



# Gomberg

mediation solutions inc.

**Frank K. Gomberg**  
BA, JD, LL.M (ADRI)

## Curriculum Vitae

**Business Address:** Gomberg Mediation Solutions Inc.  
70 Bond Street  
Suite 200  
Toronto, Ontario  
M5B 1X3

**E-mail:** [fgomberg@gombergmediation.com](mailto:fgomberg@gombergmediation.com)

**Telephone:** Business: (416) 865-5323  
Cell: (647) 505-3483

## Education

College | University | Professional:

Master of Laws (LL.M. in Alternative Dispute Resolution)  
Osgoode Hall Law School of York University (2011)

Resigned as a Specialist in Civil Litigation January 2005, given current Mediation involvement.

Awarded Specialist Certificate in Civil Litigation by the Law Society of Upper Canada (January 12, 1990, renewed for a five year term in 1995 and again in 2000).

Appointed to the Board of Directors of The Advocates' Society for the term 1995-1997.

Elected to the Board of Directors of The Advocates' Society for the term 1992-1995.

Applied and accepted to do a Master of Laws (LL.M.) at Cornell University and University of Pennsylvania in 1983. Declined offers to attend.

Called to the Ontario Bar (1979)

Bachelor of Laws (LL.B.) now Juris Doctor (J.D.)  
Osgoode Hall Law School of York University (1977)

Participated as one of twenty-one students in the 1977 Intensive Programme in Criminal Law at Osgoode Hall Law School directed by Professor Alan Grant.



Assigned to the late Mr. Justice Hugh R. Locke, formerly of the Ontario Superior Court of Justice

Bachelor of Arts (B.A.)  
McGill University (1974)  
Three year degree completed in two years.  
Graduated with Great Distinction with a Major in English Literature

Diploma of Collegial Studies (C.E.G.E.P.)  
McGill University (1972)

### **Employment**

Gomberg Mediation Solutions Inc.  
Suite 200, 70 Bond Street  
Toronto, Ontario  
M5B 1X3

August 2013 to present

Teplitsky, Colson LLP  
Barristers  
Suite 200, 70 Bond Street  
Toronto, Ontario  
M5B 1X3

October 1991 to present

Thomson, Rogers  
Barristers and Solicitors  
Suite 3100, 390 Bay Street  
Toronto, Ontario  
M5H 1W2

1979–1991

### **Partnership Responsibilities at Thomson, Rogers**

Editor, Legally Speaking monthly newsletter  
1980–1991



Editor, Liability Reporter monthly newsletter  
1982–1990

Chairman of Articling Committee and Supervisor of Articling Students,  
1985, 1986, 1987

Participation on various committees including Profit Distribution Committee

### **Lectures and Teaching**

Adjunct Professor of Law | Sessional Instructor–Trial Advocacy  
Osgoode Hall Law School of York University

Sept-Dec | 18

Sept-Dec | 17

Sept-Dec | 16

Sept-Dec | 15

Sept–Dec | 14

Sept–Dec | 13

Sept–Dec | 12

Sept–Dec | 11

Sept–Dec | 10

Sept–Dec | 09

Sept–Dec | 08

Sept–Dec | 07

Sept–Dec | 06

Sept–Dec | 05

Sept–Dec | 04

Sept–Dec | 03

Sept–Dec | 02

Sept–Dec | 01

Sept–Dec | 00

Sept–Dec | 99

Sept–Dec | 98

Sept–Dec | 97

Sept–Dec | 96

### **Chair**

A Workshop for Litigators Who Represent Clients in Mediation  
The Law Society of Upper Canada

Sept 18|17

Courthouse Series

The Advocates' Society 1997

Toronto, Ontario

Feb 5, 12, 19 & 26|97

Feb 7, 14, 21 & 28|96

1994 Fall Convention Programme on Insurance and Negligence

The Advocates' Society

Toronto, Ontario

Oct 22|94

Bill 164 Programme

The Advocates' Society

Toronto, Ontario

Apr 11|94

Lexitel Programme—numerous telephone programmes on Personal Injury Law  
Law Society of Upper Canada

