



# 14TH ANNUAL Real Estate Law Summit

# Biographical Summaries for Program Faculty

[In Alphabetical Order]

Day 1





Craig R. Carter

B.Sc. from the University of Toronto, 1974. LL.B. from the University of Toronto, 1977. LL.M. from Osgoode Hall Law School, 1986. Called to the Bar of Ontario in 1979. Former Partner now Counsel with the law firm of Fasken Martineau DuMoulin LLP. Certified by the Law Society of Upper Canada as a specialist in Real Estate Law. Recognized by L'Expert as an expert in Property Development and has Martindale highest AV rating. Engaged in commercial real estate practice with an emphasis on easement law, mortgage law, mortgage remedies and opinions on solicitor's practice. Chaired and spoken at numerous OBA and LSUC programs on mortgage law, foreclosures, land transfer tax, powers of sale and taking possession of property by a mortgagee, title insurance, mortgage fraud, options to purchase, agreements of purchase and sale, contract enforcement, easements, real estate remedies, contract frustration and ownership structuring. Is past chair of the OBA Continuing Legal Education Committee, past chair of the OBA Real Property Section and past chair of the CBA Real Property Section. Co-editor of Butterworths book Agreements of Purchase and Sale and author of CCH Real Estate Guide chapter on Land Transfer Tax. Contributing author for Falconbridge on Mortgages. Has taught Business Law at Ryerson. Taught an LL.M. in Real Estate Finance at Osgoode Hall Law School in the part-time LL.M. programme in 1998 and 2009 and in the Bankruptcy LL.M in 2014. Currently an adjunct professor at Osgoode Hall Law School and Queen's Law School teaching Real Estate Transactions and Real Estate Finance. Recipient of the Award for Excellence in Real Estate given by the OBA. Recipient of the Law Society Medal.

# **Rosalind Cooper**

Rosalind is a partner with Fasken Martineau and is Certified by The Law Society of Upper Canada as a Specialist in Environmental Law and is named in the 2016 Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada. Also listed in The Best Lawyers in Canada 2011-2016 for Environmental Law and in Chambers Global 2013-2016. Recognized by Lexpert® as most frequently recommended for Environmental Law and in the International Who's Who of Environmental Lawyers and the PLC Cross-border Environment Handbook.

Rosalind defends environmental charges, litigates contaminated land disputes and other environmental matters, and is involved in appeals and environmental assessment proceedings before the Environmental Review Tribunal. Rosalind has extensive experience advising on all environmental regulatory issues, including exposure to environmental liability, brownfields redevelopment, decommissioning and remediation of contaminated lands, project development, approvals and reporting requirements. Provides environmental advice in relation to business transactions. Also listed on the roster of mediators/arbitrators of the Canadian Centre for Environmental Arbitration and Mediation.

### Simon Crawford



Simon is shortlisted by every major Canadian and international legal guide, including Chambers Global, Canadian Legal L'Expert Directory, Euromoney Expert Guide and Best Lawyers in Canada as one of Canada's leaders in real estate law. He has acted on some of Canada's largest dollar value real estate

transactions and on many of the country's landmark commercial, retail, sports and entertainment and residential projects. Simon advises many of Canada's most sophisticated real estate investors on private equity matters, fund formation, joint ventures, income trusts, the purchase and sale of real estate assets and real estate companies, property development, banking and mortgage lending, structured finance and asset securitization, corporate finance, mezzanine and participating debt structures, infrastructure, public/private partnerships, pension fund real estate investment, senior living facilities, mortgage and loan servicing and enforcement, and on real estate issues in bankruptcy and insolvency.

# stewart title

### KAREN DECKER, LL.B.

Stewart Title Guaranty Company Senior Vice President – Legal and Underwriting

As head of Stewart Title's Canadian legal department, Karen Decker is responsible for all corporate legal matters.

In addition, Ms. Decker holds the role of Senior Vice President – Underwriting. She is responsible for underwriting large commercial transactions, introducing policy and underwriting changes and developing new underwriting products. Her team of underwriters has extensive experience in dealing with both residential and commercial transactions in all provinces and territories.

Ms. Decker joined Stewart Title in 1998 as Counsel for Underwriting and Business Development. In this role, she was responsible for both underwriting transactions and educating real estate lawyers about the benefits of title insurance. Prior to joining the management team of Stewart Title, Ms. Decker was a sole practitioner in Toronto, Ontario focusing on real estate law.

Ms. Decker holds a Bachelor of Commerce Degree from Carleton University. She earned her LL.B. from Osgoode Hall Law School in Toronto and she was called to the Bar in 1997.

# **Andrew M. Fortis, C.S. (Real Property)**

Andrew Fortis is a founding partner with Hummingbird Lawyers LLP and leads its real estate and corporate commercial law groups. Andrew's real estate practice involves residential, and commercial acquisitions, dispositions, financings and development. Andrew sits as an executive with the Ontario Bar Association Real Property Section and acts as its Secretary. He also acts at a Tutor with Support Services Tutoring Roster of the Law Society of Upper Canada for those undergoing the Licencing Process. Andrew has been called to the Bar in the State of New York (1999) and Ontario (2001). He obtained his bachelor of arts in political science with York University (1996), his Juris Doctor with Michigan State University (1999), and his masters in real property with Osgoode Hall (2011).

