JONATHAN O'HARA

Categories: People, Lawyers

Jonathan O'Hara is recognized for his exceptional expertise as an advocate and litigator in complex regulatory regimes requiring economic analysis. He thrives on the challenge and satisfaction of helping clients obtain good, practical solutions through government regulatory processes. He co-heads McMillan's Complex Disputes and Regulatory Regimes group.

A major focus of Jonathan's practice is representing clients on matters relating to international trade law. As one of the most active practitioners in Canada, he appears before the Canadian International Trade Tribunal and the Canada Border Services Agency on anti-dumping / subsidy and government procurement proceedings. In such proceedings, he has represented clients in a variety of industries, including steel, oil & gas, construction, heavy equipment, and consumer goods. This client portfolio includes Canadian producers, as well as numerous global companies based in the US, Mexico, the EU, Japan and other countries.

Jonathan has a strong record of success for clients in international trade remedy proceedings. He also regularly advises and represents clients in dealings with administrative decision-makers in connection to customs and tariffs, as well as import / export controls and economic sanctions issues.

Another important facet of Jonathan's complex regulatory practice is Copyright Board tariff-setting and related licensing assistance. Jonathan primarily represents users of copyrighted material, ranging from online streaming services and social media platforms to cinemas and universities. He has represented clients in some of the most complicated cases before the Copyright Board, as well as in licensing negotiations between collective societies and copyright users as an alternative to Copyright Board tariffs.

His extensive body of regulatory work includes challenging government actions and administrative decisions through judicial reviews before the courts. He has worked on numerous proceedings before the Federal Court and Federal Court of Appeal, as well as appeared before the Supreme Court of Canada.

Jonathan's professional excellence is recognized in legal rankings and industry guides like *Chambers*, *Lexpert* and *Best Lawyers* as a leading Canadian lawyer in International Trade.

Email: jonathan.ohara@mcmillan.ca

Expertise: Administrative & Public Law, International Trade, Manufacturing

Location: Ottawa
Phone: 613.691.6176
Position/Title: Partner, International Trade
Directorships & Affiliations:

- Canadian Bar Association – National Section of International Law (former Executive Committee member)
- Former Co-Chair, American Bar Association Section of International Law - Canada Committee
- Law Society of Ontario

Publications:

- "The Impact of New Transatlantic Trade Agreements on Commercial and Investment Transactions," Business Law International (September 2015)
- "Foreign Corrupt Practices - The Growth and Limitations of Canadian Enforcement Activity," Indiana

International & Comparative Law Review, Vol. 23 No.1 (August 2013)

Education & Admissions:
Degree: Called to the Ontario bar
Year: 2012

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Degree: Other, Controlled Goods Program - Designated Official certification
Year: 2017

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Degree: JD
University: University of Ottawa
Year: 2011

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Degree: B.Sc. (Honours)
University: University of Guelph
Year: 2003
Media Mentions:

- "Manufacturing, retail sides of Canadian furniture industry at odds over outcome of Asian dumping," by Kyle Benning, Global News, May 31, 2021
- "Lawyers expect recommendations about steel safeguards", Law Times, April 1, 2019
- "CUSMA could encourage digital trade," Law Times, April 1, 2019
- "Businesses should consider assistance post-NAFTA," by Meagan Gillmore, Law Times, August 6, 2018
- "Canadian International Trade Tribunal Releases Finding in Injury Inquiry," Big Suits, Lexpert, July-August 2015
- "Unlicensed paralegal uses Small Claims Court to commit fraud" by Siobhan McClelland, Law Times, August 13, 2012

Rankings & Recognition:

- Recognized in the 2024 Canadian Legal Lexpert Directory as a Most Frequently Recommended Lawyer in the area of International Trade Regulation
- Recognized by Chambers Global (2024) as a leading lawyer in the area of International Trade / WTO

