

## W. BRAD HANNA, FCIARB.



**Categories:** [People](#), [Lawyers](#)

Brad Hanna is a talented litigator with a practice focused on complex corporate commercial litigation. A leader of our Litigation & Dispute Resolution and Franchising & Distribution groups, Brad represents leading companies in the franchising and distribution, manufacturing and automotive sectors before all levels of courts in Canada including the Supreme Court, and at domestic and international arbitration tribunals.

Acting in a wide range of matters, Brad works with foreign and domestic manufacturers that are terminating relationships with distributors and franchisees, handling claims of wrongful termination, breach of contract, bad faith, fraud and misrepresentation. Other cases have involved intellectual property infringement, breach of non-compete and confidentiality covenants, as well as licensing and competition law issues. Brad has represented numerous automotive clients in this context, and defended automotive, food, and clothing manufacturers, petroleum suppliers and a national grocer against alleged breaches of franchise legislation, including rescission and breach of the duty of good faith and fair dealing claims. He also has experience in

defending class actions in connection with breach of contract and fiduciary duties, misrepresentation and patents.

With significant expertise in internet-related disputes, Brad has acted in cases involving the Internet Corporation for Assigned Names and Numbers (ICANN), cybersquatting, defamation and other violations of intellectual property. His corporate fraud practice encompasses all forms of crimes against the company committed by corporate representatives and unrelated parties. With respect to environmental law, Brad represents plaintiffs and defendants in civil environmental actions, and defends corporations charged under a variety of environmental statutes and regulations.

Also experienced in alternative dispute resolution, Brad is a fellow and executive committee member of the Chartered Institute of Arbitrators (CI Arb). He acts routinely as counsel in private and court-annexed mediations, international and domestic commercial arbitrations and National Automobile Dealer Arbitration Program (NADAP) proceedings.

**Email:** [brad.hanna@mcmillan.ca](mailto:brad.hanna@mcmillan.ca)

**Expertise:** Automotive, Corporate Commercial Litigation, Franchising & Distribution, Litigation & Dispute Resolution, Manufacturing

**Location:** Toronto

**Phone:** 416.865.7276

**Position/Title:** Partner, Corporate Commercial Litigation

**Directorships & Affiliations:**

- Canadian Franchise Association Legal & Legislative Affairs Committee
- Fellow of the Chartered Institute of Arbitrators (CI Arb)
- Member of the Executive Committee of the CI Arb
- Founding member of the Toronto Commercial Arbitration Society and member of its Liaison Committee
- Canadian Bar Association (Ontario)
- American Bar Association (Civil Litigation)
- The Advocates' Society
- Metropolitan Toronto Lawyers Association

## Publications:

- [Franchising in Canada: 2019 Year in Review](#) (January 2020)
- [Milano Pizzeria Case Study: Hard Lessons Learned by Canadian Licensor](#), The Licensing Journal (April 2019)
- [Franchising in Canada: 2018 Year in Review](#) (January 2019)
- [Let's Be Honest, eh: The New Canadian Duty of Honesty in Contractual Performance](#), Deal Points, Winter 2015 (Volume XX, Issue 1) (January 2015)
- [Ontario Court Keeps Lawsuit in Court Despite Arbitration Agreement](#), Litigation Bulletin (May 2010)
- [Developers and Builders: Make Sure You Get Noticed!](#), Litigation and Commercial Real Estate Bulletin (February 2010)
- [Show Me the Money: Security for Costs in Commercial Arbitrations](#), Litigation Bulletin (December 2009)
- [Be Careful What You Wish for: Arbitration Clauses Can Come Back to Haunt You](#), Litigation and Arbitration Bulletin (October 2009)
- [Ontario Court of Appeal Clears the Way for Arbitration of Franchise Disputes](#), Litigation Bulletin (November 2008)
- [Good Faith is a Two Way Street](#), Litigation Bulletin (October 2008)
- [WHOIS bashing your company online?](#), Litigation Bulletin (June 2008)
- [How have recent legal decisions affected franchisees and franchisors when it comes to disclosure?](#), Franchise Canada Magazine (April 2007)
- [Ontario Court Sends Message to Franchisors and Franchisees](#), Litigation Bulletin (December 2006)
- [Back to Fundamentals: Terminating Distributors for 'Fundamental Breach' of Contract](#), Litigation Bulletin (May 2006)
- A Guide to Arbitration In Canada (April 2006)
- [Obstructing Justice? The Duty to Provide Information When Reporting A Spill Under The Environmental Protection Act](#), Environmental Law Bulletin (December 2005)
- [Canada's Highest Court Punishes Manufacturers](#), Litigation Bulletin (November 2005)
- *Kerr v. Danier Leather* ups the ante for class action defendants, The Lawyers Weekly (June 24, 2005)

