



Keith Batten

Senior Counsel

T 416.367.6103

F 416.367.6749

Toronto

KBatten@blg.com

[LinkedIn](#)

[Insurance Claim Defence](#)

[Professional Negligence](#)

Keith is a litigator who focuses his practice on the insurance industry. He provides insurance coverage opinions, defends insurance coverage actions and defends insurance broker's errors and omissions claims. Keith has defended numerous insurance broker's errors and omissions claims for major insurance brokerages and professional liability insurers. Claims have involved questions of coverage and interpretation under many forms of policy including:

- commercial property
- homeowners
- general liability
- professional liability
- marine
- fidelity
- surety
- entertainment
- livestock
- automobile

Keith defends coverage claims under property and liability policies, and defends insurance coverage disputes generally, including monitoring of mass tort and institutional sexual abuse claims.

He provides coverage opinions on insurance policies including:

- property

- general liability
- and professional liability, including monitoring of coverage and defence issues involving actions under such policies.

Keith has acted before all levels of court in Ontario at trial and appeal, and has acted on leave applications to the Supreme Court of Canada as applicant and respondent.

Other experience includes drafting and review of policy wordings including general and professional liability forms and endorsements.

Insights & Events

- Author, BLG's Canadian Insurance Law Newsletter: "Class Actions and the Insurance Industry," Fall 2011 (with Tim Buckley and Cheryl Woodin); "Marijuana" Exclusion Upheld on Appeal, Spring 2011; "A Survey of Some Recent Ontario Coverage Cases," Spring 2010; "A Survey of Some Recent Ontario Coverage Cases," Winter 2009; "Ontario Court of Appeal Clarifies When 'Other Insurance' Clauses Will Come in to Play," Winter 2008; "Supreme Court Clarifies the Test for Use and Operation of Motor Vehicles in the Third Party Context," Winter 2008 (with Karen Hamilton); "Ontario Court of Appeal Provides Definitive Guidance on the Standard Form 'Criminal Act' Exclusion," Summer 2007.
- Author, "Class Actions in Canada are on the Rise," Canadian Insurance Top Broker, May 2011 (with Tim Buckley and Cheryl Woodin)
- Author, "Ontario Court of Appeal Clarifies When 'Other Insurance' Clauses will Come in to Play," Canadian Journal of Insurance Law, September 2007
- Contributing Author, "Insurance Broker Liability" chapter in Business Interruption Insurance, Canada Law Book, 2004, and 2nd Edition, 2006 (Editors: S.L. Gosnell, B.J. Webster and J.S. Seigel)
- Author, "Review of Some Significant Insurance Issues in the Sexual Abuse Context," Canadian Journal of Insurance Law, November 2005
- Author/Speaker, in-house seminars to a major insurance brokerage and others on prevention of errors and omissions claims: "Liability of Insurance Agents and Brokers: An Overview, Canadian Association of Independent Life Brokerage Agencies," October 2006
- Author, "An Overview of Some Significant Insurance Issues in the Sexual Abuse Context," Canadian Risk & Insurance Managers Society Conference, October 2004
- Author, "The Duty to Defend," Canadian Insurance Magazine, September 2004
- Author, "Duty to Defend Claims Arising out of Intentional Conduct – The View From Canada," American Bar Association Coverage Journal, July/August 2001.
- Author, BLG's Canadian Insurance Law Newsletter: "Notice of Cancellation to Additional Insureds," Spring 2006
- Author, "Punitive Damages Awards in Insurance Cases: Where is Canada Headed?" American Bar Association Coverage Journal, July/August 2003 (with Peter R. Braund)
- Author, "Ontario Court of Appeal rules on concurrent duties to defend", BLG Article, May 2020
- Author, "Marijuana" Exclusion Upheld on Appeal, Spring 2011
- Author, BLG's Canadian Insurance Law Newsletter: "A Survey of Some Recent Ontario Coverage Cases," Spring 2010;
- A Survey of Some Recent Ontario Coverage Cases 2009

- Author, “Supreme Court Clarifies the Test for Use and Operation of Motor Vehicles in the Third Party Context,” Winter 2008 (with Karen Hamilton)
- Author, “Ontario Court of Appeal Clarifies When ‘Other Insurance’ Clauses will Come in to Play,” Canadian Journal of Insurance Law, September 2007.
- Ontario Court of Appeal Provides Definitive Guidance on the Standard Form ‘Criminal Act’ Exclusion
- Contributing Author, “Insurance Broker Liability” chapter in Business Interruption Insurance, Canada Law Book, 2004, and 2nd Edition, 2006 (Editors: S.L. Gosnell, B.J. Webster and J.S. Seigel).
- Abuse Coverage: Missing Policies and Coverage Trigger
- Ontario Court of Appeal Delivers its Insurance Decision in the Now Famous Concrete Case – Alie v. Bertrand
- Update: Alie v. Bertrand
- Mid-Term Coverage Reductions Will Not be Effective Without the Insured’s Agreement
- Author, “Liability of Insurance Brokers: An Overview and Focus on Additional Insureds in the Construction Context,” June 2000
- Liability of Insurance Agents and Brokers: An Overview, Some Recent Cases of Note and Practical Tips for Prevention

Beyond our Walls

Professional Involvement

- Member, Canadian Bar Association
- Member, American Bar Association
- Member, The Advocates’ Society
- Member, Canadian Risk & Insurance Managers Society
- Member, Insurance Institute of Ontario

Awards & Recognitions

- Recognized in the 2024 edition (and since 2009) of *The Best Lawyers in Canada* (Insurance Law).
- Recognized in the 2022 edition of *Who’s Who Legal: Canada* (Insurance & Reinsurance).
- Recognized in the 2023 edition (and since 2013) of *The Canadian Legal Lexpert® Directory* (Litigation – Commercial Insurance).
- Recognized in the 2021 edition of *Lexpert Special Edition: Litigation*

Bar Admission & Education

- Ontario, 1990
- Completed Joint Committee on Foreign Accreditation requirements, University of Windsor, 1988 (received Board of Governors Medal for ranking first in 1987-88 academic year)
- LLB, B.Comm., University of Melbourne, 1984



BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

[blg.com](https://www.blg.com)

© 2024 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.