

LISA C. MUNRO

Commercial Litigation

PARTNER & ARBITRATOR, FCIARB,
Q.ARB

"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, who acts as a neutral arbitrator in domestic and international commercial arbitrations (both *ad hoc* and under institutional rules) and as advisor to arbitration counsel.

She brings to this role more than 25 years of experience as counsel in commercial/business litigation and both international and domestic commercial arbitration. She is a Fellow of the Chartered Institute of Arbitrators (FCIArb) and has obtained the ADR Institute of Canada's Qualified Arbitrator (Q.Arb) designation. She is also a roster arbitrator with Arbitration Place, Toronto Commercial Arbitration Society (TCAS), International Centre for Conflict Resolution (ICDR), International Chamber of Commerce (ICC Canada), Vancouver International Arbitration Centre (VanIAC), ADR Institute of Canada (ADRIC), and the Chartered Institute of Arbitrators (CIArb).

Lisa is the Editor and a Contributor of [Arbitration Matters](#). It features summaries of key decisions on commercial arbitration issues as they are released by courts across the country. The website now has over 700 of these case notes and is read by hundreds of leading arbitration professionals, both in Canada and worldwide. A digest of the most recent notes is sent to subscribers bi-monthly for free.

Lisa has particular expertise in the following areas of practice:

- ◆ Business and contractual disputes;
- ◆ Shareholder disputes, including oppression remedy claims;
- ◆ Commercial tenancies and real estate disputes;
- ◆ Directors' and officers' liability; and
- ◆ 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 resolve business critical issues. She is a frequent speaker on issues relating to arbitration for the Chartered Institute of Arbitrators (Canada Branch), Toronto Commercial Arbitration Society, Osgoode Professional Development, the Ontario Bar Association, and The Advocates' Society. She is a member of the primary faculty who teaches the TCAS Gold Standard Course in Domestic and International Commercial Arbitration, the successful completion of which satisfies the requirements for the ADRIC Qualified Arbitrator designation.

LEADERSHIP POSITIONS AND COMMUNITY CONTRIBUTIONS

- ◆ Partner, Lerners LLP (2001 to present)
- ◆ Board of Directors, ADR Institute of Canada (2023 to present)
- ◆ Editor and Contributor, arbitrationmatters.com (2021 to present)
- ◆ Co-Chair, Chartered Institute of Arbitrators, Canada Branch, Toronto Chapter (2021 to present)
- ◆ Board of Directors, Chartered Institute of Arbitrators, Canada Branch (2020 to present)
- ◆ Managing Partner, Lerners LLP Toronto Office (2018 to 2019)
- ◆ Founder and Chair, Diversity and Inclusion Committee, Lerners LLP (2017 to 2019)
- ◆ Co-Chair, Toronto Commercial Arbitration Society Executive Committee (2014 to 2017)
- ◆ Executive Committee Member, Lerners LLP (2007 to 2019)

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- ◆ Chair, Toronto Commercial Arbitration Society Strategic Planning Committee (2015)
- ◆ Board of Directors, Greater Toronto Scout Foundation (2014 to 2022)
- ◆ Practice Group Leader, Lerner LLP Toronto Commercial Litigation Practice Group (2004 to 2006)
- ◆ Honourary Legal Counsel, Scouts Canada, Greater Toronto Council (2002 to 2013)
- ◆ Chair, Student Committee, Lerner LLP (2001 to 2004)

NOTEWORTHY CASES

Arbitration:

- ◆ *Peace River Hydro Partners v Petrowest Corporation*, 2022 SCC 41. Counsel for intervener Arbitration Place to make submissions on the principle of "separability" of the arbitration clause and main contract under arbitration law.

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 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 5th Amendment of the U.S. Constitution would be prejudiced by Ontario civil proceedings.
- ◆ *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:

- ◆ Indigenous 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 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* (1993-199). Part of a counsel team which represented the Canadian Red Cross Society at the Commission of Inquiry.