# PATRICK HARRINGTON



Patrick Harrington is a partner at Aird & Berlis LLP and a member of the firm's Municipal and Land Use Planning Group. Patrick's practice is dedicated to written and oral advocacy. He frequently appears before the Ontario Municipal Board seeking or opposing development approvals for a broad range of clients. Patrick has also represented both public and private sector clients on motions, actions, applications and appeals before the Superior Court of Justice, the Divisional Court, the Court of Appeal and the Supreme Court of Canada. Patrick regularly advises municipalities, private businesses, landowners, property managers and ratepayer groups on a broad range of regulatory matters, including zoning and Building Code infractions, by-law interpretation, sign regulation, property standards, development charges and minor variances. Patrick also represents private/public housing landlords and tenants on a variety of matters before the Landlord and Tenant Board. Patrick maintains A&B's Municipal and Land Use Planning Twitter feed (@ABMunicipal). He is also the editor of A&B's Municipal and Land Use Planning newsletter. Patrick is a frequent contributor and speaker at professional, industry and continuing legal education seminars, he has authored a number of published articles and has contributed to various texts. Admitted to the Ontario Bar in 2005.

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Joe Hoffer

Joe Hoffer is a lawyer and partner with Cohen Highley LLP, a law firm with offices in London, Kitchener, Chatham and Sarnia. Joe has a litigation-based practice (for 30 years) in the areas of Real Estate, Condominium Law, Land Use Planning, and Residential Tenancies Law (Landlords only). He appears regularly before Provincial Boards and Tribunals, the Superior Court of Ontario, the Ontario Divisional Court and the Ontario Court of Appeal.

Joe is a regular presenter and contributor to continuing legal education programs of the Law Society of Upper Canada; the Paralegal Society; at joint programs of Osgoode Hall/University of Toronto; and, at numerous education and training programs for FRPO, GTAA, LPMA, WRAMA and HDAA.

In the community, Joe is a former Chair of the London Police Services Board and of Community Living London. Joe is also an advocate for the hiring of people with disabilities and is a recipient of the Queen's Diamond Jubilee Medal and was presented with the 2010 Champion's League award by the then Lieutenant Governor of Ontario, the Hon. David Onley. For the past several years and at present, Joe is the Sudan Monitor for Lawyers' Rights Watch Canada.

See: www.cohenhighley.com/the-firm/lawyers/joseph-j-m-hoffer for more information.



## **AMANDA JACKSON**

**Partner** 



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Amanda Jackson is a partner in Gowling WLG's Hamilton Office. She practises primarily in the area of banking law acting for financial institutions and title insurers in relation to the enforcement of creditors' rights, insurance, mortgage and real estate fraud, professional liability, and bankruptcy. Ms. Jackson regularly appears in the Ontario Superior Court of Justice and the Ontario Court of Appeal and has also appeared before the Supreme Court of Canada. She is a frequent writer and presenter in the context of mortgages. Ms. Jackson is the leader of Gowling WLG's Recovery Services Practice Group and is also lead editor of Marriott and Dunn, Practice in Mortgage Remedies in Ontario. Prior to joining Gowling WLG, Ms. Jackson clerked for the Superior Court of Justice.



# JOEL KADISH

# Barrister & Solicitor

Joel Kadish received his LL.B. (no I am not changing it to a JD) from the University of Western Ontario in 1990, much to the relief of his parents. His Toronto practice specializes in real estate, leasing and essentially anything to do with dirt.

Mr. Kadish was a Bar Admission Course instructor for 10 year. He now edits the solicitor materials on residential real estate. He is a speaker on real estate matters for the Law Society of Upper Canada. He has chaired several programs on opening your own practice.

Along with that he has two kids, Maddy and Noah. He misses his mom and dad every day.

He has been a sole practitioner since 1998 and wonders if the phone will ring next week with work. The constant paranoia fuels his work ethic.

For his fourth and hopefully final mid-life crisis, he learned how to ride a motorcycle. He rides a 2009 flame red BMW f650gs (with heated grips and abs).

He is currently trying to figure out if blogging and twitter are just fun or can be used for marketing.

Joel Kadish
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# Raymond G. Leclair, LL.B.

Ray Leclair joined Lawyers' Professional Indemnity Company (LAWPRO) in June of 2008 in the role of Vice President, TitlePLUS, and as of May, 2012 became Vice President, Public Affairs.

Formerly General Counsel for the Kanata Research Park Corporation, a development company and major commercial landlord in Ottawa, Ray has practised in both major national law firms and as a sole practitioner, and was a part-time professor at the University of Ottawa Law School and Cité Collégiale instructing the French language portion of the real estate law course. He also served for 15 years as the Ottawa senior instructor for the French and English Real Estate Sections of the Bar Admission Course and member of the Law Society of Upper Canada's Solicitor Advisory Group, Licensing Process.

Called to the bar in 1984, Ray is member of the Ontario Bar Association Council, executive member of CBA's National Sections Council, past member of its budget committee, Past-Chair of both the National Real Property Section of the Canadian Bar Association and of the Real Property Section of the Ontario Bar Association and formerly Vice President of the North American Bar-related® Title Insurers. He was Co-Chair, and remains a member of the Working Group on Lawyers & Real Estate, is President of the Ontario Real Estate Lawyers Association (ORELA), Past President of the Advisory Committee for the Cité Collégiale Legal Assistants Program and volunteer's as Manager of the fundraiser TOM\* MensFashion4Hope and a VIP & Sponsor Relations Officer for Toronto Men's Fashion Week (TOM\*). Ray is and has been a frequent speaker/presenter, in French or English, in numerous programs on various real estate and other law related topics in Canada and the United States.

