



THE CANADIAN
BAR ASSOCIATION

CBA COMPETITION LAW FALL CONFERENCE

OCTOBER 20 – 21, 2022 | OTTAWA, ON

CBA COMPETITION LAW FALL CONFERENCE
OCTOBER 20-21, 2022 | FAIRMONT CHÂTEAU LAURIER, OTTAWA, ON

THURSDAY, OCTOBER 20, 2022

WI-FI ACCESS: Network: Fairmont Meetings | Password: KLDISCOVERY

Sponsored by: 

8:30–8 :50 REGISTRATION AND HOT BREAKFAST | French Corridor – Lobby Level

Sponsored by: 

8:50–9 :05 WELCOME AND INTRODUCTION | Ballroom – Lobby Level

Section Chair: Sandy Walker, Dentons Canada LLP
Conference Chair: Kevin Wright, DLA Piper (Canada) LLP

9:05-10:30 OPENING PLENARY: IS EVERYTHING UP FOR GRABS? | Ballroom – Lobby Level

Experienced panelists from private practice, the public sector and academia set the stage for the Conference by providing an overview and analysis of the amendments passed through the 2022 Budget Implementation Act and the anticipated Phase II consultation on reform of the *Competition Act*.

Moderator: Navin Joneja, Blakes LLP

Speakers: John Pecman, Fasken
Thomas W. Ross, Sauder School of Business, University of British Columbia
Robin Shaban, Vivic Research
Anthony Durocher, Competition Bureau

10:30-10:45 REFRESHMENT BREAK | French Corridor – Lobby Level

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CBA COMPETITION LAW FALL CONFERENCE

OCTOBER 20-21, 2022 | FAIRMONT CHÂTEAU LAURIER, OTTAWA, ON

10:45-12:15 CONCURRENT SESSIONS

SESSION I: MERGER CLEARANCE AND THE RISE OF NATIONAL SECURITY REGIMES | Quebec Suite – First Floor

Understand the implications of the proliferation of national security reviews internationally and in Canada for transaction clearance, including the interaction with review under competition legislation.

Moderator: Ian MacDonald, Gowling WLG (Canada) LLP

Speakers: Antonia Sherman, Linklaters LLP
Katherine Burke, Innovation, Science and Economic Development Government of Canada
Adam Kalbfleisch, Bennett Jones LLP

Sponsored by: **LONGVIEW**

SESSION II: THE NEW WORLD OF ABUSE OF DOMINANCE | Renaissance Room – Mezzanine Level

An analysis of the Phase I and potential Phase II amendments to the abuse of dominance provisions with a focus on how the new private enforcement litigation would operate. The discussion will cover expected types of cases, how private applicants would fund, prepare and prosecute cases, and the competition risks associated with settlements involving competitors.

Moderator: Charles Tingley, Davies Ward Phillips & Vineberg LLP

Speakers: Chris Margison, Fasken
Max Liu, Competition Bureau
Craig Seebald, Vinson & Elkins LLP

SESSION III: FRESH CHALLENGES IN COMPLIANCE | MacDonald Room – Mezzanine Level

The recent amendments require rethinking of the structure and approach to compliance practices. Learn what's involved in gathering information without violating the law, digital policies, astroturfing and proactive internal audits.

Moderator: Denes Rothschild, Borden Ladner Gervais LLP

Speakers: Majid Charania, Competition Bureau
Justine Johnston, Baker McKenzie LLP
David Gore, BMO Financial Group

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12:15-13:45 LUNCHEON & AWARD PRESENTATION | Drawing Room – Lobby Level

PRESENTATION OF THE JAMES H. BOCKING MEMORIAL AWARD
PRESENTATION OF THE BILL MILLER MEMORIAL AWARD

ADDRESS BY COMMISSIONER OF COMPETITION, MATTHEW BOSWELL

FIRESIDE CHAT WITH THE COMMISSIONER

Moderators: Sandy Walker, Dentons Canada LLP
Omar Wakil, Torys LLP

Sponsored by:  **ANALYSIS GROUP**

13:45-15:15 PLENARY: CONTENTIOUS AND HIGH STAKES MERGERS | Ballroom – Lobby Level

The Competition Bureau is litigating more mergers including Rogers-Shaw, Secure Energy, GFL, and Parrish & Heimbecker. Gain insights into the most recent decisions and developments and the implications for the policy and practice of merger review and litigation, including the use of Tribunal-assisted mediation.

Moderator: Michael Kilby, Stikeman Elliott LLP

Speakers: Michael Osborne, Cassels Brock & Blackwell LLP
James Gotowiec, Torys LLP
Jeanne Pratt, Competition Bureau
Fiona A. Schaeffer, Milbank LLP
Debbie Salzberger, McCarthy Tétrault LLP

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15:15-15:30 REFRESHMENT BREAK | French Corridor – Lobby Level

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15:30-17:00 CONCURRENT SESSIONS

SESSION IV: THE EFFICIENCY CONUNDRUM | Quebec Suite – First Floor

While many would agree that the goal of efficiency should play a central role in competition policy, there is controversy over what that role should be. The Section 96 Efficiency Defence is one of the biggest stakes in the modernization discussions. The panel will address options ranging from abolition, to reformulating the onus of proof, to retaining the status quo.

Moderator: Michelle Lally, Osler, Hoskin & Harcourt LLP

Speakers: Calvin Goldman, K.C., The Law Office of Calvin Goldman, K.C.
Andy Harrington, The Brattle Group
John MacGregor, Competition Bureau
Andy Baziliauskas, Charles River Associates

SESSION V: SCHOLARS PANEL ON BUY-SIDE AGREEMENTS AND BUYER POWER | Renaissance Room – Mezzanine Level

A discussion on policy considerations for buy-side agreements and buyer power will include analysis of the Phase I amendments to Section 45 concerning wage fixing and no solicit/no hire agreements between employers.

