



Joan M. Young*

Co-Chair, Litigation
Co-Chair, B.C., Administrative & Public Law
Vancouver

604.893.7639
joan.young@mcmillan.ca
*Law Corporation

education and year of call

- Called to the British Columbia bar - 1991
- University of Victoria, LLB - 1990
- University of British Columbia, BA - 1987

practice areas

litigation
class actions
data breach and privacy litigation
product liability
competition and antitrust
administrative law
privacy and data protection
aboriginal law
government and public policy
business litigation
dispute resolution
white collar defence and government investigations

industries

mining
media, communications and entertainment
forest products
automotive
manufacturing, distribution and retail

profile

Joan Young is a partner and senior litigator in the firm's Advocacy & Litigation Group, and the Competition & Antitrust Group. She also serves as a member of the firm's Professional Services Committee. 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, tort law, contractual claims, employment law, administrative law and judicial review, government and public agency law, and aboriginal law.

Joan represents clients at all levels of courts in British Columbia, including civil jury trials, as well as appearing before multiple administrative tribunals and boards. She has extensive experience advising and defending private sector clients on the impact of public and administrative law decisions. As well, Joan has considerable experience representing public institutions in claims related to the operation of government programs. Joan is skilled in providing proactive advice to public and private sector business on how to prevent and resolve disputes. Using the strength of her courtroom experience, Joan provides guidance to her clients in successfully managing and reducing litigation risk in their business operations. She is equally experienced working with clients to settle claims in alternative dispute resolution and in mediation of claims outside of the court system. Joan's clients routinely express their trust and appreciation for her legal skills.

As one of British Columbia's most experienced professionals for public sector procurements, Joan has been appointed in over 15

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high profile and multi-million dollar procurements. Joan is sought out to provide advice and oversight on the entire public procurement process from the initial development of the bid opportunity through to selection of preferred proponent.

Joan is a former Legal Advisor to the Office of the Premier, and Special Assistant to the Attorney General. She has significant public sector experience serving on both the policy and legal sides of the Ministry of Attorney General for eight years. Joan is currently the Chair of the Board of Directors of the Museum of Vancouver, and previously held appointments as a member of the Environmental Appeal Board, as Corporate Secretary to the Motor Carrier Commission and as a Director of the Michael Smith Foundation for Health Research, Victoria Airport Authority, the Food Innovation Centre of B.C. and the Vancouver Island Multiple Sclerosis Society. She also served as an instructor at Camosun College in the School of Business

directorships and professional associations

- Chair of the Board of Directors Museum of Vancouver
- Advocates' Society
- Vancouver Bar Association
- Canadian Bar Association, BC Branch
 - Class Action Section, Executive Member
 - Competition Law (National)
 - Vice-Chair of the Civil Litigation Section (past)
 - Provincial Council Member (elected), Vancouver County Representative (2009-2012)
 - Products Liability Section
 - Civil Litigation Section
 - Aboriginal Law Section, Executive Member
- American Bar Association (Antitrust Section)
- Defence Research Institute (U.S.)
 - Products Liability Committee
 - Women in the Law Committee
- Board of Directors, Michael Smith Foundation for Health Research

representative matters

Joan Young has been counsel to the following:

- Defending a global chemical supplier in connection with a multi-million dollar product liability claim brought by a pulp mill operator
- Counsel to global auto-parts manufacturer defending civil

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cartel/conspiracy class action proceedings relating to Ignition Coils

- Counsel to a global shipping company defending civil cartel/conspiracy class action proceedings relating to "Roll-on, Roll-off" Car Carriers
- Counsel to a leading electronics manufacturer defending civil cartel/conspiracy class action proceedings relating to Capacitors
- Counsel to a joint-venture electronics manufacturer defending civil cartel/conspiracy class action proceedings relating to Optical Disk Drives
- Representing Avanti Mining in Federal Court and Supreme Court judicial review proceedings related to its environmental assessment certificate and related Fisheries Act permits for the Kitsault Mine project
- Advising a mining company on aboriginal and injunction issues associated with a coal exploration project
- Counsel to global auto-parts manufacturers defending civil cartel/conspiracy class action proceedings relating to Automotive Wire Harness Systems and Heating Control Panels.
- Counsel for Google Inc. in a Class Action for Competition Act consumer claims and breach of privacy.
- Counsel for a pharmaceutical company to protect trade secrets and confidential information from disclosure under access to information laws.
- Counsel for the Province of British Columbia in successfully opposing a certification of a Class Action involving medical services to children with Autism.
- Counsel to a foreign exchange company regarding protection of confidential information and enforcement of restrictive covenants.
- Counsel for a fire products manufacturer in multiple claims involving product liability claims by both consumers and commercial parties.
- Representing a forestry company to oppose an injunction related to their harvesting activities in a First Nation's traditional territories.
- Counsel for the Province of British Columbia in defending a multi-plaintiff claim of historic sexual and physical abuse at a former Boys Industrial School culminating in the dismissal of all claims after a six and a half month trial in B.C. Supreme Court and the abandonment of related pending class proceedings.
- Counsel for an insurance agent in defending claims of civil

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conspiracy, breach of fiduciary duty and misuse of confidential information.

