

REBECCA SHOOM

Appeals

PARTNER

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PRACTICE OVERVIEW

Rebecca Shoom is a partner at Lerners LLP. Her practice focuses on litigation and dispute resolution in a wide range of areas, including commercial litigation and arbitration, appeals, defamation, securities law, employment law, public and administrative law, class actions, and professional regulation. She also advises companies and professional associations on governance and other business matters. She has appeared before all levels of court in Ontario and the Supreme Court of Canada, as well as numerous administrative tribunals and arbitral panels.

Rebecca also offers dispute resolution services as a neutral arbitrator in commercial arbitrations. She has been appointed as sole arbitrator in domestic and international commercial disputes, in both *ad hoc* and institutionally administered processes, and has extensive experience as arbitration counsel. She also has completed the Toronto Commercial Arbitration Society's Gold Standard Course in Commercial Arbitration. Rebecca regularly writes and speaks on arbitration-related topics. She is available for arbitral appointments in a variety of commercial disputes, including business and contract disputes, shareholder disputes, and employment disputes.

REPRESENTATIVE WORK

- ◆ Acts for corporations in a variety of contract disputes, including contracts related to the supply of pharmaceutical and technology products
- ◆ Acts for lawyers and law firms defending professional negligence allegations
- ◆ Advises terminated employees in respect of the negotiation of termination packages
- ◆ Acts for an automobile dealership in a NADAP arbitration relating to the termination of its dealer agreement
- ◆ Acted for the majority shareholder of a closely-held corporation in a condensed arbitration process, successfully obtaining remedies for oppression and punitive damages
- ◆ Acted for a wealth management firm in employment-related disputes arising out of its hiring of investment advisors, involving such allegations as conspiracy and inducing breach of contract
- ◆ Acts for respondents in Ontario Securities Commission enforcement proceedings involving such allegations as unregistered trading, fraud, and obstruction
- ◆ Represented a minority shareholder of a closely-held corporation in a long-running, arbitrated dispute, involving such issues as shareholder oppression and the exercise of a shotgun clause

SELECTED REPORTED DECISIONS

- ◆ *Catalyst Capital Group Inc. v West Face Capital Inc.*, 2021 ONSC 7957, aff'd 2023 ONCA 381, leave to appeal to SCC ref'd 2024 CanLII 15043 (SCC): Acted for a defendant professional whistleblower and short-seller in a successful anti-SLAPP motion and subsequent appeal, resulting in the dismissal of claims in defamation and conspiracy, among others
- ◆ *Maginnis and Magnaye v FCA Canada et al.*, 2020 ONSC 6498, aff'd 2021 ONSC 3897 (Div Court), leave to appeal to ONCA ref'd, leave to appeal to SCC ref'd 2023 CanLII 49303 (SCC): Acted for a defendant automobile dealership in successfully resisting certification of a class action related to alleged vehicle "defeat devices", engaging issues of whether representative plaintiffs are required to provide evidence of compensatory harm at the certification stage
- ◆ *County of Wellington v Municipal Property Assessment Corporation, Region 22* 2021 CanLII 26723 (ON ARB), aff'd 2023 ONSC 591 (Div Ct): Acted for the applicant county in successfully challenging MPAC's assessment and classification of gravel pit properties before the Assessment Review Board and in the subsequent appeal
- ◆ *Ontario (Attorney General) v Contents of Bank Accounts (in rem)*, 2021 ONSC 8304: Acted for defendant bank account owners in successfully resisting a forfeiture application under the *Civil Remedies Act*
- ◆ *Smith v Arsenault-Smith*, 2019 ONSC 3600: Acted for the successful respondent in an appeal of an arbitration decision relating to the obligation to make full and honest disclosure in a family law dispute
- ◆ *R v Vice Media Canada Inc.*, 2018 SCC 53: Acted as intervener on behalf of the Canadian Civil Liberties Association in appeal dealing with the test

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applicable to the granting of a production order against a journalist in relation to journalist-source communications and the appropriateness of publication bans in a public and notorious case

LEADERSHIP POSITIONS AND COMMUNITY CONTRIBUTIONS

- ◆ Vice-Chair, Arbitration and Mediation Advocacy Practice Group, The Advocates' Society (2022 – present) (Member-at-Large, 2020 – 2022; Secretary, 2022 – 2023)
- ◆ Roster Lawyer, Ontario Securities Commission Litigation Assistance Program (2018 – 2023)
- ◆ Member, Young Advocates' Standing Committee (YASC), The Advocates' Society (2020 – 2022)
- ◆ Former Director, Epilepsy Canada (2018-2019)

SELECTED PRESENTATIONS/PUBLICATIONS

- ◆ Co-chair and presenter, "Shareholder Disputes and the Closely-Held Company" program, Osgoode Professional Development, May 2023
- ◆ Panelist, "Challenges to Arbitrator Appointments – Both Literal and Figurative", CanArbWeek, October 2022
- ◆ Co-presenter, "SLAPP Legislation – Recent Developments", "Defamation Law: Trends and Developments" program, Law Society of Ontario, November 2021
- ◆ Author, "Courts of Justice Act Chapters, 22. Gag Proceedings, Sections 137.1 - 137.5", *Civil Procedure and Practice in Ontario*, September 2021
- ◆ Co-presenter, "Affidavits of Documents, Privilege, Confidentiality and E-Discovery Fundamentals", "Divine Discoveries: Building a Great Case" program, Ontario Bar Association, March 2021
- ◆ Presenter, "Effective Use of Evidence in Arbitrations", "Arbitration Advocacy" program, The Advocates' Society, September 2020
- ◆ Panelist, "Managing Litigation Files as In House Counsel", Canadian Corporate Counsel – Ontario Branch, September 2020
- ◆ Author, "Private and Confidential? Managing Confidentiality in Domestic Commercial Arbitration Appeals and Applications", ADR Perspectives, September 2020
- ◆ Co-author, "The Independent Arbitrator: Challenging Arbitrator Independence" (with Earl A. Cherniak), ADR Perspectives, September 2019
- ◆ Co-author, "A 'SLAPP' in the Face to Defamation Plaintiffs", presented at "Defamation at a Crossroads: Trends and Developments" program, Law Society of Ontario, September 2018

ACHIEVEMENTS

- ◆ Best Lawyers in Canada, Ones to Watch, Corporate and Commercial Litigation/Labour and Employment Law

PROFESSIONAL HISTORY

- ◆ Partner, Lerner LLP (2021 – present)
- ◆ Associate Lawyer, Lerner LLP (2015 – 2020)
- ◆ Articling Student, Lerner LLP (2014 – 2015)
- ◆ Summer Law Student (Enforcement Branch), Ontario Securities Commission (2013)

PROFESSIONAL MEMBERSHIPS

- ◆ The Advocates' Society
- ◆ Toronto Commercial Arbitration Society
- ◆ ADR Institute of Ontario
- ◆ Toronto Lawyers' Association
- ◆ Ontario Bar Association
- ◆ Law Society of Ontario

EDUCATION

- ◆ Admitted to Ontario Bar (2015)
- ◆ Juris Doctor, Queen's University (2014)

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- ◆ Certificate in Public International Law, Bader International Study Centre, Herstmonceux, UK (2012)
- ◆ Bachelor of Arts (Sociology), Queen's University (2011)

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