

The English Speaking  
Section of the Bar of  
Montreal held  
its renowned talk  
on Palace life  
and funny  
tribulations among  
practicing lawyers  
and judges

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- Tory's Montreal office  
10th anniversary
- Some Québec notaries will sit as  
judges under certain conditions  
mentioned in Bill 8 adopted  
unanimously by the National  
Assembly

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LE MAGAZINE DES JURISTES DU QUÉBEC



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### Introduction

Le Monde Juridique est le magazine des avocats du Québec qui exercent en pratique privée depuis 33

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### À la une

**Magazine Le Monde Juridique**  
27 octobre

Dîner Pringle le 10 novembre au Club St-James, 18 hres  
Réservez il nous reste quelques places.

**Magazine Le Monde Juridique**  
4 octobre

<http://lemondejuridique.com/wp-content/uploads/2022/09/LMJ-vol27-1.pdf>

Me Suzanne H. Pringle de Laval,  
«Plaideur de l'Année 2022»

à la Ville de Québec

### Photos

afficher toutes les photos



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### Publications

Filtres

**Magazine Le Monde Juridique**  
16 mars, à 11 h 57

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**Magazine Le Monde Juridique**

# The English Speaking Section of the Bar of Montreal held its renowned talk on Palace life and funny tribulations among practicing lawyers and judges.



**T**he English Speaking Section of the Bar of Montreal held its renowned talk on Palace life and funny tribulations among practicing lawyers and judges. For the third year in a row, the king of the crop most bilingual and multicultural lawyer, Me Simon Potter, offers his humorous and hilarious experiences you only find in Montreal and Québec judiciary districts inside and outside its palaces.

# Tory's Montreal is celebrating its 10<sup>th</sup> anniversary under the stewardship of an outstanding litigator, Me Sylvie Rodrigue

**W**ith a broad litigation practice and extensive experience defending cases in all provinces across Canada, including class actions both pre-certification and at trial, Sylvie has a formidable track record supporting clients in their highest-profile disputes.

Sylvie has been involved in a wide range of litigation matters, including multi-jurisdictional class actions, relating to product liability, drugs and medical devices, banking, privacy, constitutional law, competition law, consumer complaints, civil liability, employment matters, securities, large tort and negligence. She regularly represents clients in the banking, retail, technology, manufacturing, communication, real estate, railway, aviation and pharmaceutical industries in a variety of commercial disputes. Sylvie has appeared before all levels of court, including the Supreme Court of Canada.

In 2021, she successfully represented the Canadian Olympic Committee and Olympian Mandy Bujold against the International Olympic Committee before the Court of Arbitration for Sports in Switzerland on a pro bono basis. The legal challenge, which led to Ms. Bujold's participation at the 2021 Tokyo Olympics, raised human rights and discrimination issues on the basis of pregnancy and resulted in a landmark decision for the benefit of female athletes worldwide.

Sylvie was awarded the designation of *Advocatus Emeritus* by the Québec Bar, a distinction awarded to a limited



**Sylvie Rodrigue, Ad. E.**

*Sylvie is one of Canada's top litigators, recognized for her versatility representing clients across jurisdictions and industries, in all manner of disputes. She is known nationwide for her strong class action, product liability and commercial disputes experience, and she is one of the few counsel in Canada who defends cases in both Québec and common law provinces.*

number of lawyers to honour an outstanding legal career, remarkable contribution to the profession and dedicated efforts to social or community services. She was also recognized by the WFN in 2016 and 2019 as one of Canada's Top 100 Women and was named 2021 Litigator of the Year by Canadian Law Awards. She is consistently recognized by Benchmark as one of Canada's top female litigators and by Chambers and other



ranking publications for her work in product liability and class action matters.

Sylvie leads our Montréal office, as well as Torys' national Class Action practice.

### Featured Work

a Canadian Schedule I bank in a class action in Québec alleging violations to consumer protection legislation in connection with deposit account NSF fees

a Canadian pharmaceutical company in a proposed product liability class action in Québec alleging consumer misrepresentation in the labelling of opioid-based narcotics, including hydromorphone injections used to relieve moderate to severe pain

a Canadian telecommunications provider in a proposed consumer class action in Québec alleging violations to consumer protection legislation through false representation of monthly service and early termination fees  
a Canadian telecommunications provider in a proposed consumer class action in Québec seeking compensation for fees charged to unlock cell phones

a multinational retailer in a proposed class action in Québec with various financial institutions concerning alleged credit card agreement violations

[View more](#)

### Recognition and Awards

2021	Canadian Lawyer's 2021 Canadian Law Awards—Gold Winner: Litigator of the Year
2020, 2022	Benchmark Litigation—Product Liability Litigator of the Year
2016-2023	Chambers Canada—Leading lawyer in dispute resolution: class action (defence) and litigation: product liability and litigation: general commercial
2022-2023	The Legal 500—Leading lawyer in dispute resolution (Quebec)
2022	Benchmark Litigation—Top 100 Women in Canadian Litigation
2020-2021	Benchmark Litigation—Top 50 Women in Litigation (Canada)
2012-2022	Benchmark Canada: The Definitive Guide to Canada's Leading Litigation Firms and Attorneys—Litigation Star: Ontario and Québec (class actions and commercial)

2022	LMG Life Sciences—Leading life sciences lawyer in non-IP litigation and enforcement, product liability
2017, 2022	LMG Life Sciences—Canadian Product Liability Attorney of the Year
2019-2020	LMG Life Sciences—Life Sciences Star in product liability
2008-2023	Best Lawyers in Canada—Leading lawyer in class action litigation and product liability law
2007-2022	The Canadian Legal Lexpert Directory—Leading lawyer in class actions (Ontario and Québec) and product liability litigation
2013-2022	Who's Who Legal—Global and National leading lawyer in product liability defence and life sciences
2016-2019	Lexpert/American Lawyer's Guide to the Leading 500 Lawyers in Canada—Leading lawyer in class actions
2016, 2019	Women's Executive Network (WXN)—Canada's Most Powerful Women: Top 100 Award
2012-2018	Chambers Global—Leading lawyer in dispute resolution: class action
2014-2018	Benchmark Litigation—Top 25 Women in Litigation (Canada)
2018	Lexpert/Thomson Reuters' Guide to the Leading U.S./Canada Cross-Border Corporate Lawyers in Canada—Most frequently recommended lawyer in dispute resolution
2014	Ad. E. (Advocatus Emeritus) distinction, Québec Bar
2011-2013	Lexpert's Guide to the Leading U.S./Canada Cross-border Litigation Lawyers in Canada—Leading lawyer in litigation (class actions)
2002	Lexpert's Rising Stars: Leading Lawyers Under 40—One of Canada's leading lawyers under 40

### Insights

Un lien pas suffisamment étroit : la Cour supérieure rejette une action collective concernant des valeurs mobilières pour absence de compétence

*Cette décision ouvre la voie aux contestations relatives à la compétence au stade de l'autorisation des actions collectives.*

[Read More](#)

## Overview

Torys is proud to practice in the heart of Montréal's business community. Working together with our teams in Toronto, New York, Calgary and Halifax, our presence in Montréal offers our clients uniquely collaborative, interregional and cross-border strength. Our Montréal office has an extensive litigation practice, with deep-rooted experience in class actions and commercial litigation. Our team members in Montréal can practice in both Québec and all common law provinces, offering clients seamless support for all their litigation across the country—increasing efficiency, consistency and cohesion on litigation strategy.

We also offer services across a broad range of corporate and commercial transactions, with particular experience in structuring and implementing sophisticated, innovative transactions and complex contracts and agreements.



