

## **R. LEE AKAZAKI, C.S.**

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Certified by the Law Society of Ontario as a Specialist in Civil Litigation (C.S. designation)	2000
Call to the Bar of Ontario	1990

### **LAW FIRMS AND NATURE OF PRACTICE**

<b>Gilbertson Davis LLP</b> (associate/partner)	1998-present
<b>Outerbridge Barristers</b> (associate)	1990-98

#### **General Description:**

Trial and appellate advocacy, civil litigation, arbitration and mediation including professional responsibility, insurance litigation, property damage, commercial law, leasing, real property disputes, bodily injury, disability and employment law, private international law, and administrative law.

General corporate compliance, crisis management, media management, privacy law and litigation prevention.

En tant qu'avocat plaideur devant la Cour d'appel de l'Ontario et devant la Cour supérieure de justice de l'Ontario, j'ai eu l'expérience de plaider en français dans les procédures françaises et bilingues (orales et écrites).

#### **LAW SCHOOL:**

Faculty of Law, University of Toronto, LL.B (J.D.), 1988

#### **UNDERGRADUATE:**

Trinity College, University of Toronto, B.A. (Honours, with Distinction), 1985

Specialist: French and English Literature

Major: International Relations

Elective: Calculus

#### **LANGUAGES**

English, French and Japanese    Demographic: Francophone

## **PROFESSIONAL DESIGNATIONS, RESPONSIBILITIES AND MEMBERSHIPS**

### **AWARDS AND DESIGNATIONS:**

- **Joel Kuchar Award for Professionalism and Civility**, Ontario Bar Association, April, 2018
- **2018 LEXPERT rating** in Litigation - Commercial Insurance
- **JusticeNet Patron Council Award**, JusticeNet.ca May 2014 - The annual JusticeNet Patron Council Award recognizes an individual in Canada whose career has been marked by a distinguished record of work that exemplifies JusticeNet's ideals of a more open and accessible justice system.
- **Linda Adlam Manning Award**, Ontario Bar Association, April, 2013 - The award recognizes the outstanding volunteer commitment to OBA of a Member who has advanced the interests of OBA's Membership and promoted the role of the legal profession in Ontario.

### **TEACHING:**

#### **2019**

- Speaker, Canadian Institute of Actuaries Annual Conference, September, 2019 – “Causation and Tort Law”

#### **2018**

- Speaker, Law Society of Ontario Motor Vehicle Litigation Summit, 2018: delivered paper entitled: “Should Privacy Matter to Car Crash Lawyers? PIPEDA, the LAT and Torts?”

#### **2016**

- Co-organizer and online moderator for OBA foundation debate: "a new approach to sexual assault trials," OBA Foundation, 4-may-2016
- Chair of meeting of the Canadian Defence Lawyers / Canadian Insurance Claims Managers Association / Canadian Independent Adjusters Association joint educational roundtable, 2-feb-2016

#### **2015**

- Speaker, Canadian Defence Lawyers Program on Alternative Business Structures, 16-04-15
- Speaker, Panel on Alternative Business Structures, CBA Mid-Winter Meeting, 21-02-15

#### **2014**

- Speaker, Mentoring Panel, Sole and Small Firm Conference (LSUC), 12-06-14

#### **2013**

- Speaker, “Your First Summary Judgment Motion” (OBA - YLD), 09-10-13
- Keynote speaker, Windsor Law Canadian Law Review Student Conference: “The Legal Education Chrysalid: CLE, Articling and Beyond, 22-Mar-13

## **2012**

- Presented paper entitled “Is it Covered? A Guerilla Guide to Commercial Liability Insurance Exclusions,” at Fundamentals of Property and Liability Insurance Law seminar of the Ontario Bar Association, Young Lawyers Division, 30-Oct-12
- Presented paper entitled “Front-End Strategies for Winning in Commercial Arbitration,” at the Commons Institute, 26-Oct-12
- Presented paper entitled “Oral and Written Advocacy on Summary Judgment Motions after *Combined Air*,” at “Post *Combined Air* and The New Summary Judgment Test - What's Happened So Far and Next Steps,” Ontario Bar Association, 12-Sept-12
- Presented « Énigmes ayant trait au client et à d'autres personnes », French-Language Legal Professionalism Seminar recorded for video presentation in OBA French-language events, 16-Jun-12
- Presented paper entitled “Unbundling the Barrister’s Civil Litigation Retainer: Navigating Boundaries, Principles and Practices,” at “Litigating Economically,” Ontario Bar Association, 30-Apr-12

## **2011**

- Presented Seminar on Insurance Law and paper entitled “Reading Commercial Liability Insurance Policies (Like You’ve Never Read Them Before)” for General Practitioners at CBA Yukon Meeting, Whitehorse (attended by the Attorney-General of Yukon), 18-Jul-11

## **2010**

- Presented Insurance Law paper at County of Carleton Law Association Conference at Montebello, 19-Nov-10
- Keynote speaker at Federation of Asian-Canadian Lawyers Legal Conference (FACL), 13-Nov-10
- CBA Skilled Lawyer Series – acted as trial judge in on-line role-playing videos for teaching courtroom procedure and preparing clients for court, fall 2010
- OBA delegate, The Chief Justice of Ontario's Advisory Committee on Professionalism, Thirteenth Colloquium on the Legal Profession, “Lawyers, Legends, Legacies and Lessons from Ontario Legal History,” presented by the Law Society of Upper Canada 1-2-Nov-10
- OBA delegate, Law Commission of Ontario Symposium on Elder Law, 29-Oct-10
- Taught workshop at University of Western Ontario Law School's Canadian Clinical Legal Education Conference Symposium on “The Future of Legal Education in Canada,” 22-Oct-10

