



**Alternative Dispute Resolution / Family Law:  
'Family Arbitrations in Ontario.... A New Genesis'**

MP3 M NM  
\$20 \$30

Date: 2/27/2008

Get the best and most current information on changes to the Family Law Act and the Arbitration Act and how they affect family Mediations and Arbitrations from a Panel of Experts! The program will include discussion on the following: drafting family arbitration agreements with sample clauses the new reporting and recording requirements for arbitrators 'screening' requirements for power imbalance and domestic violence "Secondary arbitrations"—what are they? and more.

**Speakers:**

- John Gregory**, General Counsel, Policy Division, Ministry of The Attorney General
- Hilary Linton, LL.B., LL.M.**, Principal, Riverdale Mediation
- Lorne Wolfson**, Specialist in Family Law, Torkin Manes Cohen Arbus LLP
- Kelly D. Jordan**, Jordan Battista LLP, Member and Past Chair OBA-Family Law Section Executive
- Marina Mussani**, Mussani Law Office, Member OBA-ADR Section Executive

**Civil Litigation: Lessons from *Moore v. Bertuzzi*  
- The Deemed Undertaking Rule and the Filing of Transcripts**

MP3 M NM  
\$20 \$30

Date: 3/3/2008

What is the future of the deemed undertaking rule? Should the rule remain intact? Should it and the rules relating to the filing of transcripts be amended to avoid pre-litigation chill tactics or the release of evidence to the public that is not relevant to the motion being argued?

Listen to a panel discussion from counsel directly involved in the *Moore v. Bertuzzi* case, from counsel involved in the *Lewis v. Cantertrout Investments* decision and from an esteemed member of the judiciary involved in the evolution of these Rules of Civil Procedure.

**Speakers:**

- The Hon. Mr. Justice Paul M. Perell**, Superior Court of Justice
- Peter M. Jacobsen**, Bersenas Jacobsen Chouest Thomson Blackburn LLP
- Timothy S.B. Danson**, Danson Recht Voudouris LLP
- Samuel S. Marr**, Landy Marr Kats LLP
- Paul H. Voorn**, Andriessen & Associates, Professional Corp.
- Sarah Maywood**, Legal Counsel, Canadian Broadcasting Corporation

**Construction Law: Introduction to the New CCDC 2 Amendments  
- Major Changes and Minor Tweaks**

MP3 M NM  
\$20 \$30

Date: 3/4/2008

The fundamental contract form in widespread use in the Canadian Construction industry is the CCDC 2 Contract. Amendments to this form will be tabled at the end of January 2008 and we can expect the new form to be used in construction projects shortly thereafter. The OBA Construction Section Past Chair, Greg Hersen, Chris Fillingham and Mark Mulholland will review the amendments. All three of our speakers are members of the CCDC. This will be your opportunity to listen to these important changes. Whether you act for owners, contractors, subcontractors or professionals, a thorough understanding of the CCDC form is essential to your practice so this should not be missed!!

**Speakers:**

- Gregory D. Hersen**, Torkin Manes Cohen Arbus LLP
- Mark Mulholland**, Sr. Director, Project Management Solutions from SNC LAVALIN ProFac Inc.
- Kenneth Crofoot**, Goodmans LLP
- Chris Fillingham**, OAA, AAA, FRAIC, Hon. AIA, Hon. RAIA, Stantec

# WHAT'S NEW?

## IN OBA PUBLICATIONS



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### Emerging Trends in Estates and Trusts: What Does the Future Hold

Date: 4/2/2008

M \$75 NM \$100

This publication looks at the latest trends which experienced counsel are seeing in the areas of estate planning, administration, litigation, and passing of accounts as well as trust and charity law. Speakers will focus primarily on the most recent and nascent developments in Canada, but will also consider other common law jurisdictions, including the UK, USA and Australia. This publication is essential to the experienced estate solicitor and estate litigator who wants to stay ahead of the curve and anticipate where the law and the marketplace are heading.

### 4th Annual Technology in Bloom: New Developments in Technology Law

Date: 4/3/2008

M \$90 NM \$115

This publication covers a variety of new technology and e-commerce law topics including the legal issues of online social networking sites such as Facebook; mobile commerce and wireless payment systems; new spam laws and regulations; CRTC updates pertaining to online content and on-demand programming; cyber security; massive online games; electronic movie piracy; online franchising; the legal issues arising from the proliferation of networked electronic consumer products; and law firm practice issues when opening a virtual office on Second Life.

### Recreational Real Estate: Cottage Country Lawyers Tell It Like It Is

Date: 4/7/2008

M \$75 NM \$100

Recreational real estate introduces many concepts that are not regularly addressed in urban practices. Shore road allowances, water access, trespass roads, water levels, septic systems, time shares, interval ownerships and Aboriginal claims are examples of the types of issues that make practice in recreational real estate both challenging and threatening. This publication will focus on practical tips by practitioners from "cottage country" with the objective of minimizing risk and managing client expectations.

