

Environment in the Courtroom: Inspections and Enforcement Issues: On-site and in Court

February 26 & 27, 2016
Room 12102, DMS Desmarais, 55 Laurier
University of Ottawa, Ottawa, Ontario

PROGRAMME

Friday, February 26

8:45-9:00 Introductory Remarks: *Jamie Benidickson*, Professor, Faculty of Law Common Law Section, University of Ottawa

SESSION 1: Inspections and Compliance: Overview

Moderator: *J. Owen Saunders*, Senior Fellow, Canadian Institute of Resources Law

9:00-11:00 **Academic Perspective**
Martin Olszynski, Assistant Professor, Faculty of Law, University of Calgary

Federal Perspective

Heather McCready, Executive Director of Environmental Enforcement, Environment and Climate Change Canada, Gatineau and
John Sencaj, Operations Manager & INTERPOL Liaison, Environment and Climate Change Canada, Gatineau

Provincial Perspective

James (Jamie) D. Flagal, Counsel, Ontario Ministry of the Environment and Climate Change, Toronto

11:00-11:15 **Break**

SESSION 2: Anatomy of Compliance Regime I: Initiation of Action

Moderator: *Heather McLeod-Kilmurray*, Associate Professor, Faculty of Law, Common Law Section, University of Ottawa

11:15-12:30 **Private Practitioner's Perspective**
Katia Opalka, Adjunct Professor, McGill School of Environment, Montreal

Regulator's Perspective

Fred Maefs, Counsel, Legal Services, Ontario Ministry of the Environment and Climate Change, Toronto

12:30-1:45 **Lunch**

SESSION 3: Anatomy of Compliance Regime II: Collecting Evidence

Moderator: *Heather McLeod-Kilmurray*, Associate Professor, Faculty of Law, Common Law Section, University of Ottawa

1:45-3:00 **Legal Strategy and Associated Issues**
Jack Coop, Partner, Osler, Hoskin & Harcourt LLP, Toronto

A Scientist's Perspective
Dr. Elaine MacDonald, Senior Staff Scientist, Ecojustice, Toronto

3:00-3:15 **Break**

SESSION 4: Anatomy of Compliance Regime III: Investigations

Moderator: *Jamie Benidickson*, Professor, Faculty of Law Common Law Section, University of Ottawa

3:15-4:30 **A Government Perspective**
Paul McCulloch, Counsel, Legal Services, Ontario Ministry of the Environment and Climate Change, Toronto

A Corporate Perspective
Rosalind H. Cooper, Partner, Fasken Martineau DuMoulin LLP, Toronto

Saturday, February 27

SESSION 5: Anatomy of Compliance Regime IV: Recapitulation and Alternatives

Moderator: *J. Owen Saunders*, Senior Fellow, Canadian Institute of Resources Law

9:00-11:00 **Case Study**
Jennifer Fairfax, Partner, Osler, Hoskin & Harcourt LLP, Toronto

Lessons from the United States
Jonathan Leo, Attorney, The State Bar of California, U.S.A.

Intelligence-Led Environmental Enforcement
Heather McCready, Executive Director of Environmental Enforcement, Environment and Climate Change Canada, Gatineau

11:00-11:15 **Break**

SESSION 6: Special Problems: Contaminated Sites

Moderator: *Jamie Benidickson*, Professor, Faculty of Law Common Law Section, University of Ottawa

11:15-12:30 **Contaminated Sites – An Overview of the Problem**
Janet L. Bobechko, Partner, Norton Rose Fulbright Canada LLP, Toronto

Case Study
Dan Bunner, President, Ramboll Environ Canada Inc., Mississauga

12:30-1:45 **Lunch**

SESSION 7

Moderator: *Allan Ingelson*, Executive Director, Canadian Institute of Resources Law and Associate Professor, Faculty of Law, University of Calgary

1:45-4:00 **Final Panel (recapitulation and going forward) and Open Questions**

Closing Remarks

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