

## Your First Civil Trial

### Young Lawyers Division



In-Person



Webcast

**Date:** Friday, March 6, 2020 | 9:00 am to 12:30 pm

**Location:** OBA Conference Centre  
20 Toronto Street, 2<sup>nd</sup> Floor, Toronto

**Program Chairs:** **David Milosevic**, Milosevic Fiske LLP  
**Farhad Shekib**, Ricketts Harris LLP



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

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

While your first civil trial can be both exciting and frightening, you would not want to lose it because of a lack of preparation, knowledge or basic advocacy skills. Nor should you simply approach your first trial as a learning experience, hope for a good outcome, and expect better results next time around. Understanding fundamental trial preparation and trial techniques is crucial. Attend this program and allow our faculty of prominent litigators to demystify the civil trial process and experience for you. You will hear their time-tested strategies and practical advice on the core topics you need to know. Tremendously popular in past years, this is a “*must not miss*” program for newer litigators and advocates. Register now to secure your spot and learn the essentials for mastering your first civil trial from the opening statement to the closing argument. We look forward to seeing you there!

8:30 am Registration and Coffee

- Use of technology at trial

9:00 am Welcome and Opening Remarks

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

9:05 am **Trial Preparation: Strategies and Tactics**  
**Master P. Tamara Sugunasiri**, Superior Court of Justice  
**Cameron R. Fiske**, Milosevic Fiske LLP

**Jacqueline L. King**, Shibley Righton LLP  
**Gillian Dingle**, Torys LLP

- Establishing a case theory
- Rule 49 offer to settle
- Use of Agreed Statements of Facts
- *Evidence Act* notices
- Prepare your client – manage expectations
- Prepare your witnesses: expert vs. lay witnesses
- Interacting with opposing counsel and opposing witnesses
- Jury selection
- First vs. Second Chair – how to best prepare

- Direct Examination
  - Prepare your witness
  - Maintain your theme
  - Effective use of exhibits
  - When to lead the witness
- Cross Examination
  - Prepare your witness
  - Know when to quit
  - Understand the rule in *Browne v. Dunn*
  - Effective use of exhibits
  - Ethical implications of discussing testimony before cross-examination has been completed

9:40 am **Opening and Closing Statements**  
**Aaron M. Dantowitz**, Stockwoods LLP  
**Cynthia Spry**, Babin Bessner Spry LLP

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

**David F. O'Connor**, Roy O'Connor LLP

- Jury vs. Non-Jury cases
- Road mapping
- Know your audience; set the theme and tone
- Anticipate opponent’s opening and theme
- Implications of inconsistencies in your opening/closing and the actual evidence
- Use of written opening/closing arguments

- Checklist for using discovery evidence at trial
  - How to use transcript:
    - Read-in evidence
    - Impeach the witness
    - Anticipate changed testimony
  - Handling and making objections
    - When to object
    - Knowing basis for objections
    - Extending professional courtesy
  - Set up and protect your case for an appeal through use of objections and other means

10:05 am Networking Break

10:20 am **Introducing Evidence at Trial**  
**Simon A. Clements**, Stieber Berlach LLP

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

**The Honourable William S. Chalmers**,  
Superior Court of Justice  
**Matthew Sammon**, Lenczner Slaght Royce Smith Griffin LLP

- Evidence required to support theory of case
- Issues of admissibility:
  - Witnesses: lay vs. expert
  - Summons
- Exhibits:
  - Real evidence and documents
  - Demonstrative aids
- Ethical issues associated with disclosing evidence and entering evidence at trial

- How to avoid the many pitfalls encountered by trial lawyers

12:25 pm Questions, Answers and Closing Remarks

12:30 pm Program Concludes

**[PROGRAM REGISTRATION IS ONLINE](http://www.oba.org/pd)** [www.oba.org/pd](http://www.oba.org/pd)

Questions? [pd@oba.org](mailto:pd@oba.org)