

"An amazing array of lawyers and consultants who were clearly prepared to give very real and practical advice."

Lonnie Neufeld
Burgess Cawley Sullivan & Associates



The *Osgoode-IPTI* Certificate Expert Evidence in Property Valuation Disputes

A "learn-by-doing" program on how to be an effective expert witness

November 2-3 & 23-24, 2015 | Toronto, Canada



Program Details

Dates

Day 1

The Effective Expert Witness
Part I
November 2, 2015

Day 2

The Effective Expert Witness
Part II
November 3, 2015

Day 3

The Valuator as Expert Witness
Part I
November 23, 2015

Day 4

The Valuator as Expert Witness
Part II
November 24, 2015

The program will be held at *Osgoode Professional Development's* Downtown Toronto Conference Centre.

"Very informative and will be very useful in the future."

Jay Garton
MPAC

"Very relevant and on point material. The presentations were informative and engaging"

Amanda Bardswich
MPAC

Do You Have the Practical Knowledge and Skills You Need to be an Effective Expert Witness?

As legal proceedings become more complex, there is an increased demand for specialized expert testimony. For professionals working in the property valuation disciplines, providing an expert opinion for a court or administrative proceeding is a critical part of your work. To succeed as an effective witness, you need to understand your role and responsibilities as an expert participating in a legal proceeding.

From writing your report, to establishing your credibility with the judge, and avoiding the minefield of cross-examination, you must be fully prepared to successfully navigate the potential pitfalls that can undermine your opinion and harm your reputation.

The *Osgoode-IPTI Certificate in Expert Evidence in Property Valuation Disputes* is a unique opportunity to learn from top lawyers, adjudicators and experts who will share their inside knowledge gained from extensive experience litigating, hearing, and testifying in cases involving expert evidence. Over four intensive days, learning through case studies, interactive simulated examinations-in-chief and cross-examinations, and lectures, you will become better equipped to deliver an effective opinion that not only assists in the resolution of the dispute, but also reflects positively on your own professionalism and expertise.

What You Will Learn:

- Key components of a strong, persuasive report
- The essential elements of the legal hearing process in a court or tribunal
- Key highlights of the principles of evidence law
- The expert's role in the dispute resolution process, both before and during the hearing
- The expert's duties to the court or tribunal and relationship to parties and counsel
- How to recognize and apply the distinction between opinion evidence and advocacy
- Effective strategies in examinations-in-chief and cross-examinations
- Methods for identifying and addressing assumptions, alternate assumptions, and limitations
- The processes and procedures of the Assessment Review Board, particularly as they relate to expert witnesses
- The unique obligations and requirements for a professional valuator appearing before the ARB
- How to identify and resolve ethical issues that arise in the course of litigation from the perspective of the expert valuation witness
- The critical sections of the *Assessment Act, Municipal Act, 2001, the Statutory Powers and Procedures Act*, and the basic law of assessment

Who Should Attend

- Property Valuers
- Property Assessors
- Valuation and Property Assessment Consultants
- Property Tax Consultants



THE OSGOODE-IPTI CERTIFICATE IN EXPERT EVIDENCE IN PROPERTY VALUATION DISPUTES

This program starts with an overview of the essential aspects of the legal hearing and pre-hearing processes, emphasizing the proper role of the expert at all stages. Using a mock case file, there will be experiential workshops in both examination-in-chief and cross-examination. Once the foundation is established, you will drill down on the role of the expert witness and explore in depth the valuator as an expert witness.

THE CURRICULUM

DAY 1

Monday, November 2, 2015, 9:00 a.m. - 4:15 p.m.

