



# OBA CPD WEBCAST REPLAYS

ESSENTIAL SESSIONS REBROADCAST – WITH LIVE CHAT



## The Civil Trial – Views from the Bench

Date: August 9, 2022

### Original Program Chairs:

**Farhad Shekib**, Ricketts Harris LLP

**Christophe Shammass**, Loopstra Nixon LLP

Original program was held on November 8, 2021

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## 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



This program contains:

**3h of Substantive Content**



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

## 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



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**3h of Substantive Content**