

# **THE HONOURABLE DAVID MOSELEY BROWN, FCIArb**

## **Arbitrator and Mediator: Commercial, Corporate, Energy Sector, and Estates Disputes**

The Honourable David M. Brown is a Fellow of the Chartered Institute of Arbitrators. He is available to conduct arbitrations and mediations in commercial, corporate, energy sector, and estates disputes. Mr. Brown offers his arbitration and mediation services through Docksidecove Services Inc. and the Arbitration Place roster. With a small farm in Eastern Ontario, Mr. Brown is also available to handle arbitrations and mediations through Arbitration Place's Ottawa facilities, including disputes that arise in the agri-business sector.

Prior to establishing his arbitration and mediation practice in 2025, Mr. Brown served as a federally-appointed judge for 18 years: eight years as a judge of the Superior Court of Justice of Ontario in the Toronto Region (September 14, 2006 until December 13, 2014), including two years as lead judge on the Toronto Region Estates List followed by several years on the Toronto Region Commercial List; and then ten years as a judge of the Court of Appeal for Ontario (December 14, 2014 until the end of 2024).

Prior to his appointment to the courts, Mr. Brown was a partner in the Toronto Office of Stikeman Elliott LLP, practising in the firm's Energy and Civil Litigation Groups. Mr. Brown had practised with the firm since his call to the Ontario Bar in 1983. Mr. Brown was born in Montréal, Québec in 1954.

### **EDUCATION**

LL.M. (Constitutional Law), Osgoode Hall Law School, 2005  
Law Society of Upper Canada, called to the Bar, 1983  
J.D., University of Toronto, Faculty of Law, 1981  
Nanjing University, People's Republic of China, Certificate, 1978  
Beijing Languages Institute, People's Republic of China, Certificate, 1977  
University of Toronto, Trinity College, B.A. (Hons.), 1972

### **CONTACT INFORMATION:**

Arbitration Place, Bay Adelaide Centre West, 333 Bay Street, Suite 900, Toronto,  
Ontario M5H 2R2

Email: [dmbrown@arbitrationplace.com](mailto:dmbrown@arbitrationplace.com)

Cell: 416.648.4789

Residences: Toronto and Ottawa

## JUDICIAL CAREER

### COURT OF APPEAL:

#### JUDICIAL ADMINISTRATIVE ROLES:

Civil appeal time allocations:	2017 - 2018
Self-represented litigant case management judge:	2016 - 2024

### SUPERIOR COURT OF JUSTICE

#### JUDICIAL ASSIGNMENTS: 2006 - 2014 (TORONTO REGION)

Civil:	October, 2006 – August, 2007
Family:	September, 2007 – December, 2007
Criminal:	January, 2008 – August, 2008
Civil (Estates List):	September, 2008 – December, 2010
Commercial List:	January, 2011 – July, 2014
Divisional Court:	September, 2014 – December, 2014

#### JUDICIAL ADMINISTRATIVE ROLES:

President, Ontario Superior Court Judges' Association: June – December, 2014

Director, Ontario Superior Courts Judges' Association: May, 2011 – December, 2014

Judicial member, Toronto Region Commercial List Users' Committee Working Group which prepared the *Toronto Region Commercial List E-Service Protocol*, 2012 - 2103

Member, Toronto Region Ad Hoc Judicial Working Group on the Implementation of Digital Recording Devices, 2012 – 2013

Lead drafter, *Toronto Region Commercial List e-Delivery Pilot Project*, Guidelines for Preparing and Delivering Electronic Documents requested by Judges, June, 2012

Member, Toronto Region *Ad Hoc* Judicial Information Technology Committee: 2010

Member, Toronto Region Civil Rules Operation Committee: 2009

Lead drafter of the *Practice Direction for Civil Applications, Motions and other Matters in the Toronto Region* and *Best Practices for Civil Applications and Motions*: 2009

Lead judge, Toronto Region Estates List: 2008 – 2010

Lead drafter of the *Practice Direction for the Estates List of the Superior Court of Justice in Toronto*: 2009.

## RECOGNITIONS BY THE PROFESSION

Recognized by the *Canadian Lawyer* magazine as one of “The Top 25 Most Influential” in the justice system and legal profession for 2013 in the “Changemakers” category.

