The Competition Law 2010 Spring Conference: COMPETITION LAW, CRIME AND PUNISHMENT REDUX: THE PRACTICE, PROCEDURE AND SUBSTANCE OF CRIMINAL COMPETITION LAW

Presented by the Canadian Bar Association’s National Competition Law Section and the Professional Development Committee

May 17, 2010 – Hyatt Regency Toronto, Toronto

This program will feature panels on recent developments in criminal competition law, including the new hybrid approach to horizontal agreements and other cutting edge substantive sessions. The program will also feature a simulation session of a multi-jurisdictional cartel investigation, including conduct of an internal investigation, the immunity/leniency process and dealing with the agencies. Speakers include leading private practitioners, agency representatives and inhouse counsel - and the program will feature a keynote address by the Commissioner of Competition, Melanie Aitken.

The conference will provide you with an excellent opportunity to meet with the enforcers, as well as leading economists and practitioners. It will also provide in-house counsel with specific tools and tips for responding to and dealing with a multi-jurisdictional cartel investigation.

Who Should Attend?
Antitrust, competition, commercial, corporate, advertising and marketing, telecommunications and international trade lawyers in private practice, civil and criminal litigators, in-house counsel, economists, enforcement officials, academics and business persons with an interest in competition law and policy.

Ce programme comprend des panels sur les développements récents en droit pénal de la concurrence, y compris la nouvelle approche hybride aux accords horizontaux, et d'autres séances sur la fine pointe du droit substantiel. S'y ajoute une simulation d'enquête sur un cartel menée dans de multiples ressorts, qui traite aussi de la conduite d'une enquête interne, du processus d'immunité et d'indulgence et des relations avec les agences. Un éventail de conférenciers est prévu des milieux de pratique privée, des agences et des contentieux d'entreprises, et le programme comprendra une conférence d'ouverture par la Commissaire à la concurrence, Melanie Aitken.

Cette conférence représente une excellente occasion de rencontrer des responsables de l'application des lois, ainsi que d'éménents économistes et praticiens. Ce programme offre également aux conseillers juridiques d'entreprises des outils et des conseils concrets qui permettent de faire face à une enquête sur un cartel menée dans de multiples ressorts et d'y répondre.

Qui devrait assister à la Conférence?
La Conférence devrait intéresser les avocats en pratique privée qui se spécialisent en droit antitrust, droit de la concurrence, droit commercial, droit des sociétés, droit de la publicité et du marketing, droit des télécommunications et droit commercial international; les avocats des domaines du litige civil et criminel; les conseillers juridiques d'entreprises; les responsables de l'application des lois; ainsi que les universitaires et gens d'affaires qui ont un intérêt pour le droit de la concurrence et les politiques en matière de concurrence.

Ce programme est offert uniquement en anglais
Program Agenda

Monday, May 17

8:35 – 8:45
Welcome and Introduction by Conference Co-chairs:
Subrata Bhattacharjee, Heenan Blaikie LLP
Michelle Lally, Osler Hoskin & Harcourt LLP

8:45 – 10:15
Year in Review: Developments in Criminal Enforcement and Practice
The past year saw a number of important new developments in criminal competition law and practice. Our panel will discuss these developments, including recent investigations and the revised Sentencing and Leniency Guidelines. Enforcers from Canada and the United States will also provide their views on recent enforcement initiatives, including cross-border cooperation.

10:15 – 10:30 Refreshment Break

10:30 – 12:00
Navigating the New Hybrid Approach to Horizontal Agreements - Between Scylla and Charybdis?
Though intended to provide clarity to the treatment of horizontal agreements under the Competition Act, the new hybrid conspiracy/strategic alliance provisions present challenges for businesses and their advisors, notwithstanding the finalization of the Bureau’s Competitor Collaboration Guidelines. Our panel will consider a number of important issues, including:

- when will an agreement fall into the new per se criminal provisions?
- what is a competitor?
- what is the scope of the ancillary restraints defence?
- in what circumstances can joint ventures still raise criminal issues?
- what are the implications for class actions?

12:00 – 13:30
Lunch: Keynote Address by Melanie L. Aitken, Interim Commissioner of Competition
Introduction by Paul Collins, Chair, National Competition Law Section, Canadian Bar Association

13:30 – 14:45
Cartel Simulation Session I - Houston, We Have a Problem: Conducting the Internal Investigation Ethically and Getting a Handle on Potential Civil Liability
Through a hypothetical role playing scenario, Canadian and foreign practitioners will address issues arising from the management of multi-jurisdictional price-fixing investigations – including how to carry out an internal investigation ethically and deal with privilege and production issues.

14:45 – 15:00 Refreshment Break
3:30 – 4:45
Cartel Simulation Session II - Making the Tough Call (Fast): Immunity/Leniency Applications and Negotiating with the Agencies

In a continuation of the role play scenario, Canadian and foreign counsel and enforcers, including representatives of the Canadian Competition Bureau, Director of Public Prosecution and their US and EU counterparts, will address further issues arising out of a multi-jurisdictional price fixing investigation including if and when to seek leniency or immunity and negotiate a resolution.

4:45 Closing Remarks by Conference Co-chairs

Accreditation
This program has been accredited by the following organizations:
- The Law Societies of British Columbia and Northwest Territories
- The Barreau du Québec
- The Law Specialty Committee of the Law Society of Upper Canada
- The Law Society of Saskatchewan
- The PEI Law Society
- The Law Society of New Brunswick

This event has also been awarded one (1) credit by the Saskatchewan Lawyers Insurance Association.

All the accreditation details for this program are available at [http://www.cba.org/pd/details.aspx?id=NA_SPCOMP10](http://www.cba.org/pd/details.aspx?id=NA_SPCOMP10)