- Representing a mining company in an appeal of various environmental permits.
- Representing an international mining company to obtain an injunction to prevent the continued blockade of the company's operations.
- Counsel for Marriott Hotels of Canada Ltd in successfully defending a wrongful dismissal lawsuit brought by a senior manager with 22 years seniority.
- Counsel for the Insurance Corporation of British Columbia representing the defendants in a five week jury trial in which the Plaintiff was claiming approximately \$1.5 million in damages. The Jury awarded less than \$40,000 to the Plaintiff.
- Counsel for the Attorney General of British Columbia in representing the Ministry of Children and Families, the Ministry of Education and the Medical Services Commission in a constitutional challenge.
- Counsel for the Ministry of Transportation and Highways in a procurement dispute over a highways tender.

Joan has been appointed in over 18 high profile, multi-million dollar procurements, including:

- Fairness Auditor on the \$700 million City of Calgary West LRT expansion project providing arm's length advice and independent assurance to the City of Calgary as to the fairness and appropriateness of project management activities related to the procurement process.
- Fairness Auditor on the \$200 million Fort St. John Hospital project providing arm's length advice and independent assurance to the Northern Health Authority and Partnerships BC as to the fairness and appropriateness of project management activities related to the procurement process.

awards and rankings

- Received a "Martindale Distinguished 4.4/5" Peer Review Ranking from *Martindale-Hubbell*.

teaching engagements

- Instructor, Camosun College, School of Business (past)

community involvement

- Children's Wish Foundation of Canada, volunteer Gala Committee member (2013-2014)
- Committee Member, Professional Development Committee, Canadian Bar Association (BC Branch) (2013-2015)

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- Representative of the Advisory Committee to the Judicial Council of British Columbia
- Vice Chair, Civil Litigation Section, Canadian Bar Association (BC Branch) (2013-2015)
- Treasurer, Aboriginal Law Section, Canadian Bar Association (BC Branch) (2012-present)
- Treasurer, Class Action Section, Canadian Bar Association (BC Branch) (2014-present)
- Elected Representative, (Vancouver County) Canadian Bar Association (BC Branch) (2009-2012)
- Committee Member, Judicial Compensation Advisory Committee, Canadian Bar Association (BC Branch) (2004-2005)
- Chair, Civil Litigation Section (Vancouver Island), Canadian Bar Association (BC Branch) (2003-2004)
- Practice Advisory Panel member (Civil Litigation) (2002-present)
- Executive Member, Civil Litigation Section (Vancouver Island), Canadian Bar Association (BC Branch) (2001-2005)
- Committee Member, Government Relations Committee, Canadian Bar Association (BC Branch) (2000-2004)
- Member, Legal Education and Action Fund (LEAF) (1990-1994)
- Senator, University of Victoria Senate (elected 2 terms) (1988-1990)
- Member, Senate Committee on Academic Standards, U.Vic (2 terms) (1988-1990)
- Member, President's Equal Rights and Opportunities Committee, U.Vic (1988-1989)
- Member, Dean's Women's Advisory Committee, Faculty of Law, U.Vic (1987-1988)

media mentions

- "[City can't refuse pot greenhouse: Court](#)" by Megan Devlin, *Richmond News*, September 19, 2018
- "[Treaty rights trump minerals rights: province](#)" by Nelson Bennett, *Business in Vancouver*, January 17, 2017
- "[Treaty entanglements. China Minerals sues British Columbia over incremental treaty agreement](#)" by Eavan Moore, March-April 2016
- "[Mineral rights continue to clash with native land claims in B.C.](#)" by Nelson Bennett, *Business in Vancouver*, March 15, 2016

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- "[Gold prospector sues B.C. over transfer of property over mineral claims](#)" by Derrick Penner, *Vancouver Sun*, February 1, 2016
- "[Junior miner takes B.C. to court over land transfer](#)" by Iain Marlow, *The Globe and Mail*, January 31, 2016
- "[Junior miner alleges de facto expropriation in treaty deal](#)" by Nelson Bennett, *Business in Vancouver*, January 25, 2016
- "[Supreme Court land title ruling may affect First Nations financing](#)" by Wendy Stueck, *The Globe and Mail*, July 2, 2013
- Quoted in article regarding HD Mining temporary foreign worker case
- Featured in article discussing Taseko Mines injunction case on *Stockwatch.com*
- Discussed 100-year-old surveying error in Squamish BC

publications

June 2019

Party Cannot Negotiate Certification Defeat from the Jaws of Contested Victory
Litigation Bulletin

