

QUEBEC QUEBEC CONTINUES TO ATTRACT TOP CANADIAN CLASS ACTION LAW FIRMS

Quebec's reputation for being a class action-friendly jurisdiction continues to attract leading national law firms in the field to la belle province.

The newest arrival is Vancouver's Klein Lawyers. In July, the firm opened a one-lawyer office in Montreal, a stone's throw from the city courthouse where the lion's share of class action cases in Quebec are filed with the Superior Court of Quebec.

"It just makes sense," says firm founder and managing partner David Klein. According to Klein, who opened his Vancouver office in 1995 and

a second one in Toronto a few years later, his firm has always lacked the capacity to file in Quebec for national cases it liked.

"There were language issues and the laws there are different," says Klein. His 15-lawyer firm, he adds, was always forced to get Quebec firms involved to file cases that had already been filed in Vancouver and Toronto.

"That usually works well," notes Klein, who has successfully represented clients in class action cases pertaining to breast implants, hepatitis C tainted blood and, most recently, female RCMP officers

who claim to be victims of on-the-job harassment, intimidation and discrimination.

"But there have been significant disagreements that resulted in significant delays. Having our own office in Quebec gives us a greater degree of control over cases we file

rization threshold," says Saint-Onge, senior counsel with Borden Ladner Gervais LLP.

He also organizes the country's oldest and biggest annual conference on the subject (in March in Montreal) and was a key lobbyist for the creation of new class action division



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Careen Hannouche
Klein Avocats Plaideurs

and is a benefit for our clients because we can move forward more quickly and effectively with a cohesive, unified approach to the litigation."

Klein is not the first well-known Canadian lawyer in class action litigation on behalf of plaintiffs to hang a shingle in Quebec in recent years.

The first was Regina's Merchant Law Group, which opened an office in Montreal nearly a decade ago that is now staffed by three lawyers.

London, Ont.-based Siskinds is also reportedly doing brisk business in the office it set up in Quebec City a few years ago.

According to a recent article in Quebec's popular French-language news site for lawyers, Droit-Inc., the Siskinds Desmeules office is one of the busiest class action law firms in the province, rivalling leading homegrown firms like Montreal's Belleau Lapointe and Trudel Johnston & Lespérance.

The influx of out-of-province firms to Quebec doesn't surprise Jean Saint-Onge. "Quebec has become a preferred jurisdiction to file class action because of our autho-

in the Montreal judicial district that, starting this month, will be devoted to hearing all authorization demands, which is expected to both speed up and improve the management of cases by a select group of judges who are experienced and interested in that area of law.

According to Saint-Onge, the new division will make it that much easier and faster to get cases certified in Quebec, where the Code of Civil Procedure requires oral rather than written defences, and waives the need for affidavits and cross-examinations. Similarly, Quebec is a no-cost jurisdiction if filings fail to get certified, meaning plaintiffs are not exposed to solicitor-client costs like in Ontario.

Klein's new Montreal office — called Klein Avocats Plaideurs (or Klein Trial Lawyers), a separate legal entity due to Quebec laws — didn't waste time getting in on the action.

On July 31, the office's lone lawyer, Careen Hannouche, filed a class action against Facebook on behalf of all Quebec residents.

The suit, which was

subsequently filed in Ontario and B.C. in August (though those cases are different in nature), seeks compensatory damages for violation of privacy and punitive damages for wilful intent and unjust enrichment over the alleged collection and sale of data from unsuspecting smartphone users who use Facebook's apps — a practice known as scraping or data mining.

ONTARIO LAW SCHOOL PROPOSAL STIRS DEBATE ABOUT JOB PROSPECTS

Earlier this year, when benchers of the Law Society of Ontario had to vote on whether graduates of Ryerson University's proposed law school should be allowed to apply to practise in Ontario following their call to the bar, there were few naysayers.

In fact, most benchers voted to approve the proposal for Ontario's ninth law school, following the recommendation of the law society's professional development and competence committee made to Convocation in February. But Brampton lawyer Raj Sharda — a bencher who was called to the bar in 1996 — has his doubts and voted against the proposal.

Sharda says that, when he meets young lawyers who have just finished their degrees, they often describe their huge amounts of debt. It's a struggle that reminds him of his own difficulty finding articling positions in the mid-1990s.

"It bothers me when middle class people have mortgaged their home for \$100,000 and they think their son or daughter will make money as a lawyer," says Sharda.

"It's not really going to lead to economic well-being."

Meanwhile, during what can seem like a daunting climate when it comes to jobs, the Law Society of Ontario is considering options to revamp the licensure process.

The number of licensee candidates has shot up 70 per cent in the past decade, out

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"There are four different Quebec laws involved," says Hannouche, a native Montrealer, who worked exclusively on class actions after being called to the bar in 2005. She spent a decade with a firm that has since morphed into Trudel Johnston & Lespérance, working with Klein on several occasions during that time. Hannouche, who went to work in 2015 as in-house

counsel for Montreal-based transportation and logistics giant TFI International, says she wasn't looking for a job this spring when Klein told her about his plans to open a Montreal office — but jumped at his subsequent job offer.

"This seemed like a great opportunity to get in on the ground floor and help build a new office," she says.

— Mark Cardwell

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