

Your First Civil Trial

Young Lawyers Division



In-Person



Webcast

Date: Friday, March 1, 2019 | 9:00 am to 12:30 pm

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

Program Chairs: **Chantelle Cseh**, Davies Ward Phillips & Vineberg LLP
Selina Mamo, McCarthy Tétrault LLP

Professionalism Hours: This program contains **0h 30m**
Substantive Hours: This program is eligible for up to **3h 00m**



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Is your first civil trial approaching and you don't know what to do? Perhaps your first trial was a complete flop. Maybe you had a good result, but know you can be better. At this half-day program, prominent litigators will share their time-tested strategies and practical advice on topics ranging from preparing your case to the closing argument. You will also get invaluable precedents, papers and checklists including a bibliography and summary of resources. Tremendously popular in past years, this is the “*must not miss*” program of 2019 for newer litigators and advocates. Register now to secure your spot. We look forward to seeing you there!

8:30 am Registration and Coffee

9:00 am Welcome and Opening Remarks

9:05 am **Strategies and Tips for Trial Preparation**

Christopher Horkins, Cassels Brock & Blackwell LLP
Byron Shaw, McCarthy Tétrault LLP

- Your theory of the case
- Preparing your client for trial – managing expectations
- Maximizing the benefit of the Pre-Trial Conference
- Ethical considerations associated with the timing of offers to settle
- Ethical considerations regarding witness evidence
- Dealing with opposing counsel and witnesses
- Jury selection
- Witness interviews and preparation: expert and lay witnesses
- First versus second chair – how to best prepare

9:40 am **Opening and Closing Statements**

Ren Bucholz, Paliare Roland Rosenberg Rothstein LLP

- Considerations for jury and non-jury cases
- Setting the theme and the tone
- Road mapping
- Know your audience, remember your audience
- Anticipating the opponent's opening and theme
- Know your own strengths, develop your own style
- Implications of inconsistencies in your opening/closing statement and the actual evidence

10:05 am Networking Break

10:20 am **Introducing Evidence at Trial**

Jacqueline Cole, McCarthy Tétrault LLP
Matthew Milne-Smith, Davies Ward Phillips & Vineberg LLP

- Determine the evidence required to support your theory of the case
- Consider issues of admissibility
 - Witnesses
 - Summons
 - Expert witnesses
 - Exhibits
 - Real evidence and documents
 - Demonstrative aids
- Ethical issues associated with disclosing evidence and entering evidence at trial

- The increasing use of technology at trial – be prepared

10:50 am **The Art of Examinations**

Gayle T. Brock, Brock Medical Malpractice Law PC (Barrie)
Tom Curry, Lenczner Slaght Royce Smith Griffin LLP

- Direct Examination
 - Maintaining the theme through direct examination
 - Simplifying difficult or complex fact scenarios
 - Use of documents
- Cross-Examination
 - Knowing when to quit
 - Understanding the rule in *Browne v. Dunn*
 - Effective use of exhibits
 - Ethical implications of discussing testimony before cross-examination has been completed

11:30 am **Use of Discovery Transcripts at Trial and Appeal Proofing Your Case**

Matthew Gottlieb, Lax O'Sullivan Lisus Gottlieb LLP
Kenneth Morris, Morris+Stoltz+Evans LLP

- Checklist for using discovery transcripts at trial
 - Discoveries and the use of transcripts
 - The value of reading-in evidence
 - Preparing to effectively impeach the witness
 - Anticipating changed testimony
- Handling and making objections
 - To object or not to object?
 - Extending professional courtesy
 - Knowing the basis for objections
 - Some case law as guidance
 - How to set-up and protect your case for an appeal through use of objection and other means

11:50 am **Top 10 Mistakes Made at Trial and How to Avoid Them**

The Honourable Frederick L. Myers, Superior Court of Justice
The Honourable Frank J.C. Newbould, Q.C.,
Thornton Grout Finnigan LLP
Sheila Block, Torys LLP

- How to avoid the many pitfalls encountered by trial lawyers

12:25 pm Q&A/Closing Remarks

12:30 pm Program Concludes

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org