### Boundaries: Land Surveyors Tell You Where You Are

Date: 4/7/2008

M \$75 NM \$100

Advising real estate purchasing clients and lenders about surveys can be difficult at the best of times. Marketability, liens and encumbrances may all be ascertained from the title records, but not so when it concerns the extent of the parcel on the ground. The conversion to electronic title records and the increasing avoidance of the cost of a survey by merely "insuring over" has started to erode parcel boundary information to the extent that it cannot be ignored for expensive recreational property. This publication examines how surveys remain an indispensable tool for certain information that is not available anywhere else – and how to work with the land surveyor in your client's best interests.

### Sharpening the Sword II: Tactics and Strategies for Lock n' Load Litigation

Date: 4/11/2008

M \$90 NM \$115 M \$195 NM \$250

It's a jungle out there! It's warfare, take no prisoners! It doesn't have to be – civility still exists, but it's still the case you don't take a knife to a gunfight. Topics include:

- Killer Pleadings: Techniques for drafting now for documentary production, discoveries and trial – seeing the end from the beginning
- Murderous Motions: What the key tactical ones are, and how to strategically set them up
- Dangerous Discoveries: How to deal with the constant: "don't remember", "take-that-under- advisement" nonsense; update on what's discoverable and what isn't, techniques to locate and identify evidence, how to counter verbal and non-verbal coaching, guerrilla tactics to deal with subterfuge, aggressive demands, aggressive behaviour
- Tactical Tools: Effective use of requests to admit and settlement offers
- Trial Techniques: When to push, when to slow, dealing with objections, drafting written submissions, practicalities of agreed statements of fact – when it helps, when it hurts
- Court of Appeal: How to win without going for broke, what's a finding of fact/law/mixed fact and law, what does "palpable and overriding error" really mean?
- Supreme Court of Canada: How to draft a really good leave to appeal, and how to argue your appeal effectively when you get there

### Family Law - Fundamentals in Property

Date: 5/2/2008

M \$75 NM \$100 M \$145 NM \$185

This publication explores a variety of issues and recent developments relating to property in Family Law cases. Extensive and practical materials will be provided summarizing first principles and extending to fundamental topics which are necessary to practice in the area. Experienced practitioners provide practical tips for resolving property disputes in a variety of contexts, including settlement negotiations, interim motions, mediation/arbitration and at trial. This publication will particularly benefit practitioners in their first few years of practice or those with more experience who need a refresher.

### 6th Annual Pension and Benefits Hot Spots

Date: 5/5/2008

M \$75 NM \$100

If your company sponsors a defined contribution plan, you will want this publication. We will be hearing from a lawyer in New York about the fees litigation sponsors of 401k plans in the US are facing. We will also be hearing about the emerging governance issues facing pension committees in a defined contribution environment. For those who are involved in the administration of a defined benefit plan and who struggle with completing FSCO's new Investment Information Summary (Form 8), we have invited a securities law expert who also practises in the pension field to speak about the investment rules governing pension plans and what you need to know before you sign the form. A practitioner from Montreal will tell us about the Quebec experience in the year following the enactment of the new rules preventing service providers from limiting their liability and a tax expert will address the implications of the changes to the tax laws to permit phased retirement. This publication will help you understand how these and other changes to pension and benefit law directly impact the management and administration of pension and benefit plans.

### The Statutory Framework of Employment Law

Date: 5/8/2008

M \$75 NM \$100

Whether your practice is focused on employment law, or it is an area that you deal with from time to time, you need to ensure that you are aware of all the issues before you give advice to your clients. There are several pieces of legislation - *Human Rights Code, Canada Human Rights Act, Pay Equity Act, Labour Relations Act, Employment Standards Act, Canada Labour Code, Public Service Act* - that can play a role in employment matters, and the reality is that most of us do not have expertise in all of them. This publication will tell you what you need to know about each, and what issues to be aware of. The publication provides you with a handy summary of each statute that you can keep in your office to use in the future to advise anyone including the small business owner, employer, employee or union client. If your practice includes employment law, you should not miss out on this publication.

### Shareholders' Agreements - Take It to the Next Level

Date: 5/9/2008

M \$75 NM \$100 M \$145 NM \$185

Most business lawyers understand the basics of shareholders' agreements. However, more than a basic knowledge is required as shareholders' agreements are often some of the most hotly contested and complex documents a lawyer will prepare. Lawyers need not only to be aware of the issues that impact on the daily management and financing of a business, but perhaps more importantly, a lawyer must have knowledge of exit provisions and the tax implications in relation to the ultimate disposition of the shares. This publication examines a number of key shareholder agreement issues and will provide precedent language that will be a great resource for business practitioners.

