



# H. Michael Rosenberg

Partner

Toronto

[mrosenberg@mccarthy.ca](mailto:mrosenberg@mccarthy.ca)

t. +1 416-601-7831

## Bar Admission

New York, USA 2010  
Ontario 2010

## Law School

University of Toronto

## Practices

Litigation and Dispute Resolution  
Appellate Litigation  
Environmental, Regulatory & Aboriginal (ERA)  
Class Actions  
Public Law

## Industries

Securities Regulation & Investment  
Products

Michael Rosenberg is a litigation partner in our Toronto office and vice chair of the firm's National Class Actions Group. He maintains a general litigation practice, with a particular focus on class actions, complex commercial disputes and constitutional law.

Michael has appeared before all levels of court, including the Supreme Court of Canada. He has also made submissions to the Senate Standing Committee on Legal and Constitutional Affairs. Prior to joining McCarthy Tétrault, he served as a Law Clerk to the Right Honourable Beverley McLachlin, Chief Justice of the Supreme Court of Canada.

**Michael is one of the best lawyers I have ever worked with. He is incredibly intelligent but also very good with plaintiff's counsel on a personal level. He is an excellent lawyer who has a true depth of knowledge in the field of class actions.**

— CHAMBERS & PARTNERS, CLIENT INTERVIEW

In addition to his private practice, Michael is an adjunct professor at the University of Toronto's Faculty of Law, where he teaches class actions. He is also a member of the planning committee for the Osgoode Class Actions Symposium, a national conference, and he served as a member of the Law Commission of Ontario's advisory committee on class action reform.

Michael was awarded the Harvey T. Strosberg Prize in Class Actions Law in recognition of his research and writing in this field, and his work has been cited by the Supreme Court of Canada. Most recently, Michael co-authored *Class Actions in Canada*, a text used in law schools across the country, and *Defending Class Actions in Canada*, a leading practical resource. Michael has been recognized by the *Canadian Legal Lexpert Directory* as a Leading Lawyer in the area of class actions.

Michael led the McCarthy Tétrault team representing the Canadian Civil Liberties Association in its landmark challenge to the constitutionality of prolonged solitary confinement in Canadian prisons. In 2017 this challenge struck down the legislation that authorizes the use of solitary confinement,

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and in 2019 the Court of Appeal for Ontario held that prolonged solitary confinement amounts to cruel and unusual treatment. Parliament responded with a major overhaul of federal correctional legislation.

Michael also led the McCarthy Tétrault team prosecuting constitutional challenges to remedy the poor state of water infrastructure in many First Nations across the country. In 2021, these class proceedings resulted in one of the largest settlements in Canadian history, valued at more than \$8 billion. This ground-breaking agreement provides compensation to hundreds of First Nations and their members, together with commitments to build the water infrastructure that their communities require. The Federal Court and the Manitoba Court of Queen's Bench noted counsel's "expertise and focus" and heralded the settlement as a "hopeful turning point" and "a step down the long trail towards healing the relationship between Canada and First Nations".

Additionally, Michael serves as the director of McCarthy Tétrault's initiative to provide pro bono representation on criminal trials and appeals in partnership with the University of Toronto's Downtown Legal Services legal aid clinic.

Michael was awarded the 2019 Advocates' Society Arleen Goss Young Advocates' Award for his innovative and passionate advocacy, contribution to social justice, and commitment to the community. He was awarded the 2019 Ontario Bar Association Heather McArthur Memorial Young Lawyers' Award for his exceptional contributions to legal education and the development of the law for the profession and the citizens of Ontario.

Michael received his law degree with honours standing from the University of Toronto's Faculty of Law. He holds a master's degree in development studies from the University of Cambridge, awarded with distinction, and an undergraduate degree in social studies from Harvard University, where he graduated with high honours and was inducted into the Phi Beta Kappa honours society.

## RECENT PUBLICATIONS

- Co-authored *Class Actions in Canada*, 1st, 2nd and 3rd eds. (Emond Montgomery Publications: Toronto, 2014 and 2018, and 2024)

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- Co-authored *Defending Class Actions in Canada - A Guide for Defendants*, (LexisNexis: Toronto, 2015 and 2020)
- Authored "Manual for Appellate Litigation" in *Oral Hearings and Civil Litigation: Tools from the Canadian Experience*, (Justice Studies Centre of the Americas and Global Affairs Canada: Santiago, Chile, 2018)

## Awards & Rankings

### Benchmark Litigation Canada

40 & Under

### Benchmark Litigation Canada

Future Star

### The Canadian Legal Lexpert Directory

Leading Lawyer: Class Actions

### Lexpert Special Edition: Litigation

Leading Lawyer

### Lexpert Rising Stars

Canada's Leading Lawyers Under 40

### The Advocates' Society Arleen Goss Young Advocates' Award - 2019

### Ontario Bar Association's Heather McArthur Memorial Young Lawyers Award - 2019

### Acritas Stars

"Stand-out lawyer"

### Harvey T. Strosberg Prize in Class Actions Law - 2009

## Recent Experience

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- **Manitoba First Nation proposes class action against federal government for housing crisis in reserve communities**

June 12, 2023

- **Pretium Resources Inc. wins class action that challenged the withholding of an adverse opinion in the midst of a public gold miner's exploration program**

July 22, 2022

## Recent Insights

- **First Merits Decision in a Securities Class Action for Secondary Market Misrepresentation Upheld by Court of Appeal – Reliability is an Element of Materiality**

July 25, 2022

- **First Merits Decision in a Securities Class Action for Secondary Market Misrepresentation Upheld by Court of Appeal – Reliability is an Element of Materiality**

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July 25, 2022

## Events

- **Constitutional Law Update – Supreme Court of Canada Decision on the Impact Assessment Act**

October 31, 2023

■ **Life After Certification: The Merits of Contesting the Merits**

September 22, 2022

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