

JUSTICE AND MENTAL HEALTH

43rd ANNUAL CONFERENCE | For all members of the legal community

CIAJ

Canadian Institute
for the Administration
of Justice

Listening. Learning. Leading.

October 17–19, 2018 • The Westin Ottawa (Confederation III Room, 4th Floor)



Honorary Chair

*Senator Kim Pate
Senate of Canada*

Co-Chairs

*Mr. Patrick A. Molinari
Ad. E., FRSC
Lavery Lawyers
President, CIAJ*

*The Hon. James O'Reilly
Federal Court
First Vice-President, CIAJ*

The 2018 CIAJ Annual Conference will address the way in which Canada's justice system interacts with mental health at differing levels. Our Conference will present a multidisciplinary analysis (calling upon experts in law, psychiatry, psychology and social work) of the challenges faced by the intersection of mental illness and the law. Over 40 speakers will discuss systemic issues, difficulties in the courtroom, philosophical considerations, necessary future improvements, and much more!

Participation at this conference is approved under Section 41 (1) of the Judges Act.

This program is offered by an accredited provider of professional content and is accredited in provinces where CLE requirements for lawyers are mandatory.

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OVERVIEW*

The theme of Justice and Mental Health will be discussed by panellists who will attempt to bridge the gap between the Justice and Healthcare systems; what is the interrelation between vulnerable groups and mental illness as it plays out in the courts (civil and criminal) and administrative tribunals?

Speakers from various disciplines, including lawyers, judges, psychologists, psychiatrists, correctional professionals and social workers, will approach issues in an inclusive manner that incorporates the diverse perspectives of the various populations and advocates concerned. Among others, we will view the two systems through the lens of a medical context, a social context, a correctional view and a rehabilitation-centred view. We will also hear stories from individuals that have passed through the criminal and healthcare spheres, and have come out the other side with a unique perspective on the systems at play. The conference will conclude with a student panel entitled Law and Happiness, where we will explore how mental health issues affect law students and lawyers. What resources are available to manage the mental health of those who operate within the legal profession?

It has been said that courts are the emergency rooms for unaddressed mental health issues. This conference will assess the tools available to the justice system to manage such issues when they arise with respect to litigants, witnesses and the accused.

**Please note that the program is subject to change.*

PLANNING COMMITTEE

Honorary Chair

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Co-Chairs

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The Honourable James O'Reilly, Federal Court; First Vice-President, CIAJ

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CEO, Legal Services Society of British Columbia

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Professor Jennifer Chandler

Faculty of Law - Common Law Section

University of Ottawa

The Honourable Judge Dominique Larochelle

Court of Quebec

Ms. Sapna Mahajan

Director, Mental Health Prevention and

Promotion – Workplace Initiatives

Mental Health Commission of Canada

Mr. André A. Morin, Ad. E.

Chief Federal Prosecutor

Public Prosecution Service of Canada

The Honourable Justice Michelle O'Bonsawin

Superior Court of Justice, Ontario

The Honourable Justice P. Colleen Suche

Manitoba Court of Queen's Bench

CIAJ Second Vice-President

Professor Martine Valois

Faculty of Law, Université de Montréal

Mr. David A. Wright

Chair, Law Society Tribunal

WEDNESDAY, OCTOBER 17

8:00 – 8:45 am **REGISTRATION AND CONTINENTAL BREAKFAST**

8:45 – 9:00 am **WELCOME REMARKS AND INTRODUCTION**

Honorary Chair

- Senator Kim Pate
- Elder Verna McGregor, Employment Counsellor, Minwaashin Lodge - Aboriginal Women's Support Centre; Kitigàn-zìbì Anishinàbeg First Nation

Co-Chairs

- Mr. Patrick A. Molinari, Ad. E., FRSC, Lavery Lawyers; President, CIAJ
- The Hon. Justice James O'Reilly, Federal Court; First Vice-President, CIAJ

9:00 – 10:30 am **PANEL ONE | [Struggle, Recovery and Hope: A Series of Portraits](#)**

Mental health has a face, and cannot be discussed in abstract terms. At times, limited access to mental health resources land people in the criminal justice system. After enduring such hardship, how do people recover, find hope, and come full circle? In this panel, we will explore a holistic and patient-centred account of the systems at play.

