

Bryan Finlay KC

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Practice Areas

Administrative & Public Law

Class Actions

Commercial Litigation

Indigenous Peoples

Litigation & Dispute

Resolution

Bryan Finlay KC is recognized as one of the top litigation lawyers in Canada.

"Mr. Finlay, with his usual consummate skill..." (Ontario Court of Appeal)

Toronto Dominion Bank v Leigh Instruments Ltd (Trustee of) (1999) 45 OR (3d) 417, at p 419

Bryan's counsel practice is broad and has engaged the most complex commercial, constitutional, tort and public law issues. These have included issues of corporate espionage, spoliation, fraud, shareholder rights, directors and officers' responsibilities, financial reporting obligations, responsibilities and obligations of government and its various agencies, securities regulation, fiduciary obligations, defamation, policing, and competition law issues.

Bryan was awarded The Advocates' Society Medal at a gala dinner on February 12, 2019. The Advocates' Society Medal is the highest expression of esteem that the Society can convey to one of its members. It is intended to honour those who have demonstrated clearly their pre-eminence as counsel and who are acknowledged unequivocally as leaders of the bar, who have been dedicated and active members of The Advocates' Society, and who have made a significant contribution to the profession of law and to the well-being of the community at large.

Bryan was also awarded the prestigious 2012 Ontario Bar Association Award for Excellence in Civil Litigation at a gala dinner on September 27, 2012 at which the Honourable Mr. Justice Cromwell, of the Supreme Court of Canada, was the keynote speaker.

In December 2015 Bryan accepted an invitation from the Supreme Court Advocacy Institute to join the Advisor Roster for Toronto. The Institute offers to all counsel appearing before the Court the opportunity to appear before a panel of two or three senior appellate counsel to moot their argument in advance of the hearing. The Institute has a roster of senior appellate counsel with significant Supreme Court of Canada experience ("advocacy advisors") in every major Canadian city.

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Called to the Bar	Education	Affiliations
<ul style="list-style-type: none"> • Ontario (1969) 	<ul style="list-style-type: none"> • LL.B., University of Toronto, 1967 • B.A. (Hons.), University of Toronto, 1964 	<ul style="list-style-type: none"> • Fellow, American College of Trial Lawyers • Commercial Bar Association (England & Wales): Honorary Overseas Member • Canadian Bar Association • Ontario Bar Association

Notable Mandates

Acted as co-counsel for terminated General Motors dealerships in a class action. This action arises out of the restructuring of General Motors in Canada in which the Government of Canada was directly involved. *Trillium Motor World Ltd v General Motors of Canada Limited et al*, (2012), 76 ETR (3d) 294, 92 CCLT (3d) 204 and 193, (Div Crt), 2011 ONSC 1300 (Sup Crt). Judgment was granted at trial against the law firm and dismissed as against General Motors Canada: *Trillium Motor World Ltd. v. General Motors of Canada Ltd.* (2015), 30 C.B.R. (6th) 1, 48 B.L.R. (5th) 142 (O.N.S.C.); Appealed dismissed except for a variation in damages 2017 CarswellOnt 10114, 2017 ONCA 544, 281 A.C.W.S. (3d) 417, 41 C.C.L.T. (4th) 177, 50 C.B.R. (6th) 26, 72 B.L.R. (5th) 177 [E.A. Cronk, K. van Rensburg, G. Pardu JJ.A.]; leave to appeal to the S.C.C. dismissed (March 29, 2018). **(Identified by *The Law Times* as one of the six top cases of 2015.)**

Acted for U.S. Steel Canada, formerly Stelco, in defending a \$500M claim with respect to an alleged breach of contract. U.S. Steel Canada was successful at trial. There is no appeal. See (2012) , 113 OR (3d) 81.

Acts for the defendants in a class action where the claim is based on the statutory cause of action in the *Securities Act* for alleged misrepresentations in the company's public disclosure. This case raised the issue of whether a Canadian company with connections to Ontario but that trades its shares only on a foreign exchange (NASDAQ) is subject to the Ontario regulatory legislation. The Ontario Court of Appeal found that the jurisdiction existed. Leave to appeal to the Supreme Court of Canada was denied. See *Abdula v. Canadian Solar Inc et al* (2012), 348 DLR (4th) 597, 98 BLR (4th) 199, 110 OR (3d) 256 (Ont C A), 92 BLR (4th) 324 (Ont Sup Crt), (2015) 46 B.L.R. (5th) 222.

Appeared in London as counsel for the appellant before the Judicial Committee of the Privy Council on an appeal from the Eastern Caribbean Court of Appeal. *E. Anthony Ross v Bank of Commerce (Saint Kitts Nevis) Trust and Savings Association Limited* [2012] UKPC3.



Acted for the successful estate trustee in the leading case on the rules of will interpretation where a testator employs multi-wills; the case also revisits the law on ademption. *Re Kaptyn Estate* (2010), 102 O.R. (3rd) 1; 2010 ONSC 4293; OJ No 3347; CarswellOnt 5804; CCS No 13551.

Acted for the successful Appellant in *GEA Group AG v Ventra Group Co. et al.* (2009) 312 D.L.R. (4th) 160; (Ont. C.A.) 96 O.R. (3d) 481; 76 C.P.C. (6th) 3, now the leading case in Canada on the test for a *Norwich Order*.

Acted for the Appellants in *R. v. Kapp* in the Supreme Court of Canada on appeal from the British Columbia Court of Appeal in what is now the leading case on sections 15(1) and 15(2) of the *Charter*. The Court has signaled a return to *Andrews* and established a completely new test and approach for section 15(2). See *R v Kapp*, [2008] 2 SCR 483; 2008 SCC 41; [2008] 3 CNLR 346; see also [2006] 10 WWR 577, (2006), 141 CRR (2d) 249; [2006] 3 CNLR 282; (2006), 56 BCLR (4th) 11, 2006 BCCA 277 (June 8, 2006).

Acted for the Law Society of Upper Canada in its attack against the regulation establishing the Canadian Society of Immigration Consultants (an organization responsible for governing immigration consultants). This case raised the issue of independence of the bar: see *Law Society of Upper Canada v Canada (Minister of Citizenship and Immigration)*, 295 DR (4th) 488; [2008] FCJ No. 1093 (C.A.) (QL); see also (2006), 58 Admin L.R. (4th) 293, 59 Imm LR (3d) 179, [2007] 4 FCR 132, 2006 FC 1489, (Fed Trial Div).

