

DEFAMATION LAW 2019:

Current Issues + Emerging Trends

In the digital era, defamation law is increasingly complex. Are you ready for the next file that crosses your desk?

Our experts will equip you with what you need to effectively navigate defamation law in 2019. Dive into:

- Playbook for mounting and defending anti-SLAPP motions
- Cyber-Libel and defamation in the digital age, including special considerations for bringing and defending “Twibel” cases
- Remedies in 2019 – which option should you pursue and why?
- What’s on the horizon – new & emerging issues you need to be ready for

PLUS: For those looking to obtain a solid grounding in the basics, don’t miss our intensive online primer: *Anatomy of a Defamation Case*.

Register today at:

osgoodepd.ca/defamation

Date and Time

April 29, 2019
9:00 a.m. – 4:00 p.m. EDT
In Person or Webcast

ONLINE PRIMER:
Released On Demand
April 1, 2019

ONLINE REPLAY:
May 29, 2019
9:00 a.m. – 4:00 p.m. EDT

Program Chair

Justin Safayeni
Stockwoods LLP

Location

Osgoode Professional
Development
1 Dundas St. West, 26th Floor
Toronto, ON

Defamation Law 2019: Current Issues + Emerging Trends

Defamation law challenges even those who consider themselves to be experts.

The law and the related procedural issues involve a myriad of challenging decisions, many of which must be made under tight timelines. You need to know what you're doing. Join Canada's leading experts as they tackle the key issues, including:

- Drawing the line: determining what words are defamatory in 2019
- Practical strategies for navigating cyber-libel, including identifying the anonymous defamer
- The next frontier: a right to be forgotten in Canada?
- Enforcement challenges and tips in online defamation cases
- Interlocutory injunctions: when will they be granted?
- Defences to defamation: update on the Big 3 (fair comment, qualified privilege and responsible journalism)

Who Should Attend

- Civil litigators (plaintiffs' and defendants' counsel)
- In-house litigation counsel/corporate counsel
- General practitioners

Register today at:

[osgoodepd.ca/
defamation](http://osgoodepd.ca/defamation)

Agenda

8:30 a.m.

Registration Opens

9:00 a.m.

Welcome from the Chair

Justin Safayeni, Stockwoods LLP

9:10 a.m.

Anti-SLAPP: Where We Are At and Where We Are Headed

Brendan F. Morrison, Lenczner Slaght Royce Smith Griffin LLP

Erin Pleet, Thornton Grout Finnigan LLP

Mark A. Wiffen, Wiffen Litigation

Howard Winkler, Winkler Dispute Resolution

- Key lessons from the Court of Appeal on interpreting and applying anti-SLAPP legislation
- Practical considerations and strategies for assessing whether to bring a motion
- Playbook for mounting/defending anti-SLAPP motions
- Risks/dangers of anti-SLAPP motions and some tips for avoiding them

10:00 a.m.

Cyber-Libel & Defamation in the Digital Age

Ren Bucholz, Paliare Roland Rosenberg Rothstein LLP

Julia L. Lefebvre, Bersenas Jacobsen Chouest Thomson Blackburn LLP

- Critical case law update
- Special considerations for bringing and defending "Twibel" cases arising from statements on Twitter and other social media
- Practical strategies, including identifying the anonymous defamer

- When "hyperlinking" could lead to defamation

10:45 a.m.

Health Break

11:00 a.m.

Remedies in Defamation Cases: What You Need to Know in 2019

Mark Donald, Mark Donald Law

Gord McGuire, Adair Goldblatt Bieber LLP

Maanit Zemel, Zemel van Kampen LLP

- Determining which option to pursue for your client (and why)
- Recent trends in damages awards for online defamation, including the ONCA's decision in *Rutman v Rabinowitz*
- Interlocutory injunctions – when will they be granted?
- Securing remedies against non-parties (e.g. Google and ISPs)
- Enforcement challenges and tips in online defamation cases

12:00 p.m.

Lunch

1:00 p.m.

Defences to Defamation: Where We Are At in 2019

Iris Fischer, Blake, Cassels & Graydon LLP

Iain MacKinnon, Linden & Associates

Tae Mee Park, Bersenas Jacobsen Chouest Thomson Blackburn LLP

What you need to know when you must defend an action. And what to keep in mind when you are assessing whether to bring one.

- Truth/justification in 2019
- Update on the Big 3: fair comment, qualified privilege and responsible journalism

2:00 p.m.
Health Break

2:15 p.m.

Drawing the Line: Determining What Words Are Defamatory in 2019

Carlo J. Di Carlo, Stockwoods LLP

Ryder Gilliland, DMG Advocates LLP

- Critical case law update
- Practical strategies for assessing whether words have a defamatory meaning
- The role of context, medium and the intended audience – where we are at in 2019
- Understanding “group defamation” and the requirement that the plaintiff be identified

3:00 p.m.

