

List of Resources

The Right To Be Heard: The Future of Advocacy in Post-Pandemic Canada

Timothy R. Johnson, James F. Spriggs II & Paul J. Wahlbeck, *Oral Advocacy before the United States Supreme Court: Does It Affect the Justices' Decisions?*, 85 Wash. U. L. Rev. 457 (2007), & Additional Bibliography [attached]

Donald E. Worme, Q.C., I.P.C., *The Oral Tradition in Indigenous Justice*, PowerPoint Presentation [attached]

Luis Millán, "Virtual justice in COVID era comes at a heavy cost, legal scholars say," *The Lawyer's Daily* (14 September 2020). *This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc.*

Professor Cheryl Thomas and Professor Dame Hazel Genn, *Understanding tribunal decision-making: A foundational empirical study* (London: Nuffield Foundation, 2013)

Professor Dame Hazel Genn, "Online Courts and the Future of Justice" (Birkenhead Lecture, Gray's Inn, London, England, October 16, 2017)

Dr. Natalie Byrom, Sarah Beardon and Dr. Abby Kendrick, *Report and recommendations: The impact of COVID-19 measures on the civil justice system* (Surrey: The Legal Education Foundation, 2020). *Contains public sector information licensed under the [Open Government Licence v3.0](https://www.ogp.gov.uk/about/our-licences)*

Alicia Bannon and Janna Adelstein, *The Impact of Video Proceedings on Fairness and Access to Justice in Court* (New York: Brennan Center for Justice, September 10, 2020)

Faculty Bios [attached]

Additional Bibliography

Johnson, Timothy R. "Information, Oral Arguments, and Supreme Court Decision Making," *American Politics Research* 29, no. 4 (July 2001): 331-51, [doi: 10.1177/1532673X01029004001](https://doi.org/10.1177/1532673X01029004001)

Johnson, Timothy R., Paul J. Wahlbeck, and James F. Spriggs, II. "The Influence of Oral Arguments on the U.S. Supreme Court," *American Political Science Review* 100, no. 1 (February 2006): 99-113, [doi: 10.1017/S0003055406062034](https://doi.org/10.1017/S0003055406062034)

Ringsmuth, Eve M., Amanda C. Bryan and Timothy R. Johnson. "Voting Fluidity and Oral Argument on the U.S. Supreme Court," *Political Research Quarterly* 66, no. 2 (2012): 429-40, [doi: 10.1177/1065912912442111](https://doi.org/10.1177/1065912912442111)

The Oral Tradition in Indigenous Justice

Donald E. Worme, Q.C., I.P.C.

SEMAGANIS WORME LOMBARD

BARRISTERS & SOLICITORS



Robinson Huron Treaty Augmentation Clause

The said William Benjamin Robinson, on behalf of Her Majesty, who desires to deal liberally and justly with all her subjects, **further promises and agrees, that should the Territory hereby ceded by the parties of the second part at any future period produce such an amount as will enable the Government of this Province, without incurring loss, to increase the annuity hereby secured to them, then and in that case the same shall be augmented from time to time, provided that the amount paid to each individual shall not exceed the sum of one pound Provincial Currency in any one year, or such further sum as Her Majesty may be graciously pleased to order; ... [Emphasis added]**

