



	Moderator: Lori Kruse	<ul style="list-style-type: none"> <li>• Requesting documents from accused</li> <li>• Redaction feature</li> <li>• Annotation feature (highlighting the ability to annotate videos and private notes)</li> <li>• Presentation of evidentiary material</li> <li>• Entering of Exhibits</li> </ul>
<b>11:40 – 12:10</b> (30 min)	<b>Caselines Panel Discussion (Tips, Tricks and Best Practices)</b> Madam Justice Bonnie Warkentin, RSJ NW Region Mr. Justice Fitzpatrick, SCJ Betty Montoni (Thomson Reuters) Katy Commisso (Buset Law)  Moderator: Stephen Wojciechowski	Hear from those in the trenches on their experiences in using Caselines, including the perspectives of two judges from the Northwest Region on advocacy tips and techniques.
12:10 – 1:15	<b>Lunch</b>	
<b>1: 15 – 2:00</b> (45 min)	<b>Expert Reports- Rules Changes</b> Justice Darla Wilson, SCJ Barbara Legate, Legate Injury Lawyers Tom Curry, Lenczner Slaght  Moderator: Stephen Wojciechowski	Changes to Rule 53.03 are anticipated and which will have a significant impact upon the ability of counsel to introduce expert evidence where the service of reports are outside the current time parameters of the Rules. Hear from members of the CRC Subcommittee on Expert Evidence on the issues which they sought to address, the anticipated changes to R. 53.03, and how this will impact litigation practices throughout Ontario.
<b>2:00 – 2:45</b> (45 min)	<b>Torts Update: Foreseeability in the Law of Negligence</b> Professor Erik Knutsen, Faculty of Law, Queen’s University  Moderator: Stephen Wojciechowski	Professor Knutsen will lead a discussion on the difference between foreseeability in the duty of care and the remoteness step in negligence: how to keep them straight, some new cases, and the tests.

<b>2:45 – 3:00</b> (15 min)	<b>Break</b>	
<b>3:00 – 4:00</b> (1 hr)	<b>LawPRO 101</b> Michael Kortez Katie James  Moderator: Lori Kruse	<b>Overview:</b> <ul style="list-style-type: none"> <li>• Understanding the LawPRO insurance program</li> <li>• What to do if you have a claim</li> <li>• What happens when a lawyer reports a claim</li> <li>• Understanding deductibles and claims histories (premiums)</li> <li>• What happens when a lawyer is sued</li> <li>• Coverage, exemptions and exclusions</li> <li>• Common trends in solicitor errors</li> <li>• Resources available to lawyers</li> </ul>
<b>4:00 – 4:30</b> (30 min)	<b>Squashing Jury Notices</b> Duncan MacGillivray (WML) Jeff Moorley (WML)  Moderator: Lori Kruse	<b>Overview:</b> <ul style="list-style-type: none"> <li>• Review case law (5-10 mins) <ul style="list-style-type: none"> <li>• Where we are at now and future (5 minutes)</li> <li>• Strategies for striking juries (5)</li> <li>• Strategies for keeping juries (5)</li> <li>• Questions/Discussion (5)</li> </ul> </li> </ul>
<b>4:30</b>	<b>End of Program</b>  <b>Lori Kruse and Stephen Wojciechowski</b>	<b>Closing Remarks</b>

## **BIOGRAPHIES**

### **Katy Commisso (Buset LLP)**

Katy's practice focuses on civil litigation with a particular emphasis on insurance defence. Katy has appeared as counsel in the Ontario Court of Justice, the Ontario Superior Court of Justice, and the Ontario Court of Appeal. Katy also regularly appears before the Licence Appeal Tribunal and acts as counsel in private arbitrations on insurance matters.

Katy joined Buset LLP in 2014 and became an associate following her call to the Bar in 2016. Katy attended the Bora Laskin Faculty of Law, completing her Juris Doctor in 2016. Katy was the recipient of numerous course prizes during law school including top standing in insurance law and third place overall standing.

Katy is a member of the Ontario Bar Association, the Advocate's Society, the Canadian Defence Lawyers Association, the Canadian-Italian Business Professionals Association, the Thunder Bay Law Association and the Law Society of Ontario. Katy also serves on the Board of Directors for the Ontario Bar Association as the Northwest Representative, the Board of Directors for the Thunder Bay Regional Health Sciences Foundation and is the current president of the Board of Directors for Magnus Theatre in Thunder Bay.

