

# THE fine PRINT

WINTER 2014

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## McLeish Orlando's Principal Partners Recognized Again in Best Lawyers®

Once again, McLeish Orlando's 3 principal partners, John McLeish, Dale Orlando and Patrick Brown, have been selected by their peers to be included in

the 2014 edition of Best Lawyers® for their excellence in plaintiffs personal injury litigation.

Best Lawyers® is considered one of the leading peer-review based directories of legal practitioners, ranking individual lawyers and law firms across numerous key areas of expertise.

All 3 partners are past-presidents of the Ontario Trial Lawyers Association and are routinely requested to chair and present at numerous conferences for

lawyers, health care professionals and other organizations.

The staff at McLeish Orlando would like to congratulate John, Dale and Pat for being recognized in Best Lawyers®



## Hospital to Home: The Continuum of Care After SCI

On January 23, 2014 McLeish Orlando were co-sponsors of the 3rd annual From Hospital to Home Conference for health care professionals. The theme of this year's program was The Continuum of Care After Spinal Cord Injury. One of the objectives of the program was to provide information on the latest developments for spinal cord injury treatment and rehabilitation. Additional

topics included discussions of models of care and treatment strategies. To ensure these objectives were met, the best professionals were invited to speak. The faculty included Jeffrey Baum, Dr. Anthony Burns, Dr. David Ditor, Lori Epstein, Dr. Michael Fehlings, Kylie James, Dr. Angela Mailis-Gagnon, Holly Mo, Dr. Arjun Sahgal, Joanne Smith, Dr. Paul Tumber, Sheri Upper, Dr. José Zariffa and our guest speakers, Dan Harvey and Ryan Morrison.

A variety of health care professionals attended including physicians, OT's, psychologists, SLP's, social workers,

physiotherapists, RSW's and life care planners. The gross proceeds totalled \$11,260. All of the proceeds are being donated to the Communication and Entertainment Unit for Spinal Cord Injury patients at Toronto Western Hospital and Sunnybrook Hospital.



## In the Community

### Brain Injury Society of Toronto 5K Run

In the month of September McLeish Orlando staff, family and friends came out to support two very important causes in our community. In spite of the rain on Saturday, there were close to 300 participants who finished the race for the 3rd Annual BIST 5K Run.

McLeish Orlando participated as part of The Personal Injury Alliance with a team of close to a hundred staff and supporters. Through sponsorship, fundraising and registration, BIST generated over \$50,000 that will go a long way in supporting programs, services and efforts to raise brain injury awareness.

The Brain Injury Society of Toronto supports brain injury survivors and family members. BIST aims to enhance the quality of life for people in the City of Toronto, living with the effects of brain injury through education, awareness, support and advocacy. Visit here to watch our video: <http://ow.ly/tf6jO>

## McLeish Orlando is proud to announce

McLeish Orlando is pleased to announce that Alison Burrison has become a Partner of the firm.

As part of our weekend of giving back, on Sunday we participated in Spinal Cord Injury Ontario's Wheelchair Relay Challenge held at Ontario Place. Our team was led by team captains: William Keele and Randal Brown who were also on the planning committee for the event.

It was a great morning to be outdoors, with over 500 participants helping to raise funds for individuals with spinal cord injuries. Congratulations to everyone who participated in the BIST 5K Run, Walk and Roll and the SCIO Toronto Wheelchair Relay Challenge!

### McLeish Orlando recognized at the 2013 Toronto Bike Awards

McLeish Orlando, received the 'Best Small Business' Bicycle Friendly Business Award at the 2013 Toronto Bike Awards.

The award served to recognize McLeish Orlando for their bike-friendly office which features showers and underground bike parking, hosting various cycling events such as Toronto's Helmets on Kids and for cycling related pro bono work.

The Toronto Bike Awards are presented

Alison brings a wealth of experience in the area of personal injury litigation, especially paediatric brain injuries, spinal cord injuries and orthopaedic injuries. As a mother of two young boys, she loves working for children and their families, many of whom have sustained catastrophic injuries or losses (including the loss of a loved one). She understands her clients do not just require financial security; they also need someone who understands what they have gone through. One health care professional says "it is refreshing to work with

by Cycle Toronto and the City of Toronto.