Written Records

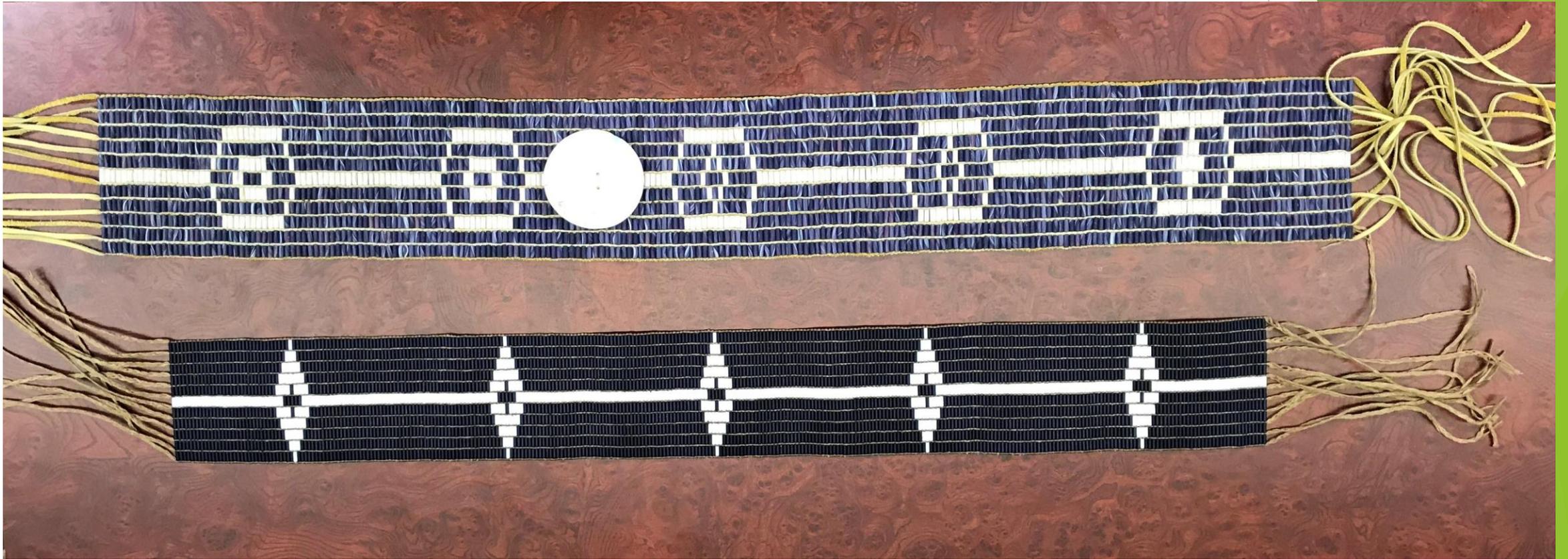
Anishinaabe written record: These are various objects, sometimes bark scrolls, sometimes wampum belts, other times paper. There are historic orthographies devised by Jesuits, Methodists, Anglicans and Baptists using the alphabet. Many modern Anishinaabe have adopted the double vowel orthography (aka Fiero orthography) devised by Charles Fiero.

Eurocentric written record: Written documents, often produced by Europeans and/or European descendents in what is now North America. Similar to the symbolic system that is the English language, the Eurocentric written record is typically written in the symbolic system known as Roman orthography, that are collected and stored in various archives. The documents usually represent the European understanding of what had occurred.

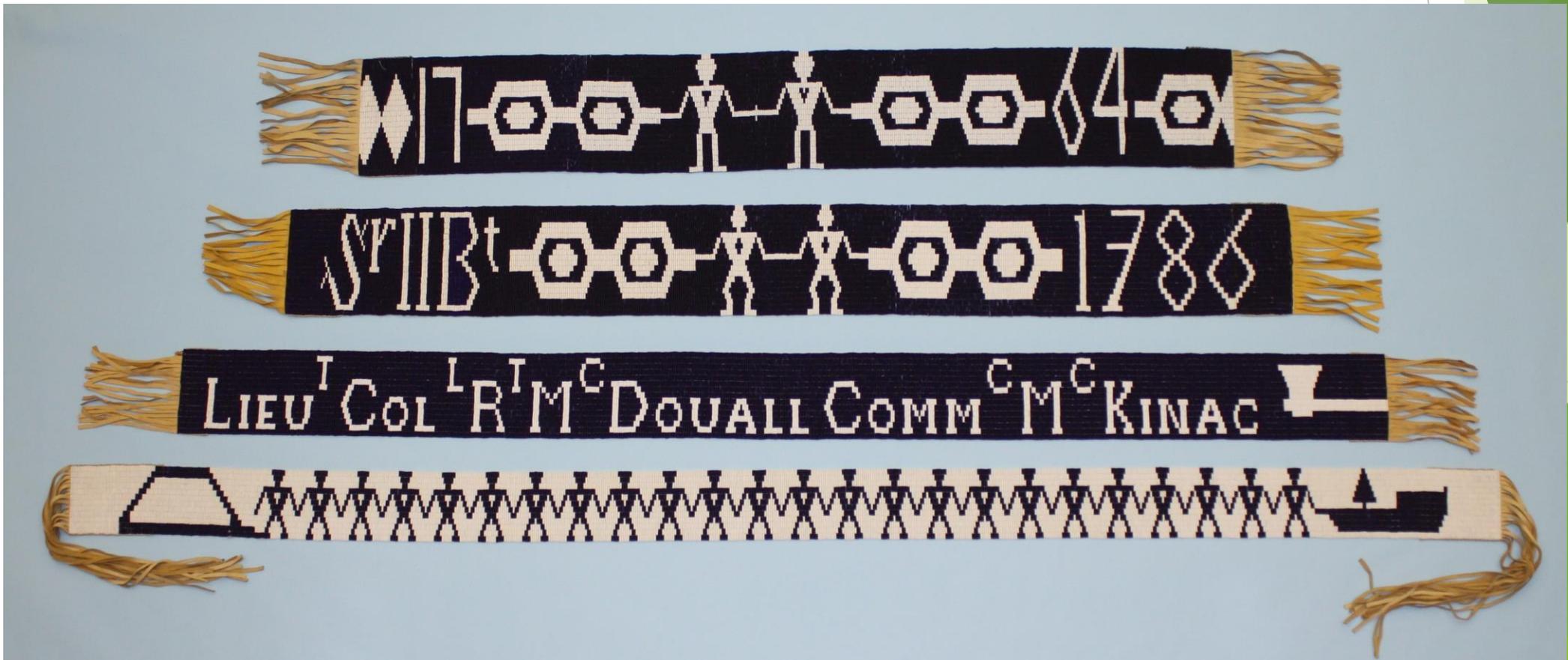
Doodem Map of the North Shore of Lake Huron