- Presented paper entitled “Judicial Interpretation of Insurance Exclusions” (updated) at Young Lawyers Division Programme, 21-Oct-10
- Co-chaired “Going to the ‘Big House’: Your Key out of the Supreme Court’s Waiting Room - Applications for Leave to Appeal in Civil Matters / *En plus haute instance : La clef d’accès aux couloirs de la Cour supreme : La demande d’autorisation d’appel en matière civile*” – a fully bilingual English/French programme at the CBA’s 2010 Canadian Legal Conference, [http://www.cba.org/cba/niagara2010/pd/4\\_1.aspx](http://www.cba.org/cba/niagara2010/pd/4_1.aspx), 17-Aug-10
- Presented paper at 2010 OBA Institute of CLE: Civil Litigation Programme, 16-Feb-10

### **2009**

- Speaker, Frontenac Law Association Conference, Frontenac Law Association, 11-Sept-09
- Co-chaired “Does Gender Matter?” OBA event in honour of International Women’s Day, featuring Barbara Annis, Justice Gloria Epstein, Patrick Lesage, and many others, 5-Mar-09
- Co-chaired “When the Butterfly flaps its wings: Cross-Border Litigation in Your Practice,” Civil Litigation Programme at 2009 OBA Institute of CLE, OBA, 02-Feb-09
- Presented seminar entitled “O. Reg. 438/08 - Survival Guide for Civil Litigation in Ontario after 2010, Civil Litigation Section Programme, OBA, 22-Jan-09

### **2008**

- Presented seminar, “Judicial Interpretation of Insurance Policy Exclusions” for OBA Young Lawyers Division, 28-Oct-08

### **2007**

- Co-chaired “Victory without Trial: Winning with Pre-trial Remedies,” Civil Litigation Programme at 2007 OBA Institute of CLE, OBA, 05-Feb-07

### **2006**

- Co-Chaired “Piloting a Civil Action from Take-Off to Landing,” Civil Litigation Programme at 2006 OBA Institute of CLE, OBA, 24-Jan-06

## **ACADEMIC AWARDS:**

University of Toronto Open Scholarship

University of Toronto George R.R. Cockburn Scholarship (for highest standing in Classical Greek in an Ontario High School)

## **PROFESSIONAL AND EMPLOYMENT HISTORY**

### **LEGAL WORK EXPERIENCE**

Partner, with Gilbertson Davis LLP  
 1998 - present  
*Civil Litigation and Insurance Law*

Associate, with Outerbridge Barristers (and successor firms formed by Ian W. Outerbridge Q.C.)  
 1990 - 1998  
*Civil Litigation Lawyer*

Student-at-Law during Bar Admission Course with Mark Koreen, Barrister & Solicitor,  
 1989 – 1990  
*Family Law, Criminal Law and Civil Litigation*

Student-at-Law, with Rogers, Bereskin & Parr  
 1986-89 (*Articling Student, 1988-89; Summer Student, 1986, 1987*)  
*Patent, Trade Mark and Copyright Litigation*

#### **OTHER PROFESSIONAL RESPONSIBILITIES, INVOLVEMENT IN PROFESSIONAL ASSOCIATIONS, TEACHING, PUBLICATIONS:**

##### **1. PROFESSIONAL DESIGNATIONS, RESPONSIBILITIES AND MEMBERSHIPS**

###### **Ontario Bar Association (OBA), a branch of the Canadian Bar Association (CBA)**

OBA President, 2010-11

As President, I set the agenda for the OBA and represented its 18,000 members to the public, government and the Law Society of Upper Canada. I personally organized and chaired OBA Board of Directors and Council meetings. I travelled widely across Ontario and Canada to discuss local legal practices and legal needs with lawyers and members of the public. I represented the CBA Ontario Branch at CBA Board of Directors and CBA National Council meetings. I mediated conflicts and made decisions concerning OBA's members and 37 practice sections.

OBA Vice-President, 2009-10

Steered OBA resolution to urge introduction of mandatory continuing professional development

Implemented OBA Council passage of the *OBA Code of Conduct* which I authored as Chair of Governance (see below)

Assisted President Carole Brown (as she then was – now Justice Carole Brown) and appeared in her place in GTA and Western Ontario events

CBA Fee Review Committee, 2010-12

Represented Ontario in the CBA committee overseeing the association's wholesale revision of the membership fee model.

Chair, Governance Committee, 2009-10

Steered major governance revisions, term limits, regional representation in the OBA Board of Directors

As Chair of Governance, I authored the *OBA Code of Conduct* (see: <http://www.oba.org/en/pdf/OBACodeConduct.pdf>), which was subsequently adopted Canada-wide as the *CBA Principles of Conduct* ([http://www.cba.org/cba/conferences/PDF/CBA\\_Principles\\_of\\_Conduct.pdf](http://www.cba.org/cba/conferences/PDF/CBA_Principles_of_Conduct.pdf))

Board of Directors, National CBA, 2010-11

Represented Ontario during crisis involving the Canadian Corporate Council Association

Board of Directors and Officers, OBA, 2009-12

Bimonthly meetings (once as Board member, once as Officer), from Vice-President to Immediate Past-President

### **Main Continuing Legal Education Committee**

Chair, Main Continuing Legal Education (CLE) Committee, OBA, 2008-09

Member, Main Continuing Legal Education (CLE) Committee, OBA, 2006-2008

### **Civil Litigation Section**

Co-chair, OBA Civil Litigation Award of Excellence Nomination and Selection Committee, 2009-10

Chair, Civil Litigation Section, OBA, 2008-09

Vice-chair, Civil Litigation Section, OBA, 2007-08

CLE Liaison for Civil Litigation Section Executive, OBA, 2006-07

Member-at-large, Civil Litigation Section Executive, OBA, 2005-06

### **Other OBA Committees and Appointments**

Member, OBA Working Group re Racialized LSUC Licensees, 2015

Member, OBA Awards Committee, 2014-17

Chair, OBA Nominating Subcommittee, 2012-13

OBA Strategic and Long-Term Planning Committee, 2012-13

OBA Governance Committee, Member-at-large, 2012-13

OBA Articling Task Force, 2012

Member of OBA Council, 2008-TBA

OBA Delegate to the Uniform Law Conference of Canada (ULCC), 2008-09

OBA Representative, Justice Partners Advisory Committee (JPAC - Ministry of the Attorney-General of Ontario) – 2008

