

# EXAMINATIONS FOR DISCOVERY

## ADVANCED SKILLS WORKSHOP



This intensive **learn-by-doing** workshop provides a unique opportunity to hone your discovery skills. You will learn:

- How to obtain admissions from the witness
- Strategies for handling difficult witnesses and counsel
- Tips on witness preparation
- When to ask open-ended and leading questions
- How to use helpful/harmful documents
- When to answer or not to answer?
  - relevance
  - privileged information
  - findings, opinions and conclusions of an expert
  - surveillance
  - hypothetical questions
  - information/evidence of third parties
  - insurance policies

Designed by *OsgoodePD*, the practical training experts who brought you the *Intensive Trial Advocacy Workshop (ITAW)*

**Plus - The Judges Speak!**  
Our judges' panel will provide guidance on **Ethics and Civility in the Courtroom**

**REGISTER NOW at**  
[osgoodepd.ca/discovery](http://osgoodepd.ca/discovery)



### Chair

**Eli S. Lederman**  
*Lenczner Slaughter Royce  
Smith Griffin LLP*

### Judges' Panel - Chair

**The Hon. Justice Michael A. Penny**  
*Superior Court of Justice*

### Date and Time

**May 13, 2016**  
9:00 a.m. - 5:00 p.m. EDT

### Location

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

**Interactive In-Person Program**



## EXAMINATIONS FOR DISCOVERY: ADVANCED SKILLS WORKSHOP

Examinations for discovery are a crucial aspect of litigation. Most trials settle out of court, which makes attending discoveries one of the most common tasks faced by litigators. An effective discovery will help you optimize settlement, or bolster your case for trial. When you are called upon to carry out an examination for discovery, it is critical that you are able to perform at your best - for your client, and for your own professional reputation. *OsgoodePD's* Advanced Discovery Skills Workshop will provide you with the skills and confidence you need to succeed.

Developed by the designers of the renowned ***Intensive Trial Advocacy Workshop (ITAW)***, and led by some of Canada's foremost instructors in advocacy skills training, this intensive **learn-by-doing** workshop provides a unique opportunity to hone your discovery skills. In this value-packed one day workshop, you'll get practical tips and strategies, plus an opportunity to practice what you learn so that you can perform with confidence at your next examination for discovery.

The program includes a sample case file (specifically designed for the program), lectures, faculty demonstrations and small group breakout sessions. Individual performances and personalized feedback will provide you with ample opportunity to develop and refine your discovery techniques.

**REGISTER NOW** by visiting  
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**The Hon. Justice  
Michael A. Penny**  
*Superior Court of Justice*

### Faculty

**Caroline E. Abela**  
*WeirFoulds LLP*

**Luisa Ritacca**  
*Stockwoods LLP*

**Kris Borg-Olivier**  
*Paliare Roland Rosenberg  
Rothstein LLP*

**Crawford G. Smith**  
*Torys LLP*

**The Hon.  
James F. Diamond**  
*Superior Court of Justice*

**Adam Stephens**  
*Miller Thomson LLP*

**Brian G. Grant**  
*Lerners LLP*

**The Hon. Justice  
James Stribopoulos**  
*Ontario Court of Justice*

**Matthew B. Lerner**  
*Lenczner Slaght Royce  
Smith Griffin LLP*

**The Hon. Justice  
Darla A. Wilson**  
*Superior Court of Justice*

**The Hon. Justice  
Fred Myers**  
*Superior Court of Justice*

## WHO SHOULD ATTEND

- This advanced program is ideally suited for lawyers with some prior litigation experience

Hone your discovery techniques with individual performances and personalized feedback



## AGENDA

Your day will begin in a plenary session where you'll learn the key knowledge you need to maximize your participation in the skills workshops. You will then be in a small group for the majority of the day, where you'll have ample opportunity to get on your feet and practice the techniques you have learned. Rounding out the program, a panel of experienced judges will share their insights and best practices for ethics and civility in the courtroom.

