



David Outerbridge

PARTNER

Across industries and disputes, David is an accomplished litigator, providing clients with strategic thinking, strong advocacy, and skilled management of complex engagements.

CONTACT

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Overview

David has significant experience both as a trial lawyer and as appellate counsel, with a focus on litigation and arbitration in the energy, infrastructure, construction and procurement sectors, insurance law, product liability claims, indigenous law, class actions, environmental claims and commercial disputes. He acts for project developers and owners, lenders, contractors, design professionals, regulators and insurers in all manner of construction disputes, as well as for a wide range of clients in class actions, including financial institutions, pharmaceutical companies, public authorities and schools. In his insurance practice, David advises and represents a wide range of industry participants, in matters involving, among other things, policy interpretation, regulatory compliance, corporate and commercial transactions, and reinsurance.

In addition to his commercial disputes practice, David has substantial experience in public law, criminal and constitutional litigation. He has appeared as lead counsel at the Supreme Court of Canada, the Federal Court, all levels of court in Ontario, the courts of five other provinces, in commercial arbitrations, before public inquiries and before various administrative tribunals, including the Human Rights Tribunal of Ontario and the Ontario Licence Appeal Tribunal.

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David is an amazing attorney. He is extremely responsive and sensible in his approach. He can explain complicated issues easily and has been a great partner over the years.

CHAMBERS CANADA, 2026

Featured Work

Supreme Court ruling on the scope of hydro-electricity easements

Torys acted as counsel to Canadian Electricity Association, as an intervener, at the Supreme Court of Canada in *Hydro-Québec v. Louise Matta* concerning the proper approach to interpreting rights-of-way for electricity transmission and distribution in Canada

GRSFA dispute over the allotment of non-gaming revenue to Ontario First Nations

Torys is acting as counsel to Ontario First Nations (2008) LP in arbitration and appeals before the Ontario Court of Appeal and Ontario Superior Court concerning breaches in the allotment of non-gaming revenue under the 2008 Gaming Revenue Sharing and Financial Agreement with the Province of Ontario and the Ontario Lottery and Gaming Corporation

Proposed insurance benefits class action

Torys acted as counsel to a Canadian insurance provider in a proposed class action in Ontario alleging improper calculations of cost of living increases associated with disability benefits under a long-standing group insurance policy

Tarion Warranty Corporation, Ontario's regulator of new home construction, in trial-level, appellate and administrative proceedings involving construction and regulatory disputes

The Assembly of Manitoba Chiefs in an intervention before the Supreme Court of Canada in a constitutional challenge of An Act respecting First Nations, Inuit and Métis children, youth and families

Industrial Alliance in successfully resisting an appeal before the Saskatchewan Court of Appeal for a declaration that hedge fund investors were entitled to deposit and earn guaranteed interest rates on unlimited amounts in universal life side accounts

Wataynikaneyap Power, a partnership between 24 First Nation Communities and Fortis Inc., in connection with a variety of construction advisory matters related to the development of the C\$1.9 billion Wataynikaneyap Transmission Project, a 1,744 km transmission system in northwestern Ontario connecting multiple Ontario First Nations to the power grid

Assembly of Manitoba Chiefs in a claim against the Government of Manitoba relating to the equitable sharing of gaming revenues in the province

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Recognition and Awards

2026

Best Lawyers in Canada— Leading lawyer in Aboriginal law / Indigenous practice and alternative dispute resolution

2024-2027

Chambers Canada—Leading lawyer in construction law and insurance: dispute resolution

2021-2026	<i>Benchmark Canada: The Definitive Guide to Canada's Leading Litigation Firms and Attorneys</i> —Litigation Star (arbitration, class actions, commercial, construction, energy, insurance and product liability)
2020-2027	<i>Best Lawyers in Canada</i> —Leading lawyer in Aboriginal Law / Indigenous, alternative dispute resolution, and corporate and commercial litigation
2016-2026	<i>The Canadian Legal Lexpert Directory</i> —Leading lawyer in class actions, corporate commercial litigation, product liability litigation, and public law litigation
2015-2025	<i>Who's Who Legal</i> —Global Elite Thought Leader in commercial litigation/e-discovery (a recognition given to fewer than 5% of all lawyers ranked by <i>Who's Who Legal</i>), Global and National leading lawyer in commercial litigation and e-discovery practitioners

Insights

No need to say the magic word: Supreme Court lowers threshold for exclusionary clauses in contracts

The decision continues the Court's trend of emphasizing deference for review of a trial court's contractual interpretation.

[Revisiting leave: The Ontario Court of Appeal brings fresh clarity to a familiar test](#)

[Breakfast With Appeal: The "Film Festival" edition](#)

[Holding back on holdbacks: ONCA confirms when construction lenders rank ahead of lien claimants in priority disputes](#)

[Breakfast With Appeal: The "playing footie with the court" edition](#)

[BWA: Drover v. Canada \(Attorney General\)](#)

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News

83% of Torys' Canadian partners are recognized in *Chambers Canada 2027*

Congratulations to our ranked lawyers and practice groups on earning industry-leading recognition, including 19 Band 1 rankings.

Benchmark Litigation recognizes 22 Torys lawyers in its 2026 guide

[Best Lawyers recognizes 177 Torys lawyers in its 2027 guide](#)

[Chambers Canada ranks 81% of Torys' Canadian partners in its 2026 guide](#)

[176 Torys lawyers recognized in the 2026 Best Lawyers guide](#)

[23 Torys litigators recognized in the 2025 Benchmark Litigation guide](#)

[81% of Torys' Canadian partners ranked by Chambers Canada](#)

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Professional Involvement

In addition to his robust disputes practice, David is one of Canada's leading e-discovery lawyers. He is Past-Chair of Sedona Canada, which is author of the Sedona Canada Principles Addressing Electronic Discovery, a best practices document that is incorporated by reference into the Ontario Rules of Civil Procedure. He is Past-Chair of the e-Discovery Implementation Committee (EIC), a joint committee of the Ontario Bar Association and The Advocates' Society, whose mandate is to implement best practices relating to electronic discovery in Ontario. David is also the founder and Past-Chair of the Ontario Class Action Bench-Bar Liaison Committee.

David speaks, teaches and writes frequently on a variety of topics, including construction law, insurance law, cyber-security, class actions, privacy, legal ethics, written advocacy, electronic evidence and e-discovery, solicitor-client and litigation privilege, and best practices for litigation readiness and document retention.

David's practice includes a substantial pro bono component. He has advised and represented the Hamilton Conservation Authority, The Shelley Gautier Para-Sport Foundation, the Wind Dancer Pony Rescue Foundation, and other charities, non-profit entities and individuals in a variety of litigation and non-litigation matters, with a particular focus on corporate governance advice.

Before joining Torys, David had a diverse legal background. He obtained a Master's degree focusing on U.S. constitutional interpretation, worked for a year with a Toronto criminal defence firm in 1997–1998, and served as a law clerk for Mr. Justice Frank Iacobucci of the Supreme Court of Canada in 1998–1999, in addition to having clerked for a Justice of the Quebec Superior Court of Justice.

Education and Bar Admissions

Education

LLB/BCL (Gold Medalist), 1997

McGill University

MA, 1995

McGill University

BA (First Class Honours), 1991

McGill University

Bar Admissions