Chair

- The Hon. Justice P. Colleen Suche, Court of Queen's Bench of Manitoba; CIAJ Second Vice-President

Speakers

- Dr. Jamie Livingston, Associate Professor, Department of Criminology, Saint Mary's University, Halifax
- Mr. Breton Umlah, individual with prior experience in the Forensic Mental Health System, Halifax
- Ms. Aileen McGinty, Crown attorney, Public Prosecution Service; individual with lived experience of mental illness, Dartmouth, Nova Scotia
- Ms. Kimberley Brennan, MSW, RSW, Clinical Social Worker, Halifax

10:30 – 10:50 am **BREAK:** Meditation with Heather Cross from Here and Now Studio (10:30 – 10:40 am)

10:50 am – 12:15 pm **PANEL TWO | [The Intersection of Legal and Clinical Pathways](#)**

When it comes to the intersection between mental health and criminal justice, many factors both systems-level and individual-level can affect the pathways various individuals with mental illness will take.

Chair

- The Hon. Justice James O'Reilly, Federal Court; First Vice-President, CIAJ

Speakers

- Prof. Hugues Parent, Faculty of Law, Université de Montréal
- Prof. Anne Crocker, Ph.D, Director, Research & Academics, Institut Philippe-Pinel de Montréal; Professor, Department of Psychiatry, Université de Montréal
- Dr. Alexander Simpson, Chief of Forensic Psychiatry, Centre for Addiction and Mental Health, Toronto
- Ms. Mary Marshall, Lawyer, Meadows Law, Edmonton

12:15 – 1:15 pm **LUNCH:** Governor General II/III Rooms – 4th Floor

1:15 – 2:45 pm **PANEL THREE | [Stigmatization and Social Exclusion](#)**

Stigma is a major barrier that prevents people with mental health problems from seeking help. The impact of the law on the lives of people with mental health problems is complex; it can affect their rights, their experience with the justice system and their ability to access healthcare. This panel will discuss social exclusion as a consequence of the stigmatization of people dealing with mental illness. This panel will also consider the special needs of clients with mental health problems, as well as how legal professionals can better assist them in accessing the legal system efficiently.

- Chair* • The Hon. Justice Kathleen J. Caldwell, Ontario Court of Justice, Toronto
Speakers • Dr. Jeffrey Waldman, Forensic Psychiatrist, Assistant Professor, University of Manitoba
• Dr. Patrick Smith, CEO, Canadian Mental Health Association–National
• Ms. Anita Szigeti, Founding Principal, Anita Szigeti Advocates, Toronto
-

2:45 – 3:05 pm **BREAK**

3:05 – 4:30 pm **PANEL FOUR | Cultural Diversity: Bias in Forensic Risk Assessment**

This panel will discuss whether the current risk assessment tools are appropriate in assessing offenders from minority cultures and ethnicities. In *Ewert v. Canada*, 2018 SCC 30, the Court ruled that Correctional Service Canada’s (CSC) tools for assessing psychological risk were inadequate for Indigenous prisoners, which breached their statutory obligations but not their Charter rights. How has the use of psychiatry been critiqued in propagating cultural biases in diagnosis and treatment? In what ways must the CSC reassess its practices and policies?

- Chair* • The Hon. Judge Gerald M. Morin, Provincial Court of Saskatchewan, Prince Albert
Speakers • Ms. Emily Hill, Interim Legal Advocacy Director, Aboriginal Services, Toronto
• The Hon. Justice Michelle O’Bonsawin, Superior Court of Justice, Ontario

4:30 – 5:00 pm **PRESENTATION OF THE CHARLES D. GONTHIER RESEARCH FELLOWSHIP**

- Recipient: Prof. Véronique Fortin, Associate Professor, Université de Sherbrooke Faculty of Law, Member of the Critical Legal Research Laboratory

Research project: “Les tribunaux en santé mentale: la justice comme service?” (Mental Health Courts: Justice as a Service?)

