

Foundation of Administrative Justice
4th ANNUAL CONFERENCE 2008
“The Gold Standard for Tribunal Performance”
May 28 & 29, 2008
U of A Conference Centre, Edmonton

PROGRAM AGENDA

Wednesday, May 28, 2008

In the Glacier Room, U of A Conference Centre, Edmonton

5:30 pm	Registration opens
6:00 pm	10th Anniversary Reception
7:00 pm	FAJ Annual General Meeting & Elections
7:30 pm	Key Note Speaker : Paul M. LeBreton, Q.C. Chairman, Appeals Tribunal Workplace Health, Safety and Compensation Commission of N.B. / President, Council of Canadian Administrative Tribunals <i>“The Gold Standard of Tribunal Performance”</i>
8:30 pm	Reception continues with no-host bar

Our keynote speaker will begin the conference by setting the stage on the theme of “A Gold Standard for Administrative Tribunal Performance”. The scope of tribunal performance includes all aspects of the tribunal’s business – administration, case management, dispute resolution, hearings, decisions, communication, reporting and education. A gold standard means excellence – the best. But as we see in the Olympics, to achieve and maintain “gold”, a tribunal, like an athlete, is constantly practicing, striving to improve performance, to implement new methods and to use the latest equipment. Tribunal “performers” are the board members, staff and clients who, individually and collectively, enable a tribunal to reach gold. The importance of conducting the best hearings with solid administrative process and principles of natural justice; making the best decisions supported by fact and evidence; and writing the best decisions is key to maintaining tribunal excellence, accountability and credibility.

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Thursday, May 29, 2008
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- 7:30 a.m. **Registration & Coffee**
- 8:00 a.m. **Opening Remarks**
Greetings from FAJ President – George Pheasey
Greetings from the Government of Alberta – Peggy Hartman, Q.C.
Assistant Deputy Minister, Agency Governance Secretariat
Greetings from CCAT - Paul M. LeBreton, Q.C, President
- 8:30 a.m. **Key Note Speaker: Chief Judge Gerald T.G. Seniuk,**
Chief Judge of the Provincial Court of Saskatchewan
“The Court’s Perspective on a Gold Standard of Tribunal Performance”
- The Courts supervise and comment on the ongoing performance of tribunals by reviewing tribunal decisions and through those decisions almost all aspects of tribunal performance. How do the Courts help tribunals set and maintain a gold standard of performance? What should tribunals take from a court’s decision to “uphold” a tribunal decision? How does a tribunal get past the sting of a “quashed” decision to learn from the messages in the court’s comments?
- Tribunals and courts face many of the same challenges and must strive for many of the same goals. Judge Seniuk brings a clear and experienced perspective to the role of decision maker. He will bring his judicial perspective to the tribunal setting and discuss some of the common challenges and goals.

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9:15 a.m.

Concurrent Sessions May 29, 2008

Workshop #1:

Tips and Strategies to Run a Fair Hearing

Debi Piecowye, Gilbert VanNes

Probably the most challenging aspect of being a tribunal member, adjudicator or arbitrator is actually running an oral hearing. Is there a tummy test for a fair hearing? Learn these must have skills from experienced adjudicators:

- Taking control of the hearing from the outset and keeping it
- Dealing with the challenges of unrepresented litigants
- Avoiding bias or the perception of bias
- Keeping the hearing within its allotted time
- Managing the involvement of interveners, interpreters and media observers

Workshop #2:

Recognizing Ethical Challenges

Shirish Chotalia Q.C., Janet Keeping

Does natural justice have an ethical component? What would that mean or look like? Ethics and hearings – are the two compatible? How do ethics propel a tribunal towards the gold standard of performance? What ethical challenges are tribunals facing now and in the future as they move towards a gold standard of performance? Is a gold ethical standard a key component of best practices for a tribunal?

