

BRIAN J. GOVER

ADDRESS

Business

Stockwoods LLP
Suite 2512, The Sun Life Tower
150 King Street West
Toronto, Ontario
M5H 1J9

Residence

[REDACTED]

Telephone: (416) 593-7200 or 593-2489 (direct)
Cellular: [REDACTED] (i.e. [REDACTED])
Facsimile: (416) 593-9345

[REDACTED]

e-mail: briang@stockwoods.ca

PERSONAL DATA

Date of Birth:

[REDACTED]

Marital Status:

[REDACTED]

Citizenship:

Canadian

SECURITY CLEARANCE

[REDACTED]

EDUCATION

Barrister-at-Law, The Law Society of Upper Canada, 1983

Bachelor of Laws (LL.B.), The University of Western Ontario,
London, Ontario, 1981

Bachelor of Arts (Concentration in History),
The University of Western Ontario, London, Ontario, 1978

PROFESSIONAL EXPERIENCE

*June 1994
to Present*

**Partner
Stockwoods LLP, Toronto**

- Private practice, specializing in administrative, civil, criminal and quasi-criminal litigation.
- Senior Counsel, Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182 ("Air India Inquiry"), (2006-present).
- Commission Counsel, Commission of Inquiry into the Conduct of Canadian Officials in relation to Maher Arar ("Arar Commission"), (2004-2006).
- Commission Counsel, The Walkerton Inquiry (2000-2002).

*August 1993
to May 1994*

**Counsel, Ontario Ministry of the Attorney General,
Crown Law Office - Criminal**
(formerly Criminal Appeals and Special Prosecutions Branch), Toronto.

- See entry for April 1983 to February 1991. During career as Crown Counsel, appeared on approximately 200-300 appeals to the Court of Appeal and 12 appeals to the Supreme Court of Canada.
- Appeared as Crown Counsel in all types of prosecutions, but particularly in relation to commercial crime, interferences with the administration of justice, municipal corruption and breach of trust by public officials. Represented the Crown in responding to allegations of abuse of process and breach of prosecutorial duties.

and

**Interim Project Director, Civil Alternative Dispute Resolution Pilot
Project, Ontario Ministry of the Attorney General, Toronto.**

- Assisted in the implementation and design of a court-based alternative dispute resolution project focusing on general civil litigation and commercial litigation before the Ontario Court of Justice (General Division) in Toronto Region.
- Leading role in all aspects of the project's design and implementation.

*February 1991
to July 1993*

Executive Legal Officer

Ontario Court of Justice (General Division), Toronto

(on secondment from the Ontario Ministry of the Attorney General,
Crown Law Office - Criminal)

- Provided advice and counsel on the constitution and organization of the province's superior trial court, and relations between the Court and external organizations, including the Bar and all levels of court and government. Reported directly to the Honourable F.W. Callaghan, Chief Justice of the Ontario Court. Advised the Chief Justice on strategic initiatives to enhance the operation of the Court after the 1990 reorganization and regionalization of the Ontario court system.
- Acted as Chief of Staff for the Office of the Chief Justice (which numbers approximately 45 staff and includes Regional Trial Co-ordinators and 21 research lawyers); provided administrative support to the Chief Justice, Associate Chief Justice and Regional Senior Justices.
- Assisted the Honourable Mr. Justice Watt in the preparation of the court's *Criminal Proceedings Rules*, the most comprehensive set of rules passed by any court pursuant to the *Criminal Code's* rule-making provisions.

*April 1983 to
February 1991*

Counsel, Ontario Ministry of the Attorney General,

Crown Law Office - Criminal

(formerly Criminal Appeals and Special Prosecutions Branch), Toronto.