Wampum Belts shared between the Anishinaabe and the Haudenosaunee



British-made Treaties with the Anishinaabe



Further Resources

Restoule v Canada (Attorney General), 2018 ONSC 7701 (Stage One Decision), available at: <http://canlii.ca/t/hwqxxg>

Henderson, James Youngblood. *First Nations Jurisprudence and Aboriginal Rights: Defining the Just Society* (Saskatoon, SK: Native Law Centre, 2006).

Links to Dr. Alan Corbiere's *Restoule* evidence:

- October 26: <https://livestream.com/firsttel/events/7867143>
- October 27th: <https://livestream.com/firsttel/events/7871319>
- November 7th: <https://livestream.com/firsttel/events/7920998>
- November 8th: <https://livestream.com/firsttel/events/7923181>
- November 9th: <https://livestream.com/firsttel/events/7924540>

Thank you, kinanâskomitinâwâw!



SEMAGANIS WORME LOMBARD

BARRISTERS & SOLICITORS



Faculty Bios

September 29, 2020

Co-Chairs

Peter J. Osborne, *Lenczner Slaght*

Peter J. Osborne is a Partner at Lenczner Slaght. His advocacy practice includes securities matters, commercial and industrial disputes, cross-border restructuring and insolvency cases, class actions, governance issues as well as professional regulatory litigation and disciplinary proceedings. He appears regularly before a wide range of courts and tribunals across Canada, in cross-border proceedings and in arbitrations in numerous jurisdictions. Peter routinely advises shareholders, officers, directors, special committees and boards of public as well as private companies in crisis situations and shareholder and governance disputes. He also acts for such clients in the context of cross-border litigation and insolvency proceedings. In addition, he both prosecutes and defends professional disciplinary proceedings. For many years, Peter has taught trial advocacy at the University of Toronto Faculty of Law and Osgoode Hall Law School. Peter is a Fellow of the American College of Trial Lawyers. He is also a member of the Board of Directors of The Advocates' Society and Chair of its Modern Advocacy Task Force.

Scott C. Hutchison, *Henein Hutchison LLP*

Scott Hutchison is a partner at Henein Hutchison LLP. His practice includes complex civil, criminal, regulatory and constitutional litigation, with a particular interest in white collar crime and appellate advocacy. He is a Fellow of the American College of Trial Lawyers, a member of the Supreme Court Advocacy Institute and has been recognized in Best Lawyers in Canada for Appellate Law and Criminal Defence and for in Chambers Canada in Dispute Resolution. He was appointed by the Attorney General and the Law Foundation of Ontario to the province's Class Proceedings Committee. His recent practice has included advising in relation to the defence of complex class actions, advising clients caught up in business crime investigations, and representing individuals and entities in serious criminal cases at all levels of court. He has argued numerous criminal and civil appeals and trials, including hundreds of matters in the Ontario Court of Appeal and more than two dozen cases in the Supreme Court of Canada. He appears regularly before senior professional discipline tribunals, the Ontario Securities Commission and similar tribunals. Prior to forming Henein Hutchison LLP, Scott was a partner at a top 10 litigation boutique in downtown Toronto, from 2005 to 2012. From 1989 to 2005, Scott was counsel at the Crown Law Office-Criminal (Ontario) where he represented the Crown at all levels of court, including hundreds of appearances in the Court of Appeal and numerous appeals in the Supreme Court of Canada. He is the author of a number of frequently cited legal texts, including *Search and Seizure Law in Canada* (Carswell); *Hutchison's Search Warrant Manual*, 2015 (Carswell); *Computer Crime in Canada* (with Robert Davis); *The Law of Traffic Offences* (3d ed.) (2011, Carswell) and is a contributing author of *McWilliams Canadian Criminal Evidence* (4th) (Canada Law Book). Scott is a member of the faculty of the National Criminal Law Program. He is one of the Co-Chairs of the Osgoode Professional Development Program National Symposium on Search and Seizure Law in Canada. He is a popular speaker on a variety of legal topics. Scott writes and teaches extensively and was a member of