Co-Chair, OBA *Apology Act* Working Group - 2008

Civil Litigation Section Respondent to the 2007 McCamus Review of Legal Aid in Ontario

OBA Representative, “Getting it Right: Justice Stakeholder Summit”, June 24, 2007; May 8, 2008

OBA Civil Litigation Section Representative, Human Rights Tribunal of Ontario Round Table on Practice and Procedure, April 18, 2007

Civil Litigation Section Representative, OBA ad hoc committee in response to LSUC Professional Development and Competence Committee Report on the Future of the Certified Specialist Programme, March 13, 2007

OBA Working Group for the Ontario Ministry of the Attorney General’s Civil Justice Reform Project (Osborne) – Co-author of OBA position paper, 2006

Co-chair of Civil Litigation Programme, OBA *Institute of Continuing Legal Education: 2006, 2007 and 2009* (the largest CPD conference in Canada)

OBA Representative to receive delegations of the judiciary from Peoples’ Republic of China, October 19, 2006; October 24, 2007

Member, OBA Civil Litigation Section CLE Subcommittee, 2006-08

Committee Member, OBA Rule 49 Task Force, July, 2005

Member, OBA French Speaking Lawyers Section, 1992-present

### **American Bar Association (ABA)**

Keynote speaker, ABA Young Lawyers Division Annual Meeting: “Watch what the bar association does, scale it down to size, and run your life that way: A ‘How-To’ for YLD Members,” August 5, 2011

### **Law Society of Ontario (LSO)**

Online Expert Panel, debate of Convocation on the future of Articling – details at <http://www.facebook.com/lawsocietylsuc> - October 25 and November 22, 2012

LSUC Barrister Advisory Group – Founding appointee, 2005 to 2009 – a Committee overseeing the Barrister Licensing Examinations for the Law Society. Starting in 2005, we evaluated, edited and set the pass mark for examination questions in Criminal Law, Family Law, Public Law, Civil Litigation, Professional Ethics and Practice Management.

### LSUC Certified Specialist Review Group – 2007

Appointed to Law Society working group on reviewing and improving the Certified Specialist Programme, reporting to the Professional Development, Competence & Admissions Committee of Convocation

### Canadian Defence Lawyers

Member, Board of Directors (2012-18)

Member, Public Policy Secretariat (2017-18)

Member, Strategic Directions Committee (2012-13)

### Medico-Legal Society of Toronto (MLST)

Chair, MLST Outreach Committee (2004-06)

Vice-chair, MLST Outreach Committee (2002-04)

Member of MLST Council (Board of Directors) (2002-05; 2006-08)

### Chief Justice Of Ontario Advisory Committee On Professionalism - Working Group on the Definition of Professionalism

Working Group Committee Member, 2014-present

This working group is charged with modernization of the monograph entitled, "Elements of Professionalism" <http://www.lsuc.on.ca/media/definingprofessoct2001revjune2002.pdf>

Participant at invitation-only workshop, "Teaching Professionalism," a meeting of the Chief Justice of Ontario's Advisory Committee on Professionalism, held at the University of Toronto Faculty of Law, March 4, 2011

### Canadian Association of Legal Ethics (CALE)

List-serve participant/contributor

**Canadian Institute for the Administration of Justice** (Member)

**L'Association des juristes d'expression français de l'Ontario - AJEFO** (Member)

**The Advocates' Society** (Member)

**Federation of Asian Canadian Lawyers** (Member)

**Toronto Lawyers Association** (Member)

**Women's Legal Education & Action Fund (LEAF)** (Member)

**Feminist History Society** (Member)

## 2. TEACHING

Faculty of Law, University of Toronto



Upper Year Moot Court Supervisor (one-credit course) and Moot Court Judge, Faculty of Law, University of Toronto, **2007** (Tort Law), **2008** (Constitutional Law) **2009** (Contract Law), **2012** (Tort Law) and **2013** (Criminal Law), **2014** (Contract Law), **2015** (Criminal Law), **2016** (Contract Law), and **2017** (Contract Law). This course goes beyond moot court judging, and involves meeting with students several times and teaching them about factum writing and oral advocacy.

Workshop round table, "Teaching Professionalism," a symposium of the Chief Justice of Ontario's Advisory Committee on Professionalism, held at the University of Toronto Faculty of Law, March 4, 2011

### 3. **PUBLICATIONS**

#### **Annual Review of Civil Litigation, 2017 (Toronto: Carswell, series edited by Todd Archibald)**

"Failing to Predict the Past: Will Legal Causation Kill Tort Law in Cyberspace?"

**The Advocates' Quarterly:** *The Advocates' Quarterly* is "A Canadian Journal for Practitioners of Civil Litigation." Contributions from members of the judiciary, the legal profession and legal academics.

