

SMALL CLAIMS

ESSENTIAL LAW, WINNING STRATEGIES



An expert faculty, including Deputy Judges, lawyers and paralegals will provide you with essential practice tips and strategic guidance on Small Claims practice and advocacy. Topics include:

- Essential background information for actions involving professional negligence, wrongful dismissal, or occupiers liability/property-casualty insurance
- Drafting pleadings that will persuade the Court
- Winning before trial: making the settlement conference work for your client
- Secrets for success on motions to strike out pleadings and obtain what amounts to summary judgment
- Examining or cross-examining expert witnesses: what works and what doesn't
- Getting your evidence in and other key trial issues
- How to make a Small Claims practice efficient and profitable

Plus! Demonstrations of effective Small Claims advocacy, with accompanying 'debriefing' discussions

**A how-to guide
to succeeding in
Small Claims Court
from start to finish**

NEW!
**SINGLE DAY REGISTRATION
NOW AVAILABLE**

Register for Day 1 or Day 2,
or for both days at a
special package price

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osgoodepd.ca/smallclaims



Chairs

Administrative Deputy Judge Beverley A. Martel, LL.M

*Weir Nakon LLP; Brampton Small Claims Court
Director, Ontario Deputy Judges Association*

Rick Goodman

Fredrick Goodman Paralegal

Date and Time

April 1, 2016, 9:00 a.m. - 4:30 p.m. EDT

April 2, 2016, 9:00 a.m. - 3:00 p.m. EDT

Online Replay: April 28-29, 2016

Location

Osgoode Professional Development
1 Dundas St. W., 26th Floor
Toronto, ON

Webcast Available



SMALL CLAIMS: ESSENTIAL LAW, WINNING STRATEGIES

Small Claims aren't so small anymore. The Court's monetary jurisdiction is \$25,000 (with further increases possible); add defendants' claims, costs and prejudgment interest, and actions in which \$60,000 hangs in the balance are not unusual.

Moreover, the Court is no longer just a forum for debt collection, but is seeing a broader range of actions including substantive contractual/insurance disputes, wrongful dismissal, professional negligence, personal injury, libel and slander – even actions against public authorities in which *Charter* rights are argued. A recent Divisional Court decision suggests that the Court's jurisdiction even includes enforcement of arbitral awards.

This *Osgoode Professional Development* course has been designed to equip you with the knowledge and tools you need to succeed in Small Claims Court. Over two intensive days, our highly-experienced faculty – including practitioners who also serve as Deputy Judges in the Court – will share their practical wisdom. Day One of the program will take you through the key stages including pleadings, motions, trial procedure and post-judgment issues. In Day Two, you'll be briefed on the essential law relating to some increasingly popular causes of action in the Court, on best approaches to ensuring quality client service while maintaining profitability, and on key elements of winning advocacy in the Small Claims context.

This course will familiarize you with the strengths and limitations of Small Claims practice, give you the knowledge you need for maximum effectiveness at settlement conferences and trial, and enable you to negotiate this "people's court" while meeting its legal and procedural requirements. It's an opportunity you won't want to miss!

REGISTER NOW by visiting
osgoodepd.ca/smallclaims



Chairs

Administrative Deputy Judge Beverley A. Martel, LL.M. (Osgoode)

Weir Nakon LLP; Brampton Small Claims Court Director, Ontario Deputy Judges Association

Rick Goodman

Fredrick Goodman Paralegal

Faculty

Hermie Abraham

Advocation Professional Corporation

Ian Ball

PIF Collections

Deputy Judge James Branoff

Law Office of James Branoff; Small Claims Court, Southwest Region

Ellen A. Brohm

HGR Graham Partners LLP

Deputy Judge Albert

Ferranti, LL.M., Toronto Small Claims Court

Deputy Judge Samuel S. Marr

Landy Marr Kats LLP; Toronto Small Claims Court

Melissa Miller

Howie, Sacks & Henry LLP

Deputy Judge Marcel D. Mongeon

Ross, Mongeon, Covello & Co. Deputy Judge, Central South Region, President, Ontario Deputy Judges Association