the adjunct faculty of Queen's University Law School where he taught Trial Advocacy and Appellate Advocacy from 2005 to 2013. From 2006 to 2008 he also taught Advanced Evidence at Osgoode Hall Law School. He is a member of the Advocates' Society, the Criminal Lawyers Association, and the International Society for the Reform of the Criminal Law.

Katherine L. Kay, *Stikeman Elliott LLP*

Katherine Kay is a partner with the litigation and competition groups of Stikeman Elliott, litigating "bet the farm" cases throughout Canada. Katherine is known as a dynamic and highly effective courtroom advocate with a razor-sharp strategic approach. Katherine's practice concentrates on complex commercial litigation, often involving the interplay between regulatory, civil and criminal law regimes across multiple jurisdictions, with particular expertise in competition, product liability, class action defence, international law, and white collar matters. Katherine was named as one of the Top 25 Women in Litigation and Competition Litigator of the Year by Benchmark Canada in multiple years, and has been described by Chambers Global as "virtually insurmountable in the area of competition litigation" and by Global Competition Review as "arguably the best competition litigator Canada has to offer".

Sheila Gibb, *Epstein Cole LLP*

Sheila Gibb is a partner at Epstein Cole LLP, practicing exclusively in the area of family law. At her core an advocate, Sheila has been delighted to chair the Right to be Heard symposium and contribute to the development of a vision for the future of advocacy in Canada. In her practice, Sheila is equally adept at building relationships to negotiate creative separation agreements as she is pursuing strategic litigation to achieve success in all levels of court. Drawing on her corporate law experience at a leading New York City law firm, Sheila advises clients on complex business, trust and family wealth matters in the context of family law. Sheila's experience as a litigator significantly informs her solicitor and planning work, including her meticulous drafting of sophisticated marriage contracts and cohabitation agreements. Sheila brings insight and sensitivity to children's matters, ensuring that children's best interests and well-being take precedence, including in cases of high-conflict litigation, alienation or non-contact. Sheila has expertise in inter-provincial and international jurisdiction matters, including child mobility, child abduction and the *Hague Convention*. Sheila regularly writes and speaks on family law and litigation topics for The Advocates' Society, the Ontario Bar Association and the Law Society of Ontario and at educational programs for judiciary. She is honoured to serve as a Director of The Advocates' Society, where she works to promote excellence in advocacy and professionalism within a fair and accessible justice system.

Speakers

Professor Timothy R. Johnson, *University of Minnesota*

Timothy R. Johnson is Morse Alumni Distinguished Professor of Political Science and Law. He is a nationally recognized expert on U.S. Supreme Court oral arguments and decision making. He is the co-author of *Oral Arguments and Coalition Formation on the U.S. Supreme Court*, co-editor of *A Good Quarrel*, and author of *Oral Arguments and Decision Making on the U.S. Supreme Court*. His research appears in a variety of political science journals. In addition, his research and commentary have been covered by *The Economist*, *The Guardian*, the *New York Times*, the *Washington Post*, the *Wall Street Journal*, National Public Radio, and CNN. Beyond research, Tim is a nationally recognized teacher, having won college level, university

wide, and national teaching awards. In 2018 he was named a semi-finalist for the prestigious Robert F. Cherry Award for Great Teaching and won the American Political Science Association's Distinguished Teaching Award.

