Don’t miss the third Annual National Civil Litigation CLE Conference. This year, we have moved to Montreal for a spring meeting in the “Paris” of Canada. Once again, this conference will provide content highly relevant to Canadian litigators. Topics are focused and pointed with the most recent developments only. Specialists will discuss the most recent case law arising out of the Supreme Court of Canada. Top quality speakers will present topics and provide written papers on their subjects for the attendees to read and use later in their practice.

Topics include dealing with State Immunity in cases involving torture or terrorism legislation, a review of Supreme Court of Canada cases dealing with litigation privilege as well as updates on Damage Caps litigation, e-discovery, tariffs as a method to control costs of litigation and proper consultation of First Nations in natural resources exploitation cases. The topics will be relevant to litigators from the east coast, through Quebec all the way to British Columbia.

People attending this conference can expect to receive practical knowledge in a form they can use in their practice.


**WHO SHOULD ATTEND?**

Everyone practicing in the area of civil litigation and/or international law, administrative law and insurance law or with an interest in the examination of tort law developments, discovery procedures, personal injury matters, and corporate and commercial law.
THURSDAY, April 12, 2007

8:00 - 8:45  REGISTRATION
8:45 - 9:00  WELCOME & INTRODUCTION

CONCURRENT SESSIONS

9:00 - 9:45  The York University decision: Expanding the Tort of Misfeasance in Public Office?
Universities have always fiercely protected their status as independent private institutions. Thus, when York University dealt with one of its students, it did not expect that its officials would be subject to the Tort of Misfeasance in Public Office. The Ontario Court of Appeals decided otherwise and the Supreme Court did not see fit to review the matter.

Has the door been opened to hold more “quasi-public” officials to a new standard?

Speaker:  TBC

We have all received our latest version of the CBA Code of Conduct last summer. So, what is new and how does it affect litigators? A member of the Committee that reviewed the code enlightens us.

Speaker:  Lois Hoegg, Ches Crobie Barristers, St. John’s

10:35 - 10:50  REFRESHMENT BREAK

10:50 - 11:35  Comparative Good Faith in Contracts: Lessons from 10 years of positive law in Quebec
While common law courts in Canada are rediscovering the implicit obligation of good faith in contracts, Quebec codified its equivalent rule more than ten years ago. Are there some lessons that can be drawn by all from the factual Quebec experience?

Speaker:  TBC
Duty to Consult in Aboriginal Law: Where do we now stand (after the Haida/Taku decisions)

In the Post-Haida Duty to Consult work, especially in light of the Dene Tha’ litigation in federal court, setting up any new or renewed agreement on exploitation of natural resources is liable to become more complex and … litigious. Knowing what is entailed can lead to better negotiations and reduce potential litigation.

**Speaker:** Kirk N. Lambrecht, *Department of Justice Canada, Edmonton*

Full Day Program: Litigating Torture Claims - The Barrier Of Sovereign Immunity

Sovereign Immunity: The American Perspective
Prof. Noah Novogrodsky, Georgetown University Law Center, Washington, DC

Sovereign Immunity: International Law Perspective Canada’s United Nations Obligations
David Matas, Barrister & Solicitor, Winnipeg, Counsel in *Bouzari v Iran*

**The privilege attaching to professional secret: Where are we?**

Mahmud Jamal reprises his highly successful Online CLE of last Fall dealing with the current status of many issues relating to the attorney’s professional secret, from “constitutionalisation” of the Privilege by the Supreme Court to the Limited Renunciation Doctrine when providing advice to Auditors and so forth.

**Speaker:** Mahmud Jamal, *Osler, Hoskin Harcourt LLP, Toronto*

Full Day Program: Litigating Torture Claims - The Barrier Of Sovereign Immunity

Reporting Torture Claims – Journalistic Chill
*The case of Juliet O’Neill and Ottawa Citizen*

**Speakers:**
Richard G. Dearden, *Gowling Lafleur Henderson LLP, Ottawa*, Counsel for O’Neill and Citizen
Tracey Tyler, *Journalist, The Toronto Star, Toronto*

**The privilege attaching to professional secret: Where are we? (session 2)**

**Speaker:** Mahmud Jamal, *Osler, Hoskin Harcourt LLP, Toronto*

Full Day Program: Litigating Torture Claims - The Barrier Of Sovereign Immunity

The Arar Commission - Are Commissions of Enquiry Viable Alternatives to Justice?

**Speakers:**
Lorne Waldman, *Waldman & Associates, Toronto*, Counsel to Maher Arar before the O’Connor Commission
Julian N. Falconer, *Falconer, Charney, Macklin, Toronto*, Counsel to Maher Arar in his civil claims against the Government of Canada
Maria LaHood, *Staff Attorney - Center for Constitutional Rights American counsel to Maher Arar in his claims against the Government of the United States*

Full Day Program: Litigating Torture Claims - The Barrier Of Sovereign Immunity

Panel discussion: Can the Sovereign Immunity Barrier be lifted?

**Moderator:** Mark H. Arnold, Gardiner Miller Arnold, Toronto

The Blank v. A.G. of Canada decision: “litigation privilege” and “advice privilege”: What is the difference?