Workshop #3:

Information Management: The Good, The Bad and The Ugly

Rick Stirling & Gisele Crawford

Good information management supports every aspect of business in organizations today and information assets are essential to an ongoing operation. Organizations sometimes do not even realize how inadequately these invaluable resources are being managed. A successful records and information management strategy can help you prepare for many of the emerging challenges of legislation, regulation, governance and the potential risks of legal actions.

This session will focus on the requirement of standardized procedures and the benefits of a successful information management system by:

- Mitigating future risks with your corporate information
- Assisting participants in understand their obligations for the presentation, collection, review and production of electronically stored information
- Supporting the efficient and effective day to day service delivery for the organization's business.

10:30 a.m.

Networking Break

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11:00 a.m.

Workshop #4:

Thrills, Chills and Spills of Tribunal Performance Management:

Douglass Tadman, Rifath Mohammed

A discussion about objective performance management-the interplay of processes and objective standards designed to promote the delivery of effective, consistent adjudication services. Panelists will share their experience in developing the components of performance management as they progress to the gold standard. A good variety of topics will be discussed including job descriptions, recruitment criteria and processes, code of conduct, orientation, conduct of hearings, adjudicator evaluation and adjudicator independence and reappointment. The discussion will focus on the presenters; experience in developing a comprehensive performance management system for the Appeals Commission for Alberta Workers; Compensation. They will share their thrills, chills and spills on the endless road to the gold standard.

Workshop# 5:

Recognizing Traditions: Best Practices in First Nation Tribunals

Robert Breaker, Bertha Rabesca Zoe, Paul Banchand

First nation and aboriginal tribunals recognize the need to integrate traditional beliefs and practices with modern legal concepts and processes. Part of the gold standard for these tribunals is developing processes and convincing others and their own about process, recognized standards and the value of fair process. Fair process: they feel it - we put boundaries on it. What is the North American experience? What can other tribunals can learn from the experiences of first nation and aboriginal tribunals who deal with diversity, varying expectations and standards, literacy, self represented participants, ADR, importance of consultation, consensus decision making and incorporating traditional values and laws?

Workshop #6:

Best Practices for Health Professions Disciplinary Hearings

Blair Maxston, James T. Casey Q.C.

This workshop will focus on the health professions, but any self-governing professional organization will pick up valuable tips about how to conduct effective and fair disciplinary hearings.

- Maximizing Hearing Effectiveness : Pre-Hearing Steps, Adjournment Requests and Other matters
- Small Colleges and the Challenges of the Discipline Process
- Dealing with Complainant "Rights", Unrepresented Members and Uncooperative Lawyers
- The "Seven Deadly Sins" of Tribunal Member Conduct"

12:15 p.m. - 1:30 p.m.

Lunch: Celebrating 10 years
Founding Members & Instructors Recognition
FAJ Awards

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1:30 p.m.

Concurrent Sessions May 29, 2008

Workshop #1: repeat

Tips and Strategies to Run a Fair Hearing

Debi Picowye, Gilbert Van Nes

Workshop #2: repeat

Recognizing Ethical Challenges

Shirish Chotalia Q.C., Janet Keeping

Workshop #7:

Resolutions Before or Outside of Formal Hearings: Tribunals Using ADR

Les Wallace, Lynn Parish

With increasing caseloads, shorter turnaround times and higher expectations for all parties, what can tribunals do to help the parties resolve matters before the formal hearing? What is the appropriate role of the board member, chair or vice chair in resolution discussions? Where does a trained mediator fit in? What interaction is appropriate between the mediator and the tribunal? Is ADR right for every tribunal?

2:45 p.m.

Networking Break

3:15 p.m.

Plenary Panel:

“Issues for Administrative Tribunals in the Next Decade”

The Honourable R.G. Richards, Kevin Fenwick, William W. Shores, Q.C.

What are the top 10 issues facing tribunals in next decade? What recently happened to the standard of review? What are recent reviews of tribunals identifying on the “need to do” list for tribunals? What resources and contacts will tribunals need in the future to continue at the gold level? This panel is always an exciting and thought provoking way to close the conference.

Conference Wrap-up

FAJ President