

JOAN M. YOUNG*



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Joan Young heads McMillan's Litigation & Dispute Resolution Group in British Columbia. A highly skilled and seasoned courtroom advocate, Joan has appeared before the courts in BC, Alberta and Yukon, the Federal Court of Canada and the Supreme Court of Canada, as well as before numerous provincial and federal administrative tribunals. Her practice focuses on complex commercial litigation involving competition, commercial and regulatory, public law and product liability.

Joan is McMillan's leading class action lawyer in British Columbia and with involvement in multiple class actions, including major civil cartel cases (Automotive Wire Harnesses, Spark Plugs, Ignition Coils, Electronic Control Units, Search Ads, Optical Disk Drives, Ramen Noodles, Capacitors, Roll-on/Roll-off Car Carriers, Forged Steel), privacy breaches (Facebook Device Manufacturer, Gmail), product liability and consumer claims (Air Bag Sensors, Fuel Pumps,

Diesel Engine Defeat Device, Opioids), Securities (Bridgemark Group) and public law (Autism Treatment, Grizzly Bear Hunting Ban). Joan acted as co-counsel in one of *Lexpert's* "Top 10 Cases of 2019-2020," representing the appellant before the Supreme Court of Canada in the leading case on certification standards in antitrust class actions (*Pioneer Corp. v. Godfrey*). On the product liability side, she has acted for manufacturers in disputes involving motor vehicles, fire and security products, consumer products, recreational products, construction and industrial machinery, and building materials.

Joan has also advised on public law issues for over 30 years, including administrative law, procedural fairness, judicial review of government action, misfeasance in public office, and integrity in procurement (including involvement in over 15 multi-million dollar P3 procurements for governments across Western Canada).

"Consistently exceeds expectations," is very "thorough and sharp" and highlighted the "notable number of fans among clients."

Recognized by her peers as "consistently recommended" and "repeatedly recommended" by *Lexpert*, Joan has been ranked as one of Canada's Leading Litigators for her advocacy work in Litigation: Corporate Commercial and Competition Law. She is a Fellow of the Litigation Counsel of America, a peer selected honorary society of trial lawyers. Benchmark Canada has repeatedly recognized Joan's strengths as an advocate where she is ranked as a "Litigation Star" for class actions, corporate commercial litigation, and product liability. Reviewers highlighted that she "consistently exceeds expectations," is very "thorough and sharp" and highlighted the "notable number of fans among clients." She similarly holds a "Distinguished" rating from Martindale. Joan previously served as legal counsel to Office of the Premier of British Columbia and special advisor to the Attorney General of British Columbia.

Email: joan.young@mcmillan.ca

Expertise: Automotive, Class Actions, Litigation & Dispute Resolution, Manufacturing, Product Liability & Regulation

Location: Vancouver

Phone: 604.893.7639

Position/Title: Partner, Litigation & Dispute Resolution

Community Involvement:

- Food Innovation Centre of B.C.
- Vancouver Island Multiple Sclerosis Society
- Children's Wish Foundation of Canada, volunteer Gala Committee member (2013-2014)
- Committee Member, Professional Development Committee, Canadian Bar Association (BC Branch) (2013-2015)
- 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, Women's 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)

Directorships & Affiliations:

- Member of the International Association of Defence Counsel
- Member of the Women's White Collar Defense Association
- 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
- Victoria Airport Authority

Publications:

- "[Assessing the Viability of Data Breach Class Actions Following Divergent Findings by Canadian Appellate Courts](#)" co-authored with Mitch Koczerginski, Class Action Defense Quarterly, Vol.19, No.2 (December 2024)
- "[The silence is deafening— Where is British Columbia going with mineral tenure reform following the Gitxaala decision?](#)" Canadian Mining Journal, co-authored with Robin Junger, Sasa Jarvis and Cory Kent (March 2, 2024)
- "[Calling Someone an Independent Contractor 'A Huge Area of Exposure for Employers'](#)" Canadian HR Reporter (April 12, 2023)
- "[Addressing Intra- and Inter-Country Differences in Privacy Law Reform - The Challenge and Strategies](#)," Canadian Privacy and Law Review, Vol. 19, No. 6 (May 2022)
- "[Couldn't Scrape By: BC Court Rejects Certification of Class Action Against Facebook](#)," Internet and E-Commerce Law in Canada, Vol. 23, No. 1 (May 2022)
- "[Old Consideration Is No Consideration for Changes to Employee Contract](#)," Employment Labour Law Reporter (February 11 2020)
- "[Getting the Deal Through - Private Antitrust Litigation 2016, Canada Chapter](#)," Law Business Research (2016)
- "[It's a "Like": Facebook Class Certification Overturned by Appeal Court](#)", Canadian Privacy Law Review, Vol. 13, No. 1 (December 2015)
- "[It's Not Just a "Like": Court Certifies Facebook Class Action](#)," Internet and E-Commerce Law in Canada,

