

Anatomy of a Trial: Telling Your Trial Story



In-Person



Webcast

Date: Thursday, June 13, 2024 | 8:30 am – 4:45 pm
Reception
Friday, June 14, 2024 | 8:30 am to 1:30 pm

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

Program Chairs: **Brian Bangay**, Desjardins General Insurance Group Inc.
Lindsay Charles, McLeish Orlando LLP
Troy Lehman, Oatley Vigmond LLP
Katherine Di Tomaso, Stieber Berlach LLP

This program contains 1 Professionalism EDI Hours
This program contains 2 Professionalism Hours.
This program is eligible for up to 9 Substantive Hours.

The OBA has been approved as an Accredited Provider of Professionalism Content by The Law Society of Ontario.

Anatomy of a Trial is back by popular demand! Join our stellar faculty of Superior Court judges and experienced advocates as they engage in live demonstrations and a comprehensive examination of the best techniques for conducting a trial. Lawyers of all levels, from the new litigator to the seasoned veteran, will benefit from this practical and insightful program.

Don't miss out on this signature event! Register now to secure your spot.

Day #1: June 13, 2024

8:00 am **Registration and Coffee**

8:30 am **Opening Remarks**

PANEL (8:35 AM TO 9:15 AM)

8:35 am **Preparing for Trial: Dealing with Document Briefs**
The Honourable Peter D. Lauwers, Court of Appeal for Ontario
Tom Curry, Lenczner Slaght LLP
Chris Paliare, Paliare Roland Rosenberg Rothstein LLP
Moderator: Brian Bangay, Desjardins General Insurance Group Inc.

- The necessity of an agreement on documents.
- Common pitfalls in documentary evidence
- Practical considerations for trial counsel

TRIAL MANAGEMENT CONFERENCE (9:15 AM TO 9:45 AM)

Presiding Judge: **The Honourable Stephen E. Firestone**,
Superior Court of Justice, Regional Senior Judge for the
Toronto Region

9:15 am **Trial Management Conference**
Demonstrators: **William Jesseau**, Smockum Zarnett LLP
Ryan Breedon, Breedon Litigation

9:30 am Debrief/Commentary: **Geoffrey D.E. Adair K.C.**, Adair Goldblatt Bieber LLP

- The importance of working collaboratively before the conference
- Effectively dealing with procedural issues, document briefs and jury questions

PRE-TRIAL MOTIONS (9:45 AM TO 10:45 AM)

Presiding Judge: **The Honourable Jamie K. Trimble**, Superior Court of Justice

9:45 am **Pre-Trial Motion: Pierringer Agreement**
Demonstrators: **Brenda Hollingsworth**, Auger Hollingsworth Personal Injury Lawyers
Michael Burgar, Smockum Zarnett LLP

10:00 am Debrief/Commentary: **Karyn Shapira**, Evangelista, Barristers & Solicitors

- How partial settlements can change the litigation landscape
- Settlement privilege vs. necessity of disclosure

10:15 am **Pre-Trial Motion: Accident Benefits Settlement**
Demonstrators: **Lara Fitzgerald-Husek**, Oatley Vigmond Personal Injury Lawyers LLP
Jean-Claude Rioux, Flaherty McCarthy LLP

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10:30 am Debrief/Commentary: **Deanna Gilbert, Thomson Rogers**

- What does the jury hear about AB settlements?
- Probative value vs. prejudicial effect of disclosure to jury

10:45 am **Health Break**

PANEL (11:00 AM TO 11:30 AM)

11:00 am **Jury Decision Making**

Roger Oatley, Oatley Law

- Understanding the biases that impact juror decision-making

OPENING STATEMENTS (11:30 AM TO 12:00 PM)

Presiding Judge: **The Honourable Jamie K. Trimble, Superior Court of Justice**

11:30 am **Opening Statement of the Plaintiff**

Demonstrator: **Brian Cameron, Oatley Vigmond Personal Injury Lawyers LLP**

11:45 am **Opening Statement of the Defendant**

Demonstrator: **Jim Davidson, DAVIDSON CAHILL MORRISON LLP**

12:00 am Debrief/Commentary: **Siobhan McClelland, McCague Borlack LLP**

- Telling your client's story persuasively, without argument
- Motivating jurors to make the right decision
- Inoculating against weaknesses
- The effective use of demonstrative evidence