Acted for various defendants in *Nicholas Shaw v Terena Shaw et al* (cross-border litigation) and was successful in obtaining an order obtaining carriage of foreign litigation: see *Shaw v Shaw*, [2006] O.J. No. 1716 (SCJ); leave to appeal denied [2007] OJ No 73 (Div Crt); and in obtaining an anti-suit injunction with respect to litigation in the U.S. notwithstanding the defendants were not parties to that litigation: see *Shaw v. Shaw*, [2007] OJ No 2758 (SCJ).

Acted for one of the former senior officers in Nortel Networks Corporation and Nortel Networks Limited in proceedings before the Ontario Securities Commission and various related litigation arising out of Nortel's various restatements.

Acted for the Commissioner of Competition at first instance in *The Commissioner of Competition v Labatt Brewing Co Ltd et al*, 2007 Comp Trib 9. **This decision is ranked in the Top Ten Business Cases of 2007 in Canada by Lexpert.**

Acted as Ontario counsel for WestJet in its litigation with Air Canada: See (1) (2006), 267 DLR. (4th) 483. **This decision is ranked as #1 in the Top Ten Business Cases of 2006 in Canada by Lexpert;** see also (2) (2005), 20 C.P.C. (6th) 141; (3) [2005] OJ No 2310; and (4) *Air Canada v WestJet Airlines Ltd.* (2004), 72 OR (3d) 669. This case has now settled.

Acted successfully for the parents of two autistic children against the government respecting the process involved in the government's funding decisions: *N (R)(Litigation Guardian of) v Ontario* (2004) 70 O.R. (3d) 420; 238 DLR (4th) 73 (Ont Div Ct); 184 O.A.C. 348.

Retained by Davis Webb Schulze & Moon LLP on behalf of its client to seek to set aside the largest cost award made by the Ontario Municipal Board against a party following a hearing. The application for Judicial Review was dismissed by the Divisional Court (June 13 and October 6, 2003).

Retained by a major U.S. motion picture distributor in the Competition Bureau's (*Competition Act*) inquiry into the Motion Pictures Industry. Complainants alleged that practices by the major motion picture distributors and certain exhibitors resulted in distributors not supplying commercially valuable motion pictures to other exhibitors. The Bureau's inquiry, which took place from April 2000 to October 2002, was discontinued on December 12, 2002. The Bureau was unable identify any anti-competitive activity.

Retained by Miller Thomson LLP as counsel for its client, the appellant Bloorview MacMillan Centre, in its appeal to the Court of Appeal in *Bloorview Childrens Hospital Foundation v Bloorview MacMillan Centre*. The lower Court decision is reported at (2002), 44 ETR (2d) 155 and 175; 22 BLR (3d) 182 (Pitt J). The case settled following argument. The case raised significant issues concerning the relationship between a hospital and its foundation.

Retained by Davies Ward Phillips & Vineberg LLP in the Court of Appeal in *Chapters Inc v Davies Ward & Beck LLP* (2001), 52 OR (3d) 566; 10 BLR (3d) 104; 141 OAC 380. This is the leading Ontario case on the application of the *Martin* test (for conflict of interest).

Retained by the former President, CEO and Director of YBM Magnex International, Inc. to act for him in all litigation in Ontario including before the Ontario Securities Commission. (see *Royal Trust Corp of Canada v Fisherman* (2000), 49 OR (3d) 187; 46 CPC (4th) 388; 76 CRR (2d) 153)

Retained by The Toronto-Dominion Bank in the Court of Appeal in *Toronto-Dominion Bank v Leigh Instruments Ltd (Trustee Of)* (1999), 178 DLR (4th) 634; (1999), 45 OR (3d) 417 (CA); 124 OAC 87. The trial had taken over one year. The Bank was seeking compensation in the amount of approximately \$80 million pursuant to Comfort Letters provided to it by a multinational.

Acted in the *Supreme Court of Canada* in *Colborne Capital Corp v 542775 Alberta Ltd* (1995), 30 Alta LR (3d) 127, [1995] 7 WWR 671, 171 AR 241, 22 BLR (2d) 226 (QB), varied (1999), 228 AR 201, 188 WAC 201, 45 BLR (2d) 21 (Alta CA) This case raised issues concerning the scope of the powers of a director of a single shareholder company and the standard conduct governing competitors for the

control of a corporation; and where tortious conduct was found, the appropriate level of damages. The trial took 97 days.

Acted as counsel for the Roman Catholic Hospitals across Ontario with respect to the restructuring of health care. The reported cases are as follows: *Russell et al v Health Services Restructuring Commission* (Ont.) (1998), 114 OAC 280, 13 Admin LR (3d) 196 (Div Ct), aff'd (1999), 175 DLR (4th) 185, 121 OAC 283 (CA), leave to appeal refused by the Supreme Court of Canada (2000), 181 DLR (4th) vii; *Pembroke Civic Hospital v Ontario* (1997), 36 OR (3d) 41 (Div Ct); *Wellesley Central Hospital v Ontario* (1997), 151 DLR (4th) 706 (Div Ct).

Acted for the defendants in *Jane Doe v Board of Commissioners of Police for the Municipality of Metropolitan Toronto* (1998), 39 OR (3d) 487 (Trial: MacFarland, J.); 160 DLR (4th) 697; see also (1990), 74 OR(2nd) 225 (Div Ct). The issue was whether the police had acted negligently in a criminal investigation and had breached a constitutional duty of care to a rape victim by failing to warn her of the likelihood that she might be assaulted by a serial rapist.

In *Dell Holdings Limited v Toronto Area Transit Operating Authority*, [1997] 1 SCR 32; 31 OR (3d) 576; 142 DLR (4th) 206, acted for the developer in its successful appeal against the Authority which had delayed the development of its lands. This was the first Ontario expropriation case heard by the Supreme Court of Canada since 1989 and established an important new principle.

Acted for the Government of Ontario in the inquiry into police conduct which resulted in the *Report of the Commission of Inquiry into Events of March 18, 1996 at Queen's Park ("Estey Commission")*, October 22, 1996.

Acted for the securities dealer in *Re EA Manning Limited v Ontario Securities Commission* (1995), 23 OR (3d) 257 (CA); 125 DLR (4th) 305; 80 OAC 321. All members of the Ontario Securities Commission appointed before a particular date were prevented from presiding at a disciplinary hearing because of apprehended bias.