April 2019

Life is not Fair: Unsuccessful Proponent Admits Non-Compliance with RFP, But Sues Fairness Advisor Anyways
Construction Bulletin

September 2018

Head of the Class: Changes to BC's Class Proceedings Act Class Action, Litigation Bulletin

September 2018

How Far is Too Far? Court Strikes Down the City of Richmond's Attempt to Curtail the Cannabis Industry
Litigation Bulletin

June 2017

Supreme Court of Canada Turns the Other Cheek: Facebook's "Terms and Conditions" – Forum Selection Clause Unenforceable
Litigation and Privacy Bulletin

May 2017

Get Out and Vote: Employer Obligations on B.C. Election Day
Employment and Labour Relations Bulletin

April 2017

Duty to Consult does not Apply to all Aboriginal Concerns
Aboriginal Law Bulletin

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January 2017

Class Actions Keep on Rollin'
Class Action Bulletin

January 2017

Should I stay or should I go? BC Supreme Court Stays Wrongful
Dismissal Proceeding
Employment & Labour Bulletin

January 2017

Court of Appeal Holds Duty to Consult Does Not Apply to
Statutory Interpretation
Aboriginal Law Bulletin

August 2016

Employee Can't Have Cake and Eat It Too: Court Strikes
Employee's Claims for Lack of Jurisdiction
Employment and Labour Bulletin

2016

Getting the Deal Through - Private Antitrust Litigation 2016,
Canada Chapter
Law Business Research

December 2015

It's a "Like": Facebook Class Certification Overturned by Appeal
Court
Canadian Privacy Law Review, Vol. 13, No. 1

November 2015

Keep your (fiduciary) hands off my money: *Louie v. Louie*, 2015
BCCA 247
Aboriginal Law Bulletin

October 2015

Employer Obligations on Federal Election Day
Employment and Labour Bulletin

September 2015

It's a "like": Facebook class certification overturned by appeal
court
Litigation Bulletin

June 2015

Commonality is Key: Class Proceeding Certification Denied
Litigation Bulletin

March 2015

It's Not Just a "Like": Court Certifies Facebook Class Action
Internet and E-Commerce Law in Canada, Vol. 15, No. 11

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March 2015

Diamonds are a Class Counsel's Best Friend: *Fairhurst v. Anglo American PLC*
Class Action Bulletin

March 2015

One Step Forward and Two Steps Back: Province Found to Have Breached Aboriginal Consultation Obligations for Second Time
Aboriginal Law Bulletin

February 2015

Knock, Knock: Responding to Search Warrants and Inspections in the Environmental Law Context
Environmental Law Bulletin

October 2014

Aboriginal Claims and Standard of Review of the Specific Claims Tribunal: *Canada v Kitselas First Nation*¹
Aboriginal Law Bulletin

September 2014

The Post-*Tsilhqot'in* World: Court Rejects First Nation's Assertion of Crown Obligation to Negotiate and Settle Litigated Claims
Aboriginal Law Bulletin

July 2014

Court affirms right of Province to "Take up" Treaty Lands – *Grassy Narrows First Nation v. Ontario (Natural Resources)*
Aboriginal Law Bulletin

June 2014

Supreme Court declares Aboriginal title in *Tsilhqot'in Nation v. British Columbia*¹
Aboriginal Law Bulletin

June 2014

Province punished in costs in flawed consultation case: *Moulton Contracting Ltd. v. British Columbia*¹
Aboriginal Law Bulletin

June 2014

It's Not Just a "Like": Court Certifies Facebook Class Action
Litigation Bulletin

February 2014

Judges Without Borders: A Class Action Update
Litigation Bulletin

presentations

May 2018

Preparing for Mediation

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Advocates Society, Mediation Advocacy

November 2017

Defending a Product Liability Claim
Continuing Legal Education

December 2, 2015

Managing Regulatory Risks: Compliance, Inspections and Investigations
Course Leader, Lexpert Seminar, St. Andrews Club, Toronto

March 2015

Privacy Law
Presenter, Federated Press 3rd Mini LLB for Aboriginal Leadership Workshop, Calgary

March 2015

The Duties of Loyalty and Confidentiality
Civil Litigation Basics—2015 Update Paper 6.2, Continuing Legal Education Society of British Columbia

March 2, 2015

Code of Professional Conduct
Presenter, CLEBC Civil Litigation Basics 2015 Course, Vancouver, BC

November 15, 2014

Indigenous Rights – Right in Your Backyard: *The Post Tsilhqot'in World*
Presenter, CBABC 9th Annual Branch Conference

March 2014

"Privacy Law" Federated Press
Mini LLB for Aboriginal Leadership, Vancouver, BC