Kathleen Lickers is a Seneca from the Six Nations of the Grand River First Nation in Southern Ontario. She has earned a Bachelor of Arts Degree from the University of Western Ontario, and an L.L.B. from the University of Ottawa. She was called to the Ontario Bar in 1995. Beginning in 1995 until the closure of their offices in 2008, she was legal advisor and then Commission Counsel to the Indian (Specific) Claims Commission – predecessor to the Specific Claims Tribunal of Canada. The Commission was an independent inquiry body created by Federal Order-in-Council to conduct inquiries throughout Canada into outstanding specific land claim disputes and to provide mediation assistance at the request of First Nations and the Government of Canada. In 1997, Kathleen joined the Toronto Law Firm of Blake, Cassels & Graydon as Legal Counsel where she joined the litigation team in the action of Six Nations v Attorney General of Canada. In September 2003, she returned to private practice to establish her own law office at Six Nations where, amongst other matters, she serves as an External Advisor to the Office of the Auditor General of Canada; an Advisor to the Assembly of First Nations, has acted as Co-Counsel to the Chiefs of Ontario during the Ipperwash Inquiry, facilitated a tripartite Intergovernmental Forum in Ontario and continues to focus her career on the resolution of issues of common concern to First Nations and other levels of Government, including the self-regulation of tobacco on reserve.

Kathleen is a frequent lecturer at post secondary institutions and law faculties in the province of Ontario and currently co- Chairs an Indigenous Advisory Group to the Law Society of Upper Canada. She has served as Chair of the Board of Trustees of the E. Pauline Johnson Estate at Chiefswood and was the past Treasurer of the Indigenous Bar Association.

BRENDA LININGTON is Senior Counsel with the Legal Services Branch of the Ministries of Energy / Economic Development and Growth / Research, Innovation and Science / Infrastructure / Accessibility / Small Business. Brenda has a Bachelor of Environmental Studies in the School of Urban and Regional Planning at the University of Waterloo and a Master of Environmental Studies from York University. Brenda obtained her law degree from the University of Western Ontario and was called to the Ontario Bar in 1990. Brenda started her practice with the firm of Torkin, Manes, Cohen and Arbus where she also articled. She then worked for a municipality before moving to the Ministry of Municipal Affairs and Housing (MMAH) where she worked in policy and as a hearing officer. In 1997 she joined the Legal Services Branch at MMAH where she advised on planning law matters and represented the ministry in numerous hearings before the Ontario Municipal Board. Brenda joined the then Legal Services Branch of the Ministry of Public Infrastructure Renewal in 2005 and has been with the branch since.

# LEO F. LONGO



Leo Longo is a senior partner at Aird & Berlis LLP and a member of the firm's Municipal and Land Use Planning Group. Leo's practice is devoted to all areas of land use planning, development law and municipal law, representing both private and public sector clients. He regularly appears before administrative tribunals and appellate courts. He is certified by the Law Society of Upper Canada (LSUC) as a municipal law specialist in both local government and land use planning and development law. 2010 Recipient of the OBA's Award of Excellence in Municipal Law. Leo writes and lectures often and has organized a number of professional seminars in his area of expertise. Co-author of "A Comprehensive Guide to the *City of Toronto Act, 2006*" (with John Mascarin). He is an occasional contributor to *Municipal World* and the Ontario Building Officials Association's *Journal*; is a Sessional Lecturer at the School of Urban & Regional Planning at Ryerson University; a member of the International Municipal Lawyers Association and a member and former chair of both the Canadian and Ontario Bar Associations' Municipal Law Sections. Admitted to the Ontario Bar in 1979.

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# William McCarthy

William McCarthy is Senior Legal Counsel and Chief Underwriter at FCT. He has worked at FCT since 2001, in different roles in the Legal, Underwriting and Claims Departments. He is also a Senior International Underwriter for First American Title Insurance Company. He was called to the Ontario bar in 1995.

# RONALD B. MELVIN

## Rose, Persiko, Rakowsky, Melvin LLP B: 416-868-1908 rbmelvin@rprlaw.com

Ronald Melvin obtained his Bachelor of Laws from University of Windsor Law School in 1979. He was called to the Ontario Bar in 1981 and has been continuously in private law practice since then.

Since 2001, Mr. Melvin has been a partner of and continues to practice at Rose, Persiko, Rakowsky, Melvin LLP in Toronto, Ontario. He specializes in commercial real estate, including commercial lending, loan workouts, mortgage defaults, construction liens, real estate acquisitions and development, commercial leasing, and joint ventures and co-ownership arrangements. He also deals with related corporate and commercial work, as well as wills and estate planning and administration.

