

ERIN DURANT, B.A. (Hons.), J.D.
EDurant@DurantBarristers.com, 613-408-3513



LEGAL CAREER

2021- Present DURANT BARRISTERS
Founder

Erin founded Durant Barristers in May of 2021. The firm focuses on professional liability defence, litigation, investigation and sports mandates. The firm is lean and agile allowing for lower billable rates for our clients and the ability to construct the ideal team to deal with your specific legal challenge. We work regularly with lawyers throughout Ontario to make sure our clients have the best possible representation.

2015- 2021 BORDEN LADNER GERVAIS LLP
Partner

Erin was a litigation partner in the Ottawa office of Borden Ladner Gervais LLP. In this role, she gained significant investigation experience and also appeared as litigation counsel in both jury and non-jury trials, contested motions, applications and appeals. She acted on cases at all levels of court, including the Ontario Court of Appeal and applications for leave to appeal to the Supreme Court of Canada. She also appeared regularly at a number of specialized tribunals including the Ontario Energy Board, Ontario Human Rights Tribunal and the Sport Dispute Resolution Centre of Canada.

2016 – 2020 UNIVERSITY OF OTTAWA FACULTY OF LAW
Part-time professor

As a part-time professor at the University of Ottawa law school, Erin was responsible for teaching the next generation of lawyers court procedure as well as insurance law. Erin stepped away from active teaching in 2020 to focus on her growing practice but plans to return to teaching once capacity allows it.

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2012 - 2015 **DOOLEY LUCENTI LLP**
Lawyer

Erin started her career as a lawyer in Barrie, Ontario working at a litigation boutique. She focused her practice on insurance law, employment law, real property disputes and representing other lawyers in both negligence disputes as well as disciplinary matters.

Erin was a member of the Advocates' Society's Paperless Trials and Best Practices for Civil Trials initiatives. She was also the founding editor of their Keeping Tabs publication.

2010 - 2012 **BORDEN LADNER GERVAIS LLP**
Summer and Articling Student

2010-2011 **QUEEN'S UNIVERSITY FACULTY OF LAW**
Research Assistant

CAREER AWARDS AND RECOGNITIONS

- 2021- Recognized in the Lexpert Legal Directory as repeatedly recommended in the area of personal injury litigation.
- 2021 – Recognized by my peers as one of the Best Lawyers in Canada in the areas of insurance law and professional liability defence.
- 2020 – Recipient of the Advocates' Society's Award of Legal Writing.
- 2019 - Recipient of the Clawbies award for best legal Twitter account.
- 2019 – Recipient of the Ontario Bar Association's David W. Scott Award for Pro Bono Law.
- 2019 – Recipient of the Lexpert Zenith Award as a Change Agent in Law.
- 2018 – Recipient of the BLG Mentorship Award.

EDUCATION

2008-2011 **QUEEN'S UNIVERSITY FACULTY OF LAW, J.D.**

Awards: Dean's Honour List, Baker & McKenzie Award in Labour Law, C. Douglas MacLeod Award in Constitutional and Administrative Law, the O'Hara Prize for highest standing in Criminal Law, The Leipnik Award in Professional Responsibility and course prizes for highest standing in health and mental health law.

2004-2008 **UNIVERSITY OF OTTAWA, B.A (Hons.)**

Awards: Numerous academic scholarships, Dean's Honour List, University of Ottawa Award of

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Merit in recognition of academic excellence, community involvement and athletic achievement.

Athletics: Captain of the University of Ottawa Gee Gees Fastball Team.

NOTABLE MANDATES AND CASES

- Regularly acts as Arbitrator and Mediator on confidential disputes involving amateur athletes, coaches and volunteers and national and provincial sporting associations on team selection and disciplinary disputes.
- Regularly conducts safe sport investigations on behalf of provincial and national sport organizations, including mandates relating to: discrimination, harassment, sexual harassment, violations of the “Rule of 2”, grooming activities, and abusive behaviour towards athletes, coaches and staff.
- Experienced workplace investigator who is often retained to conduct investigations under workplace violence and harassment policies in both unionized and non-unionized environments.
- Investigator on high profile independent external review along with retired Supreme Court of Canada Justice involving a public institution.
- Counsel to provincial sports organization on risk management, COVID-19, and insurance coverage issues.
- Counsel to provincial sports organization on an appeal involving discipline of a coach.
- Pro Bono counsel on behalf of a young athlete and a Paralympic athlete facing doping violations before the Sport Dispute Resolution Centre of Canada.
- Pro Bono counsel on behalf of an athlete in a sexual harassment complaint against a coach before the Sport Dispute Resolution Centre of Canada.
- Jury trial counsel in motor vehicle accident case where neither plaintiff met the Insurance Act threshold and BLG’s client was awarded costs. The costs decision was upheld by the Ontario Court of Appeal, 2020 ONSC 1380 and 2020 ONSC 2371.
- Counsel for lawyer and law firm who successfully moved for summary judgment dismissing an action due to the expiry of the limitation period, 2019 ONSC 6793.
- Co-counsel for municipality who successfully moved for summary judgment dismissing an action based on a settlement agreement, 2019 ONSC 1906.
- Co-Counsel for an intervener before the Ontario Energy Board opposing a request by a utility to raise rates.
- Appeal counsel on behalf of another lawyer upholding lower court decision that the claim against the lawyer disclosed no reasonable cause of action, 2018 ONCA 206.
- Co-Counsel before a five judge panel of the Court of Appeal on behalf of an insurer in a motor vehicle accident case defending a post-trial ruling granting an assignment of

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future accident benefits and reducing the plaintiff's costs award, 2018 ONCA 902.