"Collateral Disclosure Strategies in Ontario Automobile Litigation: SABS, PIPEDA and the RHPA," *The Advocates Quarterly*, Vol. 50 (2019)

"An Anatomy of *C.N.R. v. Royal & SunAlliance*: Perspectives on Legal Burdens and Judicial Findings of Fact," *The Advocates Quarterly*, Vol. 34 (2008)

"Unconscionable Delay of Civil Justice: Is It Also Unconstitutional?" *The Advocates Quarterly*, Vol. 32 (2007)

"Peering over the Plaintiffs' and Defendants' Parapets: Redesigning Ontario Rule 49 to Encourage Meaningful Offers of Settlement," *The Advocates' Quarterly*, Vol. 30 (2005) (based on a July 28, 2005, response by the author to the Consultation Paper of the Rules Secretariat for the Ontario Courts' Civil Rules Committee)

"1% Liability: Fact or Fiction of Apportionment in Tort Law?" *The Advocates' Quarterly*, Vol. 29 (2005)

"Wrongful Birth: An Ironic Name for a Cause of Action in the Law of Medical Malpractice," *The Advocates' Quarterly* Vol. 22 (1999)

"Walking through the New Errors and Omissions Minefield in Medical Malpractice Litigation," *The Advocates' Quarterly* Vol. 22 (1999)

"Medical Malpractice in Crisis," *The Advocates' Quarterly* Vol. 21 (1999)

**Medico-Legal Journal:** *The Medico-Legal Journal* is a professional publication of the United Kingdom's Medico-Legal Society

"Removing the Moral Sting from Medical Malpractice Litigation: A Modest Proposal Based on the Canadian Experience," *Medico-Legal Journal* (Medico-Legal Society, London, U.K.), 67:1, May, 1999. Comments from this paper were quoted as authority in "Medical Malpractice and the Goals

of Tort Law,” by A. Brine, *Health Law Journal* (University of Alberta Faculty of Law), Vol. 11, 2003

**“The Accidental Mentor,” *Canadianlawyermag.com***

Monthly column in Canada’s leading online magazine for lawyers, providing advice to young lawyers, January, 2012 to present

“Apologia for a New Professionalism in Canadian Law” – January, 2013

“If the profession is broken, it may not be so bad” – December, 2012

“Can we stop making Common Sense?” – November, 2012

“What the Québec tuition protest taught law students” – October, 2012

“Developing the next generation of lawyers” – September, 2012

“Kill your darlings, before they kill you” – August, 2012

“Winning at meeting” – July, 2012

“Reincarnation for the legal bully-savant” – June, 2012

“Saying ‘yes’ to family” – May, 2012

“Making the most of wasted time” – April, 2012

“Talk to kids about law: It’ll be good for your career, too” – March, 2012

“Writing the valuable client letter” – February, 2012

“Procrastinators, don’t let work-life balance kill you” – January, 2012

**leeakazaki.com: An Open Mind About Law and Ethics**

Bilingual blog devoted to providing advice and commentary on professionalism for the benefit of new lawyers and law students – see <http://leeakazaki.com>; syndicated to a worldwide audience through Newstex, 2011 to present

Finalist, 2012 Fodden Award for Best Canadian Law Blog, Canadian Law Blog Awards (<http://www.clawbies.ca>)

Winner, 2011 Best New Blog Category, Canadian Law Blogs Awards

**OBA Publications:** *Just* Magazine (previously *Briefly Speaking*) is the monthly magazine of the OBA. *Civil Litigation Newsletter* (now called *Keeping Tabs*) is the magazine and newsletter of the Civil Litigation Section of the Ontario Bar Association.

“Big Law Blues,” *Just*, January, 2015

“Delivering a Memorable 30-Second Speech,” *Just*, June 2012

"Lawyers as Canadian Heroes: In Search of Our Burning Building," *Briefly Speaking* (OBA, August 2011)

"Professional Ethics Education is All in the Mind," *Briefly Speaking* (OBA, June 2011)

"Why Privilege is Sacred," President's Message, *Briefly Speaking* (OBA, April 2011)

"Lift Nozzle and Squeeze Handle: Is Self-Service Law Really the Answer?" *Briefly Speaking* (OBA, February 2011)

"The End of Law Societies? Not quite, but we need to polish our image to save self-regulation," *Briefly Speaking* (OBA, December 2010)

"2010-11: The Year OBA Members Look Up," *Briefly Speaking* (OBA, October 2010)

"Message from the Chair," *Civil Litigation Section Newsletter* (OBA, various, 2008-09)

"Bijural Harmony on the Plains of Abraham: OBA Participation at the Uniform Law Conference of Canada," *Briefly Speaking* (OBA, 2008)

"Report of the Ontario Civil Justice Reform Project: First Impressions that Last," *Briefly Speaking* (OBA, 2008)

"The Perils of 'Litigation Guardians' under the *Limitations Act, 2002*, II: The Sequel or the Prequel?" *Civil Litigation Section Newsletter* (OBA, 2007)

"The Perils of 'Litigation Guardians' under the *Limitations Act, 2002*," *Civil Litigation Section Newsletter* (OBA, 2007)

"Bill 14 and the Right of Paralegals to Appear before the Courts of Ontario," (OBA, 2006)

**The Journal of the Patent and Trademark Office Society:** *The Journal of the Patent and Trademark Office Society* is the world's leading professional/academic journal for patent and trademark law. It is affiliated with the United States' Patent and Trademark Office.

"Source Theory and Guarantee Theory in Anglo-American Trademarks Policy: A Critical Legal Study," *JPTO*, Vol. 72, 1990, pp. 255-78

**Copyright World:** *Copyright World* was a professional magazine based in the United Kingdom.

"Canadian Copyright Policy and the United States: Survival and Sleeping with the Elephant," *Copyright World*, Issue 7 (London: Intellectual Property Publishing Ltd, 1989)

"Moral Rights, Ideology and the Cult of the Personality," *Copyright World*, Issue 5 (1989)

### **The Lawyers' Weekly**

"Personal Injury Litigation in 2010: Would you like fries with your order?" May 2009

## **COMMUNITY & CIVIC ACTIVITIES**

My community and civic activities have focused on two areas, (I) public education and mentorship, and (II) justice system.

## **PART I – PUBLIC EDUCATION AND MENTORSHIP**

### **OBA Foundation – formerly The Advancement Of Legal Education And Research Trust (ALERT)**

Trustee, 2012-present

OBA Foundation is the charitable arm of the Ontario Bar Association. It raises funds and works on projects to promote legal education and advances innovative research with the goal of improving the justice system.

