



Debbie Orth

Partner

BERTSCHI ORTH SMITH L.L.P.

Call to the Bar: Ontario 1993

Education

- ◇ LL.B., Cum Laude, University of Ottawa, Ottawa, Ontario (1991)
- ◇ B.A., Carleton University, Ottawa, Ontario (1981)

Areas of Practice

- ◇ Insurance litigation
- ◇ Commercial and Corporate litigation
- ◇ Educational litigation



Practice Summary

- ◇ Restricts practice to litigation and insurance defence work including defending personal injury, automobile, accident benefits, property and casualty, educational malfeasance, professional liability, commercial general liability, life and disability and defamation claims;
- ◇ Represents higher educational institutions on insurance and other related matters;
- ◇ Has acted as trial counsel on catastrophic losses and has provided coverage opinions on insurance matters including, inter alia, complex jurisdictional issues and the interaction of the Accident Benefit scheme with the WSIB;
- ◇ Successfully defended a representative property damage claim arising out of the natural disaster of the 1998 ice storm;
- ◇ Has successfully participated in a number of private mediations and arbitrations on matters relating to, inter alia, loss transfer, priority of payment and first party claims;
- ◇ Has written papers on various topics and lectured at a number of conferences;
- ◇ Has argued hearings successfully at the Appeal Court level, Divisional Court level and in the Ontario Superior Court.



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Advocacy Affiliations

- ◇ Canadian Defence Lawyers Association
- ◇ Ottawa Valley Adjusters Association
- ◇ County of Carleton Law Association

Selected Papers and Seminars Delivered

- ◇ Speaker, "Changes to the Rules of Civil Procedure" Ottawa Valley Adjusters Association.
- ◇ Speaker and Panelist, "Important Changes to the SABS and the Rules of Civil Procedure" Canadian Society of Medical Evaluators.
- ◇ Speaker and Panelist, "New Rules - New Decade " Canadian Defence Lawyers-Ottawa.
- ◇ Statutory Accident Benefits Panel - Carleton County Law Association.
- ◇ Editor and contributing author of the Insurance Law Report, a periodical publication for clients provided by her former firm.
- ◇ Co-author, "Keeping Current in a Changing World – Clarfield v. Crown Life Insurance Co.", with David Burstein, ICA News, Summer 2001, No. 60, ICA Education Committee, June 2001.
- ◇ Speaker, "Update on the Law of Accident Benefits", presented to the County of Carleton Law Association – Civil Litigation Updated conference, Montebello, Quebec, November 2006.
- ◇ Speaker, "A Primer to Navigating the Congestion of the Uninsured, Underinsured and Unidentified Motorist Cover: 'What You Don't Know Can Hurt You'", paper presented to The Ontario Bar Association, Hot Topics in Motor Vehicle Insurance, November, 2005.
- ◇ Speaker, "Ownership Issues relating to Research Data and Protocol" presented to the Canadian Association of University Solicitors, October 2005.
- ◇ Speaker, "Failure to Educate", presented at Canadian Universities Reciprocal Insurance Exchange AGM, Winnipeg, October 2004.
- ◇ Speaker, "Waivers and Consent Forms", presented at the Ontario Universities Risk Management Workshop, Ottawa, November 2003.
- ◇ Speaker, "Risk Management and Ontario Universities", presented at the Ontario Universities Risk Management Workshop, Ottawa, November 2003.
- ◇ Speaker, "Litigating Disability Insurance Claims", presented at the Canadian Insurance Institute Continuing Legal Education Course, Toronto, April 2002.



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Selected Papers and Seminars Delivered (cont'd)

- ◇ Speaker, "Problems and Solutions in LTD Litigation", presented at the County of Carleton Law Association – Civil Litigation Updated Conference, Montebello, Quebec, November 2001.
- ◇ Speaker, "Litigation for the Layman – How Best to Prepare for Litigation", Ottawa, October 2001.
- ◇ Various other in-house seminars presented to clients, including Interjurisdiction Issues and Worker's Compensation Issues as they relate to Statutory Accident Benefits.

Selected Cases

- ◇ *Pilotte v. Zurich Insurance* – Statutory Accident Benefits – plaintiff's action found to be statute barred, discoverability rule not applying and relief from forfeiture denied.
- ◇ *Zabo v. University of Ottawa* – Education Malpractice – plaintiff's action struck with respect to breach of contract – Leave to Appeal to the Supreme Court of Canada denied.
- ◇ *Baltruweit v. University of Ottawa* – Defamation and Negligent Infliction of Mental Harm – plaintiff's action dismissed – Appeal to Court of Appeal of Ontario by plaintiff dismissed.

