

INTENSIVE TRIAL ADVOCACY PROGRAM

Faculty of Law
University of New Brunswick
Fredericton, NB

April 27th to May 3rd, 2024



2024

INTENSIVE TRIAL ADVOCACY PROGRAM



STATEMENT OF PURPOSE

The Intensive Trial Advocacy Program (ITAP) is organized jointly and presented by the Faculty of Law of the University of New Brunswick and the Faculté de droit of the Université de Moncton. The Programs (UNB 2024 and UdeM 2025) are designed to train lawyers in basic trial techniques equally applicable to civil, criminal, and administrative law hearings and trials. It is ideally suited to lawyers, practicing in the civil and criminal courts, and administrative tribunals with two to twelve years of experience, who have had some familiarity with litigation but limited trial experience.

The program is a version of the Intensive Trial Advocacy Workshops presented elsewhere in Canada and the United States since 1979 and, more recently, at the Université de Moncton biannually from 2008-2016. These Programs have been widely acclaimed by the profession and are regularly oversubscribed. The program presented at UNB in 2024 will be in English and in French at UdeM in 2025.

The program format is based on those developed in the United States by Professor James Seckinger of the National Institute for Trial Advocacy, and Notre Dame Law School and adapted to Canadian court practices and procedures. The course materials have been developed by Professor James E. Lockyer, K.C. of the Faculté de droit of the Université de Moncton. The organization, format, materials, and teaching methods represent an important co-operative venture between academic teachers and practicing members of the bench and bar.

TEACHING METHOD AND FORMAT

The program breaks with traditional continuing legal education by substituting for the lecture, panel, and demonstration formats, a “learning by doing” approach through continual participation in simulated trial sessions, coupled with individual and group critique by experienced trial counsel and judges. Demonstrations are used, but as part of an integrated program which places the major emphasis on individual participation and performance.

The program is structured around small group teaching to ensure that each participant receives adequate individual attention. There will be 32 registrants, and for much of the learning period these sections will be further broken down into groups of 8 registrants working with instructors. Extensive use is made of audio-visual resources. All participants will be videotaped and critiqued. The program is intensive and demanding with eight hours of instruction each day plus several hours of necessary preparation each evening.

TRIALS

Each participant will have the opportunity to try a simulated case as part of a two-person team. The trials will be held on Friday May 3rd and provide each registrant with an opportunity to exercise, in a full trial setting, the skills acquired during the week. The trials for the 2024 program will take place at the Faculty of Law of the University of New Brunswick in Fredericton. These trials will be presided over by judges and experienced trial counsel.

PROGRAM

The ITAP is based on a series of formal instructional sessions where trial skills and techniques are taught. These sessions will be followed by performance sessions and exercises where registrants perfect their skills in accordance with the instruction received.

The class of 32 registrants will be divided into four groups of eight registrants.

A "Team Leader" will work with each group of eight registrants throughout the week.

Team leaders will be joined every day by two guest instructors who will be judges and accomplished trial lawyers.

Team Leaders and guest faculty will critique the performance of registrants and will also provide information and suggestions for improvement of skills and technique.

An important part of the "learning by doing" process in the performance sessions is having the opportunity to see oneself perform. There will be sessions where registrant's performances are videotaped which provide the opportunity for the registrant to have their performance reviewed individually with a member of the guest faculty who will provide personal attention and suggestions for improving the registrant's skill and technique. These sessions also provide the registrant with the opportunity to ask questions and explore the skill or technique with an accomplished expert.

SUBJECT MATERIAL

The program will cover substantive and practical instruction on the following subjects:

- a. Laying the Foundation: Fundamental Principles of Trial Advocacy
- b. Trial Preparation and Trial Organisation
- c. Preparation and Organization of the Trial and Exhibit Books
- d. The Importance and Conduct of Opening Statements
- e. How to prepare for Direct and Cross-examinations
- f. Principles, Rules, and Techniques of Direct Examination
- g. Principles, Rules, and Techniques of Cross-examination
- h. When and how to conduct a Re-examination
- i. Introduction and Use of Exhibits
- j. Impeachment of Testimony
- k. Impeachment of a Witness and Rehabilitation
- l. Making Objections: How and to What?
- m. Direct Examination of Expert Witnesses
- n. Cross-examination of Expert Witnesses
- o. The Importance and Conduct of Closing Addresses

In addition to the above, other topics will include: the Role and Characteristics of Effective Trial Counsel, the Importance of the Theory and Theme of the Case, the Need for a Trial Plan, Trial Management, Demonstrative Evidence, the Impact of Aural vs Visual Evidence, The Need for a Factual Foundation, the Importance of Facts vs Conclusions, The Doctrine of Primacy and Recency, The Law of Repetition, The Doctrine of Adoption, Professionalism and Projecting Confidence, and other important features of trial advocacy.

