

Heenan Blaikie

BIOGRAPHICAL PROFILE



Paul M. Lalonde

Paul M. Lalonde is Co-Chair of the firm's national Trade and Competition group and a partner in the Business Law group.

His practice focuses on international trade, government contracting law and on assisting foreign companies meet the challenges of doing business in Canada. His expertise encompasses anti-dumping and countervail investigations, customs, import and export controls, foreign investment, anti-corruption law and international business. He regularly advises clients on Canada's international investment commitments, including Chapter 11 of the North American Free Trade Agreement, and has played a key role in some of Canada's highest profile trade disputes including those on softwood lumber, beer, steel and agricultural products. Mr. Lalonde is one of Canada's leading experts on the law of competitive contracting and on trade agreements relating to government procurement. He has represented clients in numerous government contracting disputes, including before the Canadian International Trade Tribunal, the Federal Court of Canada and provincial tribunals.

Partner

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Call to the Bar

Ontario, 1992
 Quebec, 1990

Areas of Expertise

Competition/Antitrust
 Government Relations &
 Procurement
 International & Domestic Trade
 Regulatory & Public Law
 International Affairs

Mr. Lalonde has the distinction of being one of the few practitioners listed as a leader in international trade law in *Lexpert*, *Chambers Global*, the *Legal Post* and the *Guide to the World's Leading Lawyers* (Legal Media Group / Euromoney Institutional Investor), as well as in the areas of international trade and finance law and public procurement law in *The Best Lawyers in Canada* (Woodward/White). Mr. Lalonde is ranked as one of Canada's pre-eminent lawyers in the procurement law field (Band 1) by *Chambers Global* and has been selected to appear in the premiere edition of the *International Who's Who of Public Procurement Lawyers*, part of the Who's Who Legal directory. In 2001, Mr. Lalonde was nominated to become a Roster Panellist under the *Agreement on Internal Trade* and, in July 2002 and June 2004, was appointed panellist on the fourth and fifth dispute resolution panels created under this Agreement. He has been a guest professor in international trade law at the University of Ottawa, has lectured at Osgoode Hall Law School and Queen's University and is a frequent speaker at conferences in his areas of expertise. A contributing editor of *North American Corporate Lawyer* and the *Government Purchasing Guide*, Mr. Lalonde has published several articles in his areas of interest and is a sought-after media commentator in his areas of expertise.

Mr. Lalonde is Chair of the Canadian Bar Association, National Section on International Law and former Chair of the International Law Section of the Ontario Bar Association. He is also Co-Chair of the International Procurement Committee and Vice-Chair of the Export Controls and Economic Sanctions Committee of the American Bar Association International Law Section, and Vice-Chair of the North American Regional Forum of the International Bar Association. He is an active member of the Trade Policy Committee of the Canadian Council on International Business and the Customs and Market Access Committee of the Canadian Manufacturers & Exporters. Mr. Lalonde has been nominated to a number of industry advisory committees and corporate boards, including TVOntario, TFO, *la télévision éducative et culturelle de l'Ontario français*, and was former Secretary and Legal Counsel of I.E. Canada, the Canadian Association of Importers and Exporters

Education

B.C.L./LL.B., McGill University, 1989

Professional Affiliations

American Bar Association
 Barreau du Québec
 Canadian Bar Association
 International Bar Association
 The Law Society of Upper Canada (Ontario)

Representative Work

Lead counsel for Corn Products International and Casco in the Corn Anti-dumping and Countervailing Duty case, the largest trade remedies investigation initiated by Canada in recent years.

Provided advice and assistance to the Heenan Blaikie team on the UPS NAFTA Chapter 11 claim against the Government of Canada.

Co-counsel on the NAFTA Chapter 11 claim brought by the Canadian Cattlemen for Fair Trade against the Government of the United States.

Lead counsel selected by the **World Bank** to carry out a major reform of the government contracting laws of **Djibouti**.

Representing the **Government of Quebec** in the ongoing softwood lumber trade dispute with the United States.

Representing numerous suppliers against Public Works and Government Services Canada and other federal departments, in bid challenges at the Canadian International Trade Tribunal. Mr. Lalonde has one of the most extensive record of appearances before the CITT on procurement cases.

Lead counsel in various anti-dumping and countervailing duty actions including those launched by Canada against Chinese exports of certain copper pipe-fittings, replacement steel fuel tanks, laminate flooring, fasteners and Venetian blinds, among others. Mr. Lalonde successfully represents **foreign producers and trading companies**, obtaining advantageous margins of dumping for the firm's clients and representing them throughout the dumping and injury phases of the investigations.

Secretary and legal counsel to **I.E. Canada, The Canadian Association of Importers and Exporters**. Advised and represented the Association, among other things, with respect to issues relating to customs rail cargo infrastructure.

Acted as panellist on the fourth (selected by the Government of New Brunswick) and fifth (selected by British Columbia and Alberta) dispute resolution panels created under the *Agreement on Internal Trade*.

Lead counsel to a coalition of Canadian furniture importers and manufacturers in successfully defeating a punitive safeguards investigation against imports from China.

Counsel for U.S. steel producers before the Canadian International Trade Tribunal and NAFTA Chapter 19 panels in anti-dumping actions.

Publications and Conferences

Co-Chair and Speaker, "Ensuring Fairness and Transparency in the Procurement Process", 7th Annual Legal and Business Guide to Public Procurement, The Canadian Institute, Ottawa, January 20 – January 21, 2010.

"Fair and Effective Privilege Clauses", Modern Procurement 2009 Conference, Hunstville, ON, December 1, 2009

Program Chair and Speaker, "Public Private Partnerships—Opportunities worldwide for Your Clients, Business/Transactional, International Trade/Regulatory", 2009 Fall Meeting ABA Section of International Law, Miami, FL, October 27-31, 2009.

