

M. PHILIP TUNLEY

BARRISTER

Curriculum Vitae



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EXPERIENCE

2020-DATE

Principal—M. Philip Tunley Barrister
www.tunleylaw.ca

2017-2022

Founding Partner – St. Lawrence Barristers LLP

- Practicing civil litigation, with an emphasis on public and administrative law litigation, media law, regulatory offences, constitutional litigation, commercial disputes, and high technology matters
- Full range of trial and pre-trial proceedings, administrative hearings, applications and appeals in all courts and tribunals in Ontario

2006-2017

Partner – Stockwoods, LLP – Barristers

- Practicing civil litigation, with an emphasis on commercial disputes, public and administrative law litigation, media law, regulatory offences, constitutional litigation, and high technology matters
- Conducting a full range of trial and pre-trial proceedings, administrative hearings, applications and appeals in all courts and a variety of tribunals in Ontario

- Involved in all aspects of practice management, including law firm technology matters, in a premiere litigation boutique
- 1994-2006
- Partner – McCarthy Tétrault, LLP – Toronto Litigation Group***
- Practicing civil litigation, with an emphasis on commercial disputes, public and administrative law litigation, media law, regulatory offences, constitutional litigation, and high technology matters
 - Conducting a full range of trial and pre-trial proceedings, administrative hearings, applications and appeals in all courts and a variety of tribunals in Ontario
 - Involved in student recruitment and professional development in the Litigation Section of a full-service, national law firm
- 1990-1993
- Counsel – Constitutional Law and Policy Division, Ministry of the Attorney General***
- Specializing in all aspects of constitutional litigation, opinion work and policy analysis, with an emphasis on legal rights and freedom of expression under the *Charter*, division of powers, and aboriginal peoples
 - Conducted motions, appeals, and interventions before the Ontario Court (General Division), Divisional Court, Ontario Court of Appeal, Federal Court of Appeal, and Supreme Court of Canada
 - Conducted trials before the Ontario Court (Provincial Division) and a major Board of Inquiry under the Ontario *Human Rights Code*
 - Assisted senior counsel and Crown prosecutors in cases before all courts in Ontario, and a reference by Order in Council to the British Columbia Court of Appeal
 - Member of Ontario’s negotiating team during the multilateral meetings and constitutional conferences leading to the Charlottetown Accord
 - Involved in student recruitment and instruction in continuing legal education and other seminars
- 1986-90
- Associate Lawyer – McMillan, Binch***
- Practising commercial and public law litigation within a full service corporate-commercial law firm
 - Conducted and assisted senior counsel in motions and appeals to before all courts in Ontario, and trials before the District Court and Supreme Court of Ontario
 - Involved in student recruitment and in the firm’s Communications Law Group
- 1984-85
- Articling Student – McMillan, Binch***
- Full rotation through all areas of a major, full-service firm practice
- 1979-81
- Research Fellow – Centre for Institutional Studies, University of East London, U.K.***

- Research into current changes in the organization and finance of local government in the U.K.
 - Prepared working papers on various aspects of the research
 - Developed teaching materials, lectured, and supervised independent studies on related topics
 - Advised and provided research assistance to members of the Houses of Parliament
- 1977-78 ***Research Assistant - Centre for Institutional Studies***
- Completed and redrafted an ongoing study of the finance and provision of education in a London Borough (published as Tunley, Travers and Pratt, *Depriving the Deprived*, Kogan Page, 1979)
- 1983-84 ***Student Duty Counsel - His Honour, Judge Wiseman***
Provincial Court (Family Division)
- 1982-84 ***Editorial Assistant - Municipal & Planning Law Reports***
- Summer 1983 ***Research Assistant - Professor Stanley M. Makuch***
- Research and related work in the area of municipal and planning law, including draft revisions to the *Municipal Act* and a background paper for the MacDonald Commission on the Canadian Economic Union
- 1981-83 ***Legal Caseworker - Central Toronto Community Legal Clinic***
- Specializing in workers' compensation appeals
- Summer 1982 ***Appeals Administrator – Workers' Compensation Board***
- Reviewing worker claim files for disclosure purposes and preparing case profiles for Appeal Board hearings
- 1970-81 Active in community and educational theatre, and in research, writing, reading and script development for television, publishing, theatrical and other organizations in Kingston and Toronto