TEACHING STAFF

Program Staff

Director	Professor James E. Lockyer, K.C.	Moncton
Assistant Director	Professor Michael Marin, K.C.	Fredericton
Assistant Director	Professor Bruno Gélinas-Faucher	Moncton

Team Leaders

Laura Cutler	Fawcett Cutler	Saint John
Maya Hamou	Department of Justice	Fredericton
Patrick McGuinty	Office of the Attorney General (NB)	Fredericton
Renée Roy	Office of the Attorney General (NB)	Moncton

Guest Faculty

Chief Justice J. Marc Richard	Chief Justice of New Brunswick	Fredericton
Chief Justice Tracey Dewart	Court of Kings Bench of New Brunswick	Moncton
Mr. Justice Charles LeBlond	Court of Appeal of New Brunswick	Fredericton
Mad. Justice Kathryn Gregory	Court of Kings Bench of New Brunswick	Fredericton
Judge Nicole Angers	Provincial Court of New Brunswick	Edmundston
Judge Cameron Gunn	Provincial Court of New Brunswick	Fredericton
Judge Mary Jane Richards	Provincial Court of New Brunswick	Fredericton
Renée Blanchard	Renée Blanchard C.P. Inc.	Moncton
Emily Cochrane	Burke Law Group	Fredericton
Philippe J Eddie, K.C.	Philippe J. Eddie LLP Inc.	Moncton
Blair Fraser, K.C.	Cox & Palmer	Moncton
Patrick (Rick) Hurley, K.C.	Connors Stilwell	Fredericton
Chantal A. Landry	Office of the Attorney General (NB)	Saint John
Christopher R. Lavigne	Office of the Attorney General (NB)	Fredericton
Alison Ménard	Lemieux Menard & Co	Sainte Antoine
Chantal Thibodeau, K.C.	Fidelis Law	Moncton

LUNCH

Lunch will be provided to all staff and registrants in the Student Lounge at the Faculty of Law from Sunday, April 27th to May 3rd inclusive. Those having special dietary requirements are asked to indicate that need on the ITAP Registration Form. All breaks will have coffee, juice water, etc. available. The cost of lunches and breaks are included in the program registration fee.

CLE CREDIT

This program will fulfill the Law Society of New Brunswick's annual requirement for 12 Continuing Professional Development (CPD) hours. It consists of 47 hours of classroom work over seven (7) days. Past programs of this nature have been accredited by the Law Society of New Brunswick's with up to 47 hours of CPD credit.

DETAILED PROGRAM

Schedule - Saturday April 27th, 2024

8:00 a.m. - 8:15 a.m.	Registration - Lobby, UNB Faculty of Law, Fredericton
8:15 a.m. - 8:30 a.m.	Description of program and introduction of teaching staff
8:30 a.m. - 5:00 p.m.	Full instructional sessions as per training program

Daily Schedule - Saturday April 28th through Thursday May 2nd, 2024

8:00 a.m. - 8:30 a.m.	Faculty Meeting
8:30 a.m. - 10:00 a.m.	Full meetings (32 registrants) Instructional sessions, Performance sessions (8 registrants), Videotaping and Video Review, Critique,
10:00 a.m. - 10:15 a.m.	Break
10:15 a.m. - 12:00 p.m.	Full meetings (32 registrants) Instructional sessions, Performance sessions (8 registrants), Videotaping and Video Review, Critique. Continuing performance.
12:00 p.m. - 1:00 p.m.	Lunch - Students Lounge
1:00 p.m. - 3:00 p.m.	Full meetings (32 registrants) Instructional sessions, Performance sessions (8 registrants), Videotaping and Video review Critique. Continuing performance.
3:00 p.m. - 3:15 p.m.	Break
3:15 p.m. - 4:45 p.m.	Full meetings (32 registrants) Instructional sessions, Performance sessions (8 registrants), Videotaping and Video Review, Critique. Continuing performance.
4:45 p.m. - 5:00 p.m.	Questions & Assignments
5:00 p.m. - 5:30 p.m.	Faculty Meeting

Trials: 8:00 a.m. - 5:00 p.m. Friday May 3rd, 2024

The trials will be held at the Faculty of Law of the University of New Brunswick.

REGISTRATION + FEES

To register, please visit: <https://bit.ly/3ZfMXxC>

The cost of the 7-day program is \$3800 + tax (\$4370).