

# EXPERTS IN FAMILY LAW: CRITICAL ISSUES & PRACTICAL STRATEGIES

Get what you ***need to know*** about this complex issue from leading experts, counsel and senior judges including:

**The Hon. Justice Susan E. Lang** (former Justice of the Ontario Court of Appeal), author of the “Motherisk Report”

**The Hon. Justice R. John Harper**, Superior Court of Justice

**The Hon. Justice Lene Madsen**, Superior Court of Justice

In-depth and practical guidance on key issues including:

- Strategies to ensure your expert is and remains neutral
- Psychological testing in custody assessments: why, when, who and how?
- How “expert” is your or the other side’s expert?
- Key issues in real property evidence including how to deal with Ontario’s ever-changing housing market
- Best practices with experts – View from the Bench and Trenches

**PLUS: Interactive Demonstration on How to Qualify and Cross-Examine an Expert**

Register today at:

[osgoodepd.ca/family-law-experts](http://osgoodepd.ca/family-law-experts)

## Program Chair

Judith M. Nicoll  
McInnis & Nicoll

## Date and Time

October 15, 2018  
9:00 a.m. – 4:30 p.m. EDT  
In Person or Webcast

Online Replay:  
November 15, 2018  
9:00 a.m. - 4:30 p.m. EST

## Location

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

# Experts in Family Law: Critical Issues & Practical Strategies

Knowing if, how and when to use an expert is critical to the success of many family law files. Mistakes can be fatal – and costly.

Learn from judges, experienced practitioners and experts who will give you practical strategies and guidance about how to make effective use of your expert throughout the various stages of a family law dispute. Drill down on the key issues, including a cross-examination demonstration which will guide you through how to qualify your expert witness and how to effectively cross an expert on their report.

## Topics Include

- What are your expert's disclosure obligations and expectations and how do they accord with the Court's views on proportionality?
- Do you have an obligation to report psychological test results to your client? If and when do you have to disclose these test results to the other side?
- The Hon. Justice Susan E. Lang on the Motherisk Report and the critical importance of the accuracy of expert evidence
- What are the purpose and limits of the Voice of the Child Reports? When does a Court want one?
- Identifying the different real estate appraisal designations and what they mean when qualifying the appraiser expert
- Key issues in business valuations
- Hear from judges about the top 5 problems about how lawyers deal with expert evidence

## Who Should Attend?

- Family Lawyers
- General practitioners whose practice includes family law

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## Agenda

**8:30 a.m.**

**Registration and Continental Breakfast**

**9:00 a.m.**

**Welcome from the Chair**

**Judith M. Nicoll**, McInnis & Nicoll

**9:10 a.m.**

**The Quest for Independence:  
Strategies for Ensuring Your Expert Is  
and Remains Neutral**

**Andrew Freedman**, CPA, CA-IFA, CBV, ASA, Managing Director, Duff & Phelps Canada Limited

- What an expert *should* and *should not* have in their file
- Disclosure obligations and expectations and how they accord with the Court's views on proportionality
- Best practices for how the valuator and lawyer should share draft reports
- Is there a place for joint retainers?
- Key issues and practical strategies for successful delegation

**9:55 a.m.**

**Psychological Testing in Custody  
Assessments: Why, Who, When and  
How?**

**The Hon. Justice R. John Harper**,  
Superior Court of Justice

**Dr. Daniel Fitzgerald**, Psychologist in  
private practice

**Alfred A. Mamo**, McKenzie Lake Lawyers

**Jacqueline Vanbetlehem** BSW, MA, RSW,  
Acc. F.M.

- When is psychological testing appropriate in custody assessments?

- How do you assess if it is necessary?
- What is the purpose of psychological testing?
- Who should be administering and scoring the tests?
- Review of the “gold standard” tests in 2018
- What is the obligation on reporting test results to clients and disclosing the test results to both sides?
- Effective strategies for getting the evidence before the court
- How expert is your (or the other side’s) expert?