Mr. Melvin has lectured to the legal profession on various areas of real estate law and is a member of the editorial board of *Falconbridge on Mortgages* (5th Edition). His lectures and articles include:

- Practice And Procedures After Completion Of A Sale Under Power Of Sale, prepared for Critical Issues In Power Of Sale presented by Insight Education Services on March 26, 1991
- Mortgagees And Tenants: Who's On First?, prepared for The Six Minute Real Estate Lawyer presented by the Law Society of Upper Canada on May 22, 1998
- Practice And Procedures After Completion Of A Sale Under Power Of Sale, prepared for Mortgage Enforcement presented by the Ontario Bar Association on December 4, 2007
- Landlord's Remedies Following A Midnight Run, prepared for The Six-Minute Debtor-Creditor and Insolvency Lawyer 2009 presented by the Law Society of Upper Canada on October 21, 2009
- Binding & Enforceable Execution of Documents Debtor Identification, Competency and Other Related Issues, prepared for The Six-Minute Debtor-Creditor and Insolvency Lawyer 2010 presented by the Law Society of Upper Canada on October 15, 2010
- Acting For A Buyer Of Property Under Power Of Sale, prepared for The Six-Minute Debtor-Creditor and Insolvency Lawyer 2011 presented by the Law Society of Upper Canada on October 24, 2011
- Are You Sure You're Searching Title?, prepared for the 12th Annual Real Estate Summit presented by the Law Society of Upper Canada on April 22, 2015
- *Title Searching Refresher Abutting Lands Searches*, prepared for Practice Gems: Title and Off-Title Searching 2017 presented by the Law Society of Upper Canada on January 16, 2017
- Abutting Lands Searches, prepared for the 14th Annual Real Estate Summit presented by the Law Society of Upper Canada on April 3, 2017





# Sidney H. Troister, LSM

Tel: 416 777 5432 Fax: 1 888 312 0072 Email: stroister@torkinmanes.com

A senior partner of our Commercial Real Estate Group, Sidney has a very broad business and commercial law practice.

In addition to his traditional real estate law practice involving the purchase, sale and financing of commercial property, he is consulted regularly by industry, title insurers and lawyers for his expertise and his practical and creative approach to real estate problem solving, trouble shooting, and getting deals done. He also serves as counsel to the Lawyers' Professional Indemnity Company and title insurers, providing opinions, strategy and litigation support regarding the standard of practice of real estate lawyers in Ontario. He is also an arbitrator and mediator of real estate and commercial leasing disputes.

He is considered one of the leading members of the Ontario real estate bar. From 1990 to 2000, he was the co-head of the Real Estate Law section of the Ontario Bar Admission Course. He continues to chair the Law Society of Upper Canada's annual Real Estate Law Summit which he founded in 2004. A noted teacher, he is a frequent speaker at continuing legal education programmes for the Law Society, the Ontario Bar Association, and many local Ontario law associations on a wide range of real estate law-related topics.

In 2008, he was awarded the Law Society Medal for his contribution to the practice of law in Ontario.

### **Publications & Presentations**

Sidney is the author of "The Law of Subdivision Control in Ontario", a text on Section 50 of the *Planning Act* and is generally considered by Ontario lawyers as the leading expert on subdivision control in the province. He co-authored "Real Estate Conveyancing in Ontario: A Nineties Perspective", for the Lawyers' Professional Indemnity Company, which analyzed the role of lawyers in real estate transactions in Ontario. He is a contributing author to "Agreements of Purchase and Sale" and to the 5th edition of "Falconbridge on the Law of Mortgages".

#### Recognition

- Awarded the Law Society Medal 2008
- Awarded the Ontario Bar Association Award for Excellence in Real Estate 2000
- · Recognized in The Best Lawyers in Canada 2015 -Real Estate Law
- Recognized as "Lawyer of the Year" by Best Lawyers in Canada for Real Estate Law in Toronto in 2015
- · Recognized in The 2014 Canadian Legal Lexpert Directory
- Recognized in The 2014 Lexpert/American Lawver Guide to the Leading 500 Lawyers in Canada
- · Recognized AV® Preeminent Peer Review Rating, Martindale-Hubbell, 2013

#### **Credentials**

- · Certified by the Law Society of Upper Canada as a Specialist in Real Estate Law 2004
- Called to the Ontario Bar, 1974
- Designated Chartered Arbitrator (C. Arb.): ADR Institute of Canada





MARTA ZOLADEK is Counsel at the Legal Services Branch of the Ministries of Energy / Economic Development and Growth / Research, Innovation and Science / Infrastructure / Accessibility / Small Business. Marta has a B.A. (Hons.) in Psychology and Criminology from the University of Ottawa and obtained her law degree from Queen's University. She was called to the Ontario Bar in 2006. Marta articled with the Ministry of Government and Consumer Services (MGCS) Legal Services Branch. Following her articles, Marta practiced as Counsel at MGCS in the areas of company law, administrative law and consumer protection. Marta joined the then Legal Services Branch of the Ministry of Public Infrastructure Renewal in the fall of 2007 and has been with the branch since.





# THE OATLEY MCLEISH GUIDE to Motor Vehicle Litigation 2017

# **Biographical Summary of Speakers**

(In Alphabetical Order)

March 31, 2017



### **BIOGRAPHY - MAIA L. BENT**

Maia obtained a BA from the University of Alberta in 1989 and an LLB from the University of Western Ontario in 1996. She was called to the Bar in 1998 and is a partner at Lerners, LLP in London, Ontario.



Maia practices exclusively in the area of plaintiff personal injury. Her primary focus is on motor vehicle collisions, but she also handles cases of physical and sexual assault, wrongful death, nursing home litigation, falls on property, product liability, and disability and life insurance litigation.

In 2012, the Ontario Brain Injury Association recognized her contributions with the Professional of the Year Award. She is a 2014 "Consistently Recommended" Lexpert ranked lawyer and is proud to have been selected by her peers for inclusion in the 2015 Best Lawyers in Canada in the area of Personal Injury Litigation.