In *Hill v Church of Scientology*, [1995] 2 SCR 1130; 24 OR (3d) 865; 126 DLR (4th) 129, appeared in the Supreme Court of Canada for an unsuccessful appellant. This is a leading case in defamation. (Also appeared as counsel in *Botiuk v Toronto Free Press Publications Ltd*, [1995] 3 SCR 3, the companion case to *Hill v Church of Scientology*)

Acted for the successful plaintiff in *Ainsley Financial Corp v Ontario Securities Commission* (1994), 21 OR (3d) 104 (CA); 121 DLR (4th) 79; 77 OAC 155, which dealt with the administrative law principles concerning the jurisdiction of a tribunal to make policies/rules. It gave rise to a Task Force which made recommendations, since acted upon, for sweeping amendments to the *Securities Act*.

Additional significant Supreme Court of Canada cases:

Pezim v British Columbia (Superintendent of Brokers), [1994] 2 SCR 557 (intervenor); 114 DLR (4th) 385; 22 Admin LR (2d) 1.

Thomson Newspapers Ltd v Canada (Director of Investigation and Research), [1990] 1 SCR 425; 72 OR (2d) 415; 67 DLR (4th) 161.

Re An Act to Amend the Education Act, [1987] 1 SCR 1148; 40 DLR (4th) 18; 22 OAC 321.

Irvine v Canada (Restrictive Trade Practices Commission), [1987] 1 SCR 181; 41 DLR (4th) 429; 24 Admin LR 91.

Multiple Access Ltd v McCutcheon, [1982] 2 SCR 820.

Roman Corp v Hudson's Bay Oil & Gas Co, [1973] SCR 820.

Reported Cases

Trillium Motor World Ltd. v. General Motors of Canada Ltd. and Cassels Brock & Blackwell LLP, 2017 CarswellOnt 10114, 2017 ONCA 544, 281 A.C.W.S. (3d) 417, 41 C.C.L.T. (4th) 177, 50 C.B.R. (6th) 26, 72 B.L.R. (5th) 177 [E.A. Cronk, K. van Rensburg, G. Pardu JJ.A.]; leave to appeal to the S.C.C. dismissed (March 29, 2018).

Re U.S. Steel Canada Inc. (2016), 44 C.B.R. (6th) 133 (Ont. S.C.J.)

Trillium Motor World Ltd. v. General Motors of Canada Ltd. (2015), 30 C.B.R. (6th) 1, 48 B.L.R. (5th) 142 (O.N.S.C.)

Abdula v. Canadian Solar Inc., (2015) 46 B.L.R. (5th) 222.

Assn. for the Protection of Amherst Island v. Ontario (Director of Environmental Approvals) (2014), 324 O.A.C. 265 (Ont Sup Ct J (Div Ct)).

Georgian Windpower Corp. v. Stelco Inc. (December 19, 2012), 113 O.R. (3d) 81 (Ont Sup Ct)

Abdula v. Canadian Solar Inc. (March 30, 2012), 110 O.R. (3d) 256 (Ont CA).

Trillium Motor World Ltd v General Motors of Canada Ltd. (March 26, 2012), 76 ETR (3d) 294 (Ont Sup Ct).

Trillium Motor World Ltd. v. General Motors of Canada Ltd. (2012), 37 C.P.C. (7th) 19 (Ont Sup Ct J).

Abdula v. Canadian Solar Inc. (August 29, 2011), 92 B.L.R. (4th) 324 (Ont Sup Ct).

Georgian Windpower Corp. v. Stelco Inc. (June 17, 2011), 12 R.P.R. (5th) 133 (Ont Sup Ct).

Trillium Motor World Ltd v General Motors of Canada Ltd (March 1, 2011), 7 C.P.C. (7th) 388 (Ont Sup Ct).

Kaptyn Estate, Re (January 25, 2011), 7 CPC (7th) 94 (Ont Sup Ct).

Royalcliff Developments Inc. v. Brampton (City) (October 14, 2010), 76 MPLR (4th) 154 (Ont Sup Ct).

Kaptyn Estate v Kaptyn Estate (August 6, 2010), 102 OR (3d) 1 (Ont Sup Ct).

GEA Group AG v. Ventra Group Co. (December 11, 2009), 315 D.L.R. (4th) 558 (Ont CA).

Kaptyn Estate (Re) (December 1, 2009), 54 E.T.R. (3d) 313 (Ont Sup Ct).

Gea Group AG v. Ventra Group Co. (August 21, 2009), 96 O.R. (3d) 481 (Ont CA).

Toronto (City) v. R & G Realty Management Inc. (August 11, 2009), 63 M.P.L.R. (4th) 192 (Ont Sup Ct).

Levine v. Inwentash (April 16, 2009), 62 O.M.B.R. 19 (Ont Sup Ct (Div Ct)).

Gea Group v. Ventra Group (January 9, 2009), 66 C.P.C. (6th) 37 (Ont Sup Ct).

Temple Kol Ami v. Elm Thornhill Woods Inc. (September 19, 2008), 170 ACWS (3d) 232 (Ont CA).

Law Society of Upper Canada v. Canada (Minister of Citizenship and Immigration) (July 18, 2008), 295 D.L.R. (4th) 488 (FCA).

Georgian Windpower Corp. v. Stelco Inc. (June 30, 2008), 168 ACWS (3d) 236 (Ont CA).

v. Kapp (June 27, 2008), [2008] 2 S.C.R. 483 (SCC).

Temple Kol Ami v. Elm Thornhill Woods Inc. (June 11, 2008), 68 R.P.R. (4th) 212 (Ont CA).

Georgian Windpower Corp. v. Stelco Inc. (April 28, 2008), 171 ACWS (3d) 296 (Ont Sup Ct).

Magnussen Furniture Inc. (c.o.b. Magnussen/Presidential Furniture) v. Mylex Ltd. (March 14, 2008), 89 O.R. (3d) 401 (Ont CA).

Shaw v. Shaw (January 24, 2008), 163 ACWS (3d) 712 (Ont Sup Ct).

Shaw v. Shaw (December 20, 2007), 162 ACWS (3d) 571 (Ont Sup Ct).

Gollogly v. Ontario (Securities Commission) (November 29, 2007), 73 Admin. L.R. (4th) 274 (Ont Sup Ct).

