



David Asper Centre for Constitutional Rights  
UNIVERSITY OF TORONTO

Presents

Lawyers and the Media – In the Public Interest

November 23, 2011

12:30 – 2:00 p.m.

Room FLB, Flavelle House

Faculty of Law, University of Toronto

A light lunch will be served.

The media often shows intense interest in the court cases that shape social policy in Canada. Constitutional and human rights related cases such as the recent *Insite* decision (*Canada (Attorney General) v PHS Community Services Society*), the *Polygamy Reference Case*, *Bedford v Canada* (prostitution challenge), as well as a number of national security cases have been reported on, debated and championed by journalists and commentators in all forms of media across Canada. What is the role that lawyers play in the public debate of the issues in the cases? To what extent do the media influence the outcomes, if at all? How can the media's interpretation of decisions affect public perception?

A significant concern for lawyers acting in such public interest cases is how to effectively communicate their client's issues to the media, or whether to do so at all. What do you do when a reporter calls? What are the professional responsibilities of lawyers to their clients, as officers of the court and to the administration of justice when talking to reporters? How is it different if you act for the government? How can lawyers effectively work with the media in the public interest?

**Panel:**

**Julian Falconer**, Partner, Falconer Charney LLP

**Urszula Kaczmarczyk**, Senior General Counsel, Immigration Law Division, Department of Justice

**Tracey Tyler**, Legal Affairs Reporter, *The Toronto Star*

**Professor David Schneiderman**, Faculty of Law, University of Toronto

**Moderator: Paul Schabas**, Partner, Blake Cassels & Graydon LLP



This program has been accredited by the Law Society for 1.0 Professionalism Hours and 1.5 New Member CPD Hours.

## Biographies

**Julian Falconer** received his law degree from the University of Alberta and also holds degrees from McGill University and the University of Toronto. A major component of his work has involved advocacy in human rights and public interest litigation. Julian has acted as counsel for numerous community service organizations including Aboriginal Legal Services of Toronto, Nishnawbe Aski Nation (First Nations government for Northern Ontario), the Association in Defence of the Wrongly Convicted and Urban Alliance on Race Relations. Julian's more prominent individual clients have included Maher Arar, who made Canadian legal history in receiving the largest human rights settlement allotted to an individual plaintiff; the family of Ashley Smith, the 19 year who died in custody at Grand Valley Federal Penitentiary; and Adam Nobody and the "Free Press Four" in relation to their unlawful beatings and arrests during the G20 summit in Toronto. Julian and his team are currently counsel for First Nations before the Iacobucci Inquiry on the issue of exclusion of Aboriginal communities from jury rolls in Ontario. Julian is a Bencher of the Law Society of Upper Canada. In addition to extensive writings on issues of race and civil liberties, he has also co-authored a book on Coroners Inquests in Ontario.

**Urszula Kaczmarczyk** Received LL.B., Queen's University, 1982. Called to the Bar of Ontario in 1984. Worked as a law clerk to the Supreme Court of Ontario from 1984–1985. She began her career with the Department of Justice in Toronto in 1985 as a research lawyer, but quickly became a civil litigator. From 1992 to 1996 she was the Head of the Immigration Group in the Ontario Regional Office. She was the first Director of the Immigration Law Section in 1996, a position which she held until 2007. Urszula is currently Senior General Counsel, in the Immigration Law Division, at the Ontario Regional Office. That Division now numbers over 85 lawyers who represent the federal government in litigation arising out of immigration, refugee and security matters before all levels of courts. She herself handles appellate and Supreme Court of Canada cases. Most notably, she appeared before the Supreme Court on behalf of the Government of Canada in the cases of *Pushpanathan*, *Baker*, *Suresh*, *Ahani*, *Lovelace*, *Almrei* in the Charkaoui trilogy, *Khosa* and most recently, *Mavi*. She was involved in the design and implementation of the Canadian government's 2008 new security certificate legislation.

**Tracey Tyler** joined *The Toronto Star* in 1987 and has been the paper's legal affairs reporter since 1992. She's covered courts at all levels and writes on issues ranging from wrongful convictions to search and seizure. She's been recognized by the Canadian Bar Association for stories on access to justice.

**David Schneiderman** is Professor of Law and Political Science and the University of Toronto. He was called to the Bar of British Columbia in 1984 where he practised law and then served as Research Director of the Canadian Civil Liberties Association in Toronto from 1986-89. He was Executive Director of the Centre for Constitutional Studies, an interdisciplinary research institute, at the University of Alberta from 1989-99. Professor Schneiderman has authored numerous articles on Canadian federalism, the Charter of Rights, Canadian constitutional history, and constitutionalism and globalization. He has authored *Constitutionalizing Economic Globalization: Investment Rules and Democracy's Promise* (Cambridge University Press, 2008) and co-authored *The Last Word: Media Coverage of the Supreme Court of Canada* with Florian Sauvageau and David Taras (UBC Press, 2006) which is a critical examination of the relationship between Canadian media and the Supreme Court of Canada.

**Paul Schabas** is a litigation partner at Blakes in Toronto and an adjunct faculty member at the University of Toronto, Faculty of Law. His practice focuses on complex commercial litigation and arbitrations. Mr. Schabas also has expertise in white collar criminal and regulatory matters, constitutional, media and public law. He is recognized by his peers as a leading counsel, as demonstrated by his election as a fellow of the prestigious American College of Trial Lawyers (2007). He is listed in The Best Lawyers in Canada 2011 (where he was media lawyer of the year in 2010) in the areas of corporate and commercial litigation, criminal defence, administrative and public law, and defamation and media law. Landmark constitutional cases argued by Mr. Schabas include *R v Morgentaler*, *Smoling and Scott* [1988] 1 SCR 30, Canada (Human Rights Commission) v Taylor, [1990] 3 SCR 892, and *Canadian Foundation for Children, Youth and the Law v Canada*, 2004 1 SCR 76.