### **Ontario Justice Education Network (OJEN), Summer Law Institute (for High School Civics and Law Teachers)**

Organized, chaired and presented programme entitled “**Civil Law Confidential: Three Tough Lessons,**” August 27, 2008

Organized, chaired and presented programme entitled “**Doctors, Lawyers and Justice: When the Mass Disaster Happens,**” August 30, 2006

Organized, chaired and presented programme entitled: “**How the Courts Kept Me Alive - is pulling the plug on life saving interventions ever euthanasia?**” August 31, 2005

Various teaching resource materials I prepared over the years are published on the OJEN website, [www.ojen.ca](http://www.ojen.ca) (<http://www.ojen.ca/search/node/akazaki>)

### **Ontario Justice Education Network and OBA Law Day (for High School and Junior High School Students)**

Teacher and Mock Trial Judge, French-Language Mock Trial programme for École Secondaire Étienne Brûlé, June, 2012 (Teaching a classroom session about law, followed by a mock trial a week later)

Mock Trial Judge, OBA Law Day Mock Trials Competition, March, 2012

Speaker at joint OJEN-OBA Law Day Closing Celebration Dinner, April 15, 2010

Volunteer teacher, “So You Think You Can Sue” Programme for High Schools, April, 2009, April, 2010

Represented OBA at OJEN stakeholders conference, April 7, 2010

Workshop leader, OJEN Law Day, April 14, 2008 – Central Technical School, Toronto (taught two sessions on Euthanasia, Assisted Suicide and End of Life)

Workshop leader, OJEN Law Day, April 16, 2007 – Central Technical School, Toronto (taught two sessions on Emergency Preparedness)

Presented legal seminar for Grades 11-12 at Mary Ward Catholic Secondary School, April 2, 2007

Designed a lesson plan and officiated mock trial in Grade 8 class at Carlton Village Public School, Toronto, April 6 and 13, 2006

### **University of Toronto's Extern Job Shadowing Program**

Met with undergraduate students and provided career counseling in law. Led a custom-designed tour of courts at 393 University Avenue and Osgoode Hall, as well as the Law Society, Winter and Spring, 2012-16

### **Osgoode Hall Law School**

Honorary member, "Franco-Osgoode"

Presented "Être ou ne pas être bilingue," March 18, 2010

### **Outreach to Law Schools**

March 2, 2011	Speaker at University of Toronto Law School
February 24, 2011	Speaker at University of Ottawa
January 31, 2011	Speaker at University of Windsor Law School; Meeting with Dean Bruce Elman, Essex County Law Association President Colleen Caza, and OBA Volunteers
November 23, 2010	Meeting with Dean Mayo Moran, University of Toronto Faculty of Law
November 1, 2010	Speaker and host at OBA New Calls Reception – attended by Attorney-General Chris Bentley, Chief Justice Heather Smith (Superior Court of Justice), Chief Justice Annemarie Bonkalo (Ontario Court of Justice), and Bencher Julian Falconer

## **PART II – ACCESS TO JUSTICE, JUSTICE REFORM AND DIVERSITY IN THE JUSTICE SYSTEM**

### **Bilingual Pro Bono Duty Counsel, Law Society Discipline Proceedings**

Meeting with and appearing on behalf of lawyer and paralegal licensees in Law Society discipline hearings – March, 2012-14

### **JusticeNet.ca**

Member, expert advisory board, for non-profit corporation dedicated to providing access to justice for low-to-middle income Canadians, 2010 - ongoing

### **University of Toronto**

Workshop round table, University of Toronto Faculty of Law Symposium on Access to Justice for Low and Middle-Income Canadians, Feb 10-11, 2011

### **Asian Canadian Law Students Association**

Keynote speaker at Annual Conference, February 25, 2012

### **Ontario Bar Association**

June 10, 2011	Met with Justice Minister of Bangladesh on justice issues
April 28, 2011	Represented OBA at Aboriginal Law Luncheon with Justice Tony North from Australia
April 27, 2011	Represent OBA at the Ontario Justice Summit
March 2, 2011	Appeared on TVO's <i>The Agenda</i> show on a programme devoted to Access to Justice for Middle-Income Canadians, on panel with Justice Epstein and Dean Lorne Sossin
January 22, 2011	Addressed Manitoba Bar Association Council Meeting on Justice Issues in Ontario
December 20, 2010	Led OBA Delegation to Ontario Review of the <i>Public Works Protection Act</i>
December 17, 2010	Chaired Year-End Roundtable with Ontario Ministry of Attorney General staff
December 9, 2010	Hosted Attorney General of Ontario at OBA for announcement of provincial roll-out of "Home Court Advantage" reforms
November 30, 2010	Meeting with Legal Aid Ontario CEO Bob Ward and VP Dave McKillop over provincial funding issues
September 9, 2010	Attended Ontario Ministry of Finance Officials Meeting re <i>Electronic Land Registration Services Act</i>
May 5, 2010	Led OBA Legal Aid Town Hall
October 8, 2009	Met with Justice Minister of Hong Kong regarding Hong Kong Mediation and Arbitration Initiatives

### **Department for Constitutional Affairs (DCA), United Kingdom**

"Increasing Diversity in the Judiciary" – International submission to DCA Consultation Paper CP 25/04, Report published March, 2005

