



Risa M. Kirshblum

RISA M. KIRSHBLUM is a partner at Lenczner Slaght.

"She is persistent, tireless and an excellent trial strategist." —
Chambers Canada

Risa co-heads the firm's Professional Liability and Regulation group, with a particular focus on the practice in the defence of physicians. Her health law practice encompasses civil litigation and regulatory matters. Balancing skillful strategy with seasoned counsel, Risa regularly provides advice in many contexts in which legal issues arise in medical practice.

Risa is experienced in resolving complex disputes by negotiation, mediation, and arbitration. Risa recently completed the Mediating Disputes course at Harvard University's Program on Negotiation.

Risa frequently presents in continuing legal education programs for organizations such as the Law Society of Upper Canada and The Advocates' Society. She has also presented in continuing education programs for a variety of medical organizations.

Education

University of Western Ontario (1994)
LLB
University of Toronto (1989) BSc
(Psychology)
Harvard University (2022) Certificate
in Mediating Disputes

Bar Admissions

Ontario (1996)

Practice Areas

Appeals
Commercial Litigation
Employment
Professional Liability and Regulation
Public Law

Contact

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RECOGNITION

- Best Lawyers in Canada (2014-2024)
Health Care Law, Medical Negligence, Professional Liability (2017)
- Best Lawyers in Canada (2018)
Toronto "Lawyer of the Year" in Medical Negligence
- Best Lawyers in Canada (2020, 2023)
Toronto "Lawyer of the Year" in Health Care Law
- Canadian Legal Lexpert® Directory (2012-2024)
Medical Negligence (Most Frequently Recommended), Professional Liability (Most Frequently Recommended)
- Chambers Canada (2020-2024)
Healthcare: Contentious (Nationwide – Canada)
- Lexpert Guide to the Leading US/Canada Cross-Border Lawyers in Canada (2018-2019)
Dispute Resolution
- Lexpert Special Edition: Canada's Leading Health Sciences Lawyers (2021)

SELECT CASES

- **Huma v Mississauga Hospital and Queensway Health Centre (Trillium Health Partners)** – Successful in enforcing a settlement agreement against multiple Plaintiffs.
- **Dhaliwal v Sims** – Counsel to a physician in a case involving a perforated bowel during a hysterectomy. The case was dismissed on

consent without costs after two weeks of trial

- **Hantzakos v Sternadel** – Counsel to the defendant physician in a jury trial regarding the quantum of damages in a medical negligence relating to the management of shoulder...
- **RBC Dominion Securities Inc v Merrill Lynch Canada Inc** – Counsel to RBC on injunction, trial, appeal and at the Supreme Court of Canada in respect of an action against departing investment advisors for a...
- **IMP Group Ltd v Skyservice Business Aviation Inc** – Counsel to a group of employees in a dispute with their former employer in relation to their resignations and subsequent employment with another company...
- **McCarthy v Canadian Red Cross Society** – Counsel to the Trustee of the settlement fund created following the settlement of a class action brought against the Red Cross Society surrounding tainted...
- **Stevens v The Globe and Mail** – Counsel to the appellants in an appeal from a trial decision in which the trial judge refused to deduct statutory severance under the Employment Standards...

