

# FERTILITY LAW 2022: *Critical and Emerging Issues*

These are challenging, complex and high-stakes issues. Staying up-to-date has never been more critical.

Recent significant case law developments and procedural changes have changed the landscape. Local and internal experts will give you the key updates and practical guidance you need on the issues you and your clients grapple with daily, including:

- Canadians going abroad for surrogacy: the risks, strategies and best practices
- Screening 101
- How-to's for drafting a surrogacy agreement
- When things go wrong... how to avoid and navigate the common (and not so common) pitfalls

**PLUS:** Included in your registration, get a grounding in the foundations with our online primer *Fertility Law: Understanding the Key Concepts*

## PROGRAM CHAIRS

Sara R. Cohen  
Fertility Law Canada™  
at D2Law LLP

Ellen K. Embury  
Carbert Waite LLP

## REGISTRATION OPTIONS

Monday, February 28, 2022:  
Online, Live  
9:00 a.m. – 4:30 p.m. ET

*OR*

Tuesday, March 29, 2022:  
Online Replay  
9:00 a.m. – 4:30 p.m. ET

**Can't make the date?**  
*Registration includes 120-day unlimited, online access to the recorded program.*

Register today at:  
[osgoodepd.ca/fertility](https://osgoodepd.ca/fertility)



# Fertility Law 2022: *Critical and Emerging Issues*

Fertility law is challenging, even for the experts. Counsel and other professionals who work in this area need a solid grounding in the basics, while keeping on top of the constantly evolving legal landscape.

Recent procedural changes and significant case law developments have changed the legal landscape in this emotional and high-stakes area of practice.

Over one intensive day, this OsgoodePD bi-annual conference will give you the key information and the in-depth and practical strategies you need to grapple with current and emerging issues, from a multidisciplinary faculty of international experts.

## Topics Include

- Key issues for multi-parent and polyamorous families
- PGT-A (pre-genetic testing for embryos)
- Navigating thorny immigration issues
- International Check-Up (including Ips coming to Canada for 3<sup>rd</sup> party reproduction)

## Who Should Attend

- Family Law lawyers
- Fertility Law practitioners
- Health lawyers
- Wills and Estates lawyers



## Agenda

9:00 a.m.

### Welcome from the Chairs

#### Sara Cohen

Fertility Law Canada™ at D2Law LLP

#### Ellen K. Embury

Carbert Waite LLP

9:10 a.m.

### Cross Canada Fertility Law Check-Up

#### Jessica Fullerton

Nelligan O'Brien Payne LLP

#### Jasmeet K. Wahid

Kahn Zack Ehrlich Lithwick LLP

Drill down on the latest developments and emerging issues from across the country, including:

- Lessons learned from the BCCA's decision about the posthumous use of reproductive material in *LT v. DT Estate*
- The *Barwin* class action and implications going forward

9:40 a.m.

### International Check-Up

#### Virginia Hart

CEO ART Risk Solutions

#### Fabien G. Joly (France)

#### Ida Parisi

Family Law and Assisted Reproductive Technology (ART) Law (Italy)

#### Andrew Spearman

Laytons ETL Global (U.K.)

#### Jo-an van der Tol

WENS Familierecht (Netherlands)

Fertility clients and issues are becoming increasingly international. Join the leading experts from across Europe and the US as they canvas some of the key issues for Canadian fertility professionals

10:25 a.m.

Health Break

10:40 a.m.

## ADR in Fertility Law

### Kelly D. Jordan

Kelly D. Jordan Family Law Firm

- Why and when should your client engage in ADR?
- Pros and cons
- Best practices and strategies for steering your client through the ADR process

11:00 a.m.

## Screening 101

### Dr. Ari Baratz, MD, FRCSC, REI

CReATe Fertility Centre

### Dara Roth Edney, MSW, RSW

Informed Fertility

Hear from a social worker and a fertility doctor about some of the key issues related to screening, including:

- Psychological screening
- What is a trauma based approach?
- When and why a surrogate or donor is failed
- Medical screening for a surrogate or donor: what do we need to look out for?

11:30 a.m.

## Immigration Issues

### Stephen W. Green

Green And Spiegel LLP

### Cindy Wasser

Hope Springs Fertility Law

Clients dealing with fertility issues often have to travel for treatment and in doing so, must navigate immigration challenges. Get key insights from an experienced immigration lawyer and a fertility law specialist on some of the key immigration issues, including:

- Guidance for when international intended parents travel to Canada for surrogacy
- Canadians going abroad for surrogacy – how do we get you back and what are the risks?

