



Glenn Smith

GLENN SMITH is one of the five founding partners at Lenczner Slaght.

Glenn has a diverse commercial litigation practice with an emphasis on product liability and complex insurance litigation. He also has expertise in the legal dimensions of technology. He appears regularly before a wide variety of courts and tribunals, including the Supreme Court of Canada, acting both for and against public and private companies, financial institutions and governments.

Glenn is recognized as a guru in e-discovery in Canada and was on the Ontario Task Force for implementing the Ontario e-Discovery Guidelines. He is currently on the editorial board of Sedona Canada, which drafted the Sedona Canada Principles Addressing Electronic Discovery. He argued the first case before the Court of Appeal to be presented using electronic data and evidence.

Glenn's practice is largely focused in insurance coverage disputes, including the complex litigation around product liability, directors and officers and environmental claims. He has been retained on some of the most significant insurance law cases in Canada, notably the Mississauga train derailment, the E. coli outbreak in Walkerton, Ontario and *Alie v. Bertrand et al.* In 2019, and in support of his years of practice in the industry, Glenn was recognized with the OBA Award of Excellence in Insurance Law.

Glenn has a long-standing association with University of Toronto Faculty of Law. He has lectured at the school since 1981 and was head of the Trial Practice Program from 1988 to 1992. He was also an adjunct professor of civil procedure at Osgoode Hall Law School, where he taught civil procedure. In addition, he has taught civil procedure for the Law Society of Upper Canada's Bar Admission Course and was formerly section head of the Trial Advocacy Course.

Glenn has frequently lectured and written on directors' and officers' liability, class actions, e-discovery, cross-border litigation and insurance law. He is the Canadian editor of *American Re's Environmental Coverage Case Law Review*, which is published annually. He is also a certified mediator.

Education

Dalhousie University (1974) JD
Dalhousie University (1971) BSc

Bar Admissions

Ontario (1976)

Practice Areas

Class Actions
Commercial Litigation
Insurance
Product Liability

Contact

T 416-865-2927
gsmith@litigate.com

RECOGNITION

- OBA Award of Excellence in Insurance Law (2019)
- The Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada (2012-2015)
Corporate Commercial Litigation; Product Liability
- Best Lawyers in Canada (2006-2020)
Class Action Litigation, Corporate & Commercial Litigation, Insurance, Product Liability
- Canadian Legal Lexpert® Directory (2012-2019)
Litigation - Commercial Insurance, Litigation - Corporate Commercial, Litigation - Product Liability (2012-2017)
- Chambers Canada (2018-2019)
Insurance: Dispute Resolution (Nationwide – Canada)
- Chambers Global (2012-2014)
Dispute Resolution: Ontario: Canada
- Lexpert Guide to the Leading US/Canada Cross-border Litigation Lawyers in Canada (2013-2019)
Dispute Resolution, Corporate Commercial Litigation
- Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada (2016)
Corporate Commercial Litigation
- Lexpert/ROB Special Edition: Canada's Leading Litigation Lawyers (2013-2018)
- Martindale-Hubbell Distinguished Peer Rating
- Practical Law Company (2011)
Canada - Insurance: contentious
- The Legal 500 Canada (2019)
Insurance (Leading Lawyer)

SELECT CASES

- **Re Hollinger Inc** – Counsel in various proceedings on behalf of Ernst & Young, the court appointed Monitor of Hollinger Inc. and related entities in complex CCAA proceedings.
- **DLF Solutions Inc v Maple Leaf Sports & Entertainment Ltd** – Counsel in the successful defence of owner of the Toronto Raptors at trial of an action and on appeal alleging breach of contract with respect to the sale...
- **Commercial Arbitration** – Counsel to the respondent in an arbitration concerning a contractual dispute and the appropriate methodology for the valuation of foreign oil reserves.
- **Charette v Trinity Capital Corporation** – Counsel to two defendants in a class action brought on behalf of taxpayers who participated in a charitable donation program.
- **Travelers Casualty v Sun Life Assurance Company of Canada (UK) Limited** – Provided expert evidence in Royal Courts of Justice on Canadian insurance law.
- **Filson v Canadian Wheat Board** – Counsel to the defendant Canadian Wheat Board in a class proceeding by former producers seeking \$15 billion in the Saskatchewan Court of Queen's Bench...