PROFESSIONAL ACTIVITIES AND AFFILIATIONS

- 1986-DATE ***Member, Law Society of Upper Canada***
- 1996-DATE ***Member, The Advocates Society***
- 1981-DATE ***Member, Canadian and Ontario Bar Associations***
- Former member of the Executive of the Constitutional and Civil Liberties section, and active member of other sections
- 1990-1993 ***Member, Association of Law Officers of the Crown***
- Elected to the Board of Directors in 1991 and 1992
 - Attended and presented seminars on various topics at the ALOC

- Law Conferences in 1991 and 1992
 - Member of ALOC's negotiating team under the *Social Contract Act*
- 2004-2009 **Member, Judicial Appointment Advisory Committee**, Toronto Region
- Advising the Attorney General of Canada on appointments to the Ontario Superior Court of Justice, Court of Appeal of Ontario, Federal Court of Canada, and Federal Court of Appeal
- 2002-DATE **Member, Ad Idem/Media Lawyers' Association** (Advocates in Defence of the Media)
- Participate in annual conferences of media lawyers practicing across Canada
- 2005-DATE **Member and Director, Canadian Journalists for Free Expression**
- President of this free expression advocacy and service group from 2018 to date
 - Vice President and member of Executive Committee 2008 to 2010, and 2015 to date
 - Chair of Personnel Committee, and member of Governance and IFEX (International Freedom of Expression eXchange) Committees 2005 to 2011
 - Attended and presented at the International Freedom of Expression Conference and IFEX General Meetings in Brussels, February 2006, and in Montevideo, October, 2007, as a representative of CJFE
 - Member of the Board of Trustees of the Canadian International Freedom of Expression Trust, a charitable trust associated with CJFE, 2005-2010
- 2004-2005 **Member, E-Discovery Subcommittee, the Task Force on the Discovery Process in Ontario** (Chair: Justice Colin Campbell)
- Prepared working Draft of the "Guidelines for the Discovery of Electronic Documents in Ontario", issued October, 2005

EDUCATION

- 1985-86 Law Society of Upper Canada – Bar Admission Course
- Izadore Levinter Prize – Highest standing in Charter and Administrative Law
- 1981-84 University of Toronto, Faculty of Law – LL.B Common Law
- Dean's Honours List, second year
- 1973-77 Queen's University, Faculty of Arts and Science, B.A., English Language and Literature
- Honours standing overall
 - Anniversary Scholarship, 1973-74, Mary Mewkill Memorial

