

April 4, 2022

# The Six-Minute Criminal Lawyer 2022



CO-CHAIRS: **The Honourable Justice Michelle Fuerst**, *Superior Court of Justice*

**Robin Flumerfelt**, *Ministry of the Attorney General*

**Nader Hasan**, *Stockwoods LLP*

**April 30, 2022**

**9:00 a.m. to 1:00 p.m.**

**Total CPD Hours = 3 h + 30 m Substantive + 30 m Professionalism <sup>P</sup>**

**Law Society of Ontario  
Toronto, ON**

**SKU CLE22-00408**

## **Agenda**

**9:00 a.m. – 9:06 a.m.**

**Welcome**

The Honourable Justice Michelle Fuerst, *Superior Court of Justice*

Robin Flumerfelt, *Ministry of the Attorney General*

Nader Hasan, *Stockwoods LLP*

- 9:06 a.m. – 9:13 a.m.**      **Substantive Equality in Criminal Law: *Morris* (7 minutes 🕒)**  
Faisal Mirza, *Mirza, Kwok LLP*
- 9:13 a.m. – 9:21 a.m.**      **Substantive Equality in Criminal Law: *Morris***  
Roger Shallow, Crown Counsel, Crown Law Office -  
Criminal, *Ministry of the Attorney General*
- 9:21 a.m. – 9:28 a.m.**      **Substantive Equality in Criminal Law: *Gladue***  
Manasvin Goswami, Crown Counsel, Crown Law Office -  
Criminal, *Ministry of the Attorney General*
- 9:28 a.m. – 9:35 a.m.**      **Substantive Equality in Criminal Law: Credibility in the Racialized Context**  
Linda Shin, Crown Counsel, Crown Law Office –  
Criminal, *Ministry of the Attorney General*
- 9:35 a.m. – 9:42 a.m.**      **Substantive Equality in Criminal Law: Racial Profiling**  
Hussein Aly, C.S., *Aly Amjad Law Group*
- 9:42 a.m. – 9:49 a.m.**      **Question and Answer Session**
- 9:49 a.m. – 9:56 a.m.**      **Assessing Credibility - Improper Considerations**  
James Lockyer, *Lockyer Zaduk Zeeh LLP*

<b>9:56 a.m. – 10:03 a.m.</b>	<b>Assessing Credibility - Proper Considerations</b>  The Honourable David Watt
<b>10:03 a.m. – 10:10 a.m.</b>	<b>After-the-Fact-Conduct</b>  Maija Martin, <i>Martin Barristers</i>
<b>10:10 a.m. – 10:17 a.m.</b>	<b>Disproven Statements as Consciousness of Guilt</b>  Anil Kapoor, <i>Kapoor Barristers</i>
<b>10:17 a.m. – 10:25 a.m.</b>	<b>Opinion Evidence</b>  Naomi Lutes, <i>Greenspan Humphrey Weinstein LLP</i>
<b>10:25 a.m. – 10:35 a.m.</b>	<b>Question and Answer Session</b>
<b>10:35 a.m. – 10:45 a.m.</b>	<b>Break</b>
<b>10:45 a.m. – 10:52 a.m.</b>	<b>Jury Issues: Update on Challenges for Cause post-<i>Chouhan</i></b>  Lauren Wilhelm, <i>Paquette Wilhelm LLP</i>
<b>10:52 a.m. – 10:59 a.m.</b>	<b>Jury Issues: Party Liability</b>  Susan Reid, Crown Counsel, Crown Law Office – Criminal, <i>Ministry of the Attorney General</i>
<b>10:59 a.m. – 11:06 a.m.</b>	<b>Jury Issues: The Application of <i>W.D.</i> to Exculpatory Evidence Other Than That of the Accused</b>  The Honourable Justice Chris de Sa <i>Superior Court of Justice</i>

- 11:06 a.m. – 11:13 a.m.**      **Question and Answer Session**
- 11:13 a.m. – 11:20 a.m.**      **Substantive Law Issues: Capacity to Consent**  
Jill Witkin, Crown Counsel, Crown Law Office - Criminal,  
*Ministry of the Attorney General*
- 11:20 a.m. – 11:27 a.m.**      **Substantive Law Issues: Sexual Assault *mens rea***  
Jamie Klukach, Crown Counsel, Crown Law Office -  
Criminal, *Ministry of the Attorney General*
- 11:27 a.m. – 11:34 a.m.**      **Substantive Law Issues: Self-Defence**  
Michael Lacy, *Brauti Thorning LLP*
- 11:34 a.m. – 11:41 a.m.**      **Question and Answer Session**
- 11:41 a.m. – 11:51 a.m.**      **Break**
- 11:51 a.m. – 11:58 a.m.**      ***Charter* Issues: S.8 Update on Warrantless Searches**  
Jason Neubauer, General Counsel and Assistant Crown  
Attorney, Crown Law Office - Criminal, *Ministry of the  
Attorney General*
- 11:58 a.m. – 12:05 p.m.**      ***Charter* Issues: s.10 (b) Update**  
Kate Robertson, *Markson Law Professional Corporation*
- 12:05 p.m. – 12:12 p.m.**      ***Charter* Issues: s.11 (b) Update**  
Gerald Chan, *Stockwoods LLP*

<b>12:12 p.m. – 12:20 p.m.</b>	<b>Question and Answer Session</b>
<b>12:20 p.m. – 12:27 p.m.</b>	<b>Sentencing: <i>Duncan</i> “Credit” after <i>R. v. Marshall</i></b>  The Honourable Justice Bruce Durno, <i>Superior Court of Justice</i>
<b>12:27 p.m. – 12:34 p.m.</b>	<b>Sentencing: Mental Health as a Mitigating Factor</b>  Lisa Kerr, Assistant Professor, Faculty of Law <i>Queen’s University</i>
<b>12:34 p.m. – 12:41 p.m.</b>	<b>Pitfalls for the Defence; Avoiding an Ineffective Assistance of Counsel Claim (7 m <sup>P</sup>)</b>  Frank Addario, <i>Addario Law Group LLP</i>
<b>12:41 p.m. – 12:49 p.m.</b>	<b>Improper Cross-Examination by the Crown (8 m <sup>P</sup>)</b>  Philip Enright, Deputy Director, <i>Ministry of the Attorney General</i>
<b>12:49 p.m. – 1:00 p.m.</b>	<b>Question and Answer Session</b>
<b>1:00 p.m.</b>	<b>Program Ends</b>