

## **Criminal Justice Section Report 2013-14**

### **1) Current Criminal Justice Section Officers**

Co-Chair (Crown):	Nancy Fazenda, <i>Manitoba Justice – Prosecutions</i>
Co-Chair (Defence):	Tony Cellitti, <i>Phillips, Aiello</i>
Members-at-Large:	Lisa Cupples, <i>Manitoba Justice – Civil Legal Services</i> Amanda Sansregret, <i>Legal Aid Manitoba</i> Michelle Bright, <i>Bueti Wasyliw Wiebe Law Corporation</i> Stacey Soldier, <i>Bueti Wasyliw Wiebe Law Corporation</i> James Wood, <i>Bueti Wasyliw Wiebe Law Corporation</i> Melissa Hazelton, <i>Manitoba Justice – Prosecutions</i> Peter Kingsley, <i>Legal Aid Manitoba</i> Rich Lonstrup, <i>Manitoba Justice - Prosecutions</i>

### **2) Professional Development Seminars**

All practicing lawyers in Manitoba must now report their Continuing Professional Development (CPD) activities to the Law Society of Manitoba on an annual basis. In 2011, it was recommended that lawyers complete 12 hours of CPD activities. As of 2012, lawyers are now required to complete 12 hours of CPD activities, which must include 1.5 hours of CPD related to Ethics, Professional Responsibility or Practice Management (EPPM).

Attendance numbers for the following seminars are listed in brackets.

#### **(a) Welcome to the Practice of Criminal Law, June 17, 2013 [36]**

Total:	2.5 hours
EPPM:	2.5 hours

This in-person seminar was designed for articling students who appear in Manitoba's Provincial Court on criminal cases. Discussion included an introduction to the criminal courts and practical tips for success. The seminar included the distribution of an Information Booklet that contains information and forms that are useful to articling students. After the seminar, a reception was held in Provincial Judges' Chambers to allow students to mingle with Provincial Court Judges, Crown Attorneys, Defence Counsel and fellow articling students. The panelists included Associate Chief Judge Janice leMaistre (*Provincial Court of Manitoba*), Neil Steen (Crown Counsel, *Manitoba Justice – Prosecutions*) and Vanessa Gama (Defence Counsel, *Gindin Wolson Simmonds Roitenberg*). The seminar was moderated by Lisa Cupples (Crown Counsel, *Manitoba Justice – Civil Legal Services*).

This seminar will likely be repeated for the fifth consecutive year in June 2014.

#### **(b) Top Supreme Court of Canada and Manitoba Court of Appeal Cases for 2012-13, June 28, 2013 [16]**

Total:	1.5 hours
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This in-person seminar featured a discussion about the most significant criminal law decisions released by the Supreme Court of Canada and Manitoba Court of Appeal in 2012-13. The speaker was Nathaniel Carnegie (Crown Counsel, *Manitoba Justice – Constitutional Law*).

This seminar will likely be repeated in June 2014.

(c) Lawyer/Client Interviews by Computer and Video Conferencing for Court and Legal Aid Manitoba Presentation, November 26, 2013 [25]

Total: 1.5 hours  
EPPM 1.5 hours

The first part of this seminar was presented and organized by Irene Hamilton (Director, *Justice Innovation Branch*), and Daniel Rempel (*Justice Innovation Branch*). The main focus of the presentation was an update on the use of video technology that allows lawyers to interview their clients at jails throughout the province. The program being used is called “GoToMeeting”, a much more reliable program than Skype and one that has extreme security measures in place so that a lawyer can meet privately and securely with their in-custody clients from the comfort of their office, home or wherever they have access to the internet. Crown Attorneys can also use the technology to interview a potential Crown witness. The seminar also provided updates on the use of video conferencing by the Provincial Court.

The second part of the seminar consisted of a presentation by the Executive Director and Deputy Executive Director of Legal Aid Manitoba on various policy changes.

(d) New Queen’s Bench Criminal Rules, March 4, 2014 [82]

Total: 1.5 hours  
EPPM: 1.5 hours

This session was designed to introduce criminal practitioners to the new rules and practices to be used in the Court of Queen’s Bench, including the requirement for both Crown and Defence Counsel to file comprehensive pre-trial briefs, timelines for the filing of materials in support of motions and applications and consequences for non-compliance. The new rules are designed to improve trial management and ensure effective use of court time. This session addressed professional obligations in the conduct of criminal trials, as well as issues of civility and integrity inside and outside the courtroom. Copies of the draft rules and pre-trial form to be used by counsel were distributed in advance of the seminar. The seminar was presented by Chief Justice Glenn Joyal and Justice Shawn Greenberg.

**3) Other Involvement of the Co-Chairs**

(a) Provincial Court Committees

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

MBA representatives are members of the following committees:

- ◆ Courts Advisory Committee (Tony Cellitti);
- ◆ Court Liaison Committee (Nancy Fazenda and Tony Cellitti); and
- ◆ Probation Liaison Committee (Tony Cellitti).

(b) Queen's Bench Access to Justice Committee

The focus of this committee is to make recommendations to improve access to justice in the criminal, family and civil courts at the Queen's Bench level. Tony Cellitti is the MBA criminal justice representative on this committee. The committee is chaired by Associate Chief Justice Marianne Rivoalen.

(c) Legal Aid Manitoba Stakeholders Committee

This committee meets regularly to address proposed policy changes and developments at Legal Aid Manitoba. Tony Cellitti is the MBA criminal justice representative on 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, the Director of the Justice Innovation Branch and other justice system stakeholders.

(d) MBA Council

In April 2013, Tony Cellitti was acclaimed to the MBA Council, with his first term to run from September 1, 2013 to August 31, 2015.

(e) National Criminal Justice Section Meetings

Michelle Bright (Defence Counsel, *Bueti Wasyliw Wiebe Law Corporation*) attended the meetings in Vancouver on June 15-17, 2013 on behalf of the section.

Nancy Fazenda (Crown Counsel, *Manitoba Justice – Prosecutions*) is scheduled to attend the meetings in Vancouver on April 13-14, 2014 on behalf of the section.

(f) Headnotes & Footnotes

Tony Cellitti has written the "Criminal Law Decisions" article in the MBA's *Headnotes & Footnotes* newsletter since April 2013.

(g) The Law and Library Monthly

*The Law and Library Monthly* is the MBA Legal Research Section's monthly e-newsletter. It is available for free to all MBA members who choose to register to receive it. This e-newsletter provides information about developments in different areas of law and case law summaries. Beginning in February 2011, summaries of significant reported Manitoba and Supreme Court of Canada criminal decisions have been created by Tony Cellitti and submitted for inclusion in the monthly e-newsletter.

Respectfully Submitted,

Tony Cellitti and Nancy Fazenda, Co-Chairs