

CURRICULUM VITAE OF ALFRED M. KWINTER

Personal Details

Date of Birth: October 26th, 1945

Place of Birth: Vienna, Austria

Married with three children

Education

B.A. - University of Toronto - 1967

J.D. - Faculty of Law University of Toronto - 1970

Articles - McLean, Lyons & Kerr - 1970 - 1971

Called to the Ontario Bar - spring, 1972

Professional Experience

Associate McLean, Lyons & Kerr - 1973 - 74

Co-founder of the firm of Singer, Kwinter - 1974

Certified as a Specialist in Civil Litigation by the Law Society of Upper Canada - October, 1999

Teaching Positions

Former instructor Humber College Police Science Course - 1977 - 1978

Former instructor Bar Admission Course - Trial Practice

Former coach - Litigation Programs Advocates' Society

Assessor - **The Arnup Cup Moot Competition** - one of six assessors appointed by the Advocates' Society to judge province wide moot competition presided over by Ontario Superior Court Judge - winter, 2005

Assessor - **The Arnup Cup Moot Competition** - winter, 2006

Presided as judge for mooting exercise at University of Toronto Faculty of Law - 2006 - present

Assessor - **The Arnup Cup Moot Competition** - winter, 2007

Judge - University of Toronto Faculty of Law **Upper Year Moot** - February 6, 2008

Adjunct Professor - Osgoode Hall Law School - Trial Practice Course - Fall, 2008
- present

Assessor - **The Arnup Cup Moot Competition** - February 5 and 6, 2010

Workshop Instructor - **Cross-examination: Winning Techniques Used by Skilled Cross-Examiners** - TAS Education Program - sponsored by the Advocates' Society - March 4, 2010

Positions Held

Director of the Advocates' Society - 2004 - 2006

Member of the Advocates' Society Education Committee - 2005 - 2006

Advocates' Society's representative on Disabilities Committee under chairmanship of Justice Karen Weiler which prepared report for Attorney General of Ontario on access to justice for those with disabilities - 2005 - 2006

Appointed "pre-trial judge" for purposes of mediating claims under the Simplified Rules to clear Simplified Rules case backlog. Settled in excess of 90 per cent of cases pre-tried - 2005 - 2006

Co-chair for the Court House Series sponsored by the Advocates' Society - 2007 - 2009 - providing advocacy demonstrations in court houses throughout Ontario

Current Director, Board of Advisors, Vocational Rehabilitation Association
Canada Ontario Society

Landmark Decisions

Urzi v. North York Board of Education, [1981] O.J. No. 1955

One of the last cases to be decided prior to the passing of the *Occupiers' Liability Act*. The case dealt with the issue as to whether an icy sidewalk in January in the City of Toronto constituted an "unusual danger".

Wong v. Arnold, [1987] O.J. No. 335

Ontario Court of Appeal decision established that there was close to strict liability on a dog owner for a dog attack under the Dog Owners' Liability Act. Case was at the time one of the largest awards for a dog attack in Ontario.

Rodriguez v. Allstate, [1994] O.J. No. 1686

Dealt with the difference in assessing damages following a fire between a public adjuster and the insurer's own contractors. Solicitor and client costs awarded to plaintiff as a result of insurance company's conduct. Judgment was upheld on appeal.

Leonard v. Mutual Life, [2002] O.J. No. 669

Dealt with the definition of "total loss of use" when dealing with the issue as to whether a paraplegic qualified for benefits under an insurance policy where he had in effect rehabilitated himself out of the definition of paraplegic.

Oldfield v. Transamerica Insurance Company, [2002] S.C.J. No. 23

Supreme Court of Canada decision which established right of an innocent beneficiary to collect under a life insurance policy where the owner of policy died committing a crime.

Mazza v. Hamilton Township Farmers Mutual Insurance Company, [2006] O.J. No. 1508

Jury award of \$2,500,000.00 for punitive damages stands as the highest award for punitive damages ever awarded by a jury against an insurance company in Canadian legal history. Case was sent back for a new trial by the Ontario Court of Appeal based on misdirection by the Trial Judge on certain defences and settled just prior to the commencement of the second trial.

Plester v. Wawanesa, [2006] O.J. No. 2139

\$350,000.00 punitive damage award by the jury stands as the highest award for punitive damages against an insurer ever upheld by the Ontario Court of Appeal.

Kamin v. Kawartha Dairy, [2006] O.J. No. 435

The Ontario Court of Appeal decision which reversed the trial judge's dismissal of the action effectively changed the law of trip and fall in Ontario by establishing that in certain circumstances as existed in this case it is no longer essential to establish precisely where the Plaintiff fell.

