

QUINTE CRIMINAL LAWYERS ASSOCIATION
2011 PROFESSIONAL DEVELOPMENT SCHEDULE
FROM ARREST TO ACQUITTAL – BEST PRACTICES FOR
HANDLING A CRIMINAL DEFENCE FILE

Program Chairs – Michael J. Pretsell, Pieter Kort, Ruth Roberts

The Quinte Criminal Lawyers Association will be providing a series of Professional Development seminars for lawyers throughout the year. These seminars are free for members of the Quinte Criminal Lawyers Association, Court staff, and members of the judiciary. Non-member lawyers and paralegals may attend any/all of the sessions for a total fee of \$100.00.

We are in the process of applying to the Law Society of Upper Canada to have these seven sessions certified for the purposes of mandatory continuing professional development.

The goal of these seminars is to take participants through the handling of a criminal file from the first meeting with the client to final judgment and appeal. We would review both legal requirements as well as practice advice and professionalism content in each session.

All sessions will be held, location to be announced, depending on response and number of registrations.

Session I – From Arrest to Retainer – May 10, 2011 – Session Chair – Ruth Roberts

4:30 – 4:51 p.m.

A. The Arrest – what constitutes an arrest — *Ruth Roberts*

4:51 – 5:12 p.m.

B. The Right to Counsel – tips for counsel dealing with a late night phone call – *Mike Pretsell and Staff Sgt. Al Port, Belleville Police Service*

5:12 – 5:33 p.m.

- C. Informations and Summonses – how do they get your client before the Court – *Pieter Kort*

5:33 – 5:54 p.m.

- D. Designations of Counsel in Adult and Youth Criminal Justice Court – *Mike Pretsell*

5:54 – 6:15 p.m.

- E. Conflicts of Interest – acting against former clients – former clients as witnesses – acting against more than one accused – *John Wonnacott*

6:15 – 7:00 p.m.

- F. The Relationship with your Client (Professional Responsibility Component) – retainer agreements, Law Society identification and verification requirements, privacy legislation, fees and disbursements, including legal aid – *Mike Pretsell, Ruth Roberts*

Session II – Bails, Bail Reviews, Officer in Charge of Undertakings – June 14, 2011 –**Session Chair – Pieter Kort****4:30 – 4:51 p.m.**

- A. The Bail Hearing – jurisdiction of the Court on scheduling of bail hearing; adjournment request by Crown – *Jason Easton*

4:51 – 5:12 p.m.

- B. The Onus at Bail – when is your client required to show grounds to be released – *Lynn Ross, Crown Attorney*

5:12 – 5:33 p.m.

- C. Grounds for Denying Bail – primary, secondary, and tertiary grounds – *Madam Justice of the Peace Chappell*

5:33 – 5:54 p.m.

- D. Evidence and Cross Examination of Witnesses on Bail Hearings – *Pieter Kort*

5:54 – 6:15 p.m.

- E. The Bail Review – application, scheduling and attendance of client – *Mike Pretsell*

6:15 – 7:00 p.m.

- F. The Surety (Professional Responsibility Component) – counsel's obligation to advise and protect the surety – *Justice of the Peace Chappell, Pieter Kort, and Lynn Ross*

Session III – Pre-trials in Provincial Offences, Ontario Court of Justice, and Superior Court – September 13, 2011 – Session Chair - Pieter Kort

4:30 – 4:56 p.m.

- A. Similarities and Differences in the Conduct of Pre-trials in Criminal Matters – *Mike Pretsell*

4:56 – 5:22 p.m.

- B. Responsibility of Counsel on Pleas of Guilty – *John Bonn*

5:22 – 5:48 p.m.

- C. Setting Aside Pleas of Guilty – *John Wonnacott*

5:48 – 6:15 p.m.

- D. Pre-trial Motions – voluntariness – Charter of Rights – third party records – Charter remedies – a stay of proceedings and how do I get one? – *Mike Pretsell and Paul Layefsky Pieter Kort*

6:15 – 7:00 p.m.

