



FACULTY OF LAW

Macdonald Hall, 128 Union Street  
Queen's University  
Kingston, Ontario, Canada K7L 3N6

**Erik S. Knutsen**

Associate Professor

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**Erik S. Knutsen**  
Associate Professor

### Scholarly Interests

Insurance, Torts, Civil Procedure

### Academic Employment

**Queen's University Faculty of Law** – Associate Professor

Kingston, ON, 2006 - present

Assistant Professor: 2006-2011

Associate Professor with Tenure: 2011 - present

- teach Insurance, Torts, Civil Procedure, Complex Civil Liability seminar
- teach Professional Competencies: Law in Queen's Medical School
- awarded Faculty of Law Teaching Award in 2010 and in 2007

**Florida State University College of Law** – Visiting Assistant Professor

Tallahassee, FL, 2005 - 2006

- taught Torts, Insurance survey course, Insurance seminar, Contracts I and II
- nominated for university-wide teaching award (based on student evaluations)

**Florida State University College of Law** – Visiting Assistant in Law

Tallahassee, FL, 2000 - 2001

- taught Entertainment Law, first-year legal writing (advocacy and research)
- awarded Excellence in Teaching and Leadership Award

**Lakehead University** – Sessional Lecturer

Thunder Bay, ON (part-time), spring semester 1999

- taught upper year undergraduate cross-disciplinary Canadian law and research course

### Legal Practice Employment

**Paul, Weiss, Rifkind, Wharton & Garrison, LLP** – Associate, Litigation Department

New York, NY, 2004 - 2005

- 9/11, World Trade Center-related cases for global insurer
- complex commercial litigation cases
- assisted New York State Bar Association in planning Presidential Summit 2005

**Fasken Martineau DuMoulin LLP** – Associate, Research/Litigation Departments

Toronto, ON, 2003 - 2004

- complex tort, insurance, commercial litigation cases
- tort and insurance cases for two of Canada's trans-continental railway companies

**Carrel+Partners** – Associate, Litigation Department  
Thunder Bay, ON, 2001 - 2003

- complex tort, insurance, professional negligence cases (trials and appeals)

**Carrel+Partners** – Student Law Clerk  
Thunder Bay, ON, 1997 - 1999 (summers)

- research and writing for complex torts, insurance, professional negligence cases

## Education

**Harvard Law School** – Masters of Law (LL.M.) 2000  
Cambridge, MA

- Thesis: *Ambiguous Cause-in-Fact in the United States, Canada, and Britain*, supervised by Professor Jon Hanson (later published in *Texas Int'l L. J.*)
- Research Assistant to Professor Paul C. Weiler in medical malpractice law, entertainment law

**Osgoode Hall Law School** – Juris Doctor (J.D.) 1999  
Toronto, Ontario, Canada

- Senior Editor, *Osgoode Hall Law Journal*, 1997 - 1999
- George M. Miller Prize for academics
- Newton Rowell Scholarship for academics and public service

**Lakehead University** – Honours Bachelor of Arts, English (H.B.A.) 1996  
Thunder Bay, Ontario

- graduated with First Class Standing
- Ranked first in degree program of 200
- Evelyn Halliday Scholarship for highest standing in Honours English, 1995
- Iris Jean Richards Scholarship for highest standing in English, 1993
- Thunder Bay Foundation Joshua Dyke Scholarship for academics and public service, 1992
- Canadian Merit Foundation - Outstanding Nomination Award for academics and public service, 1992

## Publications

### *Law Reviews*

*Causal Draws and Causal Inferences: A Solution to Clements v. Clements (and other causation cases)*, 39 ADVOCATES QUARTERLY (forthcoming 2011).

*Fortuity Clauses in Liability Insurance: Solving Coverage Dilemmas for Intentional and Criminal Conduct*, 36 QUEEN'S L.J. xxx (forthcoming fall 2011).

*Auto Insurance as Social Contract: Solving Automobile Insurance Coverage Disputes Through a Public Regulatory Framework*, 48 ALBERTA LAW REV. 715 (2011).

