

Criminal Justice Section Report 2016-2017

1) Section Officers

Co-Chair (Defence)	Tony Cellitti, <i>Phillips, Aiello</i>
Co-Chair (Crown)	Melissa Hazelton, <i>Manitoba Justice – Prosecutions</i>
Members-at-Large	Michelle Bright, <i>Manitoba Justice – Prosecutions</i> Peter Kingsley, <i>Legal Aid Manitoba – Administrative Office</i> Bryton Moen, <i>Manitoba Justice – Prosecutions</i> Jody Ostapiw, <i>Smith, Corona, Van Dongen & Cook</i> Amanda Sansregret, <i>Legal Aid Manitoba – Phoenix CLC</i> James Wood, <i>Kavanagh Wood Law Corporation</i>

A meeting of the executive was held on December 19, 2016.

2) Professional Development Seminars

a) Sentencing Research, November 18, 2016 [14 attendees]

Total: 1.5 hrs

This in-person seminar was jointly presented with the Legal Research Section. The panelists were Jennifer Mann (*Manitoba Justice – Prosecutions*) and David Ireland (*University of Manitoba – Robson Hall, Faculty of Law*). The presentation focused on the basics of sentencing research including what resources are available, what sources a lawyer can look to, and how to best structure submissions for effective advocacy. A brief period of time was also spent discussing the recent SCC decision in *R. v. Anthony-Cook*.

b) *R. v. Jordan*, A Panel Discussion on Delay, March 14, 2017 [22 attendees]

Total: 1.5 hrs

This in-person seminar was jointly presented with the Equality Section. The panelists were Scott Newman (*Martin-White, Manning, Newman LLP*), Michael Bodnar (*Manitoba Justice – Prosecutions*), Associate Chief Justice Shane Perlmutter (*Manitoba Court of Queen’s Bench*), Chief Justice Margaret Wiebe (*Manitoba Provincial Court*). The seminar provided perspectives on how to combat delay in the post-*Jordan* era and what parties from all sides of the table are doing in order to reduce delays and what changes need to be made to continue to move matters through the system.

c) Top Supreme Court and Court of Appeal Cases for 2016-17, June 9, 2017

This in-person seminar has been a popular one in past years. Panelists Rekha Malaviya (*Manitoba Justice – Prosecutions*), and Amanda Sansregret (*Legal Aid Manitoba – Phoenix CLC*) returned to provide an overview of the leading cases out of our Court of Appeal and the Supreme Court over the last year.

d) Welcome to the Practice of Criminal Law, June 12, 2017

This in-person seminar has also been a well attended seminar in past years. It is designed for articling students who appear in the Manitoba Provincial Court for criminal matters. The discussion provides an introduction to the criminal courts and some practical tips for the students. A thumb drive of material is also provided that contains information and forms that are useful to articling students. After the seminar, a reception was held in the Provincial Judges Chambers, allowing students to mingle with some of the Provincial Court Judges, other lawyers and fellow students. The panel this year included Judge Ryan Rolston (*Manitoba Provincial Court*), Shauna Silver (*Manitoba Justice – Prosecutions*) and Sarah Murdoch (*Smith, Corona, Van Dongen & Cook*). The panel was moderated by Melissa Hazelton.

3) Other Involvement by Co-Chairs

a) National Criminal Justice Section Meetings, December 4-5, 2016 and April 9, 2017

We were lucky to return to two national section meetings for the 2016-2017 year. Melissa Hazelton attended the section meetings in Ottawa on December 4-5, 2016, participating in the meeting during the day of December 4, 2016 on behalf of the section. Tony Cellitti attended to the meeting on April 9, 2017 in Vancouver on behalf of the section.

b) Law Day, April 9, 2017

Melissa Hazelton volunteered to assist a team of students from the Maples MET School for the 2017 Law Day Mock Trials, held at the Law Courts Building on April 9, 2017. She attended to the school for three meetings in advance of the Mock Trials and provided them with information and tips on how a criminal jury trial is conducted and worked with them to prepare direct and cross examinations, and opening and closing statements.

c) Committee Member, MTC/MBA Production, *Twelve Angry Jurors* May 3-6, 2017

Each year, members of the MBA work with the Royal Manitoba Theatre Centre to put on a production using lawyers as the cast members. The purpose of the production is to raise funds for MTC that are largely used to support the Fringe Festival along with other programs etc supported and created by MTC. To date, over \$1 million has been raised to support the organization. While not participating as a cast member this year, Melissa Hazelton continued to work with the MTC/MBA Lawyer's Play as a member of the Lawyer's Play committee this year. Of note, what must be a record number of section members from the Criminal Justice section participated, including two of our executive members – Jody Ostapiw and Peter Kingsley.

d) Provincial Court Committees

The Provincial Court has a number of committees that bring the justice system stakeholders to the same table to address issues relating to the various aspects of the criminal justice system.

Tony Cellitti is a member of the Court Liaison Committee and Probation Liaison Committee.

e) Legal Aid Manitoba Advisory Committee

This committee was formed in 2015 and meets four times per year to address proposed policy changes and developments with Legal Aid Manitoba. Tony Cellitti is the Chair of this committee. The committee consists of the Executive Director and Deputy Executive Director of Legal Aid Manitoba, the Chair of the Legal Aid Manitoba Management Council, Stacy Nagle (MBA Executive Director) and other justice system stakeholders.

f) Legal Aid Manitoba Criminal Tariff Review Sub-Committee

This committee was formed in 2016 and consists of various criminal law practitioners. Tony Cellitti is the Chair of this sub-committee of the Advisory Committee. Meetings that were held in March and April 2016 focused on making recommendations to the Legal Aid Manitoba Management Council on changes to the criminal tariff. Those recommendations were submitted to the Advisory Committee and to the Management Council in November 2016 (this included an oral presentation by Tony Cellitti to the Management Council). Those

recommendations were then subsequently provided to the Minister of Justice by the Management Council.

g) MBA Council

In March 2017 Tony Cellitti was appointed to the MBA Council for his third consecutive term, which will run from September 1, 2017 to August 31, 2019.

h) *Headnotes and Footnotes*

Tony Cellitti has written the “Criminal Law Decisions” article in *Headnotes and Footnotes* on a number of occasions over the last year.

i) Gale Cup Moot, February 17-19, 2017

Melissa Hazelton along with fellow section executive member Michelle Bright coached a team of four law students from the University of Manitoba for the Gale Cup Moot, held in Toronto in February 2017. The Moot is an Appellate Moot where teams of students from law schools across the country compete. This year’s problem was an appeal of the SCC decision in *R .v. Fearon*. Oral practices were held twice weekly beginning in the second week of January until the date of the competition. Students were able to practice before a variety of parties, beginning with counsel of varying seniority from the criminal bar, and including judges from all three levels of Courts in Manitoba. Both Melissa and Michelle also attended to Toronto with the team to continue their coaching duties for the competition itself.

j) Robson Hall, Faculty of Law: Second Year Advocacy Program Mock Trials, April 5, 2017

Melissa Hazelton acted as a judge for the Robson Hall, Faculty of Law second year criminal advocacy trials. As part of this she heard two different trials conducted by various law students. After each trial was completed, she provided feedback to the students, highlighting areas of strengths and weaknesses for all of them. This feedback was also provided to those teaching the course to assist with grading (pass/fail) and selection of students to do the Solomon Greenberg Moot (Criminal Trial Moot).

Submitted by,

Tony Cellitti and Melissa Hazelton, Co-Chairs, MBA Criminal Justice Section

