



37TH
ANNUAL
NATIONAL
CRIMINAL
LAW
PROGRAM

SUBSTANTIVE
CRIMINAL LAW,
ADVOCACY & THE
ADMINISTRATION
OF JUSTICE

July 12 to
July 16, 2010
St. John's,
Newfoundland

CLE Credits will be applied for
in all MCLE jurisdictions.



The National Criminal Law Program is Canada's largest criminal law conference. Presented annually since 1974, the Program attracts over 600 practitioners, judges and others in criminal and criminal/regulatory law. The faculty is comprised of Canada's finest defence lawyers, Crown prosecutors and the judiciary, giving attendees a unique opportunity to benefit from the skills and knowledge of this premiere teaching team. Two volumes of printed material, written specifically for the Program, provide delegates with the most comprehensive, up-to-date criminal law resource materials available today. Receptions on Monday and Tuesday, and informal gatherings Thursday offer organized opportunities to socialize, forge new friendships and reconnect with colleagues from across the country. Don't miss this extraordinary must attend CLE and networking event. **Register early. Enrolment is limited.**

PROGRAM AT A GLANCE

Sunday, July 11, 2010 - Check-in opens

Monday, July 12, 2010 • 8:45 am to 4:30 pm

The Mental Element in Crime • The Conduct Requirement and Modes of Participation • Criminal Organizations • Giving Advice to Persons Under Investigation and Obstruction of Justice • The Defence of Third Party Suspects and Inadequate Police Investigation • Drug Offences and Divestiture of the Proceeds of Crime • Preliminary Crimes and Assistance after the Offence • Alcohol Driving Offences • Military Law • Corporate Criminal Responsibility

Tuesday, July 13, 2010 • 9:00 am to 4:30 pm

The Trial of Fraud and Other Document-driven Crimes • Lectures on Funding of the Defence • Driving Offences • Appellate Advocacy Presentation featuring The Honourable Justice Marshall Rothstein (Supreme Court of Canada) • Advocacy: Ethics & Professionalism • Crimes Against the Administration of Justice • Writing Workshop for Pre-selected Registrants

Wednesday, July 14, 2010 • 9:00 am to 12:30 pm

Sexual Offences • Defences to Crimes of a Sexual Nature • Child Luring and Child Pornography • Special Guest Presentation by Best-selling Canadian Writer Wayne Johnston, author of *The Colony of Unrequited Dreams*, *The Navigator of New York*, and *Baltimore's Mansion*

Thursday, July 15, 2010 • 9:00 am to 4:30 pm

Assault, Abduction and Related Crimes • Murder and Other Forms of Unlawful Killing • Withdrawing as Defence Counsel • Limitations on Closing Addresses • Self-defence, Provocation and Other Specific Defences • Mental Disorder and Other Related Defences • Adequacy of Reasons for Judgment • Regulatory Offences and Their Defence • Public Morality Offences • Dealing with Youth Offenders • Writing Workshop for Pre-selected Registrants

Friday, July 16, 2010 • 9:00 am to 12:00 pm

Abuse of Process and *Charter* Defences • Supreme Court of Canada Report

Information



DESTINATION:

St. John's, Newfoundland is one of the oldest cities in North America, and unlike any other destination. Cradled in a harbour carved from 500 million year old rock, it is surrounded by hills running down to the ocean. Quaint side streets of a thousand colours and friendly faces wait to greet you. It is the City of Legends, where old and new, city and nature, live as neighbours. For tourist information on St. John's and surrounding area, visit www.stjohns.ca or www.newfoundlandlabrador.com.

TUITION:

Regular Registration Fee is \$750.00 + \$37.50 GST = \$787.50. If called to the Bar June 2005 or after Registration Fee is \$495.00 + \$24.75 GST = \$519.75. Registration Fee includes attendance, Program materials, light breakfast, and refreshment breaks. Enrolment is limited.

LOCATION:

All plenary sessions, break-out groups and workshops will take place at the St. John's Convention Centre, 50 New Gower Street, St. John's and the adjacent Delta St. John's Hotel & Conference Centre. The Convention Centre is within walking distance of all of the below hotels, and only minutes from dozens of George Street restaurants and pubs.

