

INTENSIVE TRIAL ADVOCACY PROGRAM



FACULTÉ DE DROIT
UNIVERSITÉ DE MONCTON

June 5 – 11, 2016
Moncton, NB



UNIVERSITÉ DE MONCTON
EDMUNDSTON MONCTON SHIPPAGAN

Intensive Trial Advocacy Program

June 5 – 11, 2016

Statement of Purpose

The Intensive Trial Advocacy Program is organized and presented by The Faculté de droit of the Université de Moncton, and is designed to train lawyers in basic trial techniques equally applicable to civil and criminal cases. It is ideally suited to lawyers, practising in both the criminal and civil courts with two to twelve years of experience, who have had some familiarity with litigation but limited trial experience.

The program is a version of the Intensive Trial Advocacy Workshop presented every year since 1979 in Toronto by the Osgoode Hall Law School, and in French in Sherbrooke by the Barreau du Québec since 1983. These Programs have been widely acclaimed by the profession and are regularly oversubscribed. A unique feature of the Moncton program is that one section will work in French, and the other in English.

The program format and teaching materials are based on those developed in the United States by Professor James Seckinger of the National Institute for Trial Advocacy, and Notre Dame Law School and adapted to Canadian court practices and procedures by Professor Garry D. Watson QC of Osgoode Hall Law School. The organization, format, materials and teaching methods represent an important co-operative venture between academic teachers and practicing members of the Bench and Bar.

Teaching Method and Format

The program breaks with traditional continuing legal education by substituting for the lecture, panel and demonstration formats, learning through continual participation in simulated trial sessions, coupled with individual and group critique by experienced trial counsel and judges. Demonstrations are used, but as part of an integrated program which places the major emphasis on individual participation and performance.

The program is structured around small group teaching to ensure that each participant receives adequate individual attention. There will be two sections, each limited to 32 registrants, and for much of the learning period these sections will be further broken down into groups of 8 registrants working with instructors. Extensive use is made of audio-visual resources. All participants will be videotaped and critiqued. The program is intensive and demanding with eight hours of instruction each day plus several hours of necessary preparation each evening. For this reason it is recommended that out-of-town participants not bring their families.

Trials

Each participant will have the opportunity to try a simulated case as part of a two-person team. The trials will be held on Saturday June 11, and will provide each registrant with an opportunity to exercise in a full trial setting the skills acquired during the week. The trials will take place in the courtrooms of Palais de Justice Moncton Law Courts, 145 Assumption Blvd. in Moncton as well as at Faculté de droit of the Université de Moncton. These trials will be presided over by judges and experienced trial counsel.

Teaching Staff

Each section of 32 registrants will be divided into four groups. A team leader will work with each group. Team leaders in each group will be joined every day by two guest instructors. The guests will critique the performance of registrants and will also participate in the daily demonstration sessions.

Team Leaders will include:

Madame Justice Marie-Josée Hogue
Madame Justice Éliane B. Perreault
Judge Claude Chicoine
Pierre Dupras
Helen How
Jonathan Rosenthal
Mark Scott
Mel Solman
Michael Watson

Court of Appeal of Québec
Superior Court of Québec
Court of Québec
Trudel Nadeau
Ministry of the Attorney General (ON)
Barrister
Public Prosecution Service of Nova Scotia
Solmon Rothbart Goodman
Gowling Lafleur Henderson

Montréal
Montréal
Montréal
Montréal
Toronto
Toronto
Halifax
Toronto
Toronto

Guest Faculty will include:

Mr. Justice Marc Richard
Mr. Justice Duncan Beveridge
Madame Justice Tracey Deware
Mr. Justice Reginald Léger
Madame Justice Brigitte Robichaud
Mr. Justice Robert Tuck
Mr. Justice John Mitchell
Chief Judge Pierre Arseneault
Judge Irwin Lampert
Judge William McCarroll
Judge Joseph Michaud
Judge Troy Sweet
Prof. Trevor Farrow
Anthony Allman, Q.C.
Nicole Angers
Michelle Awad, Q.C.
Hélène Beaulieu, Q.C.
Anne-Andrée Charrette
Philippe J. Eddie, Q.C.
Douglas Evans, Q.C.
Pierre Gionet
Cameron Gunn, Q.C.
Tom Heintzman, O.C., Q.C.
Maria Henheffer, Q.C.
Charles LeBlond, Q.C.
Ken McCulloch, Q.C.
John Merrick, Q.C.
Christian Michaud, Q.C.
E.J. Mockler, Q.C.
Joel Pink, Q.C.
Peter Rogers, Q.C.
Danie Roy
Denise Smith, Q.C.
Chantal Thibodeau

