

TERRENCE O'SULLIVAN, LSM, B.A., LLB, MCIArb

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Professional Experience:

Present: Since 1997: Counsel, Mediator and Arbitrator - Lax O'Sullivan Lisus Gottlieb LLP

Practice emphasizes civil and complex commercial matters with an emphasis on business disputes, financial institution and securities litigation, class action litigation, defense of regulatory charges, professional discipline and negligence matters, and administrative litigation including competition matters. As a senior counsel, has appeared before all level of the Courts of Ontario and other provinces of Canada, the Federal Court and Federal Court of Appeal, and the Supreme Court of Canada. He is also widely used as an arbitrator and mediator and has acted as sole arbitrator, party nominee, and as an appointed independent fact finder in arbitrations and mediations involving important commercial matters, often of an international nature.

Past: 1978-1997: Litigation Partner, McMillan Binch (now McMillan LLP); former Chair of the Litigation Department

1973-1978: Associate and Partner, Borins Goldberg & Birenbaum (now Birenbaum, Steinberg, Landau, Savin & Colrairie LLP)

Professional Honours/Awards/Memberships and Training:

- Recipient of Osgoode Hall Law School's Alumni Gold Key Award for Outstanding Achievements, 2012
- Recipient of the Law Society of Upper Canada Medal, 2010
- Fellow of the International Academy of Trial Lawyers, 2009
- Member of The Chartered Institute of Arbitrators (MCIArb), 2008
- Fellow of the American College of Trial Lawyers, 1998
- Member of The Advocates' Society of Ontario (Past President, 1991-92)
- Member of The Canadian Bar Association
- Metropolitan Toronto Lawyers Association

Academic History:

- Harvard Negotiation Institute - Mediation Workshop, 2009
- Called to the Ontario Bar, with Honours, 1973
- Osgoode Hall Law School, LL.B., 1971
- University of Toronto, B.A., 1968

Professional Recognition:

Frequently recognized in professional publications:

- Martindale-Hubbell® AV Preeminent Rating™
- Who's Who Legal: Canada
- Who's Who Legal: Commercial Litigation
- 2016 - 2017 *The Best Lawyers in Canada*, Best Lawyers® (5 categories)
- Dispute Resolution in Ontario, Chambers and Partners (2016)
- Guide to the Leading 500 Lawyers in Canada, Corporate Commercial Litigation, (Lexpert/The

- American Lawyer);
- Canada's Most Frequently Recommended Lawyers (Lexpert);
- Leading Lawyers in Securities Litigation, and White Collar Crime (LawDay);
- World's Leading Commercial Litigators (The International Who's Who);
- Canada's Top Corporate Litigators (Lexpert);
- World's Leading Lawyers, (Chambers & Partners, London England);
- Canada's Most Creative Lawyers (Lexpert Magazine);
- Leading Civil and Commercial litigators in Canada (Lexpert/American Lawyer Media Guide to the Leading Lawyers in Canada);

Professional Activities and Appointments:

- Advocacy Advisor to the Supreme Court Advocacy Institute (Toronto area) (2015-)
- Member of the Judiciary Committee of the American College of Trial Lawyers (2013-2019)
- Occasional Pro Bono Counsel to the Canadian Bar Association-Ontario and The Advocates' Society of Ontario
- Past Member of the Superior Court of Justice/Toronto Region Civil Bench and Bar Committee
- Member of The Advocates' Society Committee on the Reform of the Judicial Appointment Process (2005)
- Bar Representative on the Ontario Civil Justice Review Task Force (1994-96)
- Chair of the Joint Committee on Court Reform (1994-96)
- President of The Advocates' Society (1991-1992)
- Director and Member of the Executive Committee of The Advocates' Society (1982-90)
- Chair of The Advocates' Society Committees on Contingency Fees and Class Action Reform
- Member of The Advocates' Society Committee on The Ontario Environmental Bill of Rights
- Member of the Attorney General of Ontario's Advisory Committee on Class Action Reform (1990)
- Frequent guest lecturer and demonstrator at trial advocacy programs and CLE programs.