Ontario Realty Corp. v. P. Gabriele & Sons Ltd. (September 24, 2007), 160 ACWS (2d) 967 (Ont Sup Ct).

Shaw v. Shaw (July 9, 2007), 158 ACWS (3d) 989 (Ont Sup Ct).

Royalton Banquet and Convention Centre Ltd. v. Westplex Centre Inc (April 5, 2007), 156 ACWS (3d) 695 (Ont CA).

Canada (Commissioner of Competition) v. Labatt Brewing Co. (March 30, 2007), 2007 Comp. Trib. 9 (Can CT).

Canada (Commissioner of Competition) v. Labatt Brewing Co. (March 27, 2007), 2007 Comp. Trib. 7

(Can CT).

Shaw v. Shaw (January 8, 2007), 155 ACWS (3d) 252 (Ont Sup Ct).

Law Society of Upper Canada v. Canada (Minister of Citizenship and Immigration) (December 13, 2006), 58 Admin L. R. (4th) 293 (FCA).

Keays v. Honda Canada Inc. (c.o.b. Honda of Canada MFG) (September 29, 2006), 82 O.R. (3d) 161 (Ont CA).

Shaw v. Shaw (June 12, 2006), 149 ACWS (3d) 27 (Ont Sup Ct).

Air Canada v. WestJet Airlines Ltd. (May 6, 2006), 81 O.R. (3d) 48 (Ont Sup Ct).

Shaw v. Shaw (April 28, 2006), 147 ACWS (3d) 1055 (Ont Sup Ct).

Air Canada v. WestJet Airlines Ltd. (January 4, 2006), 29 C.P.C. (6th) 209 (Ont Sup Ct).

MacDougall v. MacDougall (December 5, 2005), 262 D.L.R. (4th) 120 (Ont CA).

Bank of Montreal v. Cogan (September 23, 2005), 13 C.B.R. (5th) 43 (Ont CA).

Oldfield v. Hewson (July 19, 2005), 18 E.T.R. (3d) 318 (Ont Sup Ct).

Former Student of the Institute of Chartered Accountants (Ontario) v. Institute of Chartered Accountants (Ontario) (July 14, 2005), 200 O.A.C. 293 (Ont Sup Ct).

Air Canada v. WestJet Airlines Ltd. (May 31, 2005), 20 C.P.C. (6th) 141 (Ont Sup Ct).

Clough (Litigation Guardian of) v. Simcoe County District School Board (May 26, 2005), 197 O.A.C. 331 (Ont Sup Ct (Div Ct)).

Oldfield v. Hewson Re LimeBeer Estates (February 14, 2005), 14 E.T.R. (3d) 290 (Ont Sup Ct).

Cogan, Re (January 13, 2005), 74 O.R. (3d) 223 (Ont Sup Ct).

Dionisio v. O'Sullivan (December 2, 2004), 45 C.C.P.B. 58 (Ont CA).

Air Canada v. WestJet Airlines Ltd. (October 12, 2004), 72 O.R. (3d) 669 (Ont H Ct J (Div Ct)).

Dionisio v. O'Sullivan (July 6, 2004), 44 C.C.P.B. 82 (Ont Sup Ct).

Leadbeater v. Ontario (March 24, 2004), 70 O.R. (3d) 224 (Ont Sup Ct).

(R.) (Litigation Guardian of) v. Ontario (Minister of Community, Family and Children's Services)(March 18, 2004), 70 O.R. (3d) 420 (Ont Sup Ct (Div Ct)).

Universal Am-Can Ltd. v. Tornorth Holdings Ltd. (October 6, 2003), 47 C.P.C. (5th) 304 (Ont Sup Ct (Div Ct)).

YBM Magnex International Inc., Re (June 27, 2003), 26 O.S.C.B. 5285 (OSC).

Universal Am-Can Ltd. v. Tornorth Holdings Ltd. (June 13, 2003), 13 C.P.C. (6th) 314 (Ont Sup Ct (Div Ct)).

McLennan v. McLennan (February 11, 2003), 169 O.A.C. 249 (Ont CA).

McLennan Estate, Re (December 3, 2002), 48 E.T.R. (2d) 59 (Ont Sup Ct).

Lederer v. Fenwick (May 10, 2002), 27 C.P.C. (5th) 305 (Ont Sup Ct).

Supply Chain Express Inc. v. Ontario (Labour Relations Board) (October 15, 2001), 151 O.A.C. 186 (Ont Sup Ct (Div Ct)).

Supply Chain Express Inc. v. Ontario (Labour Relations Board) (September 14, 2001) [2001] .L.R.B. Rep. 1335 (Ont Sup Ct (Div Ct)).

Blyth, Re (July 18, 2001), 27 C.B.R. (4th) 5 (Ont Sup Ct).

Lederer v. 372116 Ontario Ltd. (c.o.b. Hemispheres International Manufacturing Co.) (February 21, 2001), 53 O.R. (3d) 203 (Ont CA).

Chapters Inc. v. Davies, Ward & Beck LLP (January 26, 2001), 52 O.R. (3d) 566 (Ont CA).

CC & L Dedicated Enterprise Fund (Trustee of) v. Fisherman (June 2, 2000), 49 O.R. (3d) 187 (Ont Sup Ct).

YBM Magnex International Inc., Re (January 25, 2000), 23 O.S.C.B. 623 (OSC).

Port Advisory Committee v. Pankratz (November 12, 1999), 179 F.T.R. 157 (FCTD).

Toronto-Dominion Bank v. Leigh Instruments Ltd. (Trustee Of) (September 13, 1999), 45 O.R. (3d) 417 (Ont CA).

Care Canada v. Canadian Broadcasting Corp. (C.B.C.) (June 25, 1999), 36 C.P.C. (4th) 166 (Ont Ct J (Gen Div)).

Russell v. Ontario (Health Services Restructuring Commission H.S.R.C.) (June 11, 1999), 175 D.L.R. (4th) 185 (Ont CA).

Russell v. Ontario (Health Services Restructuring Commission H.S.R.C.) (October 19, 1998), 13 Admin. L.R. (3d) 196 (Ont Sup Ct (Div Ct)).

Jane Doe v. Metropolitan Toronto (Municipality) Commissioners of Police (July 3, 1998), 39 O.R. (3d)

487 (Ont Ct J (Gen Div).

