



Daphne G. Jarvis

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[Health Care](#)
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Daphne is a civil litigator specializing in health law. Focused on advising and representing healthcare providers and their employees, Daphne is known for her ability to resolve difficult and complex cases. She has a strong track record of achieving creative and confidential settlements for her clients while preserving reputations and community relationships.

Daphne has particular expertise in issues involving the treatment of children and youth, consent and capacity, and end of life issues. She appears before administrative tribunals such as the Consent and Capacity Board and the Health Professions Appeal and Review Board, and has appeared before Courts at all levels including the Supreme Court of Canada.

Experience

- Defends hospitals and their employees in medical malpractice lawsuits on retainer with the Healthcare Insurance Reciprocal of Canada (HIROC).
- Acts as counsel for healthcare facilities at coroner's inquests by direct retainer, including those involving multiple deaths.
- Provides ongoing advice, legal support and policy review on matters that include capacity and consent to treatment, child and adolescent health and end-of-life issues.
- Acts as counsel to health providers in hearings before the Consent and Capacity Board and related appeals.

- Retained frequently as counsel to individual health providers involved in complaints or disciplinary hearings before their professional bodies, and in reviews of those decisions by the Health Professions Appeal and Review Board.
- Successfully argued the early and authoritative cases granting summary judgment dismissing cases against hospitals and physicians on the basis of absence of expert opinion – *Barber v. Mustard* [1993 O.J. No. 2872]; *Claus v. Wolfman*, 2000 CanLII 22728 (OCA); *Reid v. Livingstone*, 2004 CanLII 13020 (ONSC).
- Appeared before the Supreme Court of Canada in *Starson v. Swayze*, 2003 SCC 32, as counsel to the intervenor, **The Schizophrenia Society of Canada**.
- Represented **Sunnybrook Health Sciences Centre** during the first stage of the Rasouli litigation, after which the hospital was no longer a party (*Cuthbertson v. Rasouli*, 2013 SCC 53; upholding 2011 ONCA 482; upholding 2011 ONSC 1500).
- Represented the applicant hospital in the case of **Hamilton Health Sciences Corporation v. D.H.**, 2014 ONCJ 603, regarding a parent refusing chemotherapy for a First Nations child in favour of traditional medicines.
- Represented **St. Mary's General Hospital** in the case of *Ferreira v. St. Mary's General Hospital*, 2018 ONCA 247, an end of life case in which the Hospital was awarded substantial indemnity costs against a lawyer who improperly interfered with a family's decision to withdraw life support from a critically brain injured patient.
- Represented **Humber River Hospital** in the case of *Ouanounou v. Humber River Hospital et al*, 2018 ONSC 6511, concerning a religious objection to a declaration of death by neurological criteria "brain death".

Insights & Events

- Recent amendments to Canada's medical assistance in dying law
- Co-presenter, University of Ottawa Centre for Health Law, Policy and Ethics, re "Futility Disputes and the End of Life – Recent Legal Developments", November 18, 2020
- Guest Lecturer, University of Toronto, Masters in Bioethics course re "End of Life Issues – Recent Legal Developments", November 12, 2020
- Speaker, Medicine Grand Rounds, Trillium Health Partners, "Is Consent Required for a no-CPR Order?", November 3, 2020
- Co-presenter, "Legal/human rights issues and Substance Use Disorder", at annual META:PHI (Mentoring, Education, and Clinical Tools for Addiction: Primary Care-Hospital Integration) Conference, September 25, 2020
- Speaker, Medicine Grand Rounds, St. Joseph's Health Centre (Toronto), "Is Consent Required for a no-CPR Order?", September 23, 2020
- Co-instructor, Osgoode Certificate in Health Law, Module 5 re Ethical Issues in Healthcare, MaiD - the Legal Framework, April 8, 2020
- Speaker, Ontario Bar Association Health Law Institute, re Key Constitutional and Human Rights Issues in Health Law and Practice – "Living and Dying with the Charter", Feb. 4, 2020
- No-CPR Orders – A Detailed Look at Recent Legal Developments
- No-CPR Orders – Recent Legal Developments
- Ontario Court of Appeal Releases Decision Confirming Common Law Definition of Death but Leaves Door Open to Future Challenge
- Top Ontario Court Confirms Physicians' Duty to Provide Effective Referrals
- The Disposition of Human Remains/Tissues — A Short Guide for Hospitals
- The New Ontario Autism Program – What's Law Got to Do with It?

- Presenter, "Managing Student Health Information in a School Setting," Conference of Independent Schools (CIS) Law Symposium, February 2019.
- Presenter, "End of Life Treatment Disagreements – the Legal Framework in Ontario," Cambridge Memorial Hospital Medical Advisory Committee, January 2019
- Co-Panelist, "Threats to the Concept of Brain Death: Legal Coherence," Critical Care Canada Forum, November 2018.
- Guest Lecturer, University of Toronto Masters in Bioethics Class: Legal/Ethical Issues in Health Care at End of Life, November 2018.
- Co-Panelist, "End-of-Life Treatment Disagreements: The Legal Framework," a workshop for critical care physicians and ethicists in the GTA, organized by Southlake Regional Health Centre, October 2018
- Presenter, "Advance Directives and Health Care Consent – the Legal Framework in Ontario," Medical Advisory Committee of Grand River Hospital and St. Mary's General Hospital, October 2018
- Presenter, "The Importance of Documentation," Grand River Hospital OR and PACU staff, October 2018
- Ontario Court Confirms Intensive Care Of A Brain Dead Patient Can Be Discontinued Despite Family's Objections
- Co-panelist, "Trials Should Not Take Six Weeks or More," Law Society of Ontario, June 2018
- Guest speaker, "College of Physicians and Surgeons of Ontario (CPSO) Policy on End-of-Life Care," Trillium Health Partners during National Hospice Care Week, May 2018
- Co-presenter, "Ethical Issues in Health Care, with a Focus on Physician-Assisted Dying," Osgoode Certificate in Health Law, April 2018

Beyond Our Walls

Professional Involvement

- Member of the executive (2010-2017) and member of council (2007-2017), Medico-Legal Society of Toronto
- Member, Ontario Bar Association (health law section)
- Member, The Advocates' Society

Awards & Recognitions

- Recognized in the 2022 edition of The Canadian Legal Lexpert® Directory (Personal Injury) and since 2013 (Medical Negligence).
- Recognized in the 2022 edition (and since 2021) of *Chambers Canada — Canada's Leading Lawyers for Business* (Healthcare: Contentious).
- Selected by peers for inclusion in the 2022 (and since 2009) edition of *The Best Lawyers in Canada*® (Health Care Law; Medical Negligence; Personal Injury Litigation).
- Recognized in the 2022 edition (and since 2018) of *Benchmark Canada – The Definitive Guide to Canada's Leading Litigation Firms & Attorneys as a Litigation Star* (Health Law).
- Recognized in the 2021 edition of *Lexpert Special Edition: Health Sciences*.
- 2019 Recipient of the Ontario Bar Association Susan Hilary Davidson Memorial Award for Excellence in Health Law



Bar Admission & Education

- Ontario, 1986
- LLB, University of Ottawa, 1984
- BA (Hons.), McMaster University, 1981
- BSc, McMaster University, 1979

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