ACCOMMODATIONS:

Delegates are advised to book accommodations as early as possible as St. John's is extremely busy in July, and demand can exceed capacity. The Federation has blocked a limited number of rooms with the following hotels:

Extended Stay Deluxe Hotel (3 ½ star rating)

222 Le Marchant Road, St. John's, Phone: (709) 754-7888 Website: www.exstendedstayhotels.com. Block room rate of \$139.

The Quality Hotel (3 ½ star rating)

2 Hill O'Chips, St. John's, Phone: (709) 758-4265 Website: www.choicehotels.ca/cn246. Block room rate of \$149.

Note: A complimentary morning shuttle will be available for guests of this hotel to the St. John's Convention Centre.

Delta St. John's Hotel & Conference Centre (4 star rating)

120 New Gower Street, St. John's, Phone: (709) 739-6404 Toll Free: 1-888-793-3582

Website: www.deltahotels.com. Block room rates of \$180 to \$255.

Sheraton Hotel Newfoundland (4 ½ star rating)

115 Cavendish Square, St. John's, Phone: (709) 726-4980 Toll Free: 1-800-325-3535.

Website: www.starwoodhotels.com/sheraton. Block room rates of \$249 to \$284.

Note: A complimentary morning shuttle will be available for guests of this hotel to the St. John's Convention Centre.

The Spa at the Monastery & Suites (5 star rating)

63 Patrick Street, St. John's, Phone: (709) 754-5800 Website: www.monastery-spa.com. Block room rate of \$139.

Rooms will be reserved on a first come-first served basis. Delegates are advised to contact the above hotels directly, and state that they are with the Federation's National Criminal Law Program and wish to benefit from any preferential room block rates. Cut off date for reservations at hotels begin April 30, 2010.

ACCREDITATION:

The Program will be submitted for accreditation in all MCLE jurisdictions.

REGISTRATION:

Registration is by mail if paying by cheque, and by fax or mail if paying by credit card. Complete the registration form on the last page of this brochure, and mail it, along with a cheque for the full amount due or fax it to:

Federation of Law Societies of Canada
National Criminal Law Program
Suite 5101, 3219 Yonge Street
Toronto, Ontario M4N 2L3
Fax: (416) 484-4306
Tel: (416) 763-9165

Please note our new
contact information

PROGRAM SCHEDULE (All sessions take place at the St. John's Convention Centre, unless noted otherwise.)

DAY 1: MONDAY, JULY 12, 2010

- 8:45 am – 9:00 am **Welcome and Introduction**
Hon. Justice Michelle Fuerst, Richard Peck
- 9:00 am – 9:20 am
A. Lecture: The Conduct of the Criminal Trial: Time for Change?
Scott Hutchison
- 9:20 am – 10:10 am
B. Panel #1: The Mental Element in Crime
Chair: Hon. Justice David Watt
Hon. Justice Carol Brewer
Ann Marie Simmons
Michael Tochor
- 10:10 am – 10:30 am *Health Break*
- 10:30 am – 11:00 am
C. Lectures on Substantive Law
- C1. Criminal Organizations: Constitutionally Bankrupt?**
Jocelyn Speyer
- C2. When Will Giving Advice to Persons Under Investigation Constitute an Obstruction of Justice?**
Scott Fenton
- C3. The “Defence” of Third Party Suspects and Inadequate Police Investigation**
Richard Saull
- 11:00 am – 11:45 am
D. Panel #2: The Conduct Requirement and Modes of Participation
Chair: Gregory Fitch
Mona Duckett
Cameron Gunn
Hon. Justice John Vertes
- 11:45 am – 12:10 pm
E. Advocacy Demonstration: The *McNeil* Application
Judge: Hon. Justice Elizabeth Bennett
Crown: Kenneth Campbell
Defence: Isabel Schurman
Intervenor: Elizabeth Buckle
- 12:10 pm – 1:30 pm *Lunch (on your own)*
- 1:30 pm – 2:15 pm
F. Panel #3: The Extra-Territorial Reach of Domestic Criminal Law
Chair: Hon. Justice William Smart
Professor Robert Currie
Michal Fairburn
Joyce DeWitt-Van Oosten
- 2:15 pm – 2:35 pm *Health Break*
- 2:35 pm – 3:20 pm
G. Panel #4: Drug Offences and Divestiture of the Proceeds of Crime
Chair: David Schermbrucker
Iona Jaffe
Hon. Justice Douglas Rutherford
Peter Wilson
- 3:20 pm – 4:20 pm
H. Breakout Sessions (Delta St. John's)
- H1. Preliminary Crimes and Assistance After the Offence**
Chair: Hon. Justice David Watt
Giuseppe Battista
Marcy Henschel
- H2. Alcohol Driving Offences**
Chair: Hon. Judge Frank Hoskins
Donovan Molloy
Michael Tochor