- Appeared as Crown Counsel on applications for leave to appeal and appeals to the Ontario Court of Appeal and Supreme Court of Canada concerning allegations of criminal conduct. Appeals argued in the Supreme Court of Canada include cases dealing with the right to counsel (*R. v. Ross*, [1989] 1 S.C.R. 3), the right to be tried within a reasonable time and abuse of process (*R. v. Conway*, [1989] 1 S.C.R. 1659) and the right to equality before and under the law (*R. v. S.(S.)*, [1990] 2 S.C.R. 254), as guaranteed by the *Canadian Charter of Rights and Freedoms*. Appeared as Crown Counsel on motions regarding appellate proceedings.
- Appeared as Crown Counsel on applications to the Ontario Court of Justice and its predecessor for prerogative remedies and remedies sought under the *Canadian Charter of Rights and Freedoms*, as well as applications to that Court for judicial interim release, change of venue, etc.
- Appeared as Crown Counsel in special prosecutions, particularly in relation to commercial crime and interferences with the administration of justice. Appeared as Crown Counsel in response to abuse of process allegations. Appeared as prosecutor in all levels of trial courts. Occasionally provided prosecutorial assistance to the Crown Attorneys' system.

- Provided advice to Crown Attorneys on a frequent basis and acted as panellist at continuing legal education programmes for Crown Attorneys. Acted as panellist at introductory program for new Crown Counsel.
- Lectured members of federal, provincial and municipal police forces in relation to search warrants, and advised police officers on a continuing basis in relation to the law of search and seizure.
- Lectured Justices of the Peace in relation to recent developments in criminal law in general and search and seizure in particular.

*August 1981 to
September 1982*

**Student-at-Law, Ontario Ministry of the Attorney
General, Crown Law Office - Criminal, Toronto**

EXPERIENCE IN LEGAL EDUCATION

Law Schools / Bar Admission Course

Instructor, Osgoode Hall Law School, Trial Practice Course, 2004 – present.

Adjunct Professor, Faculty of Law, The University of Western Ontario, 1998 – 2002. (Designed and taught a law school course in Professional Discipline Law.)

Seminar Instructor, Law Society of Upper Canada, Bar Admission Course, Advocacy (formerly Criminal Law Practice Skills) and Criminal Procedure courses, 1988 - 1997.

Professional Organizations

Faculty Member, Federation of Health Regulatory Colleges – Discipline Committee Joint Hearings Orientation, 2001 – present. (This organization assists in educating Discipline Committee members from all 21 Colleges governed by the Ontario *Regulated Health Professions Act*.)

Continuing Legal Education Programs

Panellist, Advocates Society and American College of Trial Lawyers Spring Symposium 2006. Topic: “New Developments in the Law of Privilege.”

Speaker, Canadian Institute Conference, “Decision Writing by Administrative Tribunals”, February 7, 2006. Presented paper entitled, “Mastering the Fact-Finding Process” (with Patti Latimer, 28 pp.)

Speaker, Ontario Bar Association, Civil Litigation Program, “Injunctions: Everything You Need to Know”, November 10, 2005. Topic: “Supervising and Enforcement of an Anton Piller Order” Presented paper “Enforcement and Supervision of Anton Piller Orders” (14 pp., with Aaron Dantowitz).

Speaker, The Canadian Institute Conference, “Fundamentals of Administrative Law and Practice”, May 2 and 3, 2005. Topic: “Making and Writing Effective Tribunal Decisions and Reasons”. Presented paper entitled, “Writing Effective Reasons for Decision” (14 pp., with B. Van Niejenhuis).

Speaker, National Judicial Institute Symposium, "The Judiciary and Environmental Law", White Plains, New York, December 6 – 8, 2004. Topic: "Standards of Proof, Scientific Uncertainty and the Precautionary Principle".

Panellist, Advocates Society Fall Convention 2004, Scottsdale, Arizona. Topic: "CEO in the Crosshairs: The New Approach to Investigating and Prosecuting Corporate Crimes". Presented paper entitled, "CEO in the Crosshairs: Representing Chief Executive Officers in Regulatory Proceedings" (21 pp., with Brendan Van Niejenhuis).

Speaker, Federated Press Conference, "Government Security and Business Continuity Planning", May 26, 2004. Presented paper entitled, "Regulatory Negligence: Are You at Risk?" (19 pp., with A. Dantowitz)

Speaker, The Canadian Institute Conference, "Fundamentals of Administrative Law and Practice", April 23, 2004. Topic: "Making and Writing Effective Tribunal Decisions and Reasons".

Demonstrator and Panellist, The Advocates' Society Advanced Litigation Skills Certificate Program: Expert Evidence, April 20, 2004. Demonstration and discussion concerning examination in-chief of an expert witness.