### **Speaking at Community Events and other Leadership Activities as OBA President and Vice-**

**president (excluding OBA Business Meetings and other bar events, too numerous to list)**

September 10, 2010	Speaker at AGM of the Kenora Law Association, Kenora
September 14, 2010	Represented OBA at Divine Interfaith Service for Opening of Courts Represented OBA at Ontario Opening of Courts
September 29, 2010	Speaker at OBA Award for Excellence in Civil Litigation – Dinner for the late Bonnie Tough
November 13, 2010	Attended with YLD East at Ottawa Timeraiser Charity Event
April 28, 2011	Speaker at OBA Insurance Law Award of Excellence Dinner for Paul Lee, Q.C.
May 5, 2011	Speaker at OBA Awards Gala
May 16, 2011	Speaker at OBA Reception for the Ontario Judiciary
April 19, 2010	Speaker at OBA Public Sector Lawyers Section Award of Excellence Dinner for Janet Minor
April 27, 2010	Speaker at Insurance Law Section Award of Excellence Dinner – GTA, for Tom McGrenere
April 29, 2010	Speaker at Florida Bar Reception hosted by Stikemans LLP
May 19, 2010	Speaker at OBA Award of Excellence in Insurance Law – Regional, awarded to Kris Knutsen, event featured on local Thunder Bay TV and press
June 1, 2010	Represented OBA at Canadian Club of Toronto for Chief Justice McLachlin, awarded “Canadian of the Year” Represented OBA at Reception for the Ontario Judiciary
June 17, 2010	Represented OBA at Reception in honour of appointment of Justice Karakatsanis to the Court of Appeal for Ontario

**CASES REPORTED AS COUNSEL**

Cases with titles in **Bold** appeared in the following traditional peer-reviewed print reports:

*Ontario Reports (O.R.)*

*Dominion Law Reports (D.L.R.)*

*Ontario Appeal Cases (O.A.C.)*

*Canadian Patent Reports (C.P.R.)*  
*Canadian Bankruptcy Reports (C.B.R.)*  
*Real Property Reports (R.P.R.)*  
*Canadian Cases in the Law of Insurance (C.C.L.I.)*  
*Canadian Insurance Law Reporter (I.L.R.)*  
*Carswell's Practice Cases (C.P.C.)*  
*Ontario Trial Cases (O.T.C.)*  
*All Canada Weekly Summaries (A.C.W.S.)*

Cases with titles in Normal font are from the following electronic reporting services:

*Westlaw / Carswell (CarswellOnt)*  
*Ontario Judgments (Quicklaw) (O.J.)*  
*CanLII*

### **Court of Appeal for Ontario**

- 1) ***Belende c. Patel et al.*** (2008), 89 O.R. (3d) 502 (Ont. C.A. – French) - Scope of right to be heard by a French-speaking judge – mortgage action
- 2) *Wong v. Prudent Westcom Group Inc.*, [2005] O.J. No. 5348 (C.A.) (2005) 144 A.C.W.S. (3d) 239 - appeal from interlocutory order in action involving property development dispute
- 3) *Simons v. Buck*, [2003] O.J. No. 827 (C.A.) - appeal from stated case in solicitor negligence action
- 4) ***Lee-Mar Developments Ltd. v. Monto Industries Ltd.***, [2002] I.L.R. I-4066 (Ont. C.A.) - determination of subrogation rights under commercial lease
- 5) *Peirson v. Bent*, [1998] O.J. No. 1607 (C.A.) - appeal of personal injury action (defendant appealed liability, plaintiffs appealed quantum of damages)
- 6) ***Peirson v. Bent*** (1996), 6 C.P.C. (4th) 1 (C.A.) - interim damages of \$200,000 awarded to plaintiff pending appeal by doctor in medical malpractice action
- 7) *Consumers' Gas Co. v. Ontario (Workers' Compensation Appeals Tribunal)*, 1996 ACWSJ LEXIS 75386; 1996 ACWSJ 39762, leave to appeal from judicial review of WCAT decision on a right-to-sue application (C.A.)
- 8) ***Elliott v. Canadian Broadcasting Corporation*** (1995), 125 D.L.R. (4th) 534; 62 C.P.R. (3d) 19; 25 O.R. (3d) 302 (C.A.); 82 O.A.C. 115 (C.A.) - class action on behalf of 25,000 Canadian WWII bomber air crew against producers of the *Valour and the Horror*
- 9) *Heon v. Theberge*, [1992] O.J. No. 3683 (C.A.) - partnership dispute
- 10) *Watt v. Hetherington, Park and Carriere*, [1996] O.J. No. 587 (C.A.) - appeal in action recovery of trust funds
- 11) ***Wong v. Thomson, Rogers*** (1994), 48 A.C.W.S. (3d) 868 (Ont. C.A.) - appeal from judgment dismissing claim in solicitor's negligence - acceptance at appellate level of the threshold test in the Ont. High Court judgment in *Demarco v. Ungaro* for barristers' negligence actions



### **Divisional Court (Ontario)**

- 12) *Gordge-Citron v. Hamilton Conference of the United Church of Canada*, [2001] O.J. No. 1159 (Div. Ct.) - judicial review of church court decision
- 13) *Consumers Gas Co. v. Workers' Compensation Appeals Tribunal*, [1996] O.J. No. 460 (Div. Ct.) - judicial review of Workers' Compensation Appeals Tribunal (WCAT) decision
- 14) ***Symons v. United Church of Canada*** (1993), 16 O.R. (3d) 379 (Div. Ct.) - interlocutory decision - leave to appeal from refusal of judge to issue publication ban in action brought by United Church ministers
- 15) ***Shimcor Investments Ltd. v. City of Toronto*** (1993), 12 O.R. (3d) 794 (Div. Ct.) - interlocutory decision re costs of complex *Mareva* injunction application
- 16) *Ontario Hydro v. Ontario (Human Rights Comm.)*, 1993 CanLII 5612 (ON SCDC) — 1993-02-22 Divisional Court — Ontario *settled practice* — *depart* — *reported* — *quashed* — *premature*
- 17) ***Davis v. United Church of Canada*** (1992), 92 D.L.R. (4th) 678; 8 O.R. (3d) 75 (Div. Ct.)- judicial review application - review of decision of ecclesiastical court (celebrated reinstatement of two United Church Ministers)
- 18) ***Van Schyndel v. Harrell (2)*** (1991), 6 O.R. (3d) 335 (Div. Ct.) - appeal to Divisional Court of municipal conflict of interest application