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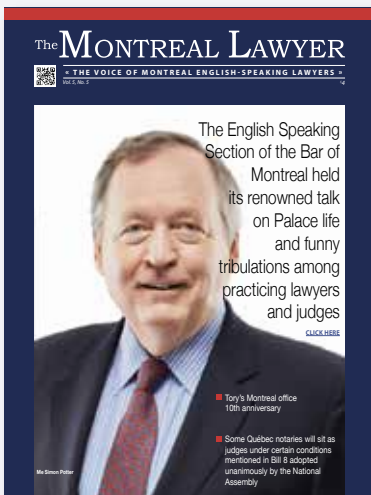
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# Clifford and Webb to Participate in Mock Re-Trial of Socrates

**R**obert A. Clifford, founder and senior partner of Clifford Law Offices, will once again team up with Dan Webb of Winston & Strawn to re-try the case of Socrates, sponsored by the National Hellenic Museum (NHM).

Ten years ago, Clifford and Webb defended Socrates on charges of corrupting young people with his ideas and disrespecting the Greek gods. In the real trial in 399 B.C., Socrates was put to death by hemlock, although in the mock *People v. Socrates* trial, he was found guilty, but his life was spared. Sarah F. King, partner at Clifford Law Offices, will be joining the prosecutorial team.

Patrick Collins, partner at King & Spalding, Tinos Diamantatos of Morgan, Lewis & Bockius LLP and Julie Porter of Salvatore Prescott Porter & Porter, PLLC, will be defending Socrates, the trial teams being switched from 10 years ago.

Actor and The Second City alum John Kapelos (*The Shape of Water*, *The Umbrella Academy*, *The Breakfast Club*, *Forever Knight*) will portray Socrates.

The event will begin at 7 p.m. at the Harris Theatre, 205 E. Randolph, Chicago. Early bird tickets are \$80 until April 30, with single tickets increasing to \$100 May 1. Student tickets are \$50. Attorneys can register to receive one hour of continuing legal education credit on site. For more information and to purchase tickets, visit [nationalhellenicmuseum.org/trial](http://nationalhellenicmuseum.org/trial) or call 312-655-1234.

"We are proud to present the eighth installment of our popular NHM Trial Series. Utilizing some of today's premier legal minds in a contemporary courtroom setting, the Trial of Socrates will continue our exploration of how the ancient Greeks grappled with timeless controversies that continue to shape modern society," said NHM Trustee Konstantinos Armiros, counsel at Saul Ewing

LLP. "This is a rare opportunity for people to see some of the best attorneys in the nation argue a historic case with unscripted, authentic drama and legal acumen."

NHM Director of Research and Content, Catherine Ke-laidis, Ph.D., said, "The Trial of Socrates forces us to confront some of the most difficult questions about democracy and liberty, including what limits free societies can put in place to protect themselves while still maintaining their freedom. There are no easy or obvious answers to these questions, hence why we are still asking them 2,500 years after Socrates' death."

Socrates' trial has fascinated and troubled generations who have struggled to comprehend the death of one of history's greatest philosophers at the hands of a lawful jury. Convicted in Athens in 399 B.C. with impiety and corrupting the youth, Socrates' pursuit of wisdom was seen as a threat to the survival of Athenian democracy. NHM's *The Trial of Socrates* invites audiences to consider anew the fragility of democracy, the limits of freedom and the imperfection of human justice. Guests at the Trial are invited to participate by exploring the arguments of each side and submitting their "guilty" or "not guilty" vote to literally tip the scale and make their verdict heard, in the style of the courts of ancient Athens.

The dynamic NHM Trial Series highlights the enduring relevance and value of Greek thought and history. It has grown both in reputation and following since its inception in 2013. In 2016, NHM's *The Trial of Antigone* was broadcast on WTTW-TV (PBS, Chicago) and in May 2017 it was nominated for a Midwest regional Emmy. Subsequent NHM Trial Series events also have aired on public television and received regional Emmy nominations. Since 2017, the annual event has been qualified by the Illinois Attorney Registration & Disciplinary Commission (IARDC) for continuing legal education (CLE) credit.

# The real Estate Sector and Anti-Money Laundering: Awareness is Key

By Corey Anne Bloom

**M**oney laundering is a significant issue in Canada. Although Canada has imposed and is enforcing its anti-money laundering and terrorist financing laws on businesses for over 20 years, many entities are unaware of their regulatory obligations. Compliance failures leave the door open for companies of all types to substantial penalties – even criminal charges. It is also important to note that the companies that have been penalized are publicly named, leading to potentially negative reputational as well as financial impacts.

Over the last decade, there has been increasing focus on the vulnerability of Canada's real estate market to money laundering. The real estate sector is attractive to criminals and potential money launderers because of the large sums involved, the potential for manipulation of prices, and the opportunities to place cash. Part of the challenge is that many real estate practitioners, including home builders and developers, are unaware that they must comply with Canada's Proceeds of Crime (Money Laundering) and Terrorist Financing Act (PCMLTFA) and associated regulations. Currently, more than 20,000 real estate practitioners in Canada fall under the ambit of the anti-money laundering act but few are aware of their obligations. Others are not aware they fall under the category of a reporting entity. Real estate brokers or sales representatives and real estate developers fall under the act, although certain exemptions, such as activities that relate to property management, do exist. Draft legislation was recently released that would

also subject mortgage brokers and administrators to the same legislation.

Some of the most critical obligations revolve around the identification of risky and suspicious transactions that require more analysis and reporting to our country's financial intelligence units that provides their own synthesized reports to law enforcement and other intelligence bodies. Other obligations involve identifying verification and record-keeping that can be used to support subsequent investigations.

Here are some recent fines published in the real estate industry in Canada:



Penalties for non-compliance vary in amount depending on the level of harm. They range from \$75,000 for partially meeting a requirement to \$2 million and /or five years in prison for failing to report suspicious transactions. Real estate brokers and developers, representing five out of nine reporting entities, were fined more than \$500,000 between 2020 and 2021 by the Financial Transactions and Reports Analysis Centre of Canada.

Entities need to be aware if they fall under the act. If so, a compliance program needs to be developed, maintained, and updated. Whether it is a large or small organization, advice and help may be required to successfully implement and maintain a compliance program. Professionals with experience in anti-money laundering can help ensure organizations meet all regulatory requirements, starting with evaluating their need for a compliance program and preparing or assessing an existing compliance program. Compliance programs need to be relevant, up-to-date, and efficient; assistance can be obtained by conducting independent compliance effectiveness reviews.

**For more information, contact:**

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## Notaries will be allowed to become judges in Québec under certain conditions

By André Gagnon

**The Québec National Assembly adopted unanimously Bill 8 concerning access to justice and an historical amendment allowing notaries under certain conditions to become Québec judges.**

The Québec Bar has opposed the new measure which up now had restricted nomination of judges to lawyers exclusively. However in recent years notaries have included mediation and other similar areas such as arbitration in their practice.

Under the legislation to be a judge, notaries must have at least 10 years of practice in the practice areas mentioned.

How will the Barreau du Québec react to this new legislation ?



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# Setting The Record Straight: Facts About Dominion

Source: [Dominion Voting Systems website](#)

**B**aseless claims about Dominion Voting Systems have been fully debunked by election authorities, subject matter experts, and third-party fact-checkers.

## ABOUT ELECTION 2022

- On November 9, 2022, the U.S. Cybersecurity and Infrastructure Security Agency ("CISA") addressed disinformation about the 2022 midterms, stating the agency has "seen no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised in any race in the country."
- Overall, Election Day voting for the 2022 midterm elections proceeded smoothly. Voting machines securely and efficiently tabulated results.
- Isolated issues arose in Maricopa County, Arizona and Mercer County, New Jersey. In both instances, Dominion's machines operated as designed.
- On Maricopa County: Maricopa County confirmed that Election Day [PRINTER ISSUES](#) related to NON-DOMINION EQUIPMENT produced ballots that were not dark enough to be properly read by tabulators. Maricopa County officials [confirmed](#) there were no issues with Dominion tabulators; they also [confirmed](#) that voters could still cast ballots. [MORE](#)
- On Mercer County: Dominion tabulators functioned exactly as they should in accordance with certification; there were no machine "malfunctions." According to the [findings](#) of the Mercer County prosecutor, a [miscommunication between Dominion and the company that printed the ballots](#) was the

reason for the error that caused voting machines to reject ballots. The prosecutor told county officials, "Because the same codes were not used on the ballots and the voting machines, the machines did not register votes on Election Day." Watch the full explanation [HERE](#).