Speaker, "Trade Track—Canada's Trade Opportunities with the U.S., Europe and China/India", Best Practices in Global Trade and Customs, 78th Annual Conference, Trade Show & CATIE Awards Dinner, Canadian Association of Importers and Exporters, Toronto, October 19-21, 2009.

Co-Author (with Alexandru Farcas) "Still in the Tunnel: The Ongoing Dilemma of Doing Business with Cuba. An Update on U.S. Extraterritorial Measures and Canada's Response", *Canadian International Lawyer*, Vol. 7, No. 4, 2009.

Co-Author (with Priscilla Platt), "Battling for transparency", article published in *Summit* magazine, March 2009.

Public Procurement Law and Practice: Recent Tendering Law Developments, The Advanced Course in Public Procurement Law and Practice, Osgoode Professional CLE, Toronto, January 22-23, 2009.

The Law of Tendering and the Privilege Clause, The Canadian Institute's 6th Annual Legal &

Business Guide to Public Procurement, Ottawa, January 19, 2009.

Lessons from the School of Hard Knocks: Extraterritorial Reach of North American Laws on Multinational Corporations Doing Business with Cuba, International Bar Association Annual Conference 2008, Buenos Aires, Argentina, October 16, 2008.

Moderator, *MFN Treatment - What Are Its Limits in the Investment Context?* Investment Treaty Arbitration: A Debate and Discussion, Juris Conference. Washington D.C., May 17, 2007.

New Developments in Competitive Contracting Law, notes for a presentation to the Purchasing Management Conference, Yellowknife, November 24, 2003.

E-Procurement for Government, notes for a presentation to the Purchasing Management Conference, Yellowknife, November 24, 2003.

Opportunities Available for Canadian Traders in Iraq: Not for the Faint of Heart, Tradeweek, Canadian Association of Importers & Exporters Inc., October 15, 2003, Vol. 114, No. 25.

From Hammurabi to George W.: The Operational, Legal and Business Environment of Post-Saddam Iraq, notes for a presentation at the International Bar Association Annual Meeting, San Francisco, September 15, 2003.

Canada's WTO Beef, Tradeweek, Canadian Association of Importers and Exporters, July 30, 2003, Vol. 114, No.20, p.2.

Summit: The Business of Public Sector Procurement: CITTing In - a lawyer's take on the Canadian International Trade Tribunal

- Contract A, eh?! Not necessarily, June 2004
- Complainant Beware, June 2003.
- Winning isn't Everything, February 2003.
- The Irony of MERX, September 2002.
- Foundry Networks: Battling Government's Specific Specs, March 2002.
- Hurray! We Lose, February 2002.
- Hold the Phone - Telecom Wars at the CITT, December 2001.
- A Case for Provincial Trade Tribunals, September 2001.
- Smoking Guns at Health Canada, March 2001.
- Trucking Complaint Hits the Ditch, December 2000.
- The CITT: Fair Arbiter or Complainant Coddler, September 2000.
- The War Over Warship Maintenance, June 2000.
- Big Blue Bellyaches Too, March 2000.
- ¿Dónde están los otros?, December 1999.
- DND Gets Its Knuckles Rapped: CITT Suggests Bad Faith in Procurement Matter, September 1999.
- Objection Sustained: Suppliers Have a Good Day in Court, June 1999.

Improving Access to the Canadian Market for Least Developed Countries: Understanding the Impact of Recent Initiatives *i.e. Global, The Magazine of the Canadian Association of Importers & Exporters Inc.*, 2002-2003.

Developments in Canadian Anti-dumping Practice, Paul Lalonde and Annette Bouzi, *International Business Lawyer*, Vol. 31, No. 1, February 2003.

E-commerce, International Treaties and Domestic Laws - Implications for Direct Sellers, presentation to World Congress XI of the Direct Sellers Association, September 5, 2002.

Canadian Export Controls - Notes for a Presentation to the Ottawa Technology In-house Counsel Association, August 29, 2002.

Enforcing U.S. Money Judgements in Ontario - Practical Considerations in an Interconnected World, *North American Corporate Lawyer*, Federated Press, Vol. VI, No. 4, 2002

The IT in the CITT, *Focus on It, Summit: The Business of Public Sector Procurement*, Spring 2002.

A Comment on Recent Court Challenges to the New Proceeds of Crime (Money Laundering) Act, with Megan T.J. Parry, *North American Corporate Lawyer*, Federated Press, Vol. VI, No. 3, 2002.

The Draft FTAA Agreement: More Draft than Agreement, *i.e. global, The Magazine of the Canadian Association of Importers & Exporters Inc.*, 2001-2002.

International Trade and E-Commerce: A Canadian Perspective, *The Globetrotter*, International Law Section, Ontario Bar Association, Volume 6, No. 2, February, 2002.

Contractual Mechanisms to Abate Trade Risks, Paper presented at the panel "Do International Trade Agreements Threaten Public-Private Partnerships" at the 9th Annual Conference on Public-Private Partnerships in Toronto on November 26, 2001.

The M.O. on GMOs, *i.e. Global, The Magazine of the Canadian Association of Importers & Exporters Inc.*, 2000-2001.

P3s and Trade Agreements - A Show About Nothing, *Focus on P3s*, Summit, Winter 2001.

Does UPS Have a Claim? Some Initial Thoughts on the Latest NAFTA Chapter 11 Claim Against Canada, *Tradeweek*, August 9, 2000, Vol. 110, No.6.

Doin' it Their Way, Summit, March 2000.