SELECT PUBLICATIONS AND PRESENTATIONS

- **Examining and Cross-Examining Experts** – Risa M. Kirshblum and Dena N. Varah were invited to present at The Advocates' Society's annual program on *Examining and Cross-Examining Experts*, which will explore the ethical and practical issues relating to expert evidence, from deciding whether to retain an expert to qualifying and examining witnesses at trial.
- **Clinical Risk, Negligence and Claims Management in Health Care** – Risa M. Kirshblum was invited by Osgoode PD to share her expertise on Module 3 of their program, *Clinical Negligence, Liability Claims and Litigation*. She shared her expertise on medical malpractice and liability claims, the litigation process, and defence best practices and mitigation strategies.
- **44th Annual Intensive Trial Advocacy Workshop** – Lawrence E. Thacker, Risa M. Kirshblum, Sana Halwani, and Jonathan Chen were invited to share their expertise at Osgoode Professional Development's *44th Annual Intensive Trial Advocacy Workshop*.
- **Examining and Cross-Examining Experts** – Risa M. Kirshblum is co-chairing The Advocates' Society's annual program on Examining and Cross-Examining Experts. The program will explore practical issues relating to expert evidence and offer winning strategies on how to choose, use, prepare, examine and challenge expert witnesses.
- **Clinical Risk, Negligence and Claims Management in Healthcare** – Risa M. Kirshblum was invited to share her expertise at OsgoodePD's Clinical Risk, Negligence and Claims Management in Healthcare Certificate Program. Risa discussed the litigation process and defence best practices/mitigation strategies.
- **Advanced Questioning Techniques: Effective Cross Examinations** – Risa M. Kirshblum will be sharing her expertise at OsgoodePD's certificate program on Oral Advocacy. Risa will present on "Advanced Questioning Techniques: Effective Cross Examinations".
- **Mastering Examinations-in-Chief** – Risa M. Kirshblum was invited to share her expertise at OsgoodePD's program on Mastering Examinations-in-Chief.

- **43rd Annual Intensive Trial Advocacy Workshop** – Risa M. Kirshblum was invited to Osgoode Professional Development's 42nd *Annual Intensive Trial Advocacy Workshop* as expert faculty.
- **Adverse Events Investigation, Systems Review and Disclosure** – Risa M. Kirshblum shared her expertise at the Medico-Legal Society of Toronto's program titled "Adverse Events Investigation, Systems Review and Disclosure".
- **Examining and Cross Examining Experts** – Risa M. Kirshblum was invited to share her expertise on The Advocates' Society's *Examining and Cross Examining Experts* program.
- **Advanced Questioning Techniques** – Risa Kirshblum taught at OsgoodePD's program on Advanced Questioning Techniques called "Dealing with Expert Witnesses and Optimizing Witness Preparation".
- **Walker Health Law Moot** – Risa M. Kirshblum participated as a judge at the 2022 Walker Health Law Moot.
- **Advanced Impeachment Techniques** – Risa M. Kirshblum shared her expertise at the OsgoodePD program titled "Advanced Impeachment Techniques".
- **Using Discovery Transcripts at Trial** – Risa M. Kirshblum was invited to share her expertise on The Advocates' Society's *Examinations for Discovery: Building Block Series*. For "Block 4: Using Discovery Transcripts at Trial", Risa shared a demonstration and commentary on *Read-Ins*.
- **Conducting an Effective Discovery (Skills Workshop)** – Risa M. Kirshblum presented at The Advocates' Society's *Examinations for Discovery: Building Block Series*. Risa shared her expertise on "Block 3: Conducting an Effective Discovery (Skills Workshop)".
- **Evidence for Litigators Skills Workshop** – Risa M. Kirshblum was a skills instructor at The Advocates' Society's Evidence for Litigators Skills Workshop.
- **42nd Annual Intensive Trial Advocacy Workshop** – Risa M. Kirshblum was invited to Osgoode Professional Development's 42nd *Annual Intensive Trial Advocacy Workshop* as expert faculty.
- **Preparation Series: Examination-in-Chief** – Risa M. Kirshblum co-chaired The Advocates' Society program *Preparation Series: Examination-in-Chief*. The program provided insights into how to properly and thoroughly prepare yourself and your witnesses to deliver credible evidence at trial, with a special focus on remote preparation.
- **Cross-Examination Skills Workshop** – Risa M. Kirshblum was an instructor at The Advocates' Society's *Cross-Examination Skills Workshop*. The workshop focused on how to conduct effective cross-examinations in a virtual setting.
- **Clinical Negligence, Liability Claims and Litigation** – Risa Kirshblum shared her expertise at OsgoodePD's certificate program in Clinical Risk, Negligence & Claims Management in Healthcare. Risa presented on the module "Clinical Negligence, Liability Claims and Litigation".
- **40th Annual Intensive Trial Advocacy Workshop** – Risa Kirshblum, Monique Jilesen, Shara Roy, and Dena Varah taught at Osgoode Professional Development's 40th *Annual Intensive Trial Advocacy Workshop* on July 7-13, 2019.
- **Summer Trial Advocacy College** – Risa Kirshblum shared her litigation expertise at The Advocates' Society's intensive two-day workshop *Summer Trial Advocacy College*. The workshop tests and refines your