1989

1988

*Practical Approaches to Dispute Resolution*

1986 Annual Institute of Continuing Legal Education

Canadian Bar Association - Ontario

Feb 8|86

*How to Handle a Personal Injury Case: From Initial Client Interview to Judgment*

Young Lawyers' Division Workshop

Canadian Bar Association - Ontario

Sept 29|84

### **Co-Chair**

*Successful Advocacy in Tort and Personal Injury Mediations*

Osgoode Professional Development

Osgoode Hall Law School of York University

Toronto, Ontario

Feb 15-16|17

*The Osgoode Short Course in Mediation Advocacy*

Osgoode Professional Development  
Osgoode Hall Law School of York University  
Toronto, Ontario  
Sept 15 & 16 | 14  
Dec 10 & 11 | 13

*The Law of The Jungle-In Paradise*

The Advocates' Society 1997  
Fall Convention  
Paradise Island, Bahamas  
Nov 21–22 | 97

Ontario Trial Lawyers Association (O.T.L.A.)

Fall Convention  
Toronto, Ontario  
Nov 7–8 | 97

Ontario Trial Lawyers Association (O.T.L.A.)

Spring Conference  
Toronto, Ontario  
May 9–10 | 97

*Litigating in the '90s*

The Advocates' Society 1996  
Fall Convention  
Nassau, Bahamas  
Nov 29–30 | 96

*Ethics and Advocacy - In a World Gone Mad*

The Advocates' Society 1995  
Fall Convention  
Nassau, Bahamas  
December 1–2 | 95

*Assessing Damages in Personal Injury Cases*

Law Society of Upper Canada  
Apr 7 | 89

## International Academy of Mediators Conferences Attended

*Soul Searching in Soul City*  
International Academy of Mediators  
Memphis, Tennessee  
April 27-29|17

*Perspective is Everything*  
International Academy of Mediators  
Vancouver, Canada  
September 22-24|16

## Convenor

Advanced Mediation Training Workshop  
(Michael Lewis and Linda Singer)  
Sponsored by The Advocates' Society  
Toronto, Ontario  
Jan 9–12|97  
Jan 4–7|96

Harvard Mediation Workshop  
(the late Professor Frank Sander)  
Sponsored by The Advocates' Society  
Toronto, Ontario  
Jul 3–7|96  
Jul 21-25|95

## Co-Organizer

*Advocacy Training Revisited: Learning by Doing, But What Have We Been Doing?*  
A Conference to Address Issues in Advocacy Training Methods for Members of the Ontario Bench and Bar  
The Ontario Centre for Advocacy Training  
Toronto, Ontario  
Apr 25|98

*Teaching Advocacy: The Art of Listening The Science of Communicating*  
A Symposium on Teaching, Learning and Communication Skills for Members of the Ontario Bench and Bar

The Ontario Centre for Advocacy Training  
Toronto, Ontario  
Apr 26|97

**Faculty Member | Advisory Board Member**

The Osgoode Certificate in Personal Injury Law & Practice  
Osgoode Professional Development  
Osgoode Hall Law School of York University  
Apr 3–May 13|13

**Faculty Member | Guest Faculty Member**

*The Osgoode Certificate in Negotiation*  
The Value of an Apology at the Negotiation Table  
Osgoode Professional Development  
Osgoode Hall Law School of York University  
Toronto, Ontario  
Nov 20 |18  
Nov 17 |16

Intensive Trial Advocacy Workshop (For Lawyers)  
Osgoode Hall Law School  
Jul 7-8|19 – Team Leader  
Jul 8-9|18 – Team Leader  
Jul 11|16 – Guest Instructor  
Jul 7|14 – Guest Instructor  
Jul 8-9|13 – Guest Instructor  
Jul 12|12 – Guest Instructor  
Jul 7-14|02 – Team Leader  
Jul 8-15|01 – Team Leader  
Jul 9-15|00 – Team Leader  
Jul 4-11|99 – Team Leader  
Jul 6-10|98 – Team Leader  
Jul 6-13|97 – Team Leader  
Jul 8|96 – Guest Instructor  
Jul 10–11|95 – Guest Instructor  
Jul 12–13|94 – Guest Instructor  
Jul|93 (2 days) – Guest Instructor  
Jul|92 (1 day) – Guest Instructor