### **Foundations for a Successful Discovery**

This introductory presentation will teach you the essential concepts and skills to conduct an effective discovery, including:

- Planning your discovery: developing a successful strategy
- When to ask open-ended and leading questions
- How to use helpful/harmful documents
- When to answer or not to answer?
  - relevance
  - privileged information
  - findings, opinions and conclusions of an expert
  - surveillance
  - hypothetical questions
  - information/evidence of third parties
  - insurance policies

### **Small Group Skills Sessions: Advanced Discovery Skills**

The majority of the day will be spent in small groups facilitated by expert faculty, where you will practice the discovery skills you've learned. Whether you are preparing a witness to be questioned, or planning your own questioning strategy, you will practice these essential skills under the watchful eye of our knowledgeable faculty. You will receive personalized feedback which will allow you to rapidly improve your skills. These learn-by-doing practice sessions will use a sample case file designed specifically for the program, and will include discussion on:

- How to obtain admissions from the witness
- Strategies for handling difficult witnesses and counsel
- Tips on witness preparation

### **The Judges Speak! Ethics and Civility in the Courtroom**

As a legal professional, you have a duty to represent your client resolutely. However, you must discharge this duty in a manner that is civil and professional. During this panel session, our judicial faculty will provide insight and guidance on how to be an effective advocate, without compromising your ethical obligations and professional reputations. Benefit from the insight and perspective of experienced judges.

*"THE ADVANCED QUESTIONING PROGRAMS WERE INVALUABLE TO ME AS A FAMILY LITIGATOR. I USED THEM IN A TRIAL TO GREAT EFFECT. IT ENHANCED MY UNDERSTANDING OF THE TRIAL PROCESS, MADE MY PREPARATION MORE EFFICIENT AND INCREASED MY CONFIDENCE. THEY WERE WELL WORTH THE TIME, MONEY AND EFFORT."*

**Kathryn L. Smithen**, *Barrister, Solicitor & Notary Public*, attended Advanced Questioning Techniques: Mastering Examinations-In-Chief & Mastering Cross-Examinations, 2015

## Here's what participants said about past *OsgoodePD* advocacy skills programs:

*"THIS PROGRAM WAS EXTREMELY PRACTICAL AND HIGHLY INFORMATIVE. THE SESSIONS WERE TAUGHT BY HIGHLY CAPABLE INSTRUCTORS WITH REAL-WORLD EXPERIENCE. THE SKILLS I DEVELOPED WERE DIRECTLY TRANSFERRABLE TO THE COURTROOM."*

**John Sorensen**, *Gowling Lafleur Henderson LLP*, attended Advanced Questioning Techniques: Mastering Cross-Examinations, 2015

*"I LEARNED MORE FROM THE 2014 INTENSIVE TRIAL ADVOCACY WORKSHOP THAN I HAVE FROM ANY OTHER CPD PROGRAM. THE OPPORTUNITY TO FOCUS ON THE KEY SKILL SETS NECESSARY TO RUN A TRIAL, TO TEST EVERY ONE OF THOSE SKILLS OUT IN FRONT OF SEASONED LITIGATORS, AND TO RECEIVE CRITICAL FEEDBACK THROUGHOUT THE WEEK WAS TOTALLY INVALUABLE. I CAN'T RECOMMEND THIS COURSE ENOUGH TO OTHER JUNIOR LITIGATORS."*

**Jessica Prince**, *Polley Faith LLP*, attended the Intensive Trial Advocacy Workshop, 2014



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



#### Eligible CPD/MCLE hours:

LSUC (ON): 7.0 CPD hours (1.0 Professionalism; 6.0 substantive)

*OsgoodePD* programs may be eligible for CPD/MCLE credits in other Canadian jurisdictions and the NY CLE Board. To inquire about credit eligibility, please contact [cpd@osgoode.yorku.ca](mailto:cpd@osgoode.yorku.ca)

## REGISTRATION

Please complete all registrant information.

### Examinations for Discovery: Advanced Skills Workshop

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Firm/Company: \_\_\_\_\_

Practice Area: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Prov: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Add me to your mailing list  
 Delete me from your mailing list  
 I do not wish to be contacted by e-mail

Priority Service Code  
(from mailing label below)

#### Payment Options

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

Card# \_\_\_\_\_ Expiry: \_\_\_\_\_

Signature: \_\_\_\_\_ Payment amount: \$ \_\_\_\_\_

#### Fee Per Delegate

\$645 plus HST

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

#### Date & Time

May 13, 2016  
9:00 a.m. – 5:00 p.m. EDT

Please arrive a half hour early 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  
Toronto, ON M5G 1Z3

#### 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 \$75 administration fee) is available if a cancellation request is received in writing 14 days prior to the program date. No other refund is available.



## 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/discovery](http://www.osgoodepd.ca/discovery)
3. **FAX** your registration to 416.597.9736
4. **CALL US** at 416.597.9724  
or 1.888.923.3394