Maia is currently President-Elect of the Ontario Trial Lawyers Association and is excited take the "big chair" in June of 2015.

Maia L. Bent Lerners LLP Barristers and Solicitors 85 Dufferin Avenue P.O. Box 2335 London, Ontario N6A 4G4

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Twitter: @maiabent

Lindsay is a lawyer on John McLeish's team. Lindsay received her undergraduate degree from McMaster University, where she was captain of the varsity swim team. Lindsay obtained two law degrees — one from the University of Windsor, and the other from the University of Detroit Mercy School of Law. Lindsay is a member of the Ontario Bar. Since being called to the bar, Lindsay has dedicated her practice to representing people who have been seriously injured or who have lost a loved one.

Lindsay has published articles in Lawyers' Weekly and is a contributor to Lexis Nexis' Practice Advisor's Personal Injury (Ontario) module. In addition, Lindsay has been invited to give lectures to other lawyers at the Law Society of Upper Canada and to health care professionals within the rehab community on issues related to personal injury law.

Lindsay enjoys volunteering her time in the community. In 2016, Lindsay was appointed to the Board of Directors of the Brain Injury Association of Durham. She is also on the Steering Committee at Heads Up Durham, a local head injury awareness association. Lindsay is also a member of the Ontario Trial Lawyers Association and Advocates' Society, the Ontario Bar Association and the Canadian Bar Association.

In her free time, Lindsay enjoys working out, playing beach volleyball and ultimate frisbee, swimming, skiing, and golfing.

**Jim Davidson** is a Certified Specialist in Civil Litigation and head of the Insurance Defence Practice group at Will Davidson LLP. Jim was called to the Alberta Bar in 1992 and to the Ontario Bar in 1993. Jim practices exclusively in the area of insurance law with a focus on personal injury and property claims.

Jim is a current director of the Ontario Bar Association's Insurance Law Section and a former director of Canadian Defence Lawyers.

In addition to having represented individual and insurance clients as lead counsel in numerous jury and non-jury trials, Jim is also an extremely experienced negotiator. He is regularly retained by some of Canada's leading insurers to resolve complex and multi-party disputes.

Jim has a Masters of Law in Dispute Resolution from the University of Sydney, Australia. He is frequently asked to speak at legal conferences in the area of insurance law and has written a number of articles for legal and insurance related publications.

# Michael A. Eizenga

# Partner, Head of Class Actions

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Office: Toronto | Bar Call: Ontario, 1991

Education: University of Western Ontario, BA, 1979 | Dallas Seminary, ThM, 1983 | University of Western Ontario, MA, 1986 | University of Western Ontario, LLB, 1989

### Profile

A fellow of the American College of Trial Lawyers and chair of the firm's class actions practice, Michael Eizenga is recognized as one of Canada's leading class action litigators. Michael advises and represents clients on all issues relating to class proceedings, including product liability, securities, competition and other commercial matters.

Since its inaugural 2006 edition, Michael has been named annually in *Best Lawyers in Canada*. He is also named annually in *The Canadian Legal Lexpert Directory*, and in 2015 is ranked as Most Frequently Recommended in the areas of Litigation – Class Actions and Product Liability. Michael has been recognized as one of the preeminent litigation practitioners in the province in Ontario by Benchmark Canada, and named as a litigation star. As well, he is named annually in the *Lexpert/American Guide to the Leading 500* 

Lawyers in Canada as a leading class action litigation and product liability lawyer, and is ranked by Chambers and Partners for his expertise in Dispute Resolution: Class Actions.

Michael is an adjunct professor at the University of Toronto, Faculty of Law, and previously taught in the Faculty of Law and Departments of Philosophy and Political Science at the University of Western Ontario. He has also taught at Osgoode Hall's Intensive Trial Advocacy Workshop; and the Law Society's Bar Admission Course.

A frequent lecturer and author regarding class action litigation, Michael has presented domestically and internationally to organizations such as the International Bar Association, the Canadian Bar Association, the Canadian Institute and the Advocates' Society. Michael is co-author of <u>Class Actions Law and Practice</u> and co-editor of <u>Readings in the Philosophy of Constitutional Law and Class Actions in Canada</u>.

He is a member of the Board of Directors of the Toronto Rehabilitation Institute
Foundation, War Child Canada, and has been a member of numerous other community, professional and academic organizations. He is a past member of the Board of Directors of Pro Bono Law Ontario (2008-2011). He is also a past president of The Advocates' Society (2007-2008), a former member of its Board of Directors (1999-2008), and founding co-chair and member of its Advisory Board, Institute for Civility and Professionalism (2008-present).



### Eric Grossman

Eric was called to the Ontario Bar in 1989 and has been certified as a Specialist in Civil Litigation by the Law Society of Upper Canada since 1999. Eric has been named by *Best Lawyers International* as one of Canada's best lawyers in personal injury and insurance law in 2015. Eric continues to be recognized by *Lexpert* as a leading practitioner in personal injury law. He has been peer rated by Martindale-Hubbell for nineteen consecutive years. His entire legal career has been spent acting for insurers in litigation matters, both in defence and in subrogation matters, for a number of property and casualty insurers. Eric and his partners founded the firm Zarek Taylor Grossman Hanrahan LLP in 1997, as a six lawyer firm, and today it is 45 lawyers strong.

