



Sarah Millar

SARAH MILLAR

is a partner at Lenczner Slaght.

"Sarah is comfortable at the intersection of law, technology and project management, and is adept at managing relationships both within the firm and with third party service providers." — *Lexpert*

Sarah's practice focuses exclusively on discovery. She also heads the firm's group of interdisciplinary discovery specialists.

Sarah advises clients on the discovery phase of litigation and regulatory proceedings including document preservation, the identification of relevant data in clients' records, the sound capture or collection of data, a litigant's discovery obligations, the use of electronic evidence in proceedings and the law of privilege. She has extensive experience in managing large-scale discovery projects in complex commercial cases and multi-jurisdictional matters. She is well versed in the use of current technology to reduce the cost and burden of discovery. Sarah also advises clients on best practices in document management and data retention to facilitate litigation preparedness.

As part of her discovery practice, she collaborates with clients and our litigators at the outset to strategically design discovery solutions that are customized to a given matter. Her mission is to ensure that discovery solutions are not only legally defensible but also cost-efficient.

Prior to joining the firm, Sarah was a partner at a leading national law firm practicing in discovery and the lead of their discovery management group.

Education

University of Toronto (2002) JD
Queen's University (1999) BA
(Honours – Political Studies)

Bar Admissions

Ontario (2003)

Practice Areas

Commercial Litigation

Contact

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RECOGNITION

- ▶ Lexpert Zenith Award (2019)
Change Agent in Law
- ▶ Who's Who Legal: Canada (2015-2023)
E-Discovery Practitioners (Most Highly Regarded), Commercial Litigation - E-Discovery Lawyers

SELECT CASES

- ▶ **Annapolis Group v Halifax Regional Municipality** – Counsel to the plaintiff in an action concerning alleged de facto expropriation, misfeasance in public office, and unjust enrichment relating to the plaintiff's efforts to develop its lands within the Halifax Regional Municipality. Successfully represented the plaintiff at the Supreme Court

of Canada with the Court clarifying the test for de facto expropriation and concluding that our client's claim for de facto expropriation could proceed to trial.

- **City of Hamilton Judicial Inquiry** – Counsel to the City of Hamilton in a Judicial Inquiry into the Red Hill Valley Parkway.
- **Zurich Insurance Company Ltd v 2442931 Ontario Inc, Bondfield Construction Company Limited, John Aquino, Vasos Georgiou and Unity Health Toronto** – Counsel to Zurich in an action to rescind surety bonds worth nearly \$300 million, and to recover over \$68 million, due to collusion and misrepresentations in the bidding process for the St. Michael's Hospital Redevelopment Project in Toronto.
- **Re Investment Management Corporation of Ontario** – Trial counsel to IMCO in a breach of contract claim with manager of public infrastructure projects.
- **Law Society of Ontario v Sorrenti** – Counsel to the Law Society of Ontario in an application to have a trustee appointed over a Lawyer's mortgage administration practice.
- **Construction Arbitration** – Counsel to a general contractor in respect of a complex mediation/prospective arbitration process regarding a subway extension project.
- **The Mangrove Partners Master Fund v TransAlta Corporation** – Counsel to the directors of TransAlta Corporation in an oppression claim brought by a significant shareholder.
- **Re Sears Canada Inc** – Counsel to Sears Holdings Corporation in connection with four Canadian class actions and related CCAA insolvency proceedings in Canada.
- **Aecon Mining Construction Services v K+S Potash Canada GP** – Counsel to Aecon in complex litigation involving multiple parties and claims, in respect of the Legacy potash mine and production facility in Saskatchewan.
- **Kalra v Mercedes Benz-Canada Inc** – Counsel to the plaintiff in a certified class action related to emissions technology. The parties have recently reached a settlement, which is subject to Court approval.

SELECT PUBLICATIONS AND PRESENTATIONS

- **Cross-Border Data Transfers and Cybersecurity** – Sarah Millar was invited to share her expertise at the Ontario Legal Conference series. Sarah presented on the panel "Cross-Border Data Transfers and Cybersecurity."
- **Documentary Production: What You Need to Prove Your Case** – Sarah Millar was invited to share her expertise at The Advocates' Society's program on Documentary Production. Sarah presented on the session "*Top Tips for Managing Your Client Through the Production Process*".
- **Challenges of eDiscovery from Mobile Devices** – In businesses around the world, mobile devices are being used to communicate and store data and the need for collecting data from these sources is ever increasing. Our expert Discovery Counsel, Sarah Millar, joined this Epiq and Women in Discovery Webinar discussion on the unique challenges of eDiscovery from mobile devices.

