



Colin Johnston

COLIN JOHNSTON is counsel at Lenczner Slaght.

Colin's litigation practice focuses on healthcare litigation and administrative law. He has appeared as counsel before all levels of court in Ontario and in hearings before various administrative tribunals. Colin regularly represents professionals in civil and regulatory proceedings. He is a trusted advisor on issues in healthcare law, such as medical assistance in dying, mental health law, and professional regulation.

From 2009 to 2014, Colin was counsel to the College of Physicians and Surgeons of Ontario, where he appeared in numerous hearings before the College's Discipline and Fitness to Practise Committees. He previously practiced litigation at a large national law firm in Toronto, representing clients in complex commercial and regulatory disputes.

Education

University College London (2016)
LLM (Distinction)
Dalhousie University (2002) LLB
Dalhousie University (1999) MA
(Philosophy)
Trent University (1997) BA
(Philosophy) (Honours)

Bar Admissions

Ontario (2003)

Practice Areas

Professional Liability and Regulation
Public Law

Contact

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RECOGNITION

- ▶ Best Lawyers in Canada (2019-2021)
Health Care Law, Medical Negligence

SELECT CASES

- ▶ **Dhawan v Shails et al** – Successful appeal on behalf of two individuals from a summary judgment order holding them liable for the debts of a company pursuant to a personal guarantee. Summary judgment was overturned on appeal. The Court dismissed the plaintiff's claim under the guarantee.

SELECT PUBLICATIONS AND PRESENTATIONS

- ▶ **Professional Regulation and Discipline of Health Professionals – How the Landscape has Changed** – Colin Johnston will be sharing his expertise at the OBA Health Law program *Professional Regulation and Discipline of Health Professionals – How the Landscape has Changed*.
- ▶ **Key Constitutional and Human Rights in Health Law & Practice** – Colin Johnston will share his expertise at the Ontario Bar Association's Institute on the program *Key Constitutional and Human Rights in Health Law & Practice*. Colin will discuss the Charter and the current laws surrounding medical assistance in dying.

- **Ontario Medical Association Advisory Board Meeting** – Colin Johnston presented at the Ontario Medical Association's Advisory Board Meeting. His panel discussed regulatory issues in the medical field.
- **Legal and Regulatory Issues in Disaster Psychiatry** – Colin Johnston spoke at the Inaugural Psychiatric Dimensions of Disasters Training Course hosted by the Ontario Medical Association. He spoke on the legal, ethical and regulatory issues in disaster psychology.
- **Emerging Risks in Health Law** – Colin Johnston was a faculty member at the 2018 Ontario Bar Association's Institute. He has considerable experience in Professional Liability & Regulation and moderated the "Opioid Panel: Assessing Risks for Patients and Prescribing Physicians."
- **Law Practice Program Trial Advocacy Workshop** – Paul-Erik Veel and Colin Johnston acted as faculty advisors at the Law Practice Program Trial Advocacy Workshop on October 12, 2017.

BLOG POSTS

- **No Notice, No Dice: Divisional Court Reiterates Need for Proper Notice of Case Against** – A recent Divisional Court case involving the College of Physicians and Surgeons of Ontario reaffirms the importance of ensuring that findings of professional misconduct by the College's Discipline Committee fairly arise from the allegations contained in the College's Notice of Hearing.
- **Back from the future: Horri v CPSO affirms the need for consistency in professional discipline penalties** – In *Horri v The College of Physicians and Surgeons*, the Divisional Court reaffirms the importance of consistency and justification when a professional regulator sanctions one of its members. Penalties for misconduct should fall within the range established by previous case law, and regulators should exercise caution before departing from precedent on the basis of "changing social values."
- **Rohringer v. RCDSO: revisiting the test for interim orders against health professionals** – Effective May 30, 2017, professional regulators under the *Regulated Health Professions Act* received a new power to temporarily restrict or suspend the licence of a health professional during the course of an investigation into allegations of misconduct or incompetence. Previously, regulators could impose such measures only after the conclusion of an investigation and commencement of a Discipline Committee proceeding. This raises the question, what is the appropriate threshold of risk that must be established in order to suspend or restrict the licence of a professional whose case is still under investigation? What evidence is required? What reasons must be given in order to justify such an order? These questions are considered in the recent decision of *Rohringer v Royal College of Dental Surgeons of Ontario* 2017 ONSC 6656.

SELECT NEWS ARTICLES

- **Best Lawyers in Canada Recognizes Lenczner Slaght's Litigation Expertise** – Lenczner Slaght is proud to announce that 33 of our expert litigators are recognized in *Best Lawyers in Canada 2021*. Our lawyers received a total of 128 rankings, up from 100 in 2020.

- **Best Lawyers in Canada Recognizes Lenczner Slaght with 100 Rankings** – In the latest edition of *Best Lawyers in Canada*, 28 Lenczner Slaght lawyers earned a total of 100 rankings, up from 86 in 2019.
- **Lenczner Slaght Litigators Ranked in Best Lawyers in Canada** – Canada's leading litigation firm is proud to announce that 25 of the firm's 58 lawyers have been recognized in the *Best Lawyers in Canada 2019* publication across multiple categories.
- **Lenczner Slaght Raises over \$17,000 for Covenant House Toronto** – On February 7, 2018, our lawyers participated in the Covenant House Guts + Glory Obstacle Challenge and fundraised over \$17,000 which will go to providing health care, food, shelter, and clean clothes to at-risk, homeless and trafficked youth.

PROFESSIONAL ACTIVITIES

- Canadian Bar Association
- Ontario Bar Association
Member-At-Large of the Health Law Executive
- The Advocates' Society