

ADVANCED QUESTIONING TECHNIQUES

MASTERING EXAMINATIONS-IN-CHIEF (APRIL 27)

MASTERING CROSS-EXAMINATIONS (MAY 29)



Hone your advocacy skills in these **advanced learn-by-doing** skills workshops. Small group learning, led by an expert faculty who will provide individualized feedback.

Mastering Examinations-In-Chief

- Formulating the “right” questions
- Effective questioning techniques
- Moving from “open questions” to a “directed examination”
- Strategies to control your witness
- Setting the right pace
- How to make your questioning more persuasive

Mastering Cross-Examinations

- Strategies for preparing a successful cross-examination
- Knowing when to NOT cross-examine
- Advanced impeachment techniques
- Dealing with an unresponsive witness

Plus! Judges’ Roundtable: Ethics and Civility in the Courtroom

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

Take your advocacy skills to the next level

REGISTER NOW AT
WWW.OSGOODEPD.CA



Interactive in-person programs

Chairs

The Hon. Justice Patrice Francois Band

Ontario Court of Justice

Jonathan M. Rosenthal

Barrister and Solicitor; Adjunct Professor, Osgoode Hall Law School

Location

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

Dates and Times

Mastering Examinations-in-Chief

April 27, 2015 (9 a.m. - 5 p.m.)

Mastering Cross-Examination

May 29, 2015 (9 a.m. - 5 p.m.)

Register for one **OR** both dates

Bundle pricing when you register for both programs!

ADVANCED QUESTIONING TECHNIQUES

MASTERING EXAMINATIONS-IN-CHIEF + MASTERING CROSS-EXAMINATIONS

Effective oral advocacy is a skill that requires constant refinement and practice. In today's legal environment, there are increasingly fewer opportunities for legal professionals to get into the court room. When a matter is actually litigated, it is critical that you are able to perform at your best – for your client, and for your own professional reputation. *OsgoodePD's* advanced advocacy skills training workshops will provide you with the competitive edge and confidence you need to succeed.

Developed by the producers of the very successful *Intensive Trial Advocacy Workshop (ITAW)*, and led by the foremost Canadian instructors in advocacy skills training, comprising senior members of the bench and bar, these advanced questioning techniques programs are intensive learning experiences.

Your day will include 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 refine your questioning techniques.

Take advantage of **bundle pricing** when you register for both skills workshops. Enrollment will be strictly limited to ensure a quality experience, so register now.

**REGISTER BY VISITING WWW.OSGOODEPD.CA,
CALLING 416.597.9724 OR 1.888.923.3394,
EMAILING OSGOODEPD@OSGOODE.YORKU.CA
OR FAXING 416.597.9736**



Chairs

The Hon. Justice Patrice Francois 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*

Sandra Barton, *Gowlings LLP*

Paul M. Burstein
Burstein, Bryant, Barristers

Lisa Brownstone, *Counsel College of Physicians & Surgeons of Ontario*

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

Nick E. Devlin, *Public Prosecution Service of Canada (Ontario)*

The Hon. Justice Marquis Felix
Ontario Court of Justice

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

Monique Jilesen, *Lenczner Slaght Royce Smith Griffin LLP*

Eli Lederman, *Lenczner Slaght Royce Smith Griffin LLP*

Carolyn D. Silver, *Counsel College of Physicians & Surgeons of Ontario*

Jane M. Waechter, *Associate General Counsel & Managing Director, Litigation, BMO Capital Markets*

WHO SHOULD ATTEND

These advanced programs are ideally suited for legal professionals with some prior litigation experience.

AGENDA

MASTERING EXAMINATIONS-IN-CHIEF APRIL 27, 2015

The Directed Approach to Examinations-In-Chief

- Effective questioning techniques
 - leading vs. non-leading questions
- Moving from “open questions” to “directed examination”
 - planning the direct examination
 - breaking down the topics/issues
 - effective problem analysis

Understanding the Importance of Preparation

Most witnesses have no prior experience testifying. As counsel, it's your job to ensure that both you and your witnesses are thoroughly prepared. This includes fully understanding what evidence needs to be elicited from each witness, and preparing your witnesses so they can effectively convey this information.

