

SHANNON GAUDET

Specialty Risk and Insurance

PARTNER

"I thrive on the wide variety of legal challenges and issues that arise in insurance defence cases and enjoy working closely with clients to define strategies that result in successful outcomes."

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REPRESENTATIVE WORK

Shannon Gaudet is a partner and lead of our specialty insurance group. She has nearly ten years of experience in civil litigation and significant trial and appellate experience in a wide range of areas, including specialty insurance coverage, health law, insurance litigation and professional regulation. She has appeared before all levels of the court in Ontario, as well as several administrative tribunals.

Her insurance practice balances both advisory and dispute resolution work. She regularly advises insurers on most aspects of coverage, including opinions and guidance during the investigation of complex claims, with particular expertise in the areas of financial institutions, directors and officers, errors and omissions cover and general commercial liability claims. Shannon also defends insurers and their insureds in claims related to municipal and public entity liability, E&O and D&O liability, general and commercial liability, occupier's liability, motor vehicle accidents and professional negligence matters.

Shannon regularly acts for members of several regulated health Colleges, including physicians, psychologists, dentists, respiratory therapists, and medical radiation and imaging technologists, in civil litigation claims alleging negligence, informed consent issues, human rights issues, and privacy breaches, and regulatory matters such as of fitness to practice and consent and capacity issues.

LEADERSHIP POSITIONS AND COMMUNITY CONTRIBUTIONS

- ◆ Practice Group Leader, Specialty Insurance Coverage Group (2021 to present)
- ◆ Co-Chair, Education Committee, Health Law Group, Lerners LLP (2020 to present)
- ◆ Executive Member, Ontario Bar Association, Health Law Section (2017 to present)
- ◆ Executive Member, Canadian Bar Association, Health Law Section (2019 – 2020)
- ◆ Member, Mount Sinai Hospital, Research Ethics Board (2018 to present)
- ◆ Member, Women's Brain Health Initiative, Young Person's Cabinet (2015 – 2019)
- ◆ Eva's Initiatives, Eva's Golf Classic Planning Committee Member (2014 – 2015)

NOTEWORTHY CASES

- ◆ *Roumann Consulting, Inc. v. Aviva Insurance Company of Canada et al.*, 2020 ONSC 3387 – Acted for the insurer on a successful motion for summary judgment where the insured's claim for a duty to defend under an errors & omissions policy was dismissed
- ◆ *Brown v. Baum*, 2020 ONSC 1541 – Successfully represented the defendant physician at trial in an action alleging a lack of informed consent.
- ◆ *Intact v. Gore*, 2019 ONSC 4508 – Acted for the successful respondent in the appeal of a decision regarding which insurer was in priority to pay benefits.
- ◆ *Amigud v. Sharareh Shokri Medicine Professional Corporation*, 2018 HRTO 841 - Acted for the successful physician in a preliminary hearing to dismiss allegations before the Human Rights Tribunal of Ontario.
- ◆ *Black v. Owen*, 2017 ONCA 397 – Acted for trustees of a private community in a property claim.
- ◆ *Chambers v. The Corporation of the Town of Midland*, 2015, unreported – Acted for the Town on a successful motion for summary judgment in a matter arising from the Town's enforcement of a by-law.
- ◆ *Best v. Ranking*, 2015 ONSC 6268 – Acted for the defendant police service on a successful motion to strike the plaintiff's claim.

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- ◆ *Yusuf v. Kurup*, 2014 ONSC 247 – Successfully represented the defendant physician at trial in an action alleging medical negligence.
- ◆ Inquest into the Death of Ashley Smith, 2013-2014 – represented a number of physicians in a coroner's inquest that focused on the death of Ashley Smith while in custody.
- ◆ *Ferguson v. The Corporation of the County of Brant*, 2013 ONSC 435 (CanLII) - Represented the defendant municipality at a lengthy trial involving issues of winter road maintenance and road design.
- ◆ *Deol v. Gore Mutual Insurance Company*, FSCO A13-003801, 2013 – Acted for the successful insurer on a motion for interim accident benefits.

SELECTED PRESENTATIONS/PUBLICATIONS

- ◆ Chair, OBA Health Law Section Year End Program and Award Presentation, June 10, 2020
- ◆ Panelist, "Hospital Privileges: Perspectives from MDs and Counsel", Medico-Legal Society of Toronto, March 9, 2020
- ◆ Panelist, "Evidentiary Issues", Law Society of Ontario program, A Litigator's Guide to Concurrent Criminal, Civil and Administrative Proceedings, January 28, 2020
- ◆ Speaker, "Civil Actions Arising from By-Law Enforcement by Municipalities", International Municipal Lawyers Association Annual Conference, September 20, 2019
- ◆ Chair, "Emerging Risks in Health Law", OBA Health Law Section, February 9, 2018

ACHIEVEMENTS

- ◆ Best Lawyers of Canada, Lawyer of the Year, Professional Malpractice Law - Toronto
- ◆ Selected by her peers for inclusion in Canadian Legal Lexpert Directory for Medical Negligence and Professional Liability (2021-2022)
- ◆ Selected by her peers for inclusion in Best Lawyers in Canada for Health Care Law, Medical Negligence, and Professional Malpractice Law

MEMBERSHIPS

- ◆ Professional Liability Underwriting Society
- ◆ Law Society of Ontario
- ◆ Ontario Bar Association
- ◆ Canadian Bar Association
- ◆ Canadian Defence Lawyers
- ◆ The Advocates' Society
- ◆ International Municipal Lawyers Association

PROFESSIONAL HISTORY

- ◆ Partner, Lerner LLP (2018 to present)
- ◆ Associate lawyer, Lerner LLP (2012-2017)
- ◆ Articling student, Lerner LLP (2011)
- ◆ Summer student, Lerner LLP (2010)
- ◆ Summer student, Chong & O'Neill (2009)

EDUCATION

- ◆ Admitted to Ontario Bar (2012)
- ◆ Juris Doctor, Queen's University (2011)
- ◆ Certificate in Public International Law, Queen's University International Study Centre, Herstmonceux Castle, United Kingdom (2009)
- ◆ Bachelor of Arts (Hons) in Kinesiology, McMaster University (2007)

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