

# EXAMINING EXPERT WITNESSES

*Advanced Skills Workshop*



This intensive **learn-by-doing** workshop provides a unique opportunity to hone your questioning skills when examining expert witnesses. You will learn:

- Cross examinations - how to best attack the opposing experts' report
- Practical tips for planning your examination strategy
- Best practices for working with your expert witness to produce the expert report
- How to conduct effective direct and re-examinations
- Exhibits at trial: how to introduce diagrams, photographs, real objects and documents
- How to make clear that the opposing expert's point of view is *not* preferable
- When to agree (and object) that an expert report be marked as an exhibit

From the practical training experts who brought you the ***Intensive Trial Advocacy Workshop (ITAW)***

**Plus! Judges' Roundtable: Ethics & Civility in the Courtroom**

Learn how to be an effective advocate without compromising your ethical obligations and professional reputation

INTERACTIVE  
AND IN-PERSON



**Date and Times**

November 30, 2016  
9:00 a.m. - 5:00 p.m.

**Location**

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

**Chairs**

Eli S. Lederman and  
Monique Jilesen from *Lenczner  
Slaght Royce Smith Griffin LLP*

**Judges' Panel - Chair**

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

REGISTER NOW AT [OSGOODEPD.CA/EXPERT](http://OSGOODEPD.CA/EXPERT)

## EXAMINING EXPERT WITNESSES: **ADVANCED SKILLS WORKSHOP**

### Cases can turn on expert testimony - can you examine an expert witness with confidence?

Questioning an expert witness is one of the most difficult advocacy skills to master, and often takes years of experience to perfect. With increasingly fewer opportunities for legal professionals to get into the courtroom, today's litigators have limited opportunities to develop and practice this key skill. When a matter goes to trial and it's your turn to examine the expert, you need to perform - your client, and your professional reputation, depends on it. *OsgoodePD's* expert witness examination training workshop will provide you with the competitive edge you need to succeed.

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 questioning skills when examining, re-examining and cross-examining expert witnesses. In this value-packed one day workshop, you'll get practical tips and strategies, plus multiple opportunities to practice what you've learned so that you can perform with confidence when you are called upon to question an expert witness.

This 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 questioning skills.

**REGISTER NOW** by visiting  
[osgoodepd.ca/expert](https://osgoodepd.ca/expert)

#### **Chairs**

**Eli S. Lederman**

*Lenczner Slaght Royce Smith Griffin LLP*

**Monique Jilesen**

*Lenczner Slaght Royce Smith Griffin LLP*

#### **Judges' Panel - Chair**

**The Hon. Justice James F. Diamond**

*Superior Court of Justice*

#### **Faculty**

**The Hon. Justice Clayton J. Conlan**

*Superior Court of Justice*

**Vincent de Grandpré**

*Osler, Hoskin & Harcourt LLP*

**Nick E. Devlin**

*Public Prosecution Service of Canada (Ontario)*

**Lisa Henderson**

*Ministry of the Attorney General, Crown Law Office- Criminal*

**Norm Keith**

*Fasken Martineau DuMoulin LLP*

**The Hon. Justice William M. LeMay**

*Superior Court of Justice*

**The Hon. Justice June Maresca**

*Ontario Court of Justice*

**Luisa Ritacca**

*Stockwoods LLP*

**Crawford G. Smith**

*Torys LLP*

**Adam Stephens**

*Miller Thomson LLP*

**The Hon. Justice Jennifer Woolcombe**

*Superior Court of Justice*

## WHO SHOULD ATTEND

This advanced program is ideally suited for legal professionals with some prior litigation experience

Get the strategies you need to elicit the testimony you want when examining expert witnesses



## AGENDA

The day will begin with a large group presentation to provide you with the key strategies you need to maximize your participation in the skills workshops. You will then spend the majority of the day in small groups, where you will have numerous opportunities to get on your feet and practice the questioning techniques you've learned. Rounding out the program, a panel of experienced judges will share their insights and best practices for ethics and civility in the courtroom.

### Examining Expert Witnesses: Tips, Traps and Techniques

This introductory presentation will teach you the essential concepts and skills you need to conduct an effective examination of an expert witness. The following topics will be discussed:

- Tips for planning your strategy
- Why are you calling the expert? Understanding how this witness assists your case
- Working with the witness in producing the expert report
  - ensuring it reflects the order in which you want the information presented
  - verifying it is persuasively presented
  - tips for working with the expert to refine the report
- Conducting direct, cross and re-examinations of expert witnesses: best practices and the questions you should *never* ask

### Small Group Skills Sessions: Conducting Direct, Cross and Re-examinations

The majority of the day will be spent in small groups facilitated by experienced faculty, where you will practice the skills you've learned. Whether you are preparing your expert to be questioned, or planning your own cross-examination 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 sessions will include practice and discussion on:

- Conducting effective direct and re-examinations
  - Establishing the expert's qualifications
  - Adducing and explaining the opinion
  - Deflecting the cross-examination
  - Effectively restating the expert's opinion in your conclusion

- Cross examinations - attacking the opposing expert's report on the basis of:
  - the expert's qualifications
  - methodology or field of study
  - underlying assumptions
  - failing to consider existing information, or if the information is inaccurate or was not directly acquired by the expert
  - mistakes in the expert's calculations
  - having a bias or interest in the case

### Judges Roundtable: 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 reputation. Benefit from the insight and perspective of experienced judges.

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

***"The workshops were excellent, and provided a rare opportunity to have feedback in respect to the tools and methods we use in Examination for Discovery on a daily basis. I'd recommend this to my colleagues."***

**Monty Dhaliwal**, Pace Law Firm, attended *Examinations for Discovery: Advanced Skills Workshop, 2016*

***"Very helpful and engaging."***

**Omid Tavakoli**, Grillo Barristers P.C., Barrister, Solicitor & Notary Public, attended *Examinations for Discovery: Advanced Skills Workshop, 2016*

***"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*

# REGISTRATION

## Examining Expert Witnesses: Advanced Skills Workshop

### Fee Per Delegate

\$595 plus HST

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

### 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.



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. To inquire about credit eligibility, please contact [cpd@osgoode.yorku.ca](mailto:cpd@osgoode.yorku.ca)

## Registrant Information

Please complete all registrant information.

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

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

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

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

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

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

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

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

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## Payment Options

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

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

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

## 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.

## Dates & Times

November 30, 2016  
9:00 a.m. - 5:00 p.m.

Please arrive a half hour early for sign-in and material pick-up.

There will be a 15 minute morning break and afternoon break, and a 1 hour break for lunch.

Dress is business casual.

## Location

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



## 4 Convenient Ways to Register

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