

MICHELLE FLAHERTY

EXPERIENCE

ARBITRATOR, MEDIATOR, WORKPLACE INVESTIGATOR, Present

Engaged consensually by parties to assist with the resolution of disputes, including complex and sensitive matters. Particular expertise in matters involving alleged harassment, sexual harassment, and discrimination.

ASSOCIATE PROFESSOR OF LAW, UNIVERSITY OF OTTAWA, FACULTY OF LAW, 2012 – 2018

Developed and taught courses in labour law, human rights, administrative law, alternative dispute resolution. Received an Excellence in teaching award in 2016, and was granted tenure and promotion in 2017.

VICE-CHAIR AND TEAM LEAD, HUMAN RIGHTS TRIBUNAL OF ONTARIO, 2008 – 2012 (part-time member from 2012 – 2018)

Conducted hearings using an expert, active approach, rendered decisions in developing areas of law. Through mediation, assisted the parties to resolve applications. Acted as an adjudicative lead and involved in coordination, training, and providing mentorship to vice-chairs and part-time Tribunal members.

LEGAL COUNSEL, UNIVERSITY OF OTTAWA, 2006 – 2008

Provided advice on a broad variety of issues, ranging from contract review and negotiation, to policy development, litigation and labour, employment and human rights matters. Represented the university before the courts and various administrative tribunals including arbitration boards. Proactively assessed risks and provided advice to the university's senior administration.

ASSOCIATE, SACK GOLDBLATT MITCHELL LLP, 2003 – 2006

Managed a busy practice in civil litigation, employment, labour and human rights law. Responsible for complex legal files. provided legal advice and assisted in the negotiation of employment contracts and collective agreements.

LECTURER, UNIVERSITY OF OTTAWA, 2004 – 2008

Developed and taught a course in the French Common Law section on human rights, which focused on equality and human rights law. Co-developed and co-taught a course on federal labour law for the English Common Law section.

ASSOCIATE, BORDEN LADNER GERVAIS LLP, 2001 – 2003

Had an active litigation practice, which included administrative law, commercial litigation, and civil litigation. Involved in complex and high-profile matters.

LAW CLERK, SUPREME COURT OF CANADA, 1999 – 2000

Worked closely with Madame Justine L'Heureux-Dubé. Researched and provided analysis of complex legal issues before the court.

AUTHOR, LAW SOCIETY OF UPPER CANADA, 2002 – Present

Author of a portion of the public law bar admissions study materials. In 2002, provided in-class instruction in public law to bar admissions students.

EDUCATION

MASTERS OF LAW, UNIVERSITY OF OTTAWA, 2012

Masters in Law in Civil Law Theory, with a focus on the impact of human rights on private law.

BACHELOR OF LAWS, UNIVERSITY OF OTTAWA, 1998

Completed my LLB in French. Received awards for achieving highest marks in torts, and criminal and administrative law. Recipient of the Common Law bursary for academic excellence.

BACHELOR OF BUSINESS ADMINISTRATION, BISHOP'S UNIVERSITY, 1992

OTHER ACTIVITIES

Faculty of Law award for excellence in teaching, 2016

Recipient, Top 10 after 10, Bishop's University, 2011

Inductee, University of Ottawa Common Law Honours Society, 2008

Member, Supreme Court of Canada Advocacy Institute

Past member of the Executive, Ottawa Young Lawyers Division of the Ontario Bar Association

Volunteer, Mentor, Legal Links and Bridges Program and Women's Legal Mentorship Program, University of Ottawa

SELECTED PUBLICATIONS

Private Law and its Normative Influence on Human Rights, in K Barker and D Jensen (eds) *Private Law: Key Encounters with Public Law*, eds. K Barker and D Jensen, (Cambridge: Cambridge University Press 2013) 32 pages

Flaherty, Michelle, *Self-Represented Litigants: A Sea Change in Adjudication* (November 1, 2013). Peter Oliver and Graham Mayeda (eds), *Principles and Pragmatism: Essays in Honour of Louise Charron* (LexisNexis, 2014) 27 pages (Also published in *Supreme Court Law Review, Second Series, Volume 65* (2014) 323)

Ontario and the Direct Access Model to Human Rights, in *22 Arguments for Human Rights Institutions in Canada*, eds. S. Day, L. Lamarche, K. Norman (Irwin Law, 2014) 22 pages

A Failed Game Changer: Post-Secondary Education and the Accessibility for Ontarians with Disabilities Act, (2014) 24:1 *Education Law Journal*, (30 pages) (with Alain Roussy)