### **Tom Curry (Lenczner Slaght)**

Tom is Managing Partner at Lenczner Slaght. Recognized nationally as a leading trial and appellate counsel, Tom has a long record of success in high profile, complex litigation across a broad spectrum of cases. He represents private and public sector clients in class actions, arbitrations, business disputes, administrative proceedings and judicial reviews, professional liability matters and intellectual property cases at both the trial and appellate levels. Tom is a Fellow of the American College of Trial Lawyers and the International Academy of Trial Lawyers and is certified as a specialist in civil litigation by the Law Society of Ontario. Tom was recognized with the prestigious 2019 Law Society Medal for his exceptional career achievement, outstanding skills as a trial and appellate counsel, and exemplary contribution to the profession.

### **The Honourable Mr. Justice Bruce Fitzpatrick, SCJ Northwest Region**

Fitzpatrick J was born in Toronto. He grew up living in various places in Ontario and the United States. He was called to the bar in 1988 and practiced in Toronto until 1993. He opened a full service firm in Peterborough in 1993 together with three other lawyers. By the time he was appointed to the bench in 2011 the firm had grown to twelve lawyers. Justice Fitzpatrick feels himself very fortunate to have been appointed to the position in Northwest Ontario.

### **Olivier Guillaume (Aviva)**

Olivier Guillaume is a Senior Litigation Counsel at the Oakville office having joined Aviva Trial Lawyers in May 2018. Prior to this and for almost four years, he managed and was the senior counsel at another insurance company's Ontario legal department and before that, he spent 14 years at a national law firm starting off as a summer student and reaching the rank of partner. His area of practice is insurance defence. Olivier was called to the Ontario bar in 2002 and prides himself on going the extra mile when representing his clients. He recently was the lead counsel for the successful defendant in one of the longest civil virtual trials (*Belton v. Spencer*) in Canada.

### **Laura Hillyer (Martin & Hillyer Associates)**

Laura Hillyer was called to the Bar in 2001 and practises in Burlington. She is the Immediate Past President of the Ontario Trial Lawyers Association and is the Vice-Chair of the Board of Directors of the Ontario Safety League.

Laura spent her first fifteen years at the Bar dividing her practice between Personal Injury Litigation and Criminal Defence. In the fall of 2020, Laura was counsel to the Plaintiff in an eight-week virtual trial, which was one of the first virtual trials carried out in the Province during the COVID-19 pandemic.

### **Katie James (LawPRO)**

Katie James is a Claims Counsel at LawPRO in the Primary Professional Liability Department working within LawPRO's New Claims Unit. Katie has also worked in the Specialty Claims Department at LawPRO. In addition to her management of a professional negligence claims portfolio Katie enjoys speaking on topics of interest to the profession on risk prevention and in particular on immigration and criminal topics. Prior to joining LawPRO, Katie was both a criminal and civil litigator.

### **Professor Erik Knutsen (Faculty of Law, Queen's University)**

Erik Knutsen is a professor in Queen's Faculty of Law. His areas of academic interest include insurance law, tort, accident law, medical malpractice, civil procedure and the civil litigation system. He is a co-author of Canadian Tort Law, one of the leading Canadian tort treatises, and also co-author of Stempel and Knutsen on Insurance Coverage, one of the leading American insurance law treatises.

### **Michael Kortes (LawPRO)**

Michael Kortes is a Claims Counsel at LAWPRO in the Primary Professional Liability Department working within LAWPRO'S New Claims Unit. In addition to his management of a professional negligence claims portfolio, Michael enjoys speaking on

topics of interest to the profession on risk prevention. Prior to joining LAWPRO, Michael was a civil litigator and partner at Lerner's LLP.

