



NATIONAL CONFERENCE

Re-imagining the Law: Legislative Drafting Redefined

September 13 & 14, 2010

**Crowne Plaza Hotel
101 Lyon Street
Ottawa**



CANADIAN INSTITUTE
FOR THE ADMINISTRATION
OF JUSTICE

The Canadian Institute for the Administration of Justice participates in the improvement and advancement of the administration of justice by serving the legal drafting community. Its legal drafting conferences are a source of continuing legal education for the legislative drafting community across Canada.

REGISTRATION FORM

Re-imagining the Law: Legislative Drafting Redefined

September 13 & 14, 2010
Crowne Plaza Ottawa Hotel

TO REGISTER, please complete and return this form together with your cheque to:

Canadian Institute for the Administration of Justice
 Faculty of Law, University of Montreal
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 3101 chemin de la Tour, Rm. 3421
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 Tel.: (514) 343-6157 Fax : (514) 343-6296
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Surname: _____ First Name: _____

Title to appear on name tag _____

Organization: _____

Address: _____

Postal Code: _____ E-Mail _____

Telephone: _____ Fax: _____

I am fluent in English _____ in French _____ both _____

(simultaneous translation is provided throughout the conference)

REGISTRATION FEE:

For CIAJ members \$ 655 For non members \$ 755

(Luncheons, reception and conference material provided)

Do you have any dietary restrictions?

Which? _____

Payment by

Cheque MasterCard Visa AmEx Invoice

Account No. _____ Exp. Date _____

Signature _____

ACCOMMODATION: A block of rooms has been reserved at the Crowne Plaza Hotel, 101 Lyon Street, Ottawa, ON K1R 5T9 Tel. 1-800-227-6963 or (613) 237-3600 x. 6200 Fax (613) 688-6821, www.cpottawa.com at \$159.00 single or double occupancy (taxes not included). Participants are required to make their own hotel reservations before August 16, 2010 to take advantage of this rate.

CANCELLATION FEE: Requests for funds must be submitted in writing to CIAJ seven (7) days prior to the event. A handling fee of \$50.00 will be withheld on cancellations made in time. Except as noted, fees will not be reimbursed. Another participant may be designated as substitute.

The CIAJ also collaborates with key partners such as the Association of Parliamentary Counsel in Canada, the Association of Legislative Counsel in Canada and other related professional associations.

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Corporate Membership

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(See CIAJ website under How Do I Join at www.ciaj-icaj.ca)

I wish to join CIAJ

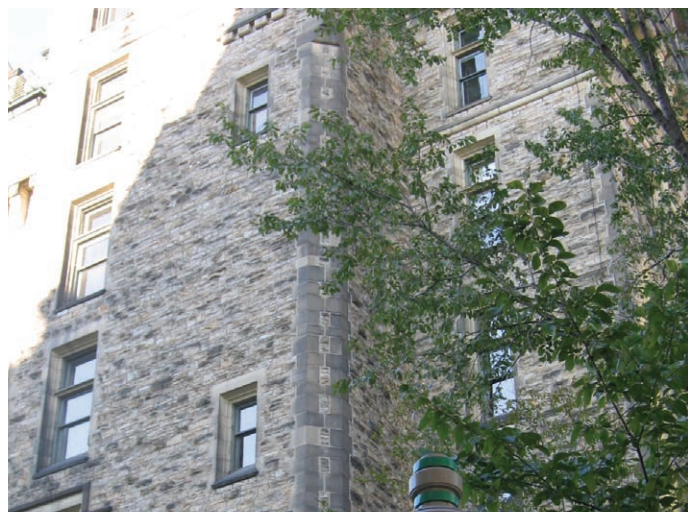
Yes No

(See Category checked above)

Payment included with registration fee

Yes No (please invoice)

For more information about CIAJ, how you can serve CIAJ and member benefits, contact us in person or at <http://www.ciaj-icaj.ca>



This conference is organized by the CIAJ Legislative Drafting Committee chaired by Ms Judith Keating, Q.C., the Chief Legislative Counsel of New Brunswick. It will focus on how the evolving legal concepts of a diverse community are redefining legislative drafting.