- On viral rumors about ballots and Sharpie pens: Dominion machines can read Sharpie ink. As Dominion [has previously said](#), "Sharpie pens are safe and reliable to use on ballots, and recommended due to their quick-drying ink." Per the [Department of Homeland Security's Cybersecurity and Infrastructure Security Agency](#), "if a ballot has issues that impact its ability to be scanned, it can be hand counted." [MORE](#)
- On viral rumors about Dominion ownership: Dominion is a U.S. company headquartered in Colorado. It has no ties to George Soros, foreign leaders, or U.S. political leaders.
- On other viral rumors: Dominion voting machines are not used in Texas.

## ABOUT ELECTION 2020

The U.S. government has confirmed through multiple reports that no vote flipping, voting machine manipulation, or foreign government interference took place in the 2020 elections.

- Election authorities and the U.S. Department of Homeland Security's Cybersecurity & Infrastructure Security Agency ("CISA") [stated](#) there "is no evidence that any voting system deleted or lost votes,



changed votes, or was in any way compromised.”

- The Director of National Intelligence [reported](#) in March 2021 there are “no indications that any foreign actor attempted to alter any technical aspect of the voting process.”
- The FBI and the U.S. Department of Homeland Security confirmed no evidence exists that foreign governments or other actors interfered with the elections, and claims about foreign governments manipulating or owning election infrastructure used in the 2020 elections are “not credible.” The U.S. Army debunked false claims about an overseas election server raid.

A MITRE National Election Security Lab [data analysis](#) involving Dominion systems in eight key battleground states found no “evidence of compromise or fraud.”

#### **FACT CHECK – Antrim County, Michigan**

Dominion machines in Antrim County, Michigan accurately counted votes. The Michigan Secretary of State [confirmed](#) that a results reporting issue was due to user error. The Michigan County Clerks Association [supported](#) this finding. A Michigan Senate review of the 2020 election found [no fraud](#), and went further by recommending investigation of those making money from false claims of fraud in the Antrim County election. A lawsuit alleging voter fraud in Antrim County based on a [widely-debunked](#) “forensic audit report” has been [dismissed](#).

#### **FACT CHECK – Maricopa County, Arizona**

Dominion machines in Maricopa County, Arizona accurately counted votes. Maricopa County’s hand count audit [showed a 100% match](#) with the counts from Dominion machines. A second round of equipment audits by federally accredited, independent Voting System Test Labs showed the equipment passed all tests. Maricopa County Board Chair Clint Hickman issued a statement affirming, “no evidence of fraud or misconduct” regarding the 2020 election. The Arizona Secretary of State published a [report](#) on issues with the Senate’s review of Maricopa County’s 2020 election results. Visit Maricopa County’s [rumor control and fact-checking page](#) for more information.



#### **FACT CHECK – Mike Lindell’s “Absolute Interference” Video**

[Click here](#) for fact-checking information on false claims about cyberattacks involving Dominion machines. Third-party fact checkers have also [dismissed](#) a state-by-state analysis alleging “excess votes.” Visit [Legal Updates](#) for more.

#### **ABOUT THE COMPANY**

- Dominion is a nonpartisan, U.S. company that provides voting systems to “red” and “blue” jurisdictions in 28 states.
- Dominion has [no ownership ties](#) to any national U.S. political party leader – or to any [foreign governments](#), including living or deceased foreign leaders.
- Dominion is a private company that provides election technology to government customers. All votes are cast and counted in the U.S. as part of the election process, which is administered and overseen by election officials.
- Dominion and Smartmatic are [separate companies](#). Dominion [does not use or license](#) Smartmatic software.

#### **ABOUT OUR VOTING EQUIPMENT**

Thousands of 2020 election audits and recounts have validated the accuracy and reliability of results and confirmed the integrity of Dominion’s technology.

- As part of the federal Voting System Manufacturer

Testing & Certification program, Dominion submits its voting systems for certification by the [U.S. Election Assistance Commission](#) ("EAC").

- Dominion voluntarily provides access to its voting machine equipment and information using independent Voting System Test Labs accredited by the U.S. EAC, as well as to state testing and certification authorities.
- U.S. voting systems are designed and certified by the federal government to be closed systems that do not rely on Internet connectivity for use. State and local requirements also serve to maintain voting machine air gaps for security.
- All Dominion systems are capable of producing paper ballots or paper records.
- Laws and processes exist to ensure that only trained and authorized personnel have physical access to voting systems.
- Fractional or "weighted" voting does not exist in any Dominion system.
- Dominion voting systems comply with all requirements for system updates and election records retention.
- Before every election, local officials typically run voting equipment through public Logic & Accuracy testing to demonstrate it is properly working.
- Dominion machines can read hand-marked paper ballots marked with writing instruments approved by election authorities, including Sharpie pens.

#### MORE:

[Arizona](#) | [Colorado](#) | [Georgia](#) | [Michigan](#) | [Pennsylvania](#) | [Wisconsin](#)

#### MORE FACT CHECKING RESOURCES

- Find Your State Election Office [HERE](#).
- Fact Checking Services  
[AP Fact Check](#) | [AFP Fact Check](#) | [LeadStories](#) | [FactCheck.org](#) | [Politifact](#)
- U.S. Department of Homeland Security CISA [Rumor Control Page](#)
- Misinformation in the 2020 Election  
[The Long Fuse: Misinformation and the 2020 Election](#) (Stanford University)

#### ABOUT OUR LEGAL CLAIMS

Dominion is taking action to set the record straight and defend our company, our customers, and our democracy.

- Go to Dominion [Legal Updates](#)

## Justin Trudeau appointed former GG David Johnston as independent Rapporteur of commission of enquiry into allegations of China's involvement in federal elections



*The Right Honourable David Johnston  
Photo: Sgt Ronald Duchesne*

**The Right Honourable David Johnston was Canada's 28th governor general. During his mandate, he established the Rideau Hall Foundation (RHF), a registered charity that supports and amplifies the Office of the Governor General in its work to connect, honour and inspire Canadians.**

**Today, he is actively involved as Chair of the RHF Board of Directors. In 2018, he was appointed Colonel to the Royal Canadian Regiment.**

Prior to his installation as governor general, Mr. Johnston was a professor of law for 45 years, and served as President of the University of Waterloo for two terms, Principal of McGill University for 3 terms. He was president of the Association of Universities and Colleges of Canada and of the Conférence des recteurs et des principaux des universités du Québec. He was the first non-U.S. citizen to be elected chair at Harvard University's Board of Overseers from which he graduated in 1963 magna cum laude and was twice named all-American in hockey and was named to Harvard's Athletic Hall of Fame.

He holds degrees from Harvard, Cambridge and Queen's and has received more than three dozen honorary degrees or fellowships. He has authored or co-authored more than 30 books. He was named Companion of the Order of Canada in 1997. He has chaired or served on many provincial and federal task forces and committees, and has served on the boards of more than a dozen public companies. He has been married for 57 years to Sharon and they have 5 daughters and 14 grandchildren.

# Council of Canadian Academies (CCA)

## - Advances in digital technology outpacing efforts to address online harms: expert panel report

**R**apidly evolving technologies are creating challenges for those seeking to keep people safe while protecting their rights and freedoms, according to a new expert panel report from the Council of Canadian Academies (CCA). While the internet and communications technologies are essential and often helpful, they also enable malicious actors to harm people and communities. Addressing these harms requires both legal and non-legal approaches that can keep pace with technological change and protect privacy and human rights.

