

Your First Civil Trial

Civil Litigation / Young Lawyers Division



In person Webcast

Date: Friday, March 03, 2023 | 9:00 am to 12:45 pm

Location: OBA Conference Centre, 20 Toronto St.

Agenda:
8:30 am Registration
9:00 am Program Commences
12:45 pm Program Concludes



This program contains:
1 hr of Professionalism Hours
2 h 45 m of Substantive Hours

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

Your first civil trial can be both exciting and frightening. Tackle it with the preparation, knowledge, and advocacy skills you need to succeed. Our faculty of prominent litigators will demystify the civil trial process and share their experience and insights on the fundamentals of trial preparation and technique.

Don't miss our popular discussion with the Honourable Justice Frederick L. Myers as he provides a Bench perspective on trials in a hybrid world.

This is a "must not miss" program for newer litigators and advocates. Hear their time-tested strategies and practical advice on the core topics you need to know from opening to closing argument and beyond.

Program Chairs: **Ranjan Das**, Berkow Youd Lev-Farrell Das LLP
Alexander Evangelista, Fogler, Rubinoff LLP

9:00 am Welcome and Opening Remarks

9:05 am **Trial Considerations: From the Beginning of Your Case**

Ewa Krajewska, Henein Hutchison Robitaille LLP

- Checking your Limitation Periods
- Checking Your Pleadings
- Checking Your Witnesses

9:25 am **Trial Preparation: Strategies and Tactics**

Rasha El Tawil, Siskinds LLP (London)

Tanya Pagliaroli, TAP Law

- Establishing a case theory
- Preparing yourself and your client
- Preparing your witnesses: expert vs. lay witnesses
- Interacting with opposing counsel and opposing witnesses
- Insights on jury selection

9:55 am **Opening and Closing Statements**

Martine Garland, Fogler, Rubinoff LLP

Natalia Rodriguez, Conway Baxter Wilson LLP (Ottawa)

- Road mapping - knowing your audience and setting the theme and tone
- Anticipating your opponent's opening and theme
- Implications of inconsistencies in your opening/closing and the actual evidence
- Use of written opening/closing arguments

10:30 am **Introducing Evidence at Trial**

Monique Jilesen, Lenczner Slaght LLP

Erin Durant, Durant Barristers (Ottawa)

- How to introduce exhibits, including during remote proceedings
- Ethical issues and professional responsibilities
- Issues of admissibility
- Considerations for expert evidence
- Strategic use of objections

11:00 am **Health Break**

11:15 am **The Art of Examination**

Kosta Kalogiros, McCarthy Tétrault LLP

Danielle Glatt, Paliare Roland Rosenberg Rothstein LLP

- Direct Examination versus Cross Examination
- Understanding the rule in *Browne v. Dunn*
- Strategic use of objections
- Effective use of exhibits
- Ethical considerations during examination and cross-examinations for yourself and your client

11:45 am **Using Discovery Transcripts and Appeal Proofing Your Case**

Matthew Gottlieb, Lax O'Sullivan Lisus Gottlieb LLP

- Checklist for using discovery evidence at trial
- How to use transcripts
- Making and responding to objections
- Setting up/protecting your case for an appeal through use of objections and other means

12:05 pm **Trials in an (Almost) Post-Covid World**

The Honourable Fred Myers, Superior Court of Justice

- A conversation about key considerations, best practices and ethical considerations for trials in a hybrid world

12:40 pm **Questions and Concluding Remarks**

12:45 pm Program Concludes

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