- **Ontario eDiscovery Institute 2021** – Sarah Millar shared her expertise at the Ontario eDiscovery Institute hosted by The Advocates' Society. Sarah presented on the panel *Productions and Analysis – Wading through a Document Dump*.
- **Ryerson Law Practice Program** – Sarah Millar presented at Ryerson's Law Practice Program on document discovery.
- **The Osgoode Certificate in E-Discovery, Information Governance and Privacy** – Sarah Millar shared her expertise as a lecturer for OsgoodePD's certificate program on *E-Discovery, Information Governance and Privacy*. As expert faculty, Sarah presented on "Process, Privilege and Production in E-Discovery."
- **Updated Sedona Canada Principles Release** – Sarah Millar was invited to speak at the Toronto Chapter's Women in eDiscovery event. Sarah will lead a conversation on the recent updates to the Sedona Canada Principles and the impact on e-discovery in Canada.
- **Webinar on The Sedona Canada Principles Addressing Electronic Discovery, Third Edition** – Sarah Millar provided an expert overview of the latest edition of Sedona Canada's publication on *Principles Addressing Electronic Discovery*.
- **Privacy and Data Security for Lawyers: A Review of the New Sedona Canada Guidelines** – Sarah Millar authored the article *Privacy and Data Security for Lawyers: A Review of the New Sedona Canada Guidelines*, which was published on CanLII.
- **The Sedona Canada Commentary on Privacy and Information Security for Legal Service Providers: Principles and Guidelines** – Sarah Millar co-authored *The Sedona Canada Commentary on Privacy and Information Security for Legal Service Providers: Principles and Guidelines*.
- **Ontario Digital Evidence & eDiscovery Institute** – Sarah Millar spoke at the Ontario Bar Association's program on the panel "*The Lifecycle of an eDiscovery Project*." The panel discussion included a walk through of a realistic eDiscovery scenario, relevant issues to consider from both the plaintiff and defence perspectives, and tips for minimizing the burden and costs involved.
- **Innovations in Litigation** – Sarah Millar presented at the Ontario Bar Association's *Innovations in Litigation* program on the panel "Technology, Litigation and the Law". Sarah shared her expertise on new and innovative technologies to streamline your practice, e-discovery and e-filing, apps and other technologies.
- **Surviving a Breakup: Dealing with Departing (and New!) Employees, Confidential Information, and IP** – Sana Halwani, Monique Jilesen, Brian Kolenda, and Sarah Millar presented at the GC Forum's Q3 event on October 3.
- **The Osgoode Certificate in eDiscovery, Information Governance and Privacy** – Sarah Millar shared her expertise as a lecturer for OsgoodePD's certificate program on *eDiscovery, Information Governance and Privacy*. As part of expert faculty, she shared essential tips, knowledge, and strategies to maximize the application of technology to practice.
- **Ryerson's Law Practice Program 2018 (Educator)** – Sarah Millar presented on the creation of Discovery plans and then assessed individual plans drafted by students.
- **Using Technology to Reduce eDiscovery Costs** – Sarah Millar was part of webinar discussing how to reduce the costs and burdens of discovery. This webinar showed how to effectively use technologies such as conceptual searching, email threading, near-duplicate analysis, and

continuous active learning to streamline your eDiscovery process.

- **Get Smart: Legal Innovation and Technology Expo** – Sarah Millar presented on Leveraging the Latest Technologies for Transactions and eDiscovery.
- **Ontario eDiscovery Institute 2015** – Sarah Millar presented at the OBA's 5th Annual Ontario eDiscovery Institute. She shared her expertise on the panel *Advanced Technology Session: Leveraging Technology and Maximizing Technical Investment*.
- **Class Action Preparedness Brief - Document Management** – Sarah Millar led the webinar *Class Action Preparedness Brief – Document Management*. Sarah shared her expert insight on controlling risks and proactively anticipating and preparing for the class actions process.
- **Ontario e-Discovery Institute 2014** – Sarah Millar spoke at the OBA's 4th Annual Ontario e-Discovery Institute. Sarah led the panel discussion *Top Tips for eDiscovery from an In-House Perspective*.
- **Civil Litigation: e-Discovery Bootcamp** – Sarah Millar presented at the OBA's e-Discovery Bootcamp on May 22, 2013. The session provided an overview of the entire life cycle of an e-Discovery matter.
- **Technology in Practice Conference** – Sarah Millar presented at the Technology in Practice Conference 2012. She shared her expertise on the panel 360° Review Management.
- **Litigating Economically** – Sarah Millar spoke at the OBA's program *Litigating Economically* on April 20, 2012. Her panel discussed the options, possibilities, and outcomes of outsourcing.