“Digital technologies have become necessary for accessing virtually all essential services, making everyone, even those not actively online, susceptible to cyber-related crimes and harms,” said Jennifer Stoddart, O.C., C.Q., Ad.E., Chair of the Expert Panel. “But their proliferation has had a profound impact on privacy, an essential component of personal security and dignity.”

Police are often hindered in their ability to investigate criminal activities that take place online, and grapple with outdated organizational structures, a massive volume of digital evidence, and inadequate resources. Additionally, the justice system is facing considerable challenges applying existing legal frameworks to harmful online behaviours. Not all online harm stems from unlawful behaviours, however, and regulation isn’t the only means to keep people safe in the digital age. In some cases, non-legal approaches can be more effective

and responsive to the needs of victims and survivors.

Beyond government interventions, cyber-enabled harms can also be addressed through community support, educational programs, and corporate social responsibility. Fostering a safer online ecosystem is a collective responsibility that will involve civil societies, policy makers, law enforcement agencies, and the private sector. Cooperation and coordination across jurisdictions is also essential, particularly given how quickly harms can evolve and cross borders.

“For those who have experienced online abuse or other harms, the effects can be life-altering,” said Eric M. Meslin, PhD, FRSC, FCAHS, President and CEO of the CCA. “Comprehensive evidence on the challenges and opportunities related to the regulation, prevention, investigation, prosecution, and countering of cyber-enabled crimes and harms will be essential to addressing the issue.”

Public Safety Canada asked the CCA to examine leading practices that could help reduce risks to public safety related to the use of digital technologies while respecting human rights and privacy. Vulnerable Connections examines how harmful and criminal activities have evolved as a result of digital technologies, the resulting challenges this causes for policy-makers and law enforcement, and possible opportunities in regulation, prevention, and investigation of cyber-enabled harm.

# Kristan Hawkins Endorses Dan Kelly for Wisconsin Supreme Court, Calling Him the “Obvious Choice”

**“Dan Kelly is the obvious choice for Wisconsin’s Supreme Court and I’m glad to endorse the candidate who will rule according to the law rather than someone who will use the position as an activist with a radical pro-abortion agenda. There is no room for abortion bias in our judicial system, and the future of preborn Wisconsinites is far too fragile to bet that Janet Protasiewicz won’t jump through every hoop that her abortion supporting donors set if she was on the bench,” said Kristan Hawkins, SFLAction President.**

**K**ristan Hawkins, President of Students for Life Action\* (SFLAction), announced her endorsement of Dan Kelly to serve on Wisconsin’s Supreme Court. With the election days away, Hawkins said that the millions in blood money poured into this race clearly indicate that the abortion lobby sees this seat as a pathway to profiting off preborn Wisconsinites and overturning the state’s abortion limitation. As the *New York Times* and *Politico* both note recently, SFLAction is engaged in getting out the word on the importance of this race not just to Wisconsin but to the nation as a whole.

Hawkins said that Kelly was the clear choice for Wisconsin especially when compared to his opponent Janet Protasiewicz, a judge who has been

soft on crime and vocal on her bias for abortion. Protasiewicz’s disgraceful record includes recommending a minimum prison sentence to a man accused of sexually assaulting his sleeping 13-year-old niece.

“It’s scary to think about every out of state abortion lobbyist funneling money into this race, and even scarier to think about the consequences for Wisconsin children born and preborn should Janet be elected,” added Hawkins.

SFLAction has students working across the state to pitch in with allied organizations through direct voter contact and grassroots efforts to educate Wisconsin residents ahead of this critical vote.



# Décès de l'honorable Pierre A. Michaud, juge en chef du Québec de 1994 à 2002

**C'est avec regret que nous avons appris le décès survenu le 17 mars dernier de l'honorable Pierre A. Michaud, qui a été juge en chef du Québec du 15 novembre 1994 au 20 juin 2002 et qui a laissé sa marque sur la Cour d'appel du Québec, l'accès à la justice et la déontologie judiciaire.**

Originaire du Saguenay, l'honorable Pierre A. Michaud a obtenu sa licence en droit de l'Université de Montréal en 1960 et a été admis au Barreau du Québec l'année suivante, exerçant sa profession en litige civil et commercial. Nommé juge à la Cour supérieure en 1983 puis juge en chef adjoint en 1992, il a ensuite accédé au poste de juge en chef de la Cour d'appel du Québec en 1994, en plus de continuer à officier à titre de vice-président du Conseil canadien de la magistrature et en y siégeant pendant dix ans à divers comités.

Cet homme remarquable a su inspirer ses pairs et ses contemporains par son intégrité, son leadership et son travail acharné pour l'amélioration de l'accessibilité à la justice et la valorisation des travaux de la Cour d'appel du Québec. Le juge en chef Michaud a notamment osé en soutenant les efforts continus de l'honorable Louise Otis dans l'instauration à la Cour d'appel du service de médiation civile, une première parmi les cours d'appel au Canada. Chaque année, et encore aujourd'hui, ce service permet de régler des litiges à l'amiable au plus grand bénéfice des justiciables.

On lui doit également d'avoir été l'un des instigateurs de la présence de la Cour d'appel à l'édifice Ernest-Cormier. Si elle y siège depuis 2004, c'est notamment grâce à ses efforts remarquables auprès du gouvernement du Québec afin que soit restauré l'édifice Ernest-Cormier. Tout en retrouvant sa vocation d'origine, cet édifice participe



*L'ancien juge en chef de la Cour d'appel Pierre A. Michaud  
Photo : Christine Bourgier*

à la sauvegarde du patrimoine architectural judiciaire du Québec.

Fort de ces accomplissements, c'est donc sans surprise qu'il a été fait membre puis officier de l'Ordre du Canada (2003; 2004) ainsi qu'officier de l'Ordre national du Québec (2015). Le juge en chef Pierre A. Michaud aura été un remarquable juge en chef du Québec.

La juge en chef du Québec Manon Savard a déclaré : « L'honorable Pierre A. Michaud aura été un collègue inestimable et un juge en chef du Québec d'envergure, dont les legs sont encore bien présents dans les travaux de la Cour d'appel plus de 20 ans après son départ. En plus de tous ces accomplissements, les témoignages sur son caractère profondément humain sont légion et unanimes. Il demeurera une source d'inspiration pour nous tous. »

La juge en chef du Québec, ses collègues et le personnel de la Cour d'appel expriment à la famille et aux proches de l'honorable Pierre A. Michaud leurs plus sincères condoléances.

The English-Speaking Section of the Montreal Bar is delighted to announce that Me. Patrycja Nowakowska will preside as the next ESS Chair. Her mandate starts in September 2023.



Me. Nowakowska has devoted the last three years to ESS, serving as its Executive Secretary. She has spent the last year splitting these duties with her position as a Young Bar representative on the Bar of Montreal's Council, a member of the Montreal Bar's Human Resources Committee, the Montreal Bar representative in the Concours judiciaire for the Court of Quebec, as well as, a member on the Young Bar of Montreal's Member Relations Committee. For the last four years, Me. Nowakowska has been working with the Young Bar in creating and implementing the Toge au suivant program focused on donations of toges to young lawyers with financial difficulties.

Me. Nowakowska practices civil litigation in Westmount as a senior associate at Bergman & Associates and is otherwise keeping busy by being a mom to a rambunctious two-year old.

# Unlock Your Innovative Potential

## Innovating Through Design Thinking

### Overview

An organization's ability to innovate – whether creating seamless and enjoyable customer journeys, radically new products and services, or breakthrough business models – is critical to long-term success. Innovation is about solving important, challenging problems in creative and value-creating ways. Design thinking is a practical toolkit for innovation that anyone can learn and apply. Innovating through design thinking represents a structured, human-centered method for creatively solving complex problems that inspires and delights users. In this program, you will learn the core principles and tools of design thinking and how to apply them across your organization to achieve innovation and growth.

