

ANNE E. SPAFFORD

Health Law

PARTNER

"Wisdom is the reward you get for a lifetime of listening when you'd have preferred to talk - a quote from Doug Larson."

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PROFESSIONAL HISTORY

- ◆ Managing Partner, Lernalers LLP Toronto office (2020 to present)
- ◆ Partner, Lernalers LLP (2003 to present)
- ◆ Associate lawyer, Lernalers LLP (2001-2002)
- ◆ Partner, Litigation Group, Borden & Elliot (now Borden Ladner Gervais) (1990-2000)
- ◆ Associate lawyer, LeBoeuf, Lamb, Leiby & MacRae in Boston (1987-1988)

REPRESENTATIVE WORK

- ◆ Extensive jury and judge alone trial experience in the medical malpractice area.
- ◆ Regularly represents physicians in proceedings involving the College of Physicians of Ontario and in Hospital privileges matters.

NOTEWORTHY CASES

- ◆ Tahir v. Mitoff, 2019 ONSC 7298
- ◆ Lewin-Gillies v. York Central Hospital, 2018 ONSC 883
- ◆ Ontario (College of Physicians and Surgeons) v. RST, 2016 ONCPSD 35
- ◆ Ontario (College of Physicians and Surgeons) v. Ng, 2016 ONCPSD 12
- ◆ College of Physicians and Surgeons of Ontario re: Dr. S.C. Disciplinary Hearing for physician charged with unprofessional conduct and sexual abuse
- ◆ Guterrez v. Colman 2013, two week jury trial involving the defence of an obstetrician
- ◆ Beldycki v. Jaipargus et al: Medical malpractice jury trial
- ◆ Aherne v. Chang, 2011 ONSC 2067 (Can LII)
- ◆ Aherne v. Chang, 2011, 106 O.R. (3d) 297
- ◆ Hudson v. Dr. Richard Austin, 2010 ONSC 2789
- ◆ Goodwin v. Olupona, 2010 ONSC 5068 (CanLII)
- ◆ Randall v. Lakeridge Health Oshawa, 2009 CanLII 6840
- ◆ Cass v. Lai, 2007 ONCA 507 CanLII (C.A.)
- ◆ Todd v. Fook, 2008 CanLII 52307
- ◆ Burtch v. Barnes (2006), 80 O.R. (3d) 249 (C.A.)
- ◆ Worthman v. Grant et al (2006), 80 O.R. (3d) 365 (Div. Ct.)
- ◆ Richards v. Catney, [2005] O.J. 1159
- ◆ Oswald v. Kortan, [2004] O.J. No. 3668
- ◆ Cote v. Peddle, [2003] O.J. 1359

- ◆ Newton v. Ontario, [2001] O.J. 3471
- ◆ Rath v. Hamilton Health Sciences Corp, WSIAB decision 321/99
- ◆ Mercurio et al. v. Rizza (1998), 39 O.R. (3d) 728

ACHIEVEMENTS

- ◆ Recognized in Chambers Canada in the area of Healthcare - Contentious (2021-2022)
- ◆ Lawyer of the Year Professional Malpractice Law Toronto, Best Lawyers in Canada (2021)
- ◆ Benchmark Canada, Litigation Star (2015-2020) - Recognized in the following areas: Health and Insurance (2015-2020); Dispute Resolution (2020)
- ◆ Recognized in Chambers Canada in the area of Healthcare law (2020)
- ◆ Ranked in Canadian Legal Lexpert Directory: Medical Negligence (represents defendants) (2014-2021)
- ◆ Selected by her peers to be included in Best Lawyers in Canada (2014-2022)
- ◆ Ontario Review Board, Legal Member and Alternate Chair
- ◆ University of Toronto Instructor Trial Advocacy
- ◆ Skills Instructor for The Advocates' Society

SELECTED PRESENTATIONS/PUBLICATIONS

- ◆ The Advocates' Society: Spring Symposium, Demonstration and Discussion on Expert testimony, 2019
- ◆ "Demonstration & Discussion: What Category of Expert is Your Opponent Calling and Why Does it Matter?", The Advocates' Society 18th Annual Spring Symposium Program, April 24, 2019
- ◆ The Advocates' Society: Exercising Professionalism and Civility, Co-Chair December 2018
- ◆ The Law Society of Ontario: Best Practices in Medical Negligence Cases, Speaker, 2018
- ◆ The Advocates' Society: Exercising Professionalism and Civility, Co-Chair December 2017
- ◆ The Advocates' Society: Administrative Tribunal Advocacy, Co-Chair and Speaker 2017
- ◆ The Advocates' Society: Objection Your Honour, June 2016
- ◆ The Advocates' Society: Trial from A to Z, February 2016
- ◆ Ontario Hospital Association: Medico-legal aspects of Psychiatric Emergencies, 2016
- ◆ The Advocates' Society: Women in Litigation Symposium, Co-chair 2015
- ◆ The Advocates' Society Courthouse Series: Marshalling the Evidence, February 27, 2014
- ◆ Law and Mental Disorder: A Comprehensive and Practical Approach, Irwin Law 2013, Contributor
- ◆ The Advocates' Society, "Opening Statements", demonstration and panel discussion, December 10, 2013
- ◆ Osgoode Professional Programme, "Current and Emerging Issues on Medical Practice", part of the Personal Injury Update, September 27, 2013
- ◆ Osgoode Hall Law School Master's Programme, Trial Advocacy, February 23, 2013
- ◆ The Advocates' Society, "Cross-Examination Strategies", January 30, 2013
- ◆ Osgoode Professional Programme, "Medical Malpractice", January 22, 2013
- ◆ Current and Emerging Issues in Medical Malpractice, Osgoode Hall Professional Development Fifth Annual Update on Personal Injury Law, 2009
- ◆ Medical Directors and the Law, Annual Conference of Geriatric Medicine, 2009
- ◆ Legal Risk Management for Nurses, 2007
- ◆ Canadian Institute Obstetrical Malpractice, 2004 and 2007
- ◆ Hospital Employment Law for the 21st Century, presented by the Ontario Hospital Association, April 1999
- ◆ Hospital Liability-Hot Topics, presented by the Ontario Hospital Association, May 1999

MEMBERSHIPS

- ◆ Member, Board of Directors, The Advocates' Society
- ◆ Canadian Bar Association

- ◆ Past Member, Board of Directors, Wychwood Park Ratepayers Association

EDUCATION

- ◆ B.Sc.(Nursing) Université Laval, (1983)
- ◆ Called to the Massachusetts Bar (1987)
- ◆ LL.B. and B.C.L. McGill University Faculty of Law (1987)
- ◆ Admitted to Ontario Bar (1990)
- ◆ LL.M. conferred, The University of Toronto (2000)

PERSONAL INFORMATION

- ◆ Anne is bilingual (fluent in French)