

OSGOODE

OSGOODE HALL LAW SCHOOL
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Professional Development
CLE

Don't miss this unique opportunity to get valuable insights and tips from judges and experienced counsel

The Practical Guide to **Federal Court Advocacy and Practice**

Attend this intensive program and you will:

- Get a thorough overview of the important substantive and procedural issues involved in appearing in the Federal Court
- Learn valuable techniques and tactics to develop the strength and persuasiveness of your written arguments to the Court
- Hear from top counsel on how to make your opening statements and closing arguments as compelling as possible
- Learn sound strategic approaches to bringing or responding to motions in the Court

Chairs

The Hon. Justice Roger T. Hughes, Federal Court of Canada
Wennie Lee, Lee and Company

Faculty includes

The Hon. Justice John M. Evans, Federal Court of Appeal
The Hon. Justice Michael L. Phelan, Federal Court of Canada



DATES & TIMES

April 14 - 15, 2010

Day One: 9:00 a.m. - 4:30 p.m.

Day Two: 9:00 a.m. - 12:45 p.m.

LOCATION

Osgoode Professional
Development Centre
1 Dundas St. W., 26th Floor
Toronto, ON

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The Practical Guide to Federal Court Advocacy and Practice

Do you know the rules of the game in Federal Court?

Appearing in the Federal Court poses unique challenges. The rules of the game are different. Having a clear understanding of the rules and procedure in both the Trial and Appeal divisions is critical to your clients' success. Moreover, as in any court, it is imperative that you are able to craft skillful and persuasive written materials, while also being able to effectively present and argue your case.

This *Osgoode Professional Development* program is designed to meet the needs of counsel in three main areas:

- Counsel appearing on citizenship and immigration/refugee matters
- Counsel litigating intellectual property disputes in the Court
- Counsel pursuing or defending against judicial review applications in the Court

Plus! In addition to the plenary (lecture) sessions, we've added breakout sessions for each of the three groups above, to provide a full opportunity to have your particular practice concerns specifically addressed.

You'll learn from judges and top practitioners what is distinctive about the Federal Court and how you can be most effective there.

In an interactive and engaging environment, you'll learn:

- Best practices for developing and presenting written material
- Courtroom culture and etiquette
- How to make your oral arguments as persuasive as possible
- How to bring or respond to motions in the Federal Court

In addition, you'll gain valuable knowledge you can use to immediately improve your Federal Court practice, and take your advocacy skills to a new level.

Register now by visiting www.osgoodepd.ca, calling 416.597.9724 or 1.888.923.3394, emailing opd-registration@osgoode.yorku.ca or faxing 416.597.9736.

Chairs

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Faculty

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Federal Court of Canada

Andrew Bernstein, Torys LLP

Mark G. Biernacki, Smart & Biggar/Fetherstonhaugh

Chantal A.A. Desloges, Green and Spiegel

Angela M. Furlanetto, Dimock Stratton LLP

Urszula Kaczmarczyk, General Counsel
Immigration Law, Justice Canada

Douglas D. Lehrer, Vandervennen Lehrer

Timothy M. Lowman, Sim & McBurney/Sim
Lowman Ashton & McKay LLP

Guidy Mamann, Mamann Sandaluk

Christine M. Pallotta, Bereskin and Parr LLP

Paul B. Schabas, Blake, Cassels & Graydon LLP

Lorne A. Waldman, Lorne Waldman & Associates

Andrew C. Wray, Pinto Wray James LLP

Agenda

Day One - Wednesday, April 14, 2010

8:30 Registration and Continental Breakfast

9:00 Welcome and Introduction from the Chairs

The Hon. Justice Roger T. Hughes
Federal Court of Canada

Wennie Lee, Lee and Company

9:05 Bringing/Responding to a Federal Court Action: Procedural and Legal Issues

Urszula Kaczmarczyk, General Counsel
Immigration Law, Justice Canada

Christine M. Pallotta, Bereskin and Parr LLP

- Relevant statutes and jurisprudence
- Rules of the Court you need to keep in mind
- Process for judicial review, including dealing with the tribunal record
- Legal test for obtaining leave
- Purpose and significance of granting leave
- Filing requirements: paper and electronic
- Common mistakes on filing
- Time lines for reviews
- Getting access to information
- Clarifying the retainer with your client
- What can be reviewed by the Court?
- Most commonly asked questions

10:45 Refreshment Break

11:00 Motions Before the Federal Court [Part I - Plenary Session]

Lorne A. Waldman, Lorne Waldman & Associates

- Regular, urgent and procedural motions
- What evidence can you introduce on a motion?
- Motions for extensions of time
- How do you handle situations when you are out of time?
- Motions in writing - when and how to use them
- Regular and urgent sittings
- Do you want your client in the courtroom?
- Common pitfalls and how to avoid them