One of *The Law Times*, 2012 Top Newsmakers, “Justice David Brown takes on province, lawyers: From electronic courts to summary judgements, judge tells it like it is”.

## PUBLICATIONS AS A JUDGE

*Forward, to Virtual Advocacy: Litigating from a Distance*, Sean Petrou and Akiva Stern eds., (Toronto: LexisNexis, 2023)

“*Has Sattva Spawned an Era of Less Appellate Deference?*”, The Advocates’ Journal, Spring 2023

Book Review, *Presser, Beatson and Chan, Litigating Artificial Intelligence 2021/2022 Edition*, The Advocates’ Journal, Fall 2021

“*Insolvency Routes of Appeal: A Quick Primer*”, (2020), 76 Canadian Bankruptcy Reports, Sixth Edition, 197

“*Red Block, Yellow Block, Orange Block, Blue: With So Much Competition, What Do We Do?*” The Advocates’ Journal, Fall, 2019

“*How to lose an appeal in the Court of Appeal: The next generation*”, The Advocates’ Journal, Fall, 2017

“*Flakes, Protests and Privateers: A Glimpse into Outport Justice through the Records of the Burin, Newfoundland Court of Sessions (1811-1815)*”, in Melvin Baker, Christopher Curran and J. Derek Green (eds), *Discourse and Discovery: Sir Richard Whitbourne Quatercentennial Symposium, 1615-2015 and Beyond* (St. John’s: Law Society of Newfoundland and Labrador, 2017)

*“The Joy of Decision Writing”*, 2014, Vol. 2, Energy Regulation Quarterly

*“Aboriginal Rights and Energy Infrastructure Development”*, in Kaiser and Heggie (eds.), Energy Law and Policy (Toronto: Carswell, 2011)

*“A View from the Bench”*, Yach (ed.), Key Developments in Estates and Trusts Law in Ontario, 2010 Edition (Canada Law Book)

*“A View from the Bench”*, Croll and Yach (eds.), Key Developments in Estates and Trusts Law in Ontario, 2009 Edition (Canada Law Book)

*Selected Cases from the Burin Court of Sessions: 1811 and 1812* (2009)

*“The Courts’ Spectacles: Some Reflections on the Relationship Between Law and Religion in Charter Analysis”*, Brunelle and Molinari (eds.), Reasonable Accommodation and the Role of the State: A Democratic Challenge (2008: Canadian Institute for the Administration of Justice, Montreal).

*Where to Go and How to Get There: Forum and Process Considerations in Charter Litigation* (2007-2008), 23 National Journal of Constitution Law 99

## CONFERENCE PRESENTATIONS AS AN ARBITRATOR

### 2025

*Advocates’ Society Spring Symposium*, Panel on the Role of the Bench and Bar in Supporting the Rule of Law, May 2025

*Judicial Independence is not a One-Way Street: The duty of Canadian courts to publish operational data*, Canadian Council of Administrative Tribunals Symposium 2025, Ottawa, June 2025

*Civil Process Redesign: A challenge and five key propositions*, Presentation to the Conseil d’administration of the Barreau du Québec, June 2025

*The Joy of Decision Writing – Revisited*, CAMPUT Energy Regulation Course, Kingston, June 2025

## CONFERENCE PRESENTATIONS AS A JUDGE

### 2024/5

*Criminal Advocacy Program*, Toronto Lawyers’ Association, Toronto, January 2025

*2024 Written Advocacy Program*, The Advocates' Society/Osgoode Professional Development, Toronto, December

*The Five Habits of Highly Effective and Accessible Civil Courts: Transparency; Perspicacity; Creativity; Simplicity; and Accountability*, International Access to Justice Forum, Toronto, October 25, 2024; subsequently broadcast as a Tiny Chat podcast by the National Center for State Courts, January 2025.

*Risk management for electronic evidence*, Toronto Lawyers' Association, Toronto, June 5

*Modern Appellate Advocacy: Tips for Appellate Advocacy in 2024 and Beyond*, Toronto Lawyers' Association, Toronto, May 1

*The Basics of Appellate Advocacy: As Seen Through the Eyes of the Bench*, Peel Law Association, Brampton, April 24

## **2023**

*"Contract Interpretation in the Court of Appeal for Ontario: A Further Update"*, Osgoode Professional Development, National Annual Symposium on Canadian Contract Law, Toronto, December, 2023.

