



CIVIL SEXUAL ASSAULT: *Critical and Emerging Issues*

Do you have what you need to advance or defend a civil sexual assault claim in 2021?

Join Canada's foremost experts for a comprehensive update on the key current issues and new trends in this complex field.

Be part of an interactive discussion about:

- What's new in negligence and vicarious liability
- Unravelling and predicting damages
- Credibility and Memory – understanding the issues and working with the challenges
- Privacy torts, including voyeurism, NCDII, false light cases

Register today at:

osgoodepd.ca/civilsexual

Program Chairs

Gillian Hnatiw
Gillian Hnatiw and Co.

Alexi N. Wood
St. Lawrence Barristers LLP

Date and Time

February 25, 2021
9:00 a.m. – 4:00 p.m.

Online Replay:
March 25, 2021
9:00 a.m. – 4:00 p.m.

Location

ONLINE – Live & Interactive

You will have online access to the program for 120 days.

CIVIL SEXUAL ASSAULT: *Critical and Emerging Issues*

Already an area fraught with challenges, civil sexual assault claims and related proceedings have become increasingly complex. Lawyers, HR professionals and other professionals working in this arena must navigate new case law and legislation, multiple forums for pursuing and defending claims, and complicated corollary actions.

To be able to advise with confidence, you require the most current information and practical guidance about what to do, and the pitfalls to avoid.

In one information packed day, acquire the key knowledge, strategies and contacts you need. Learn from the experts and get the benefit of their insights and experience as they answer your most pressing questions on topics including:

- Institutional Liability: Where we are and what's ahead
- Trends in the recognized "range of damages"
- Update on defamation and anti-SLAPP
- Strategies for navigating overlapping proceedings
- How to deal with credibility problems at various stages of litigation

Who Should Attend

- Lawyers advising on sexual misconduct issues
- In-house Counsel
- Employment law lawyers
- Human Resources Professionals

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Agenda

9:00 a.m.

Welcome from the Chairs

Gillian Hnatiw

Gillian Hnatiw and Co.

Alexi N. Wood

St. Lawrence Barristers LLP

9:10 a.m.

Institutional Liability: Where We Are and What's Ahead

Elizabeth Grace

Lerners LLP

Simona Jellinek

Jellinek Law Office

Joyce Tam

Thomas Gold Pettingill LLP

Institutional liability claims are often the focal point for both counsel and organizational representatives who must respond to these types of claims. This session is an in-depth review of the current law, a discussion of new and ongoing issues, and an examination of the special challenges in this complex area, led by some of Canada's leading experts in civil sexual assault.

- What's new in negligence and vicarious liability: a review of the case law and emerging trends
- Strategies for dealing with the special challenges with and for large institutions
- Potential ethical issues with institutional liability claims – how to recognize and deal with them

10:00 a.m.

Privacy Torts in 2021

Andrea Gonsalves

Stockwoods LLP

Lara Guest

Torys LLP

Anna Matas

Lerners LLP

Once an emerging area, privacy torts have become more established in Canada. As the caselaw and the legislation evolves, with this comes new opportunities and challenges. Our panel will grapple with some of the key issues and types of claims, including voyeurism, NCDII (the non-consensual dissemination of intimate images) and false light cases.

10:45 a.m.

Health Break

11:00 a.m.

Damages

Elizabeth Bowker

Stieber Berlach LLP

Loretta P. Merritt

Torkin Manes LLP

Marcela Saitua

Saitua Legal Mediation Services

- Trends in recognized 'range of damages'
- If and how the PI cap applies
- Economic loss v. loss of economic opportunity
- Trend towards substantial liability costs

11:50 a.m.

Lunch Break

1:00 p.m.

Defamation and Anti-SLAPP in the Civil Sexual Assault Arena

Joanna Birenbaum

Ursel Phillips Fellows Hopkinson LLP

Deepa Mattoo B.A., LL.B., MBA, PGD

Executive Director, Barbra Schlifer Commemorative Clinic

Jennifer P. Saville

St. Lawrence Barristers LLP

With the SCC weighing in on the anti-SLAPP legislation, and other courts grappling with (anti) SLAPP and defamation claims, there is lots to talk about. Our experts will provide you with the key case law update you need, and practical guidance on how to navigate these challenging claims.

2:00 p.m.

Interplay Between Overlapping Proceedings

Pam Hrick

Stockwoods LLP

Lindsay Scott

Paliare Roland Rosenberg Rothstein LLP

Lidiya Yermakova

Koziebrocki Law

Now, more than ever, it is incumbent upon counsel and HR professionals to be familiar with issues that may arise in other proceedings and their potential impact on the primary claim. These issues are especially tricky when there are potential regulatory, tribunal, criminal and civil proceedings related to the same conduct.

- The impact of criminal convictions and acquittals upon civil cases
- Strategies for dealing with criminal and civil proceedings for the same conduct

- Understanding your obligations with respect to disclosure, confidentiality and privilege

2:45 p.m.

Health Break

3:00 p.m.

Credibility and Memory Issues in Sexual Assault Cases

The Hon. Justice Breese Davies

Ontario Superior Court of Justice

Rebecca C. Durcan

Steinecke Maciura LeBlanc (SML)

Rachel Liebman PhD

Assistant Director, York University Psychology Clinic, Faculty of Health, York University

- Assessing credibility in sexual abuse cases
- The nature of traumatic memory
- How to deal with credibility problems at various stages of litigation (pleadings, affidavit of documents, examinations for discovery, experts and trial)
- Strategies for recognizing and being sensitive to the unique needs of the complainant

4:00 p.m.

Program Concludes

The next complaint is going to cross your desk soon. Do you know what to do? Our experts will provide you with the key knowledge and strategies you need to advise with confidence.

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Psychology Clinic, Faculty of
Health, York University

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Registration Details

Fee per Delegate

\$595 plus HST

Newly Licensed (2017 – Present): \$297.50 plus HST

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416.597.9724

1 Dundas Street West, Suite 2600



@OsgoodePD

Toronto, ON Canada M5G 1Z3



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