

## Conducting an Effective Examination for Discovery

### *Civil Litigation*

**Date:** Tuesday, September 12, 2017 | 9:00 am to 12:15 pm

**Location:** Twenty Toronto Street Conferences and Events  
20 Toronto Street, 2<sup>nd</sup> Floor, Toronto

**Program Chairs:** **Brendan Clancy**, DLA Piper (Canada) LLP  
**Brooke MacKenzie**, MacKenzie Barristers



In-Person



Webcast



This program contains 1 Professionalism Hour  
This program is eligible for up to 2.25 Substantive Hours

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During examinations for discovery, a lawyer needs to think fast and make difficult decisions that could have an impact on his or her entire case. You need to be prepared and ready to tackle what arises during this step in the litigation process. Our experienced faculty will walk you through the process from beginning to end, providing practical guidance on how to successfully conduct and defend an examination. You will receive valuable tips on the common pitfalls to avoid, as well as techniques for dealing with difficult witnesses and counsel. This unique program will end with a mock discovery where you will have the opportunity to review the material in advance, and compare the approach and strategy you would use to that of counsel conducting the mock discovery.

Join us for this essential and practical program.

8:30 am Registration and Coffee

9:00 am Welcome and Opening Remarks

9:05 am **Examinations for Discovery**

**Samuel M. Robinson**, Stockwoods LLP

- Review the purposes of examinations for discovery and the obligations that arise from them
- Examine the relevant *Rules of Civil Procedure*

9:35 am **Preparing for Examinations for Discovery**

**Sarah Corman**, Corman Feiner LLP

- Preparing your witness to give evidence and explaining the issue of full disclosure
- Preparing for the examination of discovery of the opposing party
- Creating a discovery checklist

10:05 am **Conducting the Discovery**

**Barry Weintraub**, Rueters LLP

- Practical tips to ensure a clean transcript
- Common pitfalls when conducting examinations for discovery
- Controlling the examination
- Asking effective questions

10:35 am Networking Break

10:50 am **Undertakings, Questions Under Advisement and Refusals**

**Gord McGuire**, Adair Barristers LLP

- Purpose and benefit in obtaining undertakings
- When to take questions under advisement
- Grounds for objecting to questions posed to the witness
- Dealing with a difficult witness
- Dealing with difficult counsel

11:20 am **Mock Discovery**

**Andrea Sanche**, Ricketts, Harris LLP

Observe a mock examination for discovery incorporating the tips and techniques already reviewed.

12:00 pm Questions and Concluding Remarks

12:15 pm Program Concludes

**PROGRAM REGISTRATION IS ONLINE** [www.oba.org/pd](http://www.oba.org/pd)

Questions? [pd@oba.org](mailto:pd@oba.org)