### Key Benefits and Takeaways

- Discover design thinking and the types of problems it helps solve
- Develop an empathetic mindset to understand problems from the user's perspective
- Generate insights to reframe your understanding of a problem
- Apply ideation – rapid generation and refinement of concepts for solutions
- Move from concepts to potential solutions by prototyping
- Learn to test and validate solutions through the design thinking process

[READ MORE](#)

### Executive Development Course

#### Overview

This flagship program condenses key topics from leading MBA and EMBA programs. It is designed to boost your career success through a comprehensive understanding of the pillars of business: strategy, marketing, finance, negotiations, people skills, sustainability, and corporate social responsibility.

As the rules of the game change for almost every functional area of an organization, this learning experience offers timely exposure to new techniques, tools, and trends. Launched in 1949, this is Canada's top concise management program, from which hundreds graduate each year.

Delivered in Montreal, Toronto (Mississauga), Ottawa, and online, the format fits in well with the workday of busy professionals from both the private and public sectors.

### Key Benefits and Takeaways

- Capture the key lessons of an MBA without the time and cost burden
- Gain a comprehensive understanding of core management functions
- Examine best practices in leadership, and in coaching employees to reach their potential
- Improve your ability to think strategically
- Sharpen your financial literacy to make quality management decisions
- Understand the facets of marketing excellence, raising awareness, and creating value

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# UNWTO Delegation in Rome to Boost Partnerships with Italian Government

The UNWTO Secretary-General, Zurab Pololikashvili, has concluded an official visit to Italy, strengthening key partnerships and advancing tourism for education, rural development and peace.

**D**uring the three-day official visit to Italy and the Vatican City, the UNWTO delegation met with:

- Minister of Tourism of Italy, Daniela Garnero Santanchè
- Deputy Prime Minister of Foreign Affairs and International Cooperation of Italy, Antonio Tajani
- Director-General of the Food and Agricultural Organization of the United Nations (FAO), Mr Qu Dongyu.
- Archbishop Paul Gallagher, Secretary for Relations with States of the Holy See.

In a productive meeting with Minister of Tourism Daniela Garnero Santanchè and her Cabinet, the UNWTO leadership focused on the timely topic of tourism education and youth empowerment, recognized as a key priority for tourism. In July 2022, Italy hosted the first UNWTO Global Youth Tourism Summit in Sorrento, a flagship initiative aimed at making youth a part of the decision-making process for the sector. Building on this, the meeting explored more ways of collaborating around the theme of education, while also advancing joint work on other priorities de-

signed to rethink and transform tourism, both in Italy and globally.

Minister Santanchè said: “We are ready to continue cooperating with the UNWTO in order to make the tourism industry stronger, more sustainable, innovative and inclusive. We want tourism to contribute more and more to the development of nations and to become a real vehicle for personal professional and social growth, in particular for the youth and women.”

**Tourism is growing as a force for rural development, and, through a focus on education and training, as a force for youth empowerment**

## Close partnerships with Italy

In a meeting with Minister of Foreign Affairs and



International Cooperation, Antonio Tajani, the UNWTO delegation commended Italy's commitment to enhancing tourism's status as a pillar of rural development. Sauris Zahre and Isola del Giglio are now recognized as UNWTO Best Tourism Villages and Italy has also worked with UNWTO on promoting wine and gastronomy tourism for job creation, economic empowerment and the protection of heritage.

UNWTO Secretary-General Zurab Pololikashvili says: "Italy is one of the world's top destinations. It's also a strong supporter of UNWTO's mission to make tourism matter: here, tourism is growing as a force for rural development, and, through a focus on education and training, as a force for youth empowerment."

Looking ahead, the Italian Government's representatives highlighted upcoming events and initiatives which may benefit from further collaboration with UNWTO. These include a new project on diaspora tourism, "Turismo delle Radici", the Jubilee Year 2025 in Rome, and the 2026 Winter Olympics in Milano-Cortina. UNWTO Secretary-General Pololikashvili expressed his full support for Italy's bid to host EXPO 2030 in Rome.

### Tourism for rural development and peace

Building on a Memorandum of Understanding signed between both UN agencies in September 2020, the UNWTO delegation also undertook an official visit to the headquarters of the Food and Agriculture Organization of the United Nations (FAO).

FAO Director-General Mr Qu Dongyu recognized the importance of tourism and the two UN agencies identified several areas for deeper collaboration, including around the UNWTO Best Tourism Villages initiative and in developing capacity-building programmes to improve the tourism potential of FAO Globally Important Agricultural Heritage Systems (GIHAS) sites and its Digital Villages pilots.

Also in Rome, UNWTO Secretary-General Pololikashvili met with Archbishop Paul Gallagher, Secretary for Relations with States of the Holy See. The Holy See holds Observer status within UNWTO and Pope Francis has championed tourism as a bridging force for peace and understanding, particularly among

# Judges in Alberta's trial-level Court will be called justices

**A**lberta's busiest Court will be known by a new name as of April 1, 2023.

The Alberta Court of Justice – previously known as the Provincial Court of Alberta – has been given the new name to more accurately reflect the Court's independence and responsibilities. As part of the overall change, those presiding over matters in the court will see their official titles changed from 'judge' to 'justice.'

"Over the past five decades, Alberta's front-line, trial-level court has grown in size and complexity, and has evolved to meet the changing needs of the province and its people. We have requested this new name to reflect that growth and that evolution," Chief Justice of the Alberta Court of Justice Derek Redman said. "The name Alberta Court of Justice more clearly communicates the nature, purpose, and independence of our work on behalf of Albertans."

During the initial transition phase, documents that use the outdated name and terminology will still be considered to be valid, and previous versions of court forms will be accepted. Temporary signs to reflect the new name will be put in place over the next two weeks, while more permanent signage will be rolled out at the same time as that of the Court of King's Bench.

The Alberta Court of Justice is the busiest court in the province, with all criminal matters beginning and over 97 per cent ending at the Provincial Court level. Every year, more than 500,000 people interact with the Alberta Court of Justice in some way, either as a witness, as a lawyer, as a defendant, or as a plaintiff.

# TrustATrader partners with American Express

**U**K trade directory, TrustATrader, has partnered with American Express, bringing its members a whole host of rewards, benefits, and control over their finances when they sign up for an American Express Business Gold Card. TrustATrader American Express Cardmembers will be able to use their Membership Rewards points towards the cost of their TrustATrader membership, alongside many other ways to save money, reinvest in their business and reward themselves and their staff.

For every £1 they spend, TrustATrader American Express Cardmembers will receive 1 Membership Rewards® point which can be redeemed against their TrustATrader membership and turned into all kinds of rewards for their business from some of the world's best-known brands.

TrustATrader's Chief Executive Officer, Gary McEwen, is delighted with the partnership. "At TrustATrader, our mission is to help our members and their businesses flourish. We believe quality workmanship should be recognised, and by partnering with American Express, our members can be rewarded with a host of exclusive benefits and incentives simply for doing what they do best."

As well as receiving a wealth of rewards and benefits, new Cardmembers can earn 20,000 bonus points when they spend £3,000 in the first three months, and

earn 10,000 extra points whenever they spend £20,000 per quarter. And for a limited time, an enhanced Welcome Bonus is available for new Cardmembers allowing them to earn up to 60,000 Membership Rewards points. Offer ends 30 March 2023.

New Cardmembers will receive 40,000 Membership Rewards points when they are approved and spend £6,000 in the first three months, and another 20,000 Membership Rewards points 14 months later.

Cardmembers can enjoy their American Express Card for free their first year, with an annual fee of just £175 thereafter. Alternatively, TrustATrader members can apply for the Basic Charge Card with no fee, rewards, or other features available.

If they have more than one employee, TrustATrader members can also receive extra cards free of charge, allowing them to track spend, earn extra rewards, and see an overview of company spending via the American Express app or online account. Cardmembers can also set limits on cards and freeze them, making it easy to manage and control employee spending.

Are you ready to start receiving rewards for you and your business? If you're a TrustATrader member, you can find out more about TrustATrader's new partnership with American Express or sign up for your Cardmembership here.

