

8th Annual Professionalism Issues for Business Lawyers

Business Law Section

Date: Tuesday, October 20, 2020 | 9:00 am to 12:30 pm

Location: Zoom Webinar

Program Chairs: **Hank White**, Practical Law Canada
Professor Poonam Puri, Osgoode Hall Law School



Webcast



Professionalism Hours: This program contains **3h 30m**

The OBA has been approved as an Accredited Provider of Professionalism Content by The Law Society of Ontario.

What are the most pressing professionalism issues facing business lawyers today? Join your colleagues as our expert panelists delve into emerging trends, key cases and developments on important ethical and practice management issues, and the resulting impact on your practice. Gain all of your professionalism hours for the year at this popular annual program, specifically suited to your role as a business lawyer and bring yourself up to speed on key ethical issues.

9:00 am Welcome and Opening Remarks from the Program Chairs

9:05 am **Responsibilities of Lawyers Serving as Directors of Not for Profits and Charities**

- Duty to maintain confidentiality, including justified and permitted disclosure
- Duty to avoid and manage conflicts of interest
- Recognizing and fulfilling fiduciary obligations

Robert Hayhoe, Miller Thomson LLP
David Amy, Amy, Appleby & Brennan

9:45 am **Ethical Issues and Risks when Advising Boards of Directors**
Susan Kushneryk, Hansell LLP

- Addressing conflicts and issues arising among directors during mandate
- Advising directors in crisis situation
- Advising directors as independent expert

10:20 am Break

10:30 am **Limiting the Corporate Veil: Parent Company Liability after *Nevsun v. Araya***

Steven Frankel, Davies Ward Phillips & Vineberg LLP

- The evolution of “corporate accountability” in Canadian courts:
- Separate corporate legal personality as a bar against liability for wrongs allegedly committed by foreign affiliates
- The advent of direct but “traditional” tort claims against parent companies (*Choc v. HudBay*)
- *Nevsun* and civil claims based on customary international law

11:00 am **In-House Ethical and Professionalism Issues**

Megan Hill, Practical Law Canada
Amrit Sidhu, Enbridge Gas Inc.
Ian Bies, Caravel Law

- Identifying the corporate client
- Navigating the dual role of In-house counsel
- Maintaining privilege
- Considerations when working remotely

11:30 am Break

11:40 am **From Shareholder Primacy to Stakeholder Governance? Implications for Directors Duties and the Oppression Remedy**

John Adair, Adair Goldblatt Bieber LLP
Michael Barrack, Blake, Cassels & Graydon LLP
Dena Varah, Lenczner Slaght

12:20 pm Questions and Closing Remarks

12:30 pm Program Concludes

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org