### **Ontario Superior Court of Justice**

- 19) *Gluckstein Personal Injury Lawyers v. Verlaan-Cole*, 2019 ONSC 6648 (CanLII) – lawyers' fee dispute
- 20) *2049390 Ontario Inc. v. Leung*, 2019 ONSC 2035 (CanLII) – costs of trial
- 21) *Cronnox Inc. v. Lloyd's Underwriters*, 2018 ONSC 6437 (CanLII) - Insurance coverage under engineers' professional liability policy
- 22) *2049390 Ontario Inc. v. Leung*, 2018 ONSC 5759 (CanLII) – trial of broker negligence action
- 23) *Ikpa v. Itamunoala*, 2018 ONSC 3974 (CanLII) – summary judgment of mortgage action
- 24) *AACR Inc. v. Lixo Investments Limited*, 2018 ONSC 2774 (CanLII) – contract dispute re fire restoration work
- 25) *Liberty Mutual Insurance Company v. Cronnox Inc.*, 2018 ONSC 1578 (CanLII) – Insurance coverage under engineers' professional liability policy
- 26) *Innvest Master Properties GP X Ltd. v. 1271519 Ontario Limited*, 2017 ONSC 5961 (CanLII) Intervention of interested party
- 27) *AACR Inc. v. Lixo Investments Limited*, 2017 ONSC 3199 (CanLII) – substantial indemnity costs
- 28) *AACR Inc. v. Lixo Investments Limited*, 2017 ONSC 1009 (CanLII) – joinder of parties in

construction lien action – summary judgment

- 29) *Ferrara v. Rambaran*, 2017 CarswellOnt 20050; 2018 ONSC 1684; 288 A.C.W.S. (3d) 32 – costs of motion below
- 30) *Ferrara v. Rambaran*, 2017 CarswellOnt 20049; 2018 ONSC 1684; 288 A.C.W.S. (3d) 640 – leave to bring motion against non-parties
- 31) *Birmingham Business Centre Inc. v Misurka*, 2016 CanLII 44182 (ON SCSM) – dismissal of action against appraiser
- 32) *Hydra Tan Ltd. v 2049390 Ontario Inc.*, 2016 ONSC 1532 (CanLII) - interpretation of commercial lease
- 33) *720441 Ontario Inc. v. The Boiler et al.*, 2015 ONSC 6681 (CanLII) – security for costs
- 34) *Bank of Nova Scotia v. Lockerbie & Hole*, 2013 ONSC 1601 (CanLII) – interpretation of builder's risk insurance
- 35) *Great Gulf Group Ltd. v. Taylor*, 2010 CarswellOnt 9941 – Payment of insurance proceeds — Recovery of expenses.
- 36) *Belende v. Patel*, 2009 CanLII 74 (ON SC) — French language hearing regarding mortgage action
- 37) *St. Mary's Cement Company Inc. v. Ace Ina Insurance*, 2008 CanLII 32307 (ON SC) — duty to defend between primary and excess insurers
- 38) ***Gallant-Clough v. Anderson et al.***, [2007] I.L.R. G-2054 (Ont. S.C.J.) - medical malpractice trial
- 39) *Asgari v. Jain*, 2006 CanLII 20530 (ON SC) — medical malpractice trial
- 40) *Ford-Smith Machine Co. (Bankruptcy), Re*, 2005 CanLII 9671 (ON SC) – limitation of actions – whether auto falling from hoist is an automobile accident
- 41) *Walker Magnetics Group Inc. v. Ford-Smith Machine Co.*, [2005] O.J. No. 3012 - costs order from interlocutory motion
- 42) *Wong v. Prudent Westcom Group, Inc.*, [2005] O.J. No. 1521; (2005) 138 A.C.W.S. (3d) 1047 - interlocutory order in property development dispute
- 43) *Walker Magnetics Group Inc. v. Ford-Smith Machine Co.*, [2005] O.J. No. 1249 [2005] O.T.C. 239; 38 A.C.W.S. (3d) 420 - summary judgment motion
- 44) ***Chinook Group Limited et al. v. Foamex International Inc.*** (2004), 76 O.R. (3d) 239 O.R. (3d) (S.C.J.) – interlocutory decision – effect of subrogation bar on joint and several tortfeasors
- 45) ***Chinook Group Limited et al. v. Foamex International Inc.*** (2004), 72 O.R. (3d) 381 (S.C.J.) – interlocutory decision – effect of subrogation bar on joint and several tortfeasors
- 46) ***Cranberry Cove Tower Inc. v. Monarch Trust Co.*** (2003), 11 R.P.R. (4<sup>th</sup>) 108 (S.C.J.) -trial of mortgage remedies action