Donald E. Worme, Q.C., I.P.C., *Semaganis Worme Lombard*

DONALD E. WORME, Q.C., I.P.C., a Cree lawyer from the Kawacatoose First Nation, Treaty Four, Saskatchewan, is one of the leading advocates in Saskatchewan for human rights, criminal law and treaty litigation. Mr. Worme graduated with his Bachelor of Laws in 1985 from the College of Law at the University of Saskatchewan. He articulated with the Federal Department of Justice in Saskatoon, Saskatchewan, prosecuting federal offences and received his call to the bar in 1986. He continues to practice law at Semaganis Worme Lombard in Saskatoon and, through his national affiliation with the Indigenous Law Group, with offices in Ontario and British Columbia. Mr. Worme is founding member of the Indigenous Bar Association of Canada, a national advocacy group comprised of Indigenous lawyers, judges and law students, where he served as president from 1990 – 92. Mr. Worme has also been a vocal member of the Saskatchewan Human Rights Tribunal since 2001. Mr. Worme has also served on several Judicial Commissions of Inquiry in various capacities. As part of the 100th anniversary of the University of Saskatchewan, Mr. Worme was included in the list of the university's Top 100 Alumni of Influence. In 2010 he was awarded a National Aboriginal Achievement Award for his longstanding commitment to Aboriginal justice in Canada. Currently, among other work, Mr. Worme is involved in the historic Robinson Treaties litigation taking place in Ontario which seeks to compel the Crown to live up to the treaty promises and to renew the treaty relationship between the Lake Huron treaty signatories and the federal and provincial governments. Consistently named as a Lexpert-ranked lawyer for his work in Indigenous law in the Canadian Legal Lexpert Directory, Mr. Worme received his Queen's Counsel appointment in 2002 and his Indigenous People's Counsel designation in 2006 in recognition of his service to Indigenous peoples and the Creator.

Dr. Rachel Birnbaum, *King's University College at Western*

Rachel Birnbaum, Ph.D., RSW, LL.M, is a Professor at King's University College at Western University in London, Ontario. Her primary areas of teaching focus on children and families, intersection between social work and the law, and research methods. Dr. Birnbaum has published over 100 articles and 8 books with co-authors. She has extensive clinical practice and research experience in working with children and families of separation and divorce. She has presented nationally and internationally on parenting assessments, child legal representation, children's participation in family disputes, and on the intersection between law and social work. Dr. Birnbaum is a Member of The Royal Society of Canada, College of New Scholars, Artists, and Scientists and recipient of several research awards. She was the President of the Ontario College of Social Workers and Social Service Workers (OCSWSSW) from 2005-2009; the President of the Canadian Council of Social Work Regulators (CCSWR) from 2012-2014; the President of the Association of Family and Conciliation Courts-Ontario (AFCC-O) for 2014-2015; and, a former board member of the Canadian Research Institute for Law & The Family, in Calgary, Alberta.

El Jones, *University of King's College*

El Jones is a spoken word poet, an educator, journalist, and a community activist living in African Nova Scotia. She was the fifth Poet Laureate of Halifax. In 2016, El was a recipient of the Burnley "Rocky" Jones human rights award for her community work and work in prison justice. She is a co-founder of the **Black Power Hour**, a live radio show with incarcerated people on CKDU that creates space for people inside to share their

creative work and discuss contemporary social and political issues, and along with this work, she supports women in Nova Institution in writing and sharing their voices. El served as the 15th Nancy's Chair of Women's Studies at Mount Saint Vincent University for the 2017-2019 term. Her book of spoken word poetry, **Live from the Afrikan Resistance!** was published by Roseway Press in 2014. El writes a weekly column for the Halifax Examiner, and was an Atlantic Journalism Award winner in 2018. El would like to pay tribute to the many nameless and unrecognized women whose work makes it possible for her to be here today.

Karyn S. Pugliese, Ryerson University

Karyn, aka Pabàmàdiz, is best known for her work as a Parliament Hill reporter and as the Executive Director of News and Current Affairs at APTN (Aboriginal Peoples Television Network), where she ran the news department for seven years. She joined Ryerson's faculty in the Spring of 2020 while completing a Nieman Fellowship at Harvard University. Karyn has worked in both daily news and on long-form investigations at a variety of outlets including ichannel, VisionTV, CBC and CTV. Karyn is a past president of the Canadian Association of Journalists, and currently sits as co-chair of their advocacy committee. She is a board member of Canadian Journalists for Free Expression. She is a Journalists for Human Rights Ambassador and worked as an expert trainer for the program in South Sudan in 2018.

