



The Law Society of
Upper Canada | Barreau
du Haut-Canada



THE SIX-MINUTE Criminal Lawyer 2017

Biographical Summary of Speakers (In Alphabetical Order)

April 8, 2017



Dr. Benjamin Berger is Associate Dean (Students) and Associate Professor at Osgoode Hall Law School. His areas of teaching and research specialization are criminal and constitutional law and theory, law and religion, and the law of evidence. Prior to joining Osgoode, Professor Berger was an associate professor in the Faculty of Law at the University of Victoria, where he began teaching in 2004. He served as law clerk to the Rt. Honourable Beverley McLachlin, Chief Justice of Canada, and was a Fulbright Scholar at Yale University. He has published broadly in his principal areas of research and his work has appeared in multiple edited collections and in legal and interdisciplinary journals. He is the author of *Law's Religion: Religious Difference and the Claims of Constitutionalism*, the Editor in Chief of the *Canadian Journal of Law and Society*, and is an associate editor for the Hart Publishing series *Constitutional Systems of the World*. He received the Canadian Association of Law Teacher Prize for Academic Excellence in 2015, and the 2010 Canadian Association of Law Teacher's Scholarly Paper Award for an article entitled "The Abiding Presence of Conscience: Criminal Justice Against the Law and the Modern Constitutional Imagination." Professor Berger is active in professional and public education, and is involved in public interest advocacy. While at UVic Law, Professor Berger twice received the Terry J. Wuester Teaching Award, and was awarded the First Year Class Teaching Award; he received the Osgoode Hall Law School Teaching Award in 2013. His recent research can be viewed at https://works.bepress.com/benjamin_berger/.

Twitter tag: @blberger

Paul Burstein

Paul started his own practice in 1992 specializing in criminal and constitutional litigation. He has argued appeals before the Supreme Court of Canada, the Ontario Court of Appeal and the Federal Court of Appeal. He has been involved in notable cases at both trial and on appeal. From 1995-2012, Paul served as one of a handful of lawyers acting as *amicus* to the Ontario Court of Appeal for mentally disordered offenders. Paul has appeared before Parliamentary Committees dealing with various criminal legislative proposals, including the proposed bill to decriminalize the personal possession of cannabis. For 8 years, Paul served as the Director of Osgoode Hall Law School's Intensive Program in Criminal Law. For more almost 20 years, Paul has been involved with the Trial Advocacy courses offered by the Law School to both students and practitioners. Paul was as an adjunct professor at Queens Law School from 2006 to 2013 teaching both trial and appellate advocacy. After serving as a Director for 13 years, Paul became President of the Criminal Lawyers' Association in November, 2009 and is now a Past President. While aspiring for its presidency, Paul continues to diligently toil as treasurer and secretary of his family of eight.

Michael Callaghan

I went to Ottawa U for undergrad in political science, Dalhousie law school, articulated at the Crown Law Office Criminal and have done a variety of jobs: Assistant Crown in the downtown office, counsel to the ADAG, Deputy crown attorney at College Park, Crown Counsel in Crown law office criminal.

I have particular interest in how the criminal justice system interacts with individuals with mental illness and concurrent disorders.

SUSAN M. CHAPMAN

BIOGRAPHY

Susan M. Chapman is a partner at Ursel Phillips Fellows Hopkinson LLP. She practices primarily in the field of criminal law and professional regulation. Between 1989 and 2005 Susan was counsel at Crown Law Office - Criminal in the Ministry of the Attorney General where she did trial and appellate work. During that period Susan also spent two years as in-house counsel to the College of Physicians and Surgeons of Ontario and one year as research counsel to the Court of Appeal for Ontario. Susan has argued numerous criminal and civil law appeals before the Ontario Court of Appeal, and over three dozen in the Supreme Court of Canada. Between 2005 and December 2010, Susan was in private practice in Toronto, focusing on civil litigation (trial and appeals) and professional disciplinary proceedings. Susan is currently on the Faculty of the Advocates Society program on Appellate Advocacy and was previously on the Faculty of the Federation of Law Societies National Criminal Law Program. Since 2002, she has also been Adjunct Faculty at Osgoode Hall teaching Criminal Procedure and more recently Advanced Criminal Law: Sexual Assault. Susan was for several years a member of the Adjunct Law Faculty at Queens University teaching Advanced Criminal Law and Avoiding Miscarriages of Justice and has been a frequent lecturer to the CBAO, the OBA, the Crown Attorney's Association Conferences, Ontario police colleges (Aylmer and C.O. Bick), and various community organizations.

