



## Patrick Ferland

### Partner

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### Areas of Expertise

- Civil and commercial litigation
- Class actions
- International law and recognition of foreign judgments
- Arbitration
- Public and administrative law
- Appeal and judicial review
- Constitutional and human rights law
- Product liability
- Estate litigation

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Mr. Ferland has a wide experience in civil and commercial litigation, as well as administrative and public law litigation. He is recognized by his peers as a lawyer with great legal and advocacy skills, capable of analyzing the most complex situations, identifying the crucial legal issues, and developing novel arguments.

Mr. Ferland has particular expertise in class actions, international law (jurisdiction of Quebec courts, recognition of foreign judgments, homologation and annulment of arbitral awards, etc.), public and administrative law (e.g. judicial review of governmental decisions, proceedings against the Crown, constitutional law), as well as appeals.

He has been actively involved in many large files, where he has acted for major private corporations and Crown corporations, in addition to acting on behalf of a foreign State and of foreign public entities.

Mr. Ferland has represented clients before the Superior Court and the Court of Appeal of Quebec, as well as before the Federal Court, the Federal Court of Appeal and the Supreme Court of Canada.

Since 2011, Mr. Ferland teaches evidence in civil matters at McGill University's Faculty of Law, where his class covers the law of evidence in Quebec and in Canadian common law provinces. He co-authors the private international law section of the *Collection de droit*, a series of law books edited by the École du Barreau du Québec, and is the co-editor and a contributor of the *Guide de l'arbitrage* (LexisNexis), a treatise covering all aspects of the law of commercial arbitration in Quebec.

In addition to his professional commitments, Mr. Ferland has always been involved in the community. He is currently an executive committee member of the international law section of the Canadian Bar Association, and the Vice-President of the international law section of the CBA's Quebec Branch.

## **Representative Work**

The following are some of the cases in which Mr. Ferland has acted:

### ***Civil and commercial litigation***

Acting for **General Electric Railcar Services Corp. (GERSCO)** in the context of the motion for authorization to institute a class action brought by victims of the Lac-Mégantic train derailment, as well as in the context of the insolvency (CCAA) proceedings concerning Montreal Maine & Atlantic Canada Co.

Representing a group of over 90 **snow crab license holders** in the context of a major claim for damages against the federal Department of Fisheries and Oceans concerning resource allocation.

Defending **Loto-Québec** in the context of a class action instituted on behalf of individuals claiming to have become compulsive gamblers as a result of using video lottery terminals (VLTs).

Representing a **major pulp and paper company** in the context of a claim for damages resulting from a natural gas outage which caused several days of lost production.

Defending a **national law firm** in the context of a motion for disqualification presented in the course of an action for damages totalling several hundred million dollars.

Representing a **group of shareholders** in the context of a dispute over the testamentary devolution of shares in the corporation.

### ***International law, arbitration and recognition of foreign judgments***

Representing a **foreign state and foreign public entities** in the context of a motion to homologate arbitral awards issued by an arbitration panel of the International Chamber of Commerce (ICC) sitting in Paris.

Acting for a **foreign state and a foreign central bank** in appeal proceedings against a default judgment recognizing a Dutch judgment and ordering the payment of several million dollars.

Acting for a **foreign state and of its national air carrier**, including before the Supreme Court of Canada, in the context of proceedings seeking the recognition and enforcement of English judgments totaling more than \$1 billion and raising the issue of foreign sovereign immunity.

Representing a **Dutch holding** in the context of several motions for the homologation and for the annulment of ICC arbitration awards concerning the ownership of a German refinery.

### ***Public, administrative and constitutional law***

Acting for a group of **crab fisher associations** in the context of several judicial review proceedings against decisions taken by the federal Minister of Fisheries and Oceans.

Acting for a **group of daycares (CPEs)** and parents in the context of proceedings challenging, on constitutional and administrative grounds, a directive issued by the Quebec *Ministre de la Famille* concerning religious activities in subsidized daycare centers.

Representing the **Association québécoise pour le droit de mourir dans la dignité** (Quebec association for the right to die with dignity) in the context of a constitutional challenge of the *Criminal Code* provisions prohibiting all forms of assistance to suicide.

Mr. Ferland also intervened before the Supreme Court of Canada in the context of group of cases which led to a major shift in public law by eliminating the requirement of first obtaining the annulment of a

decision of a federal office before instituting proceedings against the Federal Government to recover the damages caused by the decision.

## **Conferences and Publications**

### **Publications**

“Homologation et annulation des sentences arbitrales” (*Homologation and annulment of arbitral awards*), in *Guide de l’arbitrage*, LexisNexis, 2014.

Co-editor of the *Guide de l’arbitrage*, LexisNexis, 2014.

“Droit international privé” (*Private international law*) (co-author with Serge Gaudet), in *Collection de droit, École du Barreau du Québec* (annual updates).

“Récusation, désaveu et constitution de nouveau procureur” (*Recusal, disavowal and substitution of attorney*) (co-author with Sophie Gallizioli), in *JurisClasseur Québec encyclopaedia – Civil Procedure*, 2011.

### **Conferences**

“L’apport du juge LeBel au droit québécois de l’arbitrage international” (*The contribution of Justice LeBel to the Quebec law of international arbitration*), Symposium in honor of the Honourable Louis LeBel, Canadian Bar Association, October 2015.

“Hearsay: Understanding an unnecessarily complicated rule,” Heenan Blaikie, November 2013.

“The role of the judge in proceedings seeking the recognition of foreign judgments,” Canadian Bar Association, October 2013.

“Proof of foreign law before Quebec courts” (with the Hon. Pierre J. Dalphond, J.C.A. and Prof. Frédéric Bachand), Canadian Bar Association, March 2012.

“Recognition of foreign judgments in Québec”, Heenan Blaikie, March 2012.

“Proceedings involving foreign public authorities: immunities of jurisdiction and execution” (with Serge Gaudet), Canadian Bar Association, April 2009.

## **Awards and Recognition**

Benchmark Canada – Litigation Future Star (2016)

## **Education**

M.Sc. Public Policy, London School of Economics and Political Science, 2003

B.C.L./LL.B., McGill University, 1998

## **Call to the Bar**

Quebec, 2000

New York, 2000

Massachusetts, 2001

## **Professional Associations**

- Barreau du Québec
- Canadian Bar Association
- International Commission of Jurists