



LAW & FREEDOM

RUNNYMEDE SOCIETY CONFERENCE 2019

JANUARY 11-12, 2019 • HART HOUSE
UNIVERSITY OF TORONTO

RUNNYMEDESOCIETY.CA



FRIDAY JAN 11

17:00

REGISTRATION AND
RECEPTION

18:00

OPENING REMARKS

18:30

FRIDAY KEYNOTE:
JUSTICE DAVID STRATAS
(FEDERAL COURT OF APPEAL)
IN CONVERSATION WITH
ASHER HONICKMAN
(ADVOCATES FOR
THE RULE OF LAW)

19:30

COCKTAILS
& NETWORKING



**RUNNYMEDE
SOCIETY**

SATURDAY, JAN 12

8:00 Breakfast

9:00 Religious Freedom: Taking Stock of the State of Constitutional Protections in Canada & the US

Adam Goldenberg, Prof. Anna Su
& Brian Bird (moderator)

10:30 Break

10:45 What are Charter Values?

Justice Peter Lauwers, Prof. Lorne Sossin
& Mark Mancini (moderator)

12:15 Lunch

**14:00 Notwithstanding Clause:
Dead Letter or Loaded Gun?**

Prof. Dwight Newman, Prof. Emmett Macfarlane,
Andrew Coyne, Prof. Carissima Mathen
& Geoff Sigalet (moderator)

15:30 Break

**15:45 Debate: #MeToo, Courts of Public Opinion, and
the Presumption of Innocence**

Annamaria Enenajor & Michael Spratt

17:00 Break

18:00 Cocktails

18:30 Dinner

19:30 Keynote Speech

Claire Lehmann

Quillette Founder and Editor-in-Chief

Our Keynote Speeches

Friday Evening:

Judges interpreting laws: do the words matter anymore?



The Hon. David Stratas was appointed to the Federal Court of Appeal in 2009 and to the Court Martial Appeal Court of Canada in 2012. He has been an adjunct member of Queen's University's Faculty of Law since 1994, winning ten faculty teaching awards. He is an author of over 200 articles or conference papers on various legal topics, particularly in the areas of administrative law, constitutional law and legal writing.

in conversation with



Asher Honickman is a partner at Matthews Abogado LLP where he practices civil and constitutional litigation. Asher is a co-founder of the Runnymede Society and is the founder and chair of Advocates for the Rule of Law, a legal think tank dedicated to promoting the rule of law in Canada.

Saturday Evening:



Claire Lehmann is a writer, editor, and entrepreneur. She is the founding editor of Quillette, an international online magazine which specialises in long-form commentary on culture, politics, and science. Her own writing has been published locally and internationally in such places as Tablet, Commentary, The Sydney Morning Herald and Scientific American. In 2018, she gave the Centre for Independent Studies' Helen Hughes Lecture for Emerging Thinkers.

Religious Freedom: Taking stock of the state of constitutional protections in Canada & the US

Recent years have witnessed landmark court rulings on religious freedom. The Trinity Western University decision in Canada and the Masterpiece Cakeshop decision in the US, both of which made international headlines, are prime examples. These cases, which raised issues such as marriage and sexual orientation, confronted courts with the task of striking a delicate balance between significant competing interests. Do these cases mark some sort of turning point for religious freedom in liberal democracies? This panel will take stock of recent court rulings on religious freedom and consider what these rulings mean for future cases.

Featuring:



Adam Goldenberg is a trial and appellate lawyer at McCarthy Tétrault LLP and an adjunct professor of law at the University of Toronto. He acts in all manner of commercial disputes, public law matters, and class actions, and has appeared as lead or co-counsel at all levels of court, including in the Supreme Court of Canada. Adam holds a B.A. from Harvard and received his law degree at Yale. He was awarded the Meritorious Service Medal by the Governor General of Canada in 2017.



Anna Su is an assistant professor at the University of Toronto Faculty of Law. Her research interests are in law and religion, and the law and history of international human rights law. She is the author of *Exporting Freedom: Religious Liberty and American Power* (Harvard University Press, 2016).

Moderator:



Brian Bird is a doctoral candidate in law at McGill University. His doctorate explores freedom of conscience. Brian graduated from Simon Fraser University (B.A.), University of Victoria (J.D.), and Oxford (B.C.L.). He is a former law clerk at the Supreme Court of British Columbia and the Supreme Court of Canada.

What Are Charter Values?

Charter values have become a topic of intense debate. This debate recently surfaced in the Supreme Court's decision on the proposed law school at Trinity Western University. The Court found that, in balancing the Charter value of equality against religious freedom in s. 2(a) of the Charter, it was reasonable for law societies in Ontario and British Columbia to favour equality and deny accreditation to Trinity's law school. Four of the nine judges of the Court (including two judges that ruled against Trinity) raised concerns with recourse to Charter values where administrative law and Charter issues intersect. This panel will evaluate these concerns.

