



James Sayce *
Partner

Practice Area
Class Actions

Expertise
Commercial Litigation

Called to the Bar
Ontario, 2010

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James's practice focuses on class proceedings. James has a particular focus on matters seeking damages against government defendants pursuant to section 24(1) of the Canadian *Charter of Rights and Freedoms*. James also prosecutes class proceedings in a number of other areas, including competition matters, consumer protection claims and securities matters.

James is lead counsel in *Brazeau v Canada*, where he obtained a \$20,000,000 aggregate damages award for a class of seriously mentally ill prisoners pursuant to section 24(1) of the *Charter of Rights and Freedoms*. This was the first Canadian class action where the court ordered aggregate damages for *Charter* breaches, the first Canadian institutional abuse class action to proceed to a judicial determination on its merits, and the first Canadian solitary confinement class action.

Justice Perell commented in his reasons that “the judgment will bring access to justice to approximately 2,000 current and former prisoners who suffer from serious mental illness and who were placed in administrative segregation, which I found to be a type of solitary confinement” and that James brought an “extraordinary high-risk action to a very substantial and significant outcome. Class Counsel more than earned their fee.”

A sampling of James's recent cases include:

- Trial counsel to the class in an Indian residential school common issues trial in St. John's, Newfoundland. Obtained a \$50 million settlement after presenting the plaintiffs' case over 4 months (*Anderson v. Canada*);
- Counsel to prisoners who were subjected to lengthy periods of solitary confinement in the Federal and Provincial correctional systems (*Brazeau v. Canada*, *Reddock v. Canada*, *Francis v. Ontario*, *Cragg v. British Columbia* and *JK/CS v. Ontario*);
- Counsel to purchasers and lessees of Volkswagen vehicles in the 'dieselgate' matter, leading to historic settlements worth over \$2.5 billion (*Quenneville v. Volkswagen*, *Quenneville v. Bosch*);
- Counsel to survivors of abuse at a boarding school for the blind; (*Seed. v. Ontario*);
- Counsel to purchasers of smartphones in an illegal scheme to breach international patent

trade agreements (*Absedris v. Qualcomm*);

- Counsel to survivors of sexual, physical and emotional abuse in Canadian major junior hockey (*Carcillo v. CHL*).

James regularly contributes to national media including *The Globe and Mail*, *Toronto Star*, CBC Television and Radio, among others. He speaks regularly at *Advocate's Society* and *Ontario Bar Association* events and at various law schools on the subject of class proceedings.

James is listed in the 2020 Benchmark Litigation “40 and under hot list” and is also ranked as a “Future Star”.

James practiced class action litigation on both the plaintiff and the defence-sides at an international law firm and a prominent litigation boutique before joining Koskie Minsky in 2014.

*practising through a Professional Corporation

Education

J.D., 2009, Queen’s University

B.A. (Hons.), 2005, University of Toronto

Member/Affiliations

Member, Advocates’ Society

Member, Canadian Bar Association

Member, Ontario Bar Association