# Canadian Music Week Announces Scotiabank Arena Bursary Program

**C**anadian Music Week, together with Maple Leaf Sports & Entertainment (MLSE), is proud to announce the all-new Scotiabank Arena Bursary Program, which will be granted to 15 aspiring music industry professionals in 2023. In an effort to continue introducing new talent into the live entertainment industry, this program aims to break barriers and provide an avenue for live music's brightest aspiring executives to participate in Canadian Music Week for the first time, learn more about this ever-growing and changing industry and build their network.

"After 40 successful years, we recognize the importance of investing in young professionals," said Neill Dixon, President of Canadian Music Week. "Through this initiative CMW is creating a platform for corporate social responsibility where sponsors and partners can invest and inspire qualified candidates to become the next generation of industry leaders."

Each Scotiabank Arena Bursary Program recipient will receive a 2023 Canadian Music Week Music Summit Conference pass which allows them to sit in on a variety of educational discussions and meet a diverse cross-section of members in the music community in an effort to accelerate their network and career path. They will also have direct access to relevant industry representatives through pre-arranged one-on-one meetings in the CMW Conference Mentor's Café. Each recipient will also experience the Live Music Industry Awards show where they will mingle with members of the live music community and see first-hand how a live production operates. This is a unique opportunity to share knowledge and ideas and to build new contacts within the industry.

"We are thrilled to expand our partnership with Cana-

dian Music Week and create the inaugural Scotiabank Arena Bursary Program in 2023," said Melissa Bubb-Clarke, Senior Vice President – Music & Live Events at MLSE. "Investing in the next generation is vital to our continued success and growth as an industry, but more importantly, the bursary allows us to provide opportunities to those facing barriers to participate in this valuable experience."

The Scotiabank Arena Bursary Program is open to Canadian resident applicants and encourages applications from equity-seeking groups. To apply for the Bursary Program, applicants can complete the application form online to explain who they are and why they want to attend Canadian Music Week. MLSE will have access to all applications to determine the appropriate recipients. Details of all successful applicants will remain strictly confidential.

#### **Bursary applicants must:**

- Be an aspiring executive has been volunteering or working part-time or full-time in the live music business OR a student currently enrolled/attending a Live Entertainment (or Live Entertainment adjacent) certificate/diploma program
- Be available to attend Live Music Touring Summit Day and Live Music Industry Awards on June 9, 2023
- Be available to attend pre-scheduled one-on-one meetings on June 9, 2023 (option to attend CMW Conference programming June 8 & 10, 2023)

**[APPLY HERE](#)**

**Deadline to apply is April 30, 2023**

# ACLU Statement on Second Chance Month

**A**pril is Second Chance Month, bringing awareness to the barriers to re-entry that formerly incarcerated people face when returning to our communities, and the scarcity of second chances through clemency for people who are currently incarcerated.

The failed war on drugs has fueled mass incarceration and racial disparities in the criminal legal system. One in five people behind bars is in local, state, or federal custody for a drug offense. An estimated 79 million Americans have a criminal record.

As Second Chance Month begins, Cynthia W. Roseberry, the acting director of the American Civil Liberties Union's Justice Division, issued the following statement:

"The overwhelming majority of people who are incarcerated return to their communities, often after needlessly long sentences. Their incarceration has ripple effects — adversely impacting the individual, their families, and our communities. A criminal record can haunt a person for the rest of their lives — posing barriers to housing, employment, education, public benefits, and voting in many states. This in turn, destabilizes entire families and communities.

"During Second Chance Month, we focus on the second chance due to a person who is formerly incarcerated. We rarely talk about how, as a nation, we also need a second chance to make amends for the harmful policies we've pursued.

"Policies like the war on drugs have devastated generations of families and communities by fueling mass incarceration and racially-biased law enforcement, normalizing harsh sentences and upholding a culture of punishment.

"As a nation, we aren't bound to our worst policy decisions. We are capable of rectifying them, moved by the better angels of our nature. This Second Chance Month, we are calling on elected leaders — from President Biden to state governors — to embrace clemency and join the ACLU's Redemption Campaign.

"Through the power of clemency, we can forcefully confront mass incarceration and racial injustice by granting categorical commutations to those who are unjustifiably imprisoned: people convicted of drug distribution and possession; people incarcerated over minor probation or parole violations; elderly incarcerated people; and people still imprisoned for acts that would merit shorter sentences based on current law."



# New ASF-led salmon conservation program attracts investment

Wild Salmon Watersheds combines science, local leadership for long-term conservation

**A** SF has received significant private donations and indications of other support to accelerate an ambitious new program called Wild Salmon Watersheds.

The goal of the program is to create a network of up to 30 Wild Salmon Watersheds throughout Eastern North America. ASF will help local partners execute long-term conservation plans by providing funding, guidance, and access to advanced scientific tools.

“Governments and the salmon community have traditionally focused on restoring threatened and endangered populations. It’s critical work, but in the face of climate change we need to pay more attention to places where salmon are still thriving,” said ASF President Bill Taylor. “Thanks to our supporters we can dedicate significant new resources and expertise to conserve what’s working and prevent future declines.”

In 2022, ASF established the first three Wild Salmon Watersheds, working with Indigenous and non-Indigenous partners. They are on the Nepisiguit River in New Brunswick, the Margaree and Cheticamp Rivers in Nova Scotia, and the Terra Nova River in Newfoundland and Labrador. Work is underway, with on the ground activities planned for 2023. ASF is actively seeking new watershed partners to strengthen and expand the program.

“When we’re chasing year to year grants it is hard to think about the big picture,” said René Aucoin, President of the Cheticamp River Salmon Association, a Wild Salmon Watersheds partner. “The first thing the ASF team asked us to do was picture what we want to see in 100-years, and they are working to help us achieve that vision.”

ASF has partnered with the University of New Brunswick to develop ecological forecasting tools that can predict how a watershed will be affected by climate change and future land uses. We are also creating maps that identify critical habitat and cold-water refuges. This information will help our partners select the most effective projects and identify the most important areas for protection.

By doing so, Wild Salmon Watersheds will help Canada achieve its goal of protecting 30 per cent of the nation’s land and freshwater by 2030, a significant step in the fight against climate change and biodiversity loss.

People who are connected to wild salmon and wild rivers through fisheries, paddling, hiking, and other pursuits care deeply. Wild Salmon Watersheds will equip the most dedicated people with the tools and knowledge they require to conserve ecosystems and sustain the connection between salmon and people.

# Dissidents to Meet at U.N. for Human Rights Summit

**A**n international coalition of 25 human rights organizations announced today that it will hold its 15th annual gathering of pro-democracy dissidents — courageous activists from around the globe who are standing up against dictatorships — on May 17, 2023, in Geneva, Switzerland.

On May 16, the [2023 Geneva Summit for Human Rights and Democracy](#) will hold its opening session at the Palais des Nations, the European headquarters of the United Nations.

The renowned Geneva Summit assembles hundreds of courageous dissidents, human rights activists, diplomats, journalists, and student leaders to shine a spotlight on urgent human rights situations that require global attention, including Afghanistan, Cuba, China, Iran, Russia, Ukraine, Venezuela and Zimbabwe.

The event will showcase the voices of the world's bravest human rights defenders, many of whom have suffered torture, and give a vital platform to family members of political prisoners who are struggling to free their loved ones.

Previous editions of the Geneva Summit have drawn a standing-room only audience of more than 800 participants, along with international coverage in major media including CNN, BBC, Al Jazeera, Le Monde and TIME magazine.

Admission to this year's Geneva Summit is free and open to the public, but [registration](#) is mandatory.

For media inquiries and interview requests, please contact Pat Rose at [media@genevasummit.org](mailto:media@genevasummit.org).

## Lavery strengthens its Business Law group



*Mélanie Meunier*

**L**avery is delighted to welcome Mélanie Meunier as a Senior Lawyer Knowledge Management and a member of Lavery's Business Law group.

