

Representing Children in Civil Matters

Civil Litigation and Trusts and Estates Law Sections



Date: Wednesday, November 29, 2023 | 9:00 am to 4:35 pm

Location: Via Webcast



Program Co-Chairs: **Barbara Legate**, Legate Injury Lawyers
Samantha Preshner, The Office of the Children's Lawyer

This program is eligible for up to 0.5 hours of Professionalism Content.

This program is eligible for up to 6.0 hours of Substantive Content.

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Join our panels of experienced personal injury and estates practitioners as they engage in in-depth discussions and provide practical insights on both the legal aspects and the unique challenges associated with representing children. This comprehensive program aims to equip practitioners with the knowledge, skills, and ethical considerations necessary to effectively represent children in civil matters. Our expert panelists will delve into a wide range of topics, covering various stages of the litigation process, including special considerations for commencing such an action, developing and defending damages claims, structures, applications for guardian of property, passing of accounts and much more.

9:00 am Welcome and Opening Remarks

Jordan Korn, Goddard Gamage LLP

9:05am **Updates on Rule 7**
Barbara Legate, Legate Injury Lawyers
Samantha Preshner, The Office of the Children's Lawyer

11:00am **Developing and defending FLA and Subrogated Claims**
Troy Lehman, Oatley Vigmond Personal Injury Lawyers LLP

9:25am **Special Considerations for Commencing an Action**
Pinta Maguire, Tyr LLP
Kate Mazzucco, Beyond Law LLP

- Communicating with your client; parent's goals vs. child's goals
- Appointment of litigation guardian
- Separated families and joint retainers
- New court forms
- Limitation periods

11:30am **Settlement Approval**
The Honourable Darla A. Wilson, Superior Court of Justice
Katherine Antonacopoulos, Office of the Children's Lawyer
Heidi Brown, Bogoroch & Associates LLP

- How you get approval and documents
- Care Plans for childhood and beyond; working with Estates Counsel
- Structures – use-matching to FCC reports – different designs
- Dealing with inflation
- When and how does the OCL become involved

9:45am **Developing and defending claims for income loss**
Lesly Joseph, Tierney Stauffer LLP

12:00pm Questions and Concluding Remarks

10:05am **Developing and defending claims for future cost of care**
Richard Halpern, Gluckstein Lawyers

12:05pm Lunch

10:25am Health Break

1:00pm **Approval of Fee Agreements and Fees**
Paul Harte, Harte Law

10:40am **Developing and defending claims for Guardianship costs**
Jan Goddard, Goddard Gamage LLP

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org

- Referral and co-counseling fees – how to use them appropriately
- What the motion materials must contain
- Impact of the standard CFA
- Costs plus agreement approval
- Is there a standard acceptable fee?
- Allocation amongst parties

1:20pm **Sealing Orders**

Luke Kilroy, Legate Injury Lawyers

1:40pm **The Role of Structures**

Sumitra Lagoo, McKellar Structured Settlements

- How structures are purchased and escrow funding
- Ownership, Taxation and Indexation
- Guarantee Periods and reversionary interests
- Incorporation into draft judgments
- Applicable legislation

2:10pm **Application for a Guardian of Property and Developing a Plan of Management**

Kaylie Handler, Office of the Children's Lawyer

Cate Grainger, Harrison Pensa LLP

- Requirements and Considerations of application
- Exception
- Obligations of Guardian
- Changes to regulations
- When, how to develop plan of management
- Working with trial counsel

3:00 pm Health Break

3:15pm **Minor's Fund Program**

Bridget McInnis, Office of the Children's Lawyer

How to request money for child paid into court

- How to get funds pending approval

3:35pm **Passing of Accounts**

Zara Wong, Casey & Moss LLP

Grace Cheng, Office of the Children's Lawyer

- Educating the Guardian of their responsibilities
- Costs of guardianship and management fees
- How often
- Details of the accounts

4:00pm **Professionalism and Ethical Issues**

Adam Giancola, Casey & Moss LLP

Leanne Kuchynski, Siskinds LLP

Rasha El-Tawil, Siskinds LLP

- Who is your client?
- Dealing with conflicts: between parent and child; between counsel and litigation guardian; between counsel and the child
- Issues with separated families (Estate lawyer perspective)
- Limiting or developing areas of expertise
- Obtaining instructions

4:30pm Questions and Concluding Remarks

4:35pm Program Concludes

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