Degennaro v. Oakville- Trafalgar Memorial Hospital - Ontario Superior Court of Justice Action #C22753/00

Record award in Canada for a chronic pain/fibromyalgia claim - 3.5 million.

Judicial Comments on Counsel's Competence

Mazza v. Hamilton Township Farmers Mutual Insurance Company, [2006] O.J. No. 1508

Decision of Justice C. A. Tucker released August 12th, 2004

Plester v. Wawanesa , [2006] O.J. No. 2139

Endorsement of Justice W. A. Jenkins, released August 23rd, 2004

Awards and Honours

Awarded the H. Bruce T. Hillyer award by the Ontario Trial Lawyers Association (OTLA) in May, 2004. The award reads:

“This award is presented by the Ontario Trial Association to Alfred M. Kwinter in recognition of his outstanding contribution to the cause of civil justice. As a member of the Ontario Trial Lawyers Association, the recipient has exemplified the spirit of OTLA in fearlessly advancing the cause of individual rights by the effective use of trial advocacy.”

Chosen by OTLA as the Plaintiff Bar’s Honouree of the year at the annual “Celebration of the Personal Injury Bar” dinner held on November 14, 2008

Papers and Presentations

Presentation - **Anatomy of a Personal Injury Action** - sponsored by the Law Society of Upper Canada - January, 1988

Presentation - **Physicians and the New Auto Insurance Legislation** - sponsored by Columbia Rehabilitation Centre - November 22, 1996

Paper and presentation - **What’s New in the Field of Experts** - Courthouse Series - sponsored by the Advocates’ Society - co-authored with R. W. Traves - February, 1997

Paper and presentation - **Overcoming Obstacles in the Bad Faith Claim** - Ontario Trial Lawyers’ Association Fall Convention - October 24, 2003

Presentation - **What I Know Now That I Wish I Had Known in My Early Years of Practice** - Mentoring Dinner - sponsored by the Advocates’ Society - March 3, 2004

Paper and presentation - **The Latest Word on Punitive and Aggravated Damages In Canada** - Second National Forum on Litigating Damages - sponsored by the Canadian Institute - February 26, 2004

Paper and Presentation - **The Cases and Law You Need to Know - Punitive Damages** - Insurance Law Update - sponsored by the Ontario Bar Association Insurance Law Section - November 22, 2004

Paper and presentation - **The Most Common Mistakes Insurers Make Which Expose Them to Punitive Damages** - sponsored by the Law Society of Upper Canada - December 6, 2004

Paper and presentation - **Practical Strategies on How to Put Together a Team of Experts to Enhance Your Damage Claim** - Tricks of the Trade Conference - sponsored by the Advocates' Society - January 14, 2005

Paper and presentation - **The Bad Faith Balloon** - sponsored by the Ontario Bar Association - February 4, 2005

Paper and presentation - **Damages In Commercial Litigation - What's New in Bad Faith and Punitive Damages** - 3rd Annual Forum on Litigating Personal Injury Damages - sponsored by the Canadian Institute - February 23, 2005

Paper and presentation - **Litigating Bad Faith Claims and Their Impact** - sponsored by Insight - April 18, 2005

Paper and presentation - **Reflections on How to Theme Your Case Early On** - Spring Convention - sponsored by Ontario Trial Lawyers' Association - May, 2005

Paper, presentation and Power Point Demonstration - **Developing the Punitive Damage Claim** - keynote address at the Spring Convention of the Atlantic Provinces Trial Lawyers' Association in St. John's, Newfoundland - June, 2005

Advocacy Demonstration - Part of Court House Series - Windsor Court House - February, 2006

Presented advocacy demonstration to members of Windsor Bar and law students in Windsor, Ontario
- sponsored by the Advocates' Society and the Essex County Law Association

Co-chair - Program on **Jury Advocacy** - sponsored by the Advocates' Society - April 7, 2006

Paper and presentation - **Complex Regional Pain Syndrome - The Plaintiff's Perspective** - Conference on Litigating Disability and Insurance Claims - sponsored by Insight - April 11, 2006

Advocacy Demonstration - demonstrated **How to conduct a pre-trial and summary trial under Simplified Rules** - presided over by Ontario Superior Court Judge at Toronto Court House - sponsored by Toronto Lawyers' Association - April 19, 2006

Presentation - **How To Prepare an Expert Witness** - sponsored by the Canadian Association of Life Care Planners - April 20, 2006

