



Bradley Berg, FCI Arb.

Partner | Toronto

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Brad's practice includes complex commercial cases, arbitrations and precedent-setting public interest litigation. He has appeared as lead counsel across the country, including regularly at the Supreme Court of Canada. Brad was the Practice Group Leader for Blakes Litigation in Toronto for eleven years (2010-2021).

Brad is a past president of The Advocates' Society and a Fellow of the Chartered Institute of Arbitrators (FCI Arb). He taught trial advocacy at Osgoode Hall Law School for six years and is currently a contributing editor to *Canadian Legal Practice* (Butterworths/LexisNexis). Among other things, Brad was co-chair of a 2015 joint task force of The Indigenous Bar Association, The Advocates' Society and the Law Society of Ontario to develop *Guidelines for Lawyers Working with Indigenous Peoples*, a national project in response to the Report of the Truth and Reconciliation Commission.

Brad clerked to the Saskatchewan Court of Appeal and serves on the Law Dean's Advisory Council for the University of Saskatchewan. Brad is a director of the CAMH Foundation Board supporting mental health across Canada. He is closely involved with several other community agencies, including AIDS Committee of Toronto, the Canadian Civil Liberties Association and the Metropolitan Community Church of Toronto.

Diversity and giving back are long-standing passions for Brad. He was the first lawyer to start "out" at Blakes and one of the first on Bay Street at the time. He has been involved with many of Canada's leading LGBTQ+ organizations over the years, including as co-chair of OBA SOGIC in the late 1990s. Among other things, Brad and his husband Brian Rolfes have established an annual scholarship at the University of Saskatchewan College of Law recognizing upper year achievement by LGBTQ+ students and allies.

EDUCATION

Admitted to the Ontario Bar – 1996

Admitted to the Saskatchewan Bar - 1994

LL.M. (best thesis), University of Toronto - 1995

LL.B. (distinction), University of Saskatchewan - 1992

B.Comm. (distinction), University of Saskatchewan - 1991

SELECT CASES

The public details of Brad's commercial practice can be found at www.blakes.com. Many of his cases are arbitrations which are strictly confidential.

In addition, Brad has a public law practice (most often conducted pro bono), including representing equity-seeking groups and others:

- Canadian American Bar Association in the voting rights appeal by expatriate Canadian citizens (Frank SCC).
- Calgary Sexual Health Centre in defending Gay-Straight Alliances in Alberta (PT, DT, ABQB).
- Canadian Civil Liberties Association in a wide variety of matters, including the scope of constitutional damages (Henry SCC); the determination of fair trial rights and the protections afforded a witness (Re. N.S. the "niqab case" SCC); the standard of care for Crown prosecutors in Canada (Miazga SCC); the constitutionality of provincial property forfeiture legislation (Chatterjee SCC); and the duty of care owed by police in Canada to persons under investigation (Hill SCC).
- Family Service Association of Toronto in the landmark "three-parent" case (AA, BB, CC, OCA).

AWARDS & RECOGNITION

Brad is widely recognized as one of Canada's leading litigators including by:

- *Legal 500 Canada* (Recommended for Dispute Resolution)
- *Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada* (Litigation - Corporate Commercial)
- *Canadian Legal Lexpert Directory* ("Most Frequently Recommended")
- *Chambers Canada* (Dispute Resolution: "He is strategic counsel, guides the big picture strategy" and is "good at anticipating the client's needs".)
- *Best Lawyers in Canada* (Corporate & Commercial Litigation; Appellate Practice)
- *Benchmark Canada: Definitive Guide to Canada's Leading Litigation Firms and Attorneys* ("a polished and articulate advocate who is also extremely persuasive")
- *Lexpert Guide to the Leading US/Canada Cross-border Litigation Lawyers*

He has been recognized for his contributions to diversity, mentoring and corporate leadership:

- ACT Together Towards Zero: Long-standing Awards (Individual Honouree for 2018)
- Start Proud / Out on Bay Street (Professional Leadership Award, 2015)
- Lexpert Zenith Awards: Corporate & Law Firm Social Responsibility (Mid-Career Mentorship, 2011)
- Lexpert Zenith Award for Pro Bono Service (2009)