McColl v. Gravenhurst (Town) (June 15, 1998), 11 Admin. L.R. (3d) 235 (Ont CA).

OEB International Ltd. v. Leyden (March 27, 1998), 78 C.P.R. (3d) 1 (Ont CA).

Wellesley Central Hospital v. Ontario (Health Services Restructuring Commission H.S.R.C.) (September 15, 1997), 103 O.A.C. 199 (Ont Ct J (Gen Div).

Ballard v. Stavro (September 9, 1997), 38 O.T.C. 321 (Ont Ct J (Gen Div).

Pembroke Civic Hospital v. Ontario (Health Services Restructuring Commission H.S.R.C.) (July 25, 1997), 36 O.R. (3d) 41 (Ont Ct J (Gen Div).

Dell Holdings Limited v. Toronto Area Transit Operating Authority (January 30, 1997), [1997] 1 S.C.R. 32 (SCC).

Albert Bloom Ltd. v. Bentinck (Township) Chief Building Official (November 22, 1996), 31 O.R. (3d) 317 (Ont CA).

Glendale Securities Inc. v. Ontario (Securities Commission) (November 12, 1996), 19 O.S.C.B. 3874 (OSC).

Woodcock v. Woodcock (September 10, 1996), 1996 CarswellOnt 3144 (Ont CA).

Albert Bloom Ltd. v. Bentinck (Township) (August 26, 1996), 29 O.R. (3d) 681 (Ont Ct J (Gen Div).

Glendale Securities Inc. v. Ontario (August 21, 1996), 11 C.C.L.S. 216 (Ont Ct J (Gen Div).

Glendale Securities Inc., Re (July 9, 1996), 19 O.S.C.B. 6273 (OSC).

All drew Holdings Ltd. v. Nibro Holdings Ltd. (June 19, 1996), 91 O.A.C. 241 (Ont CA).

Teleride Sage Ltd. v. Ventures West Management (April 10, 1996), 67 C.P.R. (3d) 361 (Ont Ct J (Gen Div).

Parr v. Ontario (Securities Commission) (February 16, 1996), 19 O.S.C.B. 1037 (Ont H Ct J (Div Ct).

Central Capital Corporation, Re (February 7, 1996), 27 O.R. (3d) 494 (Ont CA).

Glendale Securities Inc., Re (December 5, 1995), 18 O.S.C.B. 5975 (OSC).

Botiuk v. Toronto Free Press Publications Ltd. (September 21, 1995), [1995] 3 S.C.R. 3 (SCC).

Hill v. Church of Scientology (July 20, 1995), [1995] 2 S.C.R. 1130 (SCC).

J.P. Capital Corp. (Trustee of) v. Perez (July 4, 1995), 34 C.B.R. (3d) 66 (Ont Ct J (Gen Div).

E.A. Manning Limited v. Ontario (Securities Commission) (May 9, 1995), 23 O.R. (3d) 257 (Ont CA).

Dell Holdings Limited v. Toronto Area Transit Operating Authority (April 7, 1995), 22 O.R. (3d) 733 (Ont CA).

Central Capital Corporation, Re (January 9, 1995), 22 B.L.R. (2d) 210 (Ont Ct J (Gen Div)).

Ainsley Financial Corp. v. Ontario Securities Commission (December 21, 1994), 21 O.R. (3d) 104 (Ont CA).

Blue Resources Ltd. v. Sherriff (November 30, 1994), 120 D.L.R. (4th) 751 (Ont Ct J (Gen Div)).

Ontario (Attorney General) v. Ballard Estate (November 2, 1994), 36 C.P.C. (3d) 213 (Ont Ct J (Gen Div)).

Ontario (Attorney General) v. Ballard Estate (October 12, 1994), 20 O.R. (3d) 350 (Ont Ct J (Gen Div)).

Ontario (Attorney General) v. Ballard Estate (August 15, 1994), 20 O.R. (3d) 189 (Ont Ct J (Gen Div)).

Pezim v. British Columbia (Superintendent of Brokers) (June 23, 1994), [1994] 2 S.C.R. 557 (SCC).

E.A. Manning Limited v. Ontario (Securities Commission) (May 13, 1994), 18 O.R. (3d) 97 (Ont Ct J (Gen Div)).

Robinson, Re (November 17, 1993), 1 C.C.L.S. 248 (OSC).

Zidenburg v. Greenburg (August 24, 1993), 15 O.R. (3d) 68 (Ont Ct J (Gen Div)).

Ainsley Financial Corp. v. Ontario Securities Commission (August 13, 1993), 14 O.R. (3d) 280 (Ont Ct J (Gen Div)).

Parks (Ontario Human Rights Commission) v. Christian Horizons (July 29, 1993), 14 O.R. (3d) 374 (Ont H Ct J (Div Ct)).

Ontex Resources Ltd. v. Metalore Resources Ltd. (June 4, 1993), 13 O.R. (3d) 229 (Ont CA).

McEwan v. Ontario (April 14, 1993), 46 C.C.E.L. 194 (Ont Ct J (Gen Div)).

Davis v. United Church of Canada (December 16, 1992), 4 W.D.C.P. (2d) 7 (Ont Ct J (Gen Div)).

Prousky v. American Home Assurance Co. (July 20, 1992), 10 O.R. (3d) 455 (Ont Ct J (Gen Div)).

Harry D. Shields Ltd. v. Bank of Montreal (January 17, 1992), 7 O.R. (3d) 57 (Ont Ct J (Gen Div)).

Davis v. United Church of Canada (December 20, 1991), 8 O.R. (3d) 75 (Ont Ct J (Gen Div)).

Albrecht v. Opemoco Inc. (November 28, 1991), 5 O.R. (3d) 385 (Ont CA).

Harbour Quay Developments Ltd. v. Metropolitan Toronto (Municipality) (November 19, 1991), 6 O.R. (3d) 88 (Ont H Ct J (Div Ct)).

Peat Marwick Thorne v. Canadian Broadcasting Corp. (C.B.C.) (October 30, 1991), 5 O.R. (3d) 759 (Ont Ct J (Gen Div)).

Peat Marwick Thorne v. Canadian Broadcasting Corp. (C.B.C.) (October 11, 1991), 5 O.R. (3d) 747 (Ont Ct J (Gen Div)).

McCaw v. United Church of Canada (July 18, 1991), 4 O.R. (3d) 481 (Ont CA).

