

Experts in Family Law Proceedings

Effective Strategies and Best Practices

Top practitioners, judges and experts in a range of disciplines, including business valuation, forensic investigation/accounting, pension valuation and mental health professionals, will discuss:

- Qualifying an expert and when and how to disqualify the other side's expert
- Uncovering undisclosed assets and bank accounts
- Retrieving smoking gun information from a computer
- What evidence is admissible and how to put evidence before the court
- What to do if the judge refuses to admit the evidence of your expert or totally rejects the evidence of your expert?
- How does a judge/arbitrator weigh the expert's evidence?
- Tips, traps and techniques for conducting an effective examination-in-chief and cross-examination of a pension actuary
- Using forensic psychology consultants in child custody disputes
- Ethical dilemmas relating to the use of mental health experts

Chairs

Harold Niman, Niman Zemans Gelgoot LLP

Linda Y. Brent, FCA, FCBV, CA•IFA, Partner, Brent Valuations Inc.

Barbara Jo Fidler, Ph.D., C.Psych., AccFM



DATE & TIME

Tuesday, December 11, 2012
9:00 a.m. - 4:00 p.m. EDT/EST

LOCATION

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

Webcast
Available

accredited
cpd

LSUC (ON) CPD (experienced and
new member): 6.25 CPD Hours (5.25
Substantive, 1.0 Professionalism)



Experts in Family Law Proceedings

Effective Strategies and Best Practices

Are you confident you're getting the most value you can from experts?

The information possessed by experts is often critical to the appropriate resolution of family law matters. As a family law practitioner, it is imperative that you have a clear understanding of expert evidence. You must know when it can be used and you must be able to clearly recognize when it is in your client's best interest to retain or seek the advice of an expert. Retaining the wrong expert, failing to understand when an expert is required or failing to get what you need from an expert can have disastrous and potentially costly ramifications for your client.

This *Osgoode Professional Development* program **Experts in Family Law Proceedings: Effective Strategies and Best Practices** will provide you with the opportunity to hear from judges, experienced practitioners and experts who will give you effective strategies and advice for understanding when to call on an expert. You'll also get practical tips and strategies on how to deal with experts throughout the stages of a family law dispute.

The interactive presentation style of the focused panel sessions will provide a forum for family law practitioners to discuss and benefit from the insights of top judges, practitioners and experts who tackle these issues on a daily basis. You will also learn how to improve your courtroom performance by witnessing a live demonstration featuring top family law practitioners. **Don't miss this opportunity to learn from top lawyers and experienced expert witnesses.**

Register now by visiting www.osgoodepd.ca, **calling** 416.597.9724 **or** 1.888.923.3394, **emailing** opd-registration@osgoode.yorku.ca **or faxing** 416.597.9736.

Keynote Speaker

Professor Nicholas C. Bala, LSM, BA, JD, LL.M., Faculty of Law, Queen's University & Academic Director of Osgoode Hall Law School, Family Law, OPD LL.M.

Chairs

Harold Niman, Niman Zemans Gelgoot LLP

Linda Y. Brent, FCA, FCBV, CA•IFA, Partner, Brent Valuations Inc.

Barbara Jo Fidler, Ph.D., C.Psych., AccFM

Faculty

Peter W. Armstrong, Partner, Advisory Services Forensic, KPMG LLP (Canada)

Dr. Daniel T. Ashbourne, C. Psych., Psychologist & Executive Director, The Centre for Children & Families in the Justice System (CCFJS)

The Hon. Justice George Czutrin
Ontario Superior Court of Justice

Edwin A. Flak, Flak Professional Corporation

Corey Fotheringham A+, MCP, CFCE, CEECS
Partner, Forensic & Dispute Services, Analytic & Forensic Technology, National Leader - Computer Forensics & eDiscovery Services Deloitte & Touche LLP

Andrew J. Freedman, CA, IFA, CBV, ASA Managing Director, Duff & Phelps Canada Limited

The Hon. Justice Susanne R. Goodman
Ontario Superior Court of Justice

Stephen Grant, LSM, Cert. F. Arb., Grant & Sadvari

Julie K. Hannaford, JK Hannaford Barristers

Jay Jeffery, FSA, FCIA
Dilkes, Jeffery & Associates, Inc.

