

CIVIL SEXUAL ASSAULT: *Critical and Emerging Issues*

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"Great presentations. Very informative. Helpful updates on the current case law and new torts."

Do you have what you need to advance or defend a civil sexual assault claim in 2023?

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

- Claims 101: Drill down on the key causes of action against individuals and institutions, including vicarious liability, breach of fiduciary duty and negligence
- New and emerging torts, including the Tort of Family Violence
- Unravelling damages
- Understanding and navigating credibility, memory and trauma
- Strategies for adopting a trauma informed approach
- Sexual misconduct in sports

Register today at:

osgoodepd.ca/csa2023

PROGRAM CHAIRS

Gillian Hnatiw
Gillian Hnatiw and Co.

Alexi N. Wood
St. Lawrence Barristers PC

REGISTRATION OPTIONS

Monday, February 27, 2023

Online (Live)

9:00 a.m. – 5:00 p.m. ET

OR

Monday, March 27, 2023

Online (Replay)

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, this OsgoodePD program will give you the key knowledge and strategies you need. Learn and engage with experts and get the benefit of their insights and experience as they answer your most pressing questions on topics including:

- How does trauma impact memory (and strategies for how to deal with clients and opposing parties who have suffered traumatic experiences)?
- Sexual misconduct in “safe sports”
- Navigating overlapping proceedings
- How to claim and prove economic loss
- Critical updates in institutional liability – where we are at and what’s ahead

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 PC

9:10 a.m.

Claims 101

Elizabeth Bowker

Stieber Berlach

Simona Jellinek

Jellinek Ellis Gluckstein Lawyers

Anna Matas

Gillian Hnatiw & Co

You may think you know it all, but do you? Even most experienced counsel will benefit from this current and comprehensive overview. Topics include:

- Causes of action against individuals:
 - Sexual assault & battery
 - Intentional infliction of mental suffering
- Breach of fiduciary duty
- Privacy torts
- Causes of action against intuitions or other third parties:
 - Vicarious liability
 - Negligence
- Breach of fiduciary duty (direct)
- Occupier’s Liability
- Wrongful/constructive dismissal and breach of the Human rights code; OHRT or CHRC complaints for workplace situations

10:40 a.m.
Health Break

10:55 a.m.

Drilling Down on Damages

The Hon. Justice William Black
Superior Court of Justice (Ontario)

Lillianne Cadieux-Shaw
St Lawrence Barristers PC

Joyce Tam
Thomas Gold Pettingill

- How do courts approach damages in sexual assault cases?
- What is the current range for general damages?
- If and when does the cap apply?
- Relationship to defamation awards
- How to claim and prove economic loss
- Evidentiary foundation
- Global awards
- Is there a gender bias underpinning these awards?
- How do mediators and courts approach damages?

12:00 p.m.
Lunch Break

12:45 p.m.

Tort of Family Violence

Samantha Eisen
Gillian Hnatiw & Co

Mary-Jo Maur
Assistant Professor, Faculty of Law,
Queen's University

In the recent decision of *Ahluwalia v. Ahluwalia*, the Ontario Superior Court of Justice recognized the new common law tort of "family violence". Legal

professionals practicing in the civil sexual assault arena should understand how this tort may be applied in their practice.

- Guidance on how and where to plead it
- Damages – what can you ask for and expect
- Strategies for advancing these claims

1:15 p.m.

Interplay Between Overlapping Proceedings

Stephanie DiGiuseppe
Ruby Shiller Enenajor DiGiuseppe
Barristers

Danny Kastner
Kastner Lam LLP

What issues arise when conduct triggers multiple types of proceedings?

Our experts will provide practical guidance on how to navigate overlapping civil suits, regulatory matters, criminal proceedings and workplace issues, including investigations.

2:00 p.m.

Sexual Misconduct in Sport

Erin H. Durant
Durant Barristers

Michael Mazzuca
Rousseau Mazzuca LLP

An issue that continues to dominate headlines, this panel will explore the unique aspects of sexual assault claims in the sports arena, including:

- Current trends and controversies in "safe sport"
- How and what forum to advance claims
- Strategies for navigating the SDRCC process and the new adjudicative body

2:30 p.m.
Health Break

2:45 p.m.

Credibility, Memory and Trauma

The Hon. Justice Jasmine Akbarali
Superior Court of Justice (Ontario)

Dr. Rachel Liebman, PhD
Complex Trauma Treatment Network and
University Health Network – Department
of Psychiatry

Nasha Njihawan
Njihawan McMillan Barristers

Zahra Vaid
Lerners LLP

As professionals working in this area are keenly aware, credibility, memory and trauma are much more than just buzz words. Engage with our expert panel in a thoughtful discussion with practical guidance on how to navigate these issues in your practice.

- Understanding how trauma impacts memory
- Integrating the trauma informed approach into your practice
- How do we reconcile the neuroscience with the laws of evidence (or can we?)
- How do (and should) lawyers and judges address these issues?

5:00 p.m.
Program Concludes

"I loved the topics. Rather than focusing on the tort of sexual assault itself (which we likely all know well enough), it was the peripheral issues that were discussed. This is substantially more helpful to my practice."

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Faculty

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Registration Details

Fee per Delegate: \$595 + TAX

Newly Licensed*: \$297.50 + 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 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.



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