In this session, you will learn:

- What does an unplanned examination-in-chief look like?
- How to elicit the information you need from your witness

Developing Your Theories

Working in small groups with your faculty leader, participants will analyze the sample case file and identify the following:

- Legal theory of case (i.e., why the law allows your client to win)
- Factual theory of the case (i.e., what really happened and why – identifying best, worst, and neutral facts)
- Persuasive theory, or theme of the case (i.e., why it is fair and equitable for your client to win)

Tools of the Trade: Advanced Questioning Techniques in Examinations-In-Chief

Using the sample case file, you'll present your prepared exercises and receive individualized feedback from faculty. The exercises will focus on refining the following fundamental skills:

- Setting the scene
 - how do you get a trier of fact judge or jury to really understand what the scene looks like?
 - effective use of diagrams, drawings, etc.
- Headlines and transitions
 - why are headlines so important?
 - effective use of headlines to create the outline of a good examination
- Listening, and looping back
- How to be more persuasive
- Techniques to effectively follow up, clarify and qualify facts
- How to keep control of the witness

This session will also include a discussion about practical tips and strategies on how to make your witness more persuasive.

You'll engage in hands-on exercises and drills focused on how you should deal with a witness when they do not provide you with the answer you were hoping for, and learn strategies for how to manage the following issues:

- The witness who talks too quickly or too softly
- The rambling witness
- Dealing with partial or insufficient answers
- Using notes to help direct questioning
- Making eye contact, and with whom
- The importance of pace and strategies for setting the right one

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. In this session, the 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.

MASTERING CROSS-EXAMINATIONS MAY 29, 2015

The “Rules” of Cross-Examination

Preparing and Organizing Your Cross-Examination

An integral skill for every advocate is how to effectively select, organize and use a witness' anticipated evidence. While counsel often focus on eliciting useful evidence from their own witnesses, this opportunity is often overlooked in cross-examination.

A well planned cross-examination will enable you to minimize the impact of damaging evidence and elicit helpful testimony from your opponent's witnesses. In this session, you will learn:

- How to plan and prepare a successful cross-examination
- 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
- How to get your opponent's witness to work for you: using an adverse witness to your advantage

Tools of the Trade: Advanced Questioning Techniques in Cross-Examination

This session will focus on techniques for overcoming potential pitfalls in cross-examination. In a small group setting, participants will present prepared exercises and receive individualized feedback from faculty.

AGENDA (Cont'd)

Advanced Impeachment

Impeachment of a witness is one of the hallmarks of cross-examination. However, it is one of the most difficult advocacy skills to master. During this session, you'll practice and obtain feedback on:

- How to impeach the witness, the evidence, or both
- The three C's of cross examination: confirm; confront; complete
- Impeachment via omission; via prior inconsistent statements
- Verbal and non-verbal cues, including emphasis and modulation
- Refining how to loop back during your cross-examination

Managing the Difficult Witness

Engage in hands-on exercises and drills focused on how to manage un-cooperative witnesses, including:

- Techniques for dealing with a non-responsive witness
- Strategies for keeping control of the witness
 - the role of emotions; biased and/or hostile witnesses

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.

REGISTRATION

Please complete all registrant information.

Advanced Questioning Techniques

I will attend:

- Mastering Examinations-In-Chief (April 27)
- Mastering Cross-Examinations (May 29)
- BOTH** Mastering Examinations-in-Chief **AND** Mastering Cross-Examinations

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)

1 4 8 5 0 L

Payment Options

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

Card# _____ Expiry: _____

Signature: _____ Payment amount: \$ _____

Fee Per Delegate

Mastering Examinations-in-Chief (April 27): \$645 plus HST

Mastering Cross-Examination (May 29): \$645 plus HST

Bundle price for both programs: \$1165 plus HST

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts and financial assistance are available. Visit www.osgoodepd.ca for details.

Dates & Time

Mastering Examinations-In-Chief

April 27, 2015 (9 a.m. – 5 p.m.)

Mastering Cross-Examinations

May 29, 2015 (9 a.m. – 5 p.m.)

Please arrive a half hour early for sign-in and material pick-up. Dress is business casual.

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.

Location

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

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 5 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.

Mastering Examinations-in-Chief (April 27)

Eligible CPD/MCLE hours: LSUC (ON): 7.25 CPD Hours (6.25 Substantive, 1.0 Professionalism); NY CLE (on-site participants only): 8.0 skills hours for Non-transitional lawyers.

Mastering Cross-Examinations (May 29)

Eligible CPD/MCLE hours: LSUC (ON): 7.25 CPD Hours (6.25 Substantive, 1.0 Professionalism); NY CLE (on-site participants only): 8.0 skills hours for Non-transitional lawyers.

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



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
3. **FAX** your registration to 416.597.9736
4. **CALL US** at 416.597.9724 or 1.888.923.3394