Day 1: Monday July 12 (continued)

- 3:20 pm – 4:20 pm
H. Breakout Sessions (Delta St. John's) continued
- H3. Military Law**
Chair: David Bright
Hon. Justice Elizabeth Bennett
- H4. Corporate Criminal Responsibility**
Chair: Mark Sandler
Jocelyn Speyer
Hon. Justice Earl Wilson
- 4:20 pm *Reception sponsored by Carswell. Delta St. John's.*

DAY 2: TUESDAY, JULY 13, 2010

- 9:00 am – 9:50 am
I. Panel #5: The Trial of Fraud and Other Document-Driven Crimes
Chair: Scott Fenton
Hon. Justice Fred Ferguson
Scott Hutchison
Ann Marie Simmons
- 9:50 am – 10:20 am
J. Lectures on Funding of the Defence
- J1. The *Rowbotham/Fisher* Application**
Mona Duckett
- J2. Seeking Costs as a Remedy**
Hon. Justice Douglas Rutherford
- 10:20 am – 10:40 am *Health Break*
- 10:40 am – 11:30 am
K. Panel #6: Driving Offences
Chair: Hon. Justice Carol Brewer
David Eaton
David Bright
Donovan Molloy
- 11:30 am – 12:30 pm
Workshop #1 (Delta St. John's)
Plus: Writing Workshop for Pre-Selected Registrants
James Raymond
- 12:30 pm – 1:45 pm *Lunch (on your own)*
- 1:45 pm – 2:15 pm
L. Appellate Advocacy
Hon. Justice Marshall Rothstein
- 2:15 pm – 3:00 pm
M. Panel #7: Advocacy: Ethics and Professionalism
Chair: Richard Peck
Joseph Di Luca
David Schermbrucker
Hon. Justice Elizabeth Hughes
- 3:00 pm – 3:20 pm *Health Break*
- 3:20 pm – 4:05 pm
N. Panel #8: Crimes Against the Administration of Justice
Chair: Hon. Justice John Mitchell
Marcy Henschel
Hon. Judge Frank Hoskins
Giuseppe Battista
- 4:05 pm – 4:30 pm
Question Period
- 4:30 pm *Reception sponsored by LexisNexis. St. John's Convention Centre.*

DAY 3: WEDNESDAY, JULY 14, 2010

9:00 am – 9:45 am

O. Panel #9: Sexual Offences

Chair: Hon. Justice Elizabeth Hughes
Gregory Fitch
Hon. Justice Fred Ferguson
Elizabeth Buckle

9:45 am – 10:35 am

P. Panel #10: Defences to Crimes of a Sexual Nature

Chair: Hon. Justice John Vertes
Joseph Di Luca
Joyce DeWitt-Van Oosten
Hon. Justice John Mitchell

10:35 am – 10:55 am *Health Break*

10:55 am – 11:40 am

Q. Panel #11: Child Luring and Child Pornography

Chair: Hon. Justice Michelle Fuerst
Kenneth Campbell
Isabel Schurman
Peter Wilson

11:40 am – 12:30 pm

R. Special Guest Presentation

Wayne Johnston, best-selling Canadian writer, author of *The Colony of Unrequited Dreams*, *The Navigator of New York*, and *Baltimore's Mansion*. Visit Wayne's website at www.waynejohnston.ca.

