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FAQ

Your First Civil Trial (YLD)

Date: Friday, February 25, 2011

Time: 9:00 AM

Location: 20 Toronto Street, Suite 300, , Toronto

Description

Focus: Tips, strategies and suggestions from experienced counsel

Highlights:

- Preparing your case
- Opening and closing statements
- Demonstrative evidence
- Dealing with experts
- Direct and cross examination
- Simplifying Rule 76
- How the new Rules of Civil Procedure affect your trial
- Judge's perspective on avoiding common mistakes at trial

Program Chairs: **Adrian Lomaga**, Howie, Sacks & Henry LLP
Kate A. Zavitz, Borden Ladner Gervais LLP



3 Total CPD Hours

0 Professionalism Hours

0 New Member Hours



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Full Program Agenda

9:00 am Introductory Remarks

9:05 am Opening and Closing Statements

- Considerations for jury and non-jury cases
- Setting the theme and the tone
- Know your audience, remember your audience
- Impressions-do the first five minutes make the case?
- Anticipating the defendant's opening and theme
- Know your own strengths, develop your own style

Adam K. Wagman, Howie, Sacks & Henry LLP

9:35 am Preparation for Trial

- File handling from day one for a jury or non-jury trial
- Client interview and communication
- The importance of developing the theme of your case
- Comprehensive trial preparation list
- Witness interviews and preparation, expert and lay witnesses
- Requirements pursuant to the Evidence Act

- Offers to settle-identifying timing and content of settlement offers, managing client expectations and instructions

Rebecca L. Bush, Borden Ladner Gervais LLP
Melany V. Franklin, Borden Ladner Gervais LLP

10:05 am Break

10:20 am **Use of Discovery Transcripts at Trial and Handling Objections**

- Checklist for using discovery transcripts at trial- be prepared
- Discoveries and use of transcripts
 - The formalities and "The Magic Words"
 - The value of reading in evidence
 - Preparing to impeach the witness
 - Anticipating changed testimony
- Anticipating, handling and making objections
 - To object or not object
 - Knowing the basis for objections
 - Some case law as guidance

Kelly J. Smith, Rogers Partners LLP

10:45 am **How to Introduce Evidence at Trial**

- Determine evidence required to support your theory of the case
- Consider issues of admissibility
- Witnesses
 - Summonses
- Exhibits
 - Real evidence and documents
 - Demonstrative aids

John A. McLeish, McLeish Orlando LLP

11:15 am **Direct Examination and Cross Examination**

- Witness preparation for direct and cross examination
- Maintaining the theme through direct examination
- Simplifying difficult or complex fact scenarios
- Use of documents during direct and cross examination
- Direct and cross examination of experts
- Developing a game plan
- Knowing when to quit

Linda Fuerst, Lenczner Slaght Royce Smith Griffin LLP

11:45 am Break

12:00 pm **Rule 76-Trials, Summary Trials and Summary Judgments**

- Why do we call it "Simplified"?
- Productions and how to get them before trial
- Making the best use of pre-trials
- Trials-how to conduct them efficiently
- Summary trials-can you make them work for your clients?
- Consider the summary judgment option
 - Lower threshold facts and fictions
- Costs, costs, costs-beware!

Junior Sirivar, McCarthy Tétrault LLP

12:25 pm **Top 10 Mistakes Made at Trial and How to Avoid Them**
 The Honourable Madam Justice Darla A. Wilson, Superior Court of Justice

12:55 pm Closing Remarks

1:00 pm Program Concludes