Jul|91 (2 days) – Guest Instructor  
Jul|90 (2 days) – Guest Instructor  
Jul|89 (2 days) – Guest Instructor  
Jul|88 (2 days) – Guest Instructor

### **Instructor | Guest Instructor**

Seminar  
Negotiation / Mediation Training  
Wawanesa Mutual Insurance  
Toronto, Ontario  
Apr 14|16

Examination-in-Chief & Cross-Examination Workshop  
The Ontario Centre for Advocacy Training (O.C.A.T.)  
Toronto, Ontario  
Jun 18|99 (Toronto)  
Jan 22|99 (Timmins)  
Jun 10|98 (Toronto)  
Oct 8|97 (Toronto)  
May 28|97 (Toronto)  
Mar 11|97 (Toronto)

*How a Police Investigation Can Affect a Civil Trial*  
Metropolitan Toronto Police  
C.O. Bick College  
Toronto, Ontario  
Jun 14|99

Examination for Discovery Workshop  
The Ontario Centre for Advocacy Training (O.C.A.T.)  
Toronto, Ontario  
Jun 3|98  
Jun 5|96  
Jun 16|94  
Dec 14|93

*How a Police Investigation Can Affect a Civil Trial*  
Metropolitan Toronto Police  
C.O. Bick College  
Toronto, Ontario



Jun 1|98

Advanced Trial Advocacy (LL.M. Program)  
(for Professor Garry D. Watson)  
Osgoode Hall Law School of York University  
May 2|98  
Mar 7|98  
Jan 24|98

Examination-in-Chief & Cross-Examination Workshop  
The Ontario Centre for Advocacy Training (O.C.A.T.)  
University of Windsor, Faculty of Law  
Windsor, Ontario  
Mar 21|98

Workshop on Practice and Theory  
The Ontario Centre for Advocacy Training (O.C.A.T.)  
Toronto, Ontario  
Sept 25|97

*Developing the Loss of Homemaking Capacity Claim*  
Practical Strategies for Advocates VI  
*Looking to the Future*  
Sponsored by The Advocates' Society  
Toronto, Ontario  
Oct 4 & 5|96

*Negotiation and Resolution*  
Developing a Personal Injury Practice: Capitalizing on Expanding Opportunities  
Law Society of Upper Canada  
Toronto, Ontario  
May 2|96

Clinic Training Program  
The Ontario Centre for Advocacy Training (O.C.A.T.)  
Feb 17|96 – Sault Ste. Marie, Ontario  
Jan 21|95 – Toronto, Ontario  
Nov 17|94 – Kingston, Ontario  
May 5|94 – London, Ontario  
Nov 19|93 – Kingston, Ontario

Examination for Discovery Programme

The Ontario Centre for Advocacy Training  
Toronto, Ontario  
Sept 20|95  
Mar 1|95

Workshop on Negotiations  
The Advocates' Society Institute  
Oct 20 and 22|92

*Professional Responsibility*  
Bar Admission Course  
Law Society of Upper Canada  
Sept 18|90

*Profession of Law*  
Bar Admission Course  
Law Society of Upper Canada  
1985–1990

*Workers' Compensation and the Right to Sue*  
Advanced Workers' Compensation Law - What's New and Hot  
Law Society of Upper Canada  
Feb 15|89

*Advocacy Before Trial – A Comprehensive Litigation Techniques Workshop*  
Insight Educational Services  
Feb 1 & 2|89  
Sept 17 & 18|87

*Practice Skills*  
Bar Admission Course  
Law Society of Upper Canada  
1986–1987

### **Judge and Instructor**

Canadian National Negotiation Competition  
Held at Ogsoode Hall Law School of York University  
Toronto, Ontario  
Feb 23|19

Mock Hearing  
Seneca College of Applied Arts & Technology  
Toronto, Ontario  
Aug 17|00

Mock Hearing  
Seneca College of Applied Arts & Technology  
Toronto, Ontario  
Apr 3|98

### **Moderator**

*Managing and Litigating Motor Vehicle Accident Claims*  
Damages Assessment Panel  
Osgoode Professional Development CLE  
Osgoode Hall Law School of York University  
Mar 23|10