Scholarship, 1974-75

LEGAL EDUCATION, TRAINING AND WRITING

ADVOCACY TRAINING

1997-2000, 2006-2019	Adjunct Faculty, University of Toronto Faculty of Law, Trial Advocacy course <ul style="list-style-type: none">• Instructing 3rd year law students in full-term trial advocacy program
1997-DATE	Instructor and Team Leader, Osgoode Hall Law School Intensive Trial Advocacy course <ul style="list-style-type: none">• Instructing young practitioners, normally in practice 1-5 years, in 1-week intensive trial advocacy program
2008-2018	Instructor and Co-Chair, The Advocates' Society "Tribunal Advocacy Workshop" <ul style="list-style-type: none">• Instructing young practitioners and paralegals on trial presentation techniques before administrative tribunals, including presentation (using exhibits) and demonstration (cross examination)
2004-2008	Instructor, The Advocates' Society "Civil Motions Workshop"
2004-2005	Instructor, Expert Witness Evaluation Program for students in the Diploma in Investigative and Forensic Accounting program, of the University of Toronto Rotman School of Management and the Canadian Institute of Chartered Accountants
2002-2008, 2010-2013, 2017-2019	Judge, The Wilson Moot, a Canada-wide law student moot on constitutional or civil rights issues
2017-DATE	Lecturer, CAMPUT Energy Regulation Course, Queens University – presentation on use of expert evidence in energy regulatory proceedings
Various	<ul style="list-style-type: none">• Advocates' Society "Examination of witnesses in LPAT Hearings" instructor in training program for LPAT members, June 6, 2018• Instructor, Advocates' Society "Appellate Advocacy Skills Workshop", May 4, 2016• Advocates' Society "Courthouse" Series, panel discussion (affidavits) and demonstration of a cross-examination of an expert witness, in "Getting to the Point!!!", February 14, 2013• Advocates' Society "Courthouse" Series, panel discussion (preparation for cross-examination) and demonstration of a cross-examination (impeachment) of an expert witness, February 23, 2012• Advocates' Society "Courthouse" Series, panel discussion (openings, cross-examination) and demonstration of a cross-examination, "Opening with a Bang: Using Persuasive Techniques", Advocates Society, February 17, 2011

- Panel discussion (counsel preparation for discovery), “Mastering Winning Discovery Techniques”, Advocates Society, October 6, 2011
- Demonstration and Panel Discussion, “Tackling the Tough Case: Expert Under Fire”, Advocates Society, February 25, 2010
- Speaker, “Hot Topics in Expert Evidence”, Toronto Lawyers Association, October 20, 2009
- Instructor, Advocates Society Summer Trial Advocacy Symposium, June 18, 2009
- Advocates’ Society “Courthouse” Series, demonstration of an opening statement for the defence, in “Bring You Theory to Life in Opening Statement”, February 15, 2007
- Panel Member “Character Impeachment”, The Advocates Society Civil Litigation Skills Certificate Program, April 11, 2006
- Lectures on “Oral Advocacy” at the University of Toronto, Faculty of Law, Moot Court Program, with Justices of the Ontario Court of Appeal
- Various internal CLE programs at Stockwoods LLP and McCarthy Tétrault, LLP

COMPUTERIZED LITIGATION SUPPORT

- 2014 “Electronic Evidence and E-Litigation in Regulatory Tribunals”
- Presented at the CBA’s 15th Annual National Administrative Law And Labour & Employment Law Conference on November 28, 2014, and published in (2015) 3 Energy Regulation Quarterly, Issue 1 p. 31
- 2007 “Information Technology Through the Courthouse Door: the Electronic Trial”, Presented at *Electronic Discovery and the Sedona Canada Principles*, OBA, Toronto, May 31, 2007
- 2006 “Engaging Clients in the E-Discovery Process: Applying the Ontario E-Discovery Guidelines”, Presented at *E-Document Management and Discovery*, IQPC, Toronto, May 17, 2006
- 2004-2006 Member of McCarthy Tétrault, LLP national steering committee, dealing with best practices and firm-wide implementation of computerized litigation support
- 2005 “Managing Electronic Evidence Through The Litigation Process: A Lawyers’ Survival Guide”
- Demonstration presented at *Electronic Discovery and the New ED Guidelines – A Roadmap for Dealing with Electronic Information*, Ontario Bar Association, November 28, 2005
- 2004-2005 Member, E-Discovery Subcommittee, the Task Force on the Discovery Process in Ontario (Chair: Justice Colin Campbell) – see above