Her journalism has been recognized by the Canadian Association of Journalists, the Canadian Screen Awards, the Native American Journalists Association and the Public Policy Forum. She holds degrees in Journalism and History. Karyn is a citizen of the Pikwàkanagàn First Nation in Ontario, and is of mixed Algonquin and Italian descent. When she is not engaged in acts of journalism, you'll find her paddling a canoe, shooting photos and eating frybread.

Dr. Jeff Hancock, Stanford University

Jeff Hancock is the Harry and Norman Chandler Professor of Communication at Stanford University, Founding Director of the Social Media Lab and Director of the Stanford Center for Computational Social Science. A leading expert in social media behavior and the psychology of mediated interaction, Professor Hancock studies the impact of social media and AI technology on cognition, well-being, relationships, deception and trust, and interpersonal communication. His award-winning research has been published in over 100 journal articles and conference proceedings and has been supported by funding from the U.S. National Science Foundation and the U.S. Department of Defense. Professor Hancock's TED Talk on deception has been seen over 1 million times and his research has been frequently featured in the popular press, including the New York Times, CNN, NPR, CBS and the BBC. Professor Hancock worked for Canada Customs before earning his PhD in Psychology at Dalhousie University, Canada. He was a Professor of Information Science (and co-Chair) and Communication at Cornell University prior to joining Stanford in 2015. He currently lives in Palo Alto with his wife and daughter, and he regularly gets shot at on the ice as a hockey goalie.

Dr. Steve Joordens, University of Toronto

Professor Joordens is a passionate educator and innovator of education. He has taught a range of psychology courses, and Introductory Psychology especially, both at the University of Toronto, and online as a so called Massive Open Online Course (MOOC). In fact, over 250,000 students worldwide have registered for his course on Coursera.org. He has won awards for both his teaching and his contributions to education at the institutional, provincial and national levels, including being named a 3M Teaching Fellow, the highest award for significant and sustained impact to Higher Education in Canada. In addition to his classroom

teaching he is a researcher of memory, decision making and learning, and he often gives talks to a range of various groups highlighting the relevant psychology that they encounter each day.

Professor Dame Hazel Genn, *University College London*

Dame Hazel Genn is Professor of Socio-Legal Studies in the Faculty of Laws at UCL and from August 2020 seconded to the role of UCL Vice-Provost International & Advancement.

She was Dean of the Faculty of Laws 2008-2017 and is founder of the UCL Centre for Access to Justice and Co-founder of the UCL Judicial Institute. Dame Hazel is a leading authority on access to civil and administrative justice. She has conducted numerous empirical studies on public access to the justice system and has published widely in her specialist fields. She is author of *Paths to Justice: What People Do and Think About Going to Law* (1999) a seminal study of public access to justice which has since been replicated in 27 jurisdictions around the globe. In 2008 Dame Hazel delivered the Hamlyn Lectures on the subject of civil justice entitled *Judging Civil Justice*. In 2012 she delivered the F A Mann Annual Lecture on 'Why the Privatisation of Justice is a Rule of Law Issue' and the Atkin Memorial Lecture on 'Do it Yourself Justice: Access to Justice and the Challenge of Self-Representation'. Her work has had a global influence on policymakers in relation to the provision of legal aid and the social and health impact of unmet social welfare problems. She is interested in the access to justice implications of online courts and in October 2017 delivered the Annual Birkenhead Lecture entitled 'Online Courts and the Future of Justice' https://www.ucl.ac.uk/laws/sites/laws/files/birkenhead_lecture_2017_professor_dame_hazel_genn_final_version.pdf.

Dame Hazel has been appointed to numerous public service roles, including Judicial Appointments and Standards in Public Life. In recognition of her contribution to the justice system, she was awarded a CBE in the Queen's Birthday Honours List in 2000 and appointed DBE in the Queen's Birthday Honours List in 2006. In 2006 she was also appointed Queen's Counsel Honoris Causa and in 2008 she was elected Honorary Master of the Bench of Gray's Inn.