*Personal Injury Law: Current Practices and Emerging Directions*  
Panel Discussion on Mediation  
Special Lectures of the Law Society  
The Law Society of Upper Canada  
Toronto, Ontario  
Jun 11|98

### **Panelist**

*Apologies and Mediations and Mediation Strategies*  
Insurance Defence Group Meeting  
Lerners LLP Spring Retreat  
Cambridge, Ontario  
Apr 26|19

*Advancing or Defending Major Fire and Property Loss Claims*  
*Ethical and Professional Issues For Counsel in Fire and Property Loss Cases*  
Osgoode Professional Development  
Osgoode Hall Law School of York University  
Apr 4|17

*Successful Settlements 2017*

Strategies and Tactics for Civil Litigators  
Peace Breaks Out: Experts Deconstruct Great Moments in  
Settlement Strategy and Why They Worked  
Osgoode Professional Development  
Osgoode Hall Law School of York University  
Mar 24|17

*2<sup>nd</sup> Annual Joint Winkler/IAM Conference on Mediation*

Mediation Issues and Strategies for Advanced Mediators and Counsel  
Osgoode Professional Development  
Osgoode Hall Law School of York University  
May 14|15

*10<sup>th</sup> Annual Conference on Evidence Law for the Civil Litigator*

Ethical and Professional Issues Involving Witnesses and Evidence, Part 2  
Osgoode Professional Development  
Osgoode Hall Law School of York University  
Oct 30|13

*The Intensive Short Course on Fibromyalgia and Chronic Pain Claims—The Science, the Law, the Strategies*

Osgoode Professional Development  
Osgoode Hall Law School of York University  
Nov 15|12

*Torts—The Law of Causation, Foreseeability and More*

Continuing Professional Development  
The Law Society of Upper Canada  
Oct 23|12

*Ethical and Other Issues Arising in Mediations*

Tricks of the Trade 2012  
Winning The Serious Case: Practical Strategies, Updates, and Tips  
The Advocates' Society  
Jan 27|12

*Mediation: Practical Strategies for Success*

The 2012 Oatley-McLeish Guide to Motor Vehicle Litigation  
Continuing Professional Development  
The Law Society of Upper Canada  
Jan 11|12

*Panel Discussion on Complexities of Mediating Motor Vehicle Accident Cases*  
Litigating Motor Vehicle Accident Claims  
Gearing Up for Regime Reform  
Insight Conference  
Sept 30|09

4<sup>th</sup> Annual Update  
Personal Injury Law and Practice  
Osgoode Professional Development  
Osgoode Hall Law School  
Sept 25|08

*Mediation Strategies for Plaintiff and Defence Lawyers in Motor Vehicle Accident Litigation Cases*  
Managing and Litigating Motor Vehicle Accident Claims  
Osgoode Professional Development  
Osgoode Hall Law School  
Feb 7|08

*Damages Assessment Panel*  
(with Brian Brock Q.C. and Ava Hillier)  
Dutton Brock LLP 2008 Insurance Law Seminar  
Jan 25|08

*The Mediator's Role in Dispute Resolution—What Works and What Doesn't?*  
3<sup>rd</sup> Annual Update—Personal Injury Law and Practice  
Osgoode Professional Development  
Osgoode Hall Law School of York University  
Oct 17|07

### **Speaker | Guest Speaker**

Theory and Practice of Mediation  
*Apology*  
Osgoode Hall Law School of York University  
Sept 11|18

Current and Emerging Issues In Sexual Assault Cases  
*Resolution Without Trial*  
Osgoode Professional Development  
Osgoode Hall Law School of York University  
Feb 26|18

School of Justice & Emergency Services  
Mediation – Alternative Dispute Resolution Program  
Durham College  
Oshawa, Ontario  
Mar 9|17

The Lawyer as a Conflict Resolver  
*The Lawyer as Advocate / The Lawyer/Client Relationship*  
University of Windsor, Faculty of Law  
Windsor, Ontario  
Feb 11-12|17

*Advanced Trial Advocacy*  
Practice Tips, and Mediation  
Osgoode Professional Development LLM  
Osgoode Hall Law School of York University  
Toronto, Ontario  
Feb 6|17