5:00 – 7:00 pm **NETWORKING COCKTAIL:** Governor General II Room – 4th Floor (Cash bar)
Duet: Karine Bouchard (cello) and Amanda Gibeau (violin)

THURSDAY, OCTOBER 18

8:00 – 9:00 am **CONTINENTAL BREAKFAST**

9:00 – 10:30 am **PANEL FIVE | Reaffirming the Role of Rehabilitation in the Justice System**

In the criminal justice system, we cannot limit our discussion to treating mental illness alone, as that is just one facet of relief, and does not protect against recidivism nor increase public safety. How are mental health courts being used to help people with mental health disabilities navigate the system? How involved should the justice system be in encouraging people to get treatment? There is a disconnect between mental health services in prisons, remand centres, and within the community at large, but healthcare should not stop at the prison gate.

- Chair* • The Hon. Judge Renée Cochard, Q.C., Provincial Court of Alberta, Edmonton
Speakers • Prof. Jennifer Chandler, Faculty of Law - Common Law Section, University of Ottawa
• The Hon. Justice Heather Perkins-McVey, Ottawa Mental Health Court
• The Hon. Judge Dominique Larochelle, Court of Québec
• The Hon. Anne-Marie Hourigan, retired judge, Ontario Court of Justice
-

10:30 – 10:50 am **BREAK**

10:50 – 12:15 pm **PANEL SIX | Administrative Justice and Mental Health: Promises, Perils and Possibilities**

This panel will discuss the advantages and challenges of administrative tribunals adjudicating cases

which involve people with mental health disabilities. Tribunals do not have a formal regime for addressing capacity issues – is law reform required? When do adjudicators have a duty to accommodate, particularly where self-represented litigants are concerned? How do we recruit and train adjudicators to be aware of unconscious bias, while ensuring understanding of the lived experiences of people with mental health disabilities?

Chair

Speakers

- Mr. David A. Wright, Chair, Law Society Tribunal, Ontario
- Ms. Julie Baril, Director of Legal Office, Tribunal administratif du Québec
- Mr. Michael Gottheil, Chief of the Commission and Tribunals, Alberta Human Rights Commission
- Ms. Tess Sheldon, Assistant Professor, Faculty of Law, University of Windsor, Toronto
- Ms. Jean Buie, Lawyer, Social Benefits Tribunal, Ontario

12:15* – 1:15 pm **LUNCH:** Governor General II/III Rooms – 4th Floor

**CIAJ Members Annual General Meeting starts at 12:15 pm in Confederation III Room*

1:15 – 2:45 pm **PANEL SEVEN | How Does Civil Justice Take Charge of Those Suffering from Mental Health Problems?**

This panel will consider issues surrounding litigants who live with mental illness; what tools are available to assist such litigation? How can a decision maker minimize the impact of legal processes on the litigant? The symptoms of some litigants become appreciably worse when they encounter the justice system. Why is that? What can be done to address it? The panel will also address how personality disorders have a complex relationship with the law, which in turn reflects their complexity within the clinical community.

Chair

Speakers

- The Hon. Judge Magali Lewis, Court of Québec
- Ms. Lucie Joncas, Lawyer, Desrosiers Joncas Nouraié Massicotte, Montreal
- Ms. Lisa St. Pierre, Program Manager, Canadian Mental Health Association, Ottawa Branch
- Sgt. Heather Matthew, NCO i/c Vulnerable Persons Section, RCMP, Surrey
- Dr. Jeff Turnbull, Chief of Staff, The Ottawa Hospital

2:45 – 3:05 pm **BREAK:** Stretching with MéliSSa Boudreau from Evo Studio (2:45 – 2:55 pm)

3:05 – 4:30 pm **PANEL EIGHT | Courts and the Healthcare System: Institutional Confinement and Coercive Care**

People who are involved in both the criminal justice system and the mental healthcare system are dually stigmatized. A person found “not criminally responsible” typically has a difficult time reintegrating into their community. Treatment is not equally accessible across the county; how can we minimize the discrepancy between urban and rural areas? How do we provide effective healthcare within a correctional system?