As the author of the *CCH Ontario Accident Benefits Case Summaries*, he has developed an expertise in this area of auto insurance law which has been and continues to be recognized by members of the insurance bar, his clients, other professionals that service the industry and other insurers. Eric is also on the Advisory Board to *Carswell's* newly published *Practical Law – Personal Injury*.

Eric has appeared as counsel at mediations, pre-arbitration hearings, arbitrations and appeals before the Financial Services Commission of Ontario and on private arbitrations on countless occasions. He has appeared in defence of these claims on judicial review at Divisional Court, Court of Appeal, and at the Supreme Court of Canada.

Eric has been called upon to speak, make presentations and lead workshops at Advocates' Society, Ontario Bar Association, Metropolitan Toronto Lawyers' Association, Osgoode Hall Law School, and other professional associations regarding the law and mechanics of the *OMPP*, Bill 164, Bill 59 and Bill 198. He has chaired presentations and training sessions for the adjusting and supervisory staff of the firm's insurance clients regarding the mechanics, practical difficulties and the law in respect of the *OMPP*, Bill 164, Bill 59 and Bill 198. Eric is a past Chair of the Bar-Dispute Resolution Group Forum of the Financial Services Commission of Ontario, where members of the Commission and the Bar meet semi-monthly to deal with technical and procedural concerns involving the Dispute Resolution Group at the Commission. He continues to be active in this group. He is also a past Chair of the Accident Benefits Section of the Canadian Defence Lawyers organization. He is on the Advisory Committee to the Superintendent of Insurance at FSCO. Eric has been called upon to make submissions to the government on various contemplated and draft legislative changes and continues to do so when invited, both personally, and on behalf of The Advocates' Society and Canadian Defence Lawyers.



# Partner Bar Admission: 1997

### Practice Areas

- Accident Benefits
- Appeals
- Automobile Fraud
- Environmental Liability
- General Casualty & Special Risks
- Health, Life & Disability Insurance
- Insurance Coverage
- Malpractice & Health Care Litigation
- Marine Law
- Municipal Liability
- Personal Injury
- Police Services
- Privacy Law & Investigations
- Products Liability
- Professional Liability
- Property Insurance
- Transportation Law

# Catherine A. Korte

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### Profile

Catherine has been practicing in the area of insurance defense litigation since 1995. Her current practice focuses on the defense of statutory accident benefits claims, including acting on behalf of auto insurers in loss transfer and priority disputes between insurers, and tort claims. Her practice includes a focus on privacy law. She has analyzed legislation, case law, policies, studies and current developments in privacy law. She has drafted privacy defence reference materials for clients (including federal and provincial privacy). She defends clients on cyber security breaches across Canada.

She has acted as legislative counsel on behalf of automobile insurers. On behalf of insurers she worked in approaching the Financial Services Commission of Ontario and successfully argued for the Superintendent's approval of Insurers' Preferred Provider Networks (PPNs). This permitted insurers across the Province of Ontario to arrange for a claimant to attend groups of insurer selected health care providers to deliver programs of care. Thereafter, as counsel for insurers she successfully worked with the Financial Services Commission to establish best practices for Preferred Provider Networks and to minimize insurers' exposure to conflicts of interest and unfair and deceptive practice and act allegations.

Catherine is chair of our Automobile Fraud Practice group. She has represented insurers and the Ontario Bar Association in submissions to Justice Cunningham as to the changes to the Dispute Resolution Practice Code. Most recently, she has provided legislative submissions on behalf of the Ontario Bar Association to the Ministry of Finance regarding Bill 171 – Fighting Fraud and Reducing Automobile Insurance Rates Act, 2014. She is further involved on behalf of the Ontario Bar Association in legislative submissions to the Ministry of the Attorney General on proposed changes to the law of joint and several liability in the province of Ontario.

Catherine has appeared on behalf of insurer clients at the Superior Court of Justice, the Divisional Court and the Ontario Court of Appeal. She also appears regularly before the Financial Services Commission of Ontario. She is currently chair of the Government Advisory Committee to the civil law section of the Ontario Bar Association. Catherine serves as counsel to the Toronto Medico-Legal Society.

### Education

Catherine graduated from the University of Western Ontario with a Bachelor of Science in 1993, and from Osgoode Hall Law School with a Bachelor of Laws in 1996.



McCague Borlack LLP is a member of the CANADIAN LITIGATION COUNSEL, a nationwide affiliation of independent law firms.

Through CLC's association with THE HARMONIE GROUP & DAC BEACHCROFT LLP, our clients have access to legal excellence throughout North America. Mexico. the U.K. and Europe.

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# Publications and Speeches

- Guide to Personal Injury Litigation; Law Society of Upper Canada
- Fibromyalgia and Chronic Pain Claims; Osgoode Hall Law School
- Practical Strategies; Ontario Auto Insurance Changes
- The Evolving SABS and FSCO Arbitration of Personal Injury Claims; Osgoode Hall Law School
- Personal Injury Law and Practice; Osgoode Hall Law School
- FSCO seeking to outsource mediations; Law Times
- Assessment and Treatment in SABS Insurance Claims
- · Negotiating and Litigating Evidentiary Issues in Motor Vehicle Accident Claims; Insight Information

### Professional and Business Affiliations

- Canadian Bar Association
- · Law Society of Upper Canada
- Medical Legal Society
- Ontario Bar Association
- The Advocates' Society