*Mediation Advocacy*  
Mediation Clinic and Intensive Program  
Osgoode Hall Law School of York University  
Toronto, Ontario  
Feb 7|17  
Jan 19|16

*The Theory and Practice of Dispute Resolution*  
Contemporary Issues in Dispute Resolution  
LL.M. in Alternative Dispute Resolution  
Osgoode Professional Development  
Osgoode Hall Law School of York University  
Toronto, Ontario  
Oct 28|16  
Oct 23|15

*A Primer on Mediation: For Litigators*  
Continuing Professional Development  
The Law Society of Upper Canada  
Toronto, Ontario  
Apr 5|16

*The Shadow a Mediation Casts on Negotiation and How That Changes the Negotiation Dynamics*

Working With Clients: The Challenges in Representative Negotiation

The Osgoode Certificate in Negotiation

Osgoode Professional Development

Osgoode Hall Law School of York University

May 1 | 14

*The Value of an Apology at the Negotiating Table*

Understanding Negotiation: The Basic Ingredients and the Process

The Osgoode Certificate in Negotiation

Osgoode Professional Development

Osgoode Hall Law School of York University

Apr 28 | 14

*Ethical Considerations and Professionalism in Mediations*

Oatley McLeish Guide to Motor Vehicle Litigation

Continuing Professional Development

The Law Society of Upper Canada

Mar 26 | 14

*Mediation Advocacy – Successfully Preparing for and Conducting Mediations*

Defending Auto Tort Claims in Ontario

Canadian Defence Lawyers

Mar 6 | 14

*The Medical Malpractice Mediation: Tricks to Making Your Mediation More Successful*

Medical Malpractice: Building Your Case Through to a Jury Trial

Ontario Trial Lawyers Association

Jan 29 | 14

*Mediation Openings – What Works and What Doesn't!*

Tricks of the Trade 2014

In Pursuit of Excellence: Practical Tools to Enhance Your Practice

The Advocates' Society

Jan 24 | 14

*The Shadow a Mediation Casts on the Negotiation and How that Changes the Negotiating Dynamics*

The Osgoode Certificate in Negotiation

Osgoode Professional Development

Osgoode Hall Law School of York University

May 1 | 13

*The Value of an Apology at the Negotiating Table*

The Osgoode Certificate in Negotiation  
Professional Development  
Osgoode Hall Law School of York University  
Apr 24|13

*Mediation Strategies that Work*

Oatley McLeish Guide to Motor Vehicle Litigation  
Continuing Professional Development  
The Law Society of Upper Canada  
Apr 19|13

*Apology in the Context of Civil Litigation*

Dispute Analysis and Process Design  
Osgoode Professional Development LL.M. in Alternative Dispute Resolution  
Osgoode Hall Law School of York University  
Feb 9|13

*Anatomy of a Child Wrongful Death Mediation: Practice and Theory*

Tricks of the Trade 2010  
Practical Strategies for Settling Cases: The 98% Solution  
Strategies for Settlement at Mediation  
The Advocates' Society  
Jan 22|10

*A Mediator's Perspective*

3<sup>rd</sup> Annual Hot Topics in Motor Vehicle Insurance  
Ontario Bar Association  
Nov 12|07

*Effective Mediation—Tips from the Pit Bosses*

Annual General Meeting for 2006 - Casino Legale  
Canadian Defence Lawyers  
Toronto, Ontario  
Jun 1|06

*Pretrial Conference and Mediation: Is There a Difference?*

Piloting a Civil Action: From Take-off to Landing  
Ontario Bar Association  
Toronto, Ontario  
Jan 24|06





*Live Issues at Death Inquiries: Successful Advocacy at Coroners' Inquests*  
Ontario Bar Association Conference  
Toronto, Ontario  
Sept 23|02

*Effective Negotiation and Mediation of Personal Injury Claims*  
Getting the Most out of the Mediation  
The Law Society of Upper Canada  
Continuing Legal Education  
Toronto, Ontario  
Jun 6|02

*Role of Counsel at an Inquest*  
Coroners' Inquests  
The Advocates' Society 2001 Fall Convention  
Montego Bay, Jamaica  
Nov 17|01

*How to be an Expert when Choosing and Using Expert Witnesses and Reports*  
Litigating Disability Insurance Claims  
The Canadian Institute  
Toronto, Ontario  
Nov 7|00