*"Canada's Forgotten Freedom? Conscience in a Free and Democratic Society"*, Red Mass talk, St. Thomas More Lawyers' Guild of Calgary, November 15, 2023

*"Virtual Advocacy: Some Reflections on 'Whither Advocacy'?"*, Toronto Lawyers' Association program, Virtual Advocacy: Litigating from a Distance, Toronto, May 24

*"To write or not to write: These are the reasons"*, panelist, Superior Court of Justice Education Seminar, Ottawa, May 3

*"Advancing Evidence-Related Grounds of Appeal"*, Osgoode Professional Development, 17<sup>th</sup> Annual Civil Litigator's Survival Guide to Evidence, Toronto, January 20

## **2022**

*"Has Sattva Spawned an Era of Less Appellate Deference?"* Osgoode Professional Development, National Annual Symposium on Canadian Contract Law, Toronto, December 1

*“Farmers, Judges, and Data-based Technologies: Some introductory remarks on artificial intelligence and legal practice”*, Ontario Bar Association, TECHxpo 2022, Toronto, November 10

*“Reflections from the Pandemic”*, Ontario Bar Association, Our Civil Justice System: Pandemic Lessons and Forward Thinking, Toronto, June 6

*The Basics of Appellate Advocacy: As Seen Through the Eyes of the Bench*, Toronto Lawyers’ Association, Toronto, April 13 and May 26

*“The Court that Hears Everything: The Life and Challenges of an Appeal Court Judge”*, Ernescliffe College, University of Toronto, April 1

## **2021**

*The Basics of Appellate Advocacy: As Seen Through the Eyes of the Bench*

- Stikemans, Davies and Torys, February 23
- Middlesex Law Association, February 25
- Toronto Lawyers’ Association, May 19
- Fasken, Oslers and Bennett Jones, October 19

*Virtual Hearings: Writing written materials*, Canadian Bar Association, May 18

*Fireside chat on tribunal decision writing*, for Alberta Utilities Commission, May 21

*Appellate Advocacy: Drafting a compelling factum*, The Advocates’ Society, October 14

## **2020**

*“Commonly-Encountered Evidentiary Conundrums and their Solutions: Selected Cases and Materials”*, Osgoode Professional Development, The Civil Litigator’s Survival Guide to Evidence, November 6

*“COVID-19 and Ontario’s court system: How to seize the pandemic’s silver lining”*, Thunder Bay Law Association, October 29

*Our Civil Justice System: What’s Next* (co-chair), Law Society of Ontario, October 14

*Modern Advocacy Symposium, Debate on Oral Advocacy*, The Advocates’ Society, September 29

*“A Sattva Update: An Appellate Perspective”*, The Advocates’ Society, Litigating Contract Disputes, Toronto, June 2020

*“Insolvency routes of appeal: a quick primer”*, Ontario Bar Association, Putting on the Red Sash: A Dialogue with the Bench, Toronto, January 2020

*The Basics of Appellate Advocacy: As Seen Through the Eyes of the Bench:*

- County of Carleton Law Association, Ottawa, March 2020
- Hamilton Law Association, Hamilton, March 2020

*Appeals from Commercial List Matters*, The Advocates’ Society Insolvency Litigation Practice Group, Toronto, March 2020

## **2019**

*“Decision Writing: The Duty to and the Joy of”*, CAMPUT 2019 Energy Regulation Course, Kingston, June 2019

*“Red Block, Yellow Block, Orange Block, Blue: With So Much Competition, What Do We Do?”*, Middlesex Law Association, 14<sup>th</sup> Annual Straight from the Bench Conference, London, May 2019

## **2018**

*“Summary Judgment and the Court of Appeal: Venturing a Self-Assessment”*, County of Carleton Law Association Civil Litigation Conference, Mont Tremblant and Ontario Bar Association, Civil Litigation Section, Toronto: November 2018

Moderator, *“How will AI Change the Law? A Panel Discussion”*, Law Society of Ontario, Artificial Intelligence and its Role in Litigation, November, 2018

*“Appellate Review of Contract Interpretation: In Five Easy Lessons, including some reflections on that ‘rare’ beast: the ‘extricable questions of law’”*, The Advocates’ Society, June, 2018

*“Hamlet’s Dilemma: To Summary Judgment or Not to Summary Judgment?”*, The Advocates’ Society, May, 2018