Professional Presentations and Publications Include:

- *"The Top 3 Lessons I Learned (The Hard Way) That Made Me a Better Advocate"*, Law Society of Ontario, The Twelve Minute Litigator, September 2019
- "Examining a Witness In-Chief Who's Provided a Witness Statement" – The Advocates' Society, ADR Advocacy: Advanced Techniques, December 2018
- *"Closing Argument: Famous Last Words – Doing it Right Demonstration"* – The Advocates' Society, Civil Litigation Skills Certificate Program: Trial From A to Z, May 2017
- *"Negotiating Planning and Strategy"* – The Advocates' Society, Negotiation Strategies for Litigators, May 2017
- *"The Advocates' Society Intervenes – What it Means for Your Practice"* – The Advocates' Society Fall Convention, November 2015
- *"Anton Piller Orders"* – Superior Court of Justice (Ontario) Fall Education Seminar, November 2015
- "Effectively Representing Your Client in a Mediation" – Winkler Institute for Dispute Resolution and Osgoode Hall Law School, May 2014
- "Resolving Antitrust Disputes - A Canadian Perspective", *Antitrust Law: Critical Issues & Timely Resolutions*, CLE International Conference (San Francisco, CA), February 2013
- "In My Experience: Practice" – *Symposium on Professionalism & Civility*, Young Advocates' Standing Committee of the Advocates' Society, February 2012
- "Legal Profession and Fees" - *Civil Appeals: The Year in Review* – The Law Society of Upper Canada, December 2011
- "Zealous Advocacy and Professionalism: Mutually Exclusive or Complimentary" – *The Twelve Minute Civil Litigator*, The Law Society of Upper Canada, September/December 2011

- “Administrative Law Blast” – *Good Grief! Good Governance!*, 22nd Annual Conference of Ontario Boards & Agencies November 2010
- “The Enforceability of Limitation of Liability Clauses” – *Mastering the Art of Advocacy - Spring Symposium 2010*, American College of Trial Lawyers and The Advocates’ Society, May 2010
- “Litigating in an Economic Downturn: What You Need to Know About Practice in the Commercial Court, Dealing With Bankruptcy and Insolvency” – *Spring Symposium 2009 – Advocacy in Changing Times*, The American College of Trial Lawyers and The Advocates’ Society, May 2009
- “Mediation and Pre-Trial – Practical Tips and Strategies” – *ADR Law Program*, Ontario Bar Association, February 2008
- “Analyzing Conflicts Of Interest After Strother: Has Anything Changed?” - *Online CLE: Canadian Bar Association*, November 2007
- “Three Things You Need to Know About Settlements” – *Spring Symposium 2007 – Doing Justice to Your Case: Excellence in Advocacy*, The American College of Trial Lawyers and The Advocates’ Society of Ontario, May 2007
- “An Update on Federalism – Canadian Western Bank v. Alberta”, *Ontario Bar Association, Constitutional Law Subsection*, May 2006
- “Theming and Storytelling: Opening at Trial – *Civil Litigation Skills Certificate Program*”, The Advocates’ Society, May 2006
- “Into the Future Conference – The Agenda for Civil Justice Reform”, *The Canadian Forum on Civil Justice, Panelist*, CBA – Montreal, May 2006
- “The Modern Law of Damages” (Co-Chair), *Special Lectures 2005*: Law Society of Upper Canada, April 2005
- “Class Actions”, *The 2nd Annual Litigators’ Conference*, Insight Information Co., January 2003
- “What Civil Litigators Need to Know About Criminal Law”, *The Law Society of Upper Canada*, January 2003
- “Understanding U.S. Securities Law: Practical Guidelines for Canadian Practitioners”, *Osgoode Hall Law School of York University, Continuing Legal Education Program*, September 2002
- “A New Kind of Consumer Class Action: The Future for the Financial Services Sector”, *Class Actions – The Litigators’ Conference*, Insight Seminars, January 2002
- “The Duty to Act in Good Faith”, *Commercial Litigation Program*, Law Society of Upper Canada, October 2001
- “Settling Class Actions”, *Class Action Seminar Involving Financial Institutions*, The Canadian Institute, November 2000
- “Preventing and Managing Conflicts of Interest: A Practical Guide”, *Banking Litigation Conference*, The Canadian Institute, February 1999
- “Conflicts of Interest Raised by a Bank’s Multiple Roles: The Risks of “One Stop Shopping”, *Banking Litigation Conference*, The Canadian Institute, April 1998
- “The Need for Collaborative and Cooperative Leadership in Court Reform”, *World Bank Conference on Court Reform*, Port of Spain, Trinidad, May 1997
- “Shortcuts and Dead-Ends in Civil Litigation”, *Canadian Bar Association*, November 1996
- “Civil Justice Review: Supplementary and Final Report”, *Ontario Civil Justice Review*, November 1996
- "Civil Justice Reform for the 21st Century: *Costs of Civil Justice*", Canadian Bar Association, February 1996
- "Practicing Litigation in the Age of Computer Technology", *Videoconferencing - The Evolution of a Revolutionary Litigation Tool*", The Canadian Institute, October 1995
- "Facts on Factums", *Law Society of Upper Canada*, June 1995
- “Civil Justice Review: First Report”, *Ontario Civil Justice Review*, March 1995