- 47) *Cranberry Cove Tower Inc v. Monarch Trust Co.*; 2003 CarswellOnt 2258 - Civil Practice and Procedure — Security for costs — Grounds for requiring security — Lack of assets.
- 48) *Cranberry Cove Tower Inc. v. Monarch Trust Co.*, [2003] O.J. No. 2419 (S.C.J.) - interlocutory Order in mortgage remedies action
- 49) *Blair v. Searles*, [2003] O.J. No. 808 (S.C.J.) - interlocutory Motion in real estate action
- 50) *Simons v. Buck*, [2002] O.J. No. 3120 (S.C.J.) - stated case in solicitor negligence action re *res judicata* and issue estoppel
- 51) *Cranberry Cove Tower Inc. v. Monarch Trust Co.*, [2002] O.J. No. 1727 (S.C.J.) - appeal from interlocutory order in real estate action
- 52) ***Bigio v. Royal Insurance*** (2001), 7 C.P.C. (5th) 136 (Ont. Sup. Ct.) - appeal re scale and quantum of costs
- 53) ***Lee-Mar Developments Ltd. v. Monto Industries Ltd*** (2000), 18 C.C.L.I. (3d) 224; 32 R.P.R. (3d) 83 (Ont. Sup. Ct.) - determination of subrogation rights under commercial lease
- 54) ***Romaniuk v. Prudential***, [2000] I.L.R. I-3852; 25 C.C.L.I. (3d) 205; 1 C.P.C. (5<sup>th</sup>) 318 (Ont. Sup. Ct) appeal from interlocutory order regarding privilege issues
- 55) *2934752 Canada Inc. (c.o.b. Highland Transport) v. W. Picket Bros. Customs Brokers*, [1999] O.J. No. 5435 (S.C.J.) - trial decision in *replevin* action
- 56) *Hicken v. Etobicoke (City)*, [2000] O.J. No. 578 (S.C.J.) - interlocutory motion in personal injury action
- 57) *Hicken v. Etobicoke (City)*, [1999] O.J. No. 3680 (S.C.J.) - interlocutory motion in personal injury action
- 58) *Hicken v. Etobicoke (City)*, [1999] O.J. No. 2946 (S.C.J.) - interlocutory motion in personal injury action
- 59) *R.L.H. v. M.H.*, [1998] O.J. No. 3255 (S.C.J.) - summary judgment motion re psychiatrists and psychologists' medical malpractice action by parents exonerated of sexual abuse
- 60) *Lorefice v. Consumers Gas Co.*, [1998] O.J. No. 2832 (S.C.J.) - trial decision in action for damages arising from fire
- 61) *Watt v. Hetherington, Park & Carriere*, [1997] O.J. No. 5216 (G.D.) - trial of action for recovery of trust funds from innocent partners
- 62) *Total Flow Distribution Ltd. v. Purolator Courier Inc.*, [1997] O.J. No. 3019 (G.D.) - interlocutory motion – civil remedy under the *Competition Act*
- 63) *Dawit v. Kingsway General Insurance Co.*, [1997] O.J. No. 2888 (G.D.) - trial of action against insurance company for weekly accident benefits
- 64) ***Watt v. Hetherington, Park & Carriere*** (1997), 50 O.T.C. 207 (Ont. Ct. Gen. Div.) - trial decision in trust action under the *Partnerships Act*

- 65) *Bell v. Andreoli*, [1996] O.J. No. 4494 (G.D.) - trial of real property fraud action
- 66) ***Starline Entertainment Ltd. v. Cicarelli et al.*** (1995), 25 O.R. (3d) 765 (Gen. Div.)- summary judgment decision in action re gaming licence
- 67) *Kaplan v. Kaplan Estate*, [1995] O.J. No. 2353 (G.D.) - series of interlocutory motions in estate action on behalf of beneficiaries
- 68) *Iorfida v. Macleod*, [1995] O.J. No. 2132 (G.D.) - trial of libel action by non-profit political organization against national newspaper
- 69) ***Davies (in trust) v. Levy*** (1994), 27 C.B.R. (3d) 133 (G.D.); and *Law Times*, Aug. 22, 1994 - trial decision in action for after-acquired rights of undischarged bankrupt
- 70) *558229 Ontario Ltd. v. Nachtsheim*, [1994] O.J. No. 1702 (G.D.) - summary judgment motion in action for damages arising from natural gas explosion
- 71) *Wussow v. Forsyth*, [1994] O.J. No. 22 (G.D.) - landlord and tenant trial
- 72) ***Elliott v. Canadian Broadcasting Corporation*** (1993), 108 D.L.R. (4th) 385; 52 C.P.R. (3d) 145; 16 O.R. (3d) 677 (Gen. Div.); 24 C.P.C. (3d) 143 - interlocutory decision - see appeal decision above
- 73) ***Peirson v. Bent*** (1993), 13 O.R. (3d) 429 (Gen. Div.) - interlocutory decision re evidence in motion for summary judgment (included judge's proposals for reform of rule re exchange of expert reports, proposals now enacted as 90-day rule under Rule 53)
- 74) ***Central Capital Corp. v. Clausi*** (1993), 13 O.R. (3d) 335 (Gen. Div.) - summary judgment re tracing action on guarantee as equitable remedy in support of enforcement of mortgage obligations in a series of proceedings
- 75) *Lenzo v. A & A Bobcat Co.*, [1993] O.J. No. 1052 (G.D.) - summary judgment motion in mass disaster case
- 76) ***Wong v. Thomson, Rogers*** (1992), 33 A.C.W.S. (3d) 1159 (Gen. Div.) - trial of barrister's negligence action
- 77) *Nelma Information Inc. v. Holt*, [1992] O.J. No. 1340 (G.D.) - interlocutory proceedings in banker's negligence action
- 78) ***Van Schyndel v. Harrell*** (1991), 4 O.R. (3d) 474 (Gen. Div.) - application re municipal conflict of interest

#### ***Workplace Safety Insurance Appeals Tribunal***

- 79) Decision No. 2832/07R, 2010 ONWSIAT 1383 (CanLII) — 2010-06-10 Ontario Workplace Safety and Insurance Appeals Tribunal — Ontario *reconsideration* — *evidence* — *independent operator* — *intervenor status* — *association*
- 80) Decision No. 2832/07, 2009 ONWSIAT 1767 (CanLII) — 2009-07-24 Ontario Workplace Safety and Insurance Appeals Tribunal — Ontario *truckers* — *independent operator* — *worker* — *work*

— drivers

**Financial Services Commission of Ontario**

- 81) *Owusu v. Non-Marine Underwriters, Lloyd's London*, 2004 CarswellOnt 2445  
Financial Services Commission of Ontario - Arbitration Decision
- 82) *Trieu v. Non-Marine Underwriters, Mbrs. of Lloyd's*; 2002 CarswellOnt 6016; Financial Services Commission of Ontario (Arbitration Decision) -- Insurance -- Automobile insurance — No-fault benefits — Disability benefits (loss of income payments) — Entitlement — General principles.