*An Analysis of the Interface of Reflex Sympathetic Dystrophy and the Law*  
Fifth Annual Reflex Sympathetic Dystrophy Seminar–International Conference  
Toronto, Ontario  
Jul 29|00

*Scarce Resources in Health Care: Is there Legal Recourse?*  
Canadian Bar Association - Ontario  
Toronto, Ontario  
May 16|00

*The Keys to Successful Settlement of Long-Term Disability Cases*  
Litigating Disability Insurance Claims  
The Canadian Institute  
Toronto, Ontario  
Nov 23|99

Canadian Institute of Chartered Accountants



Alliance for Excellence in Investigative and Forensic Accounting of the Canadian Institute of Chartered Accountants  
Toronto, Ontario  
Jun 15|99

*Managing Harmful Clinical Notes and Records*  
Ontario Trial Lawyers Association (O.T.L.A.)  
Fall Conference  
Toronto, Ontario  
Nov 6|98

*Maximizing and Minimizing Surveillance Evidence: "Is Seeing Believing?"*  
Practical Strategies for Advocates VII  
The Advocates' Society  
Toronto, Ontario  
Jan 23|98

Third Party Assessments Course for Medical Residents  
Faculty of Medicine, University of Toronto, Division of Physiatry  
Toronto, Ontario  
Jun 26|97

*What do you tell a Client about Costs—When He or She Could Lose?*  
The Six Minute Personal Injury Litigator: Plaintiffs Dilemmas  
Law Society of Upper Canada  
Toronto, Ontario  
Jun 11|97

*Other Pecuniary Losses and Loss of Homemaking and Handyman Capacity Under Bill 59*  
Damage Assessment and Development in a Personal Injury Action  
Law Society of Upper Canada  
Toronto, Ontario  
Jun 11|97

*Effective Use of the Statement of Defence in Cross-Examination and In Closing*  
Setting Up for Success: Winning Strategies for Presenting Future Economic Loss Claims  
Ontario Trial Lawyers Association (O.T.L.A.)  
Toronto, Ontario  
Oct 25–26|96

*Developing the Loss of Homemaking Capacity Claim*  
Practical Strategies for Advocates VI

*Looking to the Future*

Sponsored by The Advocates' Society  
Toronto, Ontario  
October 5–6|96

*Acquired Brain Injury Claims*

*Managing Legal, Medical and Rehabilitation Issues Under the New Regime*  
Insight Information Inc.  
Toronto, Ontario  
Sept 30|96

*Negotiation and Resolution*

Developing a Personal Injury Practice: Capitalizing on Expanding Opportunities  
Law Society of Upper Canada  
Toronto, Ontario  
May 2|96

*The Pretrial Conference from the Plaintiff's Perspective*

Courthouse Series  
The Advocates' Society  
Toronto, Ontario  
Feb 14|96

*The Pretrial Conference from the Plaintiff's Perspective*

Courthouse Series  
The Advocates' Society  
Barrie, Ontario  
Jan 18|96

*The 3rd Investigative and Forensic Accounting Interest Group Conference—Personal Injury Damages*

Canadian Institute of Chartered Accountants  
Toronto, Ontario  
Nov 27|95

Bill 164 Programme

The Advocates' Society  
London, Ontario  
Apr 27|95

*Dealing With The No-Fault Threshold, from The Plaintiff's Perspective*

Current Issues in Personal Injury Litigation  
Insight Educational Services

Aug 5|92

*Civil Mediation; Is There Winning Without Warring?*

How to Prepare for a Mediation

Law Society of Upper Canada

May 9|91

*The Insurance Statute Law Amendment Act, 1989 (Bill 68) and Its Application to Head Injury Claims; a Plaintiff's Perspective*

