



## MAX R. BERNARD, AD. E.

### SENIOR COUNSEL

Bar of Quebec - 1970

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## AREAS OF EXPERTISE

- Civil and commercial litigation
- Construction law
- Professional liability
- Shareholder disputes and directors and officers liability
- Arbitration and dispute resolution
- Securities law and financial markets
- Wills, estates and trust litigation
- Representation of other firms and applications to disqualify

## BIOGRAPHY

Max has been practicing law for more than 50 years, with an emphasis on litigation. He is business-oriented and focuses on bringing about customized, timely and cost-effective solutions to the commercial disputes faced by his clients. Having a great deal of experience in many industries and expertise in various areas of law enables him to understand the needs of his clients and assist them in achieving satisfactory resolution of the matters for which he is consulted, which are often complex and of high monetary value.

Acting as more than a litigator, he works to earn the trust of his clients and respond to their business needs, which they confirm by consulting him repeatedly when the need arises, some over decades, and by recommending him to others. As a singular testimony to the quality of his services, he is sought after to act for other law firms facing difficult problems and to act as an arbitrator of disputes.

## REPRESENTATIVE WORK

Early in his career, Max represented the Inuit of Quebec in proceedings that resulted in the first modern native land-claims settlement in Canada (discussed in the Supreme Court decision of *Kanatewat v. James Bay Development Corp.*, [1975] 1 S.C.R. 48).

Hydro-Québec and the Société d'énergie de la Baie-James, in a claim of over \$100 million concerning the construction of a hydro-electric generating station and associated works, and in several other matters.

The Tidan Hospitality and Real Estate Group, a real estate organization having assembled an extensive and diverse portfolio of self-managed revenue-producing properties in both Canada and the United States, in several high value claims before the courts and in arbitration.

First Quebec Corporation, developers of several major commercial buildings in downtown Montreal and elsewhere, in various litigation, contractual negotiations and disputes.

NEG Micon Canada Inc., then one of the world's largest wind turbine manufacturers, in a \$150 million arbitration proceeding concerning the Cap-Chat and Matane wind farms in Quebec (100 MW), a project known worldwide for its climate-related complexities.

The Right Honourable Pierre Elliott Trudeau, Prime Minister of Canada from 1968 to 1979 and from 1980 to 1984, in litigation with the developer of a building on Redpath Street in Montreal.

Coopers & Lybrand in litigation resulting from the collapse of Castor Holdings Ltd., one of the most important Canadian cases involving the liability of auditors.

CGC Inc., a leading marketer, manufacturer and distributor of gypsum wallboard products, interior finishing materials and suspended acoustical ceilings in Canada, in a multi-million dollar product warranty claim.

Questrade Financial Group Inc., in class action litigation concerning the terms of its client contracts.

Lockheed Corporation, in a breach of contract claim against the supplier of food carts for passenger aircraft.

Sherwood Valve LLC, the world's leading provider of system-critical gas and fluid control solutions for the industrial gas, specialty gas, chlorine gas, alternative fuels, and life support markets, in a product liability claim for a fire caused by gas released from a propane gas tank.

Vaneeghen Group, a leading international distributor of ingredients for infant nutrition and supplement markets, in a breach of contract claim.

Provigo Inc., then Québec's largest grocery supermarket retailer, in several litigations involving franchisees, business operations clauses in leases in commercial centers and in other dispute.

Kaba Ilco, the world's largest manufacturer of key blanks, in various contractual matters.

Kimberly-Clark Canada Inc., in litigation concerning the improper construction of a plant and warehouse extension.

Dawson College, in litigation resulting from its move to its current location on Sherbrooke Street West.

WB Games Montréal, a division of Warner Bros Interactive Entertainment, for the establishment, leasing and renovation of its Montreal offices.

The Montreal Alouette Football Club, in contract negotiations with the Régie des installations Olympiques and with certain key players.

Shareholder disputes in closely held companies in various businesses including cosmetics, dentistry, insurance, optometry, shoes, lighting, beverages, steel and retail sales.

Several condominium syndicates in disputes with co-owners or with the project developers

Canada's leading securities brokerage firms in respect of individual client claims

Several general contractors and subcontractors in multi-million dollar construction litigation

Litigation concerning the estates of certain high-value individuals.

Representation of other law firms or partners in partnership matters.

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## **PUBLICATIONS**

Author, "L'invincible conseiller en placement" (The Invincible Investment Dealer), Meredith Memorial Lectures, 1983-84, and Speaker, "The Invincible Investment Dealer - Round Two," May 27, 2013.

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## **CONFERENCES**

He has also participated in a number of conferences, both as a speaker and a moderator.

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## **EDUCATION**

- B.C.L., McGill University, 1969
- B.A., McGill University, 1966

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## **AWARDS AND RECOGNITIONS**

- Bar of Québec (Emeritus Lawyer - 2010)
- American College of Trial Lawyers (Fellow - 2003)  
Canadian Legal Lexpert Directory (Leading Practitioner in Corporate Commercial Litigation)
- The Best Lawyers in Canada (since 2006) (Alternative Dispute Resolution, Construction

Law, Bet-the-Company Litigation, Corporate and Commercial Litigation, Product Liability Law)

- Rated “AV Preeminent” by Martindale-Hubbell, their highest level of professional excellence and ethics, according to peer review.
- Max has served as an officer of the Montreal Bar and as President of the Lord Reading Law Society.

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## PROFESSIONAL ASSOCIATIONS

- Bar of Québec
- Canadian Bar Association
- American College of Trial Lawyers

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