Paper and presentation - **Litigating Disability Insurance Claims - What You Need to Know About the Increased Risk of Aggravated and Punitive Damages** - sponsored by the Canadian Institute - November 7, 2006

Paper and presentation - **After Whiten, Plester and Mazza, Where Are We?** - Fall Convention in Mayan Riviera, Mexico - sponsored by the Advocates' Society - November 10, 2006

Paper and presentation - **Litigating Catastrophic Disability and Damages - Can You Keep the Verdict** - sponsored by Insight - December 4, 2006

Advocacy Demonstration - Windsor Court House - February, 2007
Presented advocacy demonstration to members of Windsor Bar and law students in Windsor, Ontario as part of **Court House Series**
- sponsored by the Advocates' Society and the Essex County Law Association

Program Chair - **The Bench Speaks** - chaired and moderated three panels of Superior Court Judges from across Ontario - sponsored by the Advocates' Society - December 14, 2006

Presentation - **Legal Considerations for Life Care Planners** - conference sponsored by the Canadian Institute of Life Care Planners - January 12, 2007

Paper and presentation - **Punitive Damages** - Litigating Personal Injury Damages - sponsored by the Canadian Institute - February 21, 2007

Paper and presentation - **Punitive Damages** - Professional Development Program - sponsored by Osgoode Hall Law School - March 27, 2007

Appellate Advocacy Demonstration - appeared on behalf of Plaintiff in **Appellate Advocacy Demonstration** before Justices Goudge and Lang of Ontario Court of Appeal against Sheila Block of Torys in landmark Supreme Court of Canada decision of Fidler v. Sun Life - sponsored by the Advocates' Society at its Spring Symposium Conference - May 16, 2007

Paper and presentation - **Managing and Litigating Invisible Disabilities - The Increased Risk in Aggravated and Punitive Damages and Mental Health Claims** - sponsored by the Canadian Institute - June 20, 2007

Paper and presentation - **Litigating Catastrophic Disability and Damages** - Member of mock up and panel discussion - participated in panel with plaintiff and defence counsel to discuss assessing claim potential under Bill 198 - September 18, 2007

Paper and presentation - **Advanced Forum on Motor Vehicle Litigation - Recent Court and Arbitration Decisions Uncovered** - sponsored by the Canadian Institute - September 25, 2007

Paper and presentation - **How to Frame Your Questions to the Jury**
Panel Member - **Discussion: When to give numbers to the Jury - The Plaintiff's Perspective** - Fall Convention - sponsored by Ontario Trial Lawyers' Association - October 27 and 28, 2007

Demonstration for Certified Life Care Planners - **Preparation of the Expert Witness** - January 17, 2008

Panelist - **Mediation & Pre-trial: Practical Tips & Strategies**
Paper and presentation - **Mediation & Pre-trial: Practical Tips & Strategies** -
- Program sponsored by OBA/ADR Institute - February 5, 2008

Paper and presentation - **Mastering the Jury Trial: Putting Your Client's Case to the Jury** - Managing and Litigating Motor Vehicle Accidents Conference - sponsored by Osgoode Hall Law School - February 6 - 7, 2008

Co-chair - **Court House Series** - The Advocates' Society - 2008

Paper and presentation - **Winning Over The Jury: Delivering Persuasive Arguments** - 6th Annual Forum on Winning Personal Injury Cases - sponsored by The Canadian Institute - February 20 - 21, 2008

Program Co-Chair - **The Bench Speaks Again** - Advocates' Society - March 5, 2008

Co-Chair - **Court House Series** - Advocates' Society - 2009

Presentation - **Punitive and Aggravated Damages In Personal Injury Awards: Who Pays, How Much and Under What Circumstances** - 2008 Special Lecture - Personal Injury Law - sponsored by the Law Society of Upper Canada - April 2 - 3, 2008

Presentation - **I Am Being Sued. What Do I Do?** - University of Toronto Division of Psychiatry Fall Retreat - October 3, 2008

Paper and Presentation - **The Rule in *Brown v. Dunn* Today** - Osgoode Hall Law School - Professional Development Series - October 16, 2008

Mentor - Fall Forum 2008 - **Litigation by the Lake** - sponsored by The Advocates' Society - Niagara-on-the-Lake - October 17 and 18, 2008

Paper and presentation - **Bad Faith and Big Money: What You Need to Know About Punitive and Aggravated Damages in Bad Faith Claims** - 9th Annual Conference on Litigating Disability Insurance Claims - sponsored by The Canadian Institute - October 27, 2008