Head Injury in the 1990's; Litigation and the No-Fault Threshold

Insight Educational Services

Jan 17|90

*Workers' Compensation and the Right to Sue*

Advanced Workers' Compensation Law—What's New and Hot

Law Society of Upper Canada

Feb 15|89

*Personal Injury for Legal Secretaries*

Continuing Legal Education

Law Society of Upper Canada

Dec 10|87

*You Are The Jury*

Plaintiff's Counsel, Canadian Institute of Actuaries

Younger Actuaries Meeting

## **Teacher**

*Conflict Management and Negotiation*

*Mediation, truth, apology and reconciliation in medical practices*

Health: an engine for the journey to peace

Dalla Lana School of Public Health

University of Toronto

Toronto, Ontario

Mar 29|17

Graduate Programme in Law—Part-Time LL.M. in Civil Litigation and Dispute Resolution

Advanced Trial Advocacy Course

Osgoode Hall Law School

Toronto, Ontario

Oct 10|00

### **Video Conference**

*The Forensic Accountant and Cross-Examination in a Civil Case*  
Canadian Institute of Chartered Accountants  
Investigative and Forensic Accounting Interest Group  
From Toronto, Ontario via Television  
To Vancouver, Winnipeg, Montreal and Halifax  
Paper delivered on Mar 30|95

### **Articles and Papers**

*The Displacement of Trial by Mediation in Personal Injury Disputes; Tips for Success in this “Brave New” World of Civil Litigation*, Part 1-The Litigator (October 2012) at p. 21 | Part 2-The Litigator (December 2012) at p. 58, available at [gombergmediation.com](http://gombergmediation.com)

*Apology for the Unexpected Death of a Child in a Healthcare Facility: A Prescription for Improvement.*  
Major Research Paper for Professor Leslie H. Macleod, Osgoode Hall Law School, Osgoode Professional Development LL.M. in Alternative Dispute Resolution, April 14, 2011, available at [gombergmediation.com](http://gombergmediation.com)

*An Analytical Critique of Civil Justice in Ontario from a Systems Perspective: User Beware.* Paper for Professor Leslie H. Macleod, Osgoode Hall Law School, Osgoode Professional Development LL.M. in Alternative Dispute Resolution, October 27, 2010, available at [gombergmediation.com](http://gombergmediation.com)

*Of Pictograms, Karate, Bicycle Gears and The Myers-Briggs Type Indicator; Reflections on Teaching, Training and Coaching.* Paper for Professor Colleen Hanycz and Professor Delee Fromm, Osgoode Hall Law School, Osgoode Professional Development LL.M. in Alternative Dispute Resolution, July 2, 2010, available at [gombergmediation.com](http://gombergmediation.com)

*Inter-Cultural Litigation of Eruv\* Disputes in Quebec, New York and New Jersey; A Post-Mortem\*\* Examination of Lost Opportunities.* Paper for Professor Michelle LeBaron, Osgoode Hall Law School, Osgoode Professional Development LL.M. in Alternative Dispute Resolution, May 3, 2010, available at [gombergmediation.com](http://gombergmediation.com)

*Anatomy of a Child Wrongful Death Mediation: Practice and Theory*  
Paper for Professor D. Paul Emond, Osgoode Hall Law School, Osgoode Professional Development LL.M. in Alternative Dispute Resolution, December 21, 2009, available at [gombergmediation.com](http://gombergmediation.com)

*Personal Injury Litigation in Ontario at the Millennium.* The Lawyers Weekly November 20, 1998, Butterworths Canada Ltd., Toronto, Ontario

*Cross-Examination at Trial in a Civil Case: Musings on the Avoidance of Land Mines.* Published in the book Advocacy in Court...A Tribute to Arthur Maloney, Q.C. Canada Law Book, 1987 (192 pages)

*The Defence of Environmental Law Suits*, with L. H. Mandel, Q.C.  
Paper presented to the Canadian Environmental Law Research Foundation (1980)

### **Co-Author**

*A Discussion of the Legal, Ethical and Moral Questions that Confront the Critical Care Physician: How Does the Law Treat the Doctor?*, 129 Canadian Medical Association Journal 1034 (1983), Legal Medical Quarterly Volumes 5, 6, 7 (1981-1983) 160

*Acceptance of Money Paid into Court by One of Several Defendants: Lawyer Beware*, 1 Advocates' Quarterly 23 (1977-78)

John A. Olah's *The Art and Science of Advocacy*, Chapter 7A *Mediation Advocacy: The New Battle Ground*, Carswell

