



OBA CPD WEBCAST REPLAYS

ESSENTIAL SESSIONS REBROADCAST – WITH LIVE CHAT



The Civil Trial – Views from the Bench

Date: December 17, 2020

Original Program Chairs:

Farhad Shekib, Ricketts Harris LLP

Christophe Shammass, Loopstra Nixon LLP

Original program was held on November 8, 2021

AGENDA

Welcome and Opening Remarks from the Program Chairs

Opening and Closing Statements

Moderator: **Justin Safayeni**, Stockwoods LLP

The Honourable Phillip Sutherland, Ontario Superior Court of Justice

The Honourable Ria Tzimas, Ontario Superior Court of Justice

- Jury vs. Non-Jury cases
- Road mapping
- Know your audience; set the theme and tone
- Anticipate the opponent's opening and theme
- Implications of inconsistencies in your opening/closing and the actual evidence
- Use of written opening/closing arguments
- Unique considerations in virtual openings/closings

Introducing Evidence at Trial

Moderator: **Christopher Lee**, Loopstra Nixon LLP

The Honourable Paul Schabas, Ontario Superior Court of Justice

The Honourable Ria Tzimas, Ontario Superior Court of Justice

- Evidence required to support theory of case
- Issues of admissibility:
- Witnesses: lay vs. expert
- Summons
- Exhibits:
- Real evidence and documents
- Demonstrative aids



2hr 30m of Substantive Content



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- Ethical issues associated with disclosing evidence and entering evidence at trial
- Unique considerations in virtual hearings

Break (10 Minutes)

The Art of Examination

Moderator: **Alex Van Kralingen**, Van Kralingen & Keenberg LLP

The Honourable Jamie Trimble, Ontario Superior Court of Justice

- Direct Examination
- Prepare your witness
- Maintain your theme
- Effective use of exhibits
- When to lead the witness
- Cross Examination
- Prepare your witness
- Know when to quit
- Understand the rule in Browne v. Dunn
- Effective use of exhibits
- Ethical implications of discussing testimony before cross-examination has been completed
- Unique considerations in virtual examinations

Top 10 Trial Mistakes and How to Avoid Them

Moderator: **Emily Y. Fan**, Leners LLP

The Honourable Sarah Pepall, Court of Appeal for Ontario

The Honourable Michael Emery, Ontario Superior Court of Justice

How to avoid the many pitfalls encountered by trial lawyers

Closing Remarks



2hr 30m of Substantive Content