- **Royal Sun Alliance v Viridian** – Counsel in a dispute over historical insurance coverage for environmental damage in Manitoba and Saskatchewan.
- **Onex Corporation v American Home Assurance Company** – Counsel to successful appellant/respondent on cross-appeal in setting aside a finding of coverage under a directors' and officers' liability policy.
- **Dundas v Zurich Canada** – Counsel to the successful appellants in an appeal concerning the limitation period for a claim against an insurer for allegedly delaying settlement of the...
- **Alie v Bertrand** – Counsel for the insured Lafarge Inc in an action arising out of a complicated product liability, negligence insurance coverage action. The decision...
- **Cannon v Funds for Canada Foundation** – Counsel in a claim for negligent provision of legal advice regarding a tax shelter.
- **General Electric Canada Co v Aviva Canada, Inc** – Counsel for the insured in an application and appeal concerning insurer's duty to investigate and defend claims arising from the historical release of...
- **Nutech Brands Inc v Air Canada** – Counsel for a defendant in a class action relating to an alleged price-fixing conspiracy in the market for air freight shipping services.
- **Robinson v Rochester Financial Limited** – Counsel to the defendant law firm in a class action for solicitor's negligence involving a tax shelter based on charitable donations using in part...
- **AXA Insurance (Canada) v Ani-Wall Concrete Forming Inc** – Successful response to an appeal with respect to the dismissal of an application by an insurer for a declaration defining and limiting the scope of a "Rip..."
- **Adair Estate v Hamilton Health Sciences Corp** – Counsel to the defendant physicians in a medical negligence claim alleging a failure to diagnose a bowel obstruction in a timely fashion.
- **ACE INA Insurance v Associated Electric & Gas Insurance Services Limited** – Counsel to the primary insurer, ACE INA Insurance, in an appeal concerning the issue as to whether an excess insurer has an equitable duty to contribute...

SELECT PUBLICATIONS AND PRESENTATIONS

- **Insurance: Cross-Border Challenges** – Glenn Smith was a panellist at the 2018 New York State Bar Association's International Section Seasonal Meeting. He spoke on the "Insurance: Cross-Border Challenges" panel.
- **Financier Worldwide: D&O Risk & Liability Annual Review 2018** – Glenn Smith, a leading expert in Canada, commented on the latest trends in D&O risk & liability in Financier Worldwide's 2018 Annual Review.
- **American Conference Institute's 8th National Forum on Controlling Litigation Costs** – Glenn Smith will be presenting on the topic, Class Actions: Effectively Controlling Litigation Costs, at this year's American Conference Institute Forum on Oct 24th, New York City.
- **E-Discovery - Preserving, Identifying and Collecting Data** – Glenn Smith presented on the topic at The Osgoode Certificate in eDiscovery, Records Management, Information Governance and Privacy.

- **Effective Examinations: Things They Never Told Us** – Glenn Smith presented on Conducting Examinations in Chief at the conference sponsored by the Ontario Bar Association.
- **Hidden Treasure and Hydra's Heads: How Clarifying Canadian Insurance Law can Address Environmental Harm** – Glenn Smith co-authored the article *Hidden Treasure and Hydra's Heads: How Clarifying Canadian Insurance Law can Address Environmental Harm* in The International Comparative Legal Guide to Insurance & Reinsurance, Global Legal Group Ltd, London, UK (2012, 2013 editions).
- **Updated Rules of Procedure and Complex Litigation – Latest Developments and Assessments** – Glenn Smith presented at Insight's Complex, Mega and Advanced Litigation Conference.
- **Practicalities of managing class actions litigation and conducting e-discovery** – Glenn Smith speaks at Canadian Institute's 10th Annual National Forum on Class Actions Litigation.
- **The Law On Discovery and Production of Electronic Evidence: Where Are We Now? Where Are We Going?** – Glenn Smith presented at Osgoode Professional Development CLE in preparation for Rule changes.
- **Osgoode Professional Development CLE: 3rd Annual Managing Internal and Regulatory Investigations** – Glenn Smith addressed what general counsel, compliance officers and related professionals need to know about the preservation and collection of electronic evidence.
- **Ensuring Cost Effective and Compliant E-Discovery** – Glenn Smith moderated a Panel on the topic at the CCCA 2009 National Spring Conference.
- **Ensuring Cost Effective and Compliant E-Discovery** – Glenn Smith moderated a Panel on Ensuring Cost Effective and Compliant E-Discovery.
- **The Significance of the *Alie v. Bertrand & Frère Decision*** – Smith, G., Maroudas, E. and Breedon, R. "The Significance of the *Alie v. Bertrand & FrC(re Decision)*", (2003) 21 Can. J. Ins. L. 1.
- **Exhaustion of Policy Limits and the Duty to Defend: When Enough is Enough** – Glenn Smith co-authored the article *Exhaustion of Policy Limits and the Duty to Defend: When Enough is Enough* which appeared in Volume 22 of the Canadian Journal of Insurance Law. ((2004) 22 Can. J. Ins. L. 1.)

