



## Kirsten Crain

### Partner

T 613.787.3741

F 613.230.8842

Ottawa

[KCrain@blg.com](mailto:KCrain@blg.com)

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Kirsten's broad litigation practice includes commercial cases, intellectual property litigation, health sector cases and a wide range of administrative law matters.

She has conducted trials in the Federal Court, the Ontario Superior Court of Justice and the Superior Court of Québec. She has argued appeals before the Ontario Court of Appeal and the Federal Court of Appeal. She has appeared before numerous federal and provincial administrative tribunals and boards, including:

- Patented Medicine Prices Review Board
- Canadian Human Rights Tribunal
- Canadian Judicial Council
- National Energy Board
- Ontario Energy Board
- Health Professions Appeal & Review Board
- Consent and Capacity Board
- Coroner's courts

Kirsten has also represented clients in examinations under the *Conflict of Interest Act* and investigations under the *Public Servants Disclosure Protection Act*.

Kirsten is a director of The Advocates' Society and a director of BLG LLP Partnership Board.

## Experience

- Counsel for M-I L.L.C. a large multinational company supplying goods and services to oil and gas companies worldwide in a patent infringement case. Federal Court trial October/November 2018, decision pending, *Western Oilfield Equipment Rentals Ltd v. M-I L.L.C.*
- Counsel for a provincial Crown Corporation in a patent infringement case in the gaming sector, *Safe Gaming Systems v. Atlantic Lottery Corporation and Nova Scotia Provincial Lotteries Corporation*, [2018] F.C.J. No. 567.
- Counsel for corporations in the aerospace sector in a tort claim relating to the renewal of a supply agreement, *2Souce Manufacturing Inc. v. United Technologies Corporation*, ONSC 4409, July 7, 2017.
- Counsel for a corporation in the nuclear science sector and a federal Crown Corporation in an injunction proceeding for the delivery of irradiated cobalt pursuant to a supply agreement, *Best Theratronics Ltd. v. Canadian Nuclear Laboratories Ltd.*, [2016] O.J. No. 2398.
- Counsel to hospitals in inquests under the *Coroners Act*.
- Counsel for regulated health professionals in respect of disciplinary proceedings before various Colleges.
- Counsel for the City of Ottawa in an appeal to the Federal Court of Appeal in respect of a decision of the Canadian Transportation Agency relating to a railway line operated by the City, *City of Ottawa v. Canadian Transportation Agency*.

## Insights & Events

- Physician unsuccessful in claim of age discrimination against hospital
- Hospitals Not Responsible for Costs of Physician Retraining or Clinical Supervision
- Speaker, "Best Practices in Medical Malpractice Litigation," Law Society of Ontario (Toronto), June 2018.
- Panelist, "Demonstration and Commentary: Examining and Cross-Examining Experts," Advocacy in Ottawa Symposium: Superior Court, Federal Court and Beyond, The Advocates' Society, May 11, 2018.
- Validity of Physician Duty to Provide Effective Referrals to Patients Upheld
- Co-Chair, "Women in Litigation Symposium," The Advocates' Society, February 2017.
- New Expanded Duty to Notify the College of Physicians and Surgeons of Ontario
- Decisions By Hospital Committees Can Be Reviewed By The Courts

## Beyond Our Walls

### Professional Involvement

- Director, The Advocates' Society
- Member, Access to Justice Task Force, The Advocates' Society
- Vice-Chair, Standing Committee on Advocacy and Practice, The Advocates' Society
- Member, Civil Bench and Bar Committee
- Member, Ontario Superior Court of Justice Civil Working Group
- Fellow, American College of Trial Lawyers

## Awards & Recognitions

- Recognized by *Best Lawyers in Canada* as the 2022 'Lawyer of the Year' in Ottawa for Health Care Law
- Selected by peers for inclusion in the 2022 edition (and since 2016) of *The Best Lawyers in Canada*® (Administrative and Public Law, Corporate and Commercial Litigation, Health Care Law, Medical Negligence).
- Recognized in the 2021 edition of *Lexpert Special Edition: Health Sciences*.
- Recognized in the 2022 edition of *The Canadian Legal Lexpert*® *Directory* (Litigation - Corporate Commercial and Medical Negligence), and the 2021 edition (Litigation - Regulatory & Public Law).
- Named "Lawyer for the Year" in Health Care Law, Ottawa (2022). Recognized in the 2021 edition of *The Best Lawyers in Canada* (Corporate and Commercial Litigation, Health Care Law and Medical Negligence) as the 2017 Ottawa Medical Negligence Lawyer of the Year. And in the 2021 edition (Administrative and Public Law).
- Recognized in the 2022 edition (and since 2021) of *Benchmark Canada - The Definitive Guide to Canada's Leading Litigation Firms & Attorneys* as a Litigation Star and in the "Top 100 Women in Litigation", and in the 2020 edition (and since 2015) as a Future Star.
- Recognized in the 2021 and 2020 editions of *Lexpert Special Edition: Litigation*
- Recognized in Acritas Stars 2019: Independently Rated Lawyer (Nominated as a stand-out lawyer by senior in-house counsel).
- Recognized in the 2018 edition (and since 2013) of *The Canadian Legal Lexpert*® *Directory* (Medical Negligence). Also recognized in the 2018-2017 editions (Litigation — Public Law) and the 2018-2016 editions (Litigation — Corporate Commercial).

## Bar Admission & Education

- Ontario, 2001
- LL.B (Great Distinction, Dean's Honour List), McGill University, 1999
- M.Sc. (Distinction), London School of Economics and Political Science, 1996
- B.A. in Economics (Distinction), McGill University, 1995

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