

Jill McCartney
Partner - Medical Negligence, Class Actions

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Jill’s practice has been exclusive to health law since her call to the bar in 2005 with a focus on medical product liability (device and pharmaceutical), as well as medical negligence.

Education
University of Waterloo, Faculty of Applied Health Sciences,
B.A. Hons. 2001
Western University, LL.B.
University of Toronto, M.Sc. Faculty of Medicine, Institute of Health
Policy, Management, and Evaluation, 2013
York University, Osgoode Law School, LL.M., Health Law, 2020

Called to the Bar in 2005

About

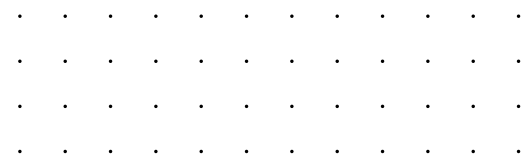
Jill McCartney is a partner at Siskinds LLP. Her practice focused on health law litigation. She represents injured clients in medical products class actions and mass torts, as well as medical negligence cases. She has extensive litigation experience including complex medical negligence trials and medical product class certification proceedings.

Jill leads the firm’s medical products practice, advocating for individuals harmed by medical devices and pharmaceutical drugs. For the past decade, she has been extensively involved in pelvic mesh litigation and has successfully resolved hundreds of cases for women implanted with these products. She is lead counsel on several complex medical class actions, including hernia mesh cases, as well as the emerging litigation relating to the weight loss drug Ozempic.

Jill has completed two advanced degrees in health law and policy. She has a M.Sc. from the University of Toronto, Faculty of Medicine, Institute of Health Policy, Management, and Evaluation. Her graduate research focused on the disclosure of safety incidence involving pediatric patients. Jill has also completed a LL.M. in health law from Osgoode Law School, York University.

Memberships and Associations

- Law Society of Upper Canada, Member
- The Advocates’ Society, Member
- Middlesex Law Association, Member
- Medico-Legal Society of Toronto, Member
- Ontario Trial Lawyers Association, Member
- American Association for Justice, Member



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Awards and Recognition

Jill McCartney was named to the Canadian Legal Lexpert Directory in 2024 and 2025.

Jill has been selected by her peers for inclusion in *The Best Lawyers™ in Canada* in 2021 to 2025.

Notable Work and Decisions

Boyd et al. v. Edington et al., 2014 ONSC 1130 (SCJ)

Trial decision awarding damages to the plaintiff for an emergency room physician's failure to recognize the possibility of a stroke, his decision to reduce blood pressure, and his failure to consult with a specialist after his initial assessment. The Trial Judge held that but for these failures the plaintiff would not have suffered a debilitating stroke.

Medical Malpractice Trial Award for Failure to Obtain Informed Consent and Injuries from Delayed Diagnosis of Ureteric Injury

Damages awarded to plaintiff for failure to obtain informed consent to laparoscopic hysterectomy procedure and injuries from delay in diagnosing ureteric injury sustained during the procedure at the Ontario Superior Court of Justice.

Medical Malpractice Trial Motion Regarding Number of Experts

Successfully opposed trial motion of the defence to request leave to call more than three expert witnesses in complex case relating to the recognition and management of neurological symptoms in the plaintiff who was suffering a stroke which ultimately resulted in quadriplegia.

Obstetrical Malpractice – Pediatric Malpractice – Brain Tumour – Delayed Diagnosis

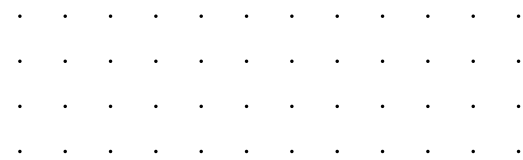
Represented a child who suffered a complex brain injury following a delay in diagnosis and treatment of a brain tumour.

