

# WILLIAM E. PEPALL

*Arbitration*

**PARTNER**



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## PROFESSIONAL HISTORY

- ◆ Partner, Lernalers LLP (2009 – present) (Practice Group Leader, Commercial Litigation Group)
- ◆ Partner, Heenan Blaikie LLP (2000 – 2009) (Executive Committee)
- ◆ Founder and Partner, Genest Murray (1987 – 2000) (Executive Committee, Practice Group Leader)
- ◆ Partner, Cassels, Brock (1981 – 1987) (Executive Committee)

## REPRESENTATIVE WORK

For over 30 years, Bill has specialized in the field of civil and commercial litigation and arbitration.

He has broad and diverse experience in the civil litigation field, and has developed particular expertise in the representation of lawyers, accountants and directors and officers in malpractice, discipline and securities claims involving primary and secondary market misrepresentations and insider trading.

He has acted as counsel in numerous arbitrations in a wide range of areas, and pleaded cases before all levels of court in Ontario and before the Supreme Court of Canada and the Federal Court. Special appearances have been made before the SEC, the OSC, the Estey Inquiry into Banking, and courts in Manitoba, South Carolina, California and British Columbia.

Bill has delivered numerous papers and lectures to, inter alia, Queen's University Law School, the Advocates' Society, The Ontario Bar Admission Course, the 12 Minute Securities Lawyer, and Osgoode Hall Continuing Education.

## AREAS OF FOCUS

- ◆ Commercial Arbitrations
- ◆ Professional Negligence and Discipline
- ◆ Directors' and Officers' Liability
- ◆ Securities Investment Dealer, Financial Advisor Negligence, and Discipline
- ◆ Employment Litigation and Arbitration
- ◆ Business and Contractual Disputes

**LERNERS**  
LAWYERS

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- ◆ Administrative and Public Law, Tribunals and Commissions
- ◆ Shareholder Disputes
- ◆ Bankruptcy, Insolvency and Creditor Remedies
- ◆ Civil and Regulatory Proceedings under the *Competition Act*.

## NOTEWORTHY CASES

- ◆ Representing a professional liability insurer in an arbitration against a technology vendor, relating to the terms of their ongoing relationship in light of the introduction of a new program structure
- ◆ Represented a minority shareholder of a closely-held corporation in a long-running series of arbitrations, involving such issues as shareholder oppression, the exercise of a shotgun clause, and arbitral jurisdiction
- ◆ Acted for insurer on mortgage broker coverage arbitration
- ◆ Acted on family law arbitration and an appeal from a family law arbitration award
- ◆ Acts for auditors in OSC investigations and proceedings
- ◆ Acted for interested parties in a Commission of Inquiry on Banking in Canada
- ◆ Acted for management on numerous labour arbitration cases
- ◆ Acted for universities before internal tribunals dealing with academic disputes

## SELECTED PRESENTATIONS/PUBLICATIONS

- ◆ “OSC decision shows severity of penalties for illegal insider trading”, AdvocateDaily.com, May, 2013
- ◆ “Case shows institutional investors may want more than passive role in class actions”, AdvocateDaily.com, April, 2013
- ◆ “Livent case could set precedent if “equal fault” defence is applied”, AdvocateDaily.com, April 2013

## ACHIEVEMENTS

- ◆ Certified as a Specialist in Civil Litigation by the Law Society of Ontario
- ◆ Benchmark Canada, Litigation Star (2017-2020) - Recognized in the following areas: Appellate, Class Actions and Commercial (2017-2020); Dispute Resolution (2020)
- ◆ Recognized as a leading litigator in the Lexpert Special Edition - Canada’s Leading Litigation Lawyers (2018-2019)
- ◆ Recognized and recommended by Lexpert as a leading lawyer in the area of professional liability, corporate commercial litigation, director & officer liability and securities litigation (2011-2018); corporate commercial litigation and professional liability (2019-2020)
- ◆ Recognized and recommended by Lexpert as a leading cross-border lawyer in the area of corporate commercial litigation, Lexpert Guide to the Leading US/Canada Cross-Border Litigation Lawyers in Canada (2016, 2014)
- ◆ Recognized as one of Canada’s leading lawyers in the area of director and officer liability practice (2019-2021), corporate and commercial litigation (2014-2021), legal malpractice law (2008-2021) and class action litigation (2021) in Best Lawyers in Canada (Woodward/White)
- ◆ Designated as Preferred Counsel by Lawyers’ Professional Indemnity Company

## MEMBERSHIPS

- ◆ Member, The Advocates' Society
- ◆ Member, Canadian Bar Association
- ◆ Member, Lawyers' Club
- ◆ Member, The Law Society of Ontario
- ◆ Member, Toronto Lawyers Association

## EDUCATION

- ◆ Master of Laws, Securities Law, Osgoode Hall Law School, 2003
- ◆ Bachelor of Laws, Queen's University, 1974
- ◆ Bachelor of Arts, University of Toronto, 1971