



FERTILITY LAW 2020:

Critical and Emerging Issues

Get key updates and practical guidance to advise with confidence in this complex and rapidly evolving area.

Join Canada's leading experts as they take you through the critical issues you and your clients grapple with daily, including:

- Drill down on the new regulations under the *Assisted Human Reproduction Act*: The key changes and what they will mean for you and your clients
- When the love (or life) is gone: Implications for embryos, eggs and sperm upon death or separation
- Practical strategies for advising and working with hospitals
- When things go wrong: How to avoid and navigate the common (and not so common) pitfalls

PLUS: Get a grounding in the basics 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

Date and Time

February 4, 2020
9:00 a.m. – 4:30 p.m.
In Person or Webcast

Online Replay: March 4, 2020

Location

Osgoode Professional
Development
1 Dundas St. West, 26th Floor
Toronto, ON

Register today at:
osgoodepd.ca/fertility

Fertility Law 2020: *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.

Staying up-to-date has never been more critical.

The past year has seen the introduction of sweeping new regulations, significant new case law developments, and constantly evolving procedural trends. Over one intensive day, you will get the in-depth and practical guidance you need, from a multidisciplinary faculty of experts.

Topics Include

- Insurance pitfalls and how to avoid them
- Intersection of the AHRA with Family, Property and Contract Law
- Cross-Canada Fertility Law check-in
- Donor registries
- Constitutional challenges in Fertility Law: Current and on the horizon

Who Should Attend

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



Agenda

8:30 a.m.

Registration

9:00 a.m.

Welcome from the Chairs

Sara R. Cohen

Fertility Law Canada™ at D2Law LLP

Ellen K. Embury

Carbert Waite LLP

9:10 a.m.

Cross-Canada Fertility Law Check-Up

Ellen K. Embury

Carbert Waite LLP (Calgary)

Robynne B. Kazina

Taylor McCaffrey LLP (Winnipeg)

Terrance G. Sheppard

BOYNECLARKE LLP (Halifax)

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

- Parenting declarations
- Hospital bills (expected and unexpected)
- International intended parents
- Birth registration vs parentage orders

9:45 a.m.

Critical Update on the New AHRA Regulations

Sara R. Cohen

Fertility Law Canada™ at D2Law LLP

Cindy R. Wasser

Hope Springs Fertility Law™

The long awaited and sweeping new regulations promise to change the fertility law landscape. Our expert panel will take you through the key changes and provide you with practical guidance on what they could mean for you and your clients.

- Overview of the most significant regulations, including those related to reimbursing surrogates and donors, import of donor gametes, and donor screening
- How the new regulations are being interpreted and applied in practice
- Implications for counsel, clients, the donor and the surrogate, and agency owners

11:00 a.m.

Refreshment Break

11:15 a.m.

When the Love (or Life) Is Gone: Implications Upon Relationship Break Down or Death for Embryos, Eggs and Sperm

Sara R. Cohen

Fertility Law Canada™ at D2Law LLP

Shantona Chaudhury

Pape Chaudhury LLP

Jasmeet K. Wahid

Kahn Zack Ehrlich Lithwick LLP

Fertility law intersects with many other areas of law and issues for your clients. You need to be aware of the potential crossovers and plan for them.

- Critical case law update, including the Court of Appeal (Ont.) decision in *S.H. v. D.H.*
- Intersection of the *AHRA* with family, property and contract law
- Practical guidance for lawyers and clinicians on how to anticipate and navigate the issues

12:00 p.m.

Luncheon and Special Lecture on Donor Registries

Vanessa Gruben

Centre for Health Law, Policy and Ethics at the University of Ottawa

Barry Stevens

Documentary Filmmaker, member Donor Conceived Alliance of Canada

1:15 p.m.

Strategies for Working with and Advising Hospitals

Melanie de Wit

VP, Chief Risk and Legal Officer for Sinai Health System

Lisa Feldstein

Lisa Feldstein Law Office P.C.