### Beyond Conveyancing: Added Services for Real Estate Clients

Date: 5/12/2008

M \$75 NM \$100

An active real estate practice inevitably includes requests from clients for help with real property tax assessments, tenant issues, minor variances, severances and resolution of title requisition disputes. Knowledgeable practitioners and members of the applicable tribunals, provide best practice and practical requirements to get the job done. This publication will provide you with the necessary tools to perform these additional services when appropriate, and the knowledge and insight to determine when it is best to call in the specialist.

### Righting Wills IV: Essential Tips for Practitioners

Date: 5/14/2008

M \$90 NM \$115 M \$195 NM \$250

Contrary to popular belief, there is no such thing as a "simple Will"! Every estate plan has its twists and curves – and clients deserve to have quality documents that reflect the care and concern that a skilled drafter will bring to the job. Learn why doing Wills and Powers of Attorney as loss leaders may result in E&O claims – and how to avoid some of the more common errors made by unwary solicitors.



### 7th Annual Current Issues in Workplace Safety and Insurance Law

Date: 5/22/2008

M \$90 NM \$115

There have been many new developments in the area of Workplace Safety and Insurance law over the last year. The Workplace Safety and Insurance Board (WSIB) continues to update and change its policies. The WSIB will soon be implementing new revised Early and Safe Return to Work (ESRTW) Policies and it will be important to learn how they will affect workers and employers. The Workplace Safety and Insurance Appeals Tribunal (WSIAT) continues to render decisions which provide new interpretations of the Act and Board Policy. Issues to be discussed in this publication include: Who is a "worker"? What are the recent amendments to WSIA and new Operational Policy Documents? What are the relevant privacy issues at the WSIB? What is the current status of Paralegal Regulation? How can you launch a successful constitutional challenge at WSIB / WSIAT Appeals? When does the WSIB allow cancer claims? When, how and at what cost can an employer terminate an injured worker? This publication provides you with information from leading employer and worker counsel, as well as from representatives from the WSIB and WSIAT on how recent legislation and policy changes will affect this important area of law.

### Construction Remedies: Beyond the Lien

Date: 5/29/2008

M \$75 NM \$100

Construction lawyers typically represent parties at all levels of the construction pyramid. A construction lawyer must therefore be familiar with the broad range of remedies available when construction work goes badly and the parties are fighting over money. Most practitioners are aware of the construction lien remedy, but the deadlines to exercise these rights are unforgiving and can easily be lost through inadvertence, or if your client comes to see you for advice when it is already too late to register a lien. In some cases, what seems like "construction work" to a layperson may not fall under the Construction Lien Act at all, for example if the work was performed in respect of industrial process machinery. Fortunately, in such situations all is not lost. There are many other powerful remedies at your disposal to collect a debt owing for services, labour or materials, or to assert a claim for delayed and deficient work. This is a must have publication so that you know how to pursue the appropriate remedies on behalf of your clients with construction problems.

### The Jury Trial and You II: Unwrapping the Enigma

Date: 6/6/2008

M \$90 NM \$115

Jury trials. They scare even the most experienced lawyers. Juries are an enigma. What are they thinking? Do they like my client, my client's case, ME? What do they think of the evidence? Why did they decide things THAT way? No one really knows and we're not permitted to ask. Juries, however, need not be an enigma. You can understand how they function. In the first part of the program, you will see a trial demonstration, eaves-drop on the jury's deliberations, then hear what the jury liked, what they did not like and why they decided the case the way that they did. In the second part of the program you will hear experts speak on the process of jury selection. Is it an art or a science? Finally you will hear about the "do's" and "don'ts" of how you conduct the trial. Experienced counsel examine witnesses and convince the Jury that his/her side should win. Learn valuable skills, tips and tactics to use or avoid in your next jury trial, or brush up your current skills.

### New Media: The Emerging Landscape

Date: 6/10/2008

M \$75 NM \$100

New/interactive media is a rapidly developing and evolving area affecting the business and legal practices of many industries, from entertainment and media to communications to information technology and e-commerce. Lawyers assisting clients with new/interactive media matters (and the clients themselves) often face considerable challenges in responding effectively to the legal and non-legal issues new/interactive media presents. New Media: The Emerging Landscape will provide delegates (whether lawyers or clients) with the opportunity to hear from industry leaders on how they have addressed these issues, including management and grants of new/interactive media rights, negotiation and drafting of new/interactive media agreements and clauses, financing of new/interactive media ventures and regulation of new/interactive media industry. The publication will also provide participants with the opportunity to learn from non-legal industry experts, and share their own ideas on how they respond to these issues so that they might better understand and anticipate the present and future needs of clients in the new/interactive media environment.