PANEL (12:15 PM TO 1:15 PM)

12:15 pm **Trauma-informed Lawyering**

Teresa Donnelly, Ministry of the Attorney General
Anna Matas, St. Lawrence Barristers
Moderator: Lindsay Charles, McLeish Orlando LLP

- Understanding trauma
- Dealing with trauma professionally and empathetically

LUNCH (1:15 PM TO 2:15 PM)

1:15 pm **Networking Lunch**

THE PLAINTIFF'S CASE (2:15 PM TO 4:45 PM)

Presiding Judge: **The Honourable Susan Woodley, Superior Court of Justice**

2:15 pm **Examination of the Settled Defendant (Christine Fotopoulos, Global Resolutions)**

Demonstrator: **Yoni Silberman, Bogoroch & Associates LLP**

2:25 pm **Cross-Examination of the Settled Defendant (Christine Fotopoulos, Global Resolutions)**

Demonstrator: **Linda Matthews, Matthews Abogado LLP**

- Managing a nervous witness
- Leveraging a Pierringer agreement against a party that has settled

2:35 pm **Examination of Independent Witness 2 (Logan Cooper, Cooper Mediation Inc)**

Demonstrator: **Nick Todorovic, McLeish Orlando Lawyers**

2:45 pm **Cross-Examination of Independent Witness 2 (Logan Cooper, Cooper Mediation Inc)**

Demonstrator: **Barry Cox, Boghosian + Allen LLP**

2:55 pm Debrief/Commentary: **James Regan, Regan Desjardins LLP**

- Obtaining memorable evidence from an eyewitness
- Developing your case theme through an independent witness

3:05 pm **Examination of the Plaintiff (Catherine A. Bruder, Bruder Springstead LLP)**

Demonstrator: **Melissa Miller, Howie Sacks and Henry LLP**

3:20 pm **Cross-Examination of the Plaintiff (Catherine A. Bruder, Bruder Springstead LLP)**

Demonstrator: **John A. Olah, Beard Winter LLP**

3:45 pm Debrief/Commentary: **Shanti Barclay, Zarek Taylor Grossman Hanrahan LLP**

- Inoculating against problem areas in the evidence
- Using conflicting statements to place credibility in issue

3:50 pm **Health Break**

Testimony of the Plaintiff's Accident Reconstruction Engineer

Presiding Judge: **The Honourable Susan E. Healey, Superior Court of Justice**

4:05 pm **Examination of the Engineer (Kyle Serkies, Advantage Forensics Inc.)**

Demonstrator: **Ian Mair, Moodie Mair Walker LLP**

4:20 pm **Cross-Examination of the Engineer (Kyle Serkies, Advantage Forensics Inc.)**

Demonstrator: **Jacqueline L. King, Levitt Sheikh LLP**

4:35 pm Debrief/Commentary: **Jack Fitch, Rogers Partners LLP**

- Simplifying technical and complicated evidence
- The effective use of demonstrative evidence

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- Cross-examining on the foundation of the opinion evidence

4:40 pm **Questions & Answers**

4:45 pm **Day 1 Concludes. Reception to follow.**

Day #2: June 14, 2024

8:00 am **Registration and Coffee**

8:30 am **Opening Remarks**

KEYNOTE ADDRESS BY MARIE HENEIN (8:35 AM TO 9:05 AM)

8:35 am **Keynote Address:**
From Start to Finish: The Importance of Narrative
Marie Henein, Henein Hutchison Robitaille LLP

PLAINTIFF'S CASE CONTINUED (9:05 AM 9:50 AM)

Testimony of the Plaintiff's Biomechanical Engineer

Presiding Judge: **The Honourable Frederick L. Myers, Superior Court of Justice**

9:05 am **Examination of the Biomechanical Engineer (Jason Young, Advantage Forensics Inc.)**
Demonstrator: **Renée Vinett, Howie, Sacks & Henry LLP**