Court of Appeal of New Brunswick
Nova Scotia Court of Appeal
Court of Queen's Bench of New Brunswick
Court of Queen's Bench of New Brunswick
Court of Queen's Bench of New Brunswick
Court of Queen's Bench of New Brunswick
Supreme Court of Prince Edward Island
Provincial Court of New Brunswick
Provincial Court of New Brunswick
Provincial Court of New Brunswick
Provincial Court of New Brunswick
Provincial Court of New Brunswick
Osgoode Hall Law School
Office of the Attorney General (NB)
Public Prosecution Service of Canada
McInnes Cooper
Cox & Palmer
Public Prosecution Service of Quebec
Philippe J. Eddie & Assoc.
Cox & Palmer
Office of the Attorney General (NB)
Office of the Attorney General (NB)
HeintzmanADR
Brenton Kean
Stewart McKelvey
Stewart McKelvey
Merrick Jamieson Sterns Washington Mahody
Cox & Palmer
EJ Mockler PC
Pink Larkin
McInnes Cooper
Actus Law
Public Prosecution Service of Nova Scotia
Stewart McKelvey

Fredericton
Halifax
Fredericton
Bathurst
Moncton
Moncton
Charlottetown
Moncton
Moncton
Saint John
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Moncton
Toronto
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The Program is being organized and directed by Professor James E. Lockyer, Q.C., of the Faculté de droit of the Université de Moncton.

Program

Schedule - Sunday June 5, 2016

- 10:00 a.m. – 12:30 p.m. Registration
12:30 p.m. – 6:00 p.m. Opening Session

Explanation of program and introduction of teaching staff; demonstrations of examination in chief and cross-examination; Section meetings: preparation of witness, examination in chief and cross-examination.

Daily Schedule - Monday June 6 through Friday June 10, 2016

- 8:30 – 10:00 Full Section meetings (32 registrants)
Performance, video-taping and critique.
- 10:00 – 10:25 Coffee Break
- 10:30 – 12:30 Small Section meetings (8 registrants) Video-review and critique;
Continuing performance.
- 12:30 – 1:30 Lunch
- 1:30 – 2:30 Demonstration Session
- 2:30 – 4:30 Small Section meetings (8 registrants) Video-review and critique;
Continuing performance.
- 4:30 – 4:45 Coffee Break
- 4:45 – 6:00 Demonstration
- 6:00 Information discussion; cash bar

Trials: 8:00 a.m. – 5:00 p.m. Saturday June 11, 2016

These trials will be held in the courtrooms of the Palais de Justice Moncton Law Courts 145 Assumption Blvd. in Moncton as well as in the moot courtroom of the Faculté de droit, Université de Moncton.

Subject Coverage

Theory of the case, Trial Plan & Trial Management, Opening Statements, Examination in chief and cross-examination, Re-direct, Introduction and use of exhibits; Demonstrative evidence, Impeachment and rehabilitation of witnesses, Advanced examination, Examination and cross-examination of expert witnesses, Re-direct, Closing Statements.

Comments & Evaluations

The ITAP was a great experience. The combination of repeated practice drills and criticism, and the video review, was very useful in pointing out and correcting bad habits and generally strengthening my skills. Now all I need is more trials! The course was intense and I definitely had to set aside my plans to also do work while away. But the hard work was worth it. I noticed a real improvement.

Having the course in Moncton was a real plus. While the faculty were all quite excellent, it was great to meet and learn from lawyers and judges from the Atlantic Provinces. Likewise, the smaller class sizes (36 vs. approximately 120 at the Osgoode version) was nice, as was the fact that the majority of participants also practice locally. **The facilities at U de M were excellent** and it was a short drive to and from the hotel with no time wasted.