## Education & Admissions:

**Degree:** Called to the Ontario bar

**Year:** 1994

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**Degree:** LLB (Dean's List, magna cum laude)

**University:** University of Ottawa

**Year:** 1993

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**Degree:** Bachelor of Environmental Studies (Co-Op, Honours, Dean's List, Top of Class)

**University:** University of Waterloo

**Year:** 1989

### **Rankings & Recognition:**

- Recognized in the *2022 Benchmark Litigation: Canada Guide* as a Litigation Star
- Recognized in the 2022 Canadian Legal Lexpert Directory as a Repeatedly Recommended Lawyer in the area of Litigation: Corporate Commercial
- Recognized by *Best Lawyers in Canada (2022)* as a leading lawyer in the area of Franchise Law
- Recognized in the *2021 Benchmark Litigation: Canada Guide* as a Litigation Star
- Recognized in the 2020 Canadian Legal Lexpert Directory as a Repeatedly Recommended lawyer in the area of Franchise Law
- Recognized in the 2020 Benchmark Litigation: Canada Guide as a Litigation Star
- Recognized in the 2019 Benchmark Litigation Canada Guide as Litigation Star
- Recognized in the 2018 Benchmark Litigation Canada Guide as Litigation Star
- Acritas Star- independently rated lawyer
- Recognized in the Canadian Legal Lexpert Directory as as Repeatedly Recommended lawyer in the area of Litigation - Corporate Commercial
- Recognized in the Canadian Legal Lexpert Directory 2016 as a leading lawyer in the area of Litigation - Corporate Commercial
- Ranked in The Legal 500 Canada 2015 as a leader in the area of Dispute Resolution
- Benchmark Canada ranks Brad as a "Litigation Star" for commercial litigation, arbitration and intellectual property disputes
- Global Arbitration Review includes Brad as a "Lawyer to Know" in its GAR 100 Guide
- Received both entrance and senior year scholarships at the University of Waterloo based on academic performance
- Award for attaining the highest grade in Constitutional Law at the University of Ottawa
- The Advocates' Society award for attaining the highest grade in the Administrative Law component of the Bar Admissions Course
- 2002 Leadership in Mentoring Award

**Representative Matters:** Recent matters include:

- Acted for Major League Baseball on a dispute under the Human Rights Code regarding the name and logo of one of its member ball clubs
- Representing one of the largest cannabis companies in North America in a variety of commercial disputes
- Representing Miller Brewing Company in a dispute with Molson regarding a Canadian license agreement;
- Representing Mitsubishi Canada in dealer termination litigation;
- Represented Johnson Controls in a corporate fraud case brought against several parties by Windsor Casino;
- Represented GlaxoSmithKline in a patent "evergreening" class action;
- Represented Magna Companies in an international arbitration involving a joint venture dispute;
- Representing Sobeys in a franchise termination dispute; and
- Representing Subaru in dealer termination and intellectual property disputes.

**Teaching Engagements:**

- Professor Adjunct at Osgoode Hall Law School teaching a course on mediation and arbitration (2004-2007)
- Professor Adjunct at Queen's Law School teaching a course on mediation and arbitration (1998-2004)
- Lectures for Law Society of Ontario and The Advocates' Society on a variety of civil litigation and arbitration topics, including Evidence in Arbitrations and Summary Judgment

**Industries:** Automotive, Franchising & Distribution, Manufacturing

**Practices:** Litigation & Dispute Resolution, Corporate Commercial Litigation