Justice Kim Crosbie was appointed to the Ontario Court of Justice in March of 2016 and presides in the Region of Toronto. She received her Hons. B.A. from Carleton University (Law and Criminology), LL.B from the University of Ottawa and a Master degree in Legal Studies from Carleton University.

Before being appointed, Justice Crosbie was Crown Counsel at the Crown Law Office – Criminal, Ministry of the Attorney General. Before starting at the Crown Law Office – Criminal, she clerked at the Court of Appeal for Ontario. As Crown Counsel, she appeared before all levels of court. From January 2014 to July 2015, she was on secondment from Crown Law to a trial office and conducted trials in the O.C.J. and S.C.J. In the summer of 2015, she was appointed the Chair for the Ministry’s Sexual Violence Advisory Group and she was also the lead for the Ministry on training and education relating to sexual violence.

While a Crown, Justice Crosbie co-directed an annual weeklong course for Crowns on domestic and sexual violence. She was involved with many educational presentations, programs and lectures with the Bar, judges and the police. In June 2014 and January 2015, was involved in a mission to Jamaica as part of the Department of International Government Affairs and the Department of Justice Canada’s Justice Undertakings for Social Justice.

Since 2009, Justice Crosbie has been an Adjunct Faculty member at Osgoode Hall Law School where she teaches Sentencing (J.D. and LL.M. programs) and taught Sexual Offences (J.D. program).

Mara Greene

Mara Greene graduated from Osgoode Hall Law School in 1994 and was called to the bar in 1996. Mara Greene was appointed to the Ontario Court of Justice in 2009. Prior to her appointment to the bench, Mara practiced exclusively in the area of criminal law. Her practice included both trial and appellate work at all levels of Court. Mara is an adjunct professor at Osgoode Hall Law School and also guest lectures at the University of Toronto. Mara has also lectured and been on panels for continuing legal education programs for the Law Society of Upper Canada, the Ontario Bar Association, and the Criminal Lawyers' Association. Mara also sits on the editorial board of Lexis Nexis' *Annotated Youth Criminal Justice Act*.

BRIAN H. GREENSPAN

Brian Greenspan is a partner in the Toronto firm Greenspan, Humphrey, Lavine. He received his B.A. from the University of Toronto in 1968 and his LL.B. from Osgoode Hall Law School in 1971. He was awarded the Laidlaw Foundation Fellowship and received his LL.M. from the London School of Economics in 1972. He taught The Administration of Criminal Justice at Osgoode Hall Law School from 1977 to 1984 and was a special lecturer in Criminal Law at the Faculty of Law, University of Toronto Law School from 1984 to 1998. He is a frequent lecturer and panelist at law schools and continuing legal education programs throughout Canada.

He was President of the Criminal Lawyers' Association (Ontario) from 1989 to 1993 and was the founding Chair of the Canadian Council of Criminal Defence Lawyers from 1992 to 1996. He was a member of the Ontario Judicial Appointments Advisory Committee from 1997 to 1999, a member of the President's International Advisory Council at the University of Toronto from 2004 to 2010 and the Ontario Securities Commission Enforcement Advisory Committee from 2007 to 2009. He is a member of the Board of Directors of the Association in Defence of the Wrongly Convicted Foundation and the Board of Directors of Book Clubs for Inmates.

He is a Fellow of the American College of Trial Lawyers and a Fellow of the International Society of Barristers. He was awarded the Douglas K. Laidlaw Medal for excellence in oral advocacy in 2002 and received the G. Arthur Martin Medal for contributions to criminal justice in Canada in 2010. In 2012, he was recognized by The Law Society of Upper Canada with an honorary Doctor of Laws degree. In 2013 he was awarded the Alumni Gold Key for Achievement by Osgoode Hall Law School; received the "Key to the City" of his hometown, Niagara Falls, Ontario and was selected as an "Alumni of Influence" by University College of the University of Toronto.

