

Litigating An Employment File

Labour and Employment Law Section



In-Person



webcast

Date: Wednesday, December 14, 2022 | 9:00 am - 4:30 pm

Location: OBA Conference Centre
20 Toronto Street, 2nd Floor, Toronto

Program Chairs: **Nancy Shapiro**, Koskie Minsky LLP
Priya Sarin, Sherrard Kuzz LLP



This program is eligible for up to 5 hr 30m of **Substantive Hours**.

This program is eligible for up to 1 hr of **Professionalism Hours**.

This full day program will review the latest developments in litigating an employment law file. Our expert faculty will walk you through both the foundational law and emerging issues you need to be aware of. This year, we take it one step further with a focus on litigation strategy, providing you with the necessary skills and best practices you need to successfully represent your clients at every stage in the litigation process. Our stellar panel of experienced employment lawyers and our keynote speaker from the bench will share valuable insights to help you understand the tactical and strategic considerations that go into proceeding by way of summary judgment motion or a simplified trial. Whether you are a new call or a seasoned veteran, you don't want to miss out on this opportunity to gain valuable knowledge and improve your skills.

9:00 am	Welcome and Opening Remarks	2:00 pm	Discovery Elisha Jamieson-Davies , Hicks Morley Hamilton Stewart Storie LLP Matthew A. Fisher , Lecker & Associates <ul style="list-style-type: none">• Simplified procedure discovery strategy and impact on the discovery process• Discovery plans• Obtaining the documents, preservation, and 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!
9:05 am	Keynote Address: Insights from the Bench The Honourable Justice William Lemay , Ontario Superior Court of Justice	2:30 pm	Networking Break
9:30am	Providing the Initial Opinion Fiona Martyn , Samfiru Tumarkin LLP Jennifer Mathers McHenry , Mathers McHenry & Co. <ul style="list-style-type: none">• 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, as well as possible reprisals• Potential pitfalls: EI, mitigation, record preservation	2:45 pm	Motions Greg McGinnis , Mathews, Dinsdale & Clark LLP Mark Fletcher , Grosman Gale Fletcher Hopkins LLP <ul style="list-style-type: none">• What is the process for getting motion dates?• Variances in different regions and the impact• Summary judgment? When, why, current law?• Undertaking motions, motions to strike, and more
10:45 am	Networking Break	3:15 pm	Trials Matthew Certosimo , Borden Ladner Gervais LLP Stefan Rosenbaum , Singh Lamarche LLP <ul style="list-style-type: none">• How to efficiently run the small case• Essential trial preparation strategy• Simplified procedure – how is it different?• Use of technology• Tips for conducting your trial
11:00 am	Pre-litigation Professionalism Jennifer Zdriluk , Ross & McBride LLP Ellen Low , Ellen Low & Co. Employment Law <ul style="list-style-type: none">• Negotiation - strategies, objectives, communication, dos and don'ts• Retainers and contingency retainers• Client management in employment litigation	4:25 pm	Questions and Concluding Remarks
12:00 pm	Lunch Break	4:30 pm	Program Concludes
1:00 pm	Pleadings and Initial Steps Allyson Lee , Sherrard Kuzz LLP Nadia Zaman , Rudner Law <ul style="list-style-type: none">• Boilerplate pleadings v. bespoke?• Tips for drafting employment law pleadings, including heads of damages and allegations known to be absent• Pleadings motions: strategy and approach		
1:30 pm	Mediations Stuart Rudner , Rudner Law - Employment Lawyer and Mediator Camille Dunbar , Cassels Brock & Blackwell LLP <ul style="list-style-type: none">• Determining when to mediate• Selecting your mediator• Discussing disclosure• Strategy• Documenting the settlement		

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org