Amer Mushtaq

Formative LLP

Eric Nadler

Cutler/Nadler

Gina Papageorgiou

Barrister & Solicitor

Jeffrey Radnoff

Radnoff Law Offices

Philip R. White

Grosman, Grosman & Gale LLP

Deputy Judge J. Sebastian Winny

Farhood Boehler Winny LLP Waterloo Small Claims Court

Frances M. Wood

Wood Gold LLP

Evelyn Perez Youssoufian

Minken Employment Lawyers

WHO SHOULD ATTEND

- Lawyers
- Paralegals
- Litigation Law Clerks

Get your complete 2016 CPD hours while upgrading your knowledge of legal, strategic, practice management and professionalism issues that govern Small Claims practice



AGENDA

DAY 1: FRIDAY, APRIL 1, 2016

8:30

Registration and Continental Breakfast

9:00

Chair's Welcome and Introductory Remarks

9:05

Right From the Beginning: Effective Written Advocacy In Small Claims

FRANCES M. WOOD, *Wood Gold LLP*

This session will provide guidance in successful drafting, drawing on precedents from court files to illustrate what works best and how to go 'beyond the boilerplate'. Topics include:

- Identifying the parties correctly - don't be beaten before you start!
- Isolating the critical facts
- Drafting your pleadings: Claim, Defence and Defendant's Claim
- Avoiding the drafting problems that annoy judges and needlessly escalate the conflict between the parties
- Use of caselaw in pleadings
- Pleading fraud
- Pleading 'facts, not evidence' - how true in Small Claims?

9:50

Settlement Conferences: Recipes For Success Before Trial

ADMINISTRATIVE DEPUTY JUDGE BEVERLEY A. MARTEL LL.M. *Weir Nakon LLP, Brampton Small Claims Court*

- Most effective approaches to preparing for the conference
- Educating the client in the purposes of the conference and the range of outcomes
- What the Rules require (including disclosure requirements): do it once and do it right to avoid the necessity of a return visit
- Bringing caselaw and other documentation to the conference—a powerful tool
- Using the theory of your case as a road map for communicating with/persuading the opposing party
- How to get judgment on the action at the conference
- Managing client expectations at the conference and avoiding complaints to the Law Society

10:30

Refreshment Break

10:45

Motions/Default and Interlocutory Proceedings: The Opportunities and the Pitfalls

DEPUTY JUDGE MARCEL D. MONGEON, *Ross, Mongeon Covello & Co.; Small Claims Court, Central South Region*

- "Summary judgment" in Small Claims: motions to strike pleadings
- The new Rule permitting the Court to strike a pleading on its own initiative if the action appears on its face inflammatory, a waste of time or abuse of process
- Setting aside default judgments
- Motions for substituted service: what to suggest to the Court
- Practical tips for successful, time-and-cost-efficient motions
- Transferring cases from Superior Court to Small Claims and vice-versa

11:30

Luncheon

12:15

Conducting the Trial

DEPUTY JUDGE JAMES BRANOFF, *Law Office of James Branoff; Small Claims Court, Southwest Region*

ELLEN A. BROHM, *HGR Graham Partners LLP*

DEPUTY JUDGE SAMUEL S. MARR, *Landy Marr Kats LLP; Toronto Small Claims Court*

DEPUTY JUDGE J. SEBASTIAN WINNY, *Farhood Boehler Winny; Waterloo Small Claims Court; co-author of the standard reference work, Ontario Small Claims Court Practice 2016 ("Zuker & Winny")*

In this session, expert deputy judges will examine key procedures and provide related tips, along with a lively demonstration of a portion of a Small Claims action involving allegations of professional negligence. Issues covered will be drawn from areas such as:

