



ARBITRATION FOR FAMILY LAW LAWYERS

Strategies for Success

Arbitration is a critical part of your family law practice. Do you have what you need to succeed?

This **unique program**, designed and taught by experienced family law arbitrators and counsel, will equip you with the practical guidance and materials you 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)

PLUS: View from The Bench: Insights and practical guidance about what arbitrators want and don't want from counsel

PROGRAM CHAIR

Cheryl Goldhart, C.S.
Goldhart Law P.C.

REGISTRATION OPTIONS

November 29, 2024:
In-Person or Online (Live)
9:00 a.m. – 5:00 p.m. ET

January 31, 2025:
Online (Replay)
9:00 a.m. – 5:00 p.m. ET

Can't make the date?
*Registration includes 120-day
unlimited, online access to the
recorded program.*

Register today at:
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arbitration](https://osgoodepd.ca/arbitration)

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. Arbitration is different from traditional family law litigation. Counsel need to understand the key differences. In 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 get the most out of this option.

Join us **IN PERSON** to connect with colleagues and senior family law professionals.

Topics Include

- Best practices for choosing 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 Law PC

9:10 a.m.

Choosing Arbitration: Best Practices

Cheryl Goldhart, C.S.
Goldhart Law PC

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*)

10:00 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.

10:45 a.m.

Health Break

11:00 a.m.

The Arbitration Agreement

Herschel Fogelman

Fogelman Law

Clayton R. Spencer

Barrister & Solicitor

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 /confirming if there has been a proper submission into arbitration (and why this is critical to understand)

12:00 p.m.

Lunch Break

1:00 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 in 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.

1:45 p.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

2:30 p.m.

Health Break

2:45 p.m.

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

Heather Hansen, C.S.

McCarthy Hansen & Company LLP

Kristen Normandin

Normandin Chris 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

3:30 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

4:15 p.m.

View from the "Bench"

Hayley Cairns

Niman Mamo LLP

Cheryl Goldhart, C.S.

Goldhart Law PC

Michael B. Kleinman

Kleinman Family Law

Judith Nicoll

McInnis & Nicoll

Candid insights from experienced family law arbitrators and counsel about what they want and DON'T WANT from counsel. This is your chance to ask questions and learn from the experts.

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/
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Chair

Cheryl Goldhart, C.S.
Goldhart Law P.C.

Faculty

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

Clayton R. Spencer
Barrister & Solicitor

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 + TAX

Newly Licensed*: \$297.50 + TAX

**This fee applies to newly licensed regulated professionals within the past 2 years*

Fees include online attendance, electronic materials, aFees include attendance and electronic program materials. Group discounts are available. Visit www.osgoodepd.ca/group-discounts for details. Please inquire about financial assistance.

Program Changes

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Cancellations and Substitutions

Substitution of registrants is permitted at any time prior to the start date of the program. 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 start of the program. If a cancellation request is made with less than 14 days notice, an administrative fee equal to 20% of the program cost, to a maximum of \$250 will apply per person. Payment is required to receive access to the program.



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