

LISA C. MUNRO, FCI.ARB, Q.ARB

Arbitration

PARTNER

"For most of my clients, litigation is a business problem that requires a business solution. They need advice that goes beyond their legal rights, risks, and remedies and provides them with practical, efficient, resolution strategies."

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REPRESENTATIVE WORK

Lisa Munro is a partner at Lerners LLP, with more than 25 years of experience as counsel in commercial/business litigation and commercial arbitration. She has also obtained the ADR Institute of Canada's Qualified Arbitrator (Q.Arb) designation.

Lisa has particular expertise in the following areas of practice:

- ◆ Business and contractual disputes
- ◆ Commercial arbitrations (both international and domestic)
- ◆ Shareholder disputes, including oppression remedy claims
- ◆ Commercial tenancies & real estate disputes
- ◆ Directors' and officers' liability
- ◆ Banking litigation
- ◆ Transnational law, enforcement of foreign judgments, and letters rogatory
- ◆ Accountants' and auditors' liability

As a former member of the Lerners LLP Executive Committee and Managing Partner of the Toronto Office of Lerners LLP for 12 years, Lisa has unique insights and skills to address business critical issues.

LEADERSHIP POSITIONS AND COMMUNITY CONTRIBUTIONS

- ◆ Board Directors, Chartered Institute of Arbitrators, Canada Branch (2020 to present)

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- ◆ Managing Partner, Lerner LLP Toronto Office (2018 to 2019)
- ◆ Chair, Diversity and Inclusion Committee, Lerner LLP (2017 to 2019)
- ◆ Chair, Toronto Commercial Arbitration Society Strategic Planning Committee (2015)
- ◆ Board of Directors, Greater Toronto Scout Foundation (2014 to present)
- ◆ Co-Chair, Toronto Commercial Arbitration Society Executive Committee (2014 to 2017)
- ◆ Executive Committee Member, Lerner LLP (2007 to 2019)
- ◆ Practice Group Leader, Lerner LLP Toronto Commercial Litigation Practice Group (2004 to 2006)
- ◆ Honourary Legal Counsel, Scouts Canada, Greater Toronto Council (2002 to 2013)
- ◆ Partner, Lerner LLP (2001 to present)
- ◆ Chair, Student Committee, Lerner LLP (2001 to 2004)

NOTEWORTHY CASES

Arbitrations:

- ◆ International arbitration (2008 to 2013): Co-counsel for claimant in contract interpretation dispute involving damages from product defect and denial of insurance coverage.
- ◆ Domestic arbitration (2013 to 2014): Lead counsel for claimant seeing recovery of fees paid for digital advertising services.

Shareholder remedies:

- ◆ *Hames v Greenberg*, 2014 ONSC 245. Counsel for plaintiff director, officer, and shareholder alleging oppressive conduct against majority shareholders. Motion to disqualify defendants' counsel from acting for both individuals and corporation.

Directors' and officers' liability:

- ◆ *Re Hollinger Inc.*, 2011 ONSC 1205; 2011 ONCA 579; and 2012 ONSC 5107. Co-counsel for one of interested parties who opposed a sealing/confidentiality order which prohibited disclosure of certain terms of settlement.

Cross-border issues:

- ◆ *Conrad Black v Richard C. Breeden et al*, [2009] O.J. No. 1292 (S.C.J.); appeal denied 2010 ONCA 547; leave granted [2010] SCCA 387. Co-counsel for plaintiff in a defamation action, responding to motion and appeal challenging the jurisdiction of the Ontario courts.
- ◆ *Sun-Times Media Group, Inc. v Conrad Black*, 2007 CarswellOnt 3912 (S.C.J.). Co-counsel for defendant opposing Mareva injunction to freeze his assets.
- ◆ *Re Ravelston Corp.*, 2007 CarswellOnt 755 and 661 (S.C.J.). Co-counsel for a party with an interest in these bankruptcy proceedings, who opposed the corporation's guilty plea to U.S. fraud charges.
- ◆ *Hollinger International Inc. v. Hollinger Inc.*, [2004] O.J. No. 3464 (S.C.J.). Decision denying anti-suit injunction brought against plaintiff and granting stay of counterclaim on the basis that the matters in issue are more properly to be determined in ongoing litigation in the United States.
- ◆ *Royal Trust Corp. v. Fisherman* (2000), 49 O.R. (3d) 187 (S.C.J.); leave refused, [2000] O.J. No. 4245 (Div. Ct.). Represented plaintiffs responding to a motion brought by defendant for a stay of the action on grounds that his rights to a fair criminal trial in the United States under the Fifth Amendment of the U.S. Constitution would be prejudiced by Ontario civil proceedings.

Banking:

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- ◆ *Royal Bank of Canada v. Société Générale (Canada) et al*, [2005] O.J. No. 4950 (S.C.J.); leave to appeal granted, [2006] O.J. No. 749 (Div. Ct.); appeal granted 2006 CarswellOnt 8091 (C.A.). Co-counsel for plaintiff responding to summary judgment motions brought by defendants in action for losses in excess of \$90 million as a result of one of the largest and most protracted frauds in Canadian banking history.
- ◆ *Toronto-Dominion Bank v. Leigh Instruments Limited (Trustee of)* (1998), 40 B.L.R. (2d) 1 (Ont. Gen. Div.); affirmed (1999), 45 O.R. (3d) 417 (C.A.). Part of a team of trial counsel representing a corporate defendant being sued by a bank upon a letter of comfort. Interlocutory motions during the trial are reported at 35 O.R. (3d) 273 [issue estoppel], 32 O.R. (3d) 575 [lawyer's work product privilege and waiver], 33 O.R. (3d) 696 [income tax treatment of losses], and 35 O.R. (3d) 369 [calling an adverse party as a witness at trial].