Those entrusted with preparing draft legislation bring specialized knowledge and understanding to their creation. In response to a growing environment, they are further called upon to integrate the new and broader concepts of an evolving global community.

Within that context, particular topics will examine the value and contributions of the legislative drafter to the intricate fabric of legislation; the professional and ethical dimensions of the drafter within a modern, complex work environment; the evolving legal, cultural and language issues that must be considered and integrated into legislation and how they are redefining the way we draft.

The conference will also include workshops dealing with practical drafting issues as they relate to English, French and Aboriginal languages.

Conference participants can expect to come away with a better understanding of how legislation is being redefined in broad terms to adapt to an ever changing environment and how the drafting profession is responding to re-imaging of the law.

Planning Committee

Judith Keating, Q.C. (chair)	Philippe Hallée
Mark Aitken	Laura Hopkins
Mark Audcent	John Mark Keyes
Pierre Charbonneau	Barbara Kincaid
Richard Denis	Naiomi S Metallic
Janet Erasmus	Peter Pagano, Q.C.
	Rob Walsh

Monday, SEPTEMBER 13

GRAND SALON

8:30 REGISTRATION

9:00 WELCOME AND CONFERENCE OPENING

Conference Co-Chairs

Philippe Hallée, Deputy Chief Legislative Counsel, Department of Justice Canada, Ottawa

Laura Hopkins, Legislative Counsel, Office of Legislative Counsel (Ontario), Toronto

9:15 KEYNOTE ADDRESS

ENHANCING THE LEGISLATIVE PROCESS: THE VALUE OF THE LEGISLATIVE DRAFTER

Introduction **Laura Hopkins**, Legislative Counsel, Office of Legislative Counsel (Ontario), Toronto

Speaker **Donald Revell**, Former Chief Legislative Counsel of Ontario, Toronto

10:00

ETHICAL AND PROFESSIONAL RESPONSIBILITIES IN A SHIFTING ENVIRONMENT

Roles and Relationships

The professional responsibilities of legislative counsel are among the most complex of any legal professionals. What are the professional and ethical responsibilities of legislative counsel in a changing environment? How have they evolved? How are the broader notions of corporate social responsibility and public interest expressed in those responsibilities?

Moderator **Mark Audcent**, Law Clerk and Parliamentary Counsel, Senate of Canada, Ottawa

Panelists **John Mark Keyes**, Chief Legislative Counsel of Canada, Department of Justice Canada, Ottawa

W. Bradley Wendel, Professor of Law, Cornell Law School, Ithaca, NY, USA

Robyn Hodge, Assistant Parliamentary Counsel, New South Wales Parliamentary Counsel Office, Sydney, NSW, Australia

11:00 BREAK

11:30

WORKSHOP

Uncovering the Dynamic: Expectations and Challenges

What are some of the practical issues arising out of drafters' professional relationship with government? Actual experiences, particularly in light of the evolution of those responsibilities? What are the challenges? How can we address them or adapt to them?

The panelists along with other experienced drafters will guide group discussions. Participants will then reconvene to share their findings and opinions with the panel in an open discussion

12:30 LUNCH – PINNACLE ROOM

Luncheon Speaker

13:45

RE-IMAGING THE LAW THROUGH LANGUAGE AND CULTURE: ABORIGINAL LAW-MAKING

This panel will examine the evolution of Aboriginal legal concepts and language and their integration into Canadian and New Zealand legislation. The panel will also focus on how Aboriginal languages are re-imagining the laws in these jurisdictions.

