

NATIONAL CONFERENCE ON CLASS ACTIONS – RECENT DEVELOPMENTS IN QUÉBEC, IN CANADA AND IN THE U.S. (2018)

Date: March 22-23, 2018, 8:30 a.m. – 5:30 p.m.

Place: Palais des congrès de Montréal (Room 520 B)
1001 place Jean-Paul Riopelle
Montréal, QC H2Z 1H2

Cost (plus tax):

Member of the Barreau du Québec for less than 5 years: \$473

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Others : \$800

Recognized credits: 14 hours

Information / Registration : www.barreau.qc.ca/formations/actioncollective

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PROGRAM FOR THIS 15TH EDITION

(Some presentations will be in French but simultaneous translation will be provided.)

Thanks to the collaborative efforts of:



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DAY 1: Thursday, March 22, 2018

8:30 a.m. OPENING REMARKS FROM THE CONFERENCE'S CHAIRMAN

Jean Saint-Onge, Ad. E., Senior Counsel, Borden Ladner Gervais, Montréal, QC

8:35 a.m. ANNUAL REVIEW OF THE JURISPRUDENCE FROM QUEBEC

Frederic Wilson, Norton Rose Fulbright, Montréal, QC

Mathieu Charest-Beaudry, Trudel Johnston & Lespérance, Montréal, QC

9:45 a.m. BREAK

10 a.m. RECENT DEVELOPMENTS IN THE COMMON LAW PROVINCES - UPDATE

In this global and digital age, with many consumer transactions taking place online with multinational corporations, the courts and the legislature are developing novel legal tests and procedural options to manage the dynamic and complex nature of class actions with consumer and cross-border elements. The panel will review several notable procedural and substantive trends that emerged in common law Canada in 2017.

Sonia Bjorkquist, Osler, Hoskin & Harcourt, Toronto, ON

Michael Peerless, McKenzie Lake, London, ON

11 :15 a.m. PLEADING A CLASS ACTION AT THE AUTHORIZATION STAGE – PRACTICAL ADVICE AND SUGGESTIONS FROM THE JUDICIARY

Moderator: The Honourable Pierre J. Dalphond, Stikeman Elliott, Montréal, QC

The Honourable Donald Bisson, J.C.S., Superior Court of Québec Montréal, QC

The Honourable Chantal Chatelain, J.C.S., Superior Court of Québec, Montréal, QC

The Honourable Pierre C. Gagnon, J.C.S., Superior Court of Québec, Montréal, QC

12:15 p.m. LUNCH - ROOM 520A

1 :15 p.m. CONSTITUTIONAL DIVISION OF POWERS IN A CLASS ACTION CONTEXT

Moderator: Vincent de l'Étoile, Langlois, Montréal, QC

Mathieu Quenneville, Prévost Fortin D'Aoust, Boisbriand, QC

André Lespérance, Trudel Johnston Lespérance, Montréal, QC

Samuel Chayer, Ministère de la Justice, Montréal, QC

2:15 p.m. CONSUMER CLASS ACTIONS – IMPACT OF THE SUPREME COURT DECISION IN *RICHARD v. TIME*

Moderator: Marie Audren, Ad. E., Audren Rolland, Montréal, QC

Jeff Orenstein, Groupe de droit des consommateurs inc., Montréal, QC

Joey Zukran, LPC Avocat Inc., Montréal, QC

Patrick Ouellet, Woods, Montréal, Québec, QC

Luc Thibaudeau, Lavery, Montréal, QC

3:15 p.m. BREAK

3:30 p.m. PRIVACY AND DATA BREACH CLASS ACTIONS

Moderator: Claude Marseille, Blakes, Montréal, QC

Eloïse Gratton, Ad. E., Borden Ladner Gervais, Montréal, QC

Barry Glaspell, Toronto, ON

Tanya Forsheit, Frankfurt Kurnit Klein & Selz PC, Los Angeles, CA

4:30 p.m. SECURITIES CLASS ACTIONS

Moderator: Shaun E. Finn, BCF, Montréal, QC

Éric Préfontaine, Osler, Hoskin & Harcourt, Montréal, QC

Samy Elnemr, Siskinds, Montréal, QC

Shawn Faguy, Faguy & Cie, avocats Inc., Montréal, QC

5:30 p.m. CLOSING OF THE CONFERENCE

DAY 2: Friday, March 23, 2018

8:30 a.m. OPENING REMARKS FROM THE CONFERENCE'S CHAIRMAN

Jean Saint-Onge, Ad. E., Senior Counsel, Borden Ladner Gervais, Montréal, QC

8:35 a.m. RECENT DEVELOPMENTS IN U.S. CLASS ACTIONS

Moderator: Timothy Pinos, Cassels Brock, Toronto, ON

Tristan L. Duncan, Shook Hardy & Bacon, Kansas City, MO

Rex A. Sharp, Sharp Law, Prairie Village, KS

9:30 a.m. BREAK

**9:45 a.m. DRAFT LEGISLATION ON THE LEGAL PROTECTION OF APOLOGIES -
IMPACT ON CLASS ACTIONS**

Moderator: Sylvain Lussier, Ad. E., Osler, Hoskin & Harcourt, Montréal, QC

Robert-Jean Chénier, Ad. E., McCarthy Tétrault, Montréal, QC

Daniel Boivin, Gowlings, Ottawa, ON

Normand Painchaud, Sylvestre Fafard Painchaud, Montréal, QC

10:45 a.m. BREAK

**11 a.m. CLASS OF ABSENT FOREIGN CLAIMANTS - CONSTITUTIONAL AND
JURISDICTION *SIMPLICITER* ISSUES**

Moderator: Patricia D. S. Jackson, Torys LLP, Toronto, ON

Michael Eizenga, Bennet Jones, Toronto, ON

Markus Kremer, Borden Ladner Gervais, Toronto, ON

Bruce Johnston, Trudel Johnston & Lespérance, Montréal, QC

Joel Rochon, Rochon Genova, Toronto, ON

12:15 p.m. LUNCH-CONFERENCE - ROOM 520A

Pascal Paradis, Ad. E., General Manager, Lawyers without borders

1:45 p.m. LITIGATION AS A MEANS OF RIGHTING HISTORICAL WRONGS: CANADA'S NATIVE RESIDENTIAL SCHOOLS SETTLEMENT AGREEMENT

Moderator: Brian Gover, Stockwoods LLP Barristers, Toronto, ON

The Honorable Warren K. Winkler, QC, Former Chief Justice, Toronto, ON

Catherine Coughlan, General Counsel, Department of Justice, Edmonton, AB

Kirk M. Baert, Koskie Minsky, Toronto, ON

Charles Gibson, Vincent Dagenais Gibson, Ottawa, ON

3:15 p.m. CLASS ACTION COMPENSATION FOR MORAL AND BODILY HARM IN MATTERS OF SEXUAL ABUSE AND CONFIDENTIALITY ISSUES

Moderator: André Durocher, Fasken Martineau, Montréal, QC

Eric Simard, Fasken Martineau, Montréal, QC

Catherine Elizabeth McKenzie, IMK, Montréal, QC

Anonymous representatives in class action litigation

Stéphanie Lavallée, Fasken Martineau, Montréal, QC

4:30 p.m. CLOSING OF THE CONFERENCE

Other documents for consultation:

[Law Commission Consultation Paper on Class Actions - Link to Consultation Paper](#)

[Pre and Post Settlement Protection of the Indian Residential Schools Class](#)