Vol. 15, No. 11 (March 2015)

Education & Admissions:

Degree: Called to the British Columbia bar

Year: 1991

Degree: LLB

University: University of Victoria

Year: 1990

Degree: BA

University: University of British Columbia

Year: 1987

Media Mentions:

- "[Canadian Judge Says Government Has 'Failed' Canadians by Leaving Dozens of Judicial Vacancies Unfilled](#)", Law.com (February 14, 2024)
- "[In the Courts: B.C. judge greenlights class action over provincial grizzly hunt ban](#)," by Dustin Godfrey, Business in Vancouver (March 8, 2023)
- "[Hunters go to court over ban on grizzly bear hunt](#)," by Nelson Bennet, Business in Vancouver (May 16, 2022)
- "[Federal judge hears arguments in Roberts Bank battle](#)," by Chuck Chiang, Business in Vancouver (October 25, 2021)
- "[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)
- "[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

Rankings & Recognition:

- Recognized by Best Lawyers in Canada (2025) as a leading lawyer in the areas of Class Action Litigation and Product Liability Law
- Recognized in the 2024 Lexology Index: Canada Guide as a Recommended lawyer in the area of Product Liability
- Recognized in the 2024 Lexpert Special Edition on Litigation
- Recognized in the 2024 Whos' Who Legal: Product Liability Defence Guide
- Recognized as a Fellow of the Litigation Counsel of America
- Recognized in the 2024 Benchmark Litigation: Canada Guide
- Shortlisted as "Product Liability Litigator of the Year" by Benchmark Litigation Canada Awards 2024
- Recognized in the 2024 Canadian Legal Lexpert Directory as a Consistently Recommended Lawyer in the area of Competition Law and a Repeatedly Recommended Lawyer in the area of Litigation - Corporate Commercial
- Recognized in the 2023 Lexpert Special Edition on Canada's Leading Litigation Lawyers as a Leading Litigation Lawyer
- Recognized in the 2023 *Benchmark Litigation: Canada Guide* as a Litigation Star
- Recognized in the 2023 Canadian Legal Lexpert Directory as a Repeatedly Recommended Lawyer in the area of Competition Law
- Recognized in the 2022 *Benchmark Litigation: Canada Guide* as a Litigation Star
- Recognized in the 2021 *Benchmark Litigation: Canada Guide* as a Litigation Star
- Received a "Martindale Distinguished 4.4/5" Peer Review Ranking from Martindale-Hubbell.

Speaking Engagements:

- What good is a right without the right remedy? Your essential primer on the law of damages! - The Continuing Legal Education Society of British Columbia

- April 6, 2022

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https://store.cle.bc.ca/productdetails.aspx?title=Damages-2022&cid=1930&_cldee=bGF3bGlicmFyeUBsYXdzb2NpZXR5Lm5mLmNh&recipientid=contact-3d4733645b74e61180ddc4346badb044-a23cd40cec044f1395aa825b0eb4374b&esid=49e3c650-c28a-ec11-93b0-0022483c59e3

- Defending Innovation Defence Research Institute Products Liability Seminar, New Orleans
- February 2020

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

- Sharing Offices: Playing Nice & Protecting Yourself Presenter, Canadian Bar Association British Columbia Branch
- May 22, 2013

- Social Media in the Workplace: Employment Law Update presentation to Corporate Counsel Series
- June 2011

- Access to Information, Record Keeping and Privacy Issues Presenter, Association of Canadian Port Authorities
- 2007

- How to Run a Fair Procurement Presenter, Vancouver Port Authority
- 2007
- Upload File

- Preparing for Mediation Advocates Society, Mediation Advocacy
- May 2018

- Defending a Product Liability Claim Continuing Legal Education
- November 2017

- Managing Regulatory Risks: Compliance, Inspections and Investigations Course Leader, Lexpert Seminar, St. Andrews Club, Toronto
- December 2, 2015

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- Privacy Law Presenter, Federated Press 3rd Mini LLB for Aboriginal Leadership Workshop, Calgary
 - March 2015

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

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- Code of Professional Conduct Presenter, CLEBC Civil Litigation Basics 2015 Course, Vancouver, BC
 - March 2, 2015

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- Indigenous Rights – Right in Your Backyard: The Post Tsilhqot'in World Presenter, CBABC 9th Annual Branch Conference
 - November 15, 2014

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 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 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.

Teaching Engagements:

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

Industries: Automotive, Manufacturing

Practices: Litigation & Dispute Resolution, Class Actions, Product Liability & Regulation