Chair

Speakers

- The Hon. Justice Richard D. Schneider, Ontario Court of Justice; Chair, Ontario Review Board
- Ms. Louise Bradley, President and Chief Executive Officer, Mental Health Commission of Canada
- Dr. Patrick Baillie, Forensic Psychologist, Alberta Health Services
- Prof. Emmanuelle Bernheim, Faculté de science politique et de droit, Université du Québec à Montréal

4:30 – 5:00 pm **UNVEILING OF THE PRESIDENT’S AWARD**

5:00 – 6:30 pm **NETWORKING COCKTAIL:** Governor General II Room – 4th Floor (Cash bar)
Dave Ward Trio: David Ward (alto sax) Tom Denison (acoustic bass), Peter Foret (guitar)

FRIDAY, OCTOBER 19

8:00 – 8:45 am **CONTINENTAL BREAKFAST**

8:45 – 10:15 am **PANEL NINE | Mental Health, Criminal Law and Sentence Enforcement: An Overview**

This panel will assess the intersection of mental health and criminality from different perspectives such as federal policing, federal corrections, and community supervision of sentences. An emphasis will be placed on the successes and failures of our legal system in its interaction with those who suffer from mental illness. How can courts, judges and lawyers better serve persons with mental illness, while simultaneously emphasizing the protection of the public?

- Chair* • The Hon. Justice Georgina Jackson, Court of Appeal for Saskatchewan; Past President, CIAJ
- Speakers* • Deputy Commissioner Brenda Butterworth-Carr, Commanding Officer, E Division, RCMP
- Ms. Sherry Lercher, Retired Probation Officer, Manitoba
- Dr. Ivan Zinger, Correctional Investigator of Canada

10:15 – 10:35 am **BREAK**

10:35 – 11:55 am **PANEL TEN | Coming Together to Better Respond to People Experiencing Mental Health Problems**

How does healthcare relate to justice? This last panel will discuss how critical it is to bridge the gaps between the healthcare system and the justice system by promoting interdisciplinary actions and bringing together professionals and scholars. Such collaboration will help better people with mental illnesses, as well as society as a whole.

- Chair* • Mr. Patrick A. Molinari, Ad. E., FRSC, Lavery Lawyers; President, CIAJ
- Speakers* • Alanna Dunlop, Officer in Charge, E Division Crime Prevention and Support Services, RCMP, Surrey
- Dr. Mathieu Dufour, Psychiatrist and Associate Chief, The Royal (Ottawa), President, Ontario Psychiatric Association
- Ms. Pénélope Karavelas, Legal Aid Lawyer, Health Law, Commission des services juridiques, Montreal

11:55 am – Noon **CLOSING REMARKS**

- Co-Chairs* • Mr. Patrick A. Molinari, Ad. E., FRSC, Lavery Lawyers; President, CIAJ
- The Hon. Justice James O'Reilly, Federal Court; First Vice-President, CIAJ

Noon – 1:00 pm **LUNCH:** Governor General II/III Rooms – 4th Floor

1:00 – 1:15 pm **PRESENTATION OF THE CHRISTINE HUGLO-ROBERTSON ESSAY PRIZE**

- Recipient: Ms. Chantelle van Wiltenburg, graduated spring 2018, University of Toronto Faculty of Law

Paper: "Theories of Personhood: Capturing the Legal Subject in a Dangerousness-Based Model of Preventative Detention"

1:15 – 2:45 pm

PANEL ELEVEN | FREE STUDENT PROGRAM (OPEN TO THE PUBLIC)
Law and Happiness: Challenges and Opportunities to Improving Lawyer and Student Well-Being

Law school and legal practice can be tough. Through audience participation, this panel will explore both the systemic and personal factors that contribute to poor mental health and wellness among law students and young lawyers. We will discuss resources and wellness principles that students and lawyers may use to cultivate greater resilience and well-being, and methods of building a healthier legal culture.