12:30 pm

Free afternoon. Delegates are on their own to explore spectacular St. John's and surrounding area. Visit the *Leisure and Tourist Activities* flyer at www.flsc.ca to check out optional, add-on sight-seeing tours, boat trips and golf excursions with local provider McCarthy's Party.

DAY 4: THURSDAY, JULY 15, 2010

9:00 am – 9:45 am

S. Panel #12: Assault, Abduction and Related Crimes

Chair: Hon. Justice Earl Wilson
David Bright
Michal Fairburn
Michael Tochor

9:45 am – 10:30 am

T. Panel #13: Murder and Other Forms of Unlawful Killing

Chair: Kenneth Campbell
Giuseppe Battista
Hon. Justice Michelle Fuerst
Cameron Gunn

10:30 am – 10:50 am *Health Break*

10:50 am – 11:20 am

U. Lectures on Ethics

U1. Withdrawing as Defence Counsel
Joseph Di Luca

U2. Limitations on Closing Addresses
Ann Marie Simmons

11:20 am – 12:20 pm

Workshop #2 (Delta St. John's)

Plus: Writing Workshop for Pre-Selected Registrants
James Raymond

12:20 pm – 1:35 pm *Lunch (on your own)*

Day 4: Thursday July 15 (continued)

1:35 pm – 2:20 pm

V. Panel #14: Self-Defence, Provocation and Other Specific Defences

Chair: Jocelyn Speyer
Richard Saull
Hon. Justice William Smart
Peter Wilson

2:20 pm – 3:05 pm

W. Panel #15: Mental Disorder and Related Defences

Chair: Mona Duckett
Richard Peck
Mark Sandler
Hon. Justice David Watt

3:05 pm – 3:20 pm

Question Period

3:20 pm – 3:40 pm *Health Break*

3:40 pm – 4:30 pm

X. Breakout Sessions (Delta St. John's)

X1. The Adequacy of Reasons for Judgment

Chair: Hon. Justice Fred Ferguson
Hon. Justice Elizabeth Bennett
James Raymond

X2. Regulatory Offences and Their Defence

Chair: Scott Hutchison
Professor Robert Currie
Scott Fenton

X3. Public Morality Offences

Chair: Joyce DeWitt-Van Oosten
Elizabeth Buckle
Hon. Justice John Vertes

X4. Dealing with Youth Offenders

Chair: Isabel Schurman
Cameron Gunn
Hon. Judge Frank Hoskins

6:00 pm Rally in the Alley. St. John's has more bars and pubs per capita than any other city in Canada and most of them are located on the infamous George Street. Faculty and registrants are invited to experience St. John's famous nightlife via an optional "Rally in the Alley" hosted by local provider McCarthy's Party. The evening features a traditional pub dinner followed by an organized Pub Crawl ending with music and dancing. Tickets are \$60 plus tax per person. Visit the Rally in the Alley flyer at www.flsc.ca for more information.

DAY 5: FRIDAY, JULY 16, 2010

9:30 am – 10:20 am

Y. Panel #16: Abuse of Process and Charter Defences

Chair: Michal Fairburn
Gregory Fitch
Iona Jaffe
Hon. Justice William Smart

10:20 am – 10:40 am *Health Break*

10:40 am – 11:30 am

Z. Panel #17: Supreme Court of Canada Report

Chair: David Eaton
Professor Robert Currie
Mark Sandler
David Schermbrucker

11:30 am **Closing Remarks**

PROGRAM PLANNING COMMITTEE:

National Co-Chairs: The Honourable Justice Michelle Fuerst • Richard C.C. Peck, Q.C.

