

DCAO/CCLA
presents the
28th Annual Criminal Law Conference 2016



FAIRMONT LE CHÂTEAU MONTEBELLO
SATURDAY, OCTOBER 15 – SUNDAY, OCTOBER 16, 2016

WINNING TRIAL STRATEGIES FROM A-Z
(Z-A ON ODD DAYS)

Saturday, October 15, 2016

9:00 – 9:05

Welcome & Opening Remarks

Anne London Weinstein, *DCAO President*
Lynne Watt, *CCLA President*

9:05 – 10:05

Science and Law

Moderator:

Eric Granger

Bruce Engel, *Engel & Associates*
(Stingray technology in Canada)

Solomon Friedman, *Edelson, Clifford, D'Angelo, Friedman LLP*
(Penile and vaginal plethysmography)

Dominic Lamb, *Edelson, Clifford, D'Angelo, Friedman LLP*
(BAC and cross-examination)

Neil Weinstein, *Weinstein Law*
(DNA transfer evidence)

10:05 – 10:30

Impaired Driving Update

James Foord, *James Foord Professional Corporation*
James Bocking, *Ministry of the Attorney General*

10:30 – 10:45

Networking Break & Exhibitor Showcase

10:45 – 11:30

Moderator:

Gladue – Improving your Submissions

Cedric Nahum

Michelle Mann-Rempel, *University of Ottawa*

Mark Marsolais, *IndiGenius & Associates Inc.*

Justice of the Peace Louise Logue, *Ontario Court of Justice*

11:30 – 12:00

Moderator:

Top 10 East Region Cases

Michelle O’Doherty

Trevor Brown & Eric Granger, *Greenspon, Brown & Associates*

(*R. v. Bingley*, 2015 ONCA 439)

Natasha Calvino, *Calvino Criminal Defence*

Geraldine Castle-Trudel, *Sole Practitioner*

(*R. v. J.V.*, 2015 ONCJ 766)

Neha Chugh, *Chugh Law Professional Corporation*

(*R. v. Justinico*, 2015 ONSC 8043)

Mellington Godoy, *Kimberly A. Pegg, Barristers*

(*R. v. Mata-Escobar*, [2015] O.J. No. 7142)

John Hale, *Hale Criminal Law Office*

(*R. v. Williamson*, 2016 SCC 28)

Howard Krongold, *Abergel, Goldstein & Partners LLP*

(*R. v. Pino*, 2016 ONCA 389)

Brett McGarry, *Lyttle, McGarry Del Greco LLP*

(*R. v. Louisseize*, [unreported])

Tobias Okada-Phillips, *Paul Lewandowski Professional Corporation*

(*R. v. Madeley*, 2016 ONCJ 108)

Leonardo Russomanno, *Russomanno, Purcell*

(*R. v. Osman*, [unreported])

12:00 – 12:30

DCAO Annual General Meeting (Members Only)

12:30 – 1:45

LUNCH

1:45 – 2:30

Moderator:

Limitations on Police Powers & Remedies

Elizabeth Warren

Vincent Clifford, *Edelson, Clifford, D’Angelo, Friedman LLP*

(The common law powers of police)

Lawrence Greenspon, *Greenspon, Brown & Associates*

(Past *Charter* breaches and misconduct by police)

Julie Scott, *Ministry of the Attorney General*

(Police preparation for *Charter* Motions)

Mark Wallace, *Carroll & Wallace*

(Police discipline process)

2:30 – 3:15

Winning Cases Without Losing your Mind: Mental Health for Lawyers

Moderator:

Anne-Marie McElroy

Dr. Julian Gojer, (Forensic Psychiatrist) MBBS, FRCPC, JD, *assistant professor of Psychiatry at the University of Toronto. President, Manasa Clinic*

Dr. Doron Gold, BA, JD, MSW, RSW, CPCC, *Staff Clinician, Homewood Health, Guelph, Ontario*

