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Client Feedback

Jennifer Egsgard

Overview

Jennifer is a CEDR and Harvard-trained mediator and a Canadian-qualified lawyer with 20 years of diverse legal experience. Advocates who have used Jennifer as a mediator have said that she has “tremendous skills with dealing with complicated parties and situations”, a “high level of skill and natural aptitude”, and is able to “gain the trust of both sides”. Jennifer is well-placed to mediate a wide range of disputes, having practised commercial litigation involving claims from negligence, employment and breach of contract to trademark infringement, product liability, personal injury, misrepresentation, director’s liability, environmental contamination, and international trade.

Jennifer is attuned to underlying business interests, personal values and dynamics, and the legal context of disputes. She is frequently invited to speak on mediation-related issues, including to the UK Civil Justice Committee (Judicial ADR Liaison Committee), a global legal team of a leading multinational healthcare company, Scottish Mediation, St. Mary’s University Law School in London, a large legal/ADR organization in India, the Ontario Bar Association, and private law firms.

Professional Background

Before becoming a mediator, Jennifer's legal career included six years practising commercial litigation at Fasken, one of Canada's largest law firms, where she was Vice-Chair of the ADR Practice Group, and eight years running her own practice. She has acted as counsel for both plaintiffs and defendants in a wide variety of dual and multi-party cases including claims involving negligence, product liability, breach of contract, trademark, wrongful dismissal, personal injury, unjust enrichment, nuisance, defamation, occupier's liability, negligent and fraudulent misrepresentation, landlord/tenant disputes, procurement challenges, director's liability, estates, liability for environmental contamination, quasi-criminal environmental defence, private international law, refugee law, immigration detention and appeals, international trade and energy law. She has also provided advice and been invited to speak at the American Bar, Ontario Bar, and Canadian Corporate Counsel Associations concerning foreign anti-corruption compliance and developing liability for transnational business and human rights disputes.

The cases on which Jennifer has worked involve a broad range of industries including real estate, energy, insurance, technology, advertising, hospitality, entertainment, sports, transportation including railway, food products, construction, mining, not for profit, retail and manufacturing, including automotive and automotive part manufacturing.

Jennifer completed the Harvard Negotiation Institute program "Mediating Disputes", an executive education course at Harvard Law School, as well as the "Mediator Skills Training" course with CEDR. She is regularly invited to speak on issues such as multi-party mediation strategy, active listening, mandatory mediation, mediation in real estate disputes, mediation policy, and advocacy in mediation by various organizations globally, and was quoted by the UK Government in their press release announcing a new mandatory mediation scheme for Small Claims matters. She provides consultancy services to CEDR and organizes monthly professional development webinars for the International Academy of Mediators, arranging for leading international mediators to speak on cutting-edge mediation-related topics. She has coached mediation to law students on a pro bono basis at Small Claims Courts in Ontario, run mock mediations with St. Mary's University Law School in London, UK, and Osgoode Law School in Toronto, and was hired to provide training to mediators at the Ontario Ministry of Government and Consumer Services. She served for a number of years on the board of directors for the International Commission of Jurists (Canada).

Jennifer is a graduate of the University of Ottawa Law School and studied abroad on scholarship at George Washington University Law School in Washington DC. She received her undergraduate degree (with Honours) from the University of Guelph, with a semester completed at the University of Rajasthan in Jaipur, India.



Expertise

- Charities
- Employment
- Energy & Natural Resources
- Energy Resources
- Insurance
- Intellectual Property
- Media Entertainment and Sport
- Personal Injury
- Sales of Goods and Services
- Shareholder Disputes
- Shipping
- Transportation

Dispute Experience

Partnership/Shareholder

- shareholder dispute over conflicting interpretations of partnership agreement, location and value of partnership assets, and terms applicable to termination of partnership

Employment

- claim for wrongful termination, with counterclaim by employer who alleged that termination was justified on the basis that the employee had been using time at work to establish a competing business
- claim for wrongful termination based on age discrimination, with employer alleging that only a temporary lay-off had taken place

Contract/Commercial

- claim by media company for advertising fees owed; allegation by defendant that services were inadequate
- dispute regarding financing terms for a car purchase, and whether financing for a car had been fraudulently obtained
- multi-party claim arising from allegedly deficient renovation
- dispute regarding alleged negligent provision of legal services
- claim against contractor regarding an allegedly deficient renovation
- claim concerning allegedly deficient construction work and dispute over resulting amounts owed

Personal Injury

- claim against a property management company for personal injury and other damages based on allegedly inadequate premises

Personal Style

Jennifer employs a flexible approach to mediation, recognizing that the dynamics of each case are unique. After ensuring the parties' positions and interests are understood, Jennifer helps identify issues, assists parties in considering the strengths and weaknesses of positions, and explores settlement options including those that may not be available through litigation. When relevant, she investigates the downsides of continued litigation such as risks to business, reputation, finances or regulatory risks, and helps the parties craft a satisfactory solution to their dispute. Jennifer appreciates that a mediator's preparation can be critical to success and thoroughly reviews all submitted material prior to each mediation. She is respectful yet persistent in her efforts to help parties reach settlement.

Feedback

"As a lawyer who has been practicing in Toronto for approximately a decade, I have used Jennifer Egsgard as a mediator on numerous occasions and find her to be very effective and efficient mediator. Ms. Egsgard has tremendous skills with dealing with complicated parties and situations. I would highly recommend her to any of my colleagues and I will continue to use Ms. Egsgard for mediation in the future given her high level of skill and natural aptitude."

- Sean Carter, Barrister and Solicitor

"I appreciated the fact that as a mediator, Jennifer remained impartial throughout my client's mediation. By remaining neutral, she gained the trust of both sides and was able to craft a last-minute resolution to a dispute on the same day a trial on the matter was to begin."

- Legal Representative, Toronto

"Jennifer builds consensus and generates creative solutions in the face of challenging issues and strong personalities. She is uniquely empathetic, engaged, sharp and calm. Jennifer makes people feel understood and leverages this to hone in on and productively address issues that require discussion and resolution. She garners respect and inspires people to treat one another respectfully. Having the pleasure of working with Jennifer on the Board of ICJ Canada, I found her to be one of the most talented lawyers in Canada with an outstanding ability to deal with the most complex issues affecting Canadians and many others in the world."

- Professor Errol Mendes, Faculty of Law, University of Ottawa, President of International Commission of Jurists Canada, recipient of the Order of Ontario and the Law Society of Ontario Medal.

“Jennifer is not only an experienced lawyer in various dispute resolution contexts, she is also a quick study in relation to complex legal issues and, and, in my experience working with Jennifer, projects a top notch legal mind. She is tactful, inspires trust and assesses issues realistically and dispassionately. Able to remain composed in challenging situations, Jennifer is a resourceful problem-solver who offers solutions; all of these qualities will make her an excellent mediator.”

- Dr. H. Scott Fairley, LLB, LLM, SJD, FCI Arb., recipient of 2015 Ontario Bar Association Award of Excellence in International Law, worked with Jennifer on Board of the International Commission of Jurists Canada

