

Exploring the Growth of Active Adjudication

Date: Wednesday, February 4, 2015 | 1:30pm - 4:50pm

Location: Westin Harbour Castle Conference Centre,
2 Harbour Square, Toronto, ON

Program Chairs: **Diane Janisse**, Legal Aid Ontario Clinic Resource Office
Edgar-André Montigny, ARCH Disability Law Centre



This program contains 0.75 Professionalism Hour
This program is eligible for up to 2.5 Substantive Hours

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Many tribunals operate somewhere between the adversarial and inquisitorial models of adjudication. Particularly in light of the number of self-represented parties appearing before them, tribunal members are increasingly becoming more involved in the tribunal process, along a spectrum of “active adjudication”. What is active adjudication, and how is it being practiced by federal and provincial tribunals today? What do you need to know to represent your clients effectively before decision-makers using this approach? Hear from tribunal members and practitioners about their experiences with active adjudication, and delve into the intricacies of this evolving reality in administrative law.

1:30 pm **Welcome and Opening Remarks**

1:35 pm **Between Adversarial and Inquisitorial: Defining Active Adjudication**

Professor Laverne Jacobs, University of Windsor, Faculty of Law

Dean Lorne Sossin, Osgoode Hall Law School

- What are the common features of active adjudication?
- Clarifying the legislative authority
- Making sense of the pros and cons
- Balancing active adjudication, bias and fairness

2:30 pm **How Tribunals Have Employed Active Adjudication**

Margot Ballagh, Vice Chairperson (General Division – Income Security Section), Social Security Tribunal

Mark Hart, Vice-Chair, Human Rights Tribunal of Ontario

Alan Lenczner Q.C., Commissioner, Ontario Securities Commission

Hear from tribunal members as they share the successes and challenges of practicing active adjudication within their tribunals:

- Formal versus informal implementation
- Lessons learned: What works and what doesn't

3:25 pm **Networking Break**

3:45 pm **Practitioner Perspective: Working with an Active Adjudicator**

Freya Kristjanson, Cavalluzzo Shilton McIntyre Cornish LLP

Andrew Pinto, Pinto Wray James LLP

Usman Sheikh, Bennett Jones LLP

- How to successfully represent your client before an active adjudicator
- When is an active adjudicator too active?
- Practical strategies for maximizing the benefits of active adjudication for your client

4:40 pm **Questions and Concluding Remarks**

4:50 pm **Program Concludes**

Register at oba.org/institute2015

Questions? Toll Free: 1-800-668-8900 | Tel: 416-869-1047 | pd@oba.org

