

CROSS-EXAMINATION WORKSHOP

ITAW Intensive
Trial Advocacy
Workshop

ADVANCED
SKILLS SERIES

Refine your cross-examination skills to increase your confidence and competitive edge.

Cross-examination can make or break your case. In this **learn-by-doing** advanced skills workshop, you will get **individualized feedback** from the foremost Canadian instructors in advocacy skills training – comprising senior members of the bench and bar.

Working in small groups, you will learn:

- Strategies for preparing a successful cross-examination
- When NOT to cross examine
- Techniques for keeping control of the witness
- Advanced impeachment techniques
- How to deal with unresponsive and difficult witnesses

PLUS! Don't miss the **Judges' Tell All** roundtable. This candid session will give you practical tips and guidance on advocacy strategies that impress and assist the ultimate decision maker – the judge.

Register today at:

osgoodepd.ca/cross-examination17

Program Chairs

The Hon. Justice Patrice
François Band
Ontario Court of Justice

Jonathan M. Rosenthal
Barrister and Solicitor; Adjunct
Professor, Osgoode Hall Law
School

Program Details

DATE AND TIME

May 16, 2017

9:00 a.m. - 4:45 p.m. EST

In Person Only

LOCATION

Osgoode Professional
Development

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



Cross-Examination Workshop

Advanced Skills Series

Can you cross-examine with complete confidence? Do your questions have maximum impact?

As Counsel, you are paid to effectively select, organize and use a witness' anticipated evidence to present or defend your case. Imperative to your credibility and success as an advocate – whether in a boardroom, hearing room, video conference room or courtroom – is the ability to know the right questions to ask and when to ask them.

From the practical training experts who brought you the **Intensive Trial Advocacy Workshop (ITAW)**, the **Cross-Examination Workshop** (part of OsgoodePD's Advanced Skills Series) will focus specifically on sharpening cross-examination skills.

While counsel often focuses on eliciting useful evidence from their witnesses in direct examination, this is frequently forgotten in cross-examination. Even experienced counsel can lose sight of the fact that the purpose of cross-examination is not simply to "attack" a witness, but to seize the opportunity to bolster your case.

This intensive, **learn-by-doing** workshop will provide you the competitive edge and confidence you need to excel. The focus is on individual **performances** and **small group** exercises utilizing a sample case file. You'll benefit from **individualized feedback** from an expert faculty and learn:

- How to properly plan and define your objectives for the cross
- Strategies to effectively identify what issues to cross on
- Sequencing – the importance of recency/primacy-organization in a cross-examination
- Advanced impeachment techniques
- Techniques for keeping control of the witness
- Strategies when confronted with uncooperative witnesses

Enrollment will be strictly limited to ensure a quality experience. Register now.

Who Should Attend?

Equally applicable to criminal and civil practitioners, this **advanced** questioning program is intended for legal professionals with prior litigation experience or graduates of the ITAW, including:

- Litigators – all practice areas
- In-house counsel (litigators)
- Crown and defence Counsel
- Paralegals

Agenda

The day will begin with an introductory presentation and demonstration by faculty to provide you with the key strategies you need to maximize your participation in the skills workshops. The majority of the day will be spent in small groups, where you will have numerous opportunities to get on your feet and practice the questioning techniques you've learned.

Plenary Session: How to Prepare a Successful Cross-Examination

This introductory session will teach you how to filter, prepare and effectively organize anticipated evidence.

You will learn how a well-planned cross-examination will enable you to both minimize the impact of damaging evidence and elicit helpful testimony from your opponent's witnesses. Expert faculty will cover:

- When – if ever – should you NOT cross examine a witness?
- Tips on how to effectively identify what issues to cross on
- How to identify your objectives for the cross
- Sequencing – the importance of recency/primacy-organization
 - where do you start?
 - where do you end?
 - what do you do in the middle?
- How to get your opponent's witness to work for you
 - using an adverse witness to your advantage

Demonstration #1

Our expert faculty, with years of practice and instruction in the ITAW, will demonstrate an examination in chief, and cross-examination, with discussion to follow.

Small Group Sessions – Part One: TOOLS of the TRADE – Advanced Questioning & Impeachment Techniques

Small group sessions will focus on techniques for overcoming potential pitfalls in cross-examination. Participants will perform and receive individualized feedback from faculty.

During the sessions, you'll practice:

- How to impeach the witness, the evidence, or both (and in what order)
- The three c's of cross examination: confirm; confront; complete
- Impeachment via omission
- Impeachment via prior inconsistent statements
- Verbal and non-verbal cues, including emphasis and modulation
- Looping techniques during cross-examination

Demonstration #2

Using a sample fact scenario, participants will witness an examination-in-chief.

This evidence will form the basis of your cross-examination in the Part Two small group sessions.

Small Group Sessions – Part Two: DEALING with the DIFFICULT Witness

You'll practice and engage in role plays and drills focused on how to manage un-cooperative and un-responsive witnesses, including:

- Strategies for keeping control of the witness
 - the role of emotions
 - biased witnesses
 - hostile witnesses

ROUNDTABLE: The Judges' Tell All

In this closing candid session, you'll have the opportunity to hear what the Judges' 'really think'. You will get 'inside their head' and learn what common advocacy techniques work well, and others that are common bugbears.

You'll get invaluable insight and guidance on how to balance being an effective advocate, represent your client resolutely and not compromise your position with the decision makers. Benefit from the insight and perspective of experienced judges.

There will be ample opportunity for questions.

What past attendees have said:

“Excellent, concise, tailored feedback in a great setting.”

“One of the best & most practical CPDs, I will definitely utilize strategies learned today.”

“Great, meaty course. Thanks.”

“Small groups were very effective way to both practice but also watch and learn from my colleagues. It is also helpful to hear the instructors comment on other cross-examinations as well.”

“Excellent program.”



Chairs

The Hon. Justice Patrice François Band
Ontario Court of Justice

Jonathan M. Rosenthal
Barrister and Solicitor; Adjunct Professor,
Osgoode Hall Law School

Faculty

Frank Au
Ministry of the Attorney General,
Crown Law Office – Criminal

Paul Burstein
Burstein, Bryant, Barristers

The Hon. Justice Steve Coroza
Superior Court of Justice (Ontario)

Rachel Grinberg
Barrister and Solicitor; Adjunct Faculty,
Osgoode Hall Law School

Monique Jilesen
Lenczner Slaght Royce Smith Griffin LLP

The Hon. Justice Russell G. Juriansz
Court of Appeal for Ontario

The Hon. Justice Freya Kristjanson
Superior Court of Justice (Ontario)

The Hon. Justice Shaun Nakatsuru
Ontario Court of Justice

Carolyn Silver
Sr. Counsel, College of Physicians and Surgeons of
Ontario

Registration Details

Fee per Delegate
\$595 plus HST

Special offering: Register for this program and *Examinations for Discovery Workshop (June 8, 2017)* and take advantage of special package pricing of \$995 plus HST.

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit www.osgoodepd.ca/group-discounts 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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Eligible CPD/MCLE Hours: LSUC (ON): 7.5 CPD Hours (6.5 Substantive, 1.0 Professionalism)

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

 **osgoodepd.ca** **Osgoode Professional Development**
 **416.597.9724** **1 Dundas Street West, Suite 2600**
 **@OsgoodePD** **Toronto, ON Canada M5G 1Z3**



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