George Karahotzitis, Thomson, Rogers

The Hon. Justice Emile R. Kruzick
Ontario Superior Court of Justice

Patrick D. Schmidt, Thomson, Rogers

Golnaz S. Simaei, JK Hannaford Barristers

Robert A. Simon, Ph.D., Forensic Psychology Consulting

Donna Wowk, Niman Zemans Gelgoot LLP

The Hon. Justice Roselyn Zisman
Ontario Court of Justice

8:30 Registration and Continental Breakfast

9:00 Welcome and Introductory Remarks from the Chairs

Harold Niman, Niman Zemans Gelgoot LLP

**Linda Y. Brent, FCA, FCBV, CA•IFA, Partner
Brent Valuations Inc.**

Barbara Jo Fidler, Ph.D., C.Psych., AccFM

- Determining when an expert is required: child-related vs. economic issues
- Finding and selecting the right expert
- Getting what you need from your expert
- Using experts and their reports effectively
- Admissibility of evidence

9:15 Keynote Address – “Making Better Use of the Court-Appointed Single Expert in the Family Justice Process: Financial & Child-Related Cases”

**Professor Nicholas C. Bala, LSM, BA, JD, LL.M., Faculty of Law,
Queen's University & Academic Director of Osgoode Hall Law
School, Family Law, OPD LL.M.**

9:45 Demonstration: Effective Examination and Cross-Examination of a Pension Actuary

Expert

Jay Jeffery, FSA, FCIA, Dilkes, Jeffery & Associates, Inc.

Counsel

Golnaz S. Simaei, JK Hannaford Barristers

George Karahotzitis, Thomson, Rogers

Judge

The Hon. Justice Susanne R. Goodman

Ontario Superior Court of Justice

Using a fact scenario, top practitioners will take a pensions actuary through a brief examination-in-chief and cross-examination, focusing on evidentiary issues/tips on how to handle and predict an expert's testimony, including how to:

- Effectively qualify a pension actuary
- Assist the expert when leading his or her evidence
- Anticipate the attack in cross-examination
- Maintain control of the actuary
- Strengthen your theory of the case
- Challenge the actuary's opinion
- Ethical considerations on examination for discovery

10:45 Refreshment Break

11:00 Forensics Panel – Searching for the Unknown: Proving Hidden Assets and Income

Moderator

Harold Niman, Niman Zemans Gelgoot LLP

Experts

Corey Fotheringham A+, MCP, CFCE, CEECS, Partner, Forensic & Dispute Services, Analytic & Forensic Technology, National Leader - Computer Forensics & eDiscovery Services, Deloitte & Touche LLP

Peter W. Armstrong, Partner, Advisory Services, Forensic KPMG LLP (Canada)

Counsel

Edwin A. Flak, Flak Professional Corporation

Julie K. Hannaford, JK Hannaford Barristers

- Uncovering undisclosed assets and bank accounts
- Payment of personal expenses through a business
- How to retrieve smoking gun information from a computer
- What can the forensic accountant do for you?
- How to get access to documents/information/computers
- Court procedures available to preserve the evidence
- Admissible evidence and how to put it before the court
- How to prove and then treat unrecorded or cash income

12:00 Q&A Session

12:15 Luncheon

1:00 Business Valuators Panel – Problems, Problems, Problems: Issues for and with Financial Experts

Moderator

Linda Y. Brent, FCA, FCBV, CA•IFA

Partner, Brent Valuations Inc.

