

Recent Key Developments in Contract Law

Civil Litigation



In-Person



Webcast

Date: Thursday, May 14, 2020 | 9:00 am to 12:00 pm

Location: OBA Conference Centre
20 Toronto Street, 2nd Floor, Toronto

Agenda: 9:00 am Welcome and Opening Remarks
9:05 am Program Commences
12:00 pm Program Concludes



Substantive Hours: This program contains 3 hours and 0 minutes

Contract law has been undergoing a significant shift over the past few years. The establishment of a duty of good faith in contracts, the increased use of AI and technology assisted contract development and review, and the interaction of contractual and statutory language have created new considerations for all lawyers who regularly review contracts. Our expert faculty will take you through the most recent trends and developments highlighting recent court decisions, practical approaches being adopted by counsel and their insights into where contract law is headed. If you are regularly drafting, reviewing or disputing contracts, this program will provide you with the confidence and knowledge you need to stay current in your practice.

Program Chair: Brendan Clancy, DLA Piper

9:00 am Welcome & Opening Remarks

9:05 am **Duty of Good Faith**

Paul-Erik Veel, Lenczner Slaght LLP

- Review of Duty of Good Faith as established in *Bhasin*
- Update on how counsel has been approaching dealing with good faith
- Recent Appeals to the Supreme Court in *Zollinger* and *Wastech*

9:35 am **Interaction of Statutory and Contractual Provisions**

Kimberly Alexander, KBA Partners LLP

- Examination of overarching principles
- Recent decisions in *Telus* and *Uber*
- Key takeaways for counsel

10:05 am Networking Break

10:20 am **The Supreme Court of Canada's Decision in *Churchill Falls***
Paul Pape, Pape Chaudhury LLP

- Explanation of joint ventures and relational contracts
- Application of the doctrine of unforeseeability
- Limits on the doctrines of good faith and equity

10:50 am **Enforceability of Post-Contractual Amendments**

Jaime Hurtado Cola, Dragados USA, Inc.

- Discussion of the rule established in *NAV Canada* and *Rosas*
- Review of the state of the law in Ontario
- How counsel should approach these situations

11:20 am **Automated Contract Analysis and Development**

Beverly Rich, USC Marshall School of Business

Liam Moriarty, Lawgood

- Overview of the state of automated contract analysis
- Key considerations for counsel

11:50 am Q & A

12:00 pm Program Concludes

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