing in sexual assault lawsuits

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osgoodepd.ca/sac-2023

Agenda

9:00 a.m.

Welcome and Land Acknowledgement
from Osgoode

Program introduction from the Chairs

9:10 a.m.

Navigating the Complexities of
Criminal Code s. 276 (Complainant's
Sexual Activity) and s. 278 (Production
of Third-Party Records) Post *R v JJ*
(2022 SCC 28)

The Hon. Justice Susan Chapman
Ontario Court of Justice

Mareike Newhouse
Assistant Crown Attorney,
Ministry of the Attorney General (Ontario)

Daniel Brown
Daniel Brown Law LLP

Megan Schwartzentruber
Cooper, Sandler, Shime &
Schwartzentruber LLP

- Practical tips on how to approach s. 276 and s. 278 Criminal Code applications
- Assessing the expectation of privacy post *R. v. JJ* (2022 SCC 28)
- Motions for direction
- S. 276 CC, exclusionary rule of evidence for non-enumerated offences
- Preservation demand letters to complainants

10:15 a.m.

Break

10:30 a.m.

Civil Suits for Sexual Assaults

Joanna Birenbaum
Barrister & Solicitor

Maria Scarfo
Blaney McMurtry LLP

- When to consider a civil lawsuit
- How to frame the pleadings and litigate the case
- How to defend the case
- Managing parallel criminal and civil cases
- Malicious prosecution lawsuits

11:00 a.m.

Judge Alone or Judge and Jury? How to Decide Elections in Sexual Assault Cases

The Honourable Justice Robert Goldstein

Ontario Superior Court of Justice

Meaghan Cunningham

Assistant Crown Attorney, East Region, Human Trafficking Prosecution Team, Ministry of the Attorney General (Ontario)

Jonathan Shime

Cooper, Sandler, Shime & Schwartzentruber LLP

- Getting proper instructions
- Strategic considerations
- Offence-Based screening and anti-bias/anti-myth instructions
- How to manage a jury
- How to close to a jury

12:00 p.m.

Break (lunch EST)

1:00 p.m.

Special Guest Speaker

Robin Parker

Paradigm Law Group

“A Time of New Suns: Rethinking Justice in Sexual Assault Trials.”

Hear from a speaker with experience as both a prosecutor and a defence counsel, an advocate for victims and witnesses, and an investigator and decision maker

1:45 p.m.

Sentencing Drill-Down

Matthew Shumka

Assistant Crown Attorney, Ministry of the Attorney General (Ontario)

Samara Secter

Addario Law Group LLP

- Range of sentences
- Conditional sentences
- Collateral consequences
- Character references

2:15 p.m.

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

Joanne Dartana, K.C.

Deputy Chief Prosecutor of Appeals, Alberta Crown Prosecution Service

Shaunna Kelly

Shaunna Kelly Law

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

2:45 p.m.

Break

3:00 p.m.

Concurrent Prosecutions

Carolyn Silver

Chief Legal Officer, College of Physicians and Surgeons Ontario

Sidney McLean

Assistant Crown Attorney, Ministry of the Attorney General (Ontario)

Gerald Chan

Stockwoods LLP

- When and why the order of proceedings matters
- Disclosure issues: Decision in *R. vs. Stinchcombe* [1991] 3 SCR 326 vs third party records
- Statements by accused taken in regulatory proceedings
- Avoiding hidden dangers; optimal approaches for counsel

4:15 p.m.

Q & A and Closing Remarks by Chairs

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)

“Great speakers. Well organized program.”

(Crown Attorney)

“A truly outstanding program. Excellent format. One of the most interesting CLE programs I have ever attended. Great speakers.”

(Judge)

“I appreciated the content, found it useful, and the program moved at a good pace.”

(Police Investigator)

Chairs

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Assistant Crown Attorney, East Region, Human Trafficking
Prosecution Team, Ministry of the Attorney General (Ontario)

Special Guest Speaker

Robin Parker

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Faculty Includes

Joanna Birenbaum

Barrister & Solicitor

Daniel Brown

Daniel Brown Law LLP

Gerald Chan

Stockwoods LLP

The Hon. Justice

Susan Chapman

Ontario Court of Justice

Joanne Dartana, K.C.

Deputy Chief Prosecutor
of Appeals, Alberta Crown
Prosecution Service

The Hon. Justice

Robert Goldstein

Ontario Superior Court
of Justice

Shaunna Kelly

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of Physicians and Surgeons
Ontario

Registration Details

Fee per Delegate: \$345 + TAX

Newly Licensed*: \$172.50 + 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.

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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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