### **Featured Cases**

- Unifund ats. Dewing, Appeal P13-00018, Aug. 28, 2013 FSCO Appeal decision regarding production of surveillance and application of stare decisis to appeal determinations by the FSCO tribunal.
- Hurst v. Aviva, CanLii 837(Ontario Court of Appeal), 2012 Ontario Court of Appeal decision which determined that a FSCO mediation was deemed failed if the statutorily prescribed time for the same had elapsed.
- Tran v. Aviva (2012) A trial involving repayment by a massage therapist and acupuncturist for misrepresentation as to credentials
- Agarwal v. York Fire, 2012 A Court determination as to whether an accident benefits and tort trial were to be tried together.
- Joseph Galati v. Aviva Canada Inc., 2011 An appeal decision of Director's Delegate Lawrence Blackman upholding the arbitrator's decision to dismiss the applicant's claims for benefits.
- Troncoso v. RBC, 2011 A combined tort action and accident benefits action in which the insurer was successful in obtaining a judicial order dismissing all claims.
- Mr. S. v. Aviva Canada Inc., 2010 A competency hearing in which the insurer obtained an arbitrator's order that the applicant was a party under disability.
- Cowans v. Motors Insurance Corporation, 2010 An arbitral decision as to whether the insured met the post-104 week test for entitlement to income replacement benefits.
- Eric Boucher, by his litigation guardian v. Tomascik, 2009 A tort action involving dismissal due to party's non-compliance.
- Wendy Boucher v. Tomascik, 2009 A tort action involving dismissal due to party's non-compliance.
- Franca Miliucci and Christopher Dewald v. Milos Antic, Wafic Choucair and RBC General Insurance Company, 2008 A tort action involving disputes regarding attendance at Courts of Justice Act Medical Assessments.
- Madonik v. Aviva Canada Inc, 2008 An appeal decision in which the insurer successfully upheld the Arbitrator's Order regarding production obligations of the applicant.







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Troy's practice is dedicated to serious personal injury litigation, including motor vehicle collision cases, medical negligence cases, occupiers' liability cases and wrongful death cases.

Troy joined Oatley Vigmond in 2006, after practicing for five years in London, Ontario with McCarthy Tétrault. Troy has valuable experience as defence counsel on medical malpractice, environmental, occupational health and safety and other matters. He has appeared as counsel on trials in the Ontario Superior Court of Justice and has appeared as lead counsel on appeals to the Divisional Court and the Court of Appeal for Ontario.

Troy obtained his LL.B from the University of Western Ontario in 1999 and was called to the Bar in Ontario in 2001. He received awards for obtaining the highest marks in the Bar Admission course among graduates of the University of Western Ontario, for receiving the highest mark in the Corporate Law section of the Bar Admission course and for being one of the top 25 students in the Bar Admission Course in Ontario.

Josh Nisker is a partner at McLeish Orlando LLP.

Josh was admitted to the Law Society of Upper Canada in 2007. He obtained his law degree from the University of Western Ontario in 2006 (With Distinction), and subsequently completed his Master of Laws (LL.M.) at Trinity Hall, at the University of Cambridge, in 2008.

Josh's practice is devoted exclusively to plaintiffs' personal injury and wrongful death cases, including occupiers' liability and disability benefits claims. Prior to becoming a personal injury lawyer Josh practiced commercial real estate law at a leading Canadian law firm.

Josh has published on Canadian privacy law, American criminal justice, and Shakespeare. His article "Only God Can Judge Me: Tupac Shakur, the Legal System, and Lyrical Subversion" has been taught as part of the curriculum at a number of Canadian universities.

Josh's recent decisions include Mamado v. Fridson, 2016 ONSC 4080 (CanLII), McMillan v. Adeite and State Farm Mutual Automobile Insurance Company, 2016 ONSC 3918 (CanLII), Evtropova v. Minister of Education, 2015 ONSC 332 (CanLII), The Estate of Reuben Marcus v. TTC Insurance Company (19 September 2014), FSCO P14-00005, and Smith v. Smith, 2012 ONSC 5872 (CanLII).

## Joseph Y. Obagi, Connolly Obagi LLP

Joseph Obagi is a partner with the Ottawa law firm of Connolly Obagi LLP, which he founded together with Thomas P. Connolly in 2008 with the purpose of focusing their respective practices on personal injury law, medical malpractice and disability law.

Joseph is a graduate of York University's Osgoode Hall Law School and was called to the Ontario Bar in 1995. In 2006, he was certified by the Law Society of Upper Canada as a Specialist in Civil Litigation. He practices primarily in the Superior Court of Justice and the Court of Appeal for Ontario, although he has also acted as lead counsel in arbitration and administrative proceedings.

Joseph's outstanding contribution as a litigator earned him the Regional Senior Justice Award in 2004, an award sponsored and presented by the County of Carleton Law Association. He was the award's inaugural recipient. In 2015, Joseph was named the *Best Lawyers'* 2015 Ottawa Personal Injury Litigation "Lawyer of the Year". Joseph has participated in numerous CLE conferences, including as a guest lecturer for the Law Society's Special Lectures Series (2008) on Personal Injury Law.



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Dan Pinnington is Vice President Claims Prevention and Stakeholder Relations at the Lawyers' Professional Indemnity Company in Toronto. He is the driving force behind practicePRO (<a href="www.practicepro.ca">www.practicepro.ca</a>), LAWPRO's innovative and internationally recognized claims prevention initiative. It provides lawyers with tools and resources to assist them in avoiding malpractice claims and succeeding in the practice of law.