Other:

- ◆ Aboriginal law - *Kingspan Insulated Panels Ltd. v. Brantford (City)*, 2010 ONSC 4610; leave refused, 2011 ONSC 265. Counsel for defendant who brought motion for summary judgment dismissing claims arising out of aboriginal protests on property following purchase and sale transaction.
- ◆ Asset-Backed Commercial Paper - *ATB Financial v Metcalfe & Mansfield Alternative Investments II Corp.*, [2008] O.J. No. 2265; aff'd 2008 CarswellOnt 4811 (C.A.). Counsel for investors in asset-backed commercial paper restructuring.
- ◆ Consumer boycott – *Daishowa Inc. v. Friends of the Lubicon* (1998), 39 O.R. (3d) 620 (Gen. Div.). Trial co-counsel to a subsidiary of a major pulp and paper company seeking an injunction restraining secondary picketing and interference with economic relations as part of a consumer boycott.
- ◆ Privacy - *Canadian AIDS Society v. Ontario* (1995), 25 O.R. (3d) 388 (Gen. Div.). Represented the Canadian Red Cross Society in a case dealing with the constitutionality of testing of blood samples for the HIV virus without donor consent.
- ◆ *Commission of Inquiry on the Blood System in Canada* (1993-1997). Part of a counsel team which represented the Canadian Red Cross Society at the Commission of Inquiry.

AWARDS/RECOGNITION

- ◆ Benchmark Canada Litigation Star (2018 to 2020)
- ◆ Selected by "Women's Executive Network" as one of Canada's Most Powerful Women: Top 100 (2017)
- ◆ Selected by peers for inclusion in Best Lawyers in Canada for corporate and commercial litigation, alternative dispute resolution, class action litigation, and professional malpractice law (2015 to 2021)
- ◆ Recognized and recommended by Lexpert as a leading cross-border lawyer for corporate commercial litigation, Lexpert Guide to the Leading US/Canada Cross-Border Litigation Lawyers in Canada (2016)
- ◆ Selected by peers for inclusion in Canadian Legal Lexpert Directory for corporate commercial litigation (2016, 2018-2019)
- ◆ Lexpert Zenith Award for Diversity and Inclusion (2016)
- ◆ Selected by "Diversity Journal" as a recipient of its Women Worth Watching Award (2015)
- ◆ Scouts Canada Medal for Good Service (2006)

SELECTED PRESENTATIONS/PUBLICATIONS

- ◆ Guest lecturer, "Interim and Emergency Measures in International Arbitration" (Osgoode International Commercial Arbitration Course, November 16, 2019)
- ◆ Speaker, "Drafting Arbitration Clauses" (Ontario Bar Association Program "Litigate or Arbitrate: Which is the Right Path?", October 16, 2019)

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- ◆ Panellist, “Judicial Treatment of Arbitral Proceedings: Deference or Defiance? International Arbitration Perspective” (Chartered Institute of Arbitrators (Canada Branch) Annual Canadian Symposium, September 19, 2019)
- ◆ Panellist, “International Arbitration in Toronto: Past, Present, and Future” (Toronto Commercial Arbitration Society Annual Conference, May 28, 2019)
- ◆ Speaker, “Advocacy in Arbitration: An Overview” (Advocates’ Society Program, “ADR Advocacy: Advanced Techniques”, December 11, 2018)
- ◆ Panellist, “Counsel Perspectives: How Best to Represent your Clients” (Ontario Bar Association Conference, “Valuable Strategies for Mediating Multi-Party Disputes”, October 30, 2018)
- ◆ Panellist, “New Challenges and Age-Old Problems: Foundational Principles Applied and Practical Tips for International Arbitrators” (Chartered Institute of Arbitrators (Canada Branch) Annual Canadian Symposium, September 20, 2018)
- ◆ Speaker, “Drafting Offers to Settle and Minutes of Settlement: Avoiding Common Pitfalls” (Osgoode Professional Development Program “Successful Settlements”, March 24, 2017)
- ◆ Speaker, “Drafting Arbitration Clauses (Law Society of Upper Canada Conference “A Primer on Arbitration: For Litigators”, April 5, 2016)
- ◆ Panel Moderator, “National and International Developments in Arbitration Law and Practice” (Toronto Commercial Arbitration Society Annual Conference, April 30, 2015)

PROFESSIONAL EXPERIENCE

- ◆ Partner, Lerners LLP (2001 to present)
- ◆ Associate lawyer, Lerners LLP (1994 to 2001)
- ◆ Articling student, Lerners LLP (1992 to 1993)

PROFESSIONAL MEMBERSHIPS

- ◆ Fellow, Chartered Institute of Arbitrators, Canada Branch (FCIArb)
- ◆ ADR Institute of Canada/Ontario
- ◆ Fellow, Litigation Counsel of America
- ◆ Toronto Commercial Arbitration Society
- ◆ Toronto Lawyers Association
- ◆ The Advocates’ Society
- ◆ Ontario Bar Association
- ◆ Law Society of Ontario

EDUCATION

- ◆ ADR Institute of Canada Qualified Arbitrator Designation (QArb) (2018)
- ◆ Admitted to Ontario Bar (1994)
- ◆ Bachelor of Laws, The University of Western Ontario (1992)
- ◆ Bachelor of Arts (3 years completed), University of Toronto (1986 to 1989)

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