Hospitals are a critical partner in the fertility process. Understand what hospitals need and want from counsel and other fertility professionals, some of the key challenges on both sides, and strategies for how to navigate them effectively.

2:00 p.m.

Insurance Pitfalls and How to Dodge (or Manage) Them

Michelle Colley

Carbert Waite LLP

Virginia Hart

CEO ART Risk Solutions

Unexpected medical bills will raise the ire of most clients. In this session our experts will take you through some of the common and unexpected insurance issues that can arise in the fertility process.

- What to watch out for (the hidden insurance issues that can catch you and your clients off guard)
- Guidance on how to anticipate and plan for the worst

2:45 p.m.

Refreshment Break

3:00 p.m.

When Things Goes Wrong: How to Avoid and Navigate The Common (and Not So Common) Pitfalls

Sara R. 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, including:

- No happy ending? What happens when the surrogate refuses to sign
- Managing the separated and/or common-law spouses who reside in foreign jurisdictions
- At what point does it become extortion?

3:45 p.m.

Constitutional Challenges in Fertility Law: Current and on the Horizon

Ellen K. Embury

Carbert Waite LLP

Megan Savard

Addario Law Group LLP

Amir Attaran

Professor, Faculties of Law and Medicine, University of Ottawa

Our day will conclude with an interactive roundtable on current and emerging constitutional issues, including the validity of s. 12.

4:30 p.m.

Program Concludes

On Demand Primer

Fertility Law: Understanding the Key Concepts

Drill down on the foundations of fertility law and procedure in an intensive online primer. Learn at your convenience and at your own pace in this unique On Demand program (total running time approximately 1 hour). Available on demand January 6, 2020, and included with the program fee.

Register today at:

osgoodepd.ca/fertility

Chairs

Sara R. Cohen
Fertility Law Canada™
at D2Law LLP

Ellen K. Embury
Carbert Waite LLP

Faculty

Amir Attaran
Professor, Faculties of Law
and Medicine, University of
Ottawa

Shantona Chaudhury
Pape Chaudhury LLP

Michelle Colley
Carbert Waite LLP

Melanie de Wit
VP, Chief Risk and
Legal Officer for
Sinai Health System

Lisa Feldstein
Lisa Feldstein Law Office P.C.

Vanessa Gruben
Centre for Health Law,
Policy and Ethics at the
University of Ottawa

Virginia Hart
CEO ART Risk Solutions

Robynne B. Kazina
Taylor McCaffrey LLP

Megan Savard
Addario Law Group LLP

Terrance G. Sheppard
BOYNECLARKE LLP

Barry Stevens
Documentary Filmmaker,
member Donor Conceived
Alliance of Canada

Jasmeet K. Wahid
Kahn Zack Ehrlich Lithwick
LLP

Cindy R. Wasser
Hope Springs Fertility Law™

Registration Details

Fee per Delegate

\$545 plus HST

Newly Licensed (2016 – Present): \$272.50 plus HST
On-Demand Primer: \$149 plus HST (FREE with Bundle)

Fees include attendance, program materials, lunch and break refreshments. Group discounts are available. Visit 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 – LSO (ON): 7h 5m CPD
(5h 50m Substantive; 1h 15m Professionalism)



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.



CCHL MAINTENANCE OF CERTIFICATION - Attendance at this program entitles certified Canadian College of Health Leaders members (CHE / Fellow) to 3.25 MOC II credits.



osgoodepd.ca

Osgoode Professional Development



416.597.9724

1 Dundas Street West, Suite 2600



@OsgoodePD

Toronto, ON Canada M5G 1Z3

Past attendees say it best:

“The overall program was very pertinent, valuable, informative and useful to my learning curve in my new role.”

Nadine Martin, Clinical Director, Conceptia



Fertility Law 2020: Critical and Emerging Issues

Register today at:

osgoodepd.ca/fertility