



THE CANADIAN BAR ASSOCIATION

L'ASSOCIATION DU BARREAU CANADIEN

New Brunswick Branch • Division du Nouveau-Brunswick

The Ultimate Trial Advocacy Course: Science and Techniques

November 6, 2009 8:30 am to 4:30 pm
(Registration begins at 8 am)

Wu Conference Centre, Fredericton, NB

Keynote Speakers:



Mona T. Duckett, Q.C.
Dawson, Stevens, Duckett & Shaigec
Edmonton, Alberta



John A. Olah
Beard Winter LLP
Toronto, Ontario

Co-Chairs for this Conference:

Justice Barbara L. Baird, Court of Queen's Bench of New Brunswick

Justice Fredrick P. Ferguson, Court of Queen's Bench of New Brunswick

George A. McAllister, George A. McAllister PC, Fredericton, NB

Special Mention:

The Canadian Bar Association—NB Branch would like to thank our CLE Committee for their continued effort with our programming.
L'Association du Barreau canadien veut remercier les membres du comité FJP pour leur effort continué avec notre programmation.

R. Gary Faloon, Q.C. (Chair), The Hon. Justice Joseph T. Robertson, Kelsey Bingham, Erin Toole, Lucie Richard, Larry Landry,
Robert LeBlanc, Danys Delaquis, Carl MacArthur

8:00 am

Registration

8:30 am

Introduction

Justice Frederick P. Ferguson, Court of Queen's Bench of New Brunswick, Miramichi, NB

8:35 am

Advocacy 101—Heuristics In The Courtroom

Cindy A. Bourgeois, Hicks, Lemoine, Amherst, NS

- How do psychological biases influence the way judges make decisions?
- What do you need to know about the most common biases:
 - The Primacy and Recency Biases
 - The Fundamental Attribution Bias
 - The Defence Attribution Bias
 - The Availability Bias
 - The Confirmation Bias
 - The Perseveration Bias

9:00 am

Storytelling in the Courtroom—Winning Ways With Cicero's Five Principles of Rhetoric

Mona T. Duckett, Q.C., Dawson Stevens Duckett & Shajec, Edmonton, Alberta

- Invention That Is Believable
- Arrangements That Capture the Judge's /Juror's Attention
- Style That Enhances Your Case
- Memory That Lasts
- Delivery That Takes the Case Home

9:30 am

Theming and Framing Your Case

Kenneth B. McCulloch, Q.C., Stewart McKelvey, Saint John, NB

- What Makes a Good Theme?
- When and How Does Counsel Develop a Good Theme?
- How Does Counsel Anchor the Theme?
- What is the Role of a Theme in a Non Jury Case?

10:00 am

Gaining the Advantage with a Powerful Opening Statement

Gale L. MacDonald, Q.C., Gale L. MacDonald Law Office, Fredericton, NB

- Opening on a Winning Note: Sing out Loud !!
- Is Your Case Strategy Sound?
- What Should Counsel Refer to in Her Opening Statement?
- Points to Consider: Delivery, Content, and Length
- The Theme + the Facts + the Law + the Conclusion

11:00 am

Break

11:15 am

The Only Three Rules: Dr. Seuss and the Science of Cross Examination

Cameron H. Gunn, Crown Prosecutor's Office, Fredericton, NB

Cameron Gunn, with help from noted litigator (and sometime children's author) Theodor Geisel, will teach you the only three rules of cross examination and how to apply them so that you can:

- Control the Witness
- Obtain Favorable Admissions
- Support Your Case
- Avoid Cross Examination Detours

11:30 am

Techniques for Cross Examining Witnesses Every Trial Lawyer Should Know

Maria G. Henheffer, Q.C., Barry Spalding, Saint John, NB

- Preparation, Control and Results
- Exhaustion—Closing the Door on the Witness
- Boxing In—Tying up the Witness with His Own Testimony
- Controlling the Bait—Winning with Control
- Restating—Framing and Highlighting the Facts
- Summarizing—Driving the Evidence Home

12:00 pm

Lunch

1:00 pm

Learn the Art of Destroying A Witness's Safe Haven

Nathalie Chiasson, CNC Cabinet Nathalie Chiasson c.p. Inc., Shippagan, NB

- What Is a Safe Haven?
- How Does Counsel Identify a Safe Haven?
- What Are The Techniques Counsel Can Use to Destroy A Safe Haven?
- What Is the Role of Sequencing in Destroying a Safe Haven?
- How Does Counsel Attack A Professional Witness's Safe Haven?
- How Does Counsel Bait a Witness from a Safe Haven?
- Is There An Allowable Safe Haven?

