



James M. Brown

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Partner

Bar Admission: 2003

Practice Areas

Accident Benefits
Appeals
Commercial & Business Litigation
Construction Law
Defamation & Reputation Management
Directors & Officers Liability
General Casualty & Special Risks Health,
Life & Disability Insurance Coverage
Mediation, Arbitration & ADR
Municipal Liability
Personal Injury
Product Liability
Professional Liability
Property Insurance
Risk Management Services
Sports, Recreation & Resort Liability
Subrogation

Over the course of his career thus far, James has practiced in the area of civil litigation, and has specifically focused on the area of insurance defence. James has experience in claims involving: motor vehicle liability; product liability; occupier's liability; subrogation, fire loss and property damage. He has represented clients in various professional liability matters, including claims against insurance brokers, home inspectors, and alternative healthcare providers.

Over the past decade, James has developed considerable experience in first party insurance claims for accident benefits and disability insurance. James regularly represents insurers on disputes over: the entitlement and quantum of income replacement benefits; determinations of catastrophic impairment; and claims for bad faith. Since the recent amendments to the Statutory Accident Benefits Schedule, James has also argued one of the precedent-setting arbitration, appeal and forthcoming judicial review decisions concerning the definition of "economic loss" in the case *Simser v. Aviva Canada Inc.*

James has appeared before the Superior Court of Justice, the Divisional Court and the Court of Appeal on trial, appeal and judicial review matters. He has appeared before private arbitrators on disputes over priority and loss transfer. He has also appeared before arbitrators and Director's Delegates at the Financial Services Commission of Ontario and the license Appeal Tribunal, on arbitration and appellate matters concerning disputes over accident benefits.

For over 25 years, James has spent his spare time training in 5 forms of Martial Arts including Karate, Muay Thai, and Brazilian Jiu-Jitsu, and has earned his black belt in Karate. When he is not advocating on behalf of clients, James can often be found training with his teammates.

Education

- Bachelor of Arts (High Honours in Law), Carleton University - 1999
- LL.B, University of Ottawa – 2002

Professional & Business Affiliations

- Law Society of Upper Canada
- Ontario Bar Association
- The Canadian Defence Lawyers' Association
- The Carleton County Law Association
- The Advocates' Society

TORONTO

OTTAWA

KITCHENER

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Featured Cases

Anne Pollex & Aviva Canada - No Nonsense LAT — MB at the forefront!

Henry v. Aviva Canada Inc., FSCO P13-00016 (Blackman)

Navage v. Aviva Canada Inc., FSCO A13-0000006 (Mutch)

Simser v. Aviva Canada Inc., 2015 ONSC 2363 (Div. Ct.); FSCO P13-00004 (Blackman); FSCO A11-004610 (Lee)

Leduc v. Aviva Canada Inc., FSCO A12-001105 (Ahlfeld)

Shaughnessy v. Aviva Canada Inc., 2011 ONSC 1566 (Div. Ct.); FSCO P07-00036 (Evans); FSCO A06-001546 (Wilson)

Abrams v. Aviva Insurance Co. of Canada, FSCO P08-00027 (Blackman)

Vieira v. Aviva Canada Inc., FSCO A08-001537 (Ashby); FSCO A08-001537 (Ashby); FSCO A08-001537 (Ashby)

Publications and Speeches

Throughout his career, James has given presentations for:

- The Ottawa Valley Adjusters' Association;
- The Carleton County Law Association;
- The Canadian Defence Lawyers' Association and
- The Law Society of Upper Canada.

He has also published articles and papers for:

- The Lawyers' Weekly;
- The Carleton County Law Association;
- The Canadian Defence Lawyers' Association;
- The Law Society of Upper Canada; and
- The Advocates' Quarterly.



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