*The Cost of Costs: The Unfortunate Deterrence of Everyday Civil Litigation in Canada*, 36 QUEEN'S L.J. 113 (2010).

*Clarifying Causation in Tort*, 33 DALHOUSIE L.J. 153 (2010).

- relied upon by British Columbia Court of Appeal in *Clements v. Clements*, 2010 BCCA 581 and by Ontario Superior Court of Justice in *Goodman v. Viljoen*, 2011 ONSC 821.

*Keeping Settlements Secret*, 37 FLORIDA STATE L. REV. 945 (2010).

*Confusion About Causation in Insurance: Solutions for Catastrophic Losses*, 61 ALABAMA L. REV. 957 (2010).

*"Canada's Accident Compensation System: Some Reflections for China,"* FUDAN UNIVERSITY LAW REVIEW (2010).

Erik S. Knutsen & Sean Rehaag, "Introduction to 'Convergence in Dispute Resolution Processes'," 49 *Supreme Court Law Review* (2d) 463 (2010) (also reproduced in Janet Walker & Oscar G. Chase, eds., *COMMON LAW, CIVIL LAW AND THE FUTURE OF CATEGORIES* 463 (LexisNexis: 2010)).

"Seeking Leave to Appeal to the Supreme Court of Canada for Personal Injury Cases" *THE LITIGATOR: JOURNAL OF THE ONTARIO TRIAL LAWYERS ASSOCIATION* (July 2009).

"Closing the Gate on Ontario Securities Class Actions," *The Corporation in the Courts: 13th Annual Queen's Business Law Symposium*, (Kingston: 2008).

*Ontario's Limitations Act, 2002: Highlights in a Banking Context*, 23 NAT'L BANKING L. REV. 1 (2004).

*Ambiguous Cause-in-Fact and Structured Causation: A Multi-Jurisdictional Approach*, 34 TEXAS INT'L LAW J. 249 (2003).

- relied upon by Court of Appeal for Ontario in *Aristorenas v. ComCare Health Services* (2006), 83 O.R. (3d) 282 (C.A.).

*The Ultimate Limitation Period: Updating the Limitation Act*, 39 CAN. BUSINESS L. J. 148 (2003).

*Techno-neutrality of Freedom of Expression in New Media Beyond the Internet: Solutions for the United States and Canada*, 8 U.C.L.A. ENTERTAINMENT LAW REV. 87 (2001).

*Science-Policy Disputes: Resolution Through Data Mediation*, J. DISPUTE RESOLUTION 301 (2001).

### **Book Chapters**

Erik S. Knutsen & Janet Walker, "What is the Cost of Litigating in Canada?" in Christopher Hodges, Stephan Vogenauer and Magdalena Tulibacka, eds., *THE COSTS AND FUNDING OF CIVIL LITIGATION: A COMPARATIVE PERSPECTIVE* (Hart: 2010) 239-260.

Erik S. Knutsen & Sean Rehaag, "Introduction to 'Convergence in Dispute Resolution Processes'," in Janet Walker & Oscar G. Chase, eds., *COMMON LAW, CIVIL LAW AND THE FUTURE OF CATEGORIES* 463 (LexisNexis: 2010) (also reproduced in 49 *Supreme Court Law Review* (2d) 463 (2010).

"Limitation Periods and the Symbiosis of Capacity and Discoverability," in T. Archibald and M. Cochrane, eds., *ANNUAL REVIEW OF CIVIL LITIGATION 2002* (Toronto: Carswell, 2003) at 237 - 253.

"Examination for Discovery of the Plaintiff: What the Defence Must Achieve for Success at Trial" in R. Oatley and J. McLeish, eds., *The Oatley-McLeish Guide to Personal Injury Practice in Motor Vehicle Cases* (looseleaf) (Toronto: Canada Law Book).

"A Litigator's Guide to the *Limitations Act, 2002*" in R. Oatley and J. McLeish, eds., *The Oatley-McLeish Guide to Personal Injury Practice in Motor Vehicle Cases* (looseleaf) (Toronto: Canada Law Book).

