

Foundation of Administrative Justice  
5<sup>th</sup> Annual Conference Workshops and Descriptors  
April 29<sup>th</sup> & 30<sup>th</sup>, 2009

**Concurrent session: April 30<sup>th</sup>, 2009 1:30 pm**

**1. Evidence: Are the Old Ways the Only Ways?**

Speakers: Carol M. Zukiwski, Reynolds Mirth Richards & Farmer LLP  
Julie Gagnon, Reynolds Mirth Richards & Farmer LLP

Fair process tells us each party must have an equal opportunity to present evidence. Most tribunals follow tried and true evidentiary procedures to prevent decisions based on insufficient, irrelevant or prejudicial evidence. Although the strict rules of evidence usually do not apply, tribunals often informally try to apply the rules in a flexible way to balance the search for truth and a fair hearing. What new techniques are tribunals using to obtain evidence without creating additional process burdens on the participants? This session asks the questions: Is it possible to apply ordinary human language to a situation? Can witnesses just tell a story, without the need for a series of questions that direct the evidence? Could competing witnesses interact as in a mediation to present their information in an interactive horizontal fashion, rather than a segregated vertical fashion?