

## Your First Civil Trial

### Young Lawyers Division



In-Person



Webcast

**Date:** Friday, March 1, 2019 | 9:00 am to 12:30 pm

**Location:** OBA Conference Centre  
20 Toronto Street, 2<sup>nd</sup> Floor, Toronto

**Program Chairs:** **Chantelle Cseh**, Davies Ward Phillips & Vineberg LLP  
**Selina Mamo**, McCarthy Tétrault LLP

**Professionalism Hours:** This program contains **0h 30m**  
**Substantive Hours:** This program is eligible for up to **3h 00m**



*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 2019 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**

**Christopher Horkins**, Cassels Brock & Blackwell LLP  
**Byron Shaw**, McCarthy Tétrault LLP

- Your 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
- Witness interviews and preparation: expert and lay witnesses
- First versus second chair – how to best prepare

9:40 am **Opening and Closing Statements**

**Ren Bucholz**, Paliare Roland Rosenberg Rothstein LLP

- Considerations for jury and non-jury cases
- Setting the theme and the tone
- Road mapping
- Know your audience, remember your audience
- 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

10:05 am Networking Break

10:20 am **Introducing Evidence at Trial**

**Jacqueline Cole**, McCarthy Tétrault LLP  
**Matthew Milne-Smith**, Davies Ward Phillips & Vineberg 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

- The increasing use of technology at trial – be prepared

10:50 am **The Art of Examinations**

**Gayle Brock**, Brock Medical Malpractice Law PC (Barrie)  
**Tom Curry**, Lenczner Slaght Royce Smith Griffin LLP

- Direct Examination
  - Maintaining the theme through direct examination
  - Simplifying difficult or complex fact scenarios
  - Use of documents
- Cross-Examination
  - Knowing when to quit
  - Understanding the rule in *Browne v. Dunn*
  - Effective use of exhibits
  - 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**

**Matthew Gottlieb**, Lax O'Sullivan Lisus Gottlieb LLP  
**Kenneth Morris**, Morris+Stoltz+Evans 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

11:50 am **Top 10 Mistakes Made at Trial and How to Avoid Them**

**The Honourable Frederick L. Myers**, Superior Court of Justice  
**The Honourable Frank J.C. Newbould, Q.C.**,  
Thornton Grout Finnigan LLP  
**Sheila Block**, Torsys LLP

- 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](http://www.oba.org/pd)

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