### **Casebooks**

Co-author with Jeffrey Stempel and Peter N. Swisher, *PRINCIPLES OF INSURANCE LAW*, 4th ed. (LexisNexis: forthcoming fall 2011) (American casebook).

"The Economics of Litigation," "Limitation of Actions," "Settlement," "Intervention," "Consolidation," "Addition of Claims," and "Joinder of Multiple Parties" in Janet Walker *et al*, *THE CIVIL LITIGATION PROCESS: CASES AND MATERIALS*, 7th ed. (Emond Montgomery: 2010).

### **Legal Practice Publications**

"Dangerous Dictionary: The Problem of Meta-Literalism in Insurance Policy Interpretation" *Lawyers Weekly* (October 28, 2011).

"Causation in Automobile Liability Insurance" *The Litigator: Journal of the Ontario Trial Lawyers Association* (fall 2011).

"The Innocent Co-insured: Severable Coverage Could Protect Innocent Family Members" *Lawyers Weekly* (June 11, 2011).

"Auto Insurance as a Social Contract: Why the Contractual Model for Interpretation Doesn't Work" *Lawyers Weekly* (October 29, 2010).

with Helen H. Chan, "Peoples' Republic of China Insurance: Wrestling Investment from Regulatory Talons" *Westlaw Business Currents*-Thomson Reuters (August 10, 2010).

"Why Insurers Should Re-Think Criminal Conduct Exclusions" *Lawyers Weekly* (May 4, 2010).

"Defining 'Accident': Abandoning Prior Tortured Approaches" *Lawyers Weekly* (March 27, 2009).

“Causation in Medical Malpractice at the Court of Appeal for Ontario,” Ontario Trial Lawyers Association Medical Malpractice Newsletter (summer 2008).

“Categorizing Concurrent Causation in Insurance,” *Lawyers Weekly* (March 21, 2008).

Co-author, “Overlapping Coverage: The Matrix of Coverage, ‘Other Insurance,’ Causation, and Exclusions” *The Six Minute Insurance Primer: Law Society of Upper Canada* (December 4, 2003).

Co-author, *A Principled Approach to Concurrent Causation in Insurance Disputes*, THE LITIGATOR: JOURNAL OF THE ONTARIO TRIAL LAWYERS ASSOCIATION 9 (2002).

## **Works in Progress**

### ***Books In Progress***

Janet Walker & Erik S. Knutsen, CIVIL PROCEDURE: CANADA Volume in P. Taelman, ed. INTERNATIONAL ENCYCLOPEDIA OF LAWS (Kluwer International Press) (forthcoming 2012).

### ***Law Review Articles In Progress***

Co-author with Thomas D. Rowe, Jr., Shirley Shipman, and Beth Thornburg “The Teaching of Procedure Across Common Law Systems” \_\_\_ OSGOODE HALL L. J. \_\_\_ (forthcoming 2011).

Co-author with David Bamford, Trevor C.W. Farrow, Michael Karyanni, Shirley Shipman, and Beth Thornburg, “Learning the ‘How’ Of the Law: Teaching Procedure and Legal Education” \_\_\_ OSGOODE HALL L. J. \_\_\_ (forthcoming 2011).

Co-author with Beth Thornburg and Carla Crifo, “A Community of Procedural Scholars: Teaching Procedure and the Legal Academy” \_\_\_ OSGOODE HALL L. J. \_\_\_ (forthcoming 2011).

*Medical Malpractice at the Court of Appeal for Ontario*

*Just Accidents or Deadly Force: Liability for Police Pursuits*

*Interpreting Insurance Contracts in Canada*

## **Presentations**

“Fortuity Clauses in Liability Insurance: Solving Coverage Dilemmas for Intentional and Criminal Conduct” Canadian Law and Economics Association Annual Conference, Toronto, Ontario (September 24, 2011).

“Clarifying Causation in Tort” Causation in Tort II, Continuing Legal Education Society of British Columbia, Vancouver, BC (June 2, 2011).