He has been recognized in *The International Who's Who of Business Crime Lawyers* and *The Best Lawyers in Canada* since their inception and has been twice named as one of the 25 Most Influential Lawyers in Canada by Canadian Lawyer Magazine.

Aston J. Hall was appointed to the Ontario Court of Justice in November 2011. Previously he had his own practices in Toronto where he practiced criminal law since 1995. He earned his Honours Bachelors degree in Political Science and Labour Studies from York University in 1990, then pursued his law degree from Osgood Hall Law School and graduated in 1993. In 2008 Aston Hall earned a Master in Laws from Osgood Hall.

Justice Hall is the Chief Justice's representative on the Education Secretariat and since November of 2015 administrative judge for Scarborough court.

Over the past years Aston has supported a wide range of diverse communities in their attempts to seek social justice; he participated in the Toronto District School Board's Advisory Committee: Student Achievement and Equity with special focus on minority students, and the practice of collecting race based statistics, participated in the Ministry of Community Safety and Correctional Services' Sponsored Round Table on culturally and racially sensitive correctional services to African Canadian people.

He was the Chair of the Public Policy Advisory committee for the Jamaica Canadian Association.

Aston's favourite pastimes are golf and reading history.

He is married and lives in Toronto.

Jamie Klukach has worked as Crown counsel at the Crown Law Office, Criminal Division since her call to the bar in 1989. She practices exclusively in the area of criminal law with emphasis on appellate litigation. She has taught criminal law courses at Queen's University Law School and at Osgoode Hall Law School for the past 14 years. She actively participates in a variety of continuing legal education programs.

Howard Krongold is a partner at Abergel Goldstein & Partners LLP, based in Ottawa, and a Certified Specialist in Criminal Law. His practice is focused on criminal appeals and complex trials. Howard has argued several cases before the Supreme Court of Canada, and has appeared as lead counsel in over 70 appeals before the Court of Appeal for Ontario. Howard is a graduate of the University of King's College and Dalhousie University. After articling for Greenspan Humphrey Lavine, he was awarded the Harold G. Fox Education Fund Scholarship, spending a year as a pupil-barrister in London, England.

Mabel Lai is Crown Counsel at the Crown Law Office – Criminal. She is a graduate of the University of Toronto Faculty of Applied Science and Engineering (Engineering Science – Physics Option, Condensed Matter and Photonics), and the University of Toronto Faculty of Law. She articulated as a judicial law clerk to the Court of Appeal for Ontario. She joined the Peel Region Crown Attorney’s Office after her call to the Ontario Bar in 2010. She joined a criminal defence firm in February 2012, and the Crown Law Office – Criminal in August 2012. She is a member of her office’s Forensic Evidence Advisory Committee and Computer and Internet-Related Crime Team.

Emily Lam – Short Bio

Emily Lam was called to the Bar in 2008, after receiving her JD from Osgoode Hall. Emily was a partner at Rosen Naster LLP before establishing the firm Greenwood Lam LLP with Jessyca Greenwood in 2016. She represents clients charged with criminal, quasi-criminal, and regulatory offences. Emily has worked on dozens of high profile cases including police corruption, white collar crimes, and homicides. She has appeared before every level of court in Ontario and before a variety of administrative tribunals. She sits on the board of the Federation of Asian Canadian Lawyers.

Janet Leiper, LL.B, LL. M., C.S. is a barrister and solicitor in practice in Toronto. She has practised criminal and regulatory law since 1987 and is a certified specialist in criminal law. Janet has combined her criminal law practice with teaching, board governance, ethics, integrity and governance. She is a bencher of the Law Society of Upper Canada. She served as the Integrity Commissioner for the City of Toronto from 2009-2014. In February 2015, she was appointed to the Ontario Securities Commission. She adjudicates matters under Part XX.1 of the Criminal Code as an Alternate Chair of the Ontario and Nunavut Review Boards.

