



THE CANADIAN
BAR ASSOCIATION

CBA Skilled Lawyers Series V

**OPENING STATEMENTS AND EXAM-IN-
CHIEF – WINNING CASES IN CHIEF**

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Canadian Corporate Counsel Association
Association canadienne des conseillers (âres)
juridiques d'entreprises



THE CANADIAN
BAR ASSOCIATION

DIRECT EXAMINATIONS

Presented by:

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Preparation

- Use of outliner
- iterative approach
- rehearsing answers to 'open ended questions'
- lay witnesses vs. experts
- review of documents
- preparation for Cross-examination



Purpose of Direct Examination

- Adduce all evidence that is relevant to the issues
- Establish credibility of witness and rapport with trier of fact
- Anticipate and blunt the opposition attack (cross-exam)



Questions

- leading
- open ended
- transitional
- anticipatory



Document Management

- Digital Projector
- ELMO, laser pointers and highlighters
- ipads
- spreadsheets
- paper



Direct Exam of Jolene Samson – Case Manager

- Qualification
- History and foundation
- Findings and Opinions
- Review of Defence Expert opinions
- Summary



Re-Examination

- must arise out of Cross-examination
- must be intended to clarify or explain evidence given in cross-examination
- used sparingly



Miscellaneous Issues

- Filing exhibits
- Case splitting
- Surprise answers
- Objections during the examination



THANK YOU

Please feel free to call or email me with questions

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