- Ways to make the Judge happy and avoid getting appealed
- Making sure your evidence is heard and your exhibits aren't excluded
- Consequences of non-disclosure

AGENDA (Cont'd)

- Recordings, photographs, videos, PowerPoints and physical evidence
- Expert witnesses: qualifying them or challenging their qualifications
- Tips re: interpreters: 'acceptable to the Court'
- Opening statements
- Making effective submissions on costs, including cost consequences of Offers to Settle and s. 29 Courts of Justice Act considerations
- Aggravated, punitive and exemplary damages
- Motions for new trials

2:30

Refreshment Break

2:45

So You've Got Judgment - Now What? Enforcement, With or Without a Contempt Hearing

DEPUTY JUDGE ERIC NADLER, *Cutler/Nadler: Small Claims Court, Central West Region*

- Tips on enforcement of orders for payment of money or possession of personal property
- Ways of maximizing the recovery
- Effective examination of debtors
- Requirements re: personal service
- Contempt hearings - an exercise in frustration?
- Current status of the law on the availability of arrest warrants and the power to incarcerate
- Garnishment procedures
- Writs of possession/writs of delivery

3:30

Ethical and Professional Issues In Small Claims Practice

RICK GOODMAN, *Fredrick Goodman Paralegal*

GINA PAPAGEORGIU, *Barrister & Solicitor*

Our panel will discuss a selection of realistic fact situations that raise thorny professional issues you are likely to encounter in your Small Claims practice, including:

- Dealing with self-represented litigants
- Application of the Rules of Professional Conduct and the equivalent Paralegal Rules
- Civility and professionalism in and out of the Court
- How to respond to situations in which the other side is neither professional nor civil
- Communication with clients

4:30

Day 1 Concludes

DAY 2: SATURDAY, APRIL 2, 2016

8:30

Registration and Continental Breakfast

9:00

Introductory Remarks

9:05

Particular Actions in Small Claims Court - A Checklist of Essential Background Information

The next three sessions aim to expand the range of files that legal professionals can undertake with confidence, in areas that are increasingly seen in Small Claims Court. The 'checklist' approach is designed to provide you with a dossier of relevant legal principles, authorities and practice tips, enabling you to anticipate and overcome the characteristic problems associated with each action.

Essential Background To Wrongful Dismissal Actions In Small Claims Court

EVELYN PEREZ YOUSOUFIAN, *Minken Employment Lawyers*

9:45

Essential Background To Insurance-Related Claims In Small Claims Court

MELISSA MILLER, *Howie, Sacks & Henry LLP*

10:25

Refreshment Break

10:40

Essential Background To Actions For Professional Negligence In Small Claims Court

JEFFREY RADNOFF, *Radnoff Law Offices*

11:20

How To Make A Small Claims Practice Cost-Effective and Profitable

IAN BALL, *PIF Collections*

RICK GOODMAN, *Fredrick Goodman Paralegal*

While the monetary jurisdiction of the Court has expanded to an extent that would have been hard to imagine not long ago, its limits still require discipline and good judgment on the part of legal practitioners to ensure profitability. Sometimes the amount of time and resources required by a matter seem to be in inverse proportion to the possible rewards. Fortunately, our speakers are skilled navigators of the Small Claims Court world who will provide you with tips for ensuring that you need not sacrifice quality of client service or your clients' access to justice while running your Small Claims practice as a business. Particular attention will be paid to proportionality, appropriate fee and disbursement structures and appropriate uses of assistants.

AGENDA (Cont'd)

12:00

Luncheon

12:45

Effective Small Claims Advocacy: Demonstration and Commentary

HERMIE ABRAHAM, *Advocation Professional Corporation*

DEPUTY JUDGE ALBERT FERRANTI, LL.M., *Toronto Small Claims Court*

AMER MUSHTAQ, *Formative LLP*

PHILIP R. WHITE, *Grosman, Grosman & Gale LLP*

This session complements the previous day's segment on "Conducting the Trial"; here the emphasis is on demonstrating and commenting on effective advocacy techniques in the context of a wrongful dismissal action in Small Claims Court.