skills in case analysis, opening statements and closing arguments, examination-in-chief and cross examination.

- **39th Annual Intensive Trial Advocacy Workshop** – Monique Jilesen, Risa Kirshblum, Shara Roy, and Dena Varah taught at Osgoode Professional Development's *39th Annual Intensive Trial Advocacy Workshop* on July 8-14, 2018.
- **Pleadings Should Be Useful and Not Pro Forma** – Risa Kirshblum spoke at the Law Society of Ontario's Best Practices in Medical Malpractice Litigation day on the "Pleadings Should Be Useful and Not Pro Forma " panel.
- **Costs Submissions Advocacy** – Risa Kirshblum spoke at The Advocates' Society's "Cost Submissions Advocacy" program. This program taught how one can maximize cost recovery for clients after a motion or trial.
- **Beyond Contractual Borders: Managing the Recruitment and Departure of Senior Executives and Employees** – Matthew Sammon and Risa Kirshblum spoke at the 2018 National Conference & World Summit. This panel of employment litigators and experienced in-house counsel shared practical tips on topics including non-competition and non-solicitation provisions, confidentiality obligations, employees' duties to former employers and steps to respond to and manage improper departures.
- **Clinical Risk, Negligence & Claims Management in Health Care** – Risa Kirshblum spoke at OsgoodePD's program "Clinical Risk, Negligence & Claims Management in Health Care". The program covered modules such as defence best practices, mitigation strategies, implications for risk management etc.
- **Successful Advocacy in Insurance Mediations** – Risa Kirshblum demonstrated mediation advocacy approaches by video on the panel "Advocacy at the Mediation, Part 2 (After the Opening: Crucial Turning Points and Breaking Impasses)".
- **The Advocates' Society's Health Law Litigation Program** – Risa was a faculty member at the Advocates' Society's Health Law Litigation program. She provided her expertise while speaking on the "Hot Topics in Medical Malpractice Litigation" panel.
- **38th Annual Intensive Trial Advocacy Workshop** – Monique Jilesen, Risa Kirshblum, Jaan Lilles, and Dena Varah taught at Osgoode Professional Development's *38th Annual Intensive Trial Advocacy Workshop* on July 9-15, 2017.
- **Successful Advocacy in Tort and Personal Injury Mediations** – Risa Kirshblum spoke as a panelist on Your Relationship With the Mediator during the two-day program.
- **36th Annual Intensive Trial Advocacy Workshop** – Lawrence Thacker, Risa Kirshblum, Monique Jilesen, Eli Lederman, Matthew Sammon, Rebecca Jones, Jaan Lilles and Dena Varah were among the distinguished...
- **The Osgoode Certificate in Clinical Risk, Negligence and Claims Management in Health Care** – Risa Kirshblum shared her expertise on Clinical Negligence, Liability Claims and Litigation on February 10, 2015.
- **35th Annual Intensive Trial Advocacy Workshop** – Lawrence Thacker, Risa Kirshblum, Monique Jilesen, Eli Lederman, Matthew Sammon, Rebecca Jones, Jaan Lilles and Dena Varah were among the distinguished...
- **Examining and Cross-examining Expert** – Risa M. Kirshblum acts as

a skills instructor at The Advocates' Society's workshop on Examining and Cross-examining Experts.

