

# National Academy of Forensic Engineers, Toronto, July 2022

## Educational Seminar Program, Sunday, 24 July

07:30 - 08:15      **Introductions of Attendees**, Pass the Microphone  
Daniel Couture, P.Eng., DFE, Moderator

08:20 - 08:50      **Refresher on Ethical Decision-making**

Participants will be refreshed on the decision-making process and how ethical issues and challenges figure into that process. The objective is to make certain that all situations are considered from the perspective of ethics.



Rebecca A. Bowman,  
Esq., PE, DFE

Rebecca A. Bowman, Esq., P.E., D.F.E. is a registered professional engineer and a certified arbitrator, mediator, and Christian conciliator. She received her B.S. degree in civil engineering from the University of North Dakota, her M.B.A. degree from Oklahoma University, and her J.D. degree from Duquesne University, is a Diplomate of the National Academy of Forensic Engineers and is currently pursuing an M.S. in Sustainability from Penn State. She recently joined the National Society of Professional Engineers as the Senior Director of Ethics and Professional Practice and National Academy of Forensic Engineers as their Executive Director.

09:00 – 12:00      **The Radiohead Stage Collapse at Downsview**  
– **From the Investigation through the Inquest**  
(panel discussion with break and Q&A)



Roger Jeffreys,  
P. Eng., DFE,  
Provincial Engineer,  
Ontario Ministry of  
Labour, Training and  
Skills Development

The senior provincial authority in engineering issues providing technical advice and direction to field engineers and staff, on complex or controversial matters, and on forensic investigations. Develops and delivers training on forensic engineering: investigations, report writing, expert witness testimony. Peer reviews all Forensic Engineering Reports by Ministry engineers. Participates with Ministry staff in evaluating and revising legislation and standards, based on technological and engineering advances. Provides expert witness testimony in Court, at Coroner's Inquests, Commissions of Inquiry and at Ontario Labour Relations Board Hearings.



David McCaskill,  
Sr. Litigation Counsel,  
Ministry of Labour,  
Training and  
Skills Development

Dave McCaskill was called to the Ontario bar 1982. He served in the Crown Attorney's office Sudbury and Manitoulin Districts from 1982 to 1987. He worked in the Federal Department of Justice from 1987 to 1992. He was in private practice from 1992 to 2005 and has been Senior Litigation Counsel, Ministry of Labour, Training and Skills Development from 2005 to present arguing prosecutions and appeals relating mostly to workplace fatalities and critical injuries.



Robert Molina, M.Eng.,  
P.Eng., DFE, CFEL,  
Engineering Consultant,  
East Region, Ministry of  
Labour, Training and  
Skills Development

Robert Molina is licenced as a professional engineer with Professional Engineers Ontario. He has a Bachelor's degree in Civil Engineering with a concentration in structural engineering, and a Master's degree in Building Science. Robert has extensive experience in the Ontario Fire Code and the Ontario Building Code and has investigated a wide variety of structural failures, flammable liquid and dust explosions. He has 30 years of experience in consulting and design engineering, including eighteen years of experience with the Ministry of Labour, Training and Skills Development (MLTSD) during which he has conducted hundreds of investigations, including numerous complex and high-profile investigations, to determine the root cause of failures and incidents. Mr. Molina has testified many times as an expert witness in Ontario Court of Justice, Coroner's Inquests, and the Ontario Labour Relations Board. Mr. Molina has won an award from MLTSD for excellence in forensic engineering.



Sandro Perruzza, CEO  
Ontario Society of  
Professional Engineers

The Ontario Society of Professional Engineers (OSPE) is the Advocacy and Member Services organization for the Engineering Profession in Ontario. Sandro also serves on the Board of Directors for Minerva Canada, and on the Board for the Construction Design Alliance of Ontario. Prior to joining OSPE, Sandro was the Chief of Client Services at Workplace Safety & Prevention Services, the largest Health and Safety Association in Canada, where he was a sitting member of the Ontario Ministry of Labour's Prevention Operations Forum.



Wes Wilson  
Senior Crown Counsel

Wes Wilson was called to the bar of Ontario in 1987. He was in private practice as a criminal defence lawyer for fourteen years, appearing at all levels of court including the Supreme Court of Canada. Since 2001 he has been Crown Counsel with the Ontario Ministry of Labour, arguing prosecutions and appeals relating mostly to workplace fatalities and critical injuries.



Saeed Khorsand,  
M. Eng., P. Eng., DFE  
Engineering Consultant  
Central East Region,  
Ministry of Labour,  
Training and Skills  
Development

Saeed Khorsand is licenced as a professional engineer with Professional Engineers Ontario. He has a bachelor's degree in Civil Engineering and a master's degree in Geotechnical and Structural Engineering. Saeed has extensive experience in design of high-rise steel structures, temporary structures, falsework, scaffold, formwork, etc. Since joining the Ontario Ministry of Labour, Training and Skills Development (MLTSD) Saeed has investigated hundreds of structural failures many of which caused fatal injuries. He has investigated several high-profile incidents that required structural and/or geotechnical expertise and has testified many times as an expert witness in Ontario Court of Justice, Coroner's Inquests, and the Ontario Labour Relations Board. In 2018 he was appointed as a senior member of the National Academy of Forensic Engineers. Saeed had won awards from the Canadian Geotechnical Society for graduate research competition and from MLTSD for excellence in forensic engineering.



David A. Cameron,  
M.D., LL.B., C.C.F.P.  
Regional Supervising  
Coroner – Inquests

David Cameron works at the Office of the Chief Coroner for Ontario as the Supervising Coroner overseeing inquests. He was the presiding coroner at the inquest into the death of Scott Johnson who was killed tragically in the Downsview stage collapse in 2012.