Moderator: Markus von Wartburg, Analysis Group

Speakers: Cristina Volpin, Organization for Economic Co-operation and Development
Jennifer Quaid, Civil Law Section, University of Ottawa
Daniel Sokol, USC Gould School of Law
William Wu, McMillan LLP
Andrea Talarico, Langlois Avocats

SESSION VI: CARTEL INVESTIGATION DEMONSTRATIONS | MacDonald Room – Mezzanine Level

Practitioners and Competition Bureau personnel enact short demonstrations of aspects of a hypothetical cartel investigations involving practitioners and Competition Bureau personnel. The session will address topical and controversial issues that arise in Canadian cartel investigations and immunity and leniency applications and the implications of the recent amendments to Section 11.

Moderator: Casey Halladay, McCarthy Tétrault LLP

Speakers: Danielle Royal, Stikeman Elliott LLP
Christopher Naudie, Osler, Hoskin & Harcourt LLP
Ann Salvatore, Competition Bureau

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17:00-18:30 **NETWORKING RECEPTION** | Drawing Room – Lobby Level

Enjoy food and drinks and take advantage of this networking opportunity to meet other conference attendees, speakers, and guests. Not to be missed!

Sponsored by: 

18:30-22:00 **DINNER WITH KEYNOTE SPEAKER** | National Arts Centre – O’Born Room

POLITICALLY SPEAKING WITH ALTHIA RAJ

National political columnist and panelist Althia Raj offers insights into the political dynamics and pressure points on government having an impact on public policy in Canada.

Keynote Speakers: **Althia Raj**, Political Journalist & CBC "At Issue" Panelist

Sponsored by: 

22:00 -late **CALL TO THE BAR NETWORKING EVENT** | Joy on Sussex – Sussex Drive

You are invited to the Young Lawyers Committee’s revived “Call to the Bar” event at Joy on Sussex. Stop by for an opportunity to catch up with colleagues after an exciting conference day and meet new friends throughout—and across—the bar.

NOTES:

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OCTOBER 20-21, 2022 | FAIRMONT CHÂTEAU LAURIER, OTTAWA, ON

FRIDAY, OCTOBER 21, 2022

WI-FI ACCESS: Network: Fairmont Meetings | Password: KDiscovery

Sponsored by:  KDiscovery

8:00–8:30 REGISTRATION AND HOT BREAKFAST | French Corridor – Lobby Level

8:30-10:00 CONCURRENT SESSIONS

SESSION VII: HOT TOPICS IN MARKETING AND ADVERTISING | Quebec Suite – First Floor

Learn what you need to know about the latest developments including the drip pricing amendment, the Keurig case, the enforcement of ESG representations, and the Bureau’s recent Green Growth Summit.

Moderator: Margot Patterson, Dentons Canada LLP

Speakers: Ken Jull, Gardiner Roberts LLP
Patrizia Martino, TD Bank Group
Kiran Khan, Competition Bureau

SESSION VIII: EVOLVING US APPROACH TO ANTITRUST | Renaissance Room – Mezzanine Level

The Biden administration is proving to be a watershed for US antitrust policy and enforcement with the emergence of new leaders into key roles with US antitrust agencies and the President’s July 2021 executive order for Promoting Competition in the American Economy. This panel will provide an up-to-date examination of proposals for legislative amendments in the US and developments in “soft law” - enforcement policies and priorities of the agencies.

Moderator: Cassandra Brown, Blake, Cassels & Graydon LLP

Speakers: Logan Breed, Hogan Lovells
Holly Vedova, Federal Trade Commission, Bureau of Competition
Prof. Stephen Calkins, Wayne State University
James Attridge, Axinn, Veltrop & Harkrider LLP

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8:30-10:00 **SESSION IX: THE EVOLUTION OF COMPETITION CLASS ACTIONS** | MacDonald Room – Mezzanine Level

Gain the perspectives of plaintiff and defence side practitioners and foreign lawyers, as they examine recent cases and trends in Canadian class actions with a view to developments in the UK.

Moderator: **Chantelle Cseh**, Davies Ward Phillips & Vineberg LLP

Speakers: **Jonathan J. Foreman**, Foreman & Company
Paul-Erik Veel, Lenczner Slaughter LLP
Matthew Levitt, Baker Botts LLP

10:00–10:15 **REFRESHMENT BREAK** | French Corridor – Lobby Level

10:15–12:00 **CLOSING PLENARY: THE GREAT DEBATES** | Ballroom – Lobby Level

Fast paced and entertaining, five pairs of debaters will engage over proposals to reform competition and foreign investment law and policy.

Moderator: **Michael Koch**, Goodmans LLP

Speakers: **Joshua Hollenberg**, Davies Ward Phillips & Vineberg LLP
Tegan O'Brien, Cassels Brock & Blackwell LLP
Rebecca Wagner, Torys LLP
Gideon Kwinter, McCarthy Tétrault LLP
Joe McGrade, Blake, Cassels & Graydon LLP
Robin Spillette, Fasken Martineau DuMoulin LLP
Sarah Mavula, Baker & McKenzie LLP
Justine Reisler, Stikeman Elliott LLP
Danielle Chu, Osler, Hoskin & Harcourt LLP
Reema Mahbubani, Miller Thomson LLP

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12:00-12:05 **CLOSING REMARKS** | Ballroom – Lobby Level

Conference Chair: **Kevin Wright**, DLA Piper (Canada) LLP

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