

Divine Discoveries: Building a Great Case

Civil Litigation / Young Lawyers Division



In person



Webcast

Date: Tuesday, March 05, 2024 | 1:00 pm to 4:30 pm

Location: OBA Conference Centre
20 Toronto Street, 2nd Floor, Toronto

Program Chairs: **Ivan Merrow**, McCarthy Tétrault LLP
Jessica Byles-Nolet, Sicotte Guilbault



Substantive Hours: This program contains 2 hours and 30 minutes.

Professionalism Hours: This program contains 1 hour.

A good discovery will help you prepare your client for trial and understand your opponent's case. A great discovery will force your opponent to settle, and at the very least, set you up for a less stressful and better organized trial. Get practical tips from the pros on how to be great (if not divine) at this half-day program on key elements such as preparation, e-discovery, credibility, and undertakings. Whether you are a new lawyer preparing for your first discovery, or a seasoned veteran looking to improve your technique, this program will help you hone your skills.

1:00 pm **Welcome and Opening Remarks**

1:05 pm **Examining Discovery: An Overview of the Discovery Process and the Law**

Andrew Montague-Reinholdt, Nelligan Law

Duncan Macgillivray, White Macgillivray Lester LLP

- What is the purpose of discovery and how does it fit into the litigation process?
- Important case law you should know
- Key topics that must be covered
- Important considerations for virtual discoveries

1:35 pm **Preparing Yourself and Your Client for Discovery**

John Hollander, Advocacy Club

The discovery outline and how to prepare yourself

- How to prepare your client, as opposed to coaching them

2:05 pm **Undertakings and the Preventable Refusals Motion**

Andrew Max, Addario Law Group LLP

Zain Naqi, Lax O'Sullivan Lisus Gottlieb LLP

- Determining the strategy of the questioner
- Obtaining information from former employees
- Obtaining information from third parties/witnesses
- Best efforts/reasonable efforts
- How should you handle unrepresented litigants?
- Undertakings and Refusals Motions

2:35 pm **Health Break**

2:50 pm **Affidavits of Documents, Privilege, Confidentiality and E-Discovery Fundamentals**

Mana Khami, Borden Ladner Gervais LLP

Elena Mamay, DS Lawyers Canada

- Preparing the affidavit of documents, using electronic affidavits of documents, and building your case

- Your role as counsel in document preservation
- Challenging your opponent's affidavit of documents
- Understanding privilege and confidentiality
- Use of e-Discovery information/documents at trial

3:30 pm **Discovery Techniques**

Jeramie Gallichan, Gowling WLG

Annie Tayyab, Torkin Manes LLP

- Key techniques, lessons learned, and strategies
- Overcoming issues that may arise when remote and distanced
- Strategies to handle obstreperous opposing counsel
- Dealing with your client's inconsistent statements
- Examinations for discoveries in the context of trial
- Discovery considerations for individuals with special circumstances

4:30 pm **Programs Concludes**