

Your First Civil Trial

Civil Litigation / Young Lawyers Division



Webcast

Date: Thursday, March 04, 2021 | 9:00 am to 12:30 pm

Location: Webinar

Agenda: 9:00 am Webinar Commences
12:30 pm Webinar Concludes



Professionalism Hours: This program contains a total of 0 hours and 30 minutes

Substantive Hours: This program contains 3 hours and 00 minutes

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While your first civil trial can be both exciting and frightening, you would not want to lose it because of a lack of preparation, knowledge or basic advocacy skills. Nor should you simply approach your first trial as a learning experience, hope for a good outcome, and expect better results next time around. Understanding fundamental trial preparation and trial techniques is crucial. Attend this program and allow our faculty of prominent litigators to demystify the civil trial process and experience for you. You will hear their time-tested strategies and practical advice on the core topics you need to know. Tremendously popular in past years, this is a “must not miss” program for newer litigators and advocates. Register now to secure your spot and learn the essentials for mastering your first civil trial from the opening statement to the closing argument. We look forward to seeing you there!

Program Chairs: **Ranjan Das**, Berkow Youd Lev-Farrell Das LLP
Nabeel Sera, Barapp Law Firm Professional Corporation

9:00 am Welcome and Opening Remarks

9:05 am **Trial Preparation: Strategies and Tactics**
Megan Keenberg, Van Kralingen & Keenberg LLP
Todd J. McCarthy, Flaherty McCarthy LLP

- Establishing a case theory
- Rule 49 offer to settle
- Use of Agreed Statements of Facts
- *Evidence Act* notices
- Prepare your client – manage expectations
- Prepare your witnesses: expert vs. lay witnesses
- Interacting with opposing counsel and opposing witnesses
- Jury selection
- First vs. Second Chair – how to best prepare

9:40 am **Opening and Closing Statements**
Peter Cho, Smitiuch Injury Law
Margaret L. Waddell, Waddell Phillips Professional Corporation

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

10:05 am Health Break

10:20 am **Introducing Evidence at Trial**
Kathryn Manning, DMG Advocates LLP

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

- Ethical issues associated with disclosing evidence and entering evidence at trial
- Use of technology at trial
 - Overview of CaseLines

10:50 am **The Art of Examination**
Sara J. Erskine, Weintraub Erskine Huang LLP

- 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

11:30 am **Use of Discovery Transcripts and Appeal Proofing Your Case**
Barry Weintraub, Weintraub Erskine Huang LLP

- Checklist for using discovery evidence at trial
 - How to use transcript:
 - Read-in evidence
 - Impeach the witness
 - Anticipate changed testimony
 - Handling and making objections
 - When to object
 - Knowing basis for objections
 - Extending professional courtesy
 - Set up and protect your case for an appeal through use of objections and other means

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Questions? pd@oba.org

11:50 am **Virtual Trials, Rule 76 Trials, and Top 10 Trial Mistakes & How to Avoid Them**

The Honourable Frederick L. Myers, Superior Court of Justice

Paul-Erik Veel, Lenczner Slaght Royce Smith Griffin LLP

- Best practices for virtual advocacy
- Impacts of the amendments to Rule 76 (simplified procedure)
- How to avoid the many pitfalls encountered by trial lawyers

12:25 pm Questions, Answers and Closing Remarks

12:30 pm Program Concludes