Please join us at the CBA Competition Law Section’s fifth spring conference on competition law. This year’s Spring Forum is entitled Crime and Punishment Redux: The Practice, Procedure and Substance of Criminal Competition Law.

The program will feature panels on recent developments in criminal competition law, including the new hybrid approach to agreements between competitors, which will become effective March 12, 2010, as well as other cutting edge substantive issues. The program will also feature a simulated multi-jurisdictional cartel investigation, which will include insights on how to conduct an internal investigation, the immunity/leniency process and dealing with the agencies. Speakers include leading private practitioners, government representatives and in-house counsel. The program will also 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 and to network with leading economists and practitioners. It will also provide in-house counsel with specific tools and tips for responding to and dealing with cartel investigations and other horizontal agreements with competitors.

Who Should Attend?
Antitrust, competition, commercial, corporate, advertising and marketing, telecommunications, intellectual property, 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.

« Droit de la concurrence, crime et châtiment : nouvelle formule - La pratique, la procédure et les règles de fond en matière criminelle »

Ce programme comprend des sessions sur les développements récents en droit criminal de la concurrence, y compris la nouvelle approche hybride sur la collaboration entre concurrents, qui sera en vigueur le 12 mars 2010, et d’autres questions substantives d’actualité dans le domaine. Le programme prévoit également une simulation d’enquête sur un cartel impliquant plusieurs juridictions, qui traitera tant de la façon de conduire une enquête interne, du processus d’immunité et de clémence que des relations avec les agences gouvernementales. Les conférenciers incluront des avocats de pratique privée de premier plan, des représentants gouvernementaux et des avocats œuvrant dans des contentieux d’entreprises. Le programme offrira enfin une allocation donnée par la Commissaire de la concurrence, Melanie Aitken.

Cette conférence représente une excellente occasion de rencontrer des représentants des agences chargées de l’application des lois et de faire du réseautage avec d’éménnts économistes et praticiens. Ce programme offre également aux conseillers juridiques d’entreprises des outils et des conseils concrets pour faire face et répondre à une enquête sur un cartel et pour traiter des questions de collaboration entre concurrents.

Qui devrait assister à la conférence?
La conférence devrait intéresser les avocats de 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, droit de la propriété intellectuelle 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, Toronto
Michelle Lally, Osler Hoskin & Harcourt LLP, Toronto

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. This panel will discuss these developments, including recent investigations and the recently revised Sentencing and Leniency Guidelines issued by the Competition Bureau. Enforcers from Canada and the United States will also provide their views on recent enforcement initiatives, including cross-border cooperation.

Moderator: Randal T. Hughes, McCarthy Tétrault LLP, Toronto
Speakers: Katherine Kay, Stikeman Elliott LLP, Toronto
John Pecman, Senior Deputy Commissioner of Competition, Competition Bureau, Gatineau
Lisa M. Phelan, Chief, National Criminal Enforcement Section, U.S. Department of Justice, Washington DC
Gary R. Spratling, Gibson Dunn & Crutcher LLP, San Francisco, CA

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 private actions?

Moderator: Denis Gascon, Ogilvy Renault LLP, Montreal
Speakers: Michael Egge, Latham & Watkins LLP, Washington DC
Adam Fanaki, Davies Ward Phillips Vineberg LLP, Toronto
Randall Hofley, Blake Cassels & Greydon LLP, Toronto

12:00 – 13:30
Lunch: Keynote Address by Melanie L. Aitken, 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.
Moderator: Graham Reynolds, Osler Hoskin & Harcourt LLP, Toronto
Speakers: Scott Fenton, Fenton Smith Barristers, Toronto
Ray V. Hartwell, III, Hunton & Williams LLP, Washington, DC
Randal T. Hughes, McCarthy Tétrault LLP, Toronto
Gavin MacKenzie, Heenan Blaikie LLP, Toronto

14:45 – 15:00 Refreshment Break

15:00 – 16:45
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.

Moderator: Graham Reynolds, Osler Hoskin & Harcourt LLP, Toronto
Speakers: Ray V. Hartwell, III, Hunton & Williams LLP, Washington, DC
Randal T. Hughes, McCarthy Tétrault LLP, Toronto
John Pecman, Senior Deputy Commissioner of Competition, Criminal Matters, Gatineau
Lisa Phelan, Chief, National Criminal Enforcement Section, U.S. Department of Justice, Washington DC
Guy Pinsonneault, Director of Public Prosecutions

16:45 Closing Remarks by Conference Co-chairs

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

Speakers are subject to change