- E. Best Practices for Defence Counsel and Pre-trial Resolutions (Professional Responsibility Component) – *Mr. Justice Steven Hunter, Edward Kafka, and Paul Layefsky*

Session IV – The Summary Trial in the Ontario Court of Justice or Provincial Offences Court – October 11, 2011 – Session Chair – Mike Pretsell

4:30 – 4:56 p.m.

- A. Research – legal and otherwise – preparing for your trial – *John Bonn*

4:56 – 5:22 p.m.

- B. Documents – *Evidence Act* notices and experts – special problems in evidence – *Gerry McGeachy*

5:22 – 5:48 p.m.

- C. Calling of Evidence at Trial – *Mike Pretsell*

5:48 – 6:15 p.m.

- D. Appeals – to what Court? Obtaining funding for Appeals – obligations to clients who want to appeal – *Robert Reynolds*

6:15 – 7:00 p.m.

- E. Preparation of Witnesses (Professional Responsibility Component) – preparation or wood shedding; is there a difference – the obligations of counsel to witnesses before the Court

- the right against self incrimination and duties of defence counsel in advising witnesses
- *Madam Justice Deluzio and Mike Lunski, Crown Attorney, Mike Pretsell*

**Session V – The Preliminary Inquiry and Jury Trial – November 8, 2011 – Session Chair -
Mike Pretsell**

4:30 – 5:05 p.m.

- A. Indictable Matters – the election – judge or jury? – *Patrick Hurley*

5:05 – 5:40 p.m.

- B. The Preliminary Inquiry – evidence and jurisdiction at the preliminary inquiry – *Patrick Hurley*

5:40 – 6:15 p.m.

- C. Don't Like the Result, Judicial Review of Preliminary Inquiry Finding – *Jodi Whyte*

6:15 – 7:00 p.m.

- D. The Jury Trial – *John Wonnacott, Mr. Justice Richard Byers and Jodi Whyte, Crown Attorney*

**Session VI – Sentencing and Remedies – December 3, 2011 (morning) – Session Chair –
Pieter Kort**

9:30 – 9:56 a.m.

- A. Sentencing – principles of sentencing in the Ontario Court of Justice – *Justice Geoffrey Griffin*

9:56 – 10:22 a.m.

- B. Probation and Parole – what does the sentence mean to my client – *Helen Cook, Probation and Parole Services*

10:22 – 10:48 a.m.

- C. Early Release in Ontario and Federally – *Pieter Kort*

10:48 – 11:15 a.m.

- D. What Really Happens to our Client once they Go to the Provincial Correctional System - *Michael Shabinski, Quinte Detention Centre*

11:15 – 12:00 noon

- E. Professional Responsibility Issues in Sentencing – *Pieter Kort, Michael Shabinski, Quinte Detention Centre, Helen Cook, Justice Geoffrey Griffin*

Session VII – Special Issues in Criminal Law – December 3, 2011 (afternoon) – Session

Chair – Ruth Roberts

1:30 – 1:56 p.m.

- A. Representing the Mentally or Physically Challenged Client – *Jennifer Abrams and Jodi Whyte*

1:56 – 2:22 p.m.

- B. Women in the Practice of Law and Acting on Behalf of Women in Criminal Litigation – *Madam Justice Wendy Malcolm and Jodi Whyte, Crown Attorney*

2:22 – 2:48 p.m.

- C. The Use of Interpreters – sign language and otherwise in criminal trials – issues for the Defence – *Ruth Roberts*

2:48 – 3:15 p.m.

- D. Native Rights in the Practice of Criminal Law including *Glada* principles – *Paul Layefsky*

3:15 – 4:00 p.m.

- E. Can't We All Just Get Along – civility in the practice of criminal law – *Mr. Justice Robert Scott, Ed Kafka, and Lee Burgess, Crown Attorney*

For registration and payment, please respond to:

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