- **Social Media: Communicating with your Patients** – Risa M. Kirshblum presented at the 10th Annual Refresher in Primary Maternity Care on *Social Media: Communicating with your Patients* held at Victoria College, University of Toronto.

BLOG POSTS

- **Who's to Blame? Apportioning Liability in Civil Jury Trials** – When one person negligently causes an accident, the law is clear about their responsibility. But when negligence acts on the part of a number of different parties combine to create a single accident, how should responsibility for that accident be apportioned between them? This was recently addressed by the Ontario Court of Appeal in its recent decision in *Parent v Janandee Management Inc.*
- **The Complexities of Summary Judgment under Simplified Procedure** – Rule 76 of the *Rules of Civil Procedure* provides a set of simplified rules for use in smaller and, in theory, less complicated matters. However, exactly how those rules apply in certain contexts is not always apparent. In *Singh v Concept Plastics Limited*, the Ontario Court of Appeal recently addressed the challenges of summary judgment motions in the context of the simplified rules.

SELECT NEWS ARTICLES

- **The 2024 Lexpert Directory Recognizes Lenczner Slaght's Litigation Excellence** – Lenczner Slaght's litigators continue to be recognized by their peers as the foremost practitioners in their fields.
- **Chambers Canada Recognizes Lenczner Slaght as a Top-Tier Litigation Firm** – Canada's leading litigation firm and its expert litigators continue to be recognized by world-renowned directory, Chambers & Partners.
- **Lenczner Slaght Litigators Recognized as Best Lawyers in Canada** – In the latest edition of *Best Lawyers in Canada*, 41 of our expert litigators are recognized for their expertise across 24 practice areas. The following lawyers have also been recognized as "Lawyer of the Year" for receiving the highest overall peer-feedback in their practice areas in Toronto.
- **Lenczner Slaght's Litigation Excellence Recognized in 2023 Lexpert Directory** – Following comprehensive peer review surveys and interviews with senior members in the legal profession, the 2023 *Canadian Legal Lexpert Directory* has recognized 31 of the firm's expert litigators for their experience, knowledge, and precision, with 108 rankings spanning 17 practice areas.
- **Lenczner Slaght Ranked Band 1 in Chambers Canada for 5th Consecutive Year** – Canada's leading litigation firm and its expert litigators continue to be recognized in the latest edition of world-renowned directory, Chambers & Partners.
- **Lenczner Slaght Litigators Recognized Among the Best Lawyers in Canada** – In the latest edition of *Best Lawyers in Canada*, 39 of our expert litigators are recognized by their peers for their expertise across 24 practice areas.