Contributor, Martha E. Simmons's *Mediation, A Comprehensive Guide to Effective Client Advocacy*, Emond Montgomery Publications Limited 2016

### **Litigation Experience**

Numerous appearances as counsel and junior counsel in the District Court of Ontario, Supreme Court of Ontario, the Ontario Court of Justice (General Division) and the Ontario Superior Court of Justice in Judge alone and Jury matters. Appearances as counsel at Coroners' Inquests including the Inquest into three deaths on the Toronto Transit Commission Subway System on August 11, 1995 and the Inquest into the death of Lisa Shore at the Hospital for Sick Children on October 22, 1998. Appearances before The Criminal Injuries Compensation Board, The Workers' Compensation Board, The Workers' Compensation Appeals Tribunal and in the Divisional Court and the Ontario Court of Appeal.

### **Mediation Experience**

I have now mediated approximately 4,500 civil disputes in the Ontario Superior Court of Justice. This includes personal injury claims, medical and hospital malpractice cases, insurance disputes, lawyers' negligence cases, wrongful dismissal cases and professional liability claims. I have been appointed Case

Manager of the Walkerton Contaminated Water Class Proceedings lawsuit by (now retired) Chief Justice Warren Winkler, then of the Ontario Superior Court of Justice by Court Order dated September 12, 2002. I have been appointed arbitrator of Walkerton Class Proceedings claims by Order of Justice Paul Perell of the Ontario Superior Court dated July 21, 2016 and arbitrator of the K.D. matter on November 2, 2016, to complete an arbitration commenced by arbitrator Martin Teplitsky, Q.C.

### **Reported Cases**

Peake v Canadian Surety Co. et al (1993) 13 O.R. (3d) 344  
(Dunnet J., Ontario Court of Justice (General Division))

Ortved v Bailey et al [1983] I.L.R. 1-1617  
(Rutherford J., Ontario High Court of Justice)

O.H.I.P. v D. and M. Transport (1982) 34 O.R. (2d) 611  
(Krever J., Ontario High Court of Justice)

Dudek v Brown (1981) 124 D.L.R. (3d) 629  
(Van Camp J., Ontario High Court of Justice)

Gould v Ariss Haulage (1980) 27 O.R. (2d) 291 |  
(Carruthers J., Ontario High Court of Justice)

### **Legal Associations, Memberships and Committees**

The Advocates' Society  
Member, Programme Committee (1994–1997)  
Chairman, Civil Jury Review Committee of The Advocates' Society (1994)  
Co-Chairman, Membership and Marketing Committee of The Advocates' Society (1993–1994)

The Canadian Bar Association

The County of York Law Association

The Law Society of Ontario

The Lawyers Club

The Medical Legal Society of Toronto



The Metropolitan Toronto Lawyers Association

The Ontario Bar Association

The Ontario Centre for Advocacy Training (O.C.A.T.), (now defunct), Treasurer, (1995–1998)

### **Boards of Directors–Legal and Other (Voluntary)**

Daughters For Life Foundation (Dr. Izzeldin Abuelaish)  
2013–2014

Ontario Trial Lawyers' Association  
Board of Directors (1996–December 31, 1998)

Ontario Centre for Advocacy Training (O.C.A.T) (1994–1996)  
Treasurer of O.C.A.T. (1995–December 31, 1998)

The Advocates' Society (1992–1997)

Dunloe Childrens' Centre (1994–1996)  
President of Dunloe (1995–1996)

### **Major Awards**

Osgoode Professional Development  
Continuing Legal Education Contribution Award; in recognition of outstanding contribution to Osgoode  
Continuing Legal Education  
June | 13

2015 Gold Key Alumni Award for Service, Osgoode Hall Law School of York University  
May 4 | 15

30 Years of Service Award by Intensive Trial Advocacy Workshop of Osgoode Hall Law School, July, 2018

### **Court Appointments**

1. Appointed Case Manager of the Walkerton Class Action Settlement (Winkler J., September 12, 2002)
2. Appointed Mediator/Arbitrator of The Walkerton Class Action Settlement (Perell J., July 21, 2016).





3. Appointed to Arbitrate the KD economic loss claim in The Walkerton Class Action Settlement (Perell J., November 2, 2016).

**Revised:** **17 April 2019**