



# James Tomlinson

416.860.0062

[jtomlinson@mccagueborlack.com](mailto:jtomlinson@mccagueborlack.com)

Jim specializes in insurance litigation, and acts for a number of Canadian, American, and European insurers. He has an extensive practice in all general casualty lines of business, and particular expertise in serious bodily injury claims involving multiple fatalities, serious brain injury, and/or paraplegia. This frequently involves over-limits claims and interpretations of excess and umbrella policy wordings.

Jim also focuses on professional liability issues, insurance fraud and product liability claims. He has represented insurers and their insureds at all levels of the civil courts in Ontario. In addition, he has extensive experience in all forms of alternative dispute resolution.

*Partner*

*Bar Admission: 1981*

## Practice Areas

Automobile Fraud  
General Casualty & Special Risks  
Personal Injury  
Product Liability  
Professional Liability  
Property Insurance  
Sports, Recreation & Resort Liability  
Transportation Law

## Education

- Bachelor of Arts, Political Science, University of Toronto – 1979
- Osgoode Hall Law School - 1979

## Professional and Business Affiliations

- Law Society of Upper Canada
- Canadian Bar Association
- International Bar Association
- The Advocates' Society
- The Toronto Lawyers Association
- The Defense Research institute
- Canadian Defence Lawyers
- The Canadian Transport Lawyer's Association
- The British Institute of International and Comparative Law

## Publications and Speeches – For a complete list, please see web

Liability Exposure for Uber Drivers after a Fare is Dropped Off

A crack in the armour? Waivers and the use of the Consumer Protection Act

The Municipal Act: Minimum Maintenance Standards Revisited by the Ontario Court of Appeal

Fans Beware: The Risks of Watching Your Favourite Athletes

Combatting Exposure: Utilization of Waivers by Ski Hill and Resort Operators - A Defence Perspective

TORONTO

OTTAWA

KITCHENER

BARRIE

LONDON

Inherent Risks in Hockey: Recent Developments in the Law

Utilizing New Medical Technology in Today's Litigation

Real and Substantial Connections and Beyond: Responding to Foreign Lawsuits and Challenging Jurisdiction

Fans: Enter at Your Own Risk

A "Victory for Common Sense": Uber Continues to Operate Legally in London, UK b

Know your limits! Contributory Negligence in a sport and recreation context

Waiver of Liability vs. Public Policy - Which Takes Precedence?

Discovering Potential Third Parties in Motor Vehicle Accident Claims: Who Should We Consider?

What is a Motor Vehicle and What Constitutes its use and Operation: An Investigation into Policy Applicability and Coverage

Chronic Pain and Suffering: Non-Pecuniary General Damages Awards in Cases of Chronic Pain

Establishing Causation in Cases of Chronic Pain

The Legal Implications of Concussions in North American Contact Sports

Identifying Insurance Fraud in Tort Claims

Paying for the Future: An Analysis of Large Awards for Future Care Costs

Sports Recreation & Sports Liability: Litigating Cases Involving Injuries to Minors

Expecting the Unexpected: Occupiers' Liability and Minor Plaintiffs

Kids May Be Kids, but Adults Oversee: The Liability of Adult Supervisors for Child Injuries



130 King Street W.  
Suite 2700  
Toronto, Ontario  
M5X 1C7  
  
T: 416.860.0001  
F: 416.860.0003  
McCagueBorlack.com

**McCague  
Borlack** LLP  
Barristers & Solicitors

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