*“Electronic Trials and Arbitrations”*, The Advocates’ Society, April, 2018

*“Governance Disputes involving Charities and Not-For-Profits: A View from the Bench or You Really Don’t Want to end up in Court”*, 2018 Charity & Not-For-Profit Law Seminar, Ottawa, February, 2018

*“Moving Towards a Paperless World: Where are Ontario’s Courts?”* Ontario Bar Association Civil Litigation Institute, Toronto, February, 2018

## 2017

*“Appellate Advocacy: The Two Big Points”*, County of Carleton Law Association, Civil Litigation Updated, Mont Tremblant, November, 2017

*“Governance Disputes involving Charities and Not-For-Profits: A View from the Bench or You Really Don’t Want to end up in Court”*, 24<sup>th</sup> Annual Church & Charity Law Seminar, Mississauga, November, 2017

## 2016

*“Paperless on the Prairies? A Hitch-Hiker’s Guide to the Techno-Trial Galaxy”*, Saskatchewan Court of Queen’s Bench Seminar, Saskatoon, November, 2016

*“Summary Judgments: The Appellate Experience”*, Carleton County Law Association Civil Law Update 2016, Mont Tremblant, November, 2016

*“Sandbox or Carwash: Whither the Civil Justice System?”*, Supreme Court of Newfoundland and Labrador Education Seminar, St. John’s, November, 2016

*“Proactive Case Management: Some Reflections and Suggestions”*, Society of Ontario Adjudicators and Regulators Annual Conference, Toronto, November, 2016

*“Commercial Litigation in the Digital Age”*, Technology and the Courts, Faculty of Law, University of Western Ontario, October, 2016

*“Success in Today’s Courtroom: View from the Bench”*, Panel, Advocates’ Society Fall Forum, Blue Mountain, October, 2016

*“Appeal Materials – Ten Tips”*, Your First Civil Appeal, Ontario Bar Association, Toronto, October, 2016

*“Civil Appellate Remedies”*, Newfoundland and Labrador Court of Appeal and Prince Edward Island Court of Appeal Joint Education Seminar, St. John’s, September, 2016

*“Sir Thomas More and Henry VIII: Some Literary Reflections on ‘A Question for All Seasons’”*, Hamilton Thomas More Lawyers’ Guild, Red Mass Breakfast, September, 2016



*“Appeal Materials – Are They Different?”* Advocates’ Society, Preparing Winning Court Documents, April, 2016

*“Commercial Litigation in the Next 10 Years: A Call for Reform”*, Hamilton Law Association, 11<sup>th</sup> Annual Current Issues in Commercial Litigation Law Seminar, February, 2016

*“From Volkswagens to Cadillacs: E-Hearings in Practice”*, Advocates’ Society, Tricks of the Trade, January, 2016

## **2015**

*“Commercial Litigation in the Digital Age”*, Technology and the Courts, Faculty of Law, University of Western Ontario, November, 2015

*“The Enforceability of Non-Competition Clauses: A Basic Decision Tree”*, Carleton County Law Association Civil Litigation Update, November, 2015 and NJI Civil Law Seminar, Halifax, May, 2015

*“Flakes, Protests and Privateers: A Glimpse into Outport Justice through the Records of the Burin, Newfoundland, Court of Sessions (1811-1815)”*, Sir Richard Whitbourne Quatercentennial Symposium: 1615 – 2015 and Beyond, Trinity, Newfoundland, June, 2015

*“E-Hearings: From Volkswagens to Cadillacs”*, Sir Richard Whitbourne Quatercentennial Symposium: 1615 – 2015 and Beyond, Trinity, Newfoundland, June, 2015, and NJI Civil Law Seminar, Halifax, May, 2015

## **2014**

*“A 5-Point Action Plan to Get the Civil Justice System Moving Back in the Direction of Achieving its Fundamental Goal - The Fair, Timely and Cost-Effective Determinations of Civil Cases on their Merits”*, Carleton County Law Association Annual Civil Litigation Conference, November, 2014, Mt. Tremblant, Quebec

Judges Panel, Carleton County Law Association Technology Conference, Kanata, November, 2014

*“Judges Panel: Dispensing Justice and Keeping Your Case on Track”*, SCJ Fall Conference, November, 2014

Roundtable on Effective Decision Writing, Ontario Securities Commission Adjudicative Committee, November, 2014

