

The Rise of High-Stakes Global Class Actions: Critical Updates to Help You Protect Your Clients



Substantive Hours: This program is eligible for up to **2h 0m**

Date: **Wednesday, February 7, 2018** | 8:30 am - 10:30 am

Location: **Twenty Toronto Street Conferences and Events**
20 Toronto Street, 2nd Floor, Toronto, ON M5C 2B8

Program Chairs: **Robert Glasgow**, McCarthy Tétrault LLP
Paul Martin, Fasken Martineau DuMoulin LLP

The increasing frequency of globalization of class actions proceedings is generating complex questions with serious consequences for your clients. As well, global class actions are infiltrating Investor-State Dispute Settlement arbitration practices, potentially opening the door to allow class-like relief to investors under myriad investor-state dispute settlement mechanisms. These developments are raising serious uncertainties for Canadian counsel and investors as to whether class arbitration under Canada's Bilateral Investment Treaties is a viable practice.

Join our stellar faculty to understand how courts are dealing with global class actions proceedings and to discuss the impact of recent decisions with significant international law dimensions. Register now to gain the insights you need to help your clients obtain the best outcome.

8:30 am **Welcome and Opening Remarks**

8:40 am **A Discussion of the International Aspects of Recent Class Proceedings**

Nadia Campion, Polley Faith LLP

Carlo Di Carlo, Stockwoods LLP

Robert Gain, Koskie Minsky LLP

Sandeep Joshi, BMO Financial Group

Our expert panel of class action lawyers will share their insights on a number of class action decisions with significant international law dimensions, including *Rana Plaza*, *Facebook*, *Air Cargo* and *Excalibur*. They will also delve in to analyzing important questions that are arising from recent class actions with international aspects, such as:

- Are Canadian courts delivering mixed messages on the treatment of international aspects of class proceedings which seek to reach out beyond our borders?
- Will plaintiff's counsel continue to strive to expand their class definitions to include classes or sub-classes of non-resident claimants in their actions?
- Will restrictive rulings from the United States' courts make litigating actions in Canada for broader international classes more attractive?

9:30 am **Networking Break**

9:40 am **The Merging of Class Proceedings with Investor-State Dispute Settlements?**

Carolyn Lamm, White & Case LLP

Global class actions have begun to infiltrate Investor-State Dispute Settlement arbitration practices. *Abacat & Others v. Argentina*, potentially opened the door to allow class, or class-like, relief to investors under a myriad of investor-state dispute settlement mechanisms. Join the conversation as our expert speakers lead discussion on serious questions such as:

- Given recent NAFTA arbitrations that have allowed mass-proceedings, is class arbitration under Canada's Bilateral Investment Treaties a viable practice?
- Can ISDS relief be pursued against Canada or another country? What would such a system look like?
- Could empowering and protecting smaller individual investors change the public perception of ISDS as solely a tool for large multinational entities?

10:25 am **Closing Remarks**

10:30 am **Program Concludes**