820099 Ontario Inc. v. Harold E. Ballard Ltd. (April 4, 1991), 49 C.P.C. (2d) 239 (Ont Ct J (Gen Div)).

Jane Doe v. Metropolitan Toronto (Municipality) Commissioners of Police (February 4, 1991), 1 O.R. (3d) 416 (Ont CA).

Ontex Resources Ltd. v. Metalore Resources Ltd. (December 18, 1990), 75 O.R. (2d) 513 (Ont Ct J (Gen Div)).

Jane Doe v. Metropolitan Toronto (Municipality) Commissioners of Police (August 30, 1990), 74 O.R. (2d) 225 (Ont Sup Ct (Div Ct)).

Peel (Regional Municipality) v. Great Atlantic & Pacific Co. of Canada (June 22, 1990), 73 O.R. (2d) 289 (Ont Sup Ct).

Canada (Attorney General) v. Central Cartage Co. (May 3, 1990), 35 F.T.R. 160 (FCA).

Canada (Attorney General) v. Central Cartage Co. (May 3, 1990), 109 N.R. 375 (FCA).

Thomson Newspapers Ltd. v. Canada (Director of Investigation and Research, Restrictive Trade Practices Commission) (March 29, 1990), [1990] 1 S.C.R. 425 (SCC).

York North Condominium Corp. No. 5 v. Van Horne Clipper Properties Ltd. (October 17, 1989), 70 O.R. (2d) 317 (Ont CA).

Canada (Attorney General) v. Central Cartage Co. (June 15, 1989), 1989 CarswellNat 1010 (FCTD).

Jane Doe v. Metropolitan Toronto (Municipality) Commissioners of Police (February 22, 1989), 58 D.L.R. (4th) 396 (Ont H Ct J).

Mark I Corp. v. Litho Color Services (Toronto) Ltd. (December 15, 1988), [1989] C.L.D. 482 (Ont H Ct J).

Eaton Co. v. Ontario (Minister of Revenue) (December 12, 1988), 67 O.R. (2d) 340 (Ont CA).

Re/Max Ontario-Atlantic Canada Inc. v. Ontario (Registrar of Real Estate & Business Brokers) (October 13, 1988), 66 O.R. (2d) 255 (Ont CA).

McLean (Litigation Guardian of) v. Metropolitan Toronto Hockey League (September 8, 1988), 1989 CarswellOnt 2327 (Ont H Ct J).

Canada (Attorney General) v. Central Cartage Co. (September 1, 1988), 24 C.P.R. (3d) 350 (FCTD).

McCaw v. United Church of Canada (July 4, 1988), 64 O.R. (2d) 513 (Ont Sup Ct).

Blainey v. Ontario Hockey Association No. 2 (March 21, 1988), 9 C.H.R.R. D/4972 (Ont Board of Inquiry).

603022 Ontario Inc. v. Canada (Director of Investigation & Research, Competition Act) (February 11, 1988), 21 C.P.R. (3d) 575 (Ont Sup Ct).

Blainey v. Ontario Hockey Association (December 3, 1987), 9 C.H.R.R. D/4549 (Ont Board of Inquiry).

Prousky v. Law Society of Upper Canada (November 2, 1987), 62 O.R. (2d) 224 (Ont CA).

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Lindenburger v. United Church of Canada (June 1, 1987), 20 O.A.C. 381 (Ont CA).

Ontario Women's Hockey Association v. Ontario (Human Rights Commission) (May 6, 1987), 59 O.R. (2d) 492 (Ont H Ct J).

Allen v. Hamilton (City) (April 30, 1987), 59 O.R. (2d) 498 (Ont CA).

Canada (Attorney General) v. Central Cartage Co. (April 21, 1987), 10 F.T.R. 225 (FCTD).

Irvine v. Canada (Restrictive Trade Practices Commission) (March 26, 1987), [1987] 1 S.C.R. 181(SCC).

National Westminster Bank USA v. Export Development Corp. (February 13, 1987), 23 C.C.L.I. 171 (Ont CA).

Re/Max Ontario-Atlantic Canada Inc. v. Ontario (Registrar of Real Estate & Business Brokers)(November 25, 1986), 57 O.R. (2d) 354 (Ont H Ct J).

Thomson Newspapers Ltd. v. Canada (Director of Investigation and Research) (October 22, 1986), 57 O.R. (2d) 257 (Ont CA).

Canada v. Executive Stereotronics Ltd. (September 12, 1986), 12 C.E.R. 152 (FC).

Allen v. Hamilton (City) (July 22, 1986), 55 O.R. (2d) 387 (Ont H Ct J).

Blainey v. Ontario Hockey Association (April 17, 1986), 54 O.R. (2d) 513 (Ont CA).

Thomson Newspapers Ltd. v. Canada (Director of Investigation and Research) (March 13, 1986), 54 O.R. (2d) 143 (Ont Sup Ct).

New Alger Mines Ltd. v. Thorne Riddell Inc. (March 10, 1986), 54 O.R. (2d) 562 (Ont CA).

Canada v. Executive Stereotronics Ltd. (1986), 12 C.E.R. 155 (FCTD).

Canada (Attorney General) v. Fallbridge Holdings Ltd. (November 4, 1985), 31 B.L.R. 57 (FCA).

Blainey v. Ontario Hockey Association (September 25, 1985), 52 O.R. (2d) 225 (Ont H Ct J).

Canada (Director of Investigation & Research) v. Canada (Restrictive Trade Practices Commission) (March 22, 1985), 4 C.P.R. (3d) 59 (FCA).

National Westminster Bank USA v. Export Development Corp. (March 7, 1985), 11 C.C.L.I. 280 (Ont H Ct J).

Ziegler v. Canada (Director of Investigation & Research, Combines Investigation Branch) (November 29, 1983), 39 C.P.C. 234 (FCA).

Ziegler v. Canada (Director of Investigation & Research) (October 4, 1983), 75 C.P.R. (2d) 246 (FCA).

Ziegler v. Canada (Director of Investigation & Research) (September 22, 1983), 39 C.P.C. 203 (FCTD).

Ziegler v. Canada (Director of Investigation & Research, Combines Investigation Branch) (August 9, 1983), [1984] 1 F.C. 138 (FCTD).

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Fisher Oil & Gas Corp. v. Guaranty Bank & Trust Co. (December 14, 1982), 40 O.R. (2d) 548 (Ont CA).

