

STEPHEN R. SCHENKE

Insurance Defence

PARTNER

"Successful Insurance Defence work requires more than a thorough understanding of the law. Each case requires early collection of important evidence, the appropriate hiring of experts, timely reporting to your client, and strategic decision making in concert with your client. Steps can then be taken to achieve a fair resolution to the case or proceed to trial."

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PROFESSIONAL HISTORY

- ◆ Partner, Lerners LLP (1991 to present)
- ◆ Associate lawyer, Lerners LLP (1987-1991)
- ◆ Associate lawyer, Cohen Melnitzer (1985-1987)

REPRESENTATIVE WORK

- ◆ Bodily injury claims - including motor vehicle claims
- ◆ Public entity defence
- ◆ Professional negligence claims
- ◆ Property damage claims
- ◆ Insurance fraud
- ◆ General & commercial liability
- ◆ E&O claims
- ◆ Policy interpretation

NOTEWORTHY CASES

- ◆ *Bondy v The Corporation of the City of London and Lyszczek* (2014) ONCA 291 – case involved liability of adjacent property owner for slip and fall
- ◆ *Rando Drugs Ltd. v. Scott* (2007), 86 O.R. (3rd) 641, C.A. – case involved issue of reasonable apprehension of bias of trial judge
- ◆ *Daly v. ING Halifax Insurance Co.* (2007) 85 O.R. (3rd) 70, C.A. – case involved interpretation of Statutory Accident Benefits Schedule
- ◆ *Armitage v. Brantford General Hospital* (2004) 71 O.R. (3rd) 44 – case involved issue of limitation period against physician
- ◆ *Unger v. Unger* (2004) 68 O.R. (3rd) 257, C.A. – case involved issue of insurer's obligation to defend
- ◆ *Muscutt v. Courcelles* (2002) 60 O.R. (3rd) 20, C.A. – case involved jurisdiction of Ontario Courts as a result of tort committed outside of Ontario
- ◆ *Van Patter v. Tillsonburg District Memorial Hospital* (2000) 45 O.R. (3rd) 223, C.A. – case involved availability of third party proceeding in view of previous Release signed by plaintiff

ACHIEVEMENTS

- ◆ Selected by peers to be included in The Best Lawyers in Canada for Healthcare Law, Insurance Law, Medical Negligence, and Professional

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LAWYERS

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Malpractice Law

- ◆ Best Lawyers in Canada London/Windsor Insurance Law Lawyer of the Year (2014, 2020, 2022)
- ◆ Recognized by Lexpert as being repeatedly recommended in personal injury law (represents defendants) (2010-2012, 2017-2020)
- ◆ Instructor, Bar Admission Course, London, ON (1990-1996)
- ◆ Adjunct Professor of Law, Faculty of Law, The University of Western Ontario (1991-1993)
- ◆ Dean's Honour List, Faculty of Law (1983)
- ◆ Sophie Boyd Award, Faculty of Social Work (1982)
- ◆ Ontario Graduate Scholar (1980)

SELECTED PRESENTATIONS/PUBLICATIONS

- ◆ "Navigating the Legal System After a Motor Vehicle Collision", with D. Lambe, S. Fabiani and D. Gauvreau, *Psychological Injury and Law*, published by Springer Nature, July 2018
- ◆ Speaker, Casualty Update - The Year in Review, OIAA Provincial Conference, May 2017
- ◆ Presentation on Law and Medicine to Otolaryngology Head and Neck Surgery Residents at the University of Western Ontario in January 2014 and September 2015
- ◆ Speaker at Osgoode Short Course in Mediation Advocacy, September 2014
- ◆ Publication of paper called "To Crack or Crumble: Use of the Thin Skull and Crumbling Skull Rules" in the *Journal of Psychological Injury and Law*, May 2013, with Drs. Iezzi and Duckworth
- ◆ Lecturer on discoveries at the Osgoode Certificate in Personal Injury Law, April 17, 2013
- ◆ Presenter at 7th Annual Straight from the Bench conference in London, May 2012
- ◆ Presenter at the Court House Series Conference in London, February 2012
- ◆ *Medicolegal Issues Associated with Motor Vehicle Collision: Legal Perspective*, book chapter published in "Motor Vehicle Collisions: Medical, Psychological, and Legal Consequences" published by Elsevier Limited, 2008
- ◆ Presenter at the Middlesex Law Association Conference on "New Developments in Personal Injury Law" - October 30, 2008
- ◆ Co-Chair, Hot Topics in Motor Vehicle Insurance, Ontario Bar Association, 2006 & 2007
- ◆ Guest Lecturer, Faculty of Medicine, The University of Western Ontario, 2002, 2005, 2007 & 2008
- ◆ "Creative Pleadings and Attempts to Avoid the Threshold" *Without Prejudice Magazine* (April, 2004)
- ◆ "Suing for Damages in Ontario for an Injury Suffered in another Province" *Without Prejudice Magazine* (September 2002)
- ◆ "Effective Negotiation and Mediation of Personal Injury Claims" (Seminar Chair, Law Society of Upper Canada, June 6, 2002)
- ◆ Presenter, Law Society of Upper Canada/Financial Services Commission of Ontario Conference, June 2, 2000
- ◆ Guest Lecturer, Faculty of Law, The University of Western Ontario (1994-2002)
- ◆ Guest Lecturer, Fanshawe College, London, ON (1991 and 1992)
- ◆ "Malpractice in Social Work & Information Disclosure in the Practice of Social Work" (University of Toronto Press, 1985)
- ◆ "The Children's Act: A Consultation Paper" (Ontario Ministry of Community and Social Services, 1982)
- ◆ "Community Resources in London" (Ontario Association of Student Legal Aid Societies, 1982)
- ◆ *Handbook of Alternative Housing for Psychiatric Patients in Canada* (Canadian Mental Health Association, 1979)

MEMBERSHIPS

- ◆ Canadian Defence Lawyers
- ◆ Middlesex Law Association
- ◆ Ontario Bar Association
- ◆ Canadian Bar Association – Ontario
- ◆ The Advocates' Society

EDUCATION

- ◆ Admitted to the Ontario Bar (1985)

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- ◆ The University of Western Ontario, Faculty of Law, Bachelor of Laws (1983)
- ◆ University of Toronto, Faculty of Social Work, Master of Social Work (1981)
- ◆ The University of Western Ontario, Bachelor of Arts with major in Psychology (1978)

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