SELECT NEWS ARTICLES

- **Best Lawyers in Canada Recognizes Lenczner Slaght with 100 Rankings** – In the latest edition of *Best Lawyers in Canada*, 28 Lenczner Slaght lawyers earned a total of 100 rankings, up from 86 in 2019.
- **Lenczner Slaght Litigators Recognized for their Cross-Border Expertise** – Seven Lenczner Slaght lawyers are ranked as leaders by peers and senior members of the legal profession for their cross-border experience.
- **The 2019 Lexpert Directory Recognizes Lenczner Slaght with 89 Rankings** – An increasing number of our expert litigators are recognized by their peers as the foremost practitioners in their fields.

- **E-Discovery Evolution** – Glenn Smith and Sarah Millar were quoted in the recent Canadian Lawyer Magazine article about the evolution of e-discovery. Glenn and Sarah discuss how e-discovery solutions have become more sophisticated and cheaper, allowing even small firms to reap the benefits. See below for excerpts from the article.
- **OBA Honours Glenn Smith’s Excellence in Insurance Law** – Lenczner Slaght is proud to announce that Glenn Smith is one of the recipients of the 14th Annual Ontario Bar Association Award for Excellence in Insurance Law.
- **Lenczner Slaght Recognized as a Top-Tier Litigation Firm by Legal 500** – Legal 500 recognizes Lenczner Slaght as the “best litigation boutique in Canada.”
- **Lexpert Recognizes Lenczner Slaght’s Excellence in Litigation** – Our expert litigators continue to be recognized as the foremost litigators in their fields by peers and senior members of the legal profession.
- **Lenczner Slaght Recognized as a “Litigation Powerhouse”** – Canada’s leading litigation firm and its expert litigators continue to be recognized by world-renowned directory, Chambers & Partners.
- **Lenczner Slaght Litigators Ranked in Best Lawyers in Canada** – Canada’s leading litigation firm is proud to announce that 25 of the firm’s 58 lawyers have been recognized in the *Best Lawyers in Canada 2019* publication across multiple categories.
- **Lexpert Highlights Lenczner Slaght’s Cross-border Expertise** – Nine partners from Canada’s leading litigation firm are ranked as leading the way in cross-border practice excellence.
- **Lexpert Recognizes Lenczner Slaght’s Professional Excellence** – An increasing number of the firm’s lawyers have been ranked by their peers as leading practitioners in their field.
- **Lexpert Highlights Lenczner Slaght’s Litigation Strength** – A total of 13 Lenczner Slaght litigators have once again been ranked among the foremost litigators in their field in the 2017 Lexpert/ROB Special Edition: Canada’s Leading Litigation Lawyers.
- **Lenczner Slaght’s Cross-Border Litigation Expertise is Highly Ranked** – Almost half of the partners at Canada’s leading litigation firm are ranked with one Litigation Lawyer to Watch and 12 Leading Cross-Border Litigation Lawyers.
- **Lenczner Slaght Recognized in Chambers Canada 2018** – Canada’s leading litigation firm and its expert lawyers are ranked once again by Chambers & Partners for their exceptional litigation work.
- **Lenczner Slaght Ranked Among the Best** – Almost half of the leading litigation firm’s lawyers are recognized in the *Best Lawyers in Canada*.
- **Lenczner Slaght Shines in 2017 Lexpert Rankings** – Lenczner Slaght’s litigators continue to be recognized by their peers as leading practitioners in their fields according to the 2017 Canadian Legal Lexpert Directory.
- **Lenczner Slaght lawyers recognized in Lexpert ALM 500 Guide** – Canada’s leading litigation boutique leads all firms with 10 lawyers ranked in litigation practice areas in the 2017 Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada (“ALM 500”)