### Representing Clients in Ontario's New Human Rights System

Date: 6/11/2008



M \$75 NM \$75 M \$145 NM \$145

On June 30, 2008, major changes to the Human Rights Code take effect. Most significantly, parties will now have direct access to the Human Rights Tribunal of Ontario and complaints will no longer be filed with the Ontario Human Rights Commission. The new Human Rights Legal Support Centre will assist applicants, and the Commission will focus on issues of public interest. The courts will gain new powers to apply the Code, and there are revisions to the remedial provisions. This practical publication will focus on what you need to know to represent your clients in the new system, and in particular before the Tribunal. It will deal with all aspects of the new process, including filing applications and responses, mediation, pre-hearing processes and hearings. Panels will address specific types of human rights applications. At the end of the program, a group of experienced experts will respond to fact patterns that reflect common human rights cases, and discuss the strategy they would use to represent these hypothetical litigants. *This program is offered jointly by the Ontario Bar Association and the Law Society of Upper Canada.*

### What's New – Sections

#### Real Property:

M \$20 NM \$30 M \$40 NM \$60

#### - Taron Warranty Corporation's New Delayed Closing Regime

Date: 2/20/2008

Taron Warranty Corporation has now approved significant reforms to the delayed closing protocol that will be easier to understand and administer, and intended to be fairer to both purchasers and builders. The new regime will include increased compensation levels, a new mandatory addendum to be attached to every agreement of purchase and sale for a new home or condominium acquired after the implementation date, and special transition rules for existing sales that have not yet closed.

Any lawyer acting for a purchaser or a vendor of a new home or condominium in Ontario must be fully cognizant of the changes. Please listen to an informative discussion regarding the rationale for the new delayed closing regime and a detailed review of the mandatory addenda and transition rules, together with a lively debate on the pros and cons of the reforms.

#### Speakers:

- Harry Herskowitz**, Del Zotto, Zorzi LLP
- Michael Volpatti**, Bratty and Partners LLP
- Jules Mikelberg**, Fraser Milner Casgrain LLP
- Bob Aaron**, Aaron & Aaron
- Sharon Landsman**, Lawyers Title Insurance Corporation

#### Taxation Law: A Mid-Winter Update: Managing Conflicts and More

Date: 2/21/2008

M \$20 NM \$30

- Joint Committee Update: Paul Tamaki**, Blake, Cassels & Graydon LLP
- Legislative Update: Peter H. Baek**, Gardiner Roberts LLP
- Case Law Update: Jim Murdoch**, Thorsteinsons LLP
- Report from CBA Task Force on Conflicts Reform and the Impact of the Strother Decision: R. Scott Jolliffe**, Chairman and CEO, Gowling Lafleur Henderson LLP
- PROGRAM CHAIR: Paul Stepak**, Blake, Cassels & Graydon LLP

#### Municipal Law: " MIXED EMOTIONS"

#### - The Latest on Motions Before the Ontario Municipal Board

Date: 2/26/2008

M \$20 NM \$30

Listen as members of our panel discuss the rapidly evolving case law involving motions before the Ontario Municipal Board. The speakers will focus on motions to dismiss, Section 43 motions and jurisdictional motions, as well as related leave motions to the Divisional Court, but they will also address other interesting motion cases, including the first case involving the new "complete application" provisions in Bill 51 amendments to the Planning Act. This is the perfect opportunity to gain new insights into the case law and practice involving motions and to listen to related issues with other members of the Municipal Bar.

#### Speakers:

- Mark R. Flowers**, Davies Howe Partners
- Barnet H. Kussner**, WeirFoulds LLP
- Mimi Singh, Counsel**, Ministry of Municipal Affairs and Housing
- Jason Park**, Fraser Milner Casgrain LLP









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-  Binder : Publications are available in the traditional loose-leaf binder.
-  Downloadable Materials : CLE papers are posted to the website post program and are available for purchase. This is the beginning phase of OBA's initiative to build a searchable, downloadable library of CLE reference materials online.
-  Videostream If you are unavailable to attend on the day of a live CLE/Section program, you can access the archived audio, video, text and PowerPoint slides 24/7
-  New for 2007-2008, section programs will be captured in MP3 format, designed for easy transfer and storage on your computer or portable MP3 players
-  CD-ROM : If you want to have a copy of the session to watch at a later date, CD-ROMs include all the speaker presentations captured on video as well as any written materials. No Internet connection is required.
-  Audio CD : All topics presented in Section programs (breakfast, lunch and dinner meetings) are recorded to show the scope of diversity of issues covered and to recognize the contribution of our speakers. You may choose from Audio CD and MP3 formats. As well, past (pre July 2007) Section programs are still available in our traditional audiotape format.

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