

# SHAUNA K. POWELL

Health Law

PARTNER

"We provide vigorous, responsive and knowledgeable legal representation. Our focus is on defending the professional reputations of our clients."

**Direct Phone** 519.640.6367

**Direct Fax:** 519.932.3367

**Email:** [skpowell@lerner.ca](mailto:skpowell@lerner.ca)

**Website:** [www.lerner.ca](http://www.lerner.ca)



## PROFESSIONAL HISTORY

- ◆ Adjunct Professor, Western University (Civil Procedure) (2013-2015)
- ◆ Partner, Lerner LLP (2006 to present)
- ◆ Associate lawyer, Lerner LLP (1998-2005)
- ◆ Articling student, Lerner LLP (1997)

## REPRESENTATIVE WORK

- ◆ Health law litigation, including representation of medical physicians and chiropractors.
- ◆ Shauna's practice has focused extensively on health law in the 20 years that she has been at Lerner. Shauna has significant experience providing representation to health professionals in both civil and administrative matters. She has successfully defended physicians against claims of medical negligence and has appeared as trial counsel in the Ontario Superior Court of Justice on numerous occasions and as appellant counsel before Ontario's Divisional Court and Court of Appeal. She also provides representation to physicians in matters before the College of Physicians and Surgeons including disciplinary matters and fitness to practice hearings. Shauna has frequently appeared before the Health Professions Appeal Board and has been involved in various inquests where medical physicians have required assistance. She also assists physicians in privileging matters, which has included representation of physicians before Credentialing Committees, Medical Advisory Committees and Hospital Boards.
- ◆ In addition to her work with physicians, Shauna has significant experience providing representation to chiropractors in civil litigation matters. Shauna has both a Canadian and U.S. law degree.

## NOTEWORTHY CASES

- ◆ *VanSluytman v. Brewster*, 2017 ONSC 1957 (CanLII). Action successfully dismissed against defendant physicians on basis the proceeding was frivolous, vexatious or otherwise an abuse of the Court's process.
- ◆ *Ontario (College of Physicians and Surgeons of Ontario) v. UVW*, 2016 ONCPSD 38 (CanLII). Successfully defended a physician against allegations of sex abuse at a Discipline Hearing before the Discipline Committee of the College of Physicians and Surgeons of Ontario.
- ◆ *Tremain et al v. Dr. William Muir et al.*, 2014 ONSC 185 (Can LII). Action successfully dismissed against defendant physicians on basis the claim was statute-barred due to the limitation period.
- ◆ *Kaila v. Bluewater Health*, 2014 CanLII 19532 (ON HPARB). In an appeal to the Health Professions Appeal and Review Board, conducted by way of a hearing de novo, the Order impacting a physician and his hospital privileges was successfully varied, including the elimination of the requirement for a risk assessment of the physician.
- ◆ *S.K. v. C.D.*, 2014 CanLII 17827 (ON HPARB). Successful challenge of a decision of the Inquiries, Complaints and Reports Committee of the College of Physicians and Surgeons of Ontario which compelled a physician to complete retraining and be cautioned as to his conduct. On review, Shauna successfully argued that the decision was inadequate and breached procedural fairness.
- ◆ *S.M. v. S.K.*, 2013 CanLII 58946 (ON HPARB). Successfully argued that the complainant's reference to media articles involving the physician and RateMD was not probative for the purpose of regulatory review.
- ◆ *M.S. v. M.G.*, 2011 CanLII 59743 (ON HPARB). Successful in a review of a physician's care and treatment following death of the patient by overdose.
- ◆ *Elgindy v. Prince* - Appellate level decision, which provided for full disclosure of relevant medical documentation in a medical negligence action and prevented the defendant physician from having to submit to both an oral and written examination for discovery.

## **ACHIEVEMENTS**

- ◆ Lawyer of the Year Health Care Law London/Windsor, Best Lawyers in Canada, for 2022
- ◆ Selected by her peers to be included in Canadian Legal Lexpert Directory in the area of medical negligence (2021)
- ◆ Selected by her peers to be included in The Best Lawyers in Canada (2019-2022)

## **SELECTED PRESENTATIONS/PUBLICATIONS**

- ◆ "Privacy Considerations for Business Leaders" – Presenter, Ivey Business School, Western University, January 26 2021
- ◆ Speaker, "Accommodation in Professional Regulation", Ontario Bar Association's Institute program, Accommodating Disabilities in Administrative Law, February 2020
- ◆ Speaker, "Tort Law Update", The Advocates' Society's Tricks of the Trade 2019
- ◆ Speaker, "Bill 87: Protecting Patients Act, 2017", Ontario Bar Association's Emerging Risks in Health Law Conference, February, 2018.
- ◆ "Practical Tips for Avoiding Professional Negligence Claims", Presenter, Important Legal Updates for Health Care Professionals Seminar, October 21, 2013

## **MEMBERSHIPS**

- ◆ The Ontario Bar Association
- ◆ The Advocates' Society
- ◆ Middlesex Law Association
- ◆ Fundraising Committee Member, Brain Injury Association of London and Region
- ◆ Fundraising Committee Member, Parkwood Golf Tournament, St. Joseph's Health Care Foundation
- ◆ Sponsor and assistant coach, Under-5 Nor'west Optimist Soccer Club (2009)
- ◆ Executive member of the Ontario Bar Association's Health Law Section (2005-2007)
- ◆ Member, Board of Directors, Kidney Foundation of Canada - Southwestern Ontario Chapter (1998-2006)

## **EDUCATION**

- ◆ Masters of Law, specializing in Health Law, York University (2011)
- ◆ Admitted to Ontario Bar (1998)
- ◆ Bachelor of Laws, University of Windsor (1996)
- ◆ Doctor of Jurisprudence, University of Detroit, Mercy School of Law (1996)

## **PERSONAL INFORMATION**

In her spare time, Shauna enjoys spending time with her family, travelling, biking and supporting cultural events in the community.