- **16 Lenczner Slaght Lawyers Ranked as Canada's Leading Litigators** – Number of Lenczner Slaght lawyers ranked in the year-end Lexpert Special Edition published in conjunction with *Report on Business* magazine jumps to 16.
- **Peers Recognize Lenczner Slaght's Expertise in Cross-border Litigation** – Fifteen Lenczner Slaght lawyers have been ranked in the Lexpert 2016 Guide to the Leading U.S./Canada Cross-Border Litigation Lawyers in Canada
- **Lenczner Slaght Lawyers Ranked Best** – Nearly half of the firm's lawyers recognized among Canada's foremost practitioners
- **23 Lenczner Slaght Lawyers Ranked in 2016 Lexpert Directory** – This year, the Canadian Legal Lexpert® Directory increased the number of Lenczner Slaght lawyers ranked among the best in Canada to 23, up from 20 in 2015.
- **Lenczner Slaght Scores Bull's Eye in Leading 500 Lawyers in Canada** – Canada's leading litigation practice once again tops the list of litigation firms in the 2016 Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada.
- **Lenczner Slaght Leads in Cross-Border Litigation** – Recognition of Lenczner Slaght lawyers as Canada's Leading Cross-Border Litigators Endures
- **Lenczner Slaght Lawyers Repeatedly Ranked Among the Best** – Half of the firm's lawyers are ranked as leading practitioners and three named "Lawyer of the Year" in the latest Best Lawyers in Canada Directory.
- **20 Lenczner Slaght Lawyers Recognized in 2015 Lexpert Directory** – Recognized by Canadian Legal Lexpert® Directory as leading practitioners.
- **Lenczner Slaght Remains at the Centre of the Lexpert Bull's-Eye** – Canada's leading litigation practice is once again ranked #1 in The 2015 Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada.
- **A Leader in Cross-Border Litigation** – 14 Lenczner Slaght litigators ranked in Lexpert 2014 Guide to the Leading U.S./Canada Cross-Border Litigation Lawyers in Canada.
- **Recognized as Canada's Leading Litigators** – Lenczner Slaght Lawyers listed in the year-end Lexpert Special Edition published in conjunction with Report on Business magazine.
- **23 Lenczner Slaght Lawyers Ranked Among the Best** – Nearly half of the firm's 49 lawyers are ranked as leading practitioners and two named "Lawyer of the Year" in the latest Best Lawyers in Canada Directory.
- **Lenczner Slaght Increases Rankings in 2014 Lexpert Directory** – Canada's leading litigation practice continues to add new names to the list.
- **Lenczner Slaght Tops Chambers Global Ranking** – Canada's leading litigation practice remains in Band 1 for 12th consecutive year.
- **Lenczner Slaght is at the Centre of the Lexpert Bull's-Eye** – Canada's leading litigation practice is once again ranked #1 in *The 2014 Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada*.
- **Lenczner Slaght Lawyers among Canada's Leading Litigators** – Lenczner Slaght lawyers recognized in the year-end Lexpert Special Edition published in conjunction with Report on Business magazine.

- **Onex Corporation v. American Home Assurance Company** – Glenn Smith and Rory Gillis' Ontario Court of Appeal Case, *Onex Corporation v. American Home Assurance Company*, is recognized in Lexpert's July/August 2013 "Big Suits" edition.
- **Lenczner Slaght Lawyers Ranked Among the Best** – Canada's leading litigation practice has 22 professionals in the 2014 Best Lawyers in Canada list.
- **24 year old insurance case ordered to go to trial** – Glenn Smith acted on appeal for individuals fighting their insurance company relating to a 24 year old car crash.
- **Lenczner Slaght Lawyers Win Top Peer Ratings** – Recognized by Canadian Legal Lexpert Directory as leading practitioners.
- **Lenczner Slaght Achieves Top Ranking** – Lenczner Slaght in the top band of Canadian litigation practices.
- **Glenn Smith and Matthew B. Lerner, counsel to Maple Leaf Sports & Entertainment, successfully defended against a \$2 million claim by season seat holder** – In a case arising out of a seat reconfiguration at Air Canada Centre for Toronto Raptors basketball games, Justice Beth Allen of the Ontario Superior Court of Justice has found that DLF Solutions Inc. and its principal Mark Michalkoff failed to establish that Maple Leaf Sports & Entertainment breached the plaintiffs' Personal Seat License by reconfiguring several courtside seats prior to the 2007 basketball season. In demonstrating that the plaintiffs' evidence regarding alleged pre-contractual representations was evasive and inconsistent and, by satisfying the Court that Maple Leaf Sports had in no way misrepresented the amenities associated with the plaintiffs' seats, Lenczner Slaght was successful in defeating DLF's claim in its entirety.
- **Potential impact of new summary judgment rule** – Glenn Smith quoted in the Ottawa Citizen on potential impact of new summary judgment rule.
- **The Trouble with Ponzi class actions** – Glenn Smith is quoted in the Financial Post regarding class actions as a means to recover lost money.

PROFESSIONAL ACTIVITIES

- Canadian Bar Association
- Ontario Bar Association
- Toronto Commercial Arbitration Society
Founding Member
- Canadian Defence Lawyers Association
- The Advocates' Society