



## Bernard Amyot, Ad.E.

### Partner

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### Areas of Expertise

- Civil and commercial litigation
- Class actions
- Directors and officers liability
- Securities litigation
- Governance, compliance and investigations (RAMQ, IIROC, AMF, professional orders, etc.)
- Construction law
- Product liability
- Insurance law
- Defamation
- Professional liability and discipline
- Review of compliance manuals, deontological codes and internal procedures, and implementation of compliance
- Competition law
- Real estate and commercial leasing

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For more than 30 years, Bernard Amyot has developed a practice that is primarily focused on civil and commercial litigation. He has extensive experience before the Quebec courts, having represented Canada's leading financial institutions. He has lectured and written frequently on legal issues of interest to his clients. His professional liability defence work extends to lawyers as well. He has acted as lead counsel in numerous class action matters involving multiple jurisdictions across Canada and cross-border issues.

The Bar has benefited from Mr. Amyot's relentless commitment. In 2007, he served as National President of the Canadian Bar Association. Previously, he served as President of the Young Bar Association of Montreal from 1991 to 1992, and was a member of the Council of the Montreal Bar and Executive Council of the Quebec Bar. He also served as President of the American Counsel Association, and as Co-Chair of the Annual Meeting of the Litigation Section of the American Bar Association held in Toronto in August, 2011. He currently serves as Co-Chair of the Professional Services Liability Litigation Committee of the Litigation Section of the American Bar Association.

Mr. Amyot's involvement in business circles and the community is equally noteworthy. He served as Chairman of the Board for Collège Jean-de-Brébeuf from 2005 to 2011 and was a director of the Montreal Symphony Orchestra. In 2012, he was named Chairman of the Board for the National Theatre School of Canada.

In 2009, Mr. Amyot was awarded the Quebec Bar's honorary title of *Advocatus Emeritus*. In 2011, he became a Fellow of the American College of Trial Lawyers. In August 2015, he was inducted as a Fellow of the International Academy of Trial Lawyers in Seattle. He has been recognized as a leading practitioner

in the area of corporate and commercial litigation in the 2012 to 2016 editions of *The Best Lawyers in Canada* (Woodward White). Mr. Amyot was also recognized in the 2012, 2013 and 2016 editions of the Canadian Legal Lexpert Directory in securities litigation. In 2012, he was awarded the Queen's Diamond Jubilee Medal in recognition of his remarkable contribution to the development of the arts in Canada.

### **Representative Work**

Counsel to Canada's leading securities brokerage firms and life insurance companies regarding all aspects of litigation, including professional liability claims, compliance and disciplinary matters, as well as class actions and individual claims.

### **Class Actions**

**GE Railcar Services Corporation:** Defending General Electric, the lessor of some of the oil tank cars involved in the July 2013 derailment in Lac-Mégantic.

**National Bank of Canada:** Defended against a securities disclosure class action pursuant to the secondary market provisions of the Securities Act in both Quebec and Ontario.

**Canaccord Capital:** Defended against two claims alleging market manipulation and insider trading following the Jitec IPO.

**Hydro-Québec:** Defended a class action by a group of non-unionized employees alleging the right to maintain pre-determined premiums for their group life insurance.

**Kaba Ilco:** Defending a push-button lock manufacturer against product liability class action proceedings in both Quebec and Ontario.

**Empire Life Insurance Company and Mutual of Omaha (now RBC Insurance):** Defended claims against alleged misrepresentations pertaining to premium guarantees on life insurance policies (vanishing life insurance premiums).

**AGF Management:** Defended a mutual fund dealer against market timing allegations, both in Quebec and in Ontario. Our client settled in 2010.

**HSBC Securities:** Defended against allegations of market timing in mutual fund management.

**L'Oréal Canada:** Defended L'Oréal in a suit alleging that L'Oréal Kids shampoo contained hazardous ingredients; claimants discontinued their suit in late 2010.

### **Conferences and Publications**

Conference entitled "A View from Quebec – New Code of Civil Procedure" presented as part of the Cross-Canada Check-In panel on November 14, 2015 during the fall convention of the Advocates' Society in the Mayan Riviera, Mexico.

Moderator on a panel entitled, "When things go wrong, customers complain" presented with Kathy Langford, Penny Steckly and Mike D. Clark during the Compliance and Consumer Complaints Annual Conference of the Canadian Life and Health Insurance Association Inc. (CLHIA) in Vancouver on May 9, 2013.

Co-author (with Vivian Bercovici), Chapter 9, *The International Comparative Legal Guide to: Insurance & Reinsurance 2013, 2<sup>nd</sup> Edition*, A practical cross-border insight into insurance and reinsurance law, Global Legal Group, London.

Moderated a panel entitled "Effective Advocacy at the Top: Appearing in the Supreme Court of Canada" presented in Vancouver by the National Civil Litigation Section of the Canadian Bar Association on August

13, 2012 with the Honourable John C. (Jack) Major, C.C., Q.C. and Eugene Meehan, Q.C.

Co-author (with Sébastien C. Caron), "Canadian Connection: The Ontario Court of Appeal Allows a Class Action against a NASDAQ-Listed Issuer", *Nota Bene*, Heenan Blaikie, May 2012.

Conference entitled "Transparency as a driving force for change in the recent financial reforms in the U.S. and Canada" presented on November 12, 2011, in Geneva, Switzerland, during the 2011 European Circuit of the Bar Annual Conference organized jointly with the Ordre des Avocats de Genève, the Society of Trust & Estate Practitioners and the American Counsel Association.

Conference entitled "The emerging trends in regulating the financial sector in the wake of the recent crises, a North American perspective" presented on October 17, 2009 in Warsaw, Poland during the 2009 European Circuit of the Bar Annual Conference organized by the Warsaw Bar and the American Counsel Association.

Conference entitled "New Developments in Secondary Market Liability Cases: Key Strategies to win your case" presented on April 21, 2009, in Toronto, during the 8th Annual Advanced Forum on Securities Litigation and Enforcement organized by The Canadian Institute.

Conference entitled "False Representations and Fraudulent Misrepresentations in Quebec" presented on May 8, 2008 in St. John's, Newfoundland during the Annual General Meeting of the Claims Section of the Canadian Life & Health Insurance Association (CLHIA).

Conference entitled "The New Trends and the Emergence of Class Actions in the Securities Field" presented on February 3, 2005 in Montreal during the 2nd Advanced Conference on Class Actions organized by The Canadian Institute.

### **Awards and Recognition**

- International Academy of Trial Lawyers (Fellow) (2015)
- Queen's Diamond Jubilee Medal (2012)
- American College of Trial Lawyers (Fellow) (2011)
- Barreau du Québec (*Advocatus Emeritus*) (2009)
- The Best Lawyers in Canada (Corporate and Commercial Litigation – 2012 to 2016)
- Canadian Legal Lexpert® Directory (Securities Litigation – 2012, 2013, 2016)
- Benchmark Canada (Local Litigation Star, Quebec – 2013)

### **Education**

B.C.L., McGill University, 1982

LL.B., McGill University, 1983

### **Call to the Bar**

Quebec, 1984

### **Professional Associations**

- Barreau du Québec
- Canadian Bar Association
- American Bar Association
- American College of Trial Lawyers
- International Academy of Trial Lawyers
- American Counsel Association
- Lord Reading Law Society
- The Advocates' Society