



AGENDA

November 5

8:15 – 8:45 **CONFERENCE WELCOME AND OPENING REMARKS**

8:45 – 9:15 **KEYNOTE PRESENTATION:** The Honourable Robert J. Bauman, K.C.

9:15 – 10:30 **EFFECTIVE DECISION WRITING: KEY PRINCIPLES AND BEST PRACTICES – PART 1**

This is the first of two practical and interactive workshops designed to strengthen your decision writing skills. During the two workshops, you'll learn the five key principles of effective decision writing and practice applying these principles to your own writing. In this workshop, we'll focus on two principles: (1) adopt a reader-centred approach; and (2) provide context before details. Please bring one of your recent decisions to the workshop.

Presenter:

Shelley Appleby-Ostroff, SAO Legal Writing

10:30 – 10:45 **Break**

10:45 – 12:00 **ADMINISTRATIVE JUSTICE AND REGULATORY INVESTIGATIONS**

Often when we think about administrative justice we are thinking primarily about administrative tribunals. However, the scope of administrative law is significantly broader than this and often includes some type of investigatory process, which then forms part of the evidence before the administrative decision maker.

We will be looking at the considerations around these types of investigations in the context of administrative justice principles.

- I Purpose of Regulatory Investigation Reports
- II Statutory Context (variety of investigative processes embedded in administrative systems)
- III Legal Context
 - Procedural fairness – how does it apply to investigations?
 - Standard of reasonableness not perfection
 - Issues that do matter: how flaws in investigation processes and reports have been dealt with by administrative bodies
- IV Moving forward

Presenters:

Tonie Beharrell, Southern Butler Price

Neelu Chauhan, Southern Butler Price

12:00 – 12:30 **Lunch**

12:30 – 13:30

RESPONSIBLE USE OF AI IN ADMINISTRATIVE DECISION-MAKING PROCESSES

Artificial Intelligence (AI) is rapidly becoming a fundamental tool in administrative decision-making processes. As these technologies are increasingly integrated into these processes, several questions arise: Who is the actual decision-maker when AI is used in administrative decision-making – the human or the machine? How will administrative decision-makers account for the various biases that are proven to exist in these technologies? How do we ensure fairness in the administrative decision-making process that incorporates these technologies, given that procedural fairness is the bedrock of administrative decision-making? What about transparency – how do we ensure transparency in the decision-making process that includes AI technologies? How can administrative decision-makers ethically utilize AI tools to enhance efficiency? These questions will be explored in this presentation.

Presenter:

Dr. Gideon Christian, University of Calgary

13:30 – 13:45

Break

13:45 – 15:15

EFFECTIVE HEARING MANAGEMENT

Managing a hearing effectively is a core skill required of all adjudicators in all proceeding formats, but it can also be the biggest challenge. To meet those challenges tribunals have developed an array of best practices often described as “active adjudication”. What is meant by that term and how does it relate to adversarial or inquisitorial adjudication? Why is an active approach recommended? What kinds of tools have been adopted and how can individual adjudicators use them to support fairness, efficiency and quality decision-making? This talk will explore the techniques adopted in a range of settings to help you to develop an approach that is comfortable for you and will meet the demands of your setting.

Presenter:

Pamela Chapman, Legal Educator & Consultant

15:15 – 15:30

Break

15:30 – 16:45

ADMINISTRATIVE LAW PRIMER FOR TRIBUNAL MEMBERS AND STAFF

This session will provide an introductory and practical overview of the fundamentals of administrative law as they apply to the work of tribunals and similar decision-making bodies. Topics include procedural fairness, decision making, and avenues and standards of review. Attendees will be taken through real-life examples and realistic scenarios and can expect to leave with concrete tools that they will be able to immediately apply to their work as decision-makers or staff. This session is recommended for tribunal members and staff who are new to administrative law or would benefit from a refresher on fundamental principles.

Presenter:

Christine Arnold, College of Veterinarians of British Columbia

15:30 – 16:45

ADMINISTRATIVE LAW UPDATE

Developments in administrative law jurisprudence can have significant implications for decision-makers and others in the administrative law realm. The panelists will provide a curated overview of recent jurisprudence, focussing on recurring themes and key developments in administrative law in the province. This session is intended to keep participants apprised of recent developments in the case law and their potential implications.