### McLeish Orlando donates 500 turkeys

McLeish Orlando wanted to do its part by helping less fortunate families this past holiday season by donating 500 turkeys to Daily Bread Food Bank. McLeish Orlando thanks the Daily Bread Food Bank for helping with the distribution of the turkeys to different communities in Toronto.

"I'd like to thank McLeish Orlando for helping make the holidays a little bit brighter for families in Toronto," said Gail Nyberg, Daily Bread's executive director. "It's vital to the fight against hunger that organizations step up and I'm glad to see McLeish Orlando doing just that, year after year."

McLeish Orlando was the 2012 winner of the Holiday Law Firm Food Bank Challenge raising over \$37,000 for the community. McLeish Orlando is proud to support such a great organization and we look forward to doing our part for next year's McLeish Orlando Turkey Giveaway.

someone who is open-minded and values the knowledge, skill and experience of another professional".



# The Long Story

In 2007 Richard Long, a 15 year old Ontario competitive ski racer was considered to be one of the fastest alpine ski racers in the world for his age. He seemed destined for a bright future as a member of the provincial and eventually national ski team, and in the international racing community.

In November 2007, Richard travelled to Colorado with an elite Ontario ski team for a training camp before the start of the race season. On November 12, 2007, Richard and the team trained giant slalom on a narrow course set by his coaches. The trail was lined by trees and rocks on both sides. Although protective B-netting (which is designed to prevent racers from leaving the course) was provided by the resort, Richard's coaches chose not to erect the netting. Unfortunately, Richard fell and started sliding towards the trees. He caught an

edge and flew off the course headfirst into the trees and rocks. He suffered a severe traumatic brain injury, leading to physical and cognitive difficulties.

Richard's parents hired McLeish Orlando to bring a lawsuit in Ontario against the coaches who did not erect the netting which would have prevented Richard from flying off the ski course. Because the crash happened in Colorado, the issues of negligence fell to be determined according to Colorado law.

The case was very capably defended by Graeme Mew (now the Honourable Justice Mew) and Morgan Martin of Clyde & Co. on behalf of the insurance company for the coaches.

One of the main issues was whether the choice not to erect the netting during training fell below the standard of care applicable to the coaches. Both sides hired expert witnesses on this. One of the defence experts was a former head coach of the U.S. Alpine Ski Team, who had coached World Cup and Olympic skiers Bode Miller and Ted Ligety and others.

In addition the Defendants relied on a number of liability waivers and releases

signed by Richard and his family which purported to exclude liability on the coaches for negligence.

Through hard negotiations with defence counsel on the eve of trial, McLeish Orlando was able to secure a settlement for Richard which will secure his financial future.

Through hard work, determination and assistance from his parents and an exceptional team of rehabilitation experts Richard has returned to skiing, playing golf with a single digit handicap and working out.

McLeish Orlando is extremely proud to have been able to help Richard and his family.

Shortly after Richard's case was resolved, the resort installed permanent safety netting on the run where Richard was injured. We are hopeful that the results of this case will be felt throughout the ski racing industry, and will lead to increased protections for the young athletes involved in the sport.

Alison has both a Bachelor and Master of Laws from Dalhousie University. She has been an associate at McLeish Orlando since 2006. Alison is a "tremendous asset to the firm and we are lucky to have her" says Dale Orlando, founding partner of the firm. We look forward to Alison's many years of continued success.

Alison can be reached at 416-366-3311 or via email at [aburrison@mcleishorlando.com](mailto:aburrison@mcleishorlando.com).

# Event Calendar

**SEPT 26** **Hamilton Health Sciences: 10th Annual Focus On Trauma**  
McLeish Orlando was proud to support Hamilton Health Sciences 10th Anniversary of Focus On Trauma - Complexities of Mass Casualty Management. McLeish Orlando was proud to sponsor guest speaker Dr. Dylan Pannell who presented on Blast Injuries.

**OCT 1** **Cycle Toronto's - Get Lit Program**  
McLeish Orlando was proud to co-sponsor with McKellar Structured Settlements in a month-long program this October. The program volunteers install lights for cyclists who need them in different locations across downtown, getting them home safe and educating them about the importance of staying visible.

**OCT 3** **NepalAbility's 6th Annual Night for Nepal**  
The firm was proud to be a corporate sponsor supporting NepalAbility's 6th Annual Night for Nepal Team 13 on their trek to Nepal. NepalAbility is a non-profit organization dedicated to improving the treatment of people living with disability in Nepal.