The Effective Expert Witness - Part I

The Hearing Process and Evidence Basics

- Physical set up, seating, who may be there and their roles
- Differences between courts and tribunals - examples of degrees of formality
- The basic elements of a typical hearing
- The Rules of Practice at tribunals
- Key highlights of the principles of evidence law important for experts
- How tribunals and courts deal with documentary evidence vs. oral evidence

Introduction to the Role of the Expert & Maintaining Objectivity and Independence

- What is "expert evidence", and how is it different from other evidence?
- The formal qualification of an expert: technical vs. lay understanding of qualification
- The independence of the expert: responsibilities, loyalties, professionalism
- Understanding the relationship of the expert to the various parties involved

Assessing Credibility

- How will your credibility be assessed by the hearing panel or judge
- What enhances it? What diminishes it?
- How to handle questions from the hearing panel or judge

Demonstration: The Do's and Don'ts in Delivering Your Evidence

In this live demonstration, an experienced trial lawyer and expert witness will show you how to effectively render your opinion in examination-in-chief while also being mindful of the pitfalls to avoid. Topics include:

- Identifying and explaining assumptions
- "Plain language" vs. technical detail: what is appropriate? Knowing your audience
- Technical evidence vs. true opinion evidence - differentiating opinion and fact testimony
- Dealing with knowledge gaps

Workshop Exercise: Effective Testimony

In this interactive session, you will have a unique opportunity to get experience being examined in small break-out groups guided by expert coaches.

Faculty

David Campbell, Rogers Partners LLP

Edward Marrocco, Stockwoods LLP

Lisa Stam, Koldorf Stam LLP

Robert Tchegus, Cunningham Swan Carty Little & Bonham LLP

Kenneth West, C.S., Walker West Longo LLP

The Hon. Justice Darla A. Wilson, Superior Court of Justice (Ontario)

DAY 2

Tuesday, November 3, 2015, 9:00 a.m. - 5:00 p.m.

The Effective Expert Witness - Part II

Cross-Examination Part 1: Tips and Traps

- What to expect in cross-examination
- Responding to questions about your own qualifications
- Cross-examination pitfalls: being "drawn in" to argument; defensive positioning
- The good, the bad, and the ugly: dealing with unpleasant counsel
- What to do when you are unsure of the answer

Demonstration - Cross-Examination of the Expert

In this live demonstration, an experienced trial lawyer and expert witness will take you through a cross-examination and address the various issues that can come up.

Workshop Exercise: Cross-Examination Demystified

Working in small groups, led by expert facilitators, you will build on the day's earlier sessions and gain experience being cross-examined.

The Expert's Role Prior to the Hearing and the Impact of Technology on the Expert File

- The retainer: clear expectations and maintaining independence
- Pre-hearing meeting between experts: what to expect, your role
- Discussions with and instructions from counsel
- Your relationship with your client
- Ensuring that your opinion is your opinion - maintaining independence as you participate in the "team"
- How e-discovery impacts the expert in maintaining records and e-mails

The rising practice of concurrent evidence or “hot-tubbing” and what it entails for you

Preparing the Written Report: Essential Guidelines

- Key components of a strong, persuasive report
- Determining the level of detail; keeping your eye on the ball
- How will the report be used?
- Exchange of reports
- To what extent should you address alternate methods, assumptions?
- Detailing with technical issues; controlling detail while maintaining accuracy and persuasiveness

Faculty

Robert Brazzell, Executive Vice President, Altus Group

Dan Chitiz, Chitiz Pathak LLP

Helen Daley, Wardle Daley Bernstein LLP

Domenic Marino, PricewaterhouseCoopers LLP

Robert Miller, Rueter Scargall Bennett LLP

Leigh Somerville Taylor, Leigh Somerville Taylor Professional Corporation

DAY 3

Monday, November 23, 2015, 9:00 a.m. – 4:00 p.m.

