



CYNTHIA (CINDY) CLARKE

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[Health Advocacy](#)

[Class Actions](#)

[Products](#)

[Healthcare Risk Management](#)

[Medico-Legal Defence](#)

[Mental Health Law](#)

[Education](#)

[Health Law](#)

Education / Bar Admissions

LLB, University of Western Ontario, 1997

BA in Philosophy, University of Western (Ontario Huron University College), 1993

Ontario, 1999

Professional Involvement

Member, Ontario Bar Association, Health Law and Civil Law sections

Member, The Advocates' Society

Member, Medico-Legal Society of Toronto

Adjunct Professor, Osgoode Hall Law School, Professional LLM – Health Law, Health Facilities Course

Former Program Director, Certificate in Health Law, Osgoode Hall Law School

Advisor/Instructor, M.Sc. in Quality Improvement and Patient Safety, University of Toronto; Instructor, Risk Management

Community Involvement

Advisor, Pro Bono Law Ontario and Sick Kids Legal Clinic

Past President of Volunteer Board,

EXECUTIVE SUMMARY

Cindy Clarke, BLG's National Group Head, Specialized Litigation, is one of the firm's most respected senior leaders. Cindy oversees five national litigation groups (Health Law, Labour and Employment, Insurance and Tort Liability, and Construction, Environmental, Municipal, Expropriation and Regulatory) comprising more than 210 lawyers. She is also the Client Relationship Partner for two of BLG's largest and most significant clients. Cindy sits on the firm's National Management Committee and Innovation Steering Committee.

She also maintains an active practice in the Health Law and Class Actions Groups. Cindy defends hospitals, Local Health Integrated Networks (LHINs) and other health organizations in medical malpractice actions on behalf of the Healthcare Insurance Reciprocal of Canada. She also represents health and service organizations in court and before administrative tribunals. In addition, Cindy is involved in defending several product manufacturers in multi-million dollar product liability actions involving pharmaceuticals and other products with health effects. Cindy appears before all levels of court and various administrative tribunals, including the Consent and Capacity Board, the Health Professions Appeal and Review Board, the Health Services Appeal and Review Board, and the Human Rights Tribunal.

Cindy received a Value Champion Award from the Association of Corporate Counsel for developing an innovative and client focused fee solution for HIROC. She is the co-author of a book titled Law for Canadian Healthcare Administrators. She is an Adjunct Professor at Osgoode Hall Law School where she teaches the Masters in Health Law program and is a regular speaker at conferences and continuing education courses. Cindy is a recipient of the Women's Executive Network (WXN) – Canada's Most Powerful Women Award, Lexpert's Rising Star Award, and the Lexology Client Choice Award for outstanding client service and recognized by Benchmark Litigation as one of the Top 25 Women in Litigation in Canada. Cindy is also a Winner of a 2018 Lexpert Zenith Award: Mid-Career Excellence in the Legal Profession; Practice Area of Class Actions.

REPRESENTATIVE WORK

- Acting as defence counsel in several current multi-million dollar class actions and a healthcare costs recovery action. For example, currently defending a

Canadian Mothercraft Society

- pharmaceutical company in a class action alleging misrepresentation of safety profile and efficacy of the drug.
- Represented a Regional Autism Program run by Hamilton Health Sciences in a Judicial Review Application by a family seeking to prevent the Program from discharging a child from its services *Ceretti v. Hamilton Health Sciences-McMaster Children's Hospital*.
- Represented the Central CCAC in the only inquest in Ontario to investigate the long-term care sector — the El Roubi/Lopez Inquest which inquired into the deaths of Mr. Lopez and Mr. El Roubi following an assault by another resident.
- Represented Purdue Pharma in King/Bertrand inquest inquiring into the use and misuse of OxyContin arising from the deaths of Mr. King and Ms. Bertrand.
- Assists senior hospital leadership and Medical Advisory Committees on physician privileges issues.
- Advises hospital leadership on managing disruptive physician behaviour and quality of care issues.
- Represents the majority of Ontario's CCACs on a variety of issues including difficult discharge situations and challenging substitute decision-makers.
- Advises hospitals and CCACs on consent and capacity issues, specifically in regard to steps to be taken when a substitute decision maker is not fulfilling his or her legal obligations
- Assists hospitals and CCACs in responding to human rights complaints.