**OCT 4** **Trillium Health Partners: 2013 Neuroscience Insight Symposium**  
McLeish Orlando was proud to support Trillium Health Partners at their 2013 Neuroscience Insight Symposium. Topics such as "A Beginner's Guide to Killing Cancer Cells" by Dr. Patrick Gunning of University of Toronto.

**OCT 5** **Patrick Brown elected to Chair of the Ontario Bar Association - Insurance Section**  
McLeish Orlando is proud to announce that Partner, Patrick Brown was chosen by peers to be this year's Chair of the Ontario Bar Association Insurance Section. As Chair his committee will focus on regulatory and compliance issues, legislative reform, case law developments, forging effective relationships between law firms and insurers. Congratulations Patrick!

**OCT 29** **Practical Strategies Webinar: Emerging Trends in Auto Insurance for Health Care Professionals**  
Oatley Vigmond and McLeish Orlando presented a 90 minute session with a live question and answer period on auto insurance updates including a hot topic "The Insurer's perspective on the general health of the insurance industry". If you missed the webinar, view our YouTube page for the video.

**NOV 4** **Sunshine Foundation: Bright Night, Big Dreams**  
McLeish Orlando was proud to be a corporate sponsor for the Sunshine Foundations annual Bright Night, Big Dreams event here in Toronto. Our very own Taylor Lindsay-Noel was a guest speaker for the event. The Sunshine Foundation makes dreams come true for children challenged by severe physical disabilities or life-threatening illnesses.

**NOV 13-15** **Ontario Brain Injury Association: Provincial Acquired Brain Injury Conference - Inspiring Hope: Enhancing Lives after Brain Injury**  
McLeish Orlando was proud to be a Gold Sponsor with Oatley Vigmond at this year's OBIA Conference. The 2-day conference was packed with sessions and networking events that you sure wouldn't want to miss.

**NOV 26** **McLeish Orlando recognized at the 2013 Toronto Bike Awards**  
McLeish Orlando received the 'Best Small Business' Bicycle Friendly Business Award at the 2013 Toronto Bike Awards. The award served to recognize McLeish Orlando for their bike-friendly office which features showers and underground bike parking, hosting various cycling events such as Toronto's Helmets on Kids and for cycling related pro bono work. The Toronto Bike Awards are presented by Cycle Toronto and City of Toronto.

**JAN 20** **Public Policy Webinar – Enhancing Inclusion**  
Attendant Services in Ontario – This 2 hour webinar was an opportunity to learn about the challenges and opportunities regarding both public and private attendant services throughout Ontario. The webinar was hosted by the Personal injury Alliance and Spinal Cord Injury Ontario.

**JAN 23** **Hospital to Home Conference:**  
The Continuum of Care after SCI – McLeish Orlando is a co-sponsor of this bi-annual conference. The conference focused on the latest developments for spinal cord injury treatment and rehabilitation. The conference raised \$10,800 for spinal cord injury patients at Toronto Western Hospital and Sunnybrook Hospital.

**JAN 31** **UHN Toronto Rehabilitation Institute Traumatic Brain Injury Conference**  
McLeish Orlando is proud to be a Platinum Sponsor for the 2014 TBI Conference Rehabilitation following Mild to Severe Traumatic Brain Injury. John McLeish and Dale Orlando will be presenting 'Understanding "Catastrophic Impairment" and the Impact of the Definition on TBI Patients'.

## Office Opening in Kitchener-Waterloo

McLeish Orlando is pleased to announce the opening of our new office in Kitchener-Waterloo, to help serve our clients in the surrounding areas of Kitchener, Waterloo.

We are conveniently located close to King Street West at: 51 Breithaupt Street, Kitchener, ON We look forward to having you there, feel free to contact us at Tel: 519-957-9621.



Toronto | Queen Street East, Suite 1620, Box 76, Toronto, ON, M5C 2W5 T: 416-366-3311 TF: 1-888-494-8201 F: 416-366-3330  
Barrie | 92 Caplan Avenue, Barrie, ON, L4N 0Z7 TF: 1-888-494-8201 F: 416-366-3330  
Hamilton | 1 Hunter Street East, Hamilton, ON, L8N 3W1 T: 905-574-6210  
Kitchener-Waterloo | 51 Breithaupt Street, Suite 100, Kitchener, ON N2H 5G5 T: 519-957-9621

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