**10:40 a.m.**

### Refreshment Break

**11:05 a.m.**

### Interactive Demonstration of How to Qualify and Cross-Examine an Expert

**The Hon. Justice R. John Harper,**  
Superior Court of Justice

**Dr. Daniel Fitzgerald,** Psychologist in private practice

**Paul McInnis,** McInnis & Nicoll

**Avra Rosen,** Rosen Sack LLP

Get expert guidance on the most effective way to qualify and cross-examine an expert. Learn what to do, and more importantly, what not to do.

**12:00 p.m.**

### Luncheon and Key Note Address: “The Importance of the Accuracy of Expert Evidence”

**The Hon. Justice Susan E. Lang,**  
formerly of the Ontario Court of Appeal and author of the Motherisk Report

**1:00 p.m.**

### Key Issues in Voice of the Child Reports

**The Hon. Justice Lene Madsen,**  
Superior Court of Justice

**Brian Burke,** Epstein Cole LLP

**Jacqueline Vanbetlehem,** BSW, MA,  
RSW, Acc. F.M.

- Understanding the purpose and limits of these reports
- When does the Court want one?
- What does the Court expect from the author of a Voice of the Child report?
- Practical strategies for qualifying the author
- When would a court wish to see a child witness instead?

**1:45 p.m.**

### What You Need to Know About Real Property Expert Evidence in 2018

- How to deal with the ever-changing housing market, including differentiating between GTA markets and elsewhere
- Identifying the different appraisal designations and what they mean when qualifying the appraiser expert
- What are the different type of real property appraisals?
- Is there a time and a place for the \$500 appraisal and the \$2,500 appraisal for residential real estate?
- Effective strategies for cross-examining a real property appraiser

**2:15 p.m.**

### Critical Issues in Business Valuation Evidence

**Vivian Alterman,** MBA, CPA, CA, CBV, ap  
Valuations Limited

**Andrew Freedman,** CPA, CA-IFA, CBV, ASA, Managing Director, Duff & Phelps Canada Limited

**Paula White,** CPA, CA, CBV, Paula White Valuations

- The Year in Review: the top valuation cases and current and emerging issues
- Understanding Income Analyses
- How can parties obtain a cost-efficient analysis year after year?

**2:45 p.m.**

### Refreshment Break

**3:00 p.m.**

### View from the Bench & the Trenches

**The Hon. Susan E. Lang,** formerly of the Ontario Court of Appeal, author of the Motherisk Report

**The Hon. Justice R. John Harper,**  
Superior Court of Justice

**The Hon. Lene Madsen,** Superior Court of Justice

**Alfred A. Mamo,** McKenzie Lake Lawyers

**Avra Rosen,** Rosen Sack LLP

An interactive Q&A with judges and senior family law practitioners. Hear from experienced judges about what they want (and don’t want) to hear and see from advocates. Get expert guidance from experienced counsel on key issues in dealing with experts in Court.

**4:00 p.m.**

### Program Concludes

## Keynote

**The Hon. Susan E. Lang** (former Justice of the Ontario Court of Appeal), author of the “Motherisk Report”

## Chair

**Judith M. Nicoll**, McInnis & Nicoll

## Faculty Includes

**The Hon. Justice R. John Harper**, Superior Court of Justice

**The Hon. Lene Madsen**, Superior Court of Justice

**Brian Burke**, Epstein Cole LLP

**Dr. Daniel Fitzgerald**, Psychologist in private practice

**Andrew Freedman**, CPA, CA-IFA, CBV, ASA, Managing Director, Duff & Phelps Canada Limited

**Katherine Kavassalis**, Legal Director Personal Rights Department, Office of the Children’s Lawyer

**Alfred A. Mamo**, McKenzie Lake Lawyers

**Paul McInnis**, McInnis & Nicoll

**Avra Rosen**, Rosen Sack LLP

**Jacqueline Vanbetlehem**, BSW, MA, RSW, Acc. F.M.

**Paula White**, CPA, CA, CBV, Paula White Valuations

## Registration Details

### Fee per Delegate

**\$525 plus HST**

Fees include attendance, program materials, lunch and break refreshments. Group discounts are available. Visit [www.osgoodepd.ca/group-discounts](http://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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