



The Foundation of Administrative Justice presents
The 2011 Conference - New Horizons: Legal issues for Tribunals.

April 12 (evening) & 13 (day), 2011

U of A Conference Centre, Edmonton

Check our website for details!!

www.foaj.ca

Tribunals continually seek to keep current on legal issues, both for their work today and to anticipate processes and costs for the future. This conference brings together a wide variety of leading tribunal members, counsel and advocates exploring legal issues facing tribunals today and in the future.

April 12, 2011 Opening Plenary – Assessing Credibility of Witnesses

“Who’s Telling the Truth?”

Leanne Chahley, Blair Chahley

Philip Ponting, Q.C., McLennan Ross LLP

James T. Casey, Q.C., Field Law

Assessing credibility is a fundamental part of an adjudicator’s work, often determining the outcome of a case. However, this task cannot be reduced to an exact science and the many subjective factors that go into weighing credibility – including demeanour, consistency in testimony, appearance of bias, and character – mean that triers of fact can come to very different conclusions about witness credibility.

At same time, there are strategies for bringing rigour to the process of credibility assessment, with a view to minimizing reliance on stereotypes. In this novel session, a video will be shown of simulated testimony in a robbery case, following which the panel will be asked to assess the witnesses’ credibility. The session will conclude with a discussion of problematic areas in eyewitness evidence, as well as various techniques and tools available to avoid the pitfalls in witness credibility assessment.

April 13, 2011 Concurrent Session Topics – (each offered twice)

1 How Do Tribunals & Clients Make The Perfect Match?

Brian Curial, Miller Thomson LLP

Lyle Kanee, Alberta Labour Relations Board

The challenge for clients is in presenting the information that they need to prove their case and the tribunal needs to make the decision. How does the presenter figure out the magic formula? What can the tribunal do to assist clients to put their best case forward?

2 Single Adjudicators: Who Do You Talk To?

With more tribunals using single adjudicators to manage cost and case loads, what changes for the single adjudicator? Who can you consult or bounce things off? What are the limits of appropriate discussion about a case? What tips can be passed to the new single adjudicator?

3 Content of a Decision: What do Reasons Include?

Julie Gagnon, Reynolds Mirth Richards & Farmer LLP

Gilbert Van Nes, Environmental Appeals Board

Have the recent decisions from the courts made a writer's task easier? Where do reasons and a transcript naturally depart? Does the writer have to include more when there is no transcript? Is it possible to develop a checklist for the decision writer?

4 Bias - Is the Circle Getting Smaller?

Juliana Saxberg, Saskatchewan Government and General Employees' Union

Sandy Hermiston, Appeals Commission for Alberta Workers' Compensation

Has the standard changed? What do panel members do when the decision makers are part of a small community? Should the challenged panel member rule on his/her own bias? What tips can tribunal members use to minimize challenges of bias?

5 Navigating a Complicated Tribunal Process

David Merner, Dispute Resolution Office at British Columbia's Ministry of Attorney General

Ken Bateman, National Energy Board

Some tribunal processes are becoming so complicated that the court process begins to look simple and straightforward. What steps are tribunals taking to help parties navigate the complicated processes? What alternate methods or other processes work to return tribunals to their roots as accessible, fast, straightforward and cost effective?

6 Privacy & Confidentiality in Tribunal Proceedings

Patricia Johnston, Energy Resources Conservation Board

Ian Mackenzie, Public Service Labour Relations Board

Many tribunals follow the open hearing concept similar to the courts. At the same time, participants have become more sensitized to protecting personal information. Where does the balance lie between open or transparent tribunal proceedings and the protection of personal or confidential information?

April 13, 2011 Closing Plenary

A Review of the Leading Cases from the Courts

Dean Philip Bryden, Faculty of Law, University of Alberta



Who should attend:

If you are on a tribunal, an advisor to a tribunal or an advocate before a tribunal you need to attend this conference.

Pre and Post Conference Training:

FAJ offers pre and post conference training courses to enable conference attendees to develop or refresh skills and knowledge.

Interpreting Legislation - April 11 & 12, 2011

The Single Adjudicator's Clinic - April 14, 2011

New Course

Get credits for your time:

- FAJ training courses qualify for credit in the Certificate of Administrative Justice program.
- The FAJ conference and training courses qualify for Alberta Law Society Continuing Professional Development Credits.

Registration forms available on line at www.foaj.ca/2011conference.

NEW THIS YEAR - early bird registration by March 1 and group discounts for 5+ persons.

Accommodation available at the Lister Conference Centre or in nearby hotels.

Details on line at www.foaj.ca/2011conference.

