

Your First Civil Trial

Civil Litigation / Young Lawyers Division



In person Webcast

Date: Thursday, March 06, 2025 | 1:00 pm to 4:45 pm

Location: OBA Conference Centre, 20 Toronto St.

Agenda:
12:30 pm Registration
1:00 pm Program Commences
4:45 pm Program Concludes

This program contains:
0 hr 30m of Professionalism Hours
3 h 15 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 an exciting and daunting prospect. Ensure you are ready to tackle it confidently with this valuable program as you gather 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. Plus, don't miss our popular Views from the Bench to hear a judge's perspective on essential trial dos and don'ts.

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

Program Chairs: **James McCarthy**, Cunningham, Swan, Carty, Little & Bonham LLP
Catherine Phillips-Smith, Blake, Cassels & Graydon LLP

1:00 pm Welcome and Opening Remarks

2:55 pm **Expert Witnesses**
Rasha El-Tawil, Siskinds LLP

1:05 pm **Trial Considerations: From the Beginning of Your Case**

Ewa Krajewska, Henein Hutchison Robitaille LLP

- Checking limitation periods and jurisdiction
- Drafting your pleadings with a view to trial
- Identifying witnesses
- Calculating time estimates

- Determining when you need an expert
- Participant experts
- Navigating expert reports and qualification

3:20 pm **The Art of Examination**

Kosta Kalogiros, McCarthy Tétrault LLP

- Direct versus Cross Examination skills and approaches
- Impeachment and confrontation (Rule in *Browne v. Dunn*)
- Developing your cross-examination strategy
- Effective use of exhibits and visual aids
- Ethical considerations during examination and cross-examinations for yourself and your client

1:25 pm **Trial Preparation: Strategies and Tactics**

Tanya Pagliaroli, TAP Law

- Establishing a case theory
- Preparing yourself, your client and witnesses
- Effectively using case management
- Interacting with opposing counsel and opposing witnesses
- Insights on jury selection

3:45 pm **Objections and Appeal-Proofing Your Case**

Matthew Gottlieb, Lax O'Sullivan Lisus Gottlieb LLP

- Making and responding to objections
- Strategic use of objections, including pre-trial objections to expert reports or qualifications
- Setting up/protecting your case for an appeal through use of objections and other means

1:50 pm **Opening and Closing Statements**

Martine Garland, Fogler, Rubinoff LLP

- Road mapping - knowing your audience and setting the theme and tone
- Anticipating your opponent's opening and theme
- Differences between opening and closing statements
- Implications of inconsistencies in your opening/closing and the actual evidence
- Considerations for written opening/closing arguments and visual aids

4:10 pm **A View from the Bench**

The Honourable Fred Myers, Superior Court of Justice

- Hear directly from the Bench on critical do's and don'ts, effective trial advocacy and best practices.

2:15 pm **Evidence Essentials**

Brenda Hollingsworth, Auger Hollingsworth

- How to introduce exhibits, including during remote proceedings
- Issues of admissibility
- *Evidence Act* essentials include required notices and "business records" exception
- Using Requests to Admit, Agreed Statements of Facts and discovery evidence
- Ethical issues and professional responsibilities

4:40 pm Questions and Concluding Remarks

4:45pm Program Concludes

2:40 pm Networking Break

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