

ROBERT B. BELL

Defence Class Actions

PARTNER

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PROFESSIONAL HISTORY

- ◆ Partner, Lerners LLP (2015 - present)
- ◆ Partner, Borden Ladner Gervais LLP (1986 - 2015)

EXECUTIVE SUMMARY

- ◆ Robert B. Bell is a senior partner at Lerners LLP, with over 40 years of experience in complex civil litigation matters. He has appeared in trial and appellate courts in different provinces across Canada, and before the Supreme Court of Canada. His specialty areas include class proceedings; complex multiparty litigation including cross-border product liability involving design and manufacturing issues in automotive, aerospace and consumer products industries; major commercial disputes; and specialty insurance coverage opinions and litigation. Mr. Bell has been involved over the years as defence counsel on many of the consumer, automotive and aviation class actions in Canada, and has been counsel on leading reported decisions as the law on certification, trial, bar order in class action settlements and counsel fees has developed in Canada.
- ◆ Mr. Bell is published widely and is a highly acclaimed speaker and presenter. He has created and led numerous advocacy training programs for The Advocates' Society (including programs in Kiev, Ukraine, St. Kitts, Caribbean, and United Nations, NY), The Law Society of Ontario and the Osgoode Professional Development. He is frequently invited to participate at conferences as keynote speaker, facilitator, panelist and moderator by many legal organizations. Mr. Bell was the recipient of the 2014 Advocates' Society Excellence in Teaching Award for his outstanding contribution to the profession. Mr. Bell is an Accredited Mediator, CEDR, (a leading UK provider of dispute resolution services). He is on The Executive Committee of Harbourfront Corporation.
- ◆ Prior to joining Lerners, Mr. Bell was a senior partner at a large national law firm where he held a series of positions over the years, including Litigation Head, Managing Partner and concluded his service in firm management as Chair of its National Council.

NOTEWORTHY CASES

- ◆ Volkswagen TDI Class Actions – Lead defence counsel on national class proceedings
- ◆ General Motors Class Actions – Lead defence counsel on national class proceedings re Ignition Switch, EPS, Antifreeze, Takata Airbag
- ◆ *Carroll-Byrne et al. v. Air Canada et al.* – Class proceeding resulting from March 29, 2015 crash at Halifax. Acting for the defendant, Nav Canada
- ◆ *Ramdath George Brown College* – Class proceeding. Acted as trial and appellate counsel for the defendant George Brown; new law in consumer protection and aggregate damages developed
- ◆ *Abdulahim et al. v. Air France et al.* – Class proceeding arising out of crash of Air France flight at Toronto. Acted for the defendant Goodrich
- ◆ *ONHWP Chevron et al.* (1999), 46 OR (3d) 130 (Ont. Gen. Div.) (Winkler, J.) – Bar Order in class action settlement
- ◆ *Cloud Canada (Attorney General)* (2004), 2 CPC (96th) 199 (Ont. CA) – Class proceeding involving residential schools
- ◆ *Sauer Canada (Attorney General)*, 2007 ONCA 454 – Class proceeding - Appeal with respect to pure economic loss issues
- ◆ *Celanese Canada Inc. v. Murray Demolition Cor. et al.* (2006), 269 DLR (4th) 193 (SCC) – Successful appeal to Supreme Court of Canada in respect of solicitor client privilege and disqualification of counsel in context of Anton Piller order
- ◆ *Ticketnet Air Canada* (1997), 154 DLR (4th) 271 (Ont. CA) – Leave to the Supreme Court of Canada dismissed, leading decision on damages in favour of a start-up company
- ◆ *Petty Avis* (1994), 13 OR (3d) 725 – Decision at trial on validity of Mary Carter agreement
- ◆ *Cougar Helicopters Inc. v. Sikorsky Aircraft Corp.* (2011), 335 DLR (4th) 203 (NLCA) – Jurisdiction issues in product liability case
- ◆ *Murphy Welsh – Stoddard v. Watson*, [1993] 2 S.C.R. 1069 – Supreme Court of Canada decision on solicitor's negligence claim application of *Highway Traffic Act* limitation period to claims of infants and mental incompetents