The Hon. Judge Elizabeth A. Buckle, *Provincial Court of Nova Scotia*

The Honourable Judge Elizabeth Buckle is a Judge of the Nova Scotia Provincial Court, presiding in Halifax. For most of her practicing career, Elizabeth was a criminal defence lawyer, first with Heller, Rubel in Toronto and continuing in Halifax with Beveridge, Lambert & Duncan. In 2008, she took a four-year hiatus from the defence bar and worked as a Federal Crown. She then returned to defence practice with her former firm where she remained until her appointment to the Bench in 2015. She has been the President of the Nova Scotia Criminal Lawyers' Association and represented the Association on many Committees and criminal justice initiatives. She co-taught the Criminal Trial Practice course at the Schulich School of Law, has been a member of the Faculty of the National Criminal Law Program since 2009, and is a frequent presenter at various Judicial Education Programs.

The Hon. Chief Justice Christopher E. Hinkson, *Supreme Court of British Columbia*

The Honourable Chief Justice Christopher E. Hinkson was born in Vancouver British Columbia. He is a graduate from the University of British Columbia (1973) and was called to both the bar of British Columbia (1976) and the Yukon Territory (1978). He was partner at Harper Grey from 1979-2007, and was appointed Queen's Council in 1991. He was appointed to the Supreme Court of British Columbia in 2007; and later the British Columbia Court of Appeal in 2010. In 2013 he was appointed Chief Justice of the Supreme Court of British Columbia. Other professional activities include: Adjunct Professor, Faculty of Law, University of British

Columbia (1983-1988), Member, Education Committee, Law Society of British Columbia (1985-1988), President, Vancouver Bar Association (1986-1987), Member, Insurance Committee, Law Society of British Columbia, 1988-1991, Clinical Assistant Professor, Faculty of Medicine, University of British Columbia (1989-1998), Member, Ethics Committee of the Law Society of British Columbia (1996-1997), Fellow of the American College of Trial Lawyers (inducted to the College in 1997), Lecturer, Continuing Legal Education Society and Continuing Medical Education, Group Leader, Inns of Court.

The Hon. Justice Benjamin Zarnett, *Court of Appeal for Ontario*

The Honourable Justice Benjamin Zarnett was appointed to the Court of Appeal for Ontario in November 2018. Prior to his appointment he practiced trial and appellate advocacy. He was counsel in fifteen appeals in the Supreme Court of Canada and numerous cases before Ontario's appellate and trial courts, as well as in appeals before the Federal Court of Appeal and the appellate courts of Quebec and Newfoundland and Labrador. He is a former President of the Advocates' Society and a Fellow of the American College of Trial Lawyers. For his contributions to the justice system, he was awarded the Law Society of Ontario Medal (its highest award) in 2006, the Toronto Lawyers Association Award of Distinction in 2007, and the Ontario Bar Association Award for Excellence in Civil Litigation in 2009.

The Hon. Justice David M. Brown, *Court of Appeal for Ontario*

Justice David Brown was appointed to the Court of Appeal for Ontario in December, 2014, after sitting as a judge of the Superior Court of Justice of Ontario in the Toronto Region since September, 2006, including several years on the Toronto Region Commercial List. Immediately prior to his appointment to the Court of Appeal, Justice Brown was serving as the President of the Ontario Superior Court Judges' Association. Before his appointment to the Bench, he was a partner with Stikeman Elliott LLP (Toronto) in its Litigation and Energy Groups. He served as an Adjunct Professor of Law at Osgoode Hall Law School teaching Energy Law from 2004 until 2006, and a Sessional Lecturer at Queen's University Law School from 1990 to 2002 teaching Trial Advocacy. Justice Brown writes on a number of legal topics, including civil procedure reform and Newfoundland legal history. Justice Brown earned his B.A. (Hons.), University of Toronto, 1976; Certificate, Beijing Languages Institute, 1977; Diploma, Nanjing University, 1978; J.D., 1981, University of Toronto; L.L.M., Osgoode Hall Law School, 2005; called to the Ontario Bar, 1983.

Guy J. Pratte, *Borden Ladner Gervais LLP*

Guy is a partner in BLG's Litigation and Arbitration Group. He divides his time between BLG's Toronto, Ottawa and Montreal offices. An award-winning and highly sought-after lawyer, Guy has experience in complex commercial litigation (including class actions), administrative law and constitutional law cases, and is consistently recognized as a leading lawyer in these areas by the foremost legal ranking directories, although he is also often retained in complex cases of all types. Guy frequently appears before the Supreme Court of Canada (SCC), the Superior and Appeal Courts of Ontario and Québec, the Federal Court (FC) and Federal Court of Appeal (FCA). Guy is also the current president of The Advocates' Society (TAS).