Topics covered include:

- The order of your witnesses: non-obvious and strategic considerations
- Effective examination in chief and cross-examination
- How the absence of discovery in Small Claims affects cross-examination
- The role of the reply, with best approaches
- Objections: why, when and how to make them
- Powerful closing submissions and the implications of their forming or not forming part of the record
- Oral or written closing submissions?

Note: There will be a refreshment break partway through this session.

3:00

Program Concludes



What attendees at Osgoode's previous Small Claims CLE programs said:

*"EXTREMELY RELEVANT CONTENT,
WELL-DELIVERED, WITH GREAT
ENERGY... IMPRESSIVE"*

Marlene Travers-Smith, *London Life/
Great-West Life/Canada Life*

*"ALL THE PRESENTATIONS WERE
EXCELLENT AND THE AD LIB
CONTEMPT HEARING WAS VERY
ENTERTAINING"*

Paula Callaghan, *Callaghan Paralegal*

*"GREAT SPEAKERS...RELEVANT
AND USEFUL INFORMATION"*

Keon Lee, *Anderson Sinclair
Professional Corporation*

*"TOP TO BOTTOM HOLISTIC
APPROACH COVERING ALL
ELEMENTS OF AN ACTION ISSUED
IN THE SMALL CLAIMS COURT...
THE IMPROVISED ROLE PLAY
SESSION WAS VERY USEFUL
AND ALSO ENTERTAINING...THE
TRIAL ADVOCACY SESSION WAS
PARTICULARLY USEFUL"*

Esther Nwator, *Wise Health Law*

*"[PROVIDED] INSIGHT INTO THE
WAY DEPUTY JUDGES ADJUDICATE
VARIOUS SMALL CLAIMS COURT
MATTERS"*

Randy Schliemann, *Lipman,
Zener & Waxman LLP*

Small Claims: Essential Law, Winning StrategiesI will attend: On site Via webcast (single viewer) Day 1 Day 2 Both Days

Unable to attend? Please contact us to order the Materials/Program Archive.

Fee Per Delegate**Both Days:** \$895 plus HST**Single Day:** \$525 plus HSTFees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit www.osgoodepd.ca/smallclaims for details. Please inquire about financial assistance.

OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSUC.

**Eligible CPD/MCLE hours:****BOTH DAYS:**LSUC (ON): 12.0 CPD hours
(3.0 Professionalism; 9.0 substantive)**DAY ONE:**LSUC (ON): 6.75 CPD hours (
1.75 Professionalism; 5.0 substantive)**DAY TWO:**LSUC (ON): 5.25 CPD hours
(1.25 Professionalism; 4.0 substantive)OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian jurisdictions and the NY CLE Board. To inquire about credit eligibility, please contact cpd@osgoode.yorku.ca**Registrant Information**

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Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund (less \$75 administration fee) is available if a cancellation request is received in writing 5 days prior to the program date. No other refund is available.

Date & Time**April 1, 2016**
9:00 a.m. - 4:30 p.m. EDT**April 2, 2016**
9:00 a.m. - 3:00 p.m. EDT**Online Replay: April 28-29, 2016**
Register for the Online Replay of Day 1, Day 2 or both Days.

Please arrive a half hour early for sign-in and material pick-up.

Dress is business casual.

Location**Osgoode Professional Development**
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
Toronto, ON M5G 1Z3**4 Convenient Ways to Register**

- 1. MAIL** your registration form to:
Osgoode Professional Development
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
Toronto, ON M5G 1Z3
- 2. ONLINE** at
www.osgoodepd.ca/smallclaims
- 3. FAX** your registration to 416.597.9736
- 4. CALL US** at 416.597.9724 or 1.888.923.3394