- Pro Bono counsel for a former member of the RCMP on a Judicial Review to the Federal Court regarding pension benefits, 2018 FC 1188.
- Counsel at the Court of Appeal on behalf of another lawyer upholding lower court decision that the claim against the lawyer disclosed no reasonable cause of action, 2018 ONCA 206.
- Counsel on *ex parte* motion regarding burial arrangements for deceased individual, Ottawa CV-17-75034.
- Jury trial counsel in the Superior Court of Justice, responsible for trial motions, in a motor vehicle accident case where liability and damages were in dispute, CV-14-59774.
- Counsel to a national museum in an arbitration under the Canada Labour Code in lay-off grievance, 2017 CanLII 7045.
- Pro Bono counsel to a veteran of the Canadian Armed Forces on a Judicial Review to the Federal Court of Canada regarding a denial of his disability pension, 2017 FC 521.
- Author of application materials filed in the Superior Court of Justice on behalf of a title insurer for a declaration of the existence of a prescriptive easement or easement of necessity, 2015 ONSC 5014 rev'd 2016 ONCA 629.
- Jury trial counsel in the Superior Court of Justice for an insured defendant in a motor vehicle accident case involving allegations of chronic pain, 2016 ONSC 2942.
- Jury trial counsel in the Superior Court of Justice for an insured defendant in a pedestrian-motor vehicle accident case, 2016 ONSC 2075.
- Author of motion materials in the Superior Court of Justice in support of an order that no settlement was made between parties to litigation, 2015 ONSC 4394.
- Acted as agent for a lawyer who sought to amend a statement of claim to substitute John Doe parties after the expiry of the limitation period. The case involved issues of misnomer, due diligence and lack of prejudice, 2014 ONSC 7374
- Author of motion materials in the Superior Court of Justice opposing a motion for summary judgment brought on the eve of a jury trial, 2014 ONSC 2513 leave to appeal denied 2014 ONSC 3043.
- Counsel in the Superior Court of Justice arguing against the enforcement of a settlement on the basis of mistake, 2014 ONSC 133.
- Counsel at the Ontario Court of Appeal in a case involving discoverability, limitation periods and subrogated insurance claims 2013 ONSC 7130 aff'd 2014 ONCA 385
- Jury trial counsel in the Superior Court of Justice in a motor vehicle accident case where the sole issue was liability, Barrie CV-070969.

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- Articling student at trial in the Superior Court of Justice for a corporation alleged to have oppressed minority shareholders, 2013 ONSC 1525.
- Articling student for a hospital linen service at an interest arbitration under the *Hospital Labour Disputes Arbitration Act*, 2011 CanLII 33175.

COMMUNITY ACTIVITIES

- Volunteer Softball Coach with the Stittsville 56ers and the University of Ottawa – 2015-Present. Member of The Advocates’ Society’s Access to Justice Committee, 2018 – Present.
- Member of The Advocates’ Society’s taskforces on the Law Society of Upper Canada’s licensing process and the *Kapoor* jury trials case, 2017 – 2018.
- Chair of the Canadian Defence Lawyers’ Young Lawyers Division, 2016 – 2018.
- Member of the Law Society of Upper Canada’s Early Career’s Round Table, 2015 - 2019.
- Board Member, Gloucester Community Housing Corporation, 2015 – 2018.
- Member of The Advocates’ Society’s Young Lawyers’ Standing Committee, 2013-2019.
- Member of the Simcoe County Law Association’s Library Committee, 2013-2015.

CONFERENCES – LEADERSHIP/PLANNING ROLES

- County of Carleton Law Association’s Civil Litigation Conference Planning Committee, 2016 – Present.
- Co-Chair, The Advocates Society Conferences including: “Courthouse Series: Telling a Compelling Story,” The Advocates’ Society Conference, March 2, 2017; Fall Forum Conference, October 2016; Fall Forum Conference, October 2014.
- Co-Chair, Canadian Defence Lawyers Conferences including: Insurance Law Breakfast on Multiple Tortious Events, May, 2017; Insurance Law Breakfast on Expert Witnesses, February, 2017; Boot Camp Conference, September, 2014.
- Workshop leader for the Advocates’ Society including: Civil Trial Symposium, January 2015; “Using Social Media to Build Your Brand,” Hitting Your Stride Conference, June 2, 2017.
- Panel Moderator and Conference Co-Chair, "A View from the Bench: Insight through Hindsight," The Advocates' Society's Fall Forum Conference, October 21-22, 2016.