Karen Papadopoulos is Crown Counsel at the Crown Law Office – Criminal, Ministry of the Attorney General. Before joining the Crown Law Office – Criminal, she was called to the bar of New York and worked as an Attorney at Skadden, Arps, Slate, Meagher & Flom LLP. She regularly argues appeals before the Court of Appeal for Ontario and has appeared in the Ontario Court of Justice, the Superior Court of Justice and the Supreme Court of Canada. She is an instructor at Osgoode Hall’s Trial Advocacy course and is involved with many educational presentations and lectures related to criminal law.

Ms. Papadopoulos received her LL.B from Osgoode Hall Law School and MBA from the Schulich School of Business.

Justice Renee M. Pomerance

Justice Pomerance has been a judge of the Ontario Superior Court of Justice since November 22, 2006. She is currently the Local Administrative Judge of the Windsor court. Prior to her appointment, she was counsel with the Crown Law Office--Criminal in Toronto, where she appeared at all levels of court including the Supreme Court of Canada. During a two year leave absence in 2002 - 2003, Justice Pomerance served as Counsel to the Honourable Peter Cory on "The Collusion Inquiry", an inquiry that took place in the United Kingdom and Republic of Ireland and examined allegations of state collusion in six cases of paramilitary murder. From December 2003 to September 2004, she worked as Senior Advisor with the National Judicial Institute. She was awarded the Milvain Chair in Advocacy (University of Calgary) in 2005. Throughout her career, Justice Pomerance has been actively involved in legal education programs for the bar and bench. She is presently co-chair of several programs offered by the National Judicial Institute. On the international side, Justice Pomerance has participated in the Judicial Education for Economic Growth (JEEG) project in Ukraine. Justice Pomerance is a sessional instructor at the University of Windsor law school. She has written numerous articles and publications dealing with constitutional and criminal law issues.



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Biography

Ms. Robitaille is a partner at Henein Hutchison, where her practice focuses on criminal, regulatory and disciplinary litigation at both the trial and appellate levels. Ms. Robitaille defends both individuals and corporations charged with regulatory or criminal offences. She has appeared before all levels of court and is an active member of the Inmate Appeal Duty Counsel Program for the Court of Appeal for Ontario.

Ms. Robitaille has a Bachelor's degree from the University of Toronto and an LL.B. from Dalhousie University, where she won the Muriel Duckworth Award for "raising consciousness of women's issues and feminism in the legal community." Ms. Robitaille has lectured extensively including at The Law Society of Upper Canada, Osgoode Professional Development, The Advocates' Society, the Office of the Chief Coroner of Ontario and the Ontario Court of Justice. Additionally, Ms. Robitaille is an instructor for the University of Toronto's Trial Advocacy course and currently serves on The Advocates' Society's Standing Committee on Advocacy and Practice.

Ms. Robitaille was named a "Litigator to Watch" in Lexpert's 2015 Guide to the Leading US/Canada Cross Border Litigation Lawyers in Canada.

MARK J. SANDLER

Mr. Sandler is the senior partner of Cooper, Sandler, Shime & Bergman LLP. He has been an appellate and trial litigator specializing in criminal and regulatory law for almost 37 years. He is an Elected Fellow of the American College of Trial Lawyers. He was the 2015 recipient of the G. Arthur Martin Criminal Justice Medal for his contributions to the administration of criminal justice.

He was elected to three terms as a Bencher of the Law Society of Upper Canada. While a Bencher, he served for approximately 10 years as the Chair of the Appeal Panel, authoring well over 100 reported decision. He also served as a part-time member of the Human Rights Tribunal of Ontario. He is currently a part-time Commissioner of the Ontario Securities Commission. He lectures and writes extensively on a variety of topics, including criminal law, evidence, procedure, advocacy, ethics, the conduct of a hearing, writing reasons, and was responsible, for many years, for adjudicator training and education at the Law Society.

