

Debra McKenna

Partner

Toronto

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Practice Areas

Administrative & Public Law

Litigation & Dispute

Resolution

Regulatory

Debra McKenna is a litigation partner and Co-Chair of the Regulatory Practice Group at WeirFoulds LLP.

Debra's practice is focused on professional self-regulation and civil litigation. She provides strategic advice and acts as counsel for a number of regulatory bodies, as well as public and private sector clients, in relation to regulatory issues, complaints and discipline, and civil litigation matters. She has appeared at all levels of court in Ontario, including the Ontario Court of Justice, Ontario Superior Court of Justice, the Divisional Court, the Court of Appeal for Ontario and the Supreme Court of Canada, as well as before the Ontario Labour Relations Board, the Ontario Human Rights Tribunal, the Grievance Settlement Board, and a variety administrative tribunals.

Debra is a committed and effective advocate for her clients, and she brings extensive practical experience and know-how to her legal practice. Prior to attending law school, she worked for several years as a litigation law clerk assisting on a number of notable, complex cases, including as commission staff for Justice Stephen Goudge on the Inquiry into Pediatric Forensic Pathology in Ontario and as part of the legal team representing the Ontario Provincial Police Association and its members at the Ipperwash Inquiry.

Called to the Bar

- Ontario (2011)

Education

- LL.B., Windsor Law, 2010

Affiliations

- The Advocates' Society
- Ontario Bar Association

WeirFoulds LLP

4100 – 66 Wellington St. West
PO Box 35, TD Bank Tower
Toronto, ON M5K 1B7

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Notable Mandates

- For the College of Chiropractors of Ontario as prosecuting counsel for discipline matters
- For the Ontario College of Social Workers and Social Service Workers as prosecuting counsel for discipline matters
- For the LCBO in its litigation with Magnotta Winery Corporation and related Magnotta

companies.

Reported Cases

- *Chippewas of Nawash Unceded First Nation v. Canada (Attorney General)*, 2023 ONCA 565
- *Park v. Royal College of Dental Surgeons of Ontario*, 2021 ONSC 8088
- *Saugeen First Nation v. The Attorney General of Canada*, 2021 ONSC 4181
- *Magnotta Winery Corporation v Ontario (Alcohol and Gaming Commission)*, 2021 ONSC 178
- *Magnotta Winery Corporation v. Ontario (The Alcohol and Gaming Commission)*, 2020 ONSC 561
- *Taylor v. Workplace Safety & Insurance Board*, 2018 ONCA 108
- *Ontario Public Service Employees Union v Ontario (Community Safety and Correctional Services)*, 2016 CanLII 48167
- *R. v. Smith*, 2015 SCC 34
- *Terceira v. Labourers International Union of North America*, 2014 ONCA 839
- *Cumming v. Peterborough Police Association*, 2013 ONCA 670

Awards

- Recognized by *Best Lawyers in Canada* as a leading lawyer in Health Care Law, 2023, 2024
- Recognized by *Best Lawyers in Canada* as a leading lawyer in Administrative and Public Law, 2024

Community Involvement

Director, Making Way Project

Volunteer Duty Counsel, Pro Bono Law Ontario Law Help Clinic at the Superior Court of Justice

Volunteer Duty Counsel, Pro Bono Law Ontario Appeals Assistance Program

Volunteer, Ontario Justice Education Network, Student Mock Trial Program

Speaking Engagements

- Panelist, "Module 4: The Discipline Hearing", Professional Regulation and Discipline in the Ontario Health Care Sector, Osgoode Professional Development, Online, November 29, 2023
- Speaker, "Administrative Tribunal Advocacy", The Advocate's Society, Online, May 24, 2023
- Speaker, "Off-Duty" Conduct: Where is the Line Between Professional and Personal?", CNAR Spring Workshops Series, Online, April 20, 2023
- Speaker, "Privilege for Litigators", The Advocates' Society, Online, March 29, 2022
- Speaker, "Expertitis: Are We Obsessed with Experts?", CNAR 2021 Conference, October 21, 2021
- Speaker, "Nuts and Bolts of Decision-Writing", Canadian Network of Agencies for Regulation, Quebec City, QC, October 28, 2019
- Speaker, "Emerging Legal Issues in Regulation", Canadian Network of Agencies for Regulation, Toronto, ON, May 29, 2019

- Speaker, "Nuts and Bolts of Decision-Writing", Canadian Network of Agencies for Regulation, Banff, AB, October 15, 2018
- Speaker, "Hot Topics in Regulation", Canadian Network of Agencies for Regulation, Toronto, ON, June 27, 2018
- Law Society of Upper Canada, Six-Minute Labour Lawyer Program, The Taint of Anti-Union Animus, June 2017
- Canadian Association of Labour Lawyers Annual Conference, The Intersection of Labour Law and Insolvency, June 2017
- Police Association of Ontario Employment Law Conference, The Role of the Office of the Independent Police Review Director (OIPRD) in Police Complaint Investigations, February 2017
- Ontario Bar Association Institute (Constitutional, Civil Liberties Human Rights Program), Policing Services and Section 1 of the Human Rights Code, February 2017
- Ontario Bar Association, Human Rights Code Remedies, November 2016
- Police Association of Ontario Employment Law Conference, Bill 132 – Amendments to the Occupational Health and Safety Act, March 2016
- Human Resources Professionals Association Employment Law Conference, Disability Discrimination in the Workplace, October 2015
- Canadian Association of Labour Lawyers Annual Conference, Administrative Proceedings and the Reasonable Apprehension of Bias, June 2015
- Police Association of Ontario Employment Law Conference, Workplace Harassment Investigations, March 2015
- Police Association of Ontario Annual General Meeting, Section 40 of the Police Services Act, May 2014
- Police Association of Ontario Employment Law Conference, Downsizing and Section 40 of the Police Services Act, March 2014
- Police Association of Ontario Employment Law Conference, Emerging Issues of Contracting Out/Contracting In of Policing Services, March 2013

Publications

- Criminal Records: An Accidental Trilogy – What Regulators Should Know About Discharges, May 11, 2022
- The Right to be Heard, November 15, 2021
- Onboard Maiden: A sailboat, an adventure, and a cause, August 15, 2019
- Words Matter: Lessons from the Essilor Decision and Other Musings, June 10, 2019
- Criminal Records Redux: The New Posting Requirements in the *Regulated Health Professions Act*, March 14, 2019
- What You Need to Know about Police Record Checks, June 15, 2018