Obstetrical Malpractice – Oxytocin – Bradycardia – Cerebral Palsy

Resolved case for a child with cerebral palsy due to prolonged oxygen deprivation causing hypoxic brain injury. Standard of care issues related to inappropriate commencement, and continuation, of intravenous oxytocin coupled with failures to recognize and manage prolonged bradycardia in the second stage of labour.

Obstetrical Malpractice – Biophysical Profiles – NST – Hypoxic Encephalopathy – Cerebral Palsy

Resolved case for a child with cerebral palsy due to prolonged oxygen deprivation causing hypoxic brain injury.



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Jurisdiction Challenge Motion of Medical Researchers Dismissed

Responded to a motion challenging jurisdiction of the Ontario Courts over American researchers conducting pediatric oncology trials throughout North America.

Medical Malpractice Trial Award for Injuries from Delayed Diagnosis of Intra-Abdominal Bleeding Upheld at Court of Appeal

Represented an adult with extensive bowel injuries sustained as a result of failure to recognize and investigate signs of intra-abdominal bleeding following a colonoscopy procedure at the Ontario Superior Court of Justice and Ontario Court of Appeal.

Defence Motion for Security for Costs Dismissed

Responded to a motion for security for costs brought by Ontario physician in medical malpractice case relating to the treatment of a corneal ulcer in an American patient.

Medical Malpractice – Neurological Deficits – Delayed Diagnosis of Abscess – Spinal Cord Injury

Resolved case for an adult who sustained a complex spinal cord injury as a result of the delay in diagnosis and treatment of a spinal epidural abscess.

Publication and Speaking

Author, M.Sc. Thesis “Disclosure of Safety Incidents Involving Pediatric Patients: A Review of Federal, Provincial, and Territorial Legislation and Related Policies of Health Care Organizations Providing Care to Pediatric Patients.” July 2013

Community Involvement

- Fall 2020 – Adjunct Professor – Western University Law School – Civil Procedure
- Fall 2023 – Adjunct Professor – Western University Law School – Class Actions
- Western University Health Sciences Research Board, Board Member
- Matthews Hall Independent School, Board Member

In the News

Siskinds’ Medical Malpractice Team’s recent successful trial decision was featured in the National Post and CTV News. This trial decision awarded significant damages to the plaintiff for an emergency room physician’s failure to recognize the possibility of a stroke, his decision to reduce blood pressure, and his failure to consult with a specialist after his initial assessment. The Trial Judge held that but for these failures the plaintiff would not have suffered a debilitating stroke.



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Jill has appeared in the following news articles, segments, and publications:

- November 3, 2023 - CTV News, “Proposed class action lawsuit alleges Ozempic maker failed to disclose serious side effects,” written by Alexandra Mae Jones. Jill addresses Siskinds LLP’s proposed class action lawsuit against Novo Nordisk, the manufacturer of Ozempic, Rybelsus, and Wegovy, and individuals affected by Ozempic’s side effects.
- October 31, 2023 - Global News, “Ozempic maker faces proposed class action lawsuit alleging ‘dangerous side effects,’” written by Katie Dangerfield. Jill discusses the proposed class action against the manufacturer of Ozempic, alleging that the company did not adequately warned Canadians about the drug’s severe side effects.
- February 21, 2023 - CBC News, “She blames her cancer on baby powder. Now she’s suing and urges other women to get ‘checked,’” written by Colin Butler. Jill comments on the many people who have potentially suffered harm from using Johnson & Johnson talc-based products.
- November 23, 2022 - Lexpert, “Mass torts rising in popularity,” written by Aidan Macnab. Jill shares her insights on mass tort litigation as a strategic tool for commencing and resolving cases, especially those involving medical devices and pharmaceutical products.
- December 19, 2021 - CTV News segment. Jill comments on the surgical stapler class actions against Covidien and Johnson & Johnson, and the people who have suffered injury after staples were used in a surgery.
- December 7, 2015 - CTV News, “Women say they weren’t warned of possible side effects of anti-nausea drug.” Jill comments on the importance of warning health care providers and mothers earlier about the side effects of the Zofran (ondansetron) medication.