Drawing on her expertise and experience, she works alongside our professional staff devising and implementing strategies and initiatives relating to knowledge management and new legal technologies. In addition, she develops continuing education content designed to enhance the quality and efficiency of the group's client service delivery.

"Lavery is a renowned Quebec firm that offers me the opportunity to contribute to its success. It was the frank and open discussions that I had with the various members of the team that convinced me that my expertise and experience would be invaluable assets for the firm with a view to setting up the "Knowledge Management" function within the Business Law team."

# The Stikeman Elliott Federal Budget Commentary 2023

Source: [stikeman.com](http://stikeman.com)

**S**tikeman Elliott's Tax Group has prepared the following commentary on the 2023 federal budget.

## Highlights

### A Broadened GAAR

- Broadening the application of the GAAR through various changes, including a new preamble, a revised avoidance transaction standard, and an "economic substance" test.

### Tax on Repurchases of Equity

- A 2% tax on the net value of repurchases of equity by certain publicly traded entities.

### Intergenerational Business Transfers

- Amendments to ensure that only genuine intergenerational share transfers are excluded from the application of section 84.1.

### Employee Ownership Trusts

- Introducing rules to facilitate the purchase of a business by employees through employee ownership trusts.

### Alternative Minimum Tax

- Increasing the required income level, expanding the AMT base, and increasing the tax rate.

### Dividend Received Deduction by Financial Institutions

- Denial of the dividend received deduction on

shares that are mark-to-market property.

### Clean Energy Tax Incentives

- Revised tax incentives related to clean energy, including new and revised ITCs and reduced tax rates.

### Sales Tax Measures

- Updates to the definitions of "credit union" and "financial services".

### Other Measures

- Expanding CEE and CDE to include expenses related to lithium from brines and expanding the eligibility for the CMETC to lithium from brines; continuing review of the SRED program; furthering international tax reform measures (Pillar One and Pillar Two); and moving forward with certain previously announced measures.

### General Anti-Avoidance Rule (GAAR)

The GAAR has been in existence with some modifications for thirty five years. The government has had reasonable success with it. Nonetheless the Department of Finance recently conducted consultations on the GAAR and Budget 2023 proposes certain amendments.

First, a preamble will be added to set out the principles underlying the rule. Interestingly, the preamble provides that the rule can apply regardless of whether a tax strategy is foreseen. This change is intended to preclude the argument that the GAAR should not apply if the government knew or reasonably ought to have known that taxpayers were commonly employing a particular avoidance strategy.

Second, the purpose test threshold for an avoidance transaction is lowered so that an avoidance transaction requires only that one of the main purposes be to obtain a tax benefit, consistent with other anti-avoidance rules in the Income Tax Act (Canada) (the Tax Act) as well as the principal purpose test contained in the OECD's Multi-Lateral Instrument (MLI).

Third, a specific rule dealing with economic substance is added that provides that a significant lack of economic substance will "tend" to indicate that a transaction is a misuse of a particular provision of the Tax Act or an abuse having regard to the Tax Act read as a whole. Factors that tend to establish that a transaction is significantly lacking in economic substance include: (i) the opportunity for profit or gain and risk of loss of the taxpayer is unchanged, (ii) at the time the transaction was entered into, it was reasonable to conclude that the expected value of the tax benefit exceeded the expected non-tax economic return and (iii) it is reasonable to conclude that the entire or almost entire purpose for undertaking the transaction was to obtain the tax benefit.

Finally, the proposals will add the long-awaited GAAR penalty equal to 25% of the tax benefit. The penalty can be avoided if the transaction is disclosed either voluntarily or pursuant to the proposed mandatory disclosure rules.

The Supreme Court has said that the requirements for the application of the GAAR are: (i) a tax benefit resulting from a transaction, (ii) an avoidance transaction (namely one not undertaken primarily for purposes other than to obtain the tax benefit) and (iii) abusive tax avoidance. As noted, the proposals lower the threshold for avoidance transaction to a "one of the purposes" test and allow the lack of economic substance to indicate misuse or abuse. If the goal as stated in the preamble is to have the rule strike a balance between a taxpayer's need for certainty and the government's responsibility to protect the tax base and the fairness of tax system, it is difficult to see how vague language like "tend to establish" and "reasonable to conclude" furthers that goal. The reality is that the GAAR requires a court to determine if particular tax planning is abusive. It is not evident that adding imprecise language and nebulous concepts to the GAAR will better assist a court in making this determination. Only another thirty-five years will tell.

## Tax on Repurchases of Equity

As announced in the 2022 Fall Economic Statement, Budget 2023 introduces a 2% tax on the net value of all types of equity repurchases by the following entities whose equity is listed on a designated stock exchange: Canadian-resident corporations (other than mutual fund corporations), real estate investment trusts, specified investment flow-through (SIFT) trusts, SIFT partnerships (each as defined in the Tax Act), and entities that would be SIFT trusts and SIFT partnerships if their assets were located in Canada.

The tax would apply in respect of repurchases and issuances of equity that occur on or after January 1, 2024.

This measure, which is intended to ensure large corporations pay their fair share of tax, is estimated to increase federal revenues by \$2.5 billion over five years.

## Calculation of the Tax

The tax is equal to 2% of the net value of an entity's repurchase of equity, which is equal to the fair market value of the equity repurchased by the entity in the taxation year less the fair market value of the equity issued from treasury in the taxation year. The issuance and cancellation of debt-like preferred shares and units, and the issuance and cancellation of shares or units in certain corporate reorganizations and acquisitions, should not be considered an issuance or repurchase of equity.

Since the tax is intended to apply to large corporations, the tax would not apply to an entity in a taxation year if it repurchased less than \$1 million (determined on a gross basis) of equity during that taxation year (prorated for short taxation years).

## Similar Transactions

The acquisition by certain affiliates of an entity would be deemed to have been a repurchase of equity by the entity itself, subject to exceptions to facilitate certain equity-based compensation arrangements and acquisitions made by registered securities dealers in the ordinary course of business. If it is reasonable to consider that one of the main purposes of a transaction or series of transactions is to cause a person or partnership to acquire equity of an entity to which these rules apply to avoid the 2% tax, the person or partnership shall be deemed to be a specified affiliate of such entity from the commencement of the transaction or series until immediately after the transaction or series ends.

## Intergenerational Business Transfers

Bill C-208 was a private member's bill introduced in the previous Parliament designed to eliminate what were viewed as inappropriate tax results on the sale of a private corporation from an individual to his or her children. Generally, on the sale of shares of a private corporation to an arm's length party, the individual seller realizes a capital gain equal to the difference between the sale price and the cost of the shares. One-half of the gain is included in income and if certain conditions are met, a portion of the gain may be totally exempt from tax under the lifetime capital gains exemption. Under the rules in the Tax Act before Bill C-208 was enacted, these tax consequences did not apply on a sale of the shares of a private corporation by an individual to a corporation controlled by his or her child or other non-arm's length parties. In those circumstances, the transferor was deemed to have received a dividend equal to the amount by which the sale proceeds exceeded the "paid-up capital" of the shares transferred. While a dividend received from a Canadian corporation is taxed more favourably than ordinary income (such as salaries), the taxation of a dividend is less favourable than the taxation of a capital gain. As a result, prior to Bill C-208, there was a tax incentive to sell the shares of a private corporation to a neighbour rather than to children.

Bill C-208 made amendments to the anti-surplus stripping rule in section 84.1 of the Tax Act to address this apparent inequity, and while the Department of Finance agreed with the policy direction of the amendments, it was concerned that the amendments went too far. Budget 2023 proposes to further amend section 84.1 to address these concerns.

