

CBA COMPETITION LAW SPRING CONFERENCE

Presented by the [CBA Competition Law and Foreign Investment Review Section](#)
April 27, 2023

OBA Conference Centre
20 Toronto St.
Toronto, ON

Agenda subject to change



Lead Sponsor



THURSDAY, APRIL 27

TIME	EVENT
8:15 am – 8:55 am	Registration and Breakfast
8:55 am – 9:05 am	Conference Chair Opening Remarks Michael Kilby , Stikeman Elliott LLP (Toronto, ON)
9:05 am – 10:30 am	SESSION 1: Mergers in a Dangerous Time – Litigating Deals Explore the current state of play in Canadian merger review with reference to key developments and debates internationally. Hear about current developments in, and the potential future of, “litigating the fix”; the length of time taken to litigate a merger case and merger injunction standards, and the role of structural or other presumptions or burden-shifting favouring (or not) the agency in merger cases, and efficiencies. Speakers: Kent Thomson , Davies Ward Phillips & Vineberg LLP (Toronto, ON) Katherine Kay , Stikeman Elliott LLP (Toronto, ON)


THURSDAY, APRIL 27

TIME	EVENT
	<p>Derek Leschinsky, Competition Bureau (Gatineau, QC) Amanda P. Reeves, Latham & Watkins LLP (Washington, DC)</p> <p>Moderator: Josh Krane, McMillan LLP (Toronto, ON)</p>
10:30 am – 10:45 am	<p>Break</p> <p>Sponsor</p> 
10:45 am – 12:00 pm	<p>SESSION 2: Will Big Be Bad in 2023? Where Do We Go from Here?</p> <p>To date there have been very few cases of abuse of dominance in Canada. With the significant amendments to section 79 in 2022, what will the enforcement of section 79 look like in the future? Does Canada need any “big tech” cases given the enforcement internationally? And what’s left to amend in Canada? Hear about the features of the regimes internationally that have led to more activity and the latest developments in the US.</p> <p>Speakers: David Rosner, Goodmans LLP (Toronto, ON) Kate McNeece, McCarthy Tétrault LLP (Toronto, ON) Krista McWhinnie, Competition Bureau (Gatineau, QC) James Fishkin, Dechert LLP (Washington, DC)</p> <p>Moderator: Julia Potter, Blake, Cassels & Graydon LLP (Toronto, ON)</p>
12:00 pm – 1:30 pm	<p>Luncheon with Keynote</p> <p>Sponsor</p>  <p>Keynote Address: Simon Kennedy, Deputy Minister, Innovation, Science and Economic Development Canada (Ottawa, ON)</p>

THURSDAY, APRIL 27

TIME	EVENT
1:30 pm – 3:00 pm	<p>SESSION 3: Battening Down the Hatches: The Government's Ongoing Focus on National Security</p> <p>Sponsor LONGVIEW</p> <p>NOTE: This session will be live streamed only. No recording will be provided.</p> <p>Join an expert panel for a discussion of the evolution of the national security review regime under the <i>Investment Canada Act</i>. In particular, speakers will consider whether the administration of and procedures around the ICA should change in light of upcoming mandatory reviews, including mandatory minority reviews, and the repercussions arising from the expansion of jurisdiction, with reference to recent developments in Canada (including high profile divestiture orders in the critical minerals sector) as well as the international context</p> <p>Speakers: Subrata Bhattacharjee, Borden Ladner Gervais LLP (Toronto, ON) Josh Gruenspecht, Wilson Sonsini Goodrich & Rosati (Washington, D.C.) DeNeige DoJack, Innovation, Science & Economic Development Canada (Ottawa, ON) Jessica Ruzic, Senior Policy Advisor, Office of Investment Security at U.S. Department of the Treasury (Washington, DC)</p> <p>Moderator: Zirjan Derwa, Bennett Jones LLP (Toronto, ON)</p>
3:00 pm – 3:15 pm	<p>Break</p> <p>Sponsor </p>
3:15 pm – 4:30 pm	<p>SESSION 4: Who Does what? Who Watches the Watchdog? Institutional Design in Competition Law Regimes</p> <p>What is the nature of the powers of competition law agencies? Should investigative bodies also have decision-making power? What is the appropriate role for the courts / tribunals and what deference do they</p>

THURSDAY, APRIL 27

TIME	EVENT
	<p>or should they show to the agency? Should the Competition Bureau be able to issue orders or binding guidance unilaterally? If so, on what topics? What does the international picture look like? Do we need more Tribunal or less Tribunal, and are there rule of law considerations at play?</p> <p>Speakers: Tony Di Domenico, Fasken Martineau DuMoulin LLP (Toronto, ON) Russell Damtoft, Federal Trade Commission (Washington, DC) Nicole Kar, Linklaters LLP (London, UK) Honourable Michael Phelan, Justice of the Federal Court (retired) and judicial member of the Competition Tribunal (retired) (Ottawa, ON)</p> <p>Moderator: Susan Hutton, Stikeman Elliott LLP (Ottawa, ON)</p>
4:30 pm – 4:35 pm	<p>Closing Remarks</p> <p>Michael Kilby, Stikeman Elliott LLP (Toronto, ON) Sandy Walker, Dentons Canada LLP (Toronto, ON)</p>
4:35 pm – 6:00 pm	<p>Networking Reception hosted by the Young Lawyers Committee</p> <p>Sponsor</p>  <p>Everyone is invited to the post-conference networking reception. Take the opportunity to catch up with colleagues after an exciting conference day and meet new friends throughout – and across – the bar.</p>