- “Fortuity Clauses in Liability Insurance: Coverage Issues for Intentional and Criminal Conduct” Ontario Trial Lawyers Association Annual Spring Conference, Toronto, ON (May 26, 2011).
- “Teaching Procedure Across Common Law Systems: Canada,” “Scholarly Symbiosis: Canadian Civil Procedure Teaching and Scholarship,” and “Teaching Civil Procedure as Integrated System in Canada,” Oxford-Queens-Osgoode Project on Civil Procedure, Herstmenecux, England (June 26, 2010).
- Canadian Studies Visiting Lecture, “Canada’s Accident Compensation System: Some Reflections for China” Fudan University School of Law, Shanghai, China (May 6, 2010).
- “Canada’s Accident Compensation System: Some Reflections for China” School of Law, Shanghai University of Finance and Economics, Shanghai, China (May 5, 2010).
- “Fortuity Clauses in Insurance: Moral Hazard or Moral Crusade?” Spring Conference on Contracts – University of Nevada, Las Vegas (February 27, 2010).
- “Confusion About Causation in Insurance: Solutions for Catastrophic Losses” Asia-Pacific Risk and Insurance Association Annual Conference, Peking University, Beijing, China (July 20, 2009) (peer-reviewed).
- Co-presenter with Janet Walker, “Litigation Funding and Costs in Canada,” Litigation Funding and Costs Conference, Oxford University Centre for Socio-Legal Studies, (July 6, 2009).
- Moderator, “Convergence in ‘Dispute Resolution’ Processes,” International Association of Procedural Law 2009 Conference, Toronto, ON (June 4, 2009).
- “Clarifying Causation in Canada,” Ontario Trial Lawyers Association Annual Spring Conference, Toronto, ON (May 27, 2009).
- “Keeping Settlements Secret,” PrawfsFest Junior Scholars Conference, Florida State University College of Law, Tallahassee, FL (April 29, 2009).
- “Default Rules for Concurrent Causation in Insurance Contracts” Queen’s University Law, Economics, and Public Policy Speaker Series, Queen’s University, Kingston, ON (February 2, 2009).
- “Secret Settlements,” Young Scholars’ Conference – McGill - Queen’s University Faculty of Law, Queen’s University, Kingston, ON (January 23, 2009).
- “Default Rules for Concurrent Causation in Insurance Contracts” Association of American Law Schools Insurance Law Section-sponsored poster presentation, AALS Annual Meeting, San Diego, CA (January 10, 2009) (peer reviewed).
- “Confidential Settlements in Canada,” Cornwall Public Inquiry Research Roundtable on Confidentiality of Settlement Agreements for Abuse Claims, Cornwall, ON (December 4, 2008).