Dan is a Fellow of the College of Law Practice Management and is a prolific writer, speaker and blogger on risk management, legal technology and law practice management issues. He has chaired more than two dozen major conferences and is a veteran of hundreds of presentations at law firms, CPD programs and conferences all over North America. He currently is a member of the American Bar Association's Standing Committee on Legal Professional Liability, was Chair of ABA TECHSHOW 2007, and was Editor-in-Chief of the ABA's Law Practice Magazine. He co-authored the Busy Lawyer's Guide to Success: Essential Tips to Power Your Practice with Reid Trautz, and has contributed chapters to several other books published by the ABA Law Practice Management Section.

Dan is also active with the Ontario and Canadian Bar Associations. He was on the CBA's Conflicts of Interest Task Force and was Co-chair of the 2010 Canadian Legal Conference. He Co-chaired the Law Society of Upper Canada's Solo and Small Firm Conference and Expo from 2005-2013.

Dan has a combined LL.B./J.D. from the Universities of Windsor and Detroit and was called to the Ontario Bar in 1993. Prior to joining LAWPRO in 2001, Dan practiced for eight years in the Litigation Department of a Niagara area law firm.

Paul Tushinski, C.S., is a civil litigator. He was called to the Bar over 30 years ago and is the managing partner of the firm. He was admitted to the Ontario bar in 1985 after receiving his LL.B from the University of Windsor – Dean's Honour List. He has received special calls to the bars of Nova Scotia and Nunavut. He has been certified as a Specialist in Civil Litigation by the Law Society of Upper Canada (C.S.) since 1995. Paul has appeared at all levels of court and has argued cases on products liability, insurance coverage issues, class proceedings, hospital liability, access to information, and numerous jury and non-jury trials. He has been included in the Best Lawyers in Canada since 2008 through to the present in the areas of Commercial Insurance Law and Personal Injury. He is listed in Lexpert as one of the Most Frequently Recommended leading practitioners in both Commercial Insurance Litigation and Personal Injury. He focuses exclusively on defence and represents a broad range of insurers and self-insured corporations. His practice includes claims involving products liability, professional liability, construction claims, class proceedings, environmental disputes, property, general liability and complex insurance coverage matters. Paul has lectured extensively for the Law Society of Upper Canada, the Canadian Bar Association, the Ontario Bar Association, the Advocates' Society, the Canadian Defence Lawyers Association, the Toronto Lawyers Association, the Canadian Institute, Insight, and various insurers and self-insureds on a variety of insurance based topics including insurance coverage, products liability, class proceedings, professionalism, ethics, social hosts, jury trials, experts, etc. He is the Tort Law contributor to the Toronto Law Journal. Paul is involved with various legal associations. He is a Past President and former Trustee for the Toronto Lawyers Association, a Past President and a Founding Member of the Canadian Defence Lawyers Association, a past Director of the Advocates' Society and a former member of the Toronto Bench and Bar Committee. He is the recipient of the 2016 Lee Samis Award for Excellence from the Canadian Defence Lawyers Association, as well as the 2016 Ontario Trial Lawyers Association (Plaintiff Bar) recognition as a leader of the defence personal injury bar. He is a member of the Ontario and Canadian Bar Associations, the Canadian Defence Lawyers Association, the Advocates' Society, the Medical Legal Society and the University Club of Toronto.

## ADAM K. WAGMAN

Adam Wagman is a Senior Partner, and the former Managing Partner at Howie, Sacks & Henry LLP. He was admitted to The Law Society of Upper Canada in 1996. He graduated from the University of Western Ontario with a B.A. (Mathematics) in 1991 and from the University of Toronto Faculty of Law. Adam is the proud recipient of the Ontario Brain Injury Association Professional Award. He was selected by his peers to the Canadian Legal Lexpert Directory and to Best Lawyers as a Leading Practitioner in Personal Injury Law. Adam is designated as a Certified Specialist in Civil Litigation by the Law Society of Upper Canada.

Adam is recognized as a leader in the legal community. He was elected President of the Ontario Trial Lawyers Association (2016/17). He is a member of the Bench and Bar Committee (Toronto Region), FSCO Auto Legal Advisory Committee, FSCO Automobile Insurance Stakeholder Advisory Committee, ADRC Counsel Forum, Law Society Treasurer Liaison Group and Practical Law Advisory Board. He was also a member of the Toronto Region Case Management Steering Committee (Communications and Education Sub-Committee) and the Ontario Bar Association Civil Litigation Section Executive. He is a Past-President of the Ontario Association of Community Based Boards for Acquired Brain Injury Services (OACBABIS), a past member of the Board of Peel Halton Acquired Brain Injury Services and was a founding member of the Board of Directors of the Brain Injury Society of Toronto.

Adam is a member of the Ontario Trial Lawyers Association, American Association for Justice, Ontario Bar Association, Canadian Bar Association, Advocates' Society, Medico-Legal Society of Toronto and Toronto Lawyers Association. Adam has been invited to speak at programs hosted by a range of organizations and institutions, including the Ontario Bar Association, the Ontario Trial Lawyers Association, The Advocates' Society, the Law Society of Upper Canada, Sunnybrook Hospital, St. Michael's Hospital, Bridgepoint Health and West Park Hospital, as well as legislative committees on insurance reform.

Adam's practice is devoted to litigation primarily in the areas of personal injury litigation and insurance claims for accident victims.