

This program contains 100 minutes of Professionalism Content

So, You are Going to Call Your Client?

Thursday, October 25, 2018

5:15 – 7:00 p.m. (Registration at 5:00 p.m.)

TLA Lawyers Lounge, 2nd Floor, 361 University Avenue Court House

One of the most overlooked but critical components of any trial, criminal or civil, is the decision to call your client. Inevitably, it is also one of the most terrifying. Your client's testimony may be essential to answering the opposing party's case, but it could also undo all of the good work you have done in cross examination in one fell swoop. Importantly, it will also be the last impression the trier of fact has before deciding the case.

The crucial question for litigators facing this high stakes decision is what situations necessitate the client taking the stand and where could it actually detract from an otherwise sound case? And, if the decision is made to call the client, how should the client be prepared for both examination in chief and cross examination in order to most effectively meet the burden of proof as well as counsel's ethical obligations?

A panel that includes a Superior Court Judge as well as leading counsel from the criminal and civil bar will examine these difficult questions in an innovative session that will include video clips of witness testimony and preparation.

Specific topics include:

- When is it critical to call your client?
- When can calling your client hurt your case?
- If you call your client, what steps should be taken to prepare them for examination in chief and cross examination?
- What do clients do on the stand that undermines their credibility and reliability?
- What is the line between effective client preparation and inappropriate "woodshedding"?

Speakers: **The Hon. Maureen Forestell**, Superior Court of Justice

David Humphrey, Greenspan Humphrey Weinstein

David Porter, McCarthy Tetrault LLP

Moderator: **Robin McKechnie**, Steinecke Macuira LeBlanc

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