- “Persuasive Advocacy and Practical Research,” Thunder Bay Law Association Conference, Thunder Bay, ON (October 14, 2007).
- Panel Moderator, Young Scholars’ Conference – McGill University Faculty of Law, Montreal, PQ (January 26, 2007).
- “Arguing American Personal Injury Law in Canadian Courts,” 2006 Ontario Trial Lawyers Association Fall Conference, Toronto, ON (October 26, 2006).
- Panelist, “Class Actions: The Next Wave,” The Corporation in the Courts: 13th Annual Queen’s Business Law Symposium, Kingston, ON (September 19, 2006).
- “Concurrent Causation in Insurance Contracts,” Florida State University College of Law – Faculty Workshop Lecture Series, Tallahassee, FL (June 17, 2006).
- Harvard Law School – Guest Lecture, Entertainment and Media Law class, (reforms in intellectual property law in entertainment industry), Cambridge, MA (Oct. 13, 2004).
- “Pushing the Doctrinal Envelope in Ambiguous Causation Cases,” Litigating and Defending Against Subtle Injury Disability Claims, Insight (April 29, 2004).
- “The New *Limitations Act, 2002*: Strategies for Business,” Current Litigation Issues: Practical Knowledge to Meet Your Business Needs, Fasken Martineau DuMoulin LLP Top 100 Clients Seminar (May 11, 2004).
- “Examination for the Discovery of the Plaintiff: What the Defence Must Achieve for Success at Trial,” The Oatley-McLeish Guide to Personal Injury Practice in Motor Vehicle Cases: Law Society of Upper Canada (December 9, 2003).
- Paper co-author, “Overlapping Coverage: The Matrix of Coverage, ‘Other Insurance,’ Causation, and Exclusions” *The Six Minute Insurance Primer: Law Society of Upper Canada* (December 4, 2003).
- “A Litigator’s Guide to the *Limitations Act, 2002*,” Fasken Martineau DuMoulin LLP firm presentation (November 28, 2003).
- “Limitation Periods and the Symbiosis of Capacity and Discoverability,” Thunder Bay Law Association Continuing Legal Education Conference, Thunder Bay, ON (October 18, 2003).
- “Capacity, Insurance Limitations Periods, and The Adjuster,” Thunder Bay Insurance Adjusters Association Annual Conference, Thunder Bay, ON (November 30, 2001).
- “Insurance Limitation Periods: It Isn’t Over Until It’s Really Over,” Thunder Bay Law Association Continuing Legal Education Conference, Thunder Bay, ON (October 25, 2001).
- “Riding Out the Internet Storm: Legal Challenges to the Provision of Internet Services to the Public,” Ontario Library Association SuperConference IV, Toronto, ON (January 22, 1999).

## **Upcoming Invited Presentations**

Keynote Address: "Causation" Advocates Society Annual 'Tricks of the Trade' Conference, Toronto, ON (January 21, 2012) (invited).

"The Top Five Things Wrong with Personal Injury Law (and What To Do About It)" Ontario Trial Lawyers Association Annual Spring Conference 2012 , Toronto, ON (June 18, 2012) (invited).

## **Academic Awards and Grants**

Foundation for Canadian Legal Research Grant, "Medical Malpractice at the Court of Appeal for Ontario: A Ten Year Empirical Study"  
• competitive research award (\$5,000) (May, 2011).

Co-applicant, "The Cost of Justice: Weighing the Costs of Fair and Effective Resolution to Legal Problems" (main coordinator is Canadian Forum on Civil Justice, York University) Social Sciences and Humanities Research Council - Community University Research Alliance Grant (\$1,000,000 for 5 years) (August, 2011).

Foundation for Canadian Legal Research Grant, "Fortuity Clauses in Insurance: Moral Hazard or Moral Crusade?"  
• competitive research award (\$5,000) (March, 2010).

Principal investigator with W. Lu (co-applicant) "Defining the Dynamism of Legal Professionalism: An Empirical and Neo-Institutional Approach" Social Sciences and Humanities Research Council Research Development Initiative (granted 4A-equivalent funding – recommended to be funded but insufficient funds with agency) (received \$1,000 research grant from Faculty of Law) (October 2009).

Principal investigator with W. Lu (co-applicant) "Myths or Facts: Initiating An Empirical Orientation in the Study of Legal Professionalism by Applying A Neo-Institutional Approach" Social Sciences and Humanities Research Council Research Development Initiative (granted 4A-equivalent funding – recommended to be funded but insufficient funds with agency) (received \$1,000 research grant from Faculty of Law) (April 2009).

Queen's University Advisory Research Committee Principal's Development Fund Grant (competitive application) "Just Accidents or Deadly Force: Tort Liability for Police Pursuit Collisions" (\$5,000) (March 2009).

Queen's University Travel Grant (\$750) (competitive application) (February 2009).

Foundation for Canadian Legal Research Grant, "Clarifying Causation in Canada"  
• competitive research award (\$5,000) (May, 2008).

Borden, Ladner, Gervais LLP Fellowship  
• competitive research award (\$10,000) (February 2, 2007).