- "Athletes' Rights: Must the Courts be Involved?", *International Bar Association*, Melbourne, Australia, October 1994
- "Cameras in the Courtroom", *The Canadian Bar Association Annual Meeting* (Toronto), August 1994
- "Acting For the Bank: Picking the Target", *The Canadian Institute*, June 1994
- "The Protection of Confidential Information in the Private Sector: An Overview", *Canadian Bar Association-Ontario*, March 1994
- "Public Access to the Courts under the Proposed Environmental Bill of Rights: A Boon to the Public or an Additional Burden on an Already Overtaxed Court System?", *The Canadian Institute*, October 1992
- "Fee Arrangements and the Funding of Class Action Litigation: A Review of the Provisions of Bills 28 and 29", *The Canadian Institute*, March 1992
- "An Act Respecting Class Proceedings: Considerations Affecting Solicitors' Fees", *Insight Educational Services*, April 1991
- "Calling the Loan: Strategies for the Banker", *The Canadian Institute*, March 1991
- "A Death in the Workplace: Representing an Employer at a Coroner's Inquest", *The Centre for Professional Learning*, November 1990
- "Potential Product Liability - Legal Issues in the Advertising, Marketing and Sale of Pharmaceutical Products", October 1990
- "Liability of Medical Information Officers", *Medical Information Officers Subgroup of the Pharmaceutical Manufacturers Association of Canada*, February 1990
- "Costs - An Ontario Overview", *American Bar Association Annual Meeting*, 1988
- "Distributive Costs", *Law Society of Upper Canada*, 1988

Community Affairs/Achievements/Awards

- Recipient of the Sunnybrook Foundation Rose Award (2011)
- Board Member, Toronto Rehab Foundation (2010-2015)
- Chair, Governing Council of Sunnybrook Foundation (2015-); Vice-Chair, (Oct 2009-15)
- Chair, Veterans Campaign of Sunnybrook Foundation (2006)
- Chair, Sunnybrook Foundation (April 2004- September 2006); Vice Chair (2003-04)
- Member, Board of Directors and Member of the Executive Committee of Sunnybrook Foundation (April 2002-10, 2012-)
- Chair, Nomination and Governance Committee of Sunnybrook Foundation (2006-08); Member (2012-)
- Member of the Board of Directors of the Women's College Hospital Foundation (December 1996-September 2002)
- Member of the Board of the Sir William Campbell Foundation (2002-2004)
- Coach, Metropolitan Toronto Hockey League (1980-85)
- Director of Oolagen House Community Services (4 years) (1980s)
- A Founding Director of Parkdale Community Legal Aid Services (1973)