

Why The Civil Trial is Worth Saving(or How to Get to Trial Faster)

Date: Thursday February 6, 2014 | 9:00 am to 12:20 pm



This program is eligible for up to
1.75 Substantive Hours
1.5 Professionalism Hours

Location: Westin Harbour Castle Conference Centre, 2 Harbour Square, Toronto

Program Chairs: **John O'Sullivan**, John O'Sullivan Law
Maureen Whelton, Stevensons LLP

Much has been written in the last decade about the “vanishing trial” in Ontario. The newest generation of Ontario civil litigators may retire without ever having conducted a civil trial to judgment. The most common explanation given for this is cost, although civil litigation under the now dominant ADR method does not appear to be appreciably less expensive.

Is the civil trial dead, or just dying? Can it be rescued? How? Is it worth the effort?

The theme of the 2014 OBA Civil Litigation Program is that the civil trial remains a valuable and viable method of dispute resolution in the 21st Century, when conducted in an effective and cost-efficient manner. Hear from leading litigators on how you can streamline your case and use the rules to get it to trial faster.

9:00 am **WELCOME AND OPENING REMARK**

9:05 am **PICKING THE ISSUE AND STREAMLINING YOUR CASE: SOME GUIDANCE**

- Do we inadvertently delay our own case?
- How do you know what matters?
- How do you compel the other side to stay on track?

The Honourable Mark L. Edwards, Superior Court of Justice
Gregory Sidlofsky, Wagner Sidlofsky LLP

9:35 am **DO WE NEED ORAL DISCOVERIES?**

90% of time on a case is spent in the “discovery phase” of an action.

- Can an action be set down without examinations for discovery?
- How can we use examinations for discovery in a more focused, time-efficient, cost-effective manner?

Martin Teplitzky, QC, Teplitzky Colson LLP
Frank Walwyn, WeirFoulds LLP

10:05 am **USING THE RULES TO SPEED YOUR CASE TO TRIAL**

More often than not The Rules are used as tools of delay. Hear how you can instead use them as an engine that moves the action to trial.

Colin Stevenson, Stevensons LLP
Allan Rouben, Barrister & Solicitor

10:30 am **NETWORKING BREAK**

10:50 am **GETTING A TRIAL DATE: NAVIGATING THE MAZE OF SETTING DOWN, PRE-TRIALS & MEDIATION**

- When is the earliest we can set down?
- Are there exceptions to the consequences of setting down?
- How do we get the earliest possible trial date once we set down?

The Honourable David Brown, Superior Court of Justice
Tom Curry, Lenczner Slaght Royce Smith Griffin LLP

Questions? Toll Free: 1-800-668-8900 | Tel: 416-869-1047 | pd@oba.org



11:20 am **BRINGING PROCEEDINGS OUTSIDE TORONTO: A COMPARISON**

- Is there an advantage to commencing proceedings outside of Toronto?
- What is the downside?

Doug Bourassa, Chaitons LLP

Anne M. Kennedy, Pallett Valo LLP

11:50 am **GUIDANCE FROM THE COMMERCIAL LIST & LABOUR ARBITRATIONS**

- What can we learn from labour arbitrations where the parties receive a full hearing without the cost and delay of examinations for discovery?
 - Are the results less fair or less correct?
- Why does the commercial list have a fraction of the delay experienced in the regular stream?
 - What can we learn?

Hilary Book, Weirfoulds LLP

Michael Wright, Cavalluzzo Shilton McIntyre Cornish LLP

12:15 pm **QUESTION PERIOD AND CONCLUDING REMARKS**

12:20 pm **PROGRAM CONCLUDES**

Register at oba.org/institute2014

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