

The Experts on Expert Evidence: Building a Winning Case at Trial

Date: Thursday, June 6, 2013 | 9:00 am – 1:00 pm

Location: Twenty Toronto Street Conferences and Events
(OBA Conference Centre)
20 Toronto Street, 2nd Floor, Toronto

Program Chairs: **Audrey P. Ramsay**, Withrow & Associates, State Farm Claims Litigation Counsel
Brian M. Bangay, Withrow & Associates, State Farm Claims Litigation Counsel



3.25 Substantive Hours
0.75 Professionalism Hours

Note: New members may apply any program that contains a minimum of **0.5 Professionalism Hours** toward the annual CPD requirement.

This half day program will offer practical tips and overview from the bench and seasoned practitioners, focusing on such topics as the admissibility of expert evidence, the trial judge as “gatekeeper”, voir dire related to the admissibility of expert evidence, cross examining the expert witness and an update on current law. Don't miss this opportunity to see seasoned litigators in a live cross examination demonstration. This program is for practitioners at all levels of experience in the area of civil litigation.

<p>8:30 am Registration and Coffee</p> <p>9:00 am Welcome and Opening Remarks from the Co-Chairs</p> <p>9:05 am Expert Testimony – The Essentials</p> <ul style="list-style-type: none"> • Building your pyramid for your expert opinion • Impartiality of experts <p>The Honourable Mark L. Edwards, Superior Court of Justice - Newmarket</p> <p>9:40 am Examining the Expert Witness in Chief</p> <ul style="list-style-type: none"> • Establishing facts for basis of hypothetical question • The use of the hypothetical question when examining your own expert accident reconstructionist • Dealing with failure of the expert to answer the hypothetical question • Practical considerations in preparing your own expert to answer the hypothetical question • How to respond to the use of the hypothetical question <p>John A. McLeish, Partner, McLeish Orlando LLP</p> <p>10:15 am The Trial Judge as “Gatekeeper” in Relation to the Admissibility of Expert Evidence</p> <ul style="list-style-type: none"> • Trends in the role of the trial judge as gatekeeper • The role and duties of an expert • Admissibility and the rules of exclusion (from Mohan to the present date) • The voir dire <p>The Honourable Giovanna Toscano Roccamo, Superior Court of Justice - Ottawa</p> <p>10:50 am The Treating Doctor as Expert Witness</p> <ul style="list-style-type: none"> • What is the role of the treating doctor? • Should the treating doctor be qualified as an expert or fact witness? • Can the treating doctor give opinion evidence if no Rule 53.03 report is delivered? • The number of experts <p>The Honourable Darla A. Wilson, Superior Court of Justice</p>	<p>11:20 am Networking Break</p> <p>11:30 am Post <i>Beasley v. Barrand</i>: Where Do We Stand?</p> <ul style="list-style-type: none"> • The ramifications of <i>Beasley</i> • Tactical considerations in light of <i>Beasley</i> • Relief from non-compliance with Rule 53.03 <p>Brian Bangay, Withrow & Associates, State Farm Claims Litigation Counsel</p> <p>12:00 pm Future Care Cost Reports/Practical Considerations</p> <ul style="list-style-type: none"> • Compensatory principles underlying future care and the impact of these principles on care recommendations • The scope of a life care planner’s expertise • Obtaining adequate support for future care recommendations from other medical experts • Dealing with differences of opinion between the life care planner and other medical experts • Telling the plaintiff’s story through the future cost of care report <p>Rikin Morzaria, Partner, McLeish Orlando LLP</p> <p>12:30 pm Demonstration – The Accident Reconstruction Expert Witness: Examination Based on a Hypothetical Question</p> <p>The Expert: Jamie Catania, B.E.Sc., M.Eng., P.Eng., Giffin Koerth Inc.</p> <p>Direct Examination: John A. McLeish, Partner, McLeish Orlando LLP</p> <p>Cross Examination: Brian Bangay, Withrow & Associates, State Farm Claims Litigation Counsel</p> <p>1:00 pm Program Concludes</p>
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Questions? pd@oba.org