

MILLER THOMSON LLP

Barristers & Solicitors, Patent & Trade-Mark Agents

COMMUNIQUÉ for the Health Industry

January 21, 2005

A publication of Miller
Thomson LLP's Health
Industry Practice Group

As we have in the past, we would like to let you know about some of the changes at Miller Thomson LLP and some of the new faces that you may come in contact with. We'd also like to communicate some of the activities of our health industry practitioners.

Merger with Montréal Law Firm

Effective January 1, 2005, Miller Thomson has announced a merger with the 56-lawyer Montréal law firm of Pouliot Mercure. The merger brings the total number of professionals in Miller Thomson's nine Canadian offices to more than 500. We are excited to expand our National Health Industry Practice to include health lawyers from our newest office.

New Additions to the Toronto Health Industry Practice Group

We are pleased to announce that the following Miller Thomson lawyers have joined our Toronto Health Industry Practice Group:

Dedicated General Corporate Counsel

Karima Kanani's practice focuses on providing corporate/commercial counsel to health industry clients including regulatory compliance, governance, corporate reorganizations and general contractual matters. This includes development of hospitals and other health facilities, and financing of biotechnology companies. Karima brings a broad range of corporate/commercial law experience to her corporate health practice having previously practiced as a member of the firm's Securities and Corporate Finance group and as a member of the Business Practice group of a firm in Boston, USA. In addition to her corporate experience, Karima appreciates the nuances of the health sector having previously worked in the industry mediating end-of-life treatment disputes in the Intensive Care Unit at the Toronto Western Hospital and as an assistant to the Deputy Registrar of the Health Services Appeal and Review Board of the Ontario Health Boards Secretariat. Karima is also an author and has published articles nationally and internationally on the intersection of law and the provision of social services. Most recently, Karima co-authored an article entitled "E-Therapy" with Cheryl Regehr of the University of Toronto, to be released in the February issue of the Ontario Association of Social Workers News Magazine



Karima holds a Bachelors degree from McGill University and obtained her J.D. (Doctor of Jurisprudence) and Masters in Social Work from the University of Toronto in 2002. She was admitted to the Bar in Massachusetts in 2002 and the Ontario Bar in 2004.

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Commercial and Civil Litigation

Brett Moldaver has a commercial litigation practice and both advises health industry clients on general corporate and commercial matters and handles trial work including contract disputes, professional liability, insurance, construction and employment litigation. He also has a significant practice representing hospitals and health professionals in connection with medical malpractice lawsuits. Brett has argued cases before the Ontario Superior Court of Justice and Divisional Court on appeals and has appeared as assistant counsel before the Court of Appeal of Ontario.



Brett received his Honours B. A. from McGill University in 1995 and graduated *Magna Cum Laude* with an LL.B. from the University of Ottawa in 1999. He was called to the Ontario Bar in 2001.

Practice Profile - Wendy Hulton - Marketing & Health Law

Wendy Hulton is an experienced marketing and health law practitioner who provides advice on a wide range of products including natural health products, foods, drugs, cosmetics and medical devices. She provides advice to manufacturers, importers and retailers of these products on a broad range of regulatory and marketing law issues.



Her practice includes script and copy review, packaging and labelling, promotional contests, misleading advertising disputes, comparative advertising campaigns, coupons, advising on direct sales and telemarketing issues, assisting clients to pursue or defend advertising challenges, responding to compliance activities by Canadian regulatory authorities and industry consultations with government in connection with the *Food and Drugs Regulations*.

Ms. Hulton also acts for international clients on matters related to the *Competition Act*, *Consumer Packaging and Labelling Act*, *Textile Labelling Act*, *Technical Standards and Safety Act, 2000* and other federal and provincial legislation. On behalf of health industry clients she negotiates with government regulators on a broad range of administrative and regulatory law matters.

Around Miller Thomson

Join us for Coffee Talk: Our Health Industry Seminar Series

Rebecca Durcan will be speaking on the Consent and Capacity Board on February 15, 2005.



The session is at 8:00 am. We invite you to grab a coffee and connect with us directly, or via your local teleconferencing provider. For more information, please contact Nicole Miles at 416.595.8673 or nmiles@millerthomson.ca

Miller Thomson LLP and the Cambridge Chamber of Commerce are presenting a seminar on "Health Care and the Law" on May 3, 2005. **Greg Hanmer** and **Joshua Liswood** of Miller Thomson and **Dr. Isser Dubinsky** of Miltom Consulting will be speaking.

The Health Industry Practice Group is pleased to announce that **Jody Clark** has assumed the role of Corporate Law Clerk. Jody has been assisting in our corporate health practice for the past three years, and prior to joining Miller Thomson worked as a law clerk with Sony Canada and IBM Canada Limited.

Dr. Isser Dubinsky of Miltom Consulting will be speaking on Tuesday, May 3, 2005, at an Insight Conference in May on "Instituting a Best Practice Model", and at a National Health Care Leadership Conference in St. John in June, 2005.

In October, 2004, **Brian Curial** of our Alberta Health Industry Practice Group co-chaired an Insight Conference in Calgary entitled "Health Privacy: New Compliance Requirements and Best Practices". Brian presented a half day seminar to health care workers in the school system on the topic of informed consent on November 29, 2004 and conducted two half day training seminars for a professional college on the professional conduct process in December 2004. Brian will be a panellist for the Canadian Bar Association Alberta Law Conference on March 10, 2005, speaking on "Privacy in the Health Industry".

In October 2004, **Rebecca Durcan** represented a hospital at a Coroner's Inquest relating to a patient death on the psychiatric forensic ward and appropriate response by paramedics. Rebecca will also be speaking at a Conference presented by the Law Society of Upper Canada in February 2005 on "Privacy for Law Clerks".

Joshua Liswood spoke at the Catholic Hospital Association's Annual Meeting in September 2004 on "Transition & Change", at the National Association of Emergency Department Directors Conference in November 2004 on "Medicolegal concerns for Emergency Department Chiefs", and at the Ontario Hospital Association conference in November 2004 on "Bill 8 - Managing the Risks". Josh also presented at an Insight Conference in November 2004 on "Patient Safety and Adverse Events", at a MEDEC conference in November 2004 on "Refurbishing Medical Devices", at an Insight Conference in December 2004 on "Telerriage: Liability, Risk and Responsibility", and to a hospital in December 2004 on "Board Accountability Issues".

Jennifer White presented on "PHIPA for Base Hospitals" at the Base Hospital Organization of Ontario Convention in Ottawa in November, 2004. She will be speaking at a Canadian Institute conference in April of 2005 on "Reducing Hospital Liability - Developing an Effective Patient Safety" plan.

Michael Birley discussed the *Regulated Health Professions Act* on January 21, 2005 as part of our *Coffee Talk Seminar Series*.

On a personal note, **Kathryn Frelick** had a son, Aidan Daniel Flynn on May 16, 2004, younger brother for Ryan. Kathryn has returned from her maternity leave and is looking forward to resuming her practice.

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Our National Health Industry Practice Group is dedicated to providing comprehensive and integrated legal services to health industry clients. For more information about our group, visit our website at www.millerthomson.com or contact one of our regional contacts listed below.

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