

THE 2024 GUIDE TO CIVIL SEXUAL ASSAULT CLAIMS

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Are you well-equipped to effectively advance or defend a civil sexual assault claim in 2024?

These are challenging and complex claims. Join Canada's leading experts as they guide you through the key stages and issues in the process, including:

- Claims 101: the more familiar torts plus emerging claims including voyeurism, revenge porn, stalking, and family violence
- Navigating vicarious and institutional liability
- Drilling down on damages
- How-to-guide for gathering and using evidence

Register today at:

osgoodepd.ca/csa2024

PROGRAM CHAIRS

Gillian Hnatiw
Gillian Hnatiw and Co.

Alexi N. Wood
St. Lawrence Barristers PC

REGISTRATION OPTIONS

April 1, 2024
Online (Live)
9:00 a.m. – 4:45 p.m. ET

OR

May 29, 2024
Online (Replay)
9:00 a.m. – 4:45 p.m. ET

THE 2024 GUIDE TO Civil Sexual Assault Claims

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

In this nuts-and-bolts Osgoode Professional Development program, drill down on the foundations of advancing and defending civil sexual assault claims, together with key updates on the current and emerging issues.

In one information packed day, you will get the key knowledge and strategies you need to navigate this challenging landscape. Learn and engage with the experts. Benefit from their insights and experience as they address the key issues and your most pressing questions on:

- Strategies for navigating the impact of trauma on memory
- Summary judgement – how to use it (or battle its use) as a sword
- Advancing (and responding to) consent as a defence
- Counter claims: defamation, malicious prosecution and anti-SLAPP
- Settlement challenges, including NDAs and best practices for releases
- Maximizing for loss of income and economic opportunity

Who Should Attend

- Plaintiff and defence counsel advising on sexual misconduct issues
- In-house Counsel
- Employment law lawyers
- Human Resources Professionals



Agenda

9:00 a.m.

Welcome from the Chairs

Gillian Hnatiw

Gillian Hnatiw and Co.

Alexi N. Wood

St. Lawrence Barristers PC

9:15 a.m.

Claims 101

Gillian Hnatiw

Gillian Hnatiw and Co.

Simona Jellinek

Jellinek Ellis Gluckstein Lawyers

Molly Reynolds

Torys LLP

Get up-to-date information and strategic advice on the key types of claims that can be advanced. This panel of senior counsel will take you through some of the more familiar civil torts plus emerging claims.

- Assault, battery, intentional infliction of mental suffering, voyeurism and revenge porn, stalking, family violence
- Understanding the key elements of these torts
- Types of claims in other proceedings

10:30 a.m.

Health Break

10:45 a.m.

Drilling Down on Defending the Claim

Elizabeth Bowker

Stieber Berlach LLP

Carole Jenkins

Carole Jenkins Law PC

Alexander D. Pettingill

Thomas Gold Pettingill LLP

Benefit from the guidance of experienced defence counsel as they take you through the defence options and key strategies.

- Assessing strategies for defending these claims
- Identifying who you are going after
- Understanding vicarious and institutional liability and how it has been applied by the courts in recent years
- Advancing consent as a defence
- Limitation defences

12:00 p.m.

Lunch Break

1:00 p.m.

Damages in 2024 and Beyond

Elizabeth Grace

Lerners LLP

Anna Matas

St. Lawrence Barristers PC

The Hon. Justice Loretta P. Merritt

Superior Court of Justice (Ontario)

- Options: Overview of the various heads of damages
- What evidence counsel needs

to establish and defend against these claims

- Evolution in the range of general damages
- How to maximize for loss of income and economic opportunity
- Does (and should) the PI cap apply to these claims?
- Use of gender pay gap for economic loss

2:15 p.m.

Advancing and Defending Counter Claims

Joanna Birenbaum

Ursel Phillips Fellows Hopkinson LLP

Fredrick Schumann

Stockwoods LLP

Defence and plaintiff counsels' expert guidance on advancing and defending against defamation, malicious prosecution and anti-SLAPP claims.

2:45 p.m.

Health Break

3:00 p.m.

How-to-Guide for Gathering and Using Evidence

Lillianne Cadieux-Shaw

St Lawrence Barristers PC

The Hon. Justice Breese Davies

Superior Court of Justice (Ontario)

Lidiya Yermakova

BLG LLP

- Using evidence and outcomes from related regulatory, criminal and employment proceedings

- Strategies for using (and excluding) similar fact evidence
- Understanding the impact of trauma on memory and how the Court is dealing with this issue

4:00 p.m.

Resolution

Emma Phillips

Goldblatt Partners LLP

Kathleen Urdahl

Global Resolutions

Michael Wilchesky

Rochon Genova LLP

Resolution is the end goal for counsel and their clients, and can be fraught with challenges. In this session, experienced counsel will guide you through some of the more common outcomes and issues, including:

- Mediation: best practices and pitfalls to avoid
- Issues that can arise upon settlement, including the use of NDA's and releases
- Summary judgement used as a sword

4:45 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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“A wonderful blend of teaching established law and looking ahead to future developments. Well done.”

“Great presentations. Very informative. Helpful updates on the current caselaw and new torts.”

Registration Details

Fee per Delegate: \$595 + TAX

Newly Licensed*: \$297.50 + TAX

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

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Program Changes

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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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Register today at:

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