MANAGING REGULATORY RISKS: COMPLIANCE, INSPECTIONS AND INVESTIGATIONS

The impact of regulation in the ongoing business operations of companies increases daily in complexity and scope. There is heightened pressure for general counsel, compliance officers, risk managers and outside legal advisors to assess, monitor and mitigate regulatory risk within static or decreasing budgetary envelopes. Achieving these goals is a complicated endeavor involving ever changing laws and regulations, while maintaining a good working relationship with regulators. This course is designed to provide valuable strategies for ensuring appropriate risk management strategies, managing reputational risk and dealing with the media in crisis situations, developing early measures for defence of regulatory claims, and managing litigation risks including class actions. Our expert faculty will provide their “lessons learned” and best practices for general counsel, in-house lawyers, compliance and risk management professionals dealing with these everyday challenges.

SPEAKERS

COURSE LEADERS
Joan Young, Co-Chair, B.C., Administrative and Public Law, McMillan LLP

GUEST SPEAKERS
Dr. Neil Campbell, Co-Chair, Competition and Trade, McMillan LLP
Teresa Dufort, Partner, McMillan LLP
Robin Junger, Co-Chair, Aboriginal and Environmental, Co-Chair, Oil and Gas (B.C.), McMillan LLP
Lisa Parliament, Partner, McMillan LLP
Mark Reder, General Manager, Fleishman Hillard
Anthony Ruffolo, Manager, Legal Affairs & Counsel, Honda Canada Inc

COURSE HIGHLIGHTS
• Fundamentals of Compliance
• What makes a good compliance professional?
• Top five risk avoidance measures
• Essential components of a good compliance program
• Managing a Regulatory Investigation
• Dealing with regulators: best practices
• Remedies for unlawful administrative action
• Litigation
• Regulatory negligence claims
• Due Diligence defence

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MANAGING REGULATORY RISKS: COMPLIANCE, INSPECTIONS AND INVESTIGATIONS

PROGRAM OUTLINE

8:00 - 9:00 A.M.  
REGISTRATION AND BREAKFAST

9:00 - 9:15 A.M.  
INTRODUCTION AND OVERVIEW

9:15 - 10:30 A.M.  
FUNDAMENTALS OF COMPLIANCE PART 1
• What makes a good compliance professional?
• How do you get your organization to buy in to best compliance practices?
• How to identify, mitigate and control risks
• Top five risk avoidance measures
• Essential components of a good compliance program
• Integrating risk management into governance and compliance

10:30 - 10:45 A.M.  
REFRESHMENT BREAK

10:45 - 12:00 P.M.  
FUNDAMENTALS OF COMPLIANCE PART 2
• Strategies for dealing with high risk issues
• Communications and media relations in crisis – coordinating communications and legal strategies

12:00 - 1:00 P.M.  
NETWORKING LUNCH

1:00 - 2:30 P.M.  
MANAGING A REGULATORY INVESTIGATION
• Dealing with regulators: best practices
• What you need to know about the difference between an inspection and an investigation
• Search and seizure: what to do
• Protecting solicitor-client privilege (in-house and external counsel)

2:30 - 2:45 P.M.  
REFRESHMENT BREAK

2:45 - 4:00 P.M.  
LITIGATION
• Regulatory negligence claims
• Class actions for regulatory breaches
• Due Diligence defence
• Remedies for unlawful administrative action

4:00 P.M.  
Q&A AND COURSE CONCLUSION

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Dr. Neil Campbell is Co-Chair of McMillan’s Competition and International Trade Groups and a member of the Energy Group. His competition law practice focuses on merger clearances under the Competition Act; reviews under the Investment Canada Act; representation in cartel, abuse of dominance and other competition law proceedings; and advising on marketing, distribution and joint venture issues. His trade law practice includes anti-dumping and subsidy proceedings; export/import controls and trade sanctions; and foreign corrupt practices. Neil was the Chair (2007-12) of the Market Surveillance Panel which monitors Ontario’s wholesale electricity market and has also advised electricity sector regulators on issues relating to market rules.

Joan Young is a partner and senior litigator in McMillan’s Litigation and Competition Groups and is the Co-Chair, Administrative and Public Law. Her practice emphasizes complex civil and commercial litigation, class actions, and administrative/regulatory hearings representing a wide range of clients and industries, such as automotive, mining, forestry, hospitality, manufacturing and government. Known as a highly skilled advocate with over 24 years of trial and appeal experience, Joan’s extensive commercial litigation background includes product liability, class actions, conspiracy claims, administrative law and judicial review, and government and public agency law.

Robin Junger advises Canadian and international business on a range of regulatory matters. His focus is environmental assessment, major project permitting and aboriginal law. Robin has successfully helped major project proponents obtain environmental assessment approvals for LNG infrastructure, metal mining, coal mining and clean energy projects. He has successfully negotiated a range of impacts and benefit agreements, engagement agreements and capacity funding agreements with aboriginal groups. Robin provides advice and representation to natural resource clients on environmental compliance and corporate policies. He was integrally involved in development of some of BC’s key environmental legislation and has advised numerous ministers and statutory decision-makers.

Lisa Parliament is a partner in McMillan’s Litigation and Competition Groups. She is also an active member of the firm’s Product Liability, Life Sciences and Class Action specialized practice groups. Lisa’s practice focuses on complex corporate and commercial litigation, with an emphasis on class action defence, product liability, consumer protection, and competition litigation. Lisa is regularly retained to represent leading companies in complex proceedings and regulatory matters. She has extensive experience in defending domestic and international class actions in jurisdictions across Canada. Lisa also assists a number of companies with national coordination and management of their litigation matters.

Mark Reder is senior vice president, senior partner, and general manager at FleishmanHillard Canada, based in Vancouver. In addition to leading the FleishmanHillard team in Vancouver, Mr. Reder is responsible for advising clients in a wide range of practice areas including government and media relations, advocacy, and crisis and issues management. In the area of regulatory affairs and compliance, Mr. Reder has worked with leading organizations in the financial, natural resources, energy, manufacturing and not-for-profit sectors to prepare for, respond to and recover from unplanned events, crisis and failures. Mr. Reder has extensive experience working with legal advisers to prepare and implement communications strategies at critical times when matters of reputation, risk and compliance intersect.

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Teresa Dufort is a partner in McMillan’s Litigation Group and Co-Leader of the firm’s Product Liability Defence and Regulatory Group. She is also active in the Class Action Group, a member of the firm’s Board of Partners and the firm’s Knowledge Management Partner. Teresa’s practice is heavily focused on product liability defence and products related regulatory issues. She acts as the prime Canadian counsel to numerous Canadian, American, European and Asian manufacturers and distributors of consumer and industrial products. She has extensive experience defending class actions and both individual and commercial product liability lawsuits involving a broad range of products including motor vehicles, fire and security products, medical devices, consumer products, recreational products, construction and industrial machinery, building materials and swimming pools.
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