### **Barbara Legate (Legate Injury Lawyers)**

Barbara Legate practices medical negligence and personal injury with an emphasis on serious infant and child injuries in London at Legate Injury Lawyers. She was called to the bar in 1981. She is recognized as a skilled trial lawyer and has advocated for clients and as intervenor at the Supreme Court of Canada and the Ontario Court of Appeal. She is a Law Society appointee to the Civil Rules Committee. The Best Lawyers in Canada has named her Lawyer of the Year in Southwestern Ontario in personal injury in each of 2010, 2014, 2016, 2018 and 2021. She is named in The Best Lawyers in Canada in Medical Negligence and Appellate Practice and is L'Expert Ranked. Barbara is certified as a Specialist in Civil Litigation by the Law Society of Ontario. She is an invited fellow of the Litigation Counsel of America, honouree at the 2009 Celebration of the Personal Injury Bar, recipient of a Diamond Jubilee award for work in brain injury prevention. She has held a number of positions of leadership in the legal profession including President of the Ontario Trial Lawyers Association and Director of the Advocates Society (Ontario). She has presented papers on advocacy, evidence, and substantive law of negligence, limitation periods, practice and ethics. She developed and heads the Legate Medical Negligence Moot at Western Law and is a frequent lecturer at the law school. She has contributed two chapters to Ontario Courtroom Procedure, and was a member on the joint Advocates Society- OBA task force to develop Best Practices for Remote Hearings as a result of the pandemic. Barbara initiated the Helmets on Kids campaign in London, now a province-wide project which gives away bike helmets to needy children. Her interest in children has led to philanthropic, volunteer and charitable work benefiting disadvantaged children and families and most recently through work as a Director of the Children's Health Foundation in London. Most significantly she is a proud mother and now grandmother to 3 beautiful granddaughters.

### **Duncan MacGillivray (White MacGillivray Lester)**

One of the founding partners of White MacGillivray Lester. Certified specialist in Civil Litigation and is a writer for OTLA's blog.

Duncan Macgillivray is active in the community, as reflected in the many organizations he's engaged with, including: Brain Injury Association of Thunder Bay (Board of Directors 2009 to 2017 and President 2010 to 2015), Thunder Bay Counselling Centre (Board of Directors 2009 to 2015 and Board Chair 2011 to 2015), the Ontario Trial Lawyers Association (Board of Directors 2015 to Present, Treasurer 2018 to 2021, Executive 2018 to Present), The Advocates' Society, the Thunder Bay Law Association (Board of Directors 2012 to 2017), and of course, the Thunder Bay Lawyers Hockey Team, to name a few. As the Thunder Bay organizer for OTLA's Bike Helmets on Kids

program, Duncan has organized the donation of over 1,700 free bike helmets to elementary school kids.

#### Duncan Macgillivray's Qualifications & Affiliations

Called to the Bar of Ontario, 2009

Juris Doctor, Queen's University School of Law, 2008

Honours Bachelor of Arts (Political Science), First Class Standing, St. Francis Xavier University, 2005

Ontario Trial Lawyers Association

The Advocates' Society

Law Society of Ontario

Thunder Bay Law Association

Certified Specialist, Civil Litigation

#### **Christopher Missiuna (Aviva)**

Christopher Missiuna is litigation counsel with Aviva Trial Lawyers and just marked his tenth year of call. Prior to joining Aviva in 2018, he worked with a boutique insurance defence law firm based in downtown Toronto appearing regularly in Court and at FSCO and the LAT in matters across Ontario and as far north as the Pikangikum First Nation. Christopher holds a Certificate in International Law from Queen's University's Bader International Study Centre. Christopher also holds a Bachelor of Journalism from Carleton University specializing in television broadcasting and, before starting his legal career, was briefly an Associate Producer with the CBC's *The National*. Christopher was recently the Second Chair for the defendant in Canada's longest civil virtual Trial *Belton v Spencer*.

#### **Betty Montoni (Thomson Reuters)**

Betty Montoni is an eDiscovery and product specialist at Thomson Reuters in Toronto. She has over two decades of legal experience working in legal technology, eDiscovery procedures and project management of large litigation files. She has been a presenter on the topic of eDiscovery and CaseLines at several conferences over the course of her career and is accredited as a Certified eDiscovery Specialist and Certified CaseLines Trainer.

#### **The Honourable Mr. Justice Robert J. Nightingale, SCJ Central South Region**

Mr. Justice Nightingale attended two years of a Bachelor of Arts program at the University of Western Ontario from 1970 to 1972 and received a Bachelor of Laws in 1975. He was admitted to the Bar of Ontario in 1977.

Mr. Justice Nightingale was a partner with Cline Backus Nightingale McArthur from 1979 until his appointment to the Superior Court of Justice in 2012. He was an assistant

Crown attorney, federal prosecutor and deputy judge of Small Claims Court in Norfolk County. He has been a certified specialist in civil litigation since 2000. His main areas of practice were civil litigation, insurance law, personal injury, commercial and administrative law.

Mr. Justice Nightingale was a member of the Advocates Society, Canadian Bar Association and American Trial Lawyers Association, as well as the Law Society of Upper Canada Task Force on Court Facilities from 2000 to 2001. He has been a member of the Simcoe Lions Club since 1979.