## **Law School and University Service**

Member, steering committee for proposed Queen's Masters of Science in Health Care Quality, Safety, and Risk (interdisciplinary professional degree with 2012 start)  
Renewal, Promotion and Tenure Committee (2011 – present)  
Committee on Compliance with Law Society's 'Approved Law Degree' (2011 – present)  
Faculty Appointments Committee (2008 – 2011)  
Coach, Ontario Trial Lawyers Association Cup Team (Mock Trial Competition), 2007 – present (2007 Cup Winners, 2008 Best Advocate Winners, 2010 Best Closing, 2011 Best Team, Best Overall Advocate, Best Opening, Best Examination-in-chief)  
Member, Building Revitalization Project Committee (2010 – present)  
Admissions, Chair, Aboriginal Category Sub-Committee (2007 – 2009)  
Access-Mature Category Sub-Committee (2006 – 2007)  
Coach, Arnup Cup Team (Mock Trial Competition) (2007)  
Judge, Fasken, Martineau, DuMoulin LLP International Law Moot (Toronto) (2008)  
Member, Computer-based Exams Committee (2007 – 2009)  
Member, Compensation and Benefits Committee, Queen's University Faculty Association (2011-present)

## **Project Supervision**

Ph.D. External Examiner for Joseph Campisi, Jr. dissertation: "One Step Forward or Two Steps Back? Access to Justice Through the Lens of Auto Insurance Reform, 1990 – 2008" (Osgoode Hall Law School, Toronto, ON July 13, 2009).

Graduate Students (LL.M.):

Shoba Ranganathan, "Controlling Medical Errors in Primary Care Settings" (2009 - present)

LL.M. Thesis examiner:

Imran Akram, "Environmental Law in Pakistan" (2011)

LL.M. Mini-thesis reviewer:

Phillipe Doumaine, "Arbitration Agreements, Class Actions, and Access to Justice" (2010)

Monu Bansal, "Indian Women and Civil Remedies for Sexual Assault" (September 2007)

Andrij Kowalsky, "After Bill C-49: Access to Civil Justice for Trafficked Persons in Canadian Human Trafficking Policy" (November 2006)

Independent Study Project Supervisor:

Jonathan Chen, "Medical Malpractice" (Fall 2011).

Brooke MacKenzie, "Alternative Fee Models for Legal Services" (Fall 2011).

Christine Ashbourne, "Self-represented Litigants and Access to Justice" (Fall 2010).  
Christopher Rae, "Legal Insurance and Access to Justice" (Fall 2009)  
Mathew Good, "Class Actions and Judicial Economy" (Fall 2008/Winter 2009)  
(paper published in *Alberta Law Review*)  
Alexandra Pietrzak, "Tort Liability for Nervous Shock" (Fall 2008/Winter 2009)  
Michelle Rogers, "Liability for Government Disaster Response, " (Summer 2008)  
Daniel Roncari, "Duty to Defend in Insurance: Canada and the U.S." (Winter 2008)  
Mathew Good, "Class Actions and Access to Justice" (Winter 2008) (paper  
published in *Advocates Quarterly*)

### **Public Service**

Member (elected) of Executive, Insurance Law Section, Association of American Law Schools, 2010 – 2011 (Treasurer, 2011) (subsequently deemed 'ineligible' as from non-U.S. law school).

Member, Research Advisory Board of the Law Commission of Ontario, 2007 – present

Member, Ontario Chief Justice's Advisory Committee on Professionalism, 2009 – present

Law school representative, Frontenac Law Association, 2007 – 2008

Invited peer-reviewer (occasional) for academic journals:

- *Queen's Law Journal*
- *Canadian Bar Review*
- *Connecticut Insurance Law Journal*
- *University of British Columbia Law Review*
- *Alberta Law Review*
- *Canadian Labour and Employment Law Journal*

Member, Board of Editors, "The Litigator - Journal of the Ontario Trial Lawyers Association," 2006 - 2008.