Expert

Andrew J. Freedman, CA, IFA, CBV, ASA

Managing Director, Duff & Phelps Canada Limited

Counsel

Patrick D. Schmidt, Thomson, Rogers

Judge

The Hon. Justice George Czutrin

Ontario Superior Court of Justice

Arbitrator

Stephen Grant, LSM, Cert. F. Arb., Grant & Sadvari

- Qualifying your expert and when to try to disqualify the other side's expert
- Problems financial experts may face in testifying
- Problems/pitfalls lawyers face in dealing with their experts
- What to do if the judge refuses to admit the evidence of your expert or totally rejects the evidence of your expert
- Role of an advisor for settlement purposes vs. expert for trial
- Expert's files – what files are producible and when?
- Different levels of reports and “draft reports”
- Missing/dishonest disclosure and/or access to management
- What evidence does the court require to exercise its discretion in imputing income?
- Dealing with dishonesty or unreported income of payor spouse
- How does a judge/arbitrator weigh the expert's evidence?
- How to prepare for the examination and cross-examination
- Assisting in cross-examination of the other expert/other party
- Joint retainers

2:00 The Effective Use of Forensic Psychology Consulting in Child Custody Litigation

Robert A. Simon, Ph.D., Forensic Psychology Consulting

- Forensic psychology consultants and their roles
- Using consultants to your advantage
- How the use of consultants interacts with solicitor-client privilege
- Relevant ethical issues that retaining family law practitioners need to know

Agenda [Cont'd]

- Practical tips and information on using forensic psychology consultants to enhance their effectiveness

2:45 Refreshment Break

3:00 Mental Health Expert Roles: Issues & Ethical Dilemmas

Moderator

Barbara Jo Fidler, Ph.D., C. Psych., AccFM.

Experts

Robert A. Simon, Ph.D., Forensic Psychology Consulting

Dr. Daniel T. Ashbourne, C. Psych., Psychologist & Executive Director, The Centre for Children & Families in the Justice System (CCFJS)

Counsel

Donna Wowk, Niman Zemans Gelgoot LLP

Judges

The Hon. Justice Emile R. Kruzick, Ontario Superior Court of Justice

The Hon. Justice Roselyn Zisman, Ontario Court of Justice

This panel will discuss issues related to the roles mental health experts may play in child custody disputes, including:

- Assessor; open mediator; parenting coordinator; testifying expert or non-testifying mental health consultant
- What are the distinctions between open mediation and assessment?
- The distinction between litigant "coaching" and "consultation"

Complex issues and ethical dilemmas relating to focused assessments, third-party experts, and assessment critiques will also be explored.

4:00 Questions and Concluding Remarks



CPD Credits

LSUC (ON) CPD (experienced and new member): 6.25 CPD Hours (5.25 Substantive, 1.0 Professionalism); approved with the Barreau du Québec, BC CPD, Manitoba, Law Society of New Brunswick, Northwest Territories, Nunavut, PEI and Saskatchewan for 5.75 credit hours; the NSBS CPD for 7.0 credit hours; the New York CLE Board for 6.5 credit hours in the Area of Professional Practice for transitional and non-transitional lawyers. Eligible for CLE/Insurance Premium Credits Program offered by the Law Society of PEI and for Alberta CPD credit with the Law Society of Alberta. Questions? E-mail: cpd@osgoode.yorku.ca or refer to the program website.

Registration

Please complete all registrant information.

Experts in Family Law Proceedings

I will attend: ☐ On site ☐ Via webcast (single viewer)

Unable to attend? The live webcast and/or program materials are available within 5 business days following the program. Please contact us to order.

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\$495 plus 13% HST for a total of \$559.35.

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available for both on site and webcast participants. Visit www.osgoodepd.ca for details. Please inquire about financial assistance.

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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 14 days prior to the program date. No other refund is available.

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.

Date & Time

Tuesday, December 11, 2012

9:00 a.m. - 4:00 p.m. EDT/EST

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
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