

Thunder Bay Law Association and The Advocates' Society



present

EVIDENCE FOR LITIGATORS

Thursday, September 30, 2010

The Victoria Inn

9:00 a.m. to 4:15 p.m.

9:00 a.m. to 9:10 a.m.	Welcome and Introductory Remarks	Stephen Wojciechowski
9:10 a.m. to 10:10 a.m.	Key Evidentiary Principles for Litigators Rule in Browne and Dunn Relevance Recorded recollection v. refreshing memory	Roy Karlstedt <i>Shaffer Jobbit</i> Dennis Van Sickle <i>Cheadles LLP</i> Mark Veneziano <i>Lenczner Slaght</i>
10:10 a.m. to 10:30 a.m.	MORNING BREAK	

<p>10:30 a.m. to 11:15 a.m.</p>	<p>Objections, Exhibits and Special Issues</p> <p>Introducing Documentary Evidence Laying a Foundation Authenticating Documents Admissibility of Exhibits Best Evidence Rule</p> <p>Making Objections How to Impress the Court When Should an Objection be Made What is the Basis for the Objection</p>	<p>The Honourable Mr. Justice Paul M. Perell <i>Superior Court of Justice</i></p> <p>Robert M. Bell <i>Borden Ladner Gervais LLP</i></p> <p>Mark Veneziano <i>Lenzner Slaght</i></p> <p>Moderator: Stephen J. Wojciechowski <i>ERYOU Barristers</i></p>
<p>11:15 a.m. to 12:00 noon</p>	<p>Undermining Credibility and Challenging the Witness</p> <p>Cross-examination v. Impeachment</p> <p>Inconsistent Statements</p> <p>Handling the Denying Witness</p> <p>Handling the Lying Witness</p> <p>Addressing Credibility in Closing Arguments</p> <p>Challenging Credibility at the Court of Appeal</p> <p>How Do the Courts Address Credibility Issues</p>	<p>The Honourable Mr. Justice Stephen Goudge <i>Court of Appeal for Ontario</i></p> <p>The Honourable Madam Justice Helen Pierce, SRJ Northwest Region <i>Superior Court of Justice</i></p> <p>Margaret Waddell <i>Paliare Roland Rosenberg Rothstein LLP</i></p> <p>John H. Hornak <i>Petrone Hornak Garofalo Mauro</i></p> <p>Moderator: Brian A. Babcock <i>Weiler Maloney Nelson</i></p>
<p>12:15 a.m. to 1:30 p.m.</p>	<p style="text-align: center;">LUNCH</p> <p style="text-align: center;">Speaker: The Honourable Stephen Goudge Ontario Court of Appeal</p>	

<p>1:30 p.m. to 2:10 p.m.</p>	<p>Panel: Dealing with Specific Records and Special Challenges</p> <p>How to prove a business record. How to prove a foreign law Are statutes on the web acceptable? How to prove a translation How to prove that something is privileged How to get around the implied undertaking rule How to use evidence from one proceeding in another proceeding Civil to civil Criminal to civil How do you prove a criminal record How do you prove a medical record</p>	<p>Karen Drake <i>Erickson & Partners</i></p> <p>Duncan Macgillivray <i>CARREL + Partners LLP</i></p> <p>Moderator: Roy Karlstedt <i>Shaffer Jobbitt</i></p>
<p>2:10 p.m. to 2:30 p.m.</p>	<p>Hearsay What does it really mean? Recent cases What is the current state of the law on hearsay</p>	<p>Bernd Richardt <i>Shewchuk, MacDonell, Ormiston, Fregeau LLP</i></p>
<p>2:30 p.m. to 2:50 p.m.</p>	<p>Spoliation What is this Rule of Evidence How to Argue Effectively</p>	<p>Lisa K. Talbot <i>Torys LLP</i></p>
<p>2:50 p.m. to 3:10 p.m.</p>	<p>Loss or Waiver of Privilege Circumstances where Privilege Lost Once Lost, Lost Forever?</p>	<p>Margaret Waddell <i>Paliare Roland Rosenberg Rothstein LLP</i></p>
<p>3:10 p.m. to 3:30 p.m.</p>	<p style="text-align: center;">AFTERNOON BREAK</p>	

<p>3:30 p.m. to 4:20 p.m.</p>	<p>Strategies for Navigating the New Rules</p> <p>Update on Developments Over Past 10 Months Do Clients Really Have to Attend Pre-Trial? How Have Pre-Trials Changed? Are New Powers Being Used (Effectively)? Summary Judgment Rule update Discovery Plans Useful Tools or Simply Increasing Costs? Are They Necessary Counsel's Perspective Court's Perspective</p>	<p>The Honourable Mr. Justice Paul Perell <i>Superior Court of Justice</i></p> <p>The Honourable Madam Justice Helen Pierce, SRJ Northwest Region <i>Superior Court of Justice</i></p> <p>Lisa K. Talbot <i>Torys LLP</i></p> <p>Brian A. Babcock <i>Weiler Maloney Nelson</i></p> <p>Moderator: Stephen J. Wojciechowski <i>ERYOU Barristers</i></p>
<p>4:20 p.m.</p>	<p>Concluding Remarks and Wrap Up</p>	<p>Stephen Wojciechowski</p>

Stephen Wojciechowski and the TBLA would like to offer a special thanks to The Advocates' Society, especially their former Director of Education, Stephanie Spiers, for all their help and support in putting this program together.