12:00 p.m.

## Lunch Break

1:00 p.m.

## Perspective of the Donor-Conceived

### Daniel McKinnon

1:30 p.m.

## Tips and Tricks for Legal Agreements

### Lisa Feldstein

Lisa Feldstein Law Office P.C.

### Michelle Flowerday

Flowerday Fertility Law

#### Surrogacy:

- How to draft a surrogacy agreement
- Best practices for protecting your surrogate clients
- How to combine issues from AHRA with different provincial parentage laws
- Navigating the limitations on agreements on interprovincial practice

#### Egg and Sperm Donation:

- Ensuring intended parents have secure parentage rights
- Protecting the rights of donors
- Understanding the s. 8 consent regulations
- Trans-provincial issues

#### Best practices for embryo donation

2:15 p.m.

## Health Break

2:30 p.m.

## Multi-parent and Polyamorous Families

### Sara Cohen

Fertility Law Canada™ at D2Law LLP

### Jonathan Griffith

Chair of the National Sexual Orientation and Gender Identity Community section of the Canadian Bar Association

### Kelly D. Jordan

Kelly D. Jordan Family Law Firm

The definition of “family” continues to evolve, and with it, new opportunities and challenges in fertility law.

- Determining parentage
- Unravelling the section. 8 consent issues
- How to properly recognize multi-parent without the formal construct

3:00 p.m.

## Critical Issues in Parentage

### Robynne B. Kazina

Taylor McCaffrey LLP

### Marisha N. Paquin

Kanuka Thuringer LLP

### Michel Tétrault

Brodeur Prémont Lavoie Avocats

Get the key updates you need on parentage issues, including:

- Recent developments in surrogacy
- Jurisdictional hiccups
- Bill 2
- Funding issues in Quebec

3:35 p.m.

## When Things Go Wrong... How To Avoid and Navigate The Common (and Not So Common) Pitfalls

### Sara Cohen

Fertility Law Canada™ at D2Law LLP

### Ellen K. Embury

Carbert Waite LLP

Even with the most careful planning, things may go awry. Drill down on some of the issues that can undermine the outcome and some of the current challenges, including:

- The vaccination debate
- PGT-A (pre-genetic testing for embryos)

4:30 p.m.

## Program Concludes

Register today at:

[osgoodepd.ca/fertility](https://osgoodepd.ca/fertility)

## Chairs

Sara R. Cohen  
Fertility Law Canada™  
at D2Law LLP

Ellen K. Embury  
Carbert Waite LLP

## Faculty

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CREATe Fertility Centre

Robynne B. Kazina  
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Lisa Feldstein  
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Virginia Hart  
CEO ART Risk Solutions

Cindy R. Wasser  
Hope Springs Fertility Law™

*"The speakers were knowledgeable, passionate, had great information and I liked the variety. Some current and upcoming, some academic and hopeful. Practical clauses and suggestions. Participation encouraged. I thought it was a great program."*

Tania Harper, Tania Harper Family Law (attended 2020 program)

## Registration Details

Fee per Delegate: **\$595 plus tax**

Newly Licensed\*: **50% off regular rate plus tax**

\*This fee applies to newly licensed professionals within the past 2 years

Fees include attendance and electronic program materials. Group discounts are available. Visit [www.osgoodepd.ca/group-discounts](http://www.osgoodepd.ca/group-discounts) for details. Please inquire about financial assistance.

### Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

### Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 14 days prior to the program date. If a cancellation request is made with less than 14 days notice, a \$75 administration fee will apply. No other refund is available.



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO.



#### Eligible CPD Hours

Program: LSO (ON): 6h 20m CPD (5h 10m Substantive; 55m Professionalism; 15m EDI)  
Primer: LSO (ON): 1h 10m CPD (1h 10m Substantive)  
Total: LSO (ON): 7h 30m CPD (6h 20m Substantive; 55m Professionalism; 15m EDI)

OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions. To inquire about credit eligibility, please contact [cpd@osgoode.yorku.ca](mailto:cpd@osgoode.yorku.ca).



MAINTENANCE OF CERTIFICATION – Attendance at this program entitles certified Canadian College of Health Leaders members (CHE/Fellow) to 3 Category II credits towards their maintenance of certification requirement.



This program has been approved for LawPRO Risk Management Credit.



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