Commentator, Ontario Bar Association, Oral Advocacy Boot Camp, September, 2014

*“The Joy of Decision Writing”*, CAMPUT 2014 Energy Regulation Course, Queen’s University, July, 2014

*“Some Thoughts on Creating a Sustainable Public Civil Justice System”*, OBA Civil Litigation and Insurance Sections End of Term Dinner, June, 2014

*“E-Trials: Today, not Tomorrow”*, The Advocates’ Society, Trial from A to Z, April, 2014

*“Project Management Applied”*, The Advocates’ Society, Project Management, April 2014

Co-Chair, *Effective Litigation – Getting Things Done*, Law Society of Upper Canada, April, 2014

Judges’ Panel, Canadian Association of Insolvency and Restructuring Professionals, Toronto, March, 2014

*“Summary Judgment in the Supreme Court of Canada: Hryniak v. Mauldin and Its Implications”*, Osgoode Professional Development webinar, March, 2014

*“Written Materials and Advocacy Out of Court”* panel, The Advocates’ Society, Read, Set, Litigate! February, 2014

*“Effective Court Documents: A View From the Bench”*, The Advocates’ Society, Preparing Winning Court Documents, February, 2014

*“Utrum Regulae Sint Impedimenta Vel Non? A disputed scholastic question about Rule 48 of the Rules of Civil Procedure”*, OBA Institute 2014, February, 2014

## **2013**

*“If not monks, then what? The role of judges in improving access to justice”*, The Advocates’ Society Fall Conference, November, 2013

Judicial Panel, *“Evidence for Litigators”*, The Advocates’ Society, November, 2013

Ontario E-discovery Institute 2013, Law Society of Upper Canada, October, 2013.

*"A Judicial Perspective on Disclaimer Clauses in the Reports of Trustees, Receivers and Monitors"*, Canadian Association of Insolvency and Restructuring Professionals Annual Meeting, St. John's, Newfoundland, August, 2013

*"Notes of a Stranger from Afar: Or a Brief Update on Energy-Related Administrative Law"*, 7<sup>th</sup> Annual Canadian Energy Law Forum, May, 2013

*"One Judge's Perspective on Some Aspects of Court Administration"*, Annual Meeting of The Ontario Deputy Judges Association, May, 2013

*"One Trial Judge's Manifesto: Recall! Change! Discard!"*, The Advocates' Society 12<sup>th</sup> Annual Spring Symposium, April, 2013

*"Making Mountains out of Molehills: Or How can we save Civil Litigation from Committing E-Seppuku?"*, Osgoode Certificate in eDiscovery, April, 2013

*"LEGOLAND for Litigators: Or How Hybrid Trials Can Bring out Your Inner Child"*, LSUC, Complex Litigation, March, 2013

*"Does it Pay to be Civil? Does it Hurt if You're Uncivil?"*, LSUC, The Ten-Minute Family Judge, February, 2013

*"10 Interesting Cases from Ontario: 2012"*, National Judicial Institute 2013 Insolvency Conference, February, 2013

## **2012**

*"The Bench Speaks on Professionalism and Civility"*, The Advocates' Society, December, 2012

*"A View from the Bench: The Need to be Proactive in E-Discovery"*, Ontario E-Discovery Institute, October, 2012

*"Nuts and Bolts of a Mini-Trial, and Other Reflections on the State of Summary Judgment Motions"*, OBA, September, 2012

*"The Potential Interface of Islamic Finance and Shari'a Law with Canadian Commercial Courts: A quick survey of the literature"*, National Judicial Institute Insolvency Conference, February, 2012

*"Social Media – An Update on the Case Law"*, The Advocates' Society, Tricks of the Trade, January, 2012

## 2011

*"If They Won't Build It, Can We? A Proposal for "Parallel" Electronic Filing"*, Superior Court of Justice Fall Conference, November, 2011

*"Fireside Chat with a Judge"*, LSUC 12<sup>th</sup> Annual Employment Law Summit, October, 2011

*"Judges' Panel"*, Ontario E-Discovery Institute, September, 2011

*"Considerations with Self-Represented Parties"*, Annual Conference of the Masters of the Superior Court of Justice, September, 2011

*"Some Issues Regarding Older Persons with Disabilities: An Ontario Perspective"*, panel on International Perspectives on Older Persons with Disabilities, American Bar Association Annual Meeting, Toronto, August, 2011

