



Litigating An Employment File – The Essential Course

Date: April 15, 2021

Original Program Chair:

Nancy Shapiro, Koskie Minsky LLP

Original program was held on October 14, 2020

AGENDA

Welcome and Opening Remarks from the Program Chairs

Providing the Initial Opinion

R. Mark Fletcher, Grosman Gale Fletcher Hopkins LLP

Darryl Hiscocks, Torys LLP

Arleen Huggins, Koskie Minsky LLP

Rachel Turnpenney, Turnpenney Milne LLP

- Notice! contract enforceability and termination clauses
- Restrictive covenants
- Exceptional circumstances and providing opinions on the one-sided tale (termination facts, human rights concerns, investigations/complaints and possible reprisals)
- Potential pitfalls: EI, mitigation, record preservation

Break (15 Minutes)

Pre-litigation Professionalism

Sarah Crossley, Filion Wakely Thorup Angeletti LLP

Ruben Goulart, Goulart Workplace Lawyers

Jennifer Zdriluk, Ross & McBride LLP

- Negotiation - strategies, objectives, communication, dos and don'ts
- Retainers and contingency retainers
- Client Management in employment litigation



Substantive Hours: This program contains 5h 30m

Professionalism Hours: This program contains 1h 00m

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Lunch - Networking and 30 Minute Keynote Address

The Honourable Mr. Justice William LeMay, Ontario Superior Court of Justice

Pleadings and Initial Steps

David Whitten, Whitten & Lublin PC

- Boilerplate pleadings v bespoke?
- Tips for drafting employment law pleadings
- Including heads of damages and allegations known to be absent

Mediations

Tracy Kay, Minden Gross LLP

Megan Shortreed, Paliare Roland Rosenberg Rothstein LLP

- Determining when to mediate
- Selecting your mediator
- Discussing disclosure
- Strategy
- Documenting the settlement

Discovery

Natalie C. MacDonald, MacDonald and Associates

- Discovery plans
- Obtaining the documents
- Preservation
- Technology use
- How to prepare for and conduct the examination
- How to prepare for and attend the examination of your own client
- How to get what you need at discovery to win at trial!

Break (15 Minutes)

Motions

Nafisah Chowdhury, Miller Thomson LLP

- Summary judgment? why, current law
- Undertaking motions, and more



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OBA CPD **WEBCAST REPLAYS**

ESSENTIAL SESSIONS REBROADCAST – WITH LIVE CHAT



OBA CPD

Trials

Rich Appiah, Appiah Law

Jeremy Devereux, Norton Rose Fulbright Canada

P.A. Neena Gupta, Gowlings WLG

The Honourable Mr. Justice William LeMay, Ontario Superior Court of Justice

Greg McGinnis, Matthews, Dinsdale & Clark LLP

- How to efficiently run the small case
- Essential trial preparation strategy for employment matters
- Simplified procedure matters
- Use of technology
- Tips for conducting your trial

Closing Remarks



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