- 1:15 pm** ***Single, Double and Spontaneous Loops***
Chantal N. Daigle, Stewart McKelvey, Saint John, NB
- Highlighting Particular Facts During Trial
 - Reinforcing a Witness' Answer Instead of Questioning It
 - Labelling Important Witnesses and Exhibits
 - Emphasizing Your Strong Points and Your Opponent's Weaknesses
- 1:30 pm** ***The Rule of Three—Trilogies That Work***
Matthew R. Letson, Lawson & Creamer, Saint John, NB
- Trilogies—A powerful Tool to Capture Your Audience's Attention
 - Trilogies—A Powerful Tool to Hold Your Audience's Attention
 - Trilogies—A Powerful Tool to Persuade Your Audience
 - Using Trilogies as Powerful Tools in Cross Examination and Closing Arguments
- 1:45 pm** ***The Power of Choice***
George A. McAllister, George A. McAllister PC, Fredericton, NB
- Is Choice a Heuristic?
 - What Has Choice Got To Do with Choosing Defendants?
 - Should Choice Affect Your Pleadings?
 - Does Framing Positive Choices Matter?
 - What Is the Importance of Linking Choice and Personal Responsibility?
- 2:00pm** ***The Art of Controlling Difficult Witnesses***
David G. O'Brien, Barry Spalding, Saint John, NB
- The "Runaway" Witness
 - The "Dunno/Don't Remember" Witness
 - The Crying Witness
- 2:30 pm** ***Control Sticks That Work***
George A. McAllister, George A. McAllister PC, Fredericton, NB
- The Power of First Strike
 - The Power of Repetition
 - The Power of Agreement
 - The Power of Understanding
 - The Power of Silence
- 3:00 pm** ***Break***
- 3:15 pm** ***Coping With Objections***
Justice Frederick P. Ferguson, Court of Queen's Bench of NB, Miramichi, NB
- Making Objections
- Objections:
 - That the Evidence Constitutes Hearsay
 - That Evidence is Being Misstated
 - That Cross-Examination is Repetitive
 - Procedure
 - Properly Making an Objection
 - Focusing in on the Objectionable Conduct
 - Tactics
 - Rephrasing the Question
 - Planting the Answer
 - The Emotional Outburst
- 3:30 pm** ***The Rules of the Road***
Justice Barbara L. Baird, Court of Queen's Bench of NB, Fredericton, NB
- Choosing A Destination
 - Mapping a Route
 - Preparing For a Trip
 - Following the Rules of the Road
 - Planning For Contingencies
 - Getting There
- 3:45 pm** ***Weaving Magic in the Courtroom: Crafting Powerful Closing Arguments***
John A. Olah, Beard Winter LLP, Toronto, Ontario
- Opening on a Winning Note
 - Closing Argument as a Mosaic
 - Weaving a Compelling Argument
 - Anticipating and Destroying Your Opponent's Arguments
 - New and Creative Ways to Persuade
 - The Closing Five Minutes and Putting All the Pieces Together
 - New and Creative Means of Arguing Your Case
- 4:30 pm** ***Closing remarks***
George A. McAllister, George A. McAllister PC, Fredericton, NB

Registration Form

Formulaire d'inscription

Registration must be prepaid. L'inscription doit être payée à l'avance. TVH/HST # 12479 5915 RT.

_____ CBA Member/Membre de l'ABC = \$200.00 + \$26.00 HST = \$226.00

_____ Non-Member/Non-membre = \$ 300.00 + \$39.00 HST = \$339.00

_____ Articling Student/Stagiaire = \$100.00 + \$13.00 = \$113.00

_____ Student/Étudiant= \$40.00 + \$5.20 HST = \$45.20

_____ CLE Certificate/ Certificat FJP

Nom/Name: _____ Firm/Cabinet: _____

Adresse/Address: _____ Tél/Phone: _____

Télé/Fax: _____ Courriel/Email: _____

Form of Payment/Mode de paiement – Cheque/chèque (payable to the Canadian Bar Association/ libellé à l'Association du barreau canadien)

Visa Master Card American Express

Card Number/

No. de carte: _____ Expiry Date/Date d'expiration _____

Signature/signature: _____

Registration Fee Refund: There will be a 20% administration charge on any cancellations received in writing by the CBA Branch office up to three (3) days before the program. No refunds after that, although materials, if any, will be forwarded. Registration substitution is permitted. ABC-NB-CBA reserves the right to cancel sessions due to low registration.

Remboursement des frais d'inscription : des frais d'administration de 20% seront prélevés pour toute annulation reçue par écrit au bureau au moins trois (3) jours ouvrables avant l'activité. Aucun remboursement ne sera accordé après cette date, mais la documentation, s'il y a lieu, vous sera envoyée sur demande. Il est possible de déléguer un suppléant à cette conférence. L'ABC-NB-CBA se réserve le droit d'annuler les sessions dont le taux d'inscription serait insuffisant.

FOR CBA OFFICE USE ONLY:

IMIS #: _____ Cheque #: _____ Receipt #: _____ INV: _____



Need a Hotel Room?

The Crowne Plaza Lord Beaverbrook Fredericton has rooms available for November 5, 2009 at a discounted rate for CBA Members. Each room is \$ 000.00 plus taxes. You may reserve a room any time up to November 5, 2009 by calling 1-877-579-7666.

Directions to the Wu Conference Centre

From the Crowne Plaza Lord Beaverbrook

- From Queen Street, turn left on Regent St.
- From Regent St. follow up the hill to Montgomery St.
- Turn left onto Montgomery St.
- Turn Left onto Duffie Dr. (at the UNB Gates)
- The Centre is on the right
- Parking is available in the back or behind the facility in the Aitken Centre parking lot

CBA-NB: 300-500, cour Beaverbrook Court, Fredericton NB E3B 5X4

Tel.: 452-7818 Fax:459-7959 Toll Free:1-866-452-7818

www.cba.org/nb admin@cbanb.com