Webster Industries Ltd. v. R. (October 15, 1982), [1983] 1 F.C. 393 (FCTD).

W.H. Bosley & Co. v. Marathon Realty Co. (September 16, 1982), 39 O.R. (2d) 144 (Ont H Ct J).

Multiple Access Ltd. v. McCutcheon (August 9, 1982), [1982] 2 S.C.R. 161 (SCC).

W.H. Bosley & Co. v. Marathon Realty Co. (July 29, 1982), 36 R.P.R. 141 (Ont H Ct J).

v. Kester (May 4, 1982), 38 O.R. (2d) 294 (Ont CA).

Hancock et al. v. Board of Governors of Algonquin College of Applied Arts & Technology (June 4, 1981), 33 O.R. (2d) 257 (Ont H Ct J).

v. Kester (February 20, 1981), 32 O.R. (2d) 231 (Ont Sup Ct (Div Ct)).

Parkview Towers of Hamilton Ltd. v. Canadian Imperial Bank of Commerce (C.I.B.C.) (January 29, 1981), 31 O.R. (2d) 233 (Ont CA).

Rawlings, Sumner, Tilson Electric Ltd. (March 28, 1980), 32 O.R. (2d) 377 (Ont Sup Ct).

Wald v. Pape (October 12, 1979), 28 O.R. (2d) 27 (Ont Sup Ct (Div Ct)).

v. Kester (June 25, 1979), 49 C.C.C. (2d) 441 (Ont County Ct).

Keane v. Kingston (City) (March 28, 1979), 17 L.C.R. 214 (Ont LCB).

Armstrong v. Armstrong (December 22, 1978), 22 O.R. (2d) 223 (Ont HC).

Wald v. Pape (November 29, 1978), 22 O.R. (2d) 163 (Ont HC).

Wald v. Cogan Developments Ltd. (September 27, 1978), 24 O.R. (2d) 308 (Ont H Ct J).

Ferguson (Re) (August 15, 1978), 23 O.R. (2d) 533 (Ont H Ct J).

Frontenac Catholic School Board v. Ontario English Catholic Teachers Association (O.E.C.T.A) (July 17, 1978), 21 O.R. (2d) 364 (Ont Sup Ct (Div Ct)).

Wald v. Greater York Developments Ltd. (June 30, 1978), 20 O.R. (2d) 756 (Ont H Ct J).

Multiple Access Ltd. v. McCutcheon (June 14, 1978), 19 O.R. (2d) 516 (Ont CA).

Trixy Properties Ltd. v. Ontario (Minister of Revenue) (January 27, 1978), 18 O.R. (2d) 318 (Ont H Ct J).

Reference re Legislative Privilege (January 24, 1978), 18 O.R. (2d) 529 (Ont CA).

Smith v. Patel (December 21, 1977), 18 O.R. (2d) 132 (Ont H Ct J).

Hamilton (City) v. Canada (Canadian Transport Commission) (September 30, 1977), [1977] 1 S.C.R. 640 (SCC).

Axler v. Chisholm (July 25, 1977), 16 O.R. (2d) 665 (Ont H Ct J).

Multiple Access Ltd. v. McCutcheon (July 6, 1977), 16 O.R. (2d) 593 (Ont Sup Ct (Div Ct)).

v. Abka Medical Laboratories Ltd. (April 12, 1977), 15 O.R. (2d) 779 (Ont Sup Ct).

Wingold v. W.B. Sullivan Construction Ltd (March 2, 1977), [1977] 1 B.L.R. 252 (Ont H Ct J).

Doblay Investments Ltd. v. Amrit Investments Ltd. (February 24, 1977), 15 O.R. (2d) 584 (Ont Sup Ct).

Sabem Developments Ltd. v. Dutchmen Homes Ltd. (January 25, 1977), 19 O.R. (2d) 70 (Ont Sup Ct).

Sabem Developments Ltd. v. Dutchmen Homes Ltd. (February 20, 1976), 1 C.P.C. 101 (Ont Sup Ct).

Ramsay v. Ramsay (February 19, 1976), 13 O.R. (2d) 85 (Ont CA).

Sheppard, Re (February 10, 1976), 12 O.R. (2d) 4 (Ont CA).

Multiple Access Ltd. v. McCutcheon (September 30, 1975), 11 O.R. (2d) 249 (Ont Sup Ct (Div Ct)).

Ramsay v. Ramsay (July 16, 1975), 21 R.F.L. 12 (Ont CA).

v. Morgentaler (March 26, 1975), [1975] 1 S.C.R. 616 (SCC).

Farantos Development Ltd. v. Canada Permanent Trust Co. (February 19, 1975), 7 O.R. (2d) 721 (Ont H Ct J).

W.D. Latimer Co. v. Bray (October 21, 1974), 6 O.R. (2d) 129 (Ont CA).

Maw v. Dickey (September 25, 1974), 6 O.R. (2d) 146 (Ont Surrogate Court).

Ramsay v. Ramsay (August 29, 1974), 18 R.F.L. 225 (Ont Sup Ct).

Marc-Jay Investments Inc. v. Levy et al (June 27, 1974), 5 O.R. (2d) 235 (Ont H Ct J).

Rattray, Re (February 19, 1974), 3 O.R. (2d) 117 (Ont CA).

Flambro Realty Ltd. v. Peter Pan Drive-In Ltd. (February 18, 1974), 4 O.R. (2d) 454 (Ont H Ct J).

Boduch v. Harper (January 15, 1974), 10 O.R. (2d) 755 (Ont Sup Ct).

W.D. Latimer Co. v. Bray (December 5, 1973), 2 O.R. (2d) 391 (Ont H Ct J (Div Ct)).

Roywood Investments Ltd. v. London Life Insurance Co. (November 5, 1973), 1 O.R. (2d) 761 (Ont H Ct J (Div Ct)).

Daly v. Daly (September 4, 1973), 11 R.F.L. 307 (Ont Sup Ct).

Rattray, Re (August 30, 1973), [1973] 3 O.R. 805 (Ont HC).

G.N.J. Properties Ltd. v. Barriesim Developments Ltd.; City of Barrie Public Utilities Commission,

Third Party (May 31, 1973), [1973] 3 O.R. 614 (Ont H Ct J).

v. F.W. Woolworth Co. (May 15, 1973), 11 C.P.R. (2d) 229 (Ont Sup Ct).

