Managing New Environmental Quagmires – Perspectives from the Litigation, Regulatory and Transactional Contexts

Date: Wednesday, February 4, 2015 | 1:30pm - 4:50pm

Location: Westin Harbour Castle Conference Centre, 2 Harbour Square, Toronto, ON

Program Chairs: Michael Fortier, Torys LLP
                Tamara Farber, Miller Thomson LLP

With today’s ever-changing environmental law landscape, learn how to manage key risks and avoid quagmires when dealing with litigation, regulatory matters and commercial transactions. Our faculty of leading practitioners will guide you through the need-to-know issues, and the new compliance drivers underlying these issues, as well as other hot topics.

1:30 pm Welcome and Opening Remarks

1:40 pm Avoiding Litigation Pitfalls
        Jennifer Fairfax, Osler, Hoskin & Harcourt LLP
        Marc McAree, Willms & Shier Environmental Lawyers LLP
        Dr. Dianne Saxe, Saxe Law Office
        Barry Weintrub, Rueter Scargall Bennett LLP

        • Environmental causes of action after Inco: what do recent decisions mean for how best to frame your case?
        • How do regulatory remedial standards inform civil liability and damages? How contaminated does your property need to be before you have a claim?
        • Environmental class actions: the latest from the courts on whether the test for certification can be met
        • Using experts post-Moore v. Getahun – guidance in the environmental context

3:00 pm Networking Break

3:15 pm Managing Regulatory Mudslides
        Janet Bobechko, Blaney McMurtry LLP
        Jack Coop, Osler, Hoskin & Harcourt LLP
        Ian Richler, Gowling Lafleur Henderson LLP

        • Managing excess soil: when is soil a waste and what are the implications for developers, municipalities, haulers and farmers?
        • When experts disagree: resolving differences between your expert and the MOECC’s expert
        • Regulatory involvement in civil claims: the new Rules of Professional Conduct and their implications for environmental lawyers

4:10 pm Effectively Handling Commercial Sinkholes
        Rosalind H. Cooper, Fasken Martineau DuMoulin LLP
        Alexandria Pike, Davies Ward Phillips & Vineberg LLP

        • Reps and warranties: The benefits of meaningful due diligence and drafting
        • Environmental indemnities: Crafting your client’s rights/obligations

4:45 pm Questions and Concluding Remarks

4:50 pm Program Concludes

Register at oba.org/institute2015

Questions? Toll Free: 1-800-668-8900 | Tel: 416-869-1047 | pd@oba.org