

# THE PRACTICAL GUIDE TO **FEDERAL COURT** ADVOCACY & PRACTICE 2017

Don't miss this opportunity to get practical advice and valuable tips from Federal Court Judges, a Prothonotary of the Court, and experienced counsel.

This concise program will enable you to:

- Conduct or respond effectively to interlocutory proceedings in the Court
- Learn how to maximize the strength and persuasiveness of your written arguments to the Court
- Better acquaint yourself with the Court's culture and the techniques expert counsel use to persuade the Court that theirs is the winning case
- Get current insights into ongoing case management initiatives

**Plus!** Breakout sessions aimed at the specific needs of immigration practitioners and intellectual property litigators

Register today at:

[osgoodepd.ca/federal-court](http://osgoodepd.ca/federal-court)

## Program Chairs

**The Hon. Justice Alan S. Diner**  
Federal Court of Canada

**Wennie Lee**  
Lee & Company

## Program Details

DATE AND TIME

**March 23, 2017**

**9:00 a.m. – 4:30 p.m. EST**

**In Person or Webcast**

LOCATION

**Osgoode Professional  
Development**

1 Dundas St. West, 26th Floor  
Toronto, ON

ONLINE REPLAY:

**April 26, 2017**

# THE PRACTICAL GUIDE TO Federal Court Advocacy & Practice 2017

Appearing in Federal Court poses unique challenges. Having a clear understanding of the Court's expectations is critical to the success of your case. This latest, updated version of an acclaimed program draws on the time-tested insights of judicial and practice experts. It will boost your confidence and credibility as a Federal Court advocate, in such areas as bringing/responding to applications, preparing a powerful factum, and the fine points of openings, closing statements, and handling questions from the Bench.

## Topics Include:

- What do Federal Court judges wish advocates always kept in mind?
- What easily-correctible drafting errors undermine a case even before it is heard?
- Judicial review: injunctions, writs, declaratory relief, and dealing with the tribunal record
- Understanding the Court's philosophy of dispute resolution and its practical implications
- Practice considerations of particular interest to immigration lawyers and litigators asserting intellectual property rights

## Who Should Attend?

- All lawyers who practice in Federal Court
- Immigration/refugee lawyers
- Intellectual property lawyers
- Litigation law clerks

### What attendees said about previous offerings of this program:

“Overall terrific program with a wealth of resources.”

**Greg King**, Counsel, Tax Law, Justice Canada

“Very practical, good refresher even for experienced counsel.”

**Mario D. Bellissimo**, Bellissimo Law Group

“The presenters were equally impressive. Practical, forthcoming, candid.”

**Alexandra Lewis**, Baker McKenzie

“Very helpful...practical, commonsense information.”

**Josh Carson**, Hamilton Community Legal Clinic

## Agenda

8:30

Registration and Continental Breakfast

9:00

Chairs' Welcome and Introductory Remarks

9:10

Interlocutory Proceedings In Federal Court

**Prothonotary Kevin R. Aalto**, Federal Court of Canada

**Robert Israel Blanshay**, Robert Israel Blanshay Professional Corporation

**Kamleh J. Nicola**, Baker McKenzie

The nuts and bolts of interlocutory proceedings will be addressed by an experienced immigration practitioner and IP litigator with added insights from a Prothonotary of the Court. Issues covered include:

- How to make motion material user-friendly
- Regular, urgent and procedural motions
- What evidence can you introduce on a motion?
- Motions for extensions of time and how to handle situations when you are out of time
- Motions in writing: when and how to use them
- Exercising strategic judgment in the choice and conduct of interlocutory proceedings: lessons from experience

10:15

Refreshment Break

10:30

Effective Written and Oral Advocacy in Federal Court

**The Hon. Justice Anne L. Mactavish**, Federal Court of Canada

**Mark G. Biernacki**, Smart & Biggar/  
Fetherstonhaugh

**Lorne A. Waldman**, Waldman &  
Associates

This session combines the expertise and insight of a distinguished Federal Court judge and senior immigration and IP litigation practitioners. Drawing on concrete examples that reflect the challenges and choices you will confront in your Federal Court practice, the speakers will address such areas as:

- The art of oral advocacy on judicial review applications
- The proper way to introduce exhibits
- Techniques for establishing/reinforcing credibility
- Use of compendiums, skeleton outlines and other devices aimed at keeping the Court's 'laser focus' where you want to keep it
- Openings and closings: effective organization and structure, with tips on maximizing their impact in relation to the overall strategy of your case
- Written advocacy: avoiding key mistakes and helping the Court to understand why yours is a winning case
- How to create compelling and persuasive submissions
- The tone of contemporary legal argument
- Providing context before details and how much detail to include
- Overview statements: the opportunity they present and how to write them

**12:00**

**Lunch**

**12:45**

### "Drilling Down" Breakout Sessions: Problems and Solutions in Federal Court Litigation

Participants choose one of:

#### i. Immigration – Judicial Review

**Mario D. Bellissimo**, Bellissimo Law  
Group

**John Provart**, Senior Counsel,  
Immigration Section, Justice Canada

This session, taught by recognized experts in Federal Court immigration practice, covers applications for leave and applications for judicial review under the *Citizenship Act* and the *Immigration and Refugee Protection Act*. Also addressed are the essentials of judicial review, such as:

- What can be reviewed by the Court?  
Jurisdiction and standing
- Grounds for review
- Obtaining leave
- Effective preparation and presentation at the hearing
- Cross-examination based on affidavits
- Timelines

#### ii. Intellectual Property Litigation

**Yael Bienenstock**, Torys LLP

**Jane E. Caskey**, Global Head of Risk  
Advisory, Norton Rose Fulbright Canada  
LLP

**Carol Hitchman**, Gardiner Roberts LLP

**Timothy M. Lowman**, FCI Arb, CLP,  
Aird & Berlis LLP

Whether you are seeking to enforce or to attack claims to intellectual property rights, this session will take you through

- The procedural essentials
- The unique evidentiary challenges of the IP case
- Dealing with controversial evidence in your or the opposing party's case, and
- Ways of building a compelling narrative that will boost your chances for a favourable result.

Tap into the expertise of a highly distinguished panel of IP litigators.

**2:45**

**Refreshment Break**

**2:55**

### Case Management Initiatives in Federal Court

**Prothonotary Kevin R. Aalto**, Federal  
Court of Canada

**Andrew Bernstein**, Torys LLP

An examination of steps which the Court is currently undertaking in the area of case management in order to further the goals of a just, expeditious and least expensive determination of every proceeding and increased proportionality in complex litigation before the Court.

**3:30**

### Ethical and Professional Issues In Federal Court Litigation

**Daniel Engel**, Counsel, Immigration  
Section, Justice Canada

**Barbara L. Jackman**, Jackman, Nazami &  
Associates

**R. Scott MacKendrick**, Bereskin & Parr LLP

**Gervas W. Wall**, Deeth Williams Wall LLP

This closing session will examine realistic fact situations that raise thorny ethical and professional dilemmas for counsel. The discussion will incorporate points in areas including:

- Applying the Rules of Professional Conduct to the conduct of matters before the Federal Court
- Professional considerations in relation to the participation of self-represented litigants in judicial review
- Do government lawyers have additional ethical/professional obligations in the Court?

**4:30**

**Program ends**

## Chairs

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Alan S. Diner**  
Federal Court of Canada

Wennie Lee  
Lee & Company

## Faculty

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Aalto**  
Federal Court of Canada

**Mario D. Bellissimo**  
Bellissimo Law Group

**Andrew Bernstein**  
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## Registration Details

### Fee per Delegate

**\$495 + HST**

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit [www.osgoodepd.ca/groupdiscounts](http://www.osgoodepd.ca/groupdiscounts) for details. Please inquire about financial assistance.

### 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 is available if a cancellation request is received in writing 14 days prior to the program date. If a cancellation request is made with less than 14 days notice, a \$75 administration fee will apply. No other refund is available.



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## Federal Court

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