*"Sacred Cows and Stumbling Blocks: Whither Civil Procedure Reform?"* LSUC conference, Our Civil Justice System: Reflecting on Recent Reforms, Toronto, May, 2011

*"Cost Implications of the Settlement and Mediation Obligations on Insurers under Ontario's Automobile Insurance Regime"*, Canadian Defence Lawyers, 7<sup>th</sup> Annual Insurance Symposium, Toronto, March, 2011

*"Effective Court Documents: A View from the Bench"*, The Advocates' Society, Prepare Winning Court Documents, February, 2011, 2012, 2013

## 2010

*"The moral dangers of judging: Where can a judge find comfort?"* Talk to fathers at Mary, Mother of God School, Toronto, October, 2010

Panelist, *Discovery Practice under the new Rules*, The Advocates' Society, Fall Forum 2010

Panelist, *Pre-Trial Motions for Counsel New to Civil Litigation*, LSUC, April, 2010

*Litigation Involving Self-represented Parties: One Judge's Reflections*, The Canadian Institute: Litigation Against the Crown, Toronto, April, 2010

*"What Does the Court Want? Some Practical Tips on Preparing Contested and Uncontested Estates Applications"*, LSUC, Estates Administration for Law Clerks 2010, March, 2010

*“Effective Court Documents: A View from the Bench”*, The Advocates’ Society, Prepare Winning Court Documents, February, 2010

*“Facebook, Cell Phone and Blackberry Transmissions”*, The Advocates’ Society, Tricks of the Trade 2010, January, 2010

*“2010 Civil Rule Amendments: Implications for Litigation on the Toronto Region Estates List”*, OBA Trusts and Estates Section, January, 2010

## **2009**

*“Current Initiatives on the Toronto Region Estates List”*, LSUC, 12<sup>th</sup> Annual Estates and Trust Summit, November, 2009

Panelist, *The New Practice Direction*, LSUC, Civil Justice Reform in Action: The New Rule Amendments, October, 2009

Panelist, *The Judges Speak! Avoiding Evidentiary Traps Faced by both Junior and Senior Counsel*, Osgoode Professional Development, 6<sup>th</sup> Annual Conference on Evidence Law for the Civil Litigator, September, 2009

*“Putting Your Best File Forward”*, Canadian Defence Lawyers, The Ultimate Law Clerks’ Guide, April, 2009

*“The New Toronto Region Estates List Practice Direction: Objectives and Key Features”*, The Six-Minute Estates Lawyer 2009

Panelist: *“Preparing for Discovery”*, The Advocates’ Society, Discovery Techniques that Win Cases, February, 2009

*“Effective Court Documents: A View from the Bench”*, The Advocates’ Society, Preparing Winning Court Documents, February, 2009

## **2008**

*“Update from the Estates List”*, Law Society of Upper Canada, 11<sup>th</sup> Annual Estates and Trusts Summit, November, 2008

*“The Courts’ Spectacles: Some Reflections on the Relationship between Law and Religion in Charter Analysis”*, Canadian Institute for the Administration of Justice, Reasonable Accommodation and the Role of the State: A Democratic Challenge, September, 2008

*“Energy Regulatory Proceedings through the Eyes of Judicial Review”*, Canadian Association of Members of Public Utility Tribunals, Energy Regulation Course, Queen’s University, July 2008 and 2009

*“The Problems with Expert Evidence”*, Osgoode Professional Development, Experts in Family Law Proceedings, April, 2008

*“One Judge’s ‘Wish List’: Best Practices on the Estates List”*, Ontario Bar Association, Emerging Trends in Estates and Trusts: What Does the Future Hold? April, 2008

## **2007**

Panelist, *Judicial Independence and Judicial Accountability*, Canadian Constitutional Foundation Conference, Toronto, October, 2007

Panelist, *Ready, Set, Litigate!* The Advocates’ Society Junior Counsel Series, October, 2007

*“Use of Affidavit Evidence as Evidence in Chief: Strategic and Evidentiary Issues”*, Osgoode Professional Development, 4<sup>th</sup> Annual Conference of Evidence Law for the Civil Litigator, September, 2007

*“Where to Go and How to Get There: Forum and Process Considerations in Charter Litigation”*, Ontario Bar Association, 6<sup>th</sup> Annual Charter Conference, September, 2007