The Valuator as Expert Witness - Part I

Review of legal principles from Days 1 & 2

Introduction to litigation concerning valuation disputes

Applying the Legal Principles to Writing an Expert Report

- Drafting a report - key components of a good valuation report
- Ensuring key report elements are highlighted
- Expressing your independent opinion

Introduction to Giving Evidence

- Getting qualified as an expert
- Review of qualification procedures and expert rules
- Why the expert is called, scope of evidence and qualification

Giving Evidence as an Expert in Property Valuation Disputes

- Insight and practical tips in giving evidence during the examination-in-chief and cross-examination

What the ARB expects from an Expert

- The ARB expert qualification process
- Dealing with questions from the Board and handling different styles of Board Members
- Addressing an expert panel - gauging their knowledge level

Introduction to Practical Exercises (to be completed on Day 4)

This session will provide participants with the details of the two practical exercises (“Considering the Expert Report” and “Giving Evidence”) to be completed on the morning of Day 4.

Faculty

Paul Sanderson, President, International Property Tax Institute (IPTI)

Robert Tchegus, Cunningham Swan Carty Little & Bonham LLP

Kenneth West, C.S., Walker West Longo LLP

DAY 4

Tuesday, November 24, 2015, 9:00 a.m. – 4:00 p.m.

The Valuator as Expert Witness - Part II

Practical Exercise #1: “Considering the Expert Report”

Working in small groups, and led by expert facilitators, participants will thoroughly review a sample draft report and discuss its various strengths and weaknesses.

Practical Exercise #2: “Giving Evidence”

Once again working in small groups and led by expert facilitators, participants will role play and simulate giving evidence through both examination-in-chief and cross-examination.

Expert Witness Panel Session

This panel session will provide an opportunity for experienced experts to share their knowledge and experience of what it is like to give expert evidence before the ARB and other courts/tribunals. Delegates will also have the chance to ask questions of panel members and seek any further practical advice they may require.

Review of Case Law Concerning Valuation Disputes

- Learn the current jurisprudence
- How have different issues been treated
- Stay on top of changes in the law

Faculty

Robert Butterworth, Q.C., Walker West Longo LLP

Jerry Grad, Chief Executive Officer, International Property Tax Institute (IPTI)

Larry Hummel, former Chief Assessor, Municipal Property Assessment Corporation

Paul Sanderson, President, International Property Tax Institute (IPTI)

Kenneth West, C.S., Walker West Longo LLP

Janet Young, Dutton Brock LLP

Note: Participants must attend all four days and successfully complete an in-class test at the conclusion of Day Four to receive the *Osgoode* Certificate.

Participants will be expected to review a mock case file prior to the program.



The *Osgoode-IPTI* Certificate in Expert Evidence in Property Valuation Disputes draws on the expertise of an outstanding faculty of lawyers, experts, and adjudicators, including:

PROGRAM DIRECTOR

Kenneth West, C.S.
Walker West Longo LLP

FACULTY

Robert Butterworth, Q.C.
Walker West Longo LLP

Robert Brazzell
Executive Vice President, Altus Group

David Campbell
Rogers Partners LLP

Dan Chitiz
Chitiz Pathak LLP

Helen Daley
Wardle Daley Bernstein LLP

Chad E. Gooyers, Ph.D., Giffin Koerth Forensic
Engineering & Science

Jerry Grad, Chief Executive Officer
International Property Tax Institute (IPTI)

Larry Hummel, former Chief Assessor
Municipal Property Assessment Corporation

Domenic Marino
PricewaterhouseCoopers LLP

Edward Marrocco
Stockwoods LLP

Robert Miller
Rueter Scargall Bennett LLP

Paul Sanderson, President
International Property Tax Institute (IPTI)

Leigh Somerville Taylor, Leigh Somerville
Taylor Professional Corporation

Lisa Stam
Koldorf Stam LLP

Robert Tchegus
Cunningham Swan Carty Little & Bonham LLP

Jack Walker, Q.C.
Walker West Longo LLP

Kenneth West, C.S.
Walker West Longo LLP

The Hon. Justice Darla A. Wilson
Superior Court of Justice (Ontario)

Janet Young
Dutton Brock LLP

Osgoode Hall Law School's *Osgoode Professional Development* offers both credit and non-credit programming to meet the life-long learning needs of lawyers and other professionals who need legal information. Osgoode Hall Law School is one of the world's pre-eminent law schools. *Osgoode Professional Development* embodies the law school's commitment to meeting the educational needs of the broader community and has offered many continuing legal education programs for health care, law enforcement and other professionals.