SELECT NEWS ARTICLES

- **Lenczner Slaght Congratulates New Partners Colin Johnston and Sarah Millar** – Canada's leading litigation firm is proud to welcome two of our exceptional lawyers, Colin Johnston and Sarah Millar, to the partnership. Both are committed to the same excellence in advocacy that has made us Canada's leading litigation firm.
- **Law firms adopting AI** – In the CBA National Magazine article titled "*Law firms adopting AI*", Sarah Millar comments on how our firm is embracing AI in order to offer clients cost-effective solutions to their legal issues.
- **Who's Who Legal: Canada 2020 Recognizes Lenczner Slaght's Expert Litigators** – In the latest edition of *Who's Who Legal: Canada*, Lenczner Slaght achieves eight recognitions in the Litigation chapter, with a total of ten expert litigators ranked.
- **Lenczner Slaght's Expert Litigators Ranked in Who's Who Legal: Canada 2019** – Canada's leading litigation firm continues to be recognized for its exceptional litigation expertise.
- **Lexpert Honours Sarah Millar and Shara Roy as Change Agents in Law** – Lenczner Slaght is proud to announce that Sarah Millar and Shara Roy were presented with 2019 Lexpert Zenith Awards on Tuesday, June 18, 2019 at the Lexpert Zenith Gala at Arcadian Court in Toronto.
- **E-Discovery Evolution** – Glenn Smith and Sarah Millar were quoted in the recent *Canadian Lawyer Magazine* article about the evolution of e-discovery. Glenn and Sarah discuss how e-discovery solutions have become more sophisticated and cheaper, allowing even small firms to reap the benefits. See below for excerpts from the article.
- **Lenczner Slaght Welcomes Expert Discovery Counsel** – Canada's leading litigation firm continues to strengthen its Discovery practice with

the addition of Sarah Millar, recognized as one of Canada's leading Discovery lawyers.

- **Document Management and Discovery: Tips, Traps and Best Practice** – Sarah Millar shared expert tips on creating efficiencies in the litigation process through document management and what In-House Counsel needs to know to be prepared for this crucial part of any litigation claim.
- **Standards may require technical competence** – Sarah Millar is quoted in the Law Times article *Standards may require technological competence* on December 4, 2017. This article discusses the proposed amendment to the baseline standards of professionalism for lawyers to include technological competence.
- **Casual or Committed?** – Sarah Millar is mentioned in the Lexpert article *Casual or Committed* on July 30, 2017. The article discusses law firms and their increased use of outsourcing in their hunt for efficiency.
- **Mapping out an e-discovery strategy** – Sarah Millar was interviewed for the Canadian Lawyer Magazine article *Mapping out an e-discovery strategy*. This article explores well-managed e-discovery strategies.
- **Focus: To insource or outsource e-discovery** – Sarah Millar is quoted in the Law Times article *Focus: To insource or outsource e-discovery* on December 5, 2016. This article explores one of the biggest challenges litigators face.
- **Bringing e-discovery in-house** – Sarah Millar is mentioned in the Canadian Lawyer InHouse article *Bringing e-discovery in-house*. This article explores the e-discovery process and covers tips and risks to consider when deciding whether to bring the e-discovery process in house.
- **E-evidence: Protection is in knowing where your data resides at all times** – Sarah Millar is quoted in the CBA article *E-evidence: Protection is in knowing where your data resides at all times*. This article discusses the significant new factors today's litigators face.
- **How do Protections Apply to M&A Deal Teams?** – Sarah Millar is mentioned in the Law Times article *How do Protections Apply to M&A Deal Teams?* published on August 8, 2011. This article discusses the longstanding assumption that solicitor-client privilege extended to a deal team.

PROFESSIONAL ACTIVITIES

- Digital Evidence and eDiscovery Working Group
- Law Society of Ontario
- Ontario Bar Association
- Canadian Bar Association
- Sedona Canada