

Divine Discoveries: Building a Great Case

Civil Litigation / Young Lawyers Division



Webcast

Date: Thursday, March 31, 2022 | 1:00 pm to 4:30 pm

Location: Webinar

Agenda: 1:00 pm Webinar Commences
4:30 pm Webinar Concludes



Professionalism Hours: This program contains a total of 1 hour

Substantive Hours: This program contains 2 hours and 30 minutes

The OBA has been approved as an Accredited Provider of Professionalism Content by The Law Society of Ontario.

A good discovery will help you prepare your client for trial and understand your opponent's case. A great discovery will force your opponent to settle, and at the very least, set you up for a less stressful and better organized trial. Get practical tips from the pros on how to be great (if not divine) at this half-day program on key elements such as preparation, e-discovery, credibility, and undertakings, with particular focus on virtual discoveries. Whether you are a new lawyer preparing for your first discovery, or a seasoned veteran looking to improve your technique, this program will help you hone your skills.

Program Chairs: **Adil Abdulla**, Sotos LLP
Gurteg Singh, Ethical Associates Inc.

1:00 pm Welcome and Opening Remarks

1:05 pm **Examining Discovery: An Overview of the Discovery Process and the Law**

Mark Repath, Van Kralingen & Keenberg LLP

Annie Tayyab, Torkin Manes LLP

- What is the purpose of discovery?
- How discovery fits into the litigation process
- Important case law
- Considerations for virtual discoveries

1:35 pm **Preparing Yourself and Your Client for Discovery**

Justin Nasser, Ross Nasser LLP

Juda Strawczynski, Director, Lawyers' Professional Indemnity Company (LawPro)

- Reviewing the file and setting your goals/checklist
- Preparing your client: ethics related to disclosure, honesty, and virtual vs in-person examination considerations
- Effectively using expert reports to ask questions
- Asking for findings, opinions, and conclusions
- How can you leverage surveillance?

2:05 pm **Undertakings and the Preventable Refusals Motion**

Adrienne Boudreau, Sotos LLP

Amelia Leckey, Regional Senior Counsel – Ontario and Manitoba, SGI Canada

- Determining the strategy of opposing counsel
- Obtaining information from third parties/witnesses
- Dealing with self-represented litigants
- Providing undertakings and considerations for refusals motions
- Rule 5.1-6 and 7.2-11 of the *Rules of Professional Conduct*

2:40 pm Health Break

2:55 pm **Document Discovery and e-Discovery Fundamentals**

Saba Ahmad, Saba Ahmad Barrister & Solicitor

Professional Corporation

Natalia Rodriguez, Conway Baxter Wilson LLP (Ottawa)

- Preparing the affidavit of documents, using electronic affidavits of documents, and building your case
- Your role as counsel in document preservation
- Challenging your opponent's affidavit of documents
- Understanding privilege and confidentiality
- Use of e-Discovery information/documents at trial

3:25 pm **Discovery Techniques**

Matthew Karabus, Gowling WLG

Jennifer L. King, Gowling WLG

- Key techniques, lessons learned, and strategies to implement for an effective examination for discovery
- Overcoming issues that may arise when remote and distanced
- Strategies to handle obstreperous opposing counsel and witnesses
- Dealing with your client's inconsistent statements
- Discovery considerations for individuals with special circumstances

4:30 pm Program Concludes