The *International Property Tax Institute (IPTI)* is a not-for-profit organization with a goal to advance and foster property taxation and assessment ideals on an international level. Utilizing its ability to assemble international experts from all facets of the assessment and taxation fields, IPTI assists governments, organizations, corporations, taxpayers and professionals alike to better understand the complex issue of financing local governments, and in particular, the essential role property taxation has in this process. IPTI has been an advocate for the global promotion of sound property taxation and assessment practices, and is dedicated to developing an unparalleled knowledge base in property taxation and assessment.

"HIGHLY RECOMMENDED! THIS WILL SURELY ADVANCE THE PROFESSION!"

Doug Taylor
Altus Group

"THANK YOU FOR THE ALL OF THE EXCELLENT PRESENTATIONS AND INFORMATION!!"

Richard Clark
MPAC

**THE OSGOODE-IPTI CERTIFICATE IN EXPERT EVIDENCE
IN PROPERTY VALUATION DISPUTES
FALL 2015 REGISTRATION**

*“GOOD COURSE MATERIAL. WILL USE
FOR FUTURE REFERENCE.”*

Paul Leslie, MPAC

Name: _____ Title: _____
Firm/Company: _____ Practice Area: _____
Address: _____
City: _____ Province: _____ Postal Code: _____
Email: _____
Telephone: _____ Fax: _____ Priority Service Code:

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Fee Per Delegate

\$2,795 plus 13% HST for a total of \$3,158.35.

Fees include attendance, program materials, continental breakfast, lunch and refreshments for each of the 4 days of the program. The price does not include accommodations. Please inquire about group discounts and financial assistance. Payment plan details below. Dress is business casual.

Need accommodations?

Check our website at www.osgoodepd.ca/hotelandparking.html

Payment Options – Payment must be made prior to the program

- Cheque enclosed (payable to York University – GST# R119306736)
- Bill my credit card: VISA Mastercard

Card# _____

Expiry: _____

Signature: _____

Payment Amount: _____

Location

Osgoode Professional Development
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
Toronto, ON, M5G 1Z3

Program Changes

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



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSUC.



Eligible CPD/MCLE hours:

LSUC (ON): 25.25 CPD Hours
(4.0 Professionalism; 21.25 Substantive).

OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian jurisdictions. To inquire about credit eligibility, please contact cpd@osgoode.yorku.ca.



Completion of this program entitles **Appraisal Institute of Canada's** designated members (AACI and CRA) to 12 CPD credits towards their Continuing Professional Development requirements – www.aicanada.ca

Cancellations/Rainchecks/Substitutions

If you are unable to attend the program your organization may name a replacement. A full refund will be issued for cancellations received a minimum of 21 days before the program start date. Written cancellations received after October 12, 2015 will include an administration charge of \$700. No refunds will be issued after the program commences. Non-attendance or withdrawal after the program start date will incur a full program fee. Payment must be received by October 19, 2015.

For Further Program-Related Information

Please contact: Stéphane McRoberts, Program Lawyer at 416.619.4351 or email smcroberts@osgoode.yorku.ca

Certificate of Program Completion

You will receive a certificate upon completion of The *Osgoode-IPTI* Expert Witness Certificate Program. Participants must attend all four days and successfully complete an in-class test at the conclusion of Day Four to receive the certificate.

Public CLE Seminars

Customized CLE Programs

Skills Training & Certification

ITAW

Professional LLM

4 Convenient Ways to Register

1. **MAIL** your registration form to:
Osgoode Professional Development
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
Toronto, ON M5G 1Z3
2. **ONLINE** at www.osgoodepd.ca
3. **FAX** your registration to 416.597.9736
4. **CALL US** at 416.597.9724 or 1.888.923.3394