- Recognized in the 2024 Lexpert/ALM500 Guide as a leading lawyer in the area of International Trade
- Recognized by Chambers Canada (2024) as a leading lawyer in the area of International Trade / WTO
- Recognized by *Best Lawyers* in Canada (2024) as a leading lawyer in the area of International Trade and Finance Law
- Listed in Who's Who Legal: Canada 2023 as a leader in Trade & Customs
- Recognized in the 2023 Canadian Legal Lexpert Directory as a Most Frequently Recommended Lawyer in the area of International Trade Regulation
- Recognized by Chambers Global (2023) as a leading lawyer in the area of International Trade /WTO
- Recognized in the *2023 Lexpert / American Lawyer Guide to the Leading 500 Lawyers in Canada*: International Trade Law
- Listed in Who's Who Legal: Global 2022 as a leader in Trade & Customs
- Listed in Who's Who Legal: Canada 2022 as a leader in Trade & Customs
- Recognized by Chambers Canada (2023) as a leading lawyer in the area of International Trade / WTO
- Recognized by *Best Lawyers* in Canada (2023) as a leading lawyer in the area of International Trade and Finance Law
- Recognized in the 2022 Canadian Legal Lexpert Directory as a Consistently Recommended Lawyer in the area of International Trade Regulation
- Recognized by Chambers Global (2022) as a leading lawyer in the area of International Trade /WTO
- Recognized by Chambers Canada (2022) as a leading lawyer in the area of International Trade / WTO
- Recognized by Best Lawyers in Canada (2022) as a leading lawyer in the area of International Trade and Finance Law
- Listed in Who's Who Legal: Global 2021 as a leader in Trade & Customs
- Listed in Who's Who Legal: Canada 2021 as a leader in Trade & Customs
- Recognized in the 2021 Canadian Legal Lexpert Directory as a Consistently Recommended Lawyer in the area of International Trade Regulation
- Recognized by Chambers Global (2021) as a leading lawyer in the area of International Trade / WTO
- Recognized by the Best Lawyers in Canada (2021) as a leading lawyer in the area of International Trade and Finance Law
- Listed in Who's Who Legal: Canada 2020 as a leader in Trade & Customs
- Recognized by Chambers Canada (2021) as a leading lawyer in the area of International Trade / WTO
- Recognized by Chambers Global (2020) as a leading lawyer in the area of International Trade / WTO
- Listed in Who's Who Legal: Canada 2019 as a leader in Trade & Customs
- Recognized by Chambers Canada (2020) as a leading lawyer in the area of International Trade / WTO
- Recognized by Best Lawyers in Canada (2020) as a leading lawyer in the area of International Trade &

Finance Law
- Recognized by Chambers Global (2019) as a leading lawyer in the area of International Trade / WTO
- Who's Who Legal: Canada 2018 -– Trade & Customs
- Recognized by Chambers Canada 2019 as a leader in International Trade/WTO
- Recognized by Best Lawyers in Canada (2019) as a leading lawyer in the area of International Trade & Finance Law
- Recognized as an Associate to Watch in Chambers Canada, 2018
- Who's Who Legal: Canada 2017 -– Trade & Customs
- Who's Who Legal: 2017 -– Trade & Customs
- Legal Media Group's 2017 Rising Stars for International Trade
- Who's Who Legal: Canada 2016 -– Trade & Customs
- Winner - Vis International Commercial Arbitration Moot – 2011 (Vienna, Austria)
- Second place – International Round of European Law Students' Association WTO trade law moot – 2010 (Santo Domingo, Dominican Republic)

Speaking Engagements:

- The Adjudication of Trade Remedies Disputes by Canadian Courts and Tribunals: What is "Now" and What is "Next"? - The Canadian Council on International Law (CCIL) annual conference
- November 3, 2023
- https://media.heanet.ie/page/10b5c979092548458984b0086f64682a

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- Testifying before Irish Parliamentary Committee on Enterprise, Trade and Employment – Ireland-Canada trade relations (opening statement 35:14)
- June 2023
- https://media.heanet.ie/page/10b5c979092548458984b0086f64682a

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- Ireland–Canada Chamber of Commerce – "CETA and Facilitating Trade Between Ireland and Canada"
- May 2023

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- Increased Use of Global Trade Remedies and Impacts on Businesses
- June 2021

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- Recent Developments in Global Trade Webinar
- September 2019

- https://www.bakerdonelson.com/how-to-navigate-government-procurement-in-canada

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- Global minute: How to Navigate Government Procurement in Canada
- March 30, 2018
- https://www.bakerdonelson.com/how-to-navigate-government-procurement-in-canada

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- All Hands