9:20 am **Cross-Examination of the Biomechanical Engineer (Jason Young, Advantage Forensics Inc.)**
Demonstrator: **Charles Painter, Dolden Wallace Folick LLP**

9:35 am Debrief/Commentary: **Kim McCartney, Aviva Trial Lawyers**

- Making complicated material understandable
- Demystifying technical evidence
- Rebutting/eroding opposing expert opinion

DEFENCE (9:50 AM TO 12:45 PM)

Testimony of The Defendant

Presiding Judge: **The Honourable Frederick L. Myers, Superior Court of Justice**

9:50 am **Examination of the Defendant (Stephen Moore, Moore Mediations)**
Demonstrator: **Joseph Lin, Intact Insurance**

10:05am **Cross-Examination of the Defendant (Stephen Moore, Moore Mediations)**
Demonstrator: **Alfred Kwinter, Singer Kwinter Personal Injury**

10:20am Debrief/Commentary: **D. Keith Smockum, Smockum Zarnett LLP**

- Personalizing the defendant to the jury
- Effective use of prior statements in cross-examination

10:35 am **Health Break**

Voir Dire on Admissibility of Expert Opinion

Presiding Judge: **The Honourable Evelyn M. ten Cate, Superior Court of Justice**

10:50 am **Examination of Expert on Voir Dire (Mark Fabbroni, 30 Forensic Engineering)**
Demonstrator: **The Honourable Todd J. McCarthy, Minister of Public and Business Service Delivery**

10:55 am **Cross-Examination of Expert on Voir Dire (Mark Fabbroni, 30 Forensic Engineering)**
Demonstrator: **Peter Cho, Smitiuch Injury Law**

11:00 am **Argument**

11:10 am Debrief/Commentary: **Frank Benedetto, Flaherty McCarthy LLP**

- Understanding the purpose and elements of a voir dire
- Foundation for admissibility of expert opinion evidence

Testimony of the Defence Engineer

Presiding Judge: **The Honourable Evelyn M. ten Cate, Superior Court of Justice**

11:15 am **Examination of the Defence Engineer (Mark Fabbroni, 30 Forensic Engineering)**
Demonstrator: **Robin Moodie, Moodie Mair Walker LLP**

11: 30 am **Cross-Examination of the Defence Engineer (Mark Fabbroni, 30 Forensic Engineering)**
Demonstrator: **Paul Cahill, DAVIDSON CAHILL MORRISON LLP**

11:45 am Debrief/Commentary: **Frank Benedetto, Flaherty McCarthy LLP**

- Expert witness as a teacher
- Advancing your case theory in cross-examination of opposing expert

Testimony of the Defence Biomechanical Engineer

Presiding Judge: **The Honourable William Black, Superior Court of Justice**

12:00 pm **Examination of the Defence Biomechanical Engineer (Chad Gooyers, 30 Forensic Engineering)**

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Demonstrator: [Darren Delaney](#), Benson Percival Brown LLP

12:15 pm **Cross-Examination of the Defence Biomechanical Engineer**

Demonstrator: [Rasha El-Tawil](#), Siskinds Law

12:30 pm Debrief/Commentary: [Heather Vaughan](#), Benson Percival Brown LLP

- Improving expert evidence through demonstrative aids
- Employing cross-examination of a liability witness to bolster damages

CLOSING STATEMENTS (12:45 PM TO 1:30 PM)

Presiding Judge: [The Honourable William Black](#), Superior Court of Justice

12:45 pm **Closing Statement of the Defendant**

Demonstrator: [Ian Kirby](#), Beard Winter LLP

1:00 pm **Closing Statement of the Plaintiff**

Demonstrator: [M. Steven Rastin](#), Rastin Gluckstein Lawyers

1:15 pm Debrief/Commentary: [Stephen G. Ross](#), Rogers Partners LLP

- The importance of the trial story and case theme
- Dealing effectively with the opponent's case theme

1:25 pm **Polling the Jurors**

1:30 pm **Program Concludes**

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