



# Howard Borlack

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A founding partner of McCague Borlack LLP, Howard has been lead counsel on many of its most significant cases. Howard is best known for his ability to handle all types of complex civil litigation where he will find a creative solution to resolve the case or, if necessary, he will take the matter to trial. He has appeared before all levels of courts including the Supreme Court of Canada and has also represented our clients before many tribunals.

Many significant cases Howard handled include major restructurings in Canada, as well as, cases involving the successful recovery of millions of dollars for insurers in subrogation claims, including shareholder fraud, environmental contamination or, construction defects.

Howard has acted on behalf of most major Canadian insurers and reinsurers and has represented and been a special advisor to a number of Boards of Directors and Directors in their personal capacity.

In 2014, Howard was listed as a LEXPERT Canadian Leading lawyer in the area of Construction Law, and for the sixth year Howard was selected by his peers for inclusion in The Best Lawyers International® 2012 in the field(s) of Construction Law and, Corporate and Commercial Litigation. Howard has received numerous other awards and honours from professional organizations and much recognition from outside organizations and publications. He is most proud of his award from the CBAO for his service to the profession and the Arbor Award from the University of Toronto for outstanding volunteer services. Howard has also been recognized by Lexpert for the skills he provides to our clients.

Howard is a driving force for the firm's growth and culture taking pride in the careers of the lawyers he has worked with at the firm.

*Partner*

*Bar Admission: 1982*

## Practice Areas

Appeals  
Bankruptcy and Insolvency Litigation  
Civil Fraud Recovery  
Class Actions  
Commercial & Business Litigation  
Construction Law  
Criminal, Regulatory & Administrative Law  
Cyber Risk  
Debt Collection and Recovery  
Defamation & Reputation Management  
Directors & Officers Liability  
Employment Law  
Energy Law  
Estate & Trust  
Health, Life & Disability Insurance  
Insurance Coverage  
Intellectual Property Litigation  
Landlord and Tenant  
Marine Law  
Police Services  
Privacy Law & Investigations  
Product Liability  
Professional Liability  
Sports, Recreation & Resort Liability  
Subrogation

## Education

- Bachelor of Science, University of Toronto
- Bachelor of Law, University of Toronto

## Professional and Business Affiliations

- Ontario Bar – 1982
- Canadian College of Construction Lawyers
- CBAO Construction Law – Past Chair
- College of Construction Lawyers - Original Member

TORONTO

OTTAWA

KITCHENER

BARRIE

## Featured Cases

McCague Borlack on winning side of two cases released by the Supreme Court of Canada

## Publications and Speeches

Howard has spoken and published extensively regarding debtor and creditor issues, insolvency, construction law, business law, and insurance matters, and he is the former editor of *Uberima Fides*, an insurance law journal.

HPARB Rules on Kinesiologists and FAE Reports Featured Case: C.M. & P.M.

Auditor Held Liable in Negligence for Non-Clients' Losses - Case Comment: *Lavender v. Miller Bernstein*

One small step for summary judgements, one giant leap for efficiency

Medical Records: Personal Privacy in Conflict with the Rule of Law

The Effect of "After The Event" Insurance on the Litigation Process

Third-Party Litigation Funding in Canada, First published in *Corporate Disputes* April-June Edition 2015

Cyber and Privacy Risks: Class Action Exposures

Perspectives on Privacy, First published in the *Canadian Insurance Top Broker Magazine* Feb 2014

Professional Liability and the Financial Advisor

E-Discovery: Overview and Latest Developments in Ontario and Canada



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**McCague  
Borlack** LLP  
Barristers & Solicitors

A member of the Canadian Litigation Counsel. Through CLC's association with The Harmonie Group & DAC Beachcroft, our clients have access to legal excellence throughout North America, Mexico, the UK, and Europe.