

Causation on Trial:

Making Sense of Causation in the Most Difficult Cases

February 26, 2021

SKU CLE21-00204

Table of Contents

TAB 1A	Causation in Tort: Setting the Stage (PowerPoint) 1A - 1 to 1A - 19 <i>Erik Knutsen, Professor, Faculty of Law, Queen's University</i>
TAB 1B	Causation on Trial – A call for change in how we think about causation in tort1B - 1 to 1B - 67 Causation on Trial – Necessity, Sufficiency and the Causal Questions1B - 68 to 1B - 73 Causation on Trial – A call for change in how we think about causation in tort (PowerPoint)1B - 74 to 1B - 88 <i>Richard Halpern, Gluckstein Lawyers</i>
TAB 2	A practical model for proving fault in multiple tortfeasors actions.....2 - 1 to 2 - 6 <i>Barbara Legate, C.S., Legate Personal Injury Lawyers</i>

**TAB 3 When is it Appropriate to Rely on
Inference in the But-For Analysis? (PowerPoint)3 - 1 to 3 - 24**

Gayle Brock, *Brock Medical Malpractice Law PC*

Tom Curry, C.S., *Lenczner Slaght Royce Smith Griffin LLP*

**TAB 4 I Can See Clearly Now the Risk is Gone
Wading into the debate on the role of risk and application
of “but for” in complex causation cases4 - 1 to 4 - 12**

Co-written and presented by:
Domenic Crolla, *Gowling WLG (Canada) LLP*

Co-written by:
Vanessa Carroll, *Gowling WLG (Canada) LLP*

TAB 5 Causation Fact Pattern.....5 - 1 to 5 - 2

Darryl Cruz, *McCarthy Tétrault LLP*

Peter Kryworuk, *Lerners LLP*

Anna Marrison, *Borden Ladner Gervais LLP*

(Table Illustrating) Causation Fact Pattern.....5 - 3 to 5 - 3

Richard Halpern, *Gluckstein Lawyers*

Glossary5 - 4 to 5 - 4

Anna Marrison, *Borden Ladner Gervais LLP*

TAB 6 Developing Appropriate Jury Questions (PowerPoint)6 - 1 to 6 - 17

Donald Dow, *Gowling WLG (Canada) LLP*

Hilik Elmaleh, *Sommers Roth & Elmaleh Professional
Corporation*

Anna Marrison, *Borden Ladner Gervais LLP*

**TAB 7 Tips and Takeaways for Working with
Experts (Professionalism Component).....7 - 1 to 7 - 4**

Co-written and presented by:
Cynthia Clarke, *Borden Ladner Gervais LLP*

Cynthia Kuehl, *Lerners LLP*

Co-written by:
Tanvi Medhekar, Articling Student, *Borden Ladner Gervais LLP*