- Introduction* **Mark Aitken**, Director, Northwest Territories Legislation Division, Yellowknife
- Naiomi S. Metallic**, Associate, Burchells LLP, Halifax
- Panelists* **Jacinta Ruru**, Senior Lecturer, Faculty of Law, University of Otago, Dunedin, New Zealand
- Lorena Fontaine**, Assistant Professor, Aboriginal Governance Program, University of Winnipeg, Winnipeg
- Susan Hardy**, Acting Director, Nunavut Legislation Division, Iqaluit
- André Samson**, Consultant, Legal Translation and International Development, (formerly Manager, Legal Translation in Nunavut Legislation Division), Ottawa

15:45 **BREAK**

16:15

WORKSHOP

This practical workshop focuses on the use of Aboriginal language in legislative texts but also on the valuable contribution of a particular language to the judicial interpretation of aboriginal concepts.

- Group Leaders* **Maxime Lamothe**, Legislative Counsel, Department of Justice Canada, Ottawa
- Sarret Smith**, Legislative Counsel, Department of Justice Canada, Ottawa

17:30 **RECEPTION AT THE SUPREME COURT OF CANADA**

TUESDAY, SEPTEMBER 14

GRAND SALON

9:00

RE-IMAGING THE LAW THROUGH THE HARMONIZATION OF LEGAL REGIMES AND CONCEPTS

Is our own legislative culture changing in favor of global norms? How are we being influenced by the harmonization movement? What might the future hold? This panel will examine the Uniform Law Conference of Canada commercial law experience as it relates to the integration of non Canadian norms into Canadian legislation, the harmonization of those norms within Québec civil law, as well as the American experience in that regard.

- Introduction* **Judith Keating**, Q.C., Chief Legislative Counsel of New Brunswick, Fredericton
- Pierre Charbonneau**, Senior Legislative Counsel, Department of Justice of Quebec, Quebec City

- Panelists* **Kathryn Sabo**, General Counsel, International Private Law Section, Department of Justice Canada, Ottawa
- Frédérique Sabourin**, Attorney, Department of Justice of Quebec, Quebec City
- Edwin E. Smith**, Chair, Committees on the Implementation of the UN Receivables Convention and of the UN Convention on Independent Guarantees and Stand-by Letters of Credit, Bingham McCutchen LLP, Boston, MA, and New York NY, USA

10:30 **BREAK**

11:00

EVOLVING LEGISLATIVE DESIGN: THE CASE OF MANAGEMENT BASED REGULATIONS

The session will examine how the introduction of management-based regulations is changing traditional drafting methods. It will look at how regulated corporate entities engage in their own planning and internal rule making so as to achieve specific public goals. Recent examples of these regulations relate to food safety, environmental protection, mine safety and occupational health and safety.

- Introduction* **Philippe Hallée**, Deputy Chief Legislative Counsel, Department of Justice Canada, Ottawa
- Speaker* **Cary Coglianese**, Deputy Dean and Edward B. Shils Professor of Law and Professor of Political Science; Director, Penn Program on Regulation, University of Pennsylvania Law School, Philadelphia, PA, USA

12:00 **LUNCH – PINNACLE ROOM**

13:30

WORKSHOP

The workshop session allows participants to focus on the practical challenges encountered in drafting. It also allows for an opportunity to put some of the concepts learned during the conference into practice.

Group Leaders for English Groups

- Laura Hopkins**, Legislative Counsel, Office of Legislative Counsel (Ontario), Toronto,
- Brenda MacKenzie**, Senior Legislative Drafter, Department of Justice Canada, Ottawa

Group Leaders for French Groups

- Jean-Paul Chapdelaine**, Senior Drafter, Department of Justice Canada, Ottawa,
- Jacques Lagacé**, jurilinguist, Department of Justice of Quebec, Quebec City

15:00 **BREAK**

15:30

THE DURABILITY OF LAWS

As the legislative text evolves, we make enduring changes to the law. This closing presentation will leave you with some interesting statistics on the permanency of the written word.

- Introduction* **Philippe Hallée**, Deputy Chief Legislative Counsel, Department of Justice Canada, Ottawa

- Speaker* **Janet Erasmus**, Chief Legislative Counsel of British Columbia, Victoria

16:30 **CONFERENCE ADJOURNMENT**