### **Bar Membership**

Member of Law Society of Upper Canada, bar of Ontario (2002 – present)

### **Affiliations**

- Association of American Law Schools (insurance, torts, civil procedure sections)
- American Law and Economics Association
- Canadian Law and Economics Association

### **Community Service**

Board Member (municipal appointment), Kingston-Frontenac Public Library Board, 2009 – present

## Notable Cases

### Supreme Court of Canada

*Douglas v. Kinger*, [2008] S.C.C.A. No. 363 (application for leave) (co-counsel)  
do casual employees enjoy tort immunity as against their employers

*R.E. v. Wawanesa*, [2007] S.C.C.A. No. 251 (application for leave) (co-counsel)  
intentional and criminal act exclusion in homeowners insurance coverage

*Eichmanis v. Prystay*, [2004] S.C.C.A. No. 251 (application for leave) (co-counsel)  
standard of care for blended family members negligently allowing children to access firearms

*Bannon v. Thunder Bay*, [2002] 1 S.C.R. 716, 210 D.L.R. (4th) 62, 284 N.R. 190, 27 M.P.L.R. (3d) 31 (co-counsel)  
incapacity of injured persons extends limitation period for tort actions

*Derksen v. 539938 Ontario Ltd.*, [2001] 3 S.C.R. 398, 205 D.L.R. (4th) 1, 273 N.R. 356, 33 C.C.L.I. (3d) 1, [2002] I.L.R. I-4029, 15 M.V.R. (4th) 1 (research counsel)  
modernizing concurrent causation doctrine in insurance to create fairness for accident victims

*Scott v. Continental Insurance Co.*, [1999] S.C.C.A. No. 522 (application for leave) (research)  
fairness of insurance contract interpretation principles for accident victims

### Ontario Court of Appeal

*R.E. v. Wawanesa* (2007), 84 O.R. (3d) 668, 278 D.L.R. (4th) 415, 45 C.C.L.I. (4th) 18, [2007] I.L.R. 1-4590 (co-counsel)  
intentional and criminal act exclusion in homeowners insurance coverage

*Mobile Mini v. Centreline Equipment Ltd.*, [2004] O.J. No. 3659 (co-counsel)  
equity in applying contractual choice of forum clauses

*Eichmanis v. Prystay*, [2004] O.J. No. 1382 (co-counsel)  
standard of care for blended family members allowing children to access firearms

*Nuttall v. Thunder Bay*, [2002] O.J. No. 2387, 17 M.P.L.R. (3d) 290 (co-counsel)  
American and Canadian expert evidence principles for proof of causation

*Derksen v. 539938 Ontario Ltd.* (1999), 45 M.V.R. (3d) 6, (research assistance)  
modernizing concurrent causation doctrine in insurance to create fairness for accident victims

*Scott v. Continental Insurance Co.*, [1999] O.J. No. 3260 (research/ factum assistance)  
fairness of insurance contract interpretation principles for accident victims

*Morton v. Rabito* (1998), 42 O.R. (3d) 161, 169 D.L.R. (4th) 151, 9 C.C.L.I. (3d) 267, 42 M.V.R. (3d) 36 (intervenor status) (research/ factum assistance)  
fairness of insurance contract interpretation principles for accident victims

## Ontario Superior Court of Justice

*R.E. v. Wawanesa Mutual Ins. Co.* (2006), 80 O.R. (3d) 114, 36 C.C.L.I. (4th) 75, [2006] I.L.R. I-4489 (co-counsel)

homeowners insurance coverage issues for child accident victims

*S.D.K. v. Terrace Bay Police et al*, [2004] O.J. No. 1745 (co-counsel)

prosecutor and police liability for alleged sexual assault investigation and wrongful conviction

*Bannon v. Thunder Bay* (2003), 61 O.R. (3d) 358, 216 D.L.R. (4th) 767 (co-counsel)

legal costs - ensuring court access for impecunious plaintiffs pursuing meritorious, risky tort cases

*Eichmanis v. Prystay*, [2003] O.J. No. 450 (co-counsel)

standard of care for blended family members allowing children to access firearms

## **Media Commentary**

"Tobacco Companies Stand Alone After Court Battle" CBC Radio International and CBC Radio "The Link" (August 3, 2011).

"Decision Pits Provinces Against Big Tobacco" Toronto Sun, Vancouver Sun, Montreal Gazette, Ottawa Citizen, Edmonton Journal and 25 other newspapers cross-country (July 30, 2011).