3:15 – 3:30

Networking Break & Exhibitor Showcase

3:30 – 5:00

Moderator:

Sexual Assault Trials

Anne London Weinstein

Danielle Robitaille, *Henein Hutchison LLP*

(Lessons learned from Ghomeshi)

Michael Edelson, *Edelson Clifford D'Angelo Friedman LLP*

(Cross-examination of the Complainant and defence strategy considerations)

Justice David Paciocco, *Ontario Court of Justice*

(Five things your Trial Judge wants you to know)

5:00 – 5:30

Leisure Time

5:30 – 6:45

Hospitality Suite in Heritage Room

7:00 – 9:00

Dinner in the L'Outaouais Room

Keynote Speaker:

Using evidence collected during the investigation, Jim will discuss the facts of the Duke Lacrosse case and how the defense attorneys were able to have the prosecution dismissed and their clients declared innocent by the Attorney General of North Carolina.

James P. Cooney III, *Womble Carlyle Sandridge & Rice LLP*

Jim Cooney defended one of the wrongfully charged lacrosse players in the Duke Lacrosse Rape Case by securing a dismissal of the charges and a declaration by the Attorney General of North Carolina that his client, Reade Seligmann was innocent. He has also successfully defended a convicted death row inmate, Alan Gell, by exposing the prosecutorial misconduct that led to his wrongful conviction and sentence of death. Heading a team of *Womble Carlyle* lawyers who worked pro bono, he first convinced a Superior Court Judge to reverse Gell's conviction and sentence of death and then,

acting as co-counsel at Gell's retrial, obtained a "not guilty" verdict. Gell became the 113th person in the United States to be exonerated after being wrongfully convicted and sentenced to death. Jim Cooney was awarded the North Carolina Bar Association's Pro Bono Award for his work in Alan Gell's case. He is a Fellow in the American College of Trial Lawyers and has been selected as one of the Best Lawyers in America since 2000 in both civil and criminal litigation. He is the only attorney selected as one of the top trial lawyers in North Carolina in both civil and criminal work. He is a member of the *Legal Elite Hall of Fame* in North Carolina.

He has lectured extensively across the United States. He is recognized as one of the leading health care litigators and white collar criminal attorneys in the State of North Carolina and has represented numerous businesses and individuals in connection with catastrophic tort cases. In short, he is a consummately skilled trial and appellate attorney who we are extremely privileged to have with us at Montebello.

9:15 ...

Hospitality Suite in Heritage Room

Sunday, October 16, 2016

- 9:00 – 9:15** **Presentation of the William Carroll Award by Chief Justice of the Ontario Court of Justice, Lise Maisonneuve**
- 9:15 – 10:00** **Trial in the Spotlight: Lessons Learned from the Duffy Trial**
Donald Bayne, *Bayne, Sellar, Boxall*
- 10:00 – 10:45** **Awaiting the Verdict: Are Trials by Jury Still a Thing?**
Moderator: **Paolo Giancaterino**
Stephen Bernstein, *Bernstein, Newman and Associates*
Michael Johnston, *Shore, Davis, Johnston*
Justice Robert Maranger, *Superior Court of Justice*
- 10:45 – 11:05** **Networking Break & Exhibitor Showcase**
- 11:05 – 11:20** **Legal Aid and What Lies Ahead**
Anthony Moustacalis, *Criminal Lawyers Association*
- 11:20 – 11:55** **CAS Implications for Criminal Lawyers**
Moderator: **Karin Stein**
Lisa Miles, *Ministry of the Attorney General*
Ross Stewart, *Stewart Associates*
- 11:55 – 12:30** **Keep it to Yourself: Privacy Issues in Criminal Law**
Moderator: **Tyler Botten**
Sean Ellacott, *Ellacott Law Office Professional Corporation*
Mark Ertel, *Bayne, Sellar, Boxall*
- 12:30 – 12:40** **Closing Remarks & Exhibitor Prize Giveaway**