Self-represented Litigants, Active Adjudication and the Perception of Bias: Issues in Administrative law, (2015) *Dal LJ Vol. 38 No. 1* (28 pages)

The Trilogy and Labour Boards: Where has all the Good Faith Gone? (2015) 45:2 *Ottawa L Rev* 247, (22 pages)

Reinstatement as a Human Rights Remedy: When Jurisdictions Collide, (2015) 36 *Windsor Rev Legal Soc Issues* 101 (22 pages)
Also published in Russel W. Zinn, *The Law of Human Rights in Canada: Practice and Procedure*, loose-leaf, (Aurora: Canada Law Book, 1998), Release No. 29, May 2016

The Law Practice Program: Tackling Racial Inequality in the Legal Profession, (with Alain Roussy), *Canadian Bar Review*, December 2015 (27 pages)

Best Practices in Active Adjudication, *Canadian Journal of Administrative Law Practice*, (2015) 28 *C.J.A.L.P.* 291 (23 pages)

Access to Justice Looking for a Constitutional Home: Implications for the Administrative Legal System, (with Andrea Cole), *Canadian Bar Review*, Vol 94 No 1 (2016) (30 pages)

Mediation-Arbitration in Ontario: Labour Relations, Human Rights, and Beyond?, (with Leslie Reaume), (2017) 30 *C.J.A.L.P.* 3 351 (27 pages)

Tribunal Expertise in Judicial Review: A Conceptual Purgatory, (with Andrea Cole), (2019) 32 *C.J.A.L.P.* 1 (26 pages)

Self-Represented Litigants and Active Adjudication: the Duties of Adjudicators (with Morgan Teeple-Hopkins), (2022) 35 *C.J.A.L.P.* (publication forthcoming)

SELECTED ADDRESSES

Osgoode Professional Development, "Procedural Fairness in Workplace Investigations," panel member, March 2021, April 2022.

Social Security Tribunal of Canada, "Active Adjudication", June 2019

Ontario Public Service Labour Relations Conference, "Ensuring Remedies are Remedial", February 2017

Immigration and Refugee Board of Canada, IAD National Training, "Issues in Administrative Law", February 2017

The Society of Ontario Adjudicators and Regulators, Annual Conference, "Update on Administrative Law", panel member, November 2016

Centre for Law in the Contemporary Workplace, Faculty of Law, Queen's University, Frontiers of Human Rights in Canadian Workplaces, "Human Rights Damages", September 2016

Canadian Institute for Administrative Justice, "Best Practices in Decision-writing", keynote address, May 2016

Council of Canadian Administrative Tribunals Annual Symposium, "Administrative law in Review", annual presentation 2016 to present

Colloque des arbitres du Québec, "Le med-arb et l'impartialité de l'arbitre", April 2016

Congress of the Humanities and Social Sciences, "Labouring under old assumptions: Time for a New Cooperative Model?", June 2015

Ontario Bar Association, Annual Update on Human Rights, "Reinstatement as a Human Rights Remedy: When Jurisdictions Collide", June 2015

Ontario Bar Association, Effective Practice before Administrative Tribunals, panel member, April 2015

Safety, Licensing Appeals and Standards Tribunal of Ontario annual conference, "Pro-active Adjudication: An access to justice issue", April 2015

Colloque de la magistrature du Québec, "Seul devant le juge", Novembre 2015

Council of Canadian Administrative Tribunals Annual Symposium, "Active Adjudication: A Tool for Improving Access to Justice", May 2014

Canadian Institute for the Administration of Justice, "Working with Self-represented Litigants: Practical Skills and Ethical Issues", 2014

The Canadian Bar Association, 15th Annual Administrative Law, Labour and Employment Law Conference, "Barriers to Justice: Securing Access to Administrative Justice", 2014

The Society of Ontario Adjudicators and Regulators, Annual Conference, "Active adjudication and the administrative tribunal", 2014

Canadian Association of Law Teachers, "Post-secondary Education and the Accessibility for Ontarians with Disabilities Act", (with Alain Roussy), 2014

Symposium: Celebrating the Contributions of Justice Louise Charron, University of Ottawa, "The Impact of the Self-Represented Litigant on Judging and the Rules of Evidence", 2013

Association des juristes d'expression française, Congrès annuel, Panel sur les droits de la personne, 2013

Potsdam University, Germany, « Human Rights: A Canadian Perspective », 2013

University of Ottawa Law Review 2013 Symposium: The Labour Law Trilogy « Where has all the Good Faith gone? », 2012

University of Queensland, Australia, TC Beirne School of Law, Private Law Conference, "Private Law and its Normative Influence on Human Rights", 2011

LANGUAGES

Fluent in French and English