"Insurance Rule Stings Victims of Domestic Violence" Hamilton Spectator (Feb. 10, 2011).

"Gillette Razor Class Action Settlement" CBC Radio East (Nov. 16, 2010).

"Ontario Changes Automobile Insurance" CBC Northeastern Ontario Morning (September 1, 2010).

"Ontario's New Automobile Insurance Changes" CBC Morning with Rita Celli (August 31, 2010).

"New Auto Reforms" *Lindsay Post* (August 31, 2010).

"One More Hit on the Middle Class" *Toronto Sun* (August 30, 2010).

"Real 'Choice' to Pay More for Insurance" *Ottawa Sun* (August 27, 2010).

"Car Insurance?: Your Real 'Choice' Is To Pay More" *Toronto Sun* and 18 Sun Media newspapers (August 26, 2010).

"Ontario's New Auto Insurance" Jim Richards Newsgram Radio Show - NewstalkToronto 1010 (August 22, 2010).

"Reforming Ontario's Automobile Insurance" John Oakley Radio Show, AM640 Toronto (August 22, 2010).

“New Changes to Ontario’s Automobile Insurance” CBC Ontario Morning, CBC Radio One (cross-province) (August 22, 2010).

“Ontario Changes Automobile Insurance” CBC Northwestern Ontario Morning (August 22, 2010).

“Ontario Car Insurance Reforms Too Complex: Prof” (Canadian Press Story run in CBC News online, CTV Online, Google.ca, Yahoo.ca, and most print newspapers in the country) (August 22, 2010).

“New Reforms to Ontario’s Automobile Insurance” *Toronto Star* (August 19, 2010).

“Optimism Bias in Tort Law” *Lawyers Weekly* (April 30, 2010).

Invited guest blogger, *Lawprawns* blog (U.S. law professors online blog conversation) (April, 2010).

“Saying Sorry Now A Little Easier: *Apology Act* Makes Contrition Safer But Who IS It Really Helping?” *Hamilton Spectator* (April 29, 2009).

“Class Actions Rising,” *National Post* (April 27, 2009)

“Saying Sorry is a Way Back to Grace: Ontario’s *Apology Act* Makes Contrition Easier,” *Toronto Star* (April 27, 2009).

“Merck/Vioxx Class Action De-certification in Saskatchewan,” Associated Press story run in various media (The Record, Yahoo, Canoe, CNet) (March 31, 2009).

“Ontario’s New Apology Act,” CKCU 93.1 FM - Ottawa radio (March 18, 2009).

“Municipal liability for roadways,” *Kingston Whig-Standard* (February 25, 2009).

“Legal concerns about class actions for *listeria* in poisoned meat,” CBC Radio News Northwestern Ontario (Thunder Bay), CBC Radio News Northeastern Ontario (Sudbury) (September 2, 2008).

“Class actions from tainted meat across Canada,” CBC Radio - Ontario Morning (August 28, 2008).

Invited guest blogger, *Lawprawns* blog (leading U.S. law professors online blog) (February and March, 2008).

“Moore lawsuit likely to settle out of court; Moore v. Bertuzzi; 90% of civil cases never go to trial, legal experts say,” *National Post* (Saturday, December 22, 2007).

“Bertuzzi, Canucks case unlikely to see courtroom,” *Vancouver Sun* (Friday December 21, 2007).

“The *Reynolds* Appeal: Witness Immunity from Civil Suits,” CBC Radio Morning, CBC Radio News -Vancouver, Calgary, Regina, Whitehorse, Winnipeg, Thunder Bay, Toronto, Sudbury, Ottawa, Quebec City, St. John’s (March 15, 2007).

“Witness Immunity from Civil Suits,” CBC Radio-Ottawa (January 25, 2007).

“Advocates for the Wrongfully Convicted Join Fight to Sue Pathologist,” CBC News online (January 24, 2007).

### **Languages**

- French (intermediate fluency – oral and written)