

Your First Civil Trial

Young Lawyers Division



In-Person



Webcast

Date: Thursday, March 01, 2018 | 9:00 am to 12:30 pm

Location: Twenty Toronto Street Conferences and Events
20 Toronto Street, 2nd Floor, Toronto

Program Chairs: **Andrei Korottchenko**, Isaacs & Co.
Geoff Mowatt, DLA Piper (Canada) LLP



This program contains 0.5 Professionalism Hours
This program is eligible for up to 3 Substantive Hours

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

Is your first civil trial approaching and you don't know what to do? Perhaps your first trial was a complete flop. Maybe you had a good result, but know you can be better. At this half-day program, prominent litigators will share their time-tested strategies and practical advice on topics ranging from preparing your case to the closing argument. You will also get invaluable precedents, papers and checklists including a bibliography and summary of resources. Tremendously popular in past years, this is the "must not miss" program of 2018 for newer litigators and advocates. Register now to secure your spot. We look forward to seeing you there!

8:30 am Registration and Coffee

9:00 am Welcome and Opening Remarks

9:05 am **Strategies and Tips for Trial Preparation**
Melvyn L. Solmon, Solmon Rothbart Goodman LLP

- The theory of the case
- Preparing your client for trial – managing expectations
- Maximizing the benefit of the Pre-Trial Conference
- Ethical considerations associated with the timing of offers to settle
- Ethical considerations regarding witness evidence
- Dealing with opposing counsel and witnesses
- Jury selection
- Comprehensive trial preparation checklist

9:30 am **Procedural Tips for Trial Preparation**

- Witness interviews and preparation: expert and lay witnesses
- Requirements under the *Evidence Act*
- Using a Request to Admit
- Practical tips for what to expect regarding courtroom procedure

9:55 am **Opening and Closing Statements**
Paul Fruitman, Lax O'Sullivan Lisus Gottlieb LLP

- Considerations for jury and non-jury cases
- Setting the theme and the tone
- Road mapping
- Know your audience, remember your audience
- Impressions – do the first five minutes make or break the case?
- Anticipating the opponent's opening and theme
- Know your own strengths, develop your own style
- Implications of inconsistencies in your opening/closing statement and the actual evidence
- When written opening/closing submissions may be useful

10:20 am Networking Break

10:30 am **How to Introduce Evidence at Trial**
W. Grant Worden, Torys LLP

- Determine the evidence required to support your theory of the case
- Consider issues of admissibility
 - Witnesses
 - Summons
 - Expert witnesses

- Exhibits
 - Real evidence and documents
 - Demonstrative aids
- Ethical issues associated with disclosing evidence and entering evidence at trial
- Use of technology at trial

11:00 am **The Art of the Possible**
Peter Choe, Gowling WLG

- Direct Examination
 - Preparing witnesses for direct and cross examination
 - Maintaining the theme through direct examination
 - Simplifying difficult or complex fact scenarios
 - Use of documents during direct and cross examination
- Cross-Examination
 - Knowing when to quit
 - Understanding the rule in *Browne v. Dunn*
 - Ethical implications of discussing testimony before cross-examination has been completed

11:30 am **Use of Discovery Transcripts at Trial and Appeal Proofing Your Case**
Sana Halwani, Lenczner Slaght Royce Smith Griffin LLP

- Checklist for using discovery transcripts at trial
 - Discoveries and the use of transcripts
 - The value of reading-in evidence
 - Preparing to effectively impeach the witness
 - Anticipating changed testimony
- Handling and making objections
 - To object or not to object?
 - Extending professional courtesy
 - Knowing the basis for objections
 - Some case law as guidance
 - How to set-up and protect your case for an appeal through use of objection and other means

12:00 pm **Top 10 Mistakes Made at Trial and How to Avoid Them**
How to avoid the many pitfalls encountered by trial lawyers

12:25 pm Q&A/Closing Remarks

12:30 pm Program Concludes

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org