

## Ethical Issues for Young Advocates: Lessons Learned

*Young Lawyers Division*



In person Webcast

Tuesday, December 13, 2022 | 9:00 am to 12:00 pm

**Location:** OBA Conference Centre, 20 Toronto St.

**Agenda:** 8:30 am Registration

**Professionalism Hours:** This program contains 2 hours

9:00 am Webinar Commences

**Professionalism EDI Hours:** This program contains 1 hour

12:00 pm Webinar Concludes

Have you ever found yourself in a tricky situation but weren't sure how to proceed?

In a series of candid conversations, join our distinguished faculty as they discuss their experiences with a variety of unique litigation situations that gave rise to professionalism and ethical issues. From questions around when you can end a discovery, the use/misuse of without prejudice communications, and how to manage inappropriate interactions with witnesses, hear insights and advice on how they learned to recognize and manage these encounters and many others.

Don't miss this exciting opportunity to learn how to address difficult problems from the firsthand experiences of seasoned litigators.

**CHAIR:** [Nancy Sarmento Barkhordari, Gosai Law \(Brampton\)](#)

**MODERATORS:** [Lindsay Charles, McLeish Orlando Lawyers LLP \(Toronto\)](#)  
[Jennifer Philpott, Goulart Workplace Lawyers \(Oakville\)](#)

9:00 am Welcome and Introductory Remarks

9:05 am **Discoveries/Questioning**

[Grant E. Black, Allstate Insurance Company of Canada \(Markham\)](#)

Moderator: [Lindsay Charles](#)

- When should you end a discovery/questioning and how to put this on record
- When is it inappropriate to end discovery/questioning
- Addressing accessibility issues in discoveries

9:25 am **Without prejudice communications**

[Margaret L. Waddell, Waddell Phillips LLP \(Toronto\)](#)

Moderator: [Jennifer Philpott](#)

- What are without prejudice communications and their proper use
- Restrictions on what can be considered "without prejudice communication" and managing inappropriate use of without prejudice communication
- Managing inappropriate disclosure of settlement/without prejudice communication

9:45 am **Witness interactions**

[Alfred M. Kwinter, Singer Kwinter \(Toronto\)](#)

Moderator: [Lindsay Charles](#)

- Communication with experts before and during trial
- Communication with witnesses during trial
- How to manage inappropriate communication with witnesses

10:05 am **Tricky client behaviour: the boundaries of solicitor-client privilege**

[Terry Brandon, Terry L. Brandon Law Office \(Sarnia\)](#)

Moderator: [Jennifer Philpott](#)

- Clients who have lied under oath
- Unethical client instructions – is the relationship salvageable?
- Professional and ethical obligations vs. solicitor/client privilege

10:25 am Networking Break

10:40 am **Reporting unethical behaviour and other tricky LSO situations**

[Tanya Walker, Walker Law \(Toronto\)](#)

Moderator: [Jennifer Philpott](#)

- Addressing reportable unethical behaviour of a colleague/fellow lawyer
- Suspended opposing counsel – how to move your matter along without running afoul of LSO rules

11:00 am **Accommodations in the courtroom for yourself and your client**

[Neha Chugh, Chugh Law \(Cornwall\)](#)

Moderator: [Lindsay Charles](#)

- Recourse if the request is denied
- Professional obligations of opposing counsel to support accommodation requests

11:20 am **Managing micro-aggressions and discriminatory/harassing behaviour**

[Lai-King Hum, Hum Law Firm, Discrimination and Harassment Counsel at the Law Society of Ontario \(Toronto\)](#)

Moderator: [Jennifer Philpott](#)

- Addressing inappropriate behaviour with opposing counsel or the court
- Supports available to assist lawyers who experience discrimination and/or harassment
- Obligations of other counsel who observe unethical behaviour

11:40 am **Handling potential bias against yourself and/or your client**

[D. Lynne Watt, Gowling WLG \(Ottawa\)](#)

Moderator: [Lindsay Charles](#)

- Is it bias?
- Addressing potential bias in the courtroom effectively without further prejudicing your client

12:00 pm Program Concludes

**www.oba.org/pd**  
**Questions? pd@oba.org**