Roman Corp. v. Hudson's Bay Oil & Gas Co. (May 7, 1973), [1973] S.C.R. 820 (SCC).

Deskau et al. v. Dziama (March 30, 1973), [1973] 3 O.R. 101 (Ont HC).

Kuzyk v. Kuzyk (November 28, 1972), 9 R.F.L. 304 (Ont Sup Ct).

Vincent W. Real Rice Estate Ltd. v. Gray (October 12, 1972), [1973] 1 O.R. 1 (Ont CA).

Howard Investments v. South of St. James Town Tenants Association (September 26, 1972), [1973] 1 O.R. 20 (Ont HC).

North York (Borough) Restricted Area By-Law 24270, Re (May 4, 1972), 1 O.M.B.R. 253 (OMB).

General Host Corp. v. Chemalloy Minerals Ltd (April 14, 1972), [1972] 3 O.R. 142 (Ont H Ct J).

Sault Ste. Marie (City), Re (February 8, 1972), [1972] 2 O.R. 1 (Ont CA).

Roman Corp. v. Hudson's Bay Oil & Gas Co. (December 8, 1971), [1972] 1 O.R. 444 (Ont CA).

Ontario Hydro-Electric Power Commission v. St. Catherines (City) (December 7, 1971), [1971] 1 O.R. 806 (Ont CA).

Ontario Hydro-Electric Power Commission v. St. Catherines (City) (June 24, 1971), [1971] 3 O.R. 674 (Ont H Ct J).

Roman Corp. v. Hudson's Bay Oil & Gas Co. (January 28, 1971), [1971] 2 O.R. 418 (Ont H Ct J).

Mechanical Pin Resetter Co. v. Canadian Acme Screw & Gear Ltd. (November 27, 1970), [1971] S.C.R. 628 (SCC).

Awards

- The Advocates' Society Medal, 2019
- Repeatedly recognized in *Who's Who Legal in Commercial Litigation* (Global Leader); Canada – Commercial Litigation (National Leader)
- Repeatedly recognized in the *Lexpert Special Edition – Canada's Leading Litigation Lawyers*
- Repeatedly recognized in the *Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada*
- Repeatedly recognized as a leading practitioner in the *Canadian Legal Lexpert Directory*
- Repeatedly recognized by *Best Lawyers in Canada* as a leading lawyer in Administrative and Public Law, Bet-the-Company Litigation, Class Action Litigation, Corporate and Commercial Litigation, Director and Officer Liability Practice, and Securities Law
- Repeatedly recognized in *Chambers Canada* as a leading lawyer in Dispute Resolution; Litigation – General Commercial
- Recognized in *Benchmark Canada, the Guide to Canada's Leading Litigation Firms and Attorneys* as Top 50 Trial Lawyers in Canada – Constitutional, General Commercial, Public Law (2016-2017)
- Recognized in *Legal 500 Canada* as a leading lawyer in Dispute Resolution
- Ontario Bar Association Award for Excellence in Civil Litigation (2012)
- Recipient of the Lexpert Zenith Award honouring leadership through change (2012)
- Fellow, American College of Trial Lawyers (1996)

- Honorary Overseas Member of the Commercial Bar Association (England and Wales)
- Recognized by *Lexpert* as one of the 100 Most Creative Lawyers in Canada
- Recognized as one of the Leading 100 Canada/US Cross-Border Litigators in Canada by *Lexpert* and Thomson-Carswell
- Identified in the International Who's Who of Commercial Litigators, Law Business Research and in PLC Global Counsel 3000
- Identified in the Canadian Who's Who
- The first recipient of the McMurtry Medal (2004) from Pro Bono Law Ontario for outstanding contribution to the delivery of pro bono legal services
- Bryan clerked for Justice Spence of the Supreme Court of Canada (1969-70). He has practised continuously at WeirFoulds LLP except for two years (1982-84) when he acted as special counsel to the Federal Department of Justice
- Bryan was granted his Q.C. by Her Majesty the Queen in Right of Canada (1983)
- Bryan is the founding chair of the Dickson Circle, a group of senior litigation lawyers dedicated to acting in significant cases as counsel (pro bono) on behalf of those with disabilities
- Bryan was a member of the Fairness Committee (also known as the Osborne Committee) appointed by the Ontario Securities Commission to advise on whether any changes, structural or otherwise, needed to be made to the Commission in light of its recently increased sanctioning powers. The other two members were The Honourable Coulter A. Osborne Q.C. and Professor David J. Mullan. The committee which was active through 2003 delivered its report to the Commission in March 2004

Professional Activities

- A Canadian Trustee of the Harold G. Fox Education Fund
- Editor in Chief, Credit and Banking Litigation, Federated Press
- Member of the Faculty for the Appellate Oral and Written Advocacy Continuing Legal Education programs
- Lecturer in numerous other Continuing Legal Education Programs

Papers

The Independent Expert Witness: How Did We Get There?", *The Advocates' Journal*, September 2015.

"Extreme Orders and Courts Without Borders: Creative Thinking in International Commercial Litigation", 9th Caribbean Commercial Law Workshop, Trinidad, August 2008 (with Frank Walwyn and Nikiforos Iatrou)

Co-author (with T.A. Cromwell and Nikiforos Iatrou), *Witness Preparation: A Practical Guide*, 3rd ed., Canada Law Book, 2010.

Publications

- Reflection on Half a Century in the Commercial Litigation Trenches: Part IV, March 03, 2022
- Reflections on Half a Century in the Commercial Litigation Trenches: Part III, April 22, 2021
- Reflections on Half a Century in the Commercial Litigation Trenches: Part II, January 29, 2021

- Reflections on Half a Century in the Commercial Litigation Trenches – Part I, November 04, 2020
- Internal Communications with Law Firm Committees: Privileged?, February 11, 2020
- Webinar: Commercial Litigation Seminar – Pre-Litigation Positioning: Tips for Improving Your Case, November 06, 2019
- The Independence of Expert Witnesses – Part II, February 20, 2019
- The Independence of Expert Witnesses, April 02, 2018
- Consistency in Tribunal Decision-Making, September 10, 2012
- Electronic Documents: Records Management, e-Discovery and Trial (loose-leaf textbook), July 01, 2012
- The judicial mediation debate, August 31, 2011
- New Tools for Managing Evidence in Complex Litigation, February 28, 2011
- Case Management: Cumbersome, Costly or Crucial, October 01, 2010