

Jill McCartney
Partner - Medical Negligence, Class Actions

Phone: 519.660.7858 Fax: 519.660.7859
Email: jill.mccartney@siskinds.com

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

Education
Western University, LL.B.

Called to the Bar in 2005

About

Jill is a lawyer at Siskinds LLP, specializing in health law. She represents injured clients in medical negligence cases, as well as complex pharmaceutical and medical device class actions. She has appeared before the Ontario Superior Court of Justice, Divisional Court, Court of Appeal, and Consent and Capacity Board. She has acted as counsel on several complex medical negligence trials.

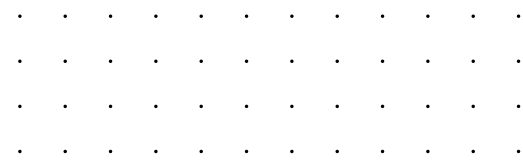
Jill recently completed a Masters of Science degree with the University of Toronto, Faculty of Medicine, Institute of Health Policy, Management, and Evaluation. Her graduate thesis was titled “Disclosure of Safety Incidents Involving Pediatric Patients: A Review of Federal, Provincial, and Territorial Legislation and Relevant Policies of Health Care Organizations Providing Care to Pediatric Patients”.

Memberships and Associations

- Law Society of Upper Canada, Member
- The Advocates’ Society, Member
- The Advocates’ Society, London Court House Series, Co-Chair
- Middlesex Law Association, Member
- Medico-Legal Society of Toronto, Member
- American Association for Justice, Member

Awards and Recognition

Jill McCartney has been selected by her peers for inclusion in *The Best Lawyers™ in Canada* in 2021 to 2024.



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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.

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.

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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
- Western University Health Sciences Research Board, 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.