11:30 Motions Before the Federal Court [Part II - Breakout Sessions]

The exploration of winning approaches to motions in the Court continues in breakout groups tailored to your area of greatest interest [choose one]:

A. Actions Involving Intellectual Property

Mark G. Biernacki, Smart & Biggar/Fetherstonhaugh

B. Immigration/Refugee Matters

Chantal A.A. Desloges, Green and Spiegel LLP

C. Judicial Review Matters

Andrew C. Wray, Pinto Wray James LLP

12:30 Luncheon

1:15 Written Advocacy in the Federal Court: Tips, Traps and Techniques [Part I - Plenary Session]

The Hon. Justice John M. Evans, Federal Court of Appeal

- The principles of clarity: focus, flow and structure
- How to create compelling and persuasive arguments
- How to write with impact and capture your reader
- Key mistakes to avoid

2:00 Written Advocacy in the Federal Court: Tips, Traps and Techniques [Part II - Breakout Sessions]

Choose one of the following groups for an interactive discussion keyed to your particular area of interest:

D. Actions Involving Intellectual Property

Angela M. Furlanetto, Dimock Stratton LLP

E. Immigration/Refugee Matters

Douglas D. Lehrer, Vandervennen Lehrer

F. Judicial Review Matters

Andrew Bernstein, Torys LLP

A 15-minute refreshment break will be taken during the above session.

4:00 Summary & Question-and-Answer Session

4:30 Day One Adjourns

Day Two - Thursday, April 15, 2010

8:30 Registration and Continental Breakfast

9:00 Oral Advocacy in the Federal Court [Part I - Plenary Session]

Wennie Lee, Lee and Company

The Hon. Justice Roger T. Hughes
Federal Court of Canada

The opening statement is a crucial moment in a trial because it sets the tone and framework for your strategy. An effective closing argument is also critical: it is your last opportunity to convince the trier of fact to return a verdict in your client's favour. If you want to maximize the impact of your oral advocacy in Federal Court, this is an essential session.

- Fundamentals of effective oral advocacy, including:
 - direct and re-examination
 - the proper way to introduce exhibits
 - the importance of establishing credibility
- Opening statements and closing arguments, including:
 - effective organization and structure
 - tips on maximizing their impact in relation to the overall strategy of your case

10:15 Refreshment Break

Agenda [Cont'd]

10:30 Oral Advocacy in the Federal Court [Part II - Breakout Sessions]

The exploration of winning techniques of oral advocacy in the Court continues in breakout groups tailored to your area of greatest interest [choose one]:

G. Actions Involving Intellectual Property

**Timothy M. Lowman, Sim & McBurney/Sim Lowman
Ashton & McKay LLP**

H. Immigration/Refugee Matters

Guidy Mamann, Mamann and Associates

I. Judicial Review Matters

Paul B. Schabas, Blake, Cassels & Graydon LLP

11:45 Mastering the Culture of the Court: Etiquette and Ethics as Elements of Persuasive Advocacy [Closing Plenary Session]

**The Hon. Justice Michael L. Phelan
Federal Court of Canada**

- Should you gown?
- Addressing the Court properly
- The right way to handle questions from the Bench
- Should you refer to the tribunal record or applicant's record during the hearing?
- Ethical and professional issues arising in Federal Court advocacy and how to deal with them

12:45 Program Concludes

Registration

Register me for: *Federal Court Advocacy and Practice*

Choose the breakout sessions you wish to attend (one from each group):

1) A or B or C 2) D or E or F 3) G or H or I

I am unable to attend. Please send me information about ordering program materials.

Name: _____ Title: _____

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Fee Per Delegate

\$895 plus 5% GST for a total of \$939.75.

Reduced price for lawyers involved in representing refugee clients in the Federal Court:

\$448 plus 5% GST for a total of \$470.40.

Fees include attendance, program materials, continental breakfast, lunch (on Day One), and break refreshments. **Group Discount: Register and pay for 3 members of the same organization at the same time, and the 4th attends for free.** Please inquire about financial assistance and CLE credits.

OPD Searchable e-Binders are now available! Contact us for further information.

CLE Credits

Approved in accordance with the requirements of Legal Aid Ontario, the BC CPD, Barreaux du Québec and the NY CLE Board (for transitional and non-transitional lawyers).

Payment Options

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Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund (less \$50 administration fee) is available if a cancellation request is received in writing 14 days prior to the program date. No other refund is available.

Dates & Times

April 14 - 15, 2010

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Day Two: 9:00 a.m. - 12:45 p.m.

Please arrive a half hour early on Day

One for sign-in and material pick-up.

Dress is business casual.

Location

Osgoode Professional Development
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
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