

MARK D. LERNER

Health Law

PARTNER

"When representing physicians whose professional reputation is at stake, my goal, in addition to resolving the problem, is to do so in a manner which reduces the stress level as much as possible through skills and experience gained after 40 years in Health Law."

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PROFESSIONAL HISTORY

- ◆ Partner, Lernalers LLP (1980 to present)
- ◆ Associate, Lernalers LLP (1975-1980)

SELECTED RECENT NOTEWORTHY CASES

- ◆ *Duggan v. Lakeridge Health Corp.*, (2017) 279 A.C.W.S (3d) 39, Medical Negligence
- ◆ *Duggan v. Lakeridge Health Corp.*, (2016) 270 A.C.W.S (3d) 65, Medical Negligence
- ◆ *Martin v. Shah*, 2016 ONSC 5382, Medical Negligence
- ◆ *Smith v. Saraf-Dhar*, 2016 ONSC 4556, Medical Negligence
- ◆ *Tremaine v. Muir*, (2014) ONSC 185
- ◆ *Graham v. Lemay and the City of Ottawa et al.*, (2012) ONSC 1655, Discovery Procedures
- ◆ *Ball v. Amendola et al* [2009] O.J. No. 4114, 2009 CarswellOnt 5983, Medical Negligence
- ◆ *Huinink v. County of Oxford and Fenton et al.*, [2008] O.J. No. 1317; 166 A.C.W.S. (3d) 399; 2008 CarswellOnt 1895. Medical Negligence
- ◆ *Lariviere v. Ainslie*, [2006] O.J. No. 522; [2006] O.T.C. 129; 145 A.C.W.S. (3d) 1146; 2006 CarswellOnt 798; 2006 CanLII 3660. Medical Negligence
- ◆ *Sanger v. Stoffman*, [2006] O.J. No. 49; [2006] O.T.C. 12; 144 A.C.W.S. (3d) 959; 2006 CarswellOnt 49; 2006 CanLII 125. Medical Negligence
- ◆ *Sanger v. Stoffman*, [2005] O.J. No. 137; 136 A.C.W.S. (3d) 555; 2005 CarswellOnt 134. Medical Negligence

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ACHIEVEMENTS

- ◆ 2019 Ontario Bar Association Award of Excellence in Insurance Law
- ◆ Lawyer of the Year Product Liability Law London/Windsor, The Best Lawyers in Canada, for 2019
- ◆ Listed as “Repeatedly Recommended Expert” in *Canadian Legal Lexpert Directory* for medical negligence (represents defendants)
- ◆ Listed in *The Best Lawyers in Canada*, 2006 (inaugural edition), to 2020
- ◆ Listed in *Martindale-Hubbell Law Directory*, peer review rating BV, 2008 to 2018

SELECTED PRESENTATIONS/PUBLICATIONS

- ◆ Frequent guest lecturer for the Canadian Bar Association, The Law Society of Upper Canada, The University of Western Ontario in the Faculty of Law and in the Faculty of Medicine and Dentistry
- ◆ “Negotiation Strategies for Litigators” (The Advocates’ Society, May 2017)
- ◆ “Reducing Your Medical Legal Risk in the ER” (North York General Hospital, Emergency Medicine Update, May 2016)
- ◆ “Medical Malpractice Trial 101 – Practical Strategies” (Ontario Bar Association, April 2016)
- ◆ “The Use and Abuse of Documents at Trial” (Oatley-McLeish Guide to Motor Vehicle Litigation, March 2016)
- ◆ “Courthouse Series Demonstration” (The Advocates’ Society, December 2012)
- ◆ “What’s the Damage Really Worth?” (The Middlesex Law Association Personal Injury Conference, December 2012)
- ◆ “Partnering in the Interests of the Administration of Justice” (Criminal Advocacy Summit, Toronto, May 2012)
- ◆ “Consent to Treatment – Rasouli and Consent to Withdraw Treatment” (Civil Litigation Updated 2011, County of Carleton Law Association, Montebello, November 2011)
- ◆ Law Society of Upper Canada, Civility Forum, London, February 2010
- ◆ London City-wide Orthopedic Grand Rounds “Litigating Compartment Syndrome”, December 2009
- ◆ “Civil Litigation Section on Dispute Resolutions” (American Bar Association, Toronto, October 2006)
- ◆ “Tavern Liability from the Plaintiff’s Perspective” (Canadian Bar Association, Toronto, November 2000)

MEMBERSHIPS

The Advocates’ Society:

- ◆ Member of the Board of Directors, 2002 to 2012

Executive Committee:

- ◆ President, 2011–2012
- ◆ First Vice-President, 2010 to 2011
- ◆ Second Vice-President, 2009 to 2010
- ◆ Treasurer, 2008 to 2009
- ◆ Secretary, 2007 to 2008

Other Committees:

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- ◆ Chair, Standing Committee on Collegiality, Mentoring and Membership, 2005 to 2006
- ◆ Vice-Chair, Standing Committee on Collegiality, Mentoring and Membership, 2004 to 2005
- ◆ Vice-Chair, Task Force on Advocacy, 2003 to 2004
- ◆ Member of Standing Committee on Advocacy and Practice, 2003 to 2004

Conventions:

- ◆ Co-Chair, International Convention, May 2010, Madrid and Marrakech
- ◆ Co-Chair, International Convention April 2008, Vienna and Prague
- ◆ Co-Chair, Fall Convention 2006, Mexico
- ◆ Co-Chair, Fall Convention 2005, Bahamas

Law Society of Upper Canada:

- ◆ Civil Rules Committee - appointed as a representative of the Law Society of Upper Canada, February, 2009 to 2018

St. Joseph's Health Care, London:

- ◆ Member of the Executive Committee, 2000 to 2001
- ◆ Chair, Quality of Care & Ambulatory Care Committee, 1996 to 2001
- ◆ Member of the Board of Directors of St. Joseph's Health Care, 1995 to 2001
- ◆ Member of the Board of Directors of St. Joseph's Health Care Foundation, 1988 to 1996

London Health Sciences Centre, London:

- ◆ Member of Joint Committee, 2001
- ◆ Chair of Emergency Services Task Force, 1998

Alzheimer Society of London and Middlesex:

- ◆ Former Member of the Board of Directors, 1981-1985

EDUCATION

- ◆ Admitted to the Bar, (1975)
- ◆ Bachelor of Laws, Osgoode Hall School of York University (1973)
- ◆ Bachelor of Arts, York University (1970)