Dr. Cameron is licensed to practice both law and medicine in Ontario. He has worked as a family doctor and hospitalist, as a business lawyer, and in hospital administration, but he loves his current job the most!



Sherin Khalil,  
M. Eng., P.Eng., PMP  
Practice Advisor  
Legislation and Policy  
Department,  
Professional Engineers  
of Ontario

Sherin has a master's degree in Engineering Management from Ontario Tech University. Sherin is a Professional Engineer licensed in Ontario and certified as Project Management Professional (PMP) from the Project Management Institution (PMI).

Sherin joined PEO in 2014 in the role of Standard and Guidelines Development Coordinator, assisting practitioners in addressing professional practice questions and clarifying practice guidelines, performance standards, and Professional Engineers Act. Furthermore, in collaboration with the Professional Standards Committee and its subcommittees' subject matter experts, Sherin manages the development of practice guidelines and performance standards. Prior to joining PEO (2014), Sherin worked in Consulting Engineering Firm and has extensive experience in managing Industrial projects.

**12:00 – 01:00 Lunch and Networking**

**01:00 – 01:50 Drafted: The Expert's Duty and Maintaining Privilege**

This session will explore managing and protecting expert work product, the expert's duty to the court, to what degree can an expert work with counsel to finalize a report, when does counsel's direction cross the line to improper influence.



Gabrielle K. Kramer,  
Partner,  
Borden Ladner Gervais

Gabrielle Kramer has 30 years of litigation experience with a focus on environmental risks. She provides environmental risk management strategies to both public and private clients, directing complex environmental claims, advising on new and historic losses, defending regulatory proceedings and judicial reviews. She brings this background to advising on transactions and related insurance issues. Gabrielle has extensive appellate experience. She has represented clients before all of the courts in Ontario and the Supreme Court of Canada. She represents a variety of private and public-sector clients before the Ontario Land Tribunal.

02:00 – 02:50 **Nuances for Subrogated Claims:  
Subtle (and Not So-Subtle) Differences between Canada and the U.S.A.**

The goal of the presentation is to provide the audience with an overview of the Canadian court process and assist in developing an understanding of the requirements and obligations of forensic experts who assist in the investigation of subrogated claims and, ultimately, provide evidence at trial in the Canadian court system. The presentation will focus on the differences in the litigation process – and specifically subrogated actions – in the United States and Canada. The presentation will walk through all steps of the process – retainer, investigation, reporting requirements, the discovery (deposition) process and giving evidence at trial. Cross-border issues will be addressed with respect to the different evidentiary burdens of the court system in Canada, applicable legislation/regulations and duties of experts under the various Provincial Rules of Civil Procedure.



Brett Rideout, Partner  
Genest Murray LLP

Since graduating law school in 1999, Brett has focused exclusively on insurance law and litigation. Brett has successfully conducted trials on behalf of his clients and has appeared at all levels of court across Canada.

Brett specializes in subrogated claims and has vast experience in handling subrogation cases on behalf of most major insurers in Canada and the United States. He has worked on all ranges of matters, including many large property losses, construction design and deficiency cases and complex fire and flood loss claims.

Brett's practice also includes first party coverage issues (including defense of bad faith claims, fraud, property and fidelity coverage issues) and third-party defenses pursuant to property and casualty policies.

03:00 – 03:50 **Product Liability Litigation in the Globalized Marketplace:  
Seeking Recovery against Out-of-Jurisdiction International Manufacturers**

Pursuing recovery against out-of-jurisdiction manufacturers and suppliers is often necessary but can be tricky. This presentation will review the fundamental legal frameworks which permit and sometimes inhibit the pursuit of product liability claims against foreign companies and will examine case studies which illustrate the unique hurdles and pitfalls in this area of litigation.



Stephen Barbier is a partner at McCague Borlack LLP in its Toronto office with a practice focused on product liability, insurance subrogation, professional liability, construction litigation and commercial litigation.

Stephen Barbier,  
Partner  
McCague Borlack, LLP



## 04:00 – 04:50 **Your Best Defense Against COVID-19: Effective Ventilation**

Masks or no masks. Fabric or N95. Vaccinate or not. Social distancing versus small groups ... the list of COVID coping mechanisms for attempting to stay virus free never fails to offer hope, confusion, and debate ad nauseum. But no matter how effective or less so you find any of those tactics, one thing is certain: The quality of indoor ventilation can increase or decrease the risk of contagion regardless of other precautions. That notion was clear—and a little freaky—early in the pandemic from reading a study on the Guangzhou restaurant in China where the path of contagion was likely influenced by an air-conditioning unit and poor ventilation. This presentation will provide an evaluation of a study of one of the early transmissions of Covid in a Chinese Restaurant and how people were infected, and some people were not infected. Different ventilation systems and how they work and what the advantages and disadvantages of each system will also be discussed.



Klas Haglid,  
PhD, RA, PE, DFE,  
Haglid Engineering  
& Associates, Inc

Klas Haglid, P.E., R.A., F. NSPE is CEO and founder of Haglid Engineering & Associates, Inc. and Building Performance Equipment, Inc. Klas has served as Chairman of ASHRAE Technical Committee 5.5 *Air-to-Air Energy Recovery* and Chairman of ASHRAE Technical Committee 7.8 *Owning and Operating Costs*. He has published extensively on issues involving energy recovery and HVAC issues. Klas previously worked for DuPont, as Staff Consultant for Atlantic Electric, and with the United States Department of Energy on ECO-Links projects. Klas also currently holds 14 US and Canadian Patents with 153 Patent Claims approved to date, including many patents for systems that combine energy recovery devices with innovative controls; such technology enables buildings to work more efficiently, thereby reducing owning and operating costs.

05:00 – 06:00 **It's a Wrap – Open Mic Q &A for All on the Conference**, Feedback