



Nov 30, 2022

Practical Tips & Advice for Junior Litigators Practicing on the Commercial List

On November 21, 2022, Torys LLP and Thornton Grout Finnigan LLP held an event on “Everything Junior Litigators Need to Know about the Commercial List.”

We heard from two panels. The first panel, comprised of junior litigators, gave tips and tricks on how to prepare for motions and how to prepare for your first solo attendance. The second panel, comprised of Commercial List judges, spoke about their preferences regarding CaseLines, the importance of splitting arguments with junior litigators, and tips on effective advocacy.

I have summarized our top 5 takeaways below:

1. Master the Use of CaseLines

As a junior litigator, it is critical that you learn how to use and navigate CaseLines. Before a hearing:

- a) Make sure you have access to CaseLines for your matter. If you don't, follow up with the Commercial List Registrar at least 1-2 weeks before.
- b) Once you have access, ensure everyone on your team and opposing counsel have access as well.
- c) Upload your material at least 4 business days in advance to the proper bundle.
- d) Test your Zoom link 1-2 days ahead of your hearing, and circulate it in a calendar invitation to your team and your clients.

2. Prepare a Compendium

Notwithstanding that compendiums are now a procedural requirement, they are a helpful tool to highlight the important records and cases for the judge. Consider using a hyperlinked index as your compendium to avoid duplication of documents in CaseLines.

3. Hyperlink, Hyperlink, Hyperlink

The judges all stressed the importance of hyperlinking your materials. This means:

- (a) hyperlink your indexes within CaseLines; and
- (b) hyperlink your factum footnotes and cases. This will make their job much easier and ensure that your hearing time is spent on the substance of your matter.

4. Ask for a Piece of the Argument

The judges also stressed that they want to see junior litigators on their feet. If you really work up an issue and demonstrate to the senior lawyer that you know the facts and the law, the likelihood of the senior lawyer agreeing to give you that piece of the argument will increase. And don't be shy to ask—if you don't ask, you won't get, and there is nothing to lose.

5. Be Prepared

For your first solo attendance, make sure you are well prepared—know the facts and the law. If you are appearing at a 9:30 for a scheduling matter, make sure you have canvassed the relevant peoples' schedules in advance.

Follow these five tips and tricks and you will set yourself up for success on the Commercial List. Good luck!