



PATRICK FERLAND

PARTNER

Bar of Québec – 2000
Bar of New-York – 2000
Bar of Massachusetts – 2001

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AREAS OF EXPERTISE

Appeals and judicial review	Public and administrative law
Civil and commercial litigation	Arbitration and dispute resolution
Class actions	Constitutional and human rights law
International law and recognition of foreign judgments	Wills, estate and trust litigation
Professional liability	

BIOGRAPHY

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. Given his experience before appeal tribunals, as well as in the preparation of applications for leave to appeal before the Supreme Court of Canada, his services are at times retained directly at the appeal stage to assist the attorneys in charge of the file before the court of first instance or take over and reorient the file.

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.

Mr. Ferland is a member of the Canadian delegation at the *Special Commission on the Recognition and Enforcement of Foreign Judgments* of the Hague Conference on Private International Law, the World Organisation for Cross-border Co-operation in Civil and Commercial Matters, which comprises 81 States and the European Union as members (The Hague, February and November, 2017). Since 2011, he 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 also 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 President of the International law section of the Canadian Bar Association (CBA), Quebec Branch, and an executive committee member of the CBA's National Section of International Law.

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).

Acted for an important Canadian company in relation to questions regarding the determination of the law applicable to its excess insurance coverage in the context of multiple claims by shareholders.

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.

PUBLICATIONS AND CONFERENCES

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* (*Guide to Arbitration*), LexisNexis, 2014.

“Droit international privé” (*Private international law*) (co-author with Guillaume Laganière), 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.

CONFÉRENCES

« La portée territoriale du pouvoir de la Cour : Injonctions et ordonnances judiciaires dans le contexte de l’arbitrage et des litiges internationaux » (*The territorial reach of the Court’s power: injunctions and judicial orders in arbitration and international disputes*), Canadian Bar Association, April 2017

“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.

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

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

EDUCATION

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

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

AWARDS AND RECOGNITION

Benchmark Canada – *Litigation Star* (2017, 2018, 2019)

PROFESSIONAL ASSOCIATIONS

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