PUBLICATIONS AND CONFERENCE PRESENTATIONS

- Moderator and Organizer, The CCLA Civil Litigation Conference, November 18, 2018.
- Speaker, “Management Absenteeism and the Duty of Accommodate,” BLG Labour and Employment Breakfast Club Seminar, June 1, 2017.
- Author, “Harassment as an Independent Cause of Action,” BLG Labour and

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Employment Law News, June 1, 2017. Speaker, “Connecting to Achieve Change” the Advocates Society Fall Convention, November 2019.

- Speaker, “The Power of Social Media” the Advocates’ Society’s Women’s Breakfast, March 1, 2019.
- Speaker, “Collateral Benefits”, BLG Insurance and Tort Liability Breakfast, May 2019.
- Speaker, “Deduction and Assignment of Accident Benefits from Tort Awards” Canadian Defence Lawyers Audioconference, January 16, 2019.
- Speaker, “Panel of First Generation Lawyers” the First Generation Network, November 29, 2018.
- Speaker, “Mental Health in the Workplace and Workplace Harassment,” Institute of Professional Management Conference, April 6, 2017.
- Author, “Determining Evidentiary Issues Before Trial: Revisiting *Harrop*,” *Canadian Defence Lawyers Hearsay*, March 2017.
- Author, "Ask the Expert: Avoiding Discrimination in the Hiring Process," *Institute of Professional Management Members' Quarterly*, January 2017.
- Author, "2016 Threshold Decisions: The Importance of Expert Evidence," *Canadian Defence Lawyers Hearsay*, December 2016.
- Speaker, "Top Employment Law Cases of 2016," BLG Labour and Employment Symposium, November 22, 2016.
- Panelist, “Effective Use of Summary Judgment Motions in Civil and Family Law Cases” The Advocates’ Society’s panel at the 1000 Islands Legal Conference on Summary Judgment Motions (September 2016).
- Presentation, “Will a judge see this email?: The Law of Privilege for In-House Counsel” Borden Ladner Gervais seminar for In-House Counsel (June 2016).
- Presentation, “The Plaintiff is a Movie Star: Update on the use of Surveillance Evidence at trial.” Borden Ladner Gervais Insurance Law Breakfast (May 2016).
- Erin Durant and Aruba Mustafa, "Threshold Decisions from 2015: A Successful Year for Defendants," *Canadian Defence Lawyers Hearsay*, December 2015 (with Aruba Mustafa).
- Presentation, “Just Cause – You’re Fired (again)!” Borden Ladner Gervais Employment Law Symposium (June 2015).
- Erin Durant, “Summary Judgment in Personal Injury Cases: A National Overview” Claims Canada (July 2015).
- J. Daniel Dooley and Erin Durant, “Is this case appropriate for summary judgment?: A Review of the use of summary judgment in personal injury cases since *Hryniak*” Ontario

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Insurance Adjusters Association's Provincial Claims Conference (May 2015).

- Erin Durant, "Coverage Issues for Employment Practices Liability Insurance" Canadian Defence Lawyers Hearsay (Winter 2015).
- Erin Durant, "Apologies: The Inadmissible Admissions" The Advocates' Journal (Fall 2014).
- Erin Durant, Saly Botelho, Joshua Valler, "Ontario Court of Appeal Discusses Costs in Personal Injury Cases" Canadian Defence Lawyers Hearsay (Fall 2014).
- Erin Durant and Andrew Emery, "Seatbelts Save Lives... And Damages! – Seatbelts, Contributory Negligence and the Law since *Snushall v. Fulsang*", Canadian Defence Lawyers Hearsay (Spring 2014).
- J. Daniel Dooley and Erin Durant, "Getting Your Costs Paid: Strategic Considerations" The Advocates' Society Tricks of the Trade Conference (January 2014).
- J. Daniel Dooley, Erin Durant and Andrew Emery, "Municipal Liability for Motor Vehicle Accidents" Canadian Defence Lawyers Hearsay (December 2013). J. Daniel Dooley and Erin Durant, "Opening Statements: Doing it Right" The Advocates' Society Trial from A to Z (April 2013).
- Presentation, "Sports Equality" at "Bodies of Law: Women's Health & Equality", Queen's University Faculty of Law Conference (March 1-2, 2013).
- Presentation with J. Daniel Dooley, "Social Hosts, Commercial Hosts and Employers: Liquor Liability" Barrie Insurance Brokers Association (November 2012).
- Erin Durant and J. Daniel Dooley, "One Percent Liability: One Hundred Percent Injustice" The Advocates' Society's Fall Convention (November 2012).
- Noëlle Caloren and Erin Durant, "The Right to Associate and Negotiate in Labour Law: The Supreme Court's Recent Pronouncement" Borden Ladner Gervais Labour and Employment Law News (October 2011).
- Erin Durant, "Women are the Untapped Gold Mine of the Canadian Sport System" Play the Game Conference (2009).