The amendments introduce additional conditions to be met to avoid the application of section 84.1. The shares sold must be shares that qualify for the lifetime capital gains exemption (as under the current rules) and the purchaser corporation must be controlled by one or more persons each of whom is an adult child of the transferor (which, for these purposes, would include grandchildren, step-children, nieces and nephews and grandnieces and grandnephews). The additional conditions will depend on whether the transfer is an immediate intergenerational business transfer or a gradual intergenerational business transfer.

In an immediate transfer, both legal and factual control is transferred immediately to the children and all shares

# Social media influence on financial markets ?

*Source: University Carleton*

**S**ocial media's influence on financial markets has connected the economy in unpredictable ways. Tweets from users with little to no expertise in finance have proven to have a ripple effect on the stock value of unrelated companies.

This relationship between social media discussions and finance is what Carleton University's Mohamed Al Guindy has coined the Social Internetnetwork.

Using artificial intelligence (AI) to analyze hundreds of millions of financial tweets regarding publicly traded companies, Al Guindy has mapped out which companies' financial worth are connected, based on social media discussion.

The result? A tool that can help predict economic shocks, as well as predetermine the impact of intervention efforts and market manipulation.

Al Guindy's tool shows that the average company is now financially connected to over 600 other companies. That is 600 companies that can be affected by as little as one tweet.

These economic connections are not created by the companies, but by public perception. These issues are important to the understanding of financial crises.

By examining tweets about the most notable companies, the Social Internetnetwork has uncovered that 92 per cent of the economy is connected indirectly. A single incident in one industry can trigger a ripple effect that spreads across seemingly unrelated sectors.



(other than certain non-voting preferred shares) must be transferred to the children within 36 months (up to 50% of the shares may be retained up until that time). In addition, management of the business must be transferred to the children within 36 months or a reasonable time thereafter, the children must legally control the corporation during that 36-month period and at least one child must be actively engaged in the business on a regular, continuous and substantial basis throughout that period.

In a gradual transfer, legal (but not factual) control is transferred immediately to the children and all shares (other than certain non-voting preferred shares) must be transferred to the children within the 36 month period described above. Parents can retain freeze-like preferred shares or debt of the corporation for up to 10 years after the initial sale and such shares or debt having a value of 50% or less (in the case of a farm or fishing corporation) or 30% or less (in the case of a small business corporation) of the initial value after that time. Management of the business must be transferred to the children within 60 months or a reasonable time thereafter, the children must legally control the corporation during that 60-month period (or up to 10 years after the sale) and at least one child must be actively engaged in the business on a regular, continuous and substantial basis throughout that period.

There are still a number of questions with the proposed rules. Both the immediate and gradual transfers require the transferor, either alone or together with a spouse or common law partner, to control the subject corporation immediately before the sale. This seems to preclude joint owners of a corporation from taking advantage of the section 84.1 exception. For example, two siblings that each own 50% of the shares of a corporation would not be able to take advantage of the exception to transfer the shares to a corporation owned 50/50 by their respective children.

Notably, Budget 2023 does not address the Bill C-208 changes that were made to section 55 of the Tax Act. The proposed changes to section 84.1 are effective January 1, 2024.

### Employee Ownership Trusts

Budget 2023 introduces new rules to facilitate the use of an employee ownership trust (an EOT) as a mechanism for business owners to transfer their businesses

to their employees. The federal government initially expressed its interest in exploring EOTs in the 2021 Federal Budget.

Under the proposed rules, an EOT would be a personal trust and, like other trusts, the EOT would be taxable at the highest marginal rate applicable to individuals, but would be entitled to deduct distributions to its beneficiaries (such distributions would be taxable to the beneficiaries). The trust would be entitled to designate dividends that are distributed to beneficiaries so that they retain their character and are eligible for the dividend tax credit in the hands of the beneficiaries.

As described in more detail below, in order to implement EOTs in Canada, changes are being proposed to the rules in the Tax Act related to (i) the capital gains reserve, (ii) shareholder loans, and (iii) the 21-year deemed disposition rule for trusts.

### Qualifying Conditions

In order to qualify as an EOT, several conditions must be met. In general terms:

- The trust must be a Canadian resident trust (excluding deemed resident trusts);
- The trust must be established exclusively for the benefit of employees of one or more “qualifying businesses” controlled by the trust and who do not hold a significant economic interest in the qualifying business;
- The interest of each beneficiary is determined based on hours worked, length of employment, and salary paid to the beneficiary by the qualifying business;
- The trust is prohibited from acting in the interest of one beneficiary to the prejudice of another beneficiary;
- The trust is prohibited from distributing shares of a qualifying business to any beneficiary of the trust;
- Trustees of the trust must be elected by the beneficiaries for a period not exceeding five years;
- Individuals and their related persons who held a significant economic interest in the business prior to the trust acquiring control are not entitled to make up more than 40% of (i) the trustees of the EOT, (ii) directors of the board of a corporation serving as trustee of the EOT, or (iii) directors of any qualifying business held by the EOT;

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Le Monde Juridique

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## Les dernières actualités



21 mars 2023  
**Les notaires auront enfin accès à la magistrature suite à l'adoption du projet de loi no. 8 et le législateur confirme sa volonté de mettre la justice au service des citoyens**

La Chambre des notaires du Québec se réjouit de l'adoption du projet de loi 8, sanctionné le 15 mars dernier. Loi visant à améliorer l'efficacité et l'accessibilité de la justice, notamment en favorisant la médiation et l'arbitrage et en simplifiant la procédure civile à la Cour du Québec. Elle salue particulièrement la mise en place de [...]

[Lire la suite](#)



20 mars 2023  
**ALOUETTES DE MONTRÉAL PIERRE KARL PÉLADEAU, NOUVEAU PROPRIÉTAIRE DES**

### ALOUETTES

Pour la première fois en 36 ans, les Alouettes sont la propriété d'un Québécois : Pierre Karl Péladeau. Le président et chef de la direction de Québecor en a fait l'annonce vendredi, dans une conférence de presse pendant laquelle il était accompagné du commissaire de la Ligue canadienne de football (LCF), Randy Ambrose. Quand le [...]

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20 mars 2023  
**Justin Trudeau a nommé David Johnston, ancien Gouverneur général du Canada, à titre de rapporteur indépendant**

Le gouvernement du Canada prend très au sérieux toute tentative d'atteinte à notre démocratie et continuera de prendre des mesures pour protéger nos institutions et maintenir la confiance des Canadiens dans notre démocratie. Le premier ministre Justin Trudeau a annoncé aujourd'hui que le gouvernement fédéral compte nommer le très honorable David Johnston au poste de [...]

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## Dernières parutions



11 décembre 2022  
**Volume 27, numéro 2**

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## News Highlights



22 mars 2023  
**The English Speaking Section of the Bar of Montreal held its renowned talk on Palace life and funny tribulations among practicing lawyers and judges.**

The English Speaking Section of the Bar of Montreal held its renowned talk on Palace life and funny tribulations among practicing lawyers and judges. For the third year in a row, the king of the crop most bilingual and multicultural lawyer, Me Simon Potter, offers his humorous and hilarious experiences you only find in Montreal [...]

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31 janvier 2023  
**Le NORAD effectue des opérations aériennes dans l'Arctique**

Entre le 15 et le 31 janvier 2023, le Commandement de la défense aérospatiale de l'Amérique du Nord (NORAD) a accompli l'opération NOBLE DEFENDER, à partir de plusieurs emplacements dans l'Arctique et sur la côte est du Canada et des États-Unis. L'opération NOBLE DEFENDER a démontré l'état de préparation et la capacité du NORAD [...]

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25 janvier 2023  
**Attorney General James Sues Google for Monopolies in Digital Advertising**

AG James, U.S. Department of Justice, and Bipartisan Coalition of States Sue Google To Break Up Monopolies that Harm Website Publishers, Businesses, and New York Consumers New York Attorney General Letitia James today sued Google LLC (Google), for monopolizing the digital advertising industry. Together with the United States Department of Justice (DOJ), a bipartisan coalition [...]

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## Latest Release



13 octobre 2021  
**Volume 5, number 4**

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