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RECENT RANKINGS AND RECOGNITIONS

- ◆ Lawyer of the Year, Product Liability Law - Toronto, Best Lawyers in Canada (2020)
- ◆ Martindale-Hubbell AV constant Pre-eminent 5 out of 5 Peer Review Rating
- ◆ Recognized in Canadian Legal Expert Directory - Class Actions; Litigation–Commercial Insurance; Litigation–Product Liability; Aviation Law (2013-2022)
- ◆ Selected by peers for inclusion in The Best Lawyers in Canada - Class Action Litigation; Insurance Law; Personal Injury Litigation [Defendants; Product Liability]; Product Liability Law [Defendants]; Appellate Practice, Aviation Law, Corporate and Commercial Litigation, Director and Officer Liability Practice
- ◆ Ranked in Chambers Canada - Litigation: Product Liability (2015-2022)
- ◆ Recognized in Benchmark Canada – The Definitive Guide to Canada's Leading Litigation Firms & Attorneys as a "Litigation Star: Ontario" and a "Litigation Star: Product Liability" (2015-2020) and "Litigation Star: Appellate and Dispute Resolution" (2020)
- ◆ Recognized in Who's Who Legal (2012-2021). Rob Bell is identified as "a talented litigator" with experience in handling some of the most prominent aviation and automotive class action cases in recent Canadian history
- ◆ Recognized in The Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada - Product Liability (2013-2017, 2019-2020)
- ◆ Recognized as a leading Canadian lawyer in the Lexpert Special Edition on Litigation Lawyers
- ◆ Recognized as a leading Canadian cross-border litigator in the Lexpert Guide to the Leading US/Canada Cross-Border Litigators (2013- 2017)
- ◆ Recognized as the exclusive winner in the "Product Regulation & Liability" category for Ontario by the Client Choice Awards 2016 (Lexology)
- ◆ Nominated by peers and appeared as a leading practitioner in the Litigation and Product Liability Expert Guide, published by Legal Media Group and invited to and published an article on recent Product Liability Developments in Canada (2016)
- ◆ Recognized in Best Lawyers as "Product Liability Lawyer of the Year" (2013)
- ◆ Recipient of the 2014 Advocates' Society Excellence in Teaching Award for an outstanding contribution both in the classroom and to the profession overall

SELECTED PRESENTATIONS/PUBLICATIONS

- ◆ "Telling the Story: Executing a Persuasive Cross-Examination of the Key Witness at Trial" in Todd L. Archibald, ed, *Annual Review of Civil Litigation, 2020* (Toronto: Thomson Canada Limited, 2020)
- ◆ Co-Chair, "Winning Body Language for Litigators", The Advocates' Society, June 2022
- ◆ Presenter, "The Current State of Solicitor-Client and Litigation Privilege", The Civil Litigators Survival Guide to Evidence, Osgoode Professional Development Program, January 2022
- ◆ Co-Chair, "Summer Trial Advocacy College", The Advocates' Society, June 2021
- ◆ Panelist, "Cross-Examination: Strategies for Success", The Advocates' Society, March 2021
- ◆ Co-Chair, "Train the Trainer", The Advocates' Society, November 2020
- ◆ Presenter, "Expert Evidence: How It Can make or Break Your Case", The Civil Litigators Survival Guide to Evidence, Osgoode Professional Development Program, November 2020
- ◆ Co-Chair, "Class Actions Advocacy", The Advocates' Society, June, 2019
- ◆ Author and presenter, numerous papers on class actions, product liability, the auto industry, and evidence law
- ◆ Presenter/Faculty: Advocacy Training Programs - The Advocates' Society, Law Society of Ontario and the Osgoode Professional Development

PROFESSIONAL MEMBERSHIPS

- ◆ The Advocates' Society (Present Member and Past Member of The Executive)
- ◆ Law Society of Ontario
- ◆ Canadian Bar Association
- ◆ American Bar Association
- ◆ International Bar Association Member

COMMUNITY MEMBERSHIPS

- ◆ Member of The Executive Committee, Harbourfront Corporation

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