Mr. Sandler has served as counsel or senior advisor to 10 public inquiries or reviews, several of which are ongoing. For example, he was Special Counsel (Criminal) to the Inquiry into Pediatric Forensic Pathology in Ontario (the Goudge Inquiry), Counsel to the Honourable Fred Kaufman Q.C. in rendering an opinion to the Minister of Justice concerning the conviction of Steven Murray Truscott, and Associate Commission Counsel, Commission on Proceedings Involving Guy Paul Morin (Hon. Fred Kaufman, Commissioner).

*He has served as a Faculty Member for the National Criminal Law Programme, Federation of Law Societies of Canada, the Ontario Crown Attorney's Association and Advocates' Society Appellate Advocacy Courses, the National Judicial Institute, and was a Lecturer at the Bar Admission Programme. He also participated in or chaired many educational programmes for a wide variety of organizations. He is the co-author of *Criminal Procedure: Cases, Notes and Materials* (with The Honourable Madam Justice Fern Weinper), BUTTERWORTHS, 2nd Edition (2004); 1st Edition (1997)*

Jonathan Shime is a partner with the firm of Cooper, Sandler, Shime & Bergman LLP. He has appeared at all levels of court in Canada, including the Supreme Court of Canada. He represents clients on a wide variety of criminal and quasi-criminal charges, including homicides, frauds, drinking and driving offences, sexual assaults, domestic assaults and offences under the *Controlled Drugs and Substances Act*. Jonathan also assists individuals and corporations charged under regulatory statutes, including the *Income Tax Act* and the *Occupational Health and Safety Act*.

Jonathan has chaired or been a panelist at multiple conferences on a wide variety of criminal law related topics, including the law of fraud, the *Youth Criminal Justice Act*, drinking and driving offences, conditional sentences and the relationship between scientific evidence and the judicial system in the context of prosecutions related to the non-disclosure of one's HIV status. Jonathan has also been invited to speak at Crown conferences on expert evidence, the law of sexual assault and civility. He is also a guest instructor at the Toronto Police College in relation to the investigation and prosecution of the non-disclosure of HIV.

Jonathan served as a staff lawyer to the Honourable Mr. Justice Stephen Goudge on the Inquiry into Pediatric Forensic Pathology in Ontario and as criminal review counsel at Downtown Legal Services, a community legal clinic operated by the University of Toronto Law School. He is currently an Adjunct Professor at the University of Toronto where he teaches trial advocacy and coaches the competitive trial advocacy team. Jonathan also teaches Canadian Criminal law at the University of Toronto's Global Professional Master of Laws Program.

In 2013, Jonathan was awarded the James Kreppner award, which recognizes unparalleled achievement in advocating on behalf of or bettering the lives of people living with HIV.

Ian R. Smith was called to the Ontario bar in 1991. He holds degrees from Queen's University (B.A. Hons. and LL.B.) and Oxford University (B.C.L.). He practices at the firm of Fenton, Smith Barristers in Toronto and handles criminal, regulatory and professional discipline matters. Before entering private practice, he was counsel at the Ontario Securities Commission and at the Crown Law Office (Criminal).

Brief Biographical Note of Chief Justice George R. Strathy

The Honourable George R. Strathy was appointed Chief Justice of Ontario June 13, 2014

He was appointed to the Court of Appeal for Ontario on April 25, 2013. For the previous five years he served as a judge of the Superior Court of Justice in the Toronto Region, where he presided over civil, class action and criminal matters.

Chief Justice Strathy received a Bachelor of Arts degree from McGill University in 1970 and was awarded a Woodrow Wilson Fellowship to pursue graduate studies. He received a Master of Arts degree in International Relations at the University of Toronto in 1971. He attended the Faculty of Law at the University of Toronto and was awarded the Gold Medal in 1974.

In practice, he specialized in civil litigation, with particular emphasis in Maritime and Transportation Law. He was a partner in the firms of MacKinnon, McTaggart, Campbell Godfrey and Lewtas, and Fasken Martineau Walker before establishing his own firm in 1991. The firm ultimately became Strathy & Isaacs.

He was active in a number of professional organizations, including the Canadian Bar Association (Chair of the Young Lawyers' Division and member of the Executive Committee), the Canadian Maritime Law Association (Vice-President), the Canadian Association of Maritime Arbitrations (Vice-President), and the Canadian Association of Average Adjusters (Chairman). He is the author of two books on marine insurance in Canada as well as numerous papers and articles.

