



Education

Osgoode Hall Law School (2011) JD
 McGill University (2008) MA (History)
 McGill University (2007) BA
 (Honours - History)

Bar Admissions

Ontario (2012)

Practice Areas

Appeals
 Class Actions
 Commercial Litigation
 Employment
 Injunctions
 Professional Liability and Regulation
 Public Law

Contact

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Andrew Porter

ANDREW PORTER

is a partner at Lenczner Slaght.

Andrew's trial and appellate practice encompasses a range of general litigation, including commercial litigation, professional liability, and professional regulation. His clients regularly include corporations, shareholders, professionals as well as their regulatory bodies. His advice and representation has proven effective both inside and outside the courtroom.

Andrew has appeared in the Supreme Court of Canada, at all levels of court in Ontario, the Nova Scotia Court of Appeal, and various administrative tribunals, including the Human Rights Tribunal of Ontario. He is also an Adjunct Faculty member at Osgoode Hall Law School.

Andrew has represented his clients in contentious shareholder disputes, contractual interpretation applications, motions for injunctions, and as co-counsel in the defence of several class actions. He has developed experience in new and emerging technologies, including several cases involving cryptocurrencies.

Andrew has an interest in the intersection of civil and criminal quasi-criminal liability, and has successfully represented individuals charged with criminal offences, including by obtaining an acquittal at trial on the basis of multiple violations of the *Charter*.

RECOGNITION

- Best Lawyers in Canada (2020-2022)
 Corporate & Commercial Litigation, Health Care Law, Medical Negligence
- Canadian Legal Lexpert® Directory (2021)
 Litigation - Corporate Commercial, Medical Negligence, Professional Liability

SELECT CASES

- **Liam Marshall v College of Psychologists** – Counsel to the successful respondent, the College of Psychologists of Ontario, in an appeal to Divisional Court from a decision of the Health Professions Appeal and Review Board confirming the College's decision not to register the appellant as a psychologist

- **Jacques v Francis** – Counsel to the defendant emergency physician in the successful defence at trial of an alleged failure to diagnose an ischemic leg
- **Loranger v Tobey et al** – Counsel to the respondents in an appeal from a decision of the Small Claims Court arising from the sale of a used motor vehicle.
- **Joyce v MtGox Inc** – Counsel to the CEO of MtGox Inc, a defendant in a proposed Ontario class proceeding, concerning the failure of the Japanese BitCoin exchange.
- **Polman v The Chartered Professional Accountants of Ontario** – Counsel to the Chartered Professional Accountants of Ontario in the successful defense at the Human Rights Tribunal of Ontario of alleged discrimination concerning the unification of the accounting professions in Canada.
- **Jacot v Baxter** – Counsel for estate trustee and former family physician in a will challenge primarily based on alleged incapacity proceedings.
- **Tingling v The College of Psychologists of Ontario** – Counsel to the College of Psychologists of Ontario on a successful motion to dismiss an application to the Ontario Human Rights Tribunal relating to the...
- **Zarubiak (Estate) v Luce** – Counsel to a family physician in the successful defence at trial of the decision to discharge a patient from hospital, following which the patient...
- **Law Society of Upper Canada v Groia** – Counsel to the Law Society of Upper Canada in the prosecution of a lawyer for professional misconduct. A three member panel of the Divisional Court...
- **Law Society of Upper Canada v Opara** – Counsel to the Law Society of Upper Canada in a successful appeal of a decision concerning unprofessional conduct by a barrister.
- **Law Society of Upper Canada v DeMerchant** – Counsel to the Law Society of Upper Canada in successfully defending a motion for production of prosecution documents on the basis of a claim of abuse of...
- **Polar Wireless Corporation v Roberts** – Counsel to the successful plaintiff on a motion for an interlocutory injunction preventing former fiduciaries from unfairly competing with their former...
- **Bogner v Orangeville Police Services** – Counsel to the plaintiffs in an action alleging negligent investigation by the police.
- **Wadden v BMO Nesbitt Burns** – Counsel in a successful defence of the defendant brokerage firm at a lengthy trial before the Supreme Court of Nova Scotia in an action for negligence and...
- **1252662 Ontario Inc v Swisslog** – Counsel to the successful party in a contractual interpretation application seeking a declaration that alleged limitation of liability clauses in a...
- **Smith v Lattuca** – Counsel to the defendant physicians in a medical negligence proceedings. Successfully opposed a motion by the plaintiff to extend the deadline to...
- **R v Thompson** – Counsel to an accused facing charges of assault of a police officer and possession of a controlled substance. Evidence excluded and an acquittal on all...
- **673753 Ontario Limited v Jeya Transportation Ltd** – Trial counsel to the plaintiff load broker in a breach of contract action against the defendant carrier. Successful at trial.
- **Quarterback Transportation Inc v Clegg** – Counsel to the respondents (defendants) successfully resisting Quarterback's motion for an interlocutory injunction seeking to enforce restrictive covenants and other

post-employment obligations on several departing employees, and a competitor.