### **Dennis Ong (Aviva)**

Dennis Ong is a litigation lawyer at the downtown Toronto office. He joined Aviva Trial Lawyers in February 2016. Prior to this, he has practiced at an insurance defence firm in Toronto. His area of practice has always been exclusively in the area of insurance defence litigation, with a specialized focus on Commercial General Liability, occupier's liability, property and casualty, motor vehicle accidents, property damage, municipal liability and insurance coverage litigation. Dennis has litigated both jury and non-jury cases, has conducted trials, and has argued numerous complex coverage Applications. He has appeared before the Court of Appeal for Ontario, the Divisional Court, the Superior Court of Justice, the Ontario Court of Justice, the Small Claims Court, the Financial Services Commission of Ontario and the Workplace Safety and Insurance Appeals Tribunal.

Dennis lives in the Greater Toronto Area with his wife, daughters and their dog, Daisy.

### **James Page (Martin & Hillyer Associates)**

James Page was called to the bar in 2010. He has been practicing for over 10 years at Martin & Hillyer Associates in Burlington. He practices exclusively in the areas of personal injury and civil litigation.

James is the former President of the Brain Injury Association of Peel & Halton (BIAPH) and currently sits on the board of directors for the Halton County Law Association (HCLA). He is a former and current participant in the Ontario Justice Network (OJEN) as a high school mock trial coach. James is also a quarterly contributor to the HCLA Newsletter (Civil Litigation Law News) and a contributor to the weekly case summaries for the Ontario Trial Lawyers' Association (OTLA).



## **The Honourable Madam Bonnie R. Warkentin, Regional Senior Justice for the Northwest Region**

Regional Senior Justice Warkentin is a judge of the Ontario Superior Court of Justice in the Northwest Region, living in Thunder Bay. RSJ Warkentin was appointed a judge of the Superior Court in July 2008. She was first appointed to sit in the Northwest Region. In early 2011 RSJ Warkentin was transferred to Ottawa in the East Region where she presided until her appointment as the Regional Senior Justice of the Northwest Region on December 31, 2016.

As a member of the RSJ Council, RSJ Warkentin chairs the Chief Justice's Indigenous Judicial Advisory Committee, the Equity, Diversity and Inclusion Committee and the Committee for Administrative Judges for the Small Claims Court. She is also a member of the Tri-Court Technology Committee, the Steering Committee for Unified Family Court (UFC) expansion and a member of the Civil Rules Committee for Ontario.

RSJ Warkentin has a keen interest in advancing technology initiatives in the Court. In 2014 and 2015, with the assistance of the various stakeholders in the court system, she created a virtual courtroom in order to conduct one of the longest criminal jury trials in the history of the East Region (more than 8 months) almost entirely paperless. The trial involved 10 accused and more than 3 million pages of documents, all entered and provided to the court and the jury electronically. Her interest in technology extends to increasing access to the courts for those in remote communities and for those with limited resources. Since the suspension of court operations due to COVID-19, RSJ Warkentin has been working with RSJ Council and the court in advancing the use of technology throughout the province.

RSJ Warkentin was a Bencher with the Law Society of Upper Canada from 2003 until 2008 when she was appointed to the Superior Court. As a Bencher she worked on numerous committees most notably she was co-chair of the Retention of Women in Private Practice Project and the first woman Chair of the Law Society's Finance Committee. She was also Co-Chair of the Emerging Issues Committee and Vice Chair of the Hearings Panel, the Tribunals, Access to Justice and the Paralegal Standing Committees.

## **The Honourable Madam Justice Darla Wilson, Toronto Region**

Madam Justice Darla Wilson received a Bachelor of Arts from Queen's University in 1981, and a Bachelor of Laws from Queen's University in 1984. She was admitted to the Bar of Ontario in 1986. Madam Justice Wilson was previously a partner with Lawson McGrenere LLP in Toronto, where she practiced exclusively in the area of civil litigation. She carried on her practice throughout Ontario defending hospitals and other health care facilities on negligence claims, general insurance defence work including occupier's liability, motor vehicle and municipal negligence claims as well as

representing plaintiffs in personal injury claims. Madam Justice Wilson was an instructor in Trial Advocacy at the University of Toronto Law School, as well as a Director of the Advocates' Society and a member of the Board of Directors of the Medico-Legal Society. In December 2007, she was appointed to the Superior Court of Justice in Toronto. From 2015-2017 she was the Civil Team Leader for long trials in Toronto. Madam Justice Wilson has been the team lead in Toronto for Rule 7 motions since 2015. She is a member of the Moot Court Council at Queen's Law School and is currently on the Board of Directors of the Ontario Superior Court Judges Association.