On the Horizon: New & Emerging Issues

Katarina Germani, CBC Law Department

Kaley Pulfer, Blake, Cassels & Graydon LLP

Justin Safayeni, Stockwoods LLP

Alexi N. Wood, St. Lawrence Barristers LLP

- Libel tourism – what the Supreme Court’s decision in *Haaretz.com v. Goldhar* means for plaintiffs and defendants in defamation claims
- Defamation in the #MeToo Era (including how to defend against allegations)
- Proposed Changes To the *Ontario Libel and Slander Act*: what they could mean for you and your practice
- The next frontier: a right to be forgotten in Canada?

4:00 p.m.
Program Concludes

ON DEMAND PRIMER:

Anatomy of a Defamation Case

Drill down on the foundations of defamation law and procedure in an intensive online primer. Our expert faculty will guide you through the key stages of a defamation claim. Learn at your convenience and at your own pace in this unique On Demand program (total running time approximately 2 hours).

Faculty includes:

Carlo J. Di Carlo, Stockwoods LLP

Mark Donald, Mark Donald Law

Iris Fischer, Blake, Cassels & Graydon LLP

Andrew W. MacDonald, Bersenas Jacobsen Chouest Thomson Blackburn LLP

Iain MacKinnon, Linden & Associates

Tycho Manson, Chernos Flaherty Svonkin

Tae Mee Park, Bersenas Jacobsen Chouest Thomson Blackburn LLP

Howard Winkler, Winkler Dispute Resolution

Maanit Zemel, Zemel van Kampen LLP

Modules:

Do You Have a Case for Defamation?

- The test for defamation
- Determining a defamatory meaning
- What constitutes “publication”?
- What is needed for “identification”?

Defences to Defamation

- “Big 4” defences: truth/justification, fair comment, qualified privilege and responsible communication
- Additional defences: absolute privilege and statutory defences

The “End Game”: What Does Your Client Want to Achieve?

- Remedies available through a defamation action
- The cost/benefit analysis of pursuing a defamation action
- Alternatives to a defamation action

Pursuing a Claim: First Steps

- Assessing whether the notice and limitation provisions of the *Libel and Slander Act* apply
- Drafting a libel notice – practical tips and precedents
- Practical first steps for trying to resolve a dispute, including cease-and-desist letters

Drafting a Defamation Claim

- Rules of pleading for defamation claims
- Tips for avoiding pitfalls and motions to strike
- Review of precedents

Responding to a Defamation Claim

- Pleading the defences to defamation claims
- Asking for particulars
- Evaluating the merits of an anti-SLAPP motion or a motion to strike

Documentary Production and Examinations for Discovery in Defamation Proceedings

- The scope of documentary production in defamation proceedings
- Key areas for defendants to explore on examination for discovery
- Key areas for plaintiffs to explore on examination for discovery

Chair

Justin Safayeni
Stockwoods LLP

Faculty

Ren Bucholz
Paliare Roland Rosenberg
Rothstein LLP

Carlo J. Di Carlo
Stockwoods LLP

Mark Donald
Mark Donald Law

Iris Fischer
Blake, Cassels & Graydon LLP

Katarina Germani
CBC Law Department

Ryder Gilliland
DMG Advocates LLP

Julia L. Lefebvre
Bersenas Jacobsen Chouest
Thomson Blackburn LLP

Andrew W. MacDonald
Bersenas Jacobsen Chouest
Thomson Blackburn LLP

Iain MacKinnon
Linden & Associates

Tycho Manson
Chernos Flaherty Svonkin

Gord McGuire
Adair Goldblatt Bieber LLP

Brendan F. Morrison
Lenczner Slaght Royce Smith
Griffin LLP

Tae Mee Park
Bersenas Jacobsen Chouest
Thomson Blackburn LLP

Erin Pleet
Thornton Grout Finnigan LLP

Kaley Pulfer
Blake, Cassels & Graydon LLP

Mark A. Wiffen
Wiffen Litigation

Howard Winkler
Winkler Dispute Resolution

Alexi N. Wood
St. Lawrence Barristers LLP

Maanit Zemel
Zemel van Kampen LLP

Registration Details

Fee Per Delegate

1 Day Program Only: \$695 + HST

Bundle Price (Primer + 1 Day Program): \$795 + HST

Primer Only: \$195 + HST

Fees include attendance, program materials, lunch and break refreshments. Group discounts are available.

Visit www.osgoodepd.ca/group-discounts for details.

Please inquire about financial assistance.

Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 14 days prior to the program date. If a cancellation request is made with less than 14 days notice, a \$75 administration fee will apply. No other refund is available.



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO.



Eligible CPD/MCLE Hours:

Program: LSO (ON): 5h 50m CPD (4h 40m Substantive; 1h 10m Professionalism)

Online Primer: LSO (ON): 2h 10m CPD (2h 10m Substantive)

OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions. To inquire about credit eligibility, please contact cpd@osgoode.yorku.ca.



osgoodepd.ca

Osgoode Professional Development



416.597.9724

1 Dundas Street West, Suite 2600



@OsgoodePD

Toronto, ON Canada M5G 1Z3



Defamation Law 2019: *Current Issues + Emerging Trends*

Register today at:

osgoodepd.ca/defamation