- **The 2022 Lexpert Directory Recognizes Lenczner Slaght's Litigation Excellence** – 31 of our expert litigators are recognized by their peers as the foremost practitioners across 18 fields.
- **Chambers Canada Recognizes Lenczner Slaght's Litigation Excellence** – Canada's leading litigation firm and its expert litigators continue to advance their position in the latest edition of world-renowned directory, Chambers & Partners.
- **Lenczner Slaght Litigators Ranked Among Best Lawyers in Canada** – In the latest edition of *Best Lawyers in Canada*, 37 of our expert litigators are recognized for their expertise across 25 practice areas.
- **Lexpert Recognizes Lenczner Slaght's Leading Health Sciences Expertise** – The inaugural issue of Lexpert's Special Edition on Canada's Leading Health Sciences Lawyers recognizes 11 Lenczner Slaght lawyers for their extensive industry experience. The rankings are also published in the June issue of the Globe & Mail's Report on Business.
- **The 2021 Lexpert Directory Recognizes 30 Lenczner Slaght Lawyers** – An increasing number of our expert litigators are recognized by their peers as the foremost practitioners in their fields.
- **Lenczner Slaght Recognized as a Top-Tier Litigation Firm by Chambers Canada** – Canada's leading litigation firm and its expert litigators continue to be recognized by world-renowned directory, Chambers & Partners.
- **Best Lawyers in Canada Recognizes Lenczner Slaght's Litigation Expertise** – Lenczner Slaght is proud to announce that 33 of our expert litigators are recognized in *Best Lawyers in Canada 2021*. Our lawyers received a total of 128 rankings, up from 100 in 2020.
- **Lexpert Highlights Lenczner Slaght's Professional Excellence** – Lenczner Slaght's litigators continue to be recognized by their peers as the foremost practitioners in their fields.
- **Chambers Canada Recognizes Lenczner Slaght as a Top-Tier Litigation Firm** – Canada's leading litigation firm and its expert litigators continue to advance their position in the latest edition of world-renowned directory, Chambers Canada, with nine new rankings.
- **Best Lawyers in Canada Recognizes Lenczner Slaght with 100 Rankings** – In the latest edition of *Best Lawyers in Canada*, 28 Lenczner Slaght lawyers earned a total of 100 rankings, up from 86 in 2019.
- **Lenczner Slaght Litigators Recognized for their Cross-Border Expertise** – Seven Lenczner Slaght lawyers are ranked as leaders by peers and senior members of the legal profession for their cross-border experience.
- **The 2019 Lexpert Directory Recognizes Lenczner Slaght with 89 Rankings** – An increasing number of our expert litigators are recognized by their peers as the foremost practitioners in their fields.
- **Lenczner Slaght Litigators Ranked in Best Lawyers in Canada** – Canada's leading litigation firm is proud to announce that 25 of the firm's 58 lawyers have been recognized in the *Best Lawyers in Canada 2019* publication across multiple categories.
- **Lexpert Highlights Lenczner Slaght's Cross-border Expertise** – Nine partners from Canada's leading litigation firm are ranked as leading the way in cross-border practice excellence.
- **Lexpert Recognizes Lenczner Slaght's Professional Excellence** – An increasing number of the firm's lawyers have been ranked by their peers

as leading practitioners in their field.

- **Lenczner Slaght Ranked Among the Best** – Almost half of the leading litigation firm's lawyers are recognized in the *Best Lawyers in Canada*.
- **Lenczner Slaght Shines in 2017 Lexpert Rankings** – Lenczner Slaght's litigators continue to be recognized by their peers as leading practitioners in their fields according to the 2017 Canadian Legal Lexpert Directory.
- **Lenczner Slaght Lawyers Ranked Best** – Nearly half of the firm's lawyers recognized among Canada's foremost practitioners
- **23 Lenczner Slaght Lawyers Ranked in 2016 Lexpert Directory** – This year, the Canadian Legal Lexpert® Directory increased the number of Lenczner Slaght lawyers ranked among the best in Canada to 23, up from 20 in 2015.
- **Lenczner Slaght Lawyers Repeatedly Ranked Among the Best** – Half of the firm's lawyers are ranked as leading practitioners and three named "Lawyer of the Year" in the latest Best Lawyers in Canada Directory.
- **20 Lenczner Slaght Lawyers Recognized in 2015 Lexpert Directory** – Recognized by Canadian Legal Lexpert® Directory as leading practitioners.
- **23 Lenczner Slaght Lawyers Ranked Among the Best** – Nearly half of the firm's 49 lawyers are ranked as leading practitioners and two named "Lawyer of the Year" in the latest Best Lawyers in Canada Directory.
- **Lenczner Slaght Increases Rankings in 2014 Lexpert Directory** – Canada's leading litigation practice continues to add new names to the list.
- **Lenczner Slaght Lawyers Ranked Among the Best** – Canada's leading litigation practice has 22 professionals in the 2014 Best Lawyers in Canada list.
- **Lenczner Slaght Lawyers Win Top Peer Ratings** – Recognized by Canadian Legal Lexpert Directory as leading practitioners.

PROFESSIONAL ACTIVITIES

- The Advocates' Society
- Canadian Bar Association
- Ontario Bar Association