Speaker, Midwest Environmental Enforcement Association Conference, Grand Rapids, Michigan, October 24, 2002. Presentation topic: "The Walkerton, Ontario Public Water Supply Contamination Incident – Lessons Learned".

Speaker, Association of Municipalities of Ontario Annual Conference, Toronto, August 19, 2002. Topic: "Lessons Learned from the Walkerton Tragedy".

Moderator, Criminal Lawyers' Association Annual Convention and Education Programme, November 13, 1999. Panel Topic: "Closing Addresses to the Jury".

Co-Chair and speaker, Federated Press Conference, "Managing Internal Investigations", September 2, 1998. Presented paper entitled, "A Discussion of Key Legal Issues" (40 pp., with J. Braden).

Speaker, Canadian Bar Association – Ontario 1998 Institute of Continuing Legal Education, Administrative / Health Law, January 29, 1998. Presented papers entitled, "The Duty of Fairness and the Prosecutor in Professional Discipline Proceedings" (21 pp.) and "Allegations of Bias in the Professional Discipline Context" (22 pp., with V. Ramraj).

Panellist, Osgoode Hall Law School Professional Development Programme Seminar, "Advising Aboriginal Clients", October 17, 1997. Panel Topic: "Hunting and Fishing Rights".

Speaker, Metropolitan Toronto Police Annual International Fraud Conference, September 24, 1997. Presented paper entitled, "Mutual Legal Assistance" (16 pp.).

Speaker, Canadian Bar Association - Ontario 1997 Institute of Continuing Legal Education, "Aboriginal Rights & Remedies", January 31, 1997. Topic: "Administrative Proceedings and Abuse of Process Applications in Aboriginal Law".

Panellist, Law Society of Upper Canada Seminar, "Mastering Mediation: Getting the Best Results for Your Client from ADR", March 8, 1996. Panel Topic: "Preparation for the Mediation".

Speaker, Criminal Lawyers' Association Annual Education Programme, October 27, 1995. Presented paper entitled, "A Primer on the Law Relating to the Admissibility of Polygraph Examination Results, Offers and Refusals to Undergo Polygraph Examinations, and Statements Made Following Polygraph Examination" (18 pp.)

Panellist, Canadian Bar Association - Ontario Aboriginal Law Section Meeting, October 24, 1995. Presented paper entitled "Snow Houses Leave No Ruins: Unique Evidentiary Issues in Aboriginal and Treaty Rights Cases" (with Mary Macaulay, 56 pp.)

Panellist, Canadian Bar Association - Ontario Criminal Justice Section Meeting, October 12, 1995. Panel Topic: "Solicitor - Client Privilege in the Practice of Criminal Law."

Speaker, Deloitte & Touche Seminar, "Corporate Fraud - Detection and Avenues for Resolution", October 20, 1994.

Commentator, Canadian Institute for Advanced Legal Studies Lecture, "Early Neutral Evaluation - The California Experience", Cornell University, Ithaca, New York, July 11, 1994.

Faculty Member, Ontario Centre for Advocacy Training, 1994 Appellate Advocacy Program, April 13-18, 1994.

Moderator, Ontario Court of Justice (General Division), Law Society of Upper Canada and Canadian Bar Association - Ontario Seminar, "Court-Annexed ADR: The New Practice Direction", March 28 and 30, 1994. Panel Topic: "Effectively Representing Your Client at an ADR Session".

Panellist, Canadian Institute of Chartered Accountants, Investigative Forensic Accounting Interest Group, November 15, 1993. Panel Topic: "Fraud: Proving Your Case".

Panellist, Law Society of Upper Canada Seminar, "Criminal Law and the *Charter*: An Essential Update", October 16, 1993. Panel Topic: "Disclosure Issues". Co-wrote (with T.E. Breen and J. De Filippis) paper entitled, "The Continuing Evolution of Disclosure Obligations in Canada" (50 pp.).

Panellist, Ontario Court of Justice (General Division) and Law Society of Upper Canada Seminar, "New Rules of Criminal Procedure: Are You Prepared?", December 7, 1991 (Toronto) and January 11 (London), 18 (Ottawa) and 25 (Thunder Bay), 1992. Panel Topics: "General Matters" and "Parole Ineligibility Reviews".