Featuring:



The Hon. Justice Peter D. Lauwers received a LL.B from the University of Toronto in 1978 and a LL.M. from Osgoode Hall of York University in 1983. He was called to the bar in 1980. When he was appointed to the Superior Court of Ontario in 2008, Justice Lauwers was a partner at Miller Thomson LLP. He practised in the areas of civil litigation, constitutional law, human rights, and administrative law and appeared at every level of court. Justice Lauwers was appointed to the Court of Appeal for Ontario in 2012.



Lorne Sossin is a professor of Osgoode Hall Law School, at York University and served as dean (2010-2018). Professor Sossin was formerly a faculty member at the University of Toronto Faculty of Law, a litigation lawyer with the firm of Borden & Elliot (now Borden Ladner Gervais), and a law clerk to former Chief Justice Antonio Lamer of the Supreme Court of Canada. He holds doctorates from the University of Toronto and from Columbia University in law. He is the author of numerous books and articles.

Moderator:



Mark Mancini is an LL.M. student at the University of Chicago Law School. He writes in the area of administrative law, particularly the law of judicial review. He has a developing interest in internal agency design and how agency policies and procedures affect the efficacy of judicial review.

Notwithstanding Clause: Dead Letter or Loaded Gun?

In September 2018, the Government of Ontario proposed the use of the notwithstanding clause to override a court decision that invalidated legislation which shrank the size of city council in Toronto. More recently, the Premier of Quebec floated the idea of applying the notwithstanding clause to legislation that would forbid certain public servants from wearing religious symbols. In 2017, Saskatchewan invoked the notwithstanding clause in the wake of a court ruling concerning public funding for Catholic schools. This panel will consider the lessons that can be learned from these recent experiences with the notwithstanding clause.

Featuring:



Andrew Coyne is a columnist with The National Post. A graduate of the University of Toronto and the London School of Economics, he has worked previously for Maclean's and The Globe and Mail, and is a weekly panelist on CBC's The National.



Carissima Mathen, LSM is vice-dean and professor of law at the University of Ottawa. She is a constitutional and criminal law expert. Her most recent book is Courts without Cases: The Law and Politics of Advisory Opinions (forthcoming, Hart). For a far more entertaining bio, please refer to her website www.carissimamathen.ca.

Notwithstanding Clause: Dead Letter or Loaded Gun?

Featuring:



Emmett Macfarlane is an associate professor of political science at the University of Waterloo. He is the author of *Governing from the Bench: The Supreme Court of Canada and the Judicial Role* (UBC Press, 2013), and the editor of *Constitutional Amendment in Canada* (University of Toronto Press, 2016) and *Policy Change, Courts, and the Canadian Constitution* (University of Toronto Press, 2018).



Dwight Newman is a professor of law and Canada Research Chair in Indigenous Rights in Constitutional and International Law at the University of Saskatchewan, where he has also previously been associate dean. Professor Newman has also been a recent visiting fellow at Princeton, Cambridge, and Montréal. He has published widely on constitutional issues

Moderator:



Geoffrey T. Sigalet is a QROF postdoctoral fellow at Queen's University Law School and a research fellow at Stanford Law School's Constitutional Law Center for the 2018-19 academic year. He completed his PhD in political theory and public law at Princeton University, where his dissertation developed a republican theory of judicial review and constitutional interpretation.

Debate: The presumption of innocence and the courts of public opinion

To what extent should the presumption of innocence, a fundamental principle of criminal proceedings, apply outside of a court of law? Should the presumption have the same force in the courts of public opinion? This question has inspired debate as the #MeToo movement has gained traction. Recently, this question was front and centre in the controversial nomination of Judge Brett Kavanaugh to the US Supreme Court. Should the presumption of innocence have the same, less, or no grip in contexts such as these? This panel will debate this question.

Featuring:



Annamaria Enenajor is a partner at Ruby Shiller Enenajor DiGiuseppe, Barristers, recently named one of Canada's Top 10 criminal law boutiques by Canadian Lawyer Magazine. She practices criminal defence, constitutional and regulatory law. Annamaria vigorously defends her clients in criminal matters and provides comprehensive and strategic legal advice related to criminal and regulatory law. She is also the founder and campaign director of the Campaign for Cannabis Amnesty.

vs.



Michael Spratt was called to the bar in 2005 after attending law school at Dalhousie University and is a partner at the boutique criminal law firm Abergel Goldstein & Partners. Mr. Spratt frequently appears as an expert witness before Canada's House of Commons and Senate and was awarded a Senate 150th Anniversary Medal for his work on criminal justice policy. Mr. Spratt is a prominent columnist and blogger and co-host of the award winning legal and political podcast The Docket.



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