Presenters:

Alandra Harlinton, Lovett Westmacott

Kaitlyn Chewka, Lovett Westmacott

November 6

8:15 – 8:20 CONFERENCE OPENING

8:20 – 9:35 EFFECTIVE DECISION WRITING: KEY PRINCIPLES AND BEST PRACTICES – PART 2

In this second workshop, you'll learn the three other key principles of effective decision writing and practice applying these principles to your own writing: (1) group related information together; (2) construct clear, direct, and simple sentences; and (3) develop an effective writing process. Please bring one of your recent decisions to the workshop – preferably the one you worked with in the first workshop.

Presenter:

Shelley Appleby-Ostroff, SAO Legal Writing

9:35 – 9:45 Break

9:45 – 11:15 NEURODIVERSITY AT WORK

Heather McCain of Live Educate Transform Society (LET'S) will be joining us to speak about neurodiversity and neurodivergent people. In this session you will learn what neurodiversity means, the broad spectrum of people who are neurodivergent, benefits of neurodivergent employees, understanding challenges and how to address them, communication tips, current terminology, accommodation and supports for neurodivergent employees, and more. LET'S sessions on neurodiversity are created, researched, and facilitated by neurodivergent people.

Presenter:

Heather McCain, Live Educate Transform Society

11:15 – 11:30 Break

11:30 – 12:15 CHARTER VALUES – WHERE DO WE GO FROM HERE?

The Supreme Court of Canada recently doubled down on its commitment to Charter values in judicial review of discretionary administrative decision making. While providing clarity on the applicable framework, a number of questions remain unanswered, including: how do administrative decision-makers determine the scope and content of Charter values, and how is the revised framework to be applied?

Presenters:

Meera Bennett, BC Ministry of Attorney General

Steven Davis, BC Ministry of Attorney General

11:30 – 12:00 ANTIDOTES FOR DECISION FATIGUE

Members and staff of administrative tribunals have high standards, demands, and stressors. On top of that, they make thousands of daily decisions - both professional and personal. The internal and external pressures from high expectations for quality decisions, lend themselves to decision fatigue and burnout. Shari will identify signs and symptoms of overwhelm, fatigue, and burnout and will outline ways to address them. This workshop will provide tools you can use on a daily basis to replenish yourself while continuing to work in the busy administrative justice community.

Presenter:

Shari R. Pearlman, Lawyers Assistance Program BC

12:00 – 12:15 SEATED YOGA TO RESET YOUR MIND AND BODY

Chair yoga is a gentle form of yoga that can be done while sitting or using your chair for support. This short, seated yoga session will help you relax, boost your mind, and stretch your body. Chair yoga can improve your flexibility, concentration, and strength while reducing stress. You will leave the session with skills to create a great reset for a day at your desk.

Presenter:

Sian Blyth, Whistler Adaptive Sports Program

12:15 – 12:45 Lunch

12:45 – 13:45 WHAT DOES UNDRIP MEAN FOR TRIBUNALS?

BC is Canada's first province to pass legislation that establishes the UN Declaration on the Rights of Indigenous Peoples as the framework for reconciliation. In this session, our speakers will discuss what this means for the work of Boards and Tribunals. The panel will explore questions such as: how does the administrative justice community support the objectives of UNDRIP, what is already happening, and what additional opportunities are there for advancing reconciliation and the rights of Indigenous people.

Presenters:

Debbie Chan, BC Ministry of Attorney General
Andrea Hilland, KC, BC First Nations Justice Council

13:45 – 13:55 Break

13:55 – 15:10 EXPLORING THE PLACE OF MEDIATION IN ADMINISTRATIVE JUSTICE

In this session, Trevor Sones will share his expertise and extensive hands-on experience of mediating in the realm of administrative justice. You can expect this session to cover everything from what is mediation (purpose, function, goals, principles), how does mediation fit in a Tribunal setting, what models of mediation are being used and when, what makes an effective mediator, and more.

Presenter:

Trevor Sones, Mediator Resolute Industries Inc. &
Faculty Executive Education UBC Sauder School of Business

15:10 – 15:20 Break

15:20 – 16:35 HEARING SKILLS: BALANCING PROCEDURAL FAIRNESS WITH ACTIVE ADJUDICATION

Join our speakers who will explore the practical side of being active in the hearing room. This session will ask questions like: What tensions arise and how have you navigated them? How do you ensure you are not going too far? What best practices have you adopted and why? What are your go-to tools and techniques? We invite you to bring your ideas and questions to the discussion.

Presenters:

Emily Ohler, BC Human Rights Tribunal
Ning Alcuitas-Imperial, Workers' Compensation Appeal Tribunal

16:35 – 16:45 CONFERENCE CLOSING REMARKS