Chief Justice Strathy is married to Elyse Strathy. They have five daughters and seven grandchildren. He is an enthusiastic, but not particularly talented, squash player, golfer and tandem cyclist.



David M Tanovich Bio 2017

David M Tanovich is a Professor at the Faculty of Law, University of Windsor. He is also co-editor of the Canadian Bar Review with Dean Christopher Waters. From 2009-2012, Professor Tanovich was the Academic Director of Windsor Law's Law Enforcement Accountability Project (LEAP).

Professor Tanovich teaches and writes in the areas of criminal law, evidence, legal ethics and racial profiling. He is a nationally recognized expert in these areas. Two of his critically acclaimed works include *The Colour of Justice: Policing Race in Canada* (Toronto: Irwin Law, 2006); and, *Law's Ambition and the Reconstruction of Role Morality in Canada* (2005), 28 *Dalhousie L. Rev.* 267-310. In 2016, Professor Tanovich was awarded the University of Windsor's Outstanding Faculty Research Award (Established Scholars/Researchers category). This is the University's highest form of internal recognition for Excellence in Scholarship, Research and Creative Activity.

Prior to joining the academy, Professor Tanovich served as a law clerk to Chief Justice Antonio Lamer for the 1995 Supreme Court of Canada term. From 1997-2003, he was a partner and appellate lawyer with Pinkofsky Lockyer in Toronto and a sessional lecturer at Osgoode Hall Law School. During that time, he appeared in over 90 cases before the Supreme Court of Canada and Ontario Court of Appeal arguing leading cases on strip searches, the admissibility of DNA evidence, racial profiling, ethics and cross-examination, race and sentencing and videotaping confessions. Before leaving practice, Professor Tanovich won his last three cases as counsel for the appellant in the Supreme Court of Canada.

Professor Tanovich is on Twitter @dtanovich.

BIOGRAPHY

THE HONOURABLE MR. JUSTICE MICHAEL H. TULLOCH

The Honourable Mr. Justice Michael H. Tulloch is a judge on the Ontario Court of Appeal where he was appointed in June 2012, following 9 years on the Superior Court of Justice, where he was appointed in September 2003 in the Central West Region of Ontario, and was chambered in Brampton.

Justice Tulloch has been involved in judicial education through the National Judicial Institute as well as International Justice reform and training through the Commissioner for Judicial Affairs.

Justice Tulloch is a graduate of Osgoode Hall Law School in the class of 1989, and was called to the Bar in 1991, after which, he was appointed an Assistant Crown Attorney in 1991 where he worked both in Peel and Toronto.

In 1995, Justice Tulloch entered private practice, specializing in criminal law. He continued in this practice until his appointment to the Bench in 2003.

While in private practice, Justice Tulloch was also appointed a special prosecuting agent with the Federal Department of Justice. He also participated in a number of commissions including the Ontario Government Review on Civilian Oversight on Policing, the Review of the Ontario Legal Aid Plan, and the Criminal Code Review conducted by the Federal Attorney General and the Minister of Justice.

He has also been a sessional lecturer and academic fellow at York University, as well as Ryerson University and in 2006, Justice Tulloch chaired the Admissions Review committee for Osgoode Hall Law School, which significantly reformed the Law school's admission's policy.

Francesca Yaskiel was called to the Bar in 1988. She commenced her career as an Assistant Crown Attorney in Durham. For the past twenty-six years, she has practiced criminal law as a defence counsel in Toronto. She has extensive trial experience in the Ontario and Superior Court of Justice. For 10 years, Francesca was an Alternate Chair at the Ontario Review Board. From 1997-2006, she was the assistant head of section for Criminal Procedure at the Ontario Bar Admission course. Since 2006, she has been a member of the Barrister's Advisory Group at the Law Society of Upper Canada. Francesca has participated in educational programs for the Criminal Lawyer's Association, the Ontario Bar Association, the Advocate's Society, the University of Toronto, Osgoode Hall Law School and the National Association for Criminal Defense Lawyers.