So your client dealt with the government, released some confidential information and it ended in another of the government’s litigation. But that’s Ok. Your client’s secrets are safe because they were covered by...
litigation privilege, right? After Blank do not be so sure. What can it mean for your clients? Both positive and negative aspects of Blank will be reviewed.

**Speaker:** Christopher M. Rupar, Department of Justice Canada, Ottawa

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**5:00 – 7:00 Networking Reception**

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**Friday, April 13, 2007**

**8:45 - 9:00** REGISTRATION

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**CONCURRENT SESSIONS**

**Caps on Damages: Where do we stand?**

This presentation will deal with the status of liability limiting legislation in auto insurance and the case for some restoration of the rights of innocent accident victims to claim damages in tort.

This will involve a discussion of the economic performance of the Property and Casualty Insurance Industry across Canada.

**Speaker:** Richard C. Halpern, Thomson Rogers, Toronto

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**9:00 - 9:45**

**E-Discovery Essentials (Session 1)**

These informative sessions will cover what you need to know about the world of E-discovery. From counsel’s obligation to managing the e-discovery process, to the production of vast amounts of electronic evidence, speakers will discuss the danger zones and the best practice solutions. Experienced counsel will advise on their experiences in managing complex e-discovery reviews, as well as how to protect yourself and your clients from claims of spoliation of electronic evidence.

**Various Speakers**

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**9:50 - 10:35**

**Coping with Chaos: The Canadian Bar Association Database and the National Class Dilemma.”**

The Uniform Law Commission of Canada and the Canadian Bar Association have taken important steps to solve the vexed issue of the national class. But much work remains to be done if the national class action is to fulfill its great potential for resolving large-scale, multi-jurisdictional disputes.

**Speakers:** Rodney L. Hayley, Lawson Lundell LLP, Vancouver and André Lespérance, Department of Justice Canada, Montreal will discuss these issues and more, and Dawn Pritchard, Department of Justice Canada, Saskatoon will demonstrate the new Class Actions Database

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**10:35 - 10:50 REFRESHMENT BREAK**
The Constitutional Powers of Superior Courts over Costs: A line of Defense against Government tariffs?

Litigation is expensive! It seems to be a rallying cry these days – and when that happens, Governments some time feel they must do something. Provincially imposed tariffs to deal with costs issues resurface from time to time as a solution. But can such tariffs be binding on federally appointed courts of justice?

**Speaker:** TBC

“Causation in Toxic Tort – Proving the Impossible?”

Lynda Collins will introduce the unique challenges in the causation element of toxic torts. She will canvas both the evidentiary and doctrinal aspects of causation in environmental and products liability cases.

**Speaker:** Lynda Collins, Assistant Professor, University of Ottawa, Faculty of Law, Ottawa

Federal Court: New Rules of Evidence and representative actions

Federal Court rules were recently modified, particularly as regards Expert reports and the introduction of Representative Actions in cases against the Federal Crown. Can your clients benefit from these changes?

**Speaker:** The Honourable Anne L. Mactavish, Federal Court, Ottawa

1:15 - CLOSING REMARKS by the Chair
2007 NATIONAL CIVIL LITIGATION CONFERENCE
April 12 - 13, 2007

FEE GST (6%) TOTAL

☐ CBA Members $565.00 $33.90 $598.90
☐ Students (CBA Members) $275.00 $16.50 $291.50
☐ Non-Members $730.00 $43.80 $773.80

Payment due with registration application.

• QUEBEC RESIDENTS please add the TVQ of 7.5 % to your total

☐ Yes, I would like to attend the Thursday night reception.
☐ Yes, I would like to join the CBA now and pay the member fee to attend this program. I understand that a membership representative will be contacting me.
☐ No, I cannot attend but would like to purchase the course material. The publication coordinator will contact me after the conference to discuss cost and shipping.

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HOTEL RESERVATION
Please contact the hotel directly and refer to the CBA National Civil Litigation conference to obtain the preferred rate. Special room rate available until March 12, 2007.

TRAVEL
Air Canada is the official carrier for all our CBA meetings. For travel assistance, please call the CBA’s travel agent, Algonquin Travel, at 1-866-216-1251 and quote CBA Account #MVTQX461. Discounts will not be available if you call Air Canada direct.

REGISTRATION
Pay by credit card (Visa or MasterCard only), or send cheque or money order made payable to the Canadian Bar Association together with this registration form to:

Ann Suurland
CLE Program Coordinator
Canadian Bar Association
865 Carling Ave., Suite 500
Ottawa, ON, K1S 5S8 or
Fax information to 613-237-0185

REFUND POLICY
There will be a 20% administrative charge for any cancellation received in writing prior to March 12, 2007. No refund will be given after March 12, 2007.

There will be no refunds for “no-show” registrants. The program material will be shipped to registrants unable to attend the program within 15 days of the program.

For further information about this program, please contact Ann Suurland at the CBA National Office by telephone at 613-237-2925 or 1-800-267-8860 ext. 186, or by e-mail at ann-maries@cba.org.

We encourage limited use of scented product during the conference in consideration of scent-sensitive participants. Thank you.