AWARDS/RECOGNITION

- ◆ Best Lawyers in Canada, Lawyer of the Year, Alternative Dispute Resolution – Toronto (2022)
- ◆ Selected by peers for inclusion in Best Lawyers in Canada for alternative dispute litigation, corporate and commercial litigation, class action litigation, and professional malpractice law (2015-2022)
- ◆ Selected by peers for inclusion in Canadian Legal Expert Directory for commercial arbitration and corporate commercial litigation (2016, 2018-2019, 2021-2022)

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- ◆ Benchmark Canada Litigation Star (2018 to 2020, 2022)
- ◆ Fellow, Litigation Counsel of America (2018 to 2021)
- ◆ Selected by "Women's Executive Network" as one of Canada's Most Powerful Women: Top 100 (2017)
- ◆ 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)
- ◆ 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

- ◆ Author, "A Year in Review of Commercial Arbitration Case Law (2022)", publication pending *Canadian Journal of Commercial Arbitration*
- ◆ Guest lecturer, "5 Canadian Cases You Should Know" (Osgoode Professional Development International Commercial Arbitration Course, 2022)
- ◆ Webinar host, Arbitration Boot Camp (10 session series, 2022 to 2023)
- ◆ Co-host, "Conversations About Arbitration: The Essentials" (6 episodes, 2022)
- ◆ Author, "2021 Canadian Commercial Arbitration Case Law: A Year in Review" (2021 2:2 Can J Comm Arb 71)
- ◆ Speaker, "2021 Trendspotting: The Rise in Challenges to Arbitral Awards" (Chartered Institute of Arbitrators Canada Branch/*Canadian Journal of Commercial Arbitration* joint program, 2022)
- ◆ Panel Moderator, "Court Alternatives for International Disputes (Ontario Bar Association Institute Across Borders Conference, 2022)
- ◆ Guest lecturer, "5 Canadian Cases You Should Know" (Osgoode Professional Development International Commercial Arbitration Course, 2021)
- ◆ Co-Author, "2020 Review/2021 Forecast of Key Cases in Commercial Litigation and Arbitration" (Lerners LLP Commercial Litigation Group, 2020)
- ◆ Guest lecturer, "Interim and Emergency Measures in International Arbitration" (Osgoode Professional Development International Commercial Arbitration Course, 2019, 2020)
- ◆ Guest lecturer, "Arbitration Ethics, Part 1 and conflicts of interest" (Toronto Commercial Arbitration Society Gold Standard Course, 2020)
- ◆ Speaker, "Drafting Arbitration Clauses" (Ontario Bar Association Program "Litigate or Arbitrate: Which is the Right Path?" program, 2019)
- ◆ Panellist, "Judicial Treatment of Arbitral Proceedings: Deference or Defiance? International Arbitration Perspective" (Chartered Institute of Arbitrators Canada Branch, Annual Canadian Symposium, 2019)
- ◆ Panellist, "International Arbitration in Toronto: Past, Present, and Future" (Toronto Commercial Arbitration Society Annual Conference, 2019)
- ◆ Speaker, "Advocacy in Arbitration: An Overview" (Advocates' Society Program, "ADR Advocacy: Advanced Techniques", 2018)
- ◆ Panellist, "Counsel Perspectives: How Best to Represent your Clients" (Ontario Bar Association Conference, "Valuable Strategies for Mediating Multi-Party Disputes", 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, 2018)
- ◆ Speaker, "Drafting Offers to Settle and Minutes of Settlement: Avoiding Common Pitfalls" (Osgoode Professional Development Program "Successful Settlements", 2017)
- ◆ Speaker, "Drafting Arbitration Clauses (Law Society of Upper Canada Conference "A Primer on Arbitration: For Litigators", 2016)
- ◆ Panel Moderator, "National and International Developments in Arbitration Law and Practice" (Toronto Commercial Arbitration Society Annual Conference, 2015)

PROFESSIONAL EXPERIENCE

- ◆ Arbitrator, Arbitration Place (2021 to present)
- ◆ Partner, Lerners LLP (2001 to present)
- ◆ Associate lawyer, Lerners LLP (1994 to 2001)

PROFESSIONAL MEMBERSHIPS

- ◆ International Chamber of Commerce (ICC) Canada Arbitration Committee
- ◆ Fellow, Chartered Institute of Arbitrators, Canada Branch (FCIArb)
- ◆ ADR Institute of Canada/Ontario
- ◆ Toronto Commercial Arbitration Society

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- ◆ Toronto Lawyers Association
- ◆ The Advocates' Society
- ◆ Ontario Bar Association
- ◆ Law Society of Ontario

EDUCATION

- ◆ CIArb Accelerated Route to Fellowship Course (2021)
- ◆ TCAS Gold Standard Course in Domestic and International Commercial Arbitration (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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