Panelist, *“Rights, Religion and the State: A Debate”*, Pluralism, Politics and God? An International Symposium on Religion and Public Reason, McGill University, September, 2007

*“Recent Developments in Administrative Law”*, Canadian Energy Law Forum, Kelowna, May, 2007

*“A Working Primer on Contempt for Civil Litigators”*, Ontario Bar Association, January, 2007

*“Court Practice and Procedure”*, The Advocates’ Society Junior Counsel Series, January, 2007

Presiding judge at numerous continuing legal education trial and appeal programs for The Advocates’ Society, Ontario Bar Association, Annual Review of Insolvency Law, and others.

## **LEGAL CAREER**

Partner in the Civil Litigation and Energy Groups in the Toronto Office of Stikeman Elliott LLP.

During the last eight years of practice, worked primarily on electricity and natural gas regulation matters.

Acted as outside regulatory counsel to the Ontario Independent Electricity System Operator and Ontario Power Authority. Occasionally acted as outside litigation counsel to the Ontario Energy Board. Provided regulatory advice to private sector gas-fired electricity generators on issues of electricity transmission rates, electricity transmission siting, and natural gas delivery services.

#### **PROFESSIONAL RECOGNITION AND LISTINGS AS A LAWYER**

Listed as expert in Electrical Energy in the LEXPERT/ALM *Leading 500 Lawyers in Canada* from 2002 until 2006; 2006 *The Best Lawyers in Canada*; and cited as a leading practitioner in the energy/natural resources field by the London-based *Guide to the World's Leading Energy & Natural Resources Lawyers* (2003).

*Martindale-Hubbell*: Rated “AV” indicating very high to pre-eminent legal ability and a very high ethical rating.

#### **TEACHING AS A LAWYER**

Osgoode Hall Law School, Adjunct Professor:

- Energy Law, 2004 – 2006
- Public Law, 2006 (part of course)

Queen's University, Faculty of Law, Sessional Lecturer in Trial Advocacy, 1989 – 2002

Law Society of Upper Canada, Bar Admission Course, Seminar Leader, Civil Procedure, 1988 - 1990

## PUBLICATIONS AS A LAWYER (SELECTED)

### BOOKS

*Energy Regulation in Ontario*, Canada Law Book, 2001-2006

*An Educator's Guide to Independent Schools*, Aurora Professional Press, Aurora, 1998

### LEGAL ARTICLES: CONSTITUTIONAL AND ADMINISTRATIVE LAW

*"Tradition and Change in Constitutional Interpretation: Do Living Trees have Roots?"* (2005-06), 19 National Journal of Constitutional Law 33

*"Neutrality or Privilege? A Comment on Religious Freedom"* (2005), 29 Supreme Court Law Review (Second Series) 221

*"Where Can I Pray? Sacred Space in a Secular Land"* (2005), 17 National Journal of Constitutional Law 121

*"Reconciling Equality and Other Rights"* (2003), 15 National Journal of Constitutional Law 1

*"Sauvé and Prisoners' Voting Rights: The Death of the Good Citizen?"* (2003), 20 Supreme Court Law Review (Second Series) 297

*"Freedom From or Freedom For: Defining the Content of Charter Rights: Religion as a Case Study"*, (2000), 33 University of British Columbia Law Review 551

*"What Can Lawyers Say in Public?"*, (1999), 78 The Canadian Bar Review 283

*"Are Private Schools Really Private? Judicial Review of Discipline Decisions in Private Schools"* (1998), 8 Education Law Journal 453

### LEGAL ARTICLES: COMMERCIAL

*"Energy (Oil & Gas), Recent Developments of Importance, Litigation & Regulatory"*, with Mary Henderson and Kemm Yates, 2004 Lexpert/American Lawyer Media Guide to the Leading 500 Lawyers in Canada

*"U.S.-Canadian Energy Trade"* in Report of the International Energy Transactions Committee (2003), 24 Energy Law Journal 429.



*Electricity Regulation 2003, 2004, 2005*, Canada Chapter, Global Competition Review (co-author)

*Foreign Investment in China: The Legal Context*, with Professor Ian F.G. Baxter and Tamsin Solomon, Policy Studies, No. 1 (1983), University of Toronto – York University, Joint Centre on Modern East Asia.