- 2002 “Discovery of Documents: Seeking and Resisting Disclosure in the Information Age”, with Gillian Slaughter
- Presented at *Advanced Civil Procedure*, The Canadian Institute, April 8, 2002
- 1991 “Accessing On-Line Information for Litigators”, with Simon Chester
- Published in *Winning With Computers: Trial Practice in the 21st Century*, John C. Tredennick Jr., Ed., American Bar Association
- ADMINISTRATIVE AND PUBLIC LAW**
- 2015 “Expert Evidence for Energy Lawyers and Regulators”
- Published in (2015) 3 *Energy Regulation Quarterly*, Issue 3 p. 53
- 2015 “Electronic Evidence and E-Litigation in Regulatory Tribunals”
- Presented at the CBA’s 15th Annual National Administrative law And Labour & Employment Law Conference on November 28, 2014, and published in (2015) 3 *Energy Regulation Quarterly*, Issue 1 p. 31
- 2013 Panel Member, “Confidentiality and Privilege in Canadian Energy Regulatory Proceedings”
- Presented at the Canadian *Energy Law Forum*, May, 2013
- 2012 Panel Member, “Ethical and Professional Issues in Crown Litigation”
- Presented at *Crown Liability*, Osgoode Professional Development, February 17, 2012
- 2009 Panel Member (with Justice Andromache Karakatsanis and Raj Anand) on “Judicial Review of Professional Discipline Decisions”
- Presented at *Prosecuting and Defending Professional Discipline Cases*, Osgoode Professional Development, December 4, 2009
- 2009 “Statutory Interpretation in the Tribunal Context”
- Presented at *Advanced Administrative Law*, The Canadian Institute, October 28, 2009
- 2006 “Crown Liability Based on Unjust Enrichment in Cases Involving Illegally Imposed Taxes: The Issues before the Supreme Court in *Kingstreet Investments Ltd. v. New Brunswick Liquor Corporation*”
- Presented at *Litigation Against the Crown*, The Canadian Institute, June 13, 2006
- 2006 “Power of Tribunals to Decide *Charter* Questions
- Facilitator at *Advanced Roundtable on Administrative Law*, Law Society of Upper Canada, February 14, 2006
- 2005 “Privilege in Litigation By and Against the Crown”
- Presented at *Litigation Against the Crown*, The Canadian Institute,

May 4, 2005

- 2000-2015 Editor-in-Chief, *Regulatory Boards and Administrative Law Litigation Journal*, Federated Press quarterly
- 2019 Presented with the “Energy Bear” award by the Canadian Energy Law Forum
- Various Various internal CLE programs at Stockwoods LLP, McCarthy Tétrault, LLP and the Constitutional Law and Policy Division, Ministry of the Attorney General

COMMERCIAL AND GENERAL LITIGATION

- 2011 Co-Chair, full-day conference “Defamation in the Internet Age: Essentials for Litigators and Corporate Counsel”, Osgoode Professional Development, September 27, 2011
- Updated and re-presented “Defamation in an Employment Law Context”, below
 - Led panel discussions and workshop on various conference issues
- 2006 “Defamation in an Employment Law Context”, with Brian Smeenk
- Article published in (2006), 32 *The Advocates Quarterly* 83
 - First presented at The Advocates Society Fall Convention, November 18, 2005
 - Updated and presented at the Osgoode Hall Law School LLM program in Employment Law, February 3, 2006, and to the OPSBA, Labour Relations 2007 symposium
- 2005 “Vicarious Liability: Is There Any Limit?”
- Presented at the Ontario Bar Association, 30th Institute of Continuing Legal Education, Civil Litigation program, *Ten Intimidating Torts – A Ten Year Update*, February 4, 2005
- 2001 “The Undertaking to Pay Damages”, with Mark Freiman
- Presented at *The Law of Injunctions*, Ontario Bar Association, November 19, 2001 and June 14, 1999
- 2000 “Private Remedies for Breach of Continuous Disclosure Requirements: A Critical Examination of the Recommendations of the Allen Committee”, with Larry Henry
- Presented at *Emerging Issues in Corporate Litigation*, Osgoode Professional Development, April 14, 2000
- Various Various internal CLE programs at Stockwoods LLP and McCarthy Tétrault, LLP.