Chair

- Ms. Shannon Snow, Law Student, Faculty of Law, McGill University; Co-Founder and Managing Director , “Healthy Legal Minds”

Speakers

- Ms. Jessica Simon, Equity & Wellness Counsellor, Faculty of Law - Common Law Section, University of Ottawa
- Mr. Orlando Da Silva, Senior Counsel, Ontario Ministry of the Attorney General; Motivational Speaker
- Ms. Ellen Huang, Law Student, Faculty of Law - Common Law Section, University of Ottawa; Vice-President Equity of the Common Law Student Society
- Mr. Nathan Afilalo, Law Student, Faculty of Law, McGill University; CIAJ Summer Student

Contact us

Please contact us for more information about our organization, the benefits of membership and how you can assist us with our mission.

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REGISTRATION FORM

CIAJ'S 43rd ANNUAL CONFERENCE: JUSTICE AND MENTAL HEALTH October 17-19, 2018, The Westin Ottawa Hotel

Please use the secure online form: <https://ciaj-icaj.ca/en/training-programs/2018-annual-conference>
Or: complete the form below and return it with your payment.

Surname:
First Name:
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I am fluent in: English French English & French
(Simultaneous translation is provided throughout the conference)

REGISTRATION FEE – Early Bird Rate took end August 1, 2018
(Breakfasts, coffee breaks, luncheon, and conference material included)

- CIAJ members **\$895** ~~\$795~~ non-members **\$1,045** ~~\$945~~
 Young lawyers (5 yrs or less) members **\$625** ~~\$525~~ non members **\$725** ~~\$625~~
 Students **\$75** (enrolled full-time at Canadian universities)

I WILL ATTEND THE NETWORKING COCKTAILS (5 TO 6:30 PM):

Wednesday, Oct. 17 Yes No – Thursday, Oct. 18 Yes No

I will be accompanied by guest(s) Yes No

Name of guest(s).....
.....

Do you, or your guest(s), have any dietary restrictions? Yes No

Which?

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The Canadian Institute for the Administration of Justice (CIAJ) is a non-profit organization which promotes excellence and leadership in the administration of justice through knowledge, learning and the exchange of ideas. CIAJ offers education and research programs and provides a forum for everyone interested in the administration of justice.

Through participation of its members, CIAJ helps preserve a strong and independent judiciary.

Membership Categories and Fees

Individual **\$150**

This membership fee is recoverable by federally-appointed judges under S. 27(1) of the Judges Act. Provincial and territorial judges, other judicial officers and board and tribunal members may be entitled to reimbursement through judicial or other professional allowances.

Young Lawyer **\$100**

Young Lawyers (5 years or less) have the same benefits as individual members.

Retired Person **\$75**

Members retired from their profession have the same benefits as individual members.

Student **\$10**

Members enrolled as full-time students at a Canadian University or the Bar have the same benefits as individual members.

I would like information about Institutional Membership

Donation

To support our mission, you may also choose to become a CIAJ contributor. You will be issued a tax receipt for a charitable donation (Registration number: 10686 1529 RR 0001).

Amount of donation: \$ _____

ACCOMMODATION: A block of rooms has been reserved at Les Suites Hotel (130, Besserer Street, Ottawa, ON, K1N 9M9). Reservations: 1-800-267-1989 / 613-232-2000 (standard room, single or double occupancy: \$209). Hotel reservations must be made by September 17, 2018, to take advantage of this preferred rate. Password: 168645

CANCELLATION POLICY:

- 30 days or more before the event: Administration fees of \$40
- 7 days or more before the event: 50% of registration fees
- Less than 7 days before the event: No refund

At any time, a participant may be replaced by another person without charge

TO REGISTER:

Please complete and return this form with your payment:

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