



Introduction to the Law on IMPAIRED DRIVING

Chairs: Karen Jokinen, C.S.
Jokinen Law Professional Corporation

Peter Keen, Assistant Crown Attorney - Dryden
Ministry of the Attorney General

June 11, 2016

9:00 a.m. to 4:00 p.m.

Total CPD Hours = 5 h 30 m Substantive + 30 m Professionalism 

The Law Society of Upper Canada
Donald Lamont Learning Centre
130 Queen Street West
Toronto, ON



SKU: CLE16-0060301

Agenda

9:00 a.m. – 9:05 a.m.

Welcome and Opening Remarks

Karen Jokinen, C.S., *Jokinen Law Professional Corporation*

Peter Keen, Assistant Crown Attorney - Dryden
Ministry of the Attorney General

9:05 a.m. – 9:45 a.m.

Roadside Testing Part 1: The Six-Minute Lawyer

Roadside Stops – What's the Law?

Leila Mehkeri, Assistant Crown Attorney – Waterloo
Ministry of the Attorney General

Valid ASD Demand

S. George Joseph, *Petrone Hornak Garofalo Mauro*

Forthwith

Philip Perlmutter, *Crown Law Office – Criminal
Ministry of the Attorney General*

Valid Approved Instrument Demand

Margaux Peck, *Caramanna Friedberg LLP*

DRE

Jon Fuller, Assistant Crown Attorney
Ottawa-Carleton Crown Attorney's Office
Ministry of the Attorney General

9:45 a.m. – 9:50 a.m.

Question and Answer Session

9:50 a.m. – 10:20 a.m.

Roadside Testing Part 2: The Six-Minute Lawyer

Blood Demands & Warrants

Irwin Isenstein, Barrister and Solicitor

What are the Presumptions?

Jeffrey Milligan, Barrister and Solicitor

The s.258(1)(c) Presumption

Sean Doyle, Deputy Crown Attorney – Peel
Ministry of the Attorney General

As soon as Practicable

James Palangio, *Crown Law Office – Criminal
Ministry of the Attorney General*

10:20 a.m. – 10:25 a.m.

Question and Answer Session

10:25 a.m. – 10:45 a.m.

Coffee and Networking Break

10:45 a.m. – 11:00 a.m.	Operate Versus Care and Control Jon Fuller, Assistant Crown Attorney Ottawa-Carleton Crown Attorney's Office <i>Ministry of the Attorney General</i> Heather Spence, <i>Mass Tsang LLP</i>
11:00 a.m. – 11:15 a.m.	Fail or Refuse to Provide Karen Jokinen, C.S., <i>Jokinen Law Professional Corporation</i> Peter Keen, Assistant Crown Attorney - Dryden <i>Ministry of the Attorney General</i>
11:15 a.m. – 11:20 a.m.	Question and Answer Session
11:20 a.m. – 11:55 p.m.	Proof of Impairment by Drugs or Alcohol S. George Joseph, <i>Petrone Hornak Garofalo Mauro</i> Deborah Kinsella, Assistant Crown Attorney - Brant <i>Ministry of the Attorney General</i>
11:55 a.m. – 12:00 p.m.	Question and Answer Session
12:00 p.m. – 1:00 p.m.	Lunch will be provided
1:00 p.m. – 1:40 p.m.	Ethical Advocacy and the Use of Experts  The Honourable Mara Greene, <i>Ontario Court of Justice</i> Dr. Daryl Mayers, BSc, MSc, PhD., Forensic Toxicologist, <i>Centre for Forensic Sciences</i> Philip Perlmutter, <i>Crown Law Office – Criminal</i> <i>Ministry of the Attorney General</i>

Jonathan Rosenthal, Barrister & Solicitor

1:40 p.m. – 1:45 p.m.

Question and Answer Session

1:45 p.m. – 2:25 p.m.

Defences Part 1: The Six-Minute Lawyer

Drinking Pattern Defenses – Now and Then

Mitchell Eisen, C.S., *Cugelman & Eisen*

Disclosure

Jeffrey Milligan, Barrister and Solicitor

MOK – Treatment in the Cells

Megan Petrie, Assistant Crown Attorney - Scarborough
Ministry of the Attorney General

Counsel of Choice

Mitchell Eisen, C.S., *Cugelman & Eisen*

Necessity

Sean Doyle, Deputy Crown Attorney – Peel
Ministry of the Attorney General

2:25 p.m. – 2:30 p.m.

Question and Answer Session

2:30 p.m. – 2:45 p.m.

Coffee and Networking Break

2:45 p.m. – 3:25 p.m.

Defences Part 2: The Six-Minute Lawyer

When Do You Bring a *Charter* Application

James Palangio, *Crown Law Office – Criminal*
Ministry of the Attorney General

S. 9 of the *Charter*

Margaux Peck, *Caramanna Friedberg LLP*

24(2) of the *Charter*

Jonathan Rosenthal, Barrister & Solicitor

Overholding

Leila Mehkeri, Assistant Crown Attorney - Waterloo
Ministry of the Attorney General

3:25 p.m. – 3:30 p.m.

Question and Answer Session

3:30 p.m. – 3:55 p.m.

Sentencing

Irwin Isenstein, Barrister and Solicitor

Deborah Kinsella, Assistant Crown Attorney - Brant
Ministry of the Attorney General

3:55 p.m. – 4:00 p.m.

Question and Answer Session

4:00 p.m.

Program Ends