PUBLICATIONS & PRESENTATIONS

- Co-Program Director and Speaker, Osgoode Certificate in Health Law
- Guest Lecturer, "Legal Issues of Medical Errors" University of Toronto, MSc — Patient Safety Health Law Session
- Guest Lecturer, "Who Does What: How Legislation Influences Actions of Organization in the Health Care System, A Review of the Management of Hospital Discharge", University of Toronto, MSc – Patient Safety Health Law Session
- Panelist, Legal Counsel Perspectives on Presenting and Defending a Claim, HIROC Risk Management Conference
- Speaker, "Discussion and Disclosure of Medical Incidents with Patients", Orillia Soldiers Memorial Hospital
- Speaker, "Role of Documentation in Malpractice Litigation" Malpractice in Pain Medicine, Medico-Legal Conference
- Speaker, "Strategic Pro Bono Litigation: How to Spare Some Change," Panelist at Plenary Session, 5th Annual National Pro Bono Conference
- Speaker, "Best Practices in Physician Annual Reappointment, Performance Management and Disruptive Behaviour," HIROC Annual Risk Management Conference (with Dr. H. Stern, CEO of the CMPA).
- Speaker, "Legal Counsel Perspective on Presenting and Defending a Claim," HIROC Annual Risk Management Conference
- Speaker, "What CCACs Can Learn From Recent HSARB Decisions,"

OACCAC Annual Conference

- Panelist, “Developing your Skills to become a Leader,” Justicia Symposium
- Speaker, “ Role of Documentation in Malpractice Litigation- Lessons Learned from a Recent Trial Experience,” William Osler Hospital
- Guest Lecturer, “ Who Does What: How Legislation Influences Actions of Organizations in the Health Care System- A Review of the Management of Hospital Discharge,” University of Toronto, MSc- Patient Safety Health Law Session
- Guest Lecturer, “Legal Issues of Medical Errors,” University of Toronto, MSc- Patient Safety Health Law Session
- Speaker and Panelist, “ Legal Issues of Medical Errors,” Canadian Winter School on Quality and Safety in Radiation Oncology
- Co-Program Director, Osgoode Law School Health Law Certificate course
- Program Director and Speaker, The Osgoode Certificate in Health Law, Osgoode Hall Law School, Professional Development, York University
- Co-Author, *Law for Canadian Health Care Administrators*, 2nd Edition, LexisNexis Canada

TESTIMONIALS & RANKINGS

Testimonials

- **"Clients highlight her "incredibly practical approach" and also note that "she adapts to the audience," making "people feel comfortable and confident around her." — *Chambers Global***
- **"A unique capacity to see beyond the law and provide advice that is practical and assists her clients in achieving their preferred end result." — *Lexology Client Choice Awards***
- **"She fully understands our business. When we retain her with questions or an issue, we don't have to take the time to explain the context or business, again making her legal advice that much more effective and cost efficient." — *Lexology Client Choice Awards***
- **"Her compassion for each situation is evident and effectively intertwined with legal reasoning to achieve clear, effective communication and counsel on very complex and difficult matters." — *Lexology Client Choice Awards***
- **"Her ability to distill key elements of the law into critical, understandable elements is truly exceptional." — *Lexology Client Choice Awards***
- **"Cindy finds ways to present solutions that are effective at de-escalation and problem resolution wherever possible and when that is not possible, she's the person you want representing you in court!" — *Lexology Client Choice Awards***

Rankings

- Recognized in the 2019 edition of *Best Lawyers in Canada* (Administrative and Public Law, Health Care Law, Medical Negligence).
- Recognized by *Lexpert*® with a 2018 Zenith Award – Celebrating Mid-Career

Excellence.

- Recognized in the edition of *Benchmark Top 25 Women in Litigation in Canada*.
- Recognized in *Benchmark Canada - The Definitive Guide to Canada's Leading Litigation Firms & Attorneys* as a "Local Litigation Star: Ontario" (Construction; Health; Product Liability).
- Past recipient of the Women's Executive Network (WXN) Canada's Most Powerful Women: Top 100 Award.
- Recognized in *Chambers Canada – Canada's Leading Lawyers for Business* (Healthcare).
- Selected by peers for inclusion in *The Best Lawyers in Canada®* (Health Care Law, Medical Negligence).
- Exclusive winner in the Healthcare & Life Sciences category in Canada and Ontario as recognized by the Lexology Client Choice Awards.
- Recognized in *The Canadian Legal Lexpert Directory* (Medical Negligence).
- Named one of *Lexpert®*'s Rising Stars: Leading Lawyers Under 40.
- Recognized as a 2019 Acritas Star

ABOUT BORDEN LADNER GERVAIS LLP

Borden Ladner Gervais LLP (BLG) is a leading, national, full-service Canadian law firm focusing on business law, commercial litigation and arbitration, and intellectual property solutions for our clients. BLG is one of the country's largest law firms with more than 700 lawyers, intellectual property agents and other professionals in five cities across Canada. We assist clients with their legal needs, from major litigation to financing to trademark and patent registration.