



SMALL CLAIMS 2017

ESSENTIAL LAW, WINNING STRATEGIES
FOR LAWYERS & PARALEGALS

Are you equipped with the latest caselaw
and expert perspectives?

Topics covered include:

- Drafting pleadings that will persuade the Court
- Settlement conferences: getting a favorable result the first time
- Motions to obtain what amounts to summary judgment
- Making sure your evidence is heard and your exhibits aren't excluded
- Enforcement of judgments—improving the odds in this notoriously difficult area
- Making your Small Claims practice efficient and profitable

Bonus! The program materials will include online access to newly-filmed interviews with experienced practitioners on three causes of action increasingly seen in Small Claims—wrongful dismissal, insurance-related claims and professional negligence. Expand your Small Claims practice with this valuable and up-to-date information!

Register today at:

osgoodepd.ca/smallclaims2017

Program Chairs:

Administrative Deputy Judge
Beverley A. Martel, Weir Nakon
LLP; Brampton Small Claims
Court & Director, Ontario
Deputy Judges Association

Rick Goodman
Fredrick Goodman Paralegal

Program Details:

DATE AND TIME:

January 23, 2017

9:00 a.m. to 4:45 p.m. EST

In Person or Webcast

LOCATION

Osgoode Professional
Development

1 Dundas St. West, 26th Floor
Toronto, ON

ONLINE REPLAY:

February 27, 2017

Small Claims 2017

Essential Law, Winning Strategies for Lawyers & Paralegals

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.

Whether you act for plaintiffs or defendants, *Small Claims 2017* will equip you with the knowledge and tools you need to succeed in this 'people's court'—from pleadings through settlement conferences, motions, trials and enforcement proceedings. You'll also hear from our expert faculty on how best to ensure quality client service while maintaining profitability. It's an opportunity you won't want to miss!

Bonus online 'dossiers' in the materials

Acquaint (or reacquaint) yourself with the relevant legal principles and how to anticipate and overcome the problems typical of each action:

- **Wrongful Dismissal Actions In Small Claims Court**
Evelyn Perez Youssoufian, Minken Employment Lawyers and Amer Mushtaq, Formative LLP
- **Insurance-Related Claims In Small Claims Court**
Melissa Miller, Howie, Sacks & Henry LLP and Teri Liu, Dutton Brock LLP
- **Actions For Professional Negligence In Small Claims Court**
Jeffrey Radnoff, Radnoff Law Offices

Agenda

9:00 a.m.

Chair's Welcome & Introductory Remarks

9:05 a.m.

**Right From the Beginning: Effective
Written Advocacy In Small Claims**

*Deputy Judge Frances M. Wood
Wood Gold LLP & Small Claims Court,
Central West Region*

This session will draw on precedents to illustrate what works best and how to go 'beyond the boilerplate'. Topics include:

- Isolating the critical facts
- Drafting your pleadings to avoid the problems that annoy judges and needlessly escalate conflict
- Use of caselaw in pleadings
- Pleading fraud
- Pleading 'facts, not evidence' – how true in Small Claims?

9:45 a.m.

**Settlement Conferences: Recipes For
Success Before Trial**

Administrative Deputy Judge Beverley A. Martel, Weir Nakon LLP; Brampton Small Claims Court

- Most effective approaches to preparing for the conference
- 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
- How to get judgment on the action at the conference
- Managing client expectations before and at the conference and avoiding complaints to the Law Society

10:15 a.m.

Refreshment Break

10:30 a.m.

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
- When will the Court strike a pleading on its own initiative?
- 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*

11:20 a.m.

How to Make a Small Claims Practice Cost-Effective and Profitable

*Paula Callaghan, Callaghan Paralegal
Rick Goodman, Fredrick Goodman Paralegal*

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 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 practice as a business. Particular attention will be paid to proportionality, appropriate fee and disbursement structures and appropriate uses of assistants.

12:00 p.m.

Lunch

12:45 p.m.

Conducting the Trial

*Deputy Judge James Branoff, Small Claims Court, Southwest Region
Ellen A. Brohm, HGR Graham Partners LLP
Jeffrey Radnoff, Radnoff Law Offices*

Expert faculty will examine key procedures and provide related tips, along with a lively demonstration of a portion of a Small Claims action. Issues will be drawn from the following:

- 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
- Recordings, photographs, videos, PowerPoints and physical evidence
- Qualifying/challenging expert witnesses
- Interpreters: ‘acceptable to the Court’
- Objections: why, how and when?
- Opening and closing statements
- Making effective submissions on costs
- Aggravated, punitive and exemplary damages
- Motions for new trials

2:35 p.m.

Refreshment Break

2:45 p.m.

Meeting the Biggest Challenges In Enforcement, With or Without a Contempt Hearing

Deputy Judge Abraham Davis, Small Claims Court, Central East Region

Deputy Judge Eric Nadler, Cutler/Nadler: Small Claims Court, Central West Region

- Ways of maximizing the recovery
- Effective debtor examinations
- Requirements re: personal service
- Current availability of arrest warrants and the power to incarcerate
- Garnishment procedures
- Writs of possession/writ of delivery

3:45 p.m.

Ethical and Professional Issues In Small Claims Practice

Deputy Judge Bernard Aron, Small Claims Court, Central East Region

Rick Goodman, Fredrick Goodman Paralegal

Brian Houghton, Litigation Projects Manager, Pro Bono Ontario

*Beverley A. Martel, Weir Nakon LLP;
Brampton Small Claims Court &
Director, Ontario Deputy Judges Association*

*Deputy Judge Gina Papageorgiou,
Toronto Small Claims Court*

Dalia Yonadam, Fine & Deo

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, and identify practical solutions.

4:45 p.m.

Program Ends

Here’s what participants said:

“Extremely relevant content, well-delivered, with great energy...impressive”

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

“Great speakers...relevant and useful information.”

Keon Lee, Anderson Sinclair P.C.

“[Provided] insight into the way Deputy Judges adjudicate.”

Randy Schliemann, Lipman, Zener & Waxman LLP

“All the presentations were excellent and the ad lib contempt hearing was very entertaining.”

Paula Callaghan, Callaghan Paralegal

Faculty Includes

Deputy Judge Bernard Aron, Small Claims Court, Central East Region

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

Ellen A. Brohm, HGR Graham Partners LLP

Paula Callaghan Callaghan Paralegal

Deputy Judge Abraham Davis, Small Claims Court, Central East Region

Brian Houghton, Litigation Projects Manager, Pro Bono Ontario

Teri Liu, Dutton Brock LLP

Melissa Miller, Howie, Sacks & Henry LLP

Deputy Judge Marcel D. Mongeon, Ross, Mongeon, Covello & Co.; Small Claims Court, Central South Region; Past President, Ontario Deputy Judges Association

Amer Mushtaq Formative LLP

Deputy Judge Eric Nadler Cutler/Nadler; Small Claims Court, Central West Region

Deputy Judge Gina Papageorgiou, Toronto Small Claims Court; Benchler, Law Society of Upper Canada

Jeffrey Radnoff Radnoff Law Offices

Deputy Judge Frances M. Wood, Wood Gold LLP; Small Claims Court, Central West Region

Evelyn Perez Youssoufian Minken Employment Lawyers

Dalia Yonadam Fine & Deo

Registration Details

Fee per Delegate

EARLY BIRD: \$446.25 + HST up to December 15, 2016.

After December 15: \$525 + HST

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

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



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