



H. Michael Rosenberg

Partner

Toronto

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Bar Admission

New York, USA 2010
Ontario 2010

Law School

University of Toronto

Practices

Disputes
Appellate Litigation
Environmental, Regulatory &
Aboriginal (ERA)
Securities Regulation and Investment
Products
Class Actions

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 criminal 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 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.

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, Canada's premiere class actions conference, and he served as a member of the Law Commission of Ontario's advisory committee on class action reform. Michael recently led the class action modules of the 1st Inter-American Training Program on Civil Justice Reform in Santiago, Chile. This event was convened by the Justice Studies Centre of the Americas, an organ of the Organization of American States.

Michael was awarded the Harvey T. Strosberg Prize in Class Actions Law in recognition of his research and writing in this field. 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 to Watch in the area of class actions.

Additionally, Michael leads the McCarthy Tétrault team representing the Canadian Civil Liberties Association in its successful 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, and in 2019 the Court of Appeal for Ontario broadened the finding of unconstitutionality, holding that prolonged solitary confinement amounts to cruel and unusual treatment. Michael also 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.

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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.

RECENT PUBLICATIONS

- Co-authored *Class Actions in Canada*, 1st and 2nd eds. (Emond Montgomery Publications: Toronto, 2014 and 2018)
- 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)
- Co-authored *Defending Class Actions in Canada - A Guide for Defendants*, (LexisNexis: Toronto, 2015)
- Co-authored with F. Paul Morrison, "Missing in Action: An Analysis of Plaintiff Participation in Canadian Class Actions" 53 *Supreme Court Law Review* (2d) 97 (Fall 2011). Reproduced in Jasminka Kalajdzic ed., *Accessing Justice: Appraising Class Actions* (Lexis Nexis: Markham, Ontario, 2011), at 97
- "The Good, the Bad, and the Ugly: Report on a Panel Discussion of Class Actions Past and Future", 51 *Canadian Business Law Journal* 94 (2011)
- "When Gains Trump Losses: An analysis of restitutionary relief for the tort of conversion" 68(1) *University of Toronto Faculty of Law Review* 39 (Winter 2010)
- "Waiving Goodbye: The rise and imminent fall of waiver of tort in class proceedings", 6(1) *Canadian Class Action Review* 37 (Spring 2010)

Awards & Rankings

The Canadian Legal Lexpert Directory

Leading Lawyer: Class Actions

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

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

Benchmark Litigation: Guide to Canada's Leading Firms and Attorneys

Future Star: Dispute Resolution

Acritas Stars

"Stand-out lawyer"

Harvey T. Strosberg Prize in Class Actions Law - 2009

Recent Experience

- **Ontario Court of Appeal releases its decision in Reddock v. Canada**
March 09, 2020
- **Ontario Court of Appeal orders end to prolonged solitary confinement**
March 28, 2019
- **Air Canada acquires Aeroplan rewards program from Aimia Inc. for C\$497M**
January 10, 2019
- **Supreme Court of Canada clarifies procedure for multi-jurisdictional class proceedings**

Recent Insights

- **Defending Class Actions in Canada: A Guide for Defendants, 5th Edition, Available Now**
February 10, 2020
- **Ontario's Attorney General proposes significant changes to the Class Proceedings Act**
December 10, 2019