A couple of years ago I was able to attend the trial advocacy program at the National Institute for Trial Advocacy (NITA) outside of Boulder, Colorado. NITA has been delivering this program for almost 40 years, using some of the best trial lawyers and judges from across the United States... **The Intensive Trial Advocacy Program run by the Université de Moncton is every bit as good...** I was very impressed with the quality of the instruction and the value of the product delivered. It was amazing to watch the progress made over the course of the week.

I think the course should be mandatory for all litigation and labour lawyers. It is useful to all skill levels, and a wide range was represented. There were a number of participants who had little to no experience on their feet and their performance improved dramatically. We had joked about having to go to Moncton over Toronto, but I am the first to admit our concerns were unfounded.

I just wanted to let you know that this program was exceptional. It was the best thing I have ever done from a PD standpoint. **It was a tough week but an extremely worthwhile one.**

Overall **I considered the course to be very valuable.** I was initially concerned that I did not have enough experience to fully benefit. This was not an issue at all. I felt fully capable of doing the work and participating in the program. It was great to be on my feet several times a day trying out new techniques. It was good to be working outside of my comfort zone and getting honest criticism. Most of the feedback was very helpful. I definitely recommend this course.

The course was really good. It was really intensive and the days were long. But I certainly learned a lot and got a lot out of the whole experience. I am very happy that I took the course.

I thought it was great - it was very busy and intense, but was actually a lot of fun, too. We had a fantastic team leader from Gowlings in Toronto. Each day, multiple

guest instructors would visit each group and give their critiques. The caliber of guest instructors was impressive - senior counsel from around the Maritimes as well as judges who were willing to give up their time to listen to us. **The course was not lecture-based, but was primarily focused on us doing examinations, cross-examinations, opening and closing arguments. It was very useful to get up and actually DO these things and be critiqued on them, rather than simply hearing about them or passively watching someone else do them.** It taught me how to approach trial work.

The course was really excellent. It was structured to be very specific to each participant, so those with more experience were challenged differently than those with less experience and vice versa. **It was an exhausting week,** as there is a fair bit of work involved. It was really convenient to have it in Moncton and the faculty was top notch. It's nice to have local lawyers and judges, with knowledge of local custom giving critiques."

I thought it was fantastic. The faculty was excellent, the stuff we covered was appropriate... I think a person should probably be a couple years out before they attend, but after that I think a lawyer of almost any level of seniority could get a lot of benefit out of this. Certainly an associate of any level would get a lot out of this. I think whenever you're getting criticism from Judges and senior practitioners, it's useful. It was definitely about as intense as something can be. **I know I was working 16 hour days or more throughout,** but it felt like we were in a trial throughout.

I'd highly recommend it to any associate in the office looking to go into litigation. **I appeared on a contested application this morning (successfully!) and I felt much more confident** and prepared as a result of having gone to this course.

This course was an amazing learning experience. It was challenging and definitely put me outside of my comfort zone. The critiques and suggestions, although hard to hear sometimes, were all helpful. I think I have improved my advocacy skills considerably.

All of the instructors were very helpful. They were clearly engaged and passionate about helping us.

This was a truly wonderful experience - I learned so much. I will be a more effective litigator because of this course. Thank you!

Excellent program! Should be mandatory! I feel my skills improved significantly. Thank You!

Everyone was very respectful and constructive. Comments were very insightful and practical.

I thought all of the guest faculty were great. They made me feel like I could try things and at the same time they were there to critique. It was a wonderful opportunity to be able to work with them.

This is a great course and I learned a lot. **Great instructors. Great organization.**

Critiques - Team Leaders: Judge McC Carroll, Michael Watson, Jonathan Rosenthal

Judge McC Carroll was very helpful, patient and professional. His criticism will be helpful in my practice.

Judge McC Carroll was **an exceptional team leader.** He is suited (ideally) for the role. I was highly impressed.

Judge McC Carroll was **excellent.** He provided insightful comments and critique that did not make students feel uncomfortable. It was great to hear from a judge as to what they find persuasive.