Seminar Instructor/Panellist, Federation of Law Societies National Criminal Law Program: "Criminal Evidence", Fredericton, New Brunswick, July 15-19, 1991. Presented paper entitled, "After *Marshall*: Disclosure in the 1990s" (31 pp.).

Moderator/Panellist, Canadian Bar Association - Ontario 1990 Institute of Continuing Legal Education, "Criminal Law '90", February 10, 1990. Panel Topic: "Constitutionalization of the Fault Requirement in Canadian Criminal Law".

Seminar Instructor, Federation of Law Societies National Criminal Law Program: "Tactics, Procedure and Practice", Halifax, Nova Scotia, July 17-21, 1989.

Moderator/Panellist, Canadian Bar Association - Ontario Continuing Legal Education Seminar, "The Young Offenders Act: Current Issues", June 17, 1989. Panel Topic: Recent *Charter* Issues".

Panellist, Insight Educational Services Seminar, "Enforcement of Securities Regulation", May 30, 1989. Panel Topic: "Investigation Process and Issues".

Panellist, Canadian Bar Association - Ontario 1989 Institute of Continuing Legal Education, "Criminal Law 1989", March 4, 1989. Presented paper entitled, "Prerogative Remedies" (26 pp.).

Panellist, Canadian Bar Association - Ontario Student Division Workshop: "What You Need Out There: A Programme for Articling Students", June 11, 1988. Presented paper entitled, "How Do You Plead: Basics in Criminal Law" (14 pp.).

Chair, Canadian Bar Association - Ontario Young Lawyer's Division Workshop: "Criminal Law - Emergency Situations", May 14, 1988. Presented paper entitled, "Judicial Interim Release" (33 pp.).

Panellist, Canadian Bar Association - Ontario Young Lawyer's Division Workshop: "Practical Issues and Considerations in Criminal Law", June 13, 1987. Presented paper entitled, "Similar Act Evidence: An Overview" (18 pp.).

Co-Chair and Panellist, Canadian Bar Association - Ontario Young Lawyer's Division Workshop: "What Every Lawyer Ought to Know About the Practice of Criminal Law", October 27, 1984. Presented paper entitled, "An Overview of Judicial Interim Release for the Criminal Practitioner" (27 pp.).

PUBLICATIONS

Editor-in-Chief, Federated Press "Corporate Liability Journal", 1998 – present.

Text entitled, "*The Criminal Lawyers' Guide to Extraordinary Remedies*", (Aurora: Canada Law Book, 2000)

Contributor to text entitled, "*Barristers and Solicitors in Practice*", (Toronto and Vancouver: Butterworths, 1998) (Co-Author of Chapter entitled "Carrying Out Instructions")

"*Snow Houses Leave No Ruins: Unique Evidence Issues in Aboriginal and Treaty Rights Cases*" (1996) 60 Saskatchewan Law Review, pp. 47 - 89 (with M. L. Macaulay).

First Edition of Text entitled, "*Sentencing: The Practitioner's Guide*", (Aurora: Canada Law Book, 1995) (with G.R. Clewley, D.M. Humphrey and P.G. McDermott).

Article entitled, "*Crown Counsel as Witness*", *Crown's Newsletter*, 1994, vol. 3 (with J.K. Stewart).

Article entitled, "*Stinchcombe: Bad Case, Good Law?*", (1992) 8 C.R. (4th) 307.

Article entitled, "*After Marshall: Disclosure in the 1990s*", *Crown's Newsletter*, 1991, vol. 5.

Chapter entitled, "*Prerogative Remedies*" in the Law Society of Upper Canada, Bar Admission Course Materials on Criminal Procedure, 1989.

Annotation re: *Regina v. Howard* (1989), 69 C.R. (3d) 193 (S.C.C.).

Papers relevant to panel presentations described above.

ACTIVITIES AND INTERESTS/PROFESSIONAL MEMBERSHIPS

Sporting interests include mid and long distance running (Marine Corps Marathon, 1998, 2001; Boston Marathon, 1999, 2000; Chicago Marathon, 2002). Avid reader and follower of current affairs.

Member, Canadian Bar Association, Criminal Lawyers Association, National Association of Criminal Defence Lawyers (U.S.) and The Advocates Society.

January, 2008