Paper and presentation - **Insurance Litigation and Jury Trials** - Insurance Law: What You Need to Know - sponsored by the Ontario Bar Association - October 28, 2008

Panelist - ARC Group Seminar - November 13, 2008

Regional Chair - **Court House Series 2009** - "Show Me The Money" - sponsored by the Advocates' Society - February 12, 19 and 26, 2009

Co-presenter - **Unearthing Critical Post Settlement Considerations** - Personal Injury Settlements Conference - sponsored by The Canadian Institute - February 24, 2009

Chair - **The Judges Respond** - The Advocates' Society - April 17, 2009

Paper and presentation - **I Just Got My Subpoena - Now What Do I Do?** - VRA Canada Conference, St. John's, Newfoundland - April 29 - May 1, 2009

Instructor - **Summer Trial Advocacy College** - sponsored by The Advocates' Society - June 18 - 20, 2009

Guest Instructor and Judge - **Intensive Trial Advocacy Workshop** - sponsored by Osgoode Hall Law School - July 9 - 11, 2009

Presentation - **Proving the Chronic Pain/Fibromyalgia Case at Trial** - Wasser Pain Management Clinic, Mount Sinai Hospital - August 27, 2009

Paper and presentation - **Soft Tissue Injuries - Strategies and Tactics** - Osgoode 5th Personal Injury Law & Practice Conference - September 21, 2009

Panel member - **The Vocational Rehabilitation Summit** - sponsored by VRA Canada - October 1, 2009

Paper and presentation - **Negotiating and Litigating Evidentiary Issues** - Litigating Motor Vehicle Accident Claims - Gearing Up For Regime Reform Conference - sponsored by Insight - October 1, 2009

Paper and presentation - **Creative Approaches for Soliciting, Interpreting and Evaluating Medical Evidence** - Managing and Litigating Disability Insurance Claims Conference - sponsored by The Canadian Institute - October 26, 2009

Presentation - **Representing the Chronic Pain Patient** - to Chronic Pain Foundation, Hamilton, Ontario - sponsored by McMaster University & Michael G. Groote School of Medicine - November 8, 2009

Presentation - **The Chronic Pain Case** - "Insurance Wars: Litigate to Win" Conference - sponsored by Atlantic Provinces Trial Lawyers Association, Halifax Nova Scotia - November 13, 2009

Presentation - **Successful Use of Caucus** - Advanced Mediation Advocacy Forum
sponsored by the Law Society of Upper Canada - November 18, 2009

Paper and Presentation - **Advancing or Challenging an Invisible Disability Claim**
- 8th Annual Forum on Personal Injury Settlements - sponsored by the Canadian Institute - January 26, 2010

Regional Co-chair for the Court House Series 2010 - **Tackling the Tough Case: Limitations, Liability and Experts** - sponsored by the Advocates' Society - February 11, 18 and 25, 2010 - providing advocacy demonstrations in court houses throughout Ontario

Presentation - **View of Torts and Insurance** - Queen's University Faculty of Law First-Year Tort Class - March 8, 2010

Pending Programs

Skills Instructor - Summer Trial Advocacy College Workshops - presented by the Advocates' Society - June 3 - 5, 2010

Paper and Presentation - **Too Late to Rehabilitate Your Case: Making Sure Your Rehabilitation Expert Really Is...Well...An Expert** - Atlantic Provinces Trial Lawyers Association Conference - June 26, 2010

Guest Instructor and trial judge - Osgoode Hall Law School Intensive Trial Advocacy Workshop - July 8 and 9, 2010

Presentation - **Tactics and Strategies in the Examination and Cross-Examination of an Expert Witness** - Personal Injury Program - presented by Osgoode Professional Development - September 16, 2010

Presentation - **Undermining Your Opponent's Credibility Through Effective and Proper Use of Surveillance and Videotaping of Medical Assessments** - 11th Annual Conference on Managing and Litigating Disability Insurance Claims - presented by the Canadian Institute - October 21, 2010

Presentation - (Topics to be decided) - Provincial Conference of Emergency Nurses Association of Ontario - October 22, 2010

Articles

Punitive and Aggravated Damage Awards in Disability Claims - The Litigator - October, 2008 edition

Why Do Mediations Fail? - Canadian Underwriter - March, 2009 edition

Punitive Damages Since Whiten - The Litigator - July, 2009 edition

Other Positions

Board of Directors - B'Nai Brith Canada

Editorial Board - the B'Nai Brith Tribune

Director - Little Lake Joseph Cottagers Association