Judge McC Carroll was **an excellent team leader.** He was constructive, supportive and helpful from start to end. Only positive comments.... He was very patient with everyone. Because of **his previous hands-on experience his comments were EXTREMELY useful.**

Judge McC Carroll was **a great team leader.** He was supportive and encouraging. I learned a lot from him.

Judge McC Carroll was **very approachable and helpful.** It was great to benefit from his practical experience. Excellent Critiques!

Michael Watson is an amazing instructor. He is very constructive in his criticism but always helpful and sincere. He was direct and encouraging.

Michael is **an unbelievable teacher and advocate.** He is very good in terms of suggestions as well.

Michael is an **excellent lawyer and instructor.** He is very entertaining and provides lots of useful feedback and coaching.

Michael was **a terrific teacher** and kept spirits high even when we were getting tired.

Michael was **really excellent** in pointing out the positive and then the negative in a constructive way.

Michael was **an amazing instructor.** It was clear from the beginning that he is passionate about teaching this course and being an advocate generally. He challenged us to keep pushing and improving.

Michael was **absolutely wonderful.** He was patient with us, never made us feel bad about making mistakes, gave us helpful comments and demonstrations so that we were not left wondering; "How am I supposed to do that?" He set a great tone for a roomful of strangers to feel comfortable with each other.

Jonathan Rosenthal was truly a pleasure, tough and to the point, but very wonderful criticism, very effective, very good moving forward.

If I could rate Jonathan Rosenthal any higher, I would. He always had enlightening and very constructive criticism. He could give great examples on the right way and the wrong way.

Jonathan was a great team leader. He would not sugar-coat and he was very insightful and productive.

Jonathan was **a great team leader.** He was patient but pushed us. He asked if we were getting what we wanted and made sure the class was directed toward that. He had really good feedback and encouragement.

Jonathan clearly **worked very hard.** He was singularly interested in helping us.

Jonathan was **engaging and enthusiastic.** He made all of us feel comfortable and eager to participate and try new things.

FICHE D'INSCRIPTION / REGISTRATION FORM

L'ART DE PLAIDER DEVANT LES TRIBUNAUX : COURS INTENSIF

INTENSIVE TRIAL ADVOCACY PROGRAMME

5 au 11 juin 2016 / JUNE 5 – 11 2016

Nom / Name: _____ Prénom / First Name: _____

Téléphone / Telephone: _____ Télécopieur / Fax: _____

Bureau / Firm: _____

Adresse / Address: _____

Ville / City: _____ Province: _____ Code postal / Postal Code: _____

Courriel / Email: _____ Programme : English _____

Barreau de la province de / Provincial Law Society: _____

Coût d'inscription : 3 150 \$ + TVH = 3 559.50 \$ / Registration Fee: \$3150.00 + HST = \$3,559.50
(6 dîners inclus du dimanche au vendredi) Noon meals included (Sunday to Friday)

MODE DE PAIEMENT / PAYMENT

Chèque (libellé à l'ordre de : Université de Moncton) Cheque (payable to the Université de Moncton)

Carte de crédit / Credit card VISA MASTERCARD

Titulaire de la carte / Cardholder: _____

N° de la carte / Card Number: _____

Date d'expiration / Expiration date: _____

Signature du titulaire / Cardholder signature: _____

L'INSCRIPTION DOIT ÊTRE RÉGLÉE À L'AVANCE ET NE SERA CONFIRMÉE QUE SUR RÉCEPTION DU PAIEMENT. Les droits d'inscription ne seront remboursés que si l'avis d'annulation est reçu au plus tard le 1^{er} mai 2016. *Il est possible de déléguer un suppléant.*

REGISTRATION MUST BE PREPAID AND IS ONLY CONFIRMED UPON RECEIPT OF PAYMENT. Registration fees will not be refunded unless notice of cancellation is received on or before May 1st, 2016. *If you are unable to attend, substitution is permitted.*

Veillez faire parvenir votre fiche d'inscription accompagnée de votre paiement à l'adresse suivante.
To apply, fill out the enclosed registration form, enclosing a cheque payable to the Université de Moncton and mail to the address below:

Lise Briard

Cours intensif : l'art de plaider devant les tribunaux / Intensive Trial Advocacy Programme

Faculté de droit

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