



ARBITRATION FOR FAMILY LAW LAWYERS

Strategies for Success

Arbitration has become a key aspect of family law practice. Get what you need to guide your client to success.

This **new** and **unique program** is designed to provide family law lawyers with the practical guidance and materials they need to confidently navigate the arbitration process.

- Drill down on the Arbitration Agreement: key issues to be aware of and pitfalls to avoid
- Arbitration advocacy (and how it differs from other litigation)
- How-to-guide for attacking an arbitrator or their order (and strategies for avoiding and defending against attacks)
- Critical differences between arbitration and Med-Arb (and why counsel must understand them)

Register today at:

osgoodepd.ca/arbitration

PROGRAM CHAIR

Cheryl Goldhart, C.S.
Goldhart & Associates

REGISTRATION OPTIONS

October 12, 2022

Online (Live)

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

November 16, 2022

Online (Replay)

Can't make the date?

Registration includes 120-day unlimited, online access to the recorded program.

Arbitration for Family Law Lawyers

Strategies for Success

With the increasing challenges securing a court date, and the growing need for family lawyers to be nimble in finding workable solutions for their clients, arbitration has become a key option for dispute resolution.

In one (1) intensive day, experienced family law arbitrators and senior counsel will guide you through the arbitration process and equip you with the key **knowledge**, **strategies**, and **precedents** you need to effectively navigate this complex process.

Topics Include

- Best practices for engaging in arbitration, including:
 - How to choose your arbitrator
 - Assessing the appropriate dispute resolution path for your case
- Arbitration vs Med-Arb: the critical differences and why counsel must understand them
- Interplay between arbitration and Parenting Coordinators – pitfalls to avoid
- Has there been a proper submission into arbitration (and why the answer is so critical)?
- Strategies and precedents for enforcing and appealing an arbitration award

Who Should Attend

- Family Lawyers
- General Practitioners whose practice includes family law

Agenda

9:00 a.m.

Welcome from the Chair

Cheryl Goldhart, C.S.

Goldhart & Associates

9:05 a.m.

Choosing Arbitration: Best Practices

Cheryl Goldhart, C.S.

Goldhart & Associates

Before you engage in arbitration, there are some key issues counsel should first consider, including:

- Assessing the appropriate dispute resolution path for your case
- Understand what arbitration is (and, perhaps more importantly, what it isn't)
- Is med-arb the better option for your client? Factors to consider
- How-to-guide for choosing your arbitrator
- Advising your client about the arbitration process (including a sample memo to share with your clients)

9:50 a.m.

Arbitration vs Med-Arb: The Key Differences and Why Counsel Must Understand Them

Michael B. Kleinman

Kleinman Family Law

Judith Nicoll

McInnis & Nicoll

There are critical differences between the med-arb and arbitration processes. Failure to understand them can lead to lengthy delays and costly consequences for your

client. This session will include sample mediation and med-arb agreements and discussion and an example of a consent to move between med-arb and arbitration.

10:35 a.m.

Health Break

10:50 a.m.

Interplay Between Arbitration and Parenting Coordinators: Things to Keep in Mind

Farrah Hudani, J.D., LL.M.

Burrison Hudani Doris LLP

Dr. Barbara Jo Fidler, Ph.D., C.Psych., Acc.FM.

- Key issues counsel must be aware of when engaging with in the PC process
- How arbitration relates to PC work
- Best practices for preparing your client for the PC process

11:20 a.m.

The Arbitration Agreement

Herschel Fogelman

Fogelman Law

In this session we will drill down on the key elements of the arbitration agreement. Materials will include an annotated arbitration agreement.

- What constitutes a valid family law arbitration agreement?
- Key issues to be aware of/pitfalls to avoid
- Screening for arbitration – how and why
- Determining if there has there been a proper submission into arbitration (and why this is critical to understand)

12:20 p.m.

Lunch Break

1:20 p.m.

Counsel's Role in the Arbitration

Aaron Franks

Epstein Cole LLP

Julie K. Hannaford

J K Hannaford Barristers

An arbitration is quite different than traditional court proceedings, as is the role counsel plays in each. Understanding your role and the process will help you be a more effective advocate in your arbitration. In this segment, two very senior family law litigators will guide you through counsel's role and provide you with expert guidance on arbitration oral and written advocacy.

2:05 p.m.

Challenges to Arbitration/Arbitrators: How to Advance and Defend Against an Attack

Heather Hansen, C.S.

McCarthy Hansen & Company LLP

Gary S. Joseph

MacDonald & Partners LLP

- Attacking the process before it starts
- Basis for attacks against the agreement: identifying and defending the potential issues
- Challenging the arbitrator
 - What you need to assert an allegation of bias
 - Special considerations when a Parenting Coordinator is the arbitrator

Panel includes a 15 minute Health Break.

3:20 p.m.

Next Steps: Enforcement and Appeals

Hayley Cairns

Niman Mamo LLP

Brahm D. Siegel

Nathens, Siegel LLP

- Overview of the enforcement process
- How to enforce an order: best practices and pitfalls to avoid
- Navigating appeals (to the SCJ and Court of Appeal)
 - Review of the key cases and legal principles
 - Critical differences between different types of appeals

4:00 p.m.

Program Concludes

What a Participant from our family law programs said:

“Struck the right note for senior counsel and those less familiar with family law concepts. Complex issues well explained and clarified.”

Elisabeth Sachs
Elisabeth Sachs Law Office

Register today at:

[osgoodepd.ca/
arbitration](http://osgoodepd.ca/arbitration)

Chair

Cheryl Goldhart, C.S.
Goldhart & Associates

Faculty

Hayley Cairns
Niman Mamo LLP

Farrah Hudani, J.D., LL.M.
Burrison Hudani Doris LLP

Dr. Barbara Jo Fidler, Ph.D.,
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Judith Nicoll
McInnis & Nicoll

Julie K. Hannaford
J K Hannaford Barristers

Brahm D. Siegel
Nathens, Siegel LLP

Heather Hansen, C.S.
McCarthy Hansen &
Company LLP

What a Participant from our
family law programs said:

*“Chock full of wisdom and practical strategies,
and I am thrilled that I participated. I am
thankful for access to the materials and session
recordings which I will use after the program
is done. I loved every minute of this course!”*

Trish Thomas
Family Mediation Coach and Mediator

Registration Details

Fee per Delegate: \$595 plus tax
**New Calls (less than 2 years)/Sole/small firm of
less than 5 lawyers: 25% off regular rate plus tax**

Fees include online attendance, electronic materials,
and technical support. Group discounts are available.
Visit www.osgoodepd.ca/group-discounts for details.

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