- **Singh v The Chartered Professional Accountants of Ontario** – Counsel to the Chartered Professional Accountants of Ontario in a successful request to dismiss an application to the Human Rights Tribunal of Ontario at a summary hearing.

SELECT PUBLICATIONS AND PRESENTATIONS

- **Long-Term Care Homes, COVID-19 & Personal Injury Litigation** – Andrew Porter shared his expertise at The Advocates' Society's program on *Long-Term Care Homes, COVID-19 & Personal Injury Litigation*. Andrew presented on a panel discussion on personal injury claims and related liability issues emerging in light of the COVID-19 pandemic.
- **Colloquium 2017** – Andrew spoke on the "Best Practices Before Tribunals" panel at the *2017 Colloquium: North Eastern Ontario Continuing Professional Development Conference*.

BLOG POSTS

- **A Cautionary Tale: Admissions Against Interest in Regulatory and Subsequent Criminal Proceedings** – A recent decision from the Ontario Court of Appeal serves as a cautionary tale for regulated professionals and their counsel considering the terms of a potential resolution of discipline proceedings where related criminal proceedings may still be on the horizon. In *R v Lo*, the Court of Appeal upheld a trial judge's decision during a criminal jury trial to admit into evidence the Agreed Statement of Fact ("ASF") from a prior disciplinary hearing on related allegations before the College of Psychologists ("CPO").
- **Mutual Legal Assistance (with strings attached)** – Can a Judge impose conditions restricting the ability of a foreign country, receiving evidence pursuant to the *Mutual Legal Assistance in Criminal Matters Act (MLACMA)*, from sharing that evidence with another country as it sees fit? Despite the obvious difficulties which arise from such an Order, Justice Nordheimer did just this in his recent decision in *Mutual Legal Assistance in Criminal Matters Act (Re)*, in which he attempts to strike a balance between Canada's treaty obligations to assist in the investigation of criminal activity, and the privacy interests of third parties.
- **Alberta Court Rejects Claim for Fraudulent Misrepresentation Inducing Marriage** – A recent Alberta trial decision reads like something out of an antiquated law school casebook in which damages are claimed based on the disappointment of one spouse (usually the husband) about the past conduct or character of the other (usually the wife).
- **Much Ado About Nothing: Procedural "Unfairness" in Via Rail v. Cannon** – Is it procedurally unfair for a party to be required to proceed to a hearing if it believes, erroneously, that a deadline to file a complaint has not been met, but later learns that in fact it had been all along?

SELECT NEWS ARTICLES

- **Lenczner Slaght Litigators Ranked Among Best Lawyers in Canada** – In the latest edition of *Best Lawyers in Canada*, 37 of our expert litigators are recognized for their expertise across 25 practice areas.
- **The 2021 Lexpert Directory Recognizes 30 Lenczner Slaght Lawyers** – An increasing number of our expert litigators are recognized by their

peers as the foremost practitioners in their fields.

- **Best Lawyers in Canada Recognizes Lenczner Slaght's Litigation Expertise** – Lenczner Slaght is proud to announce that 33 of our expert litigators are recognized in *Best Lawyers in Canada 2021*. Our lawyers received a total of 128 rankings, up from 100 in 2020.
- **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 Congratulates Two New Partners** – Canada's leading litigation firm is proud to welcome two exceptionally strong advocates to the partnership, Brendan Morrison and Andrew Porter.
- **Ontario Court of Appeal Dismisses Appeal in Groia v. Law Society of Upper Canada** – Tom Curry, Jaan Lilles, and Andrew Porter of Lenczner Slaght acted as counsel to the Law Society of Upper Canada before the Court of Appeal for Ontario concerning the finding of professional misconduct and one month suspension imposed by the Law Society Tribunal's Appeal Division following a lengthy discipline hearing into the lawyer's unprofessional conduct in court.
- **Divisional Court Dismisses Groia Appeal** – Tom Curry, Jaan Lilles and Andrew Porter acted as counsel for the Law Society of Upper Canada.
- **Osgoode Wins 40th Annual Gale Cup** – Andrew Porter's article is featured in *Canadian Lawyer*.
- **34th Annual Intensive Trial Advocacy Workshop** – Lindsay Beck, Brent Kettles, Brendan Morrison and Andrew Porter are the latest talented young lawyers to join Lenczner Slaght.
- **Welcoming four new lawyers to our firm** – Lindsay Beck, Brent Kettles, Brendan Morrison and Andrew Porter are the latest talented young lawyers to join Lenczner Slaght.

PROFESSIONAL ACTIVITIES

- Canadian Bar Association
- Ontario Bar Association
- The Advocates' Society