

INTENSIVE TRIAL ADVOCACY PROGRAMME



FACULTÉ DE DROIT
UNIVERSITÉ DE MONCTON

June 6th – 12th, 2010
Moncton, NB



UNIVERSITÉ DE MONCTON
CAMPUS DE MONCTON

Intensive Trial Advocacy Programme

June 6 – 12, 2010

Statement of Purpose

The Intensive Trial Advocacy Programme 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 programme 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. These Programmes have been widely acclaimed by the profession and are regularly oversubscribed. A unique feature of the Moncton programme 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 the National Institute for Trial Advocacy, and adapted to Canadian court practices and procedures by Professor Garry D. Watson QC. 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 eight 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 12th, 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 Department of Justice on the 2nd and 3rd floor of Assumption Place, 770 Main Street 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.

The team leaders will include:

Judge William McCarroll
Luc Chamberland
Maria Henheffer, Q.C.
Alan Lenczner, Q.C.
Jonathan Rosenthal
Michael Watson

Provincial Court of New Brunswick
Department of Justice (Québec)
Barry Spalding
Lenczner Slaght
Barrister
Gowling Lafleur Henderson

Saint John
Québec
Saint John
Toronto
Toronto
Toronto

Guest Faculty

Mr. Justice Marc Richard
Mr. Justice Gordon Campbell
Mr. Justice Zoël Dionne
Madame Justice Colette d'Entremont
Mr. Justice Fred Ferguson
Mr. Justice Robert Tuck
Madame Justice Gladys Young
Judge Claude Chicoine
Judge Frank Hoskins
Judge Irwin Lampert
Judge Michael McKee
Prof. Trevor Farrow
Anthony Allman, Q.C.
Michelle Awad
Robert Basque, Q.C.
Hélène Beaulieu, Q.C.
Marie-Claude Bélanger-Richard, Q.C.
Donald Burrage, Q.C.
Tim Carey
Tracy Clements
Richard Costello, Q.C.
Éric Downs
Pierre Dupras
Philippe J. Eddie, Q.C.
Douglas Evans, Q.C.
Geneviève Graton
Denise A. LeBlanc, Q.C.
Charles LeBlond, Q.C.
Tom Heintzman, O.C., Q.C.
Helen How
Jim Letcher, Q.C.
John Merrick, Q.C.
David Miller, Q.C.
Joel Pink, Q.C.
Lucie Richard, Q.C.
Tim Rooney
Denise Smith
Howard Spalding, Q.C.
Paul J. Veniot, Q.C.

Court of Appeal of New Brunswick
Supreme Court of Prince Edward Island
Court of Queen's Bench of N.B.
Court of Queen's Bench of N.B.
Court of Queen's Bench of N.B.
Court of Queen's Bench of N.B.
Court of Queen's Bench of N.B.
Court of Québec
Provincial Court of Nova Scotia
Provincial Court of New Brunswick
Provincial Court of New Brunswick
Osgoode Hall Law School
Office of the Attorney General (NB)
McInnes Cooper
Forbes Roth Basque
Barry Spalding
Stewart McKelvey
Department of Justice (Nfld & Lab)
Dewey & LeBoeuf
Stewart McKelvey
McInnes Cooper
Downs Lepage
Trudel Nadeau
Philippe J. Eddie & Assoc.
Cox & Palmer
Office of Criminal Prosecutions (Québec)
McInnes Cooper
Stewart McKelvey
McCarthy Tétrault
Ministry of the Attorney General (Ontario)
Letcher Murray
Merrick Jamieson
Stewart McKelvey
Barrister
Cox & Palmer
Winston & Strawn
Department of Public Prosecutions (NS)
Barry Spalding
Office of the Attorney General (NB)

Fredericton
Charlottetown
Moncton
Moncton
Miramichi
Campbellton
Moncton
Montréal
Dartmouth
Moncton
Moncton
Toronto
Moncton
Halifax
Moncton
Moncton
Moncton
St. John's
Chicago
Charlottetown
Saint John
Montréal
Montréal
Moncton
Saint John
Montréal
Moncton
Moncton
Toronto
Toronto
Moncton
Halifax
Halifax
Halifax
Fredericton
Chicago
Halifax
Saint John
Bathurst

The Programme is being organized and directed by Professor James E. Lockyer, Q.C., of the Faculté de droit of the Université de Moncton.

Programme

Schedule - Sunday June 6th, 2010

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

Explanation of programme 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 7th through Friday June 11th, 2010

- 8:00 – 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.
- 4:45 – 6:00 Demonstration
- 6:00 Information discussion; cash bar

Trials: 8:00 a.m. – 5:00 p.m. Saturday June 12th, 2010

These trials will be held in the courtrooms of the Department of Justice, on the 2nd & 3rd Floor, of Assumption Place, 770 Main Street, 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, 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

"ITAP provided an excellent opportunity to learn and practice trial advocacy skills from many well respected judges and some of the best trial lawyers in Canada. While the program is quite intensive, the skills learned are very valuable."

Andrew Rankin,
Burchell Hayman Parish, Halifax

"I had the opportunity to learn from distinguished practitioners and judges who shared the experience and skill they developed throughout their careers. I felt much at ease to try different techniques, ask questions and engage in discussions as to why certain approaches work better than others. This course provided me with more confidence and desire to do trial work in my practice."

Talia Profit,
Barry Spalding, Moncton