Honourary Chair: The Honourable Justice David Watt

Regional Planners: The Honourable Justice Fred Ferguson (Eastern Region) • The Honourable Justice Carol Brewer (Central Region) • The Honourable Justice William B. Smart (Western Region)

St. John's Planning Committee: The Honourable Justice David Orr • J. David Eaton, Q.C. • Frank O'Brien

Program Coordinator: Jessica Grant

FACULTY INCLUDES:

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Shadley Battista
Montreal, Quebec

The Hon. Justice Elizabeth Bennett

Court of Appeal for British Columbia
Vancouver, British Columbia

The Hon. Justice Carol Brewer

Ontario Court of Justice
Toronto, Ontario

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Public Prosecutions Branch
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Ministry of Attorney General
Toronto, Ontario

The Hon. Judge Frank Hoskins

Provincial Court of Nova Scotia
Dartmouth, Nova Scotia

The Hon. Justice Elizabeth Hughes

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Toronto, Ontario

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Michael Tochor, Q.C.

MacPherson, Leslie & Tyerman
Regina, Saskatchewan

The Hon. Justice John Vertes

Supreme Court of the NWT
Yellowknife, NWT

The Hon. Justice David Watt

Court of Appeal for Ontario
Toronto, Ontario

The Hon. Justice Earl Wilson

Court of Queen's Bench of Alberta
Calgary, Alberta

Peter Wilson

Wilson, Buck, Butcher & Sears
Vancouver, British Columbia

PRAISE FROM PAST PROGRAMS: "Excellent...far exceeded my expectations."

"Outstanding" • "Good blend of Crown, defence and judges." • "A stunning array of talent."



FEDERATION OF LAW SOCIETIES OF CANADA

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July 12 to 16, 2010 • St. John's, Newfoundland
(Program check-in opens Sunday, July 11, 2010)

REGISTRATION FEE

Regular Registration Fee: \$750.00 + \$97.50 HST = \$847.50
If called to the Bar June 2005 or after: \$495.00 + \$64.35 HST = \$559.35

Yes, I wish to attend the National Criminal Law Program 2010

Registrant Name _____ Year of Call _____

Name and firm as you wish it to appear on nametag _____

Firm/Court _____

Address _____ City _____

Province _____ Postal Code _____ Telephone _____

Fax _____ Email _____

I am enclosing a cheque or money order payable to the Federation of Law Societies of Canada for \$ _____ or

Please charge \$ _____ to my (circle one) VISA or MasterCard

VISA/MC # _____ Expiry _____ Signature _____

REGISTRATION FEE

Fee includes attendance, program materials, light breakfast and refreshment breaks. GST # R124261140

TO REGISTER

Registrations will be accepted by mail, or if paying by credit card, by fax. Complete the registration form and mail it with your cheque to: Federation of Law Societies of Canada, National Criminal Law Program, Suite 5101, 3219 Yonge Street, Toronto, Ontario M4N 2L3 or, if paying by credit card, fax it to: (416) 484-4306. Confirmations and receipts will be sent by email. No registration will be processed without the required payment in full. A service charge applies to NSF checks. **Registration is on a first-come, first-served basis. Enrolment is limited.**

PROGRAM CHANGES & REFUNDS

5% GST changed to 13% HST for payments received after April 30, 2010. We will make every effort to present the program as advertised but changes to speakers, content, dates and venues may be necessary. In the event of cancellation, our liability is limited to reimbursement of paid fees. Confirmed registrants may send a substitute in their place. Cancellations must be received in writing, on or before June 1, 2010 for refunds to be issued. A \$50.00 cancellation fee will be withheld from any refund. No refunds will be issued after June 1, 2010.

QUESTIONS/ADDITIONAL INFORMATION

Please contact Program Coordinator Jessica Grant by telephone at (416) 763-9165 or by email at jmgrant@rogers.com.

The Federation of Law Societies of Canada extends its sincere thanks to the Provincial and Territorial Law Societies, the Continuing Legal Education Society of British Columbia, the Legal Education Society of Alberta, and the Nova Scotia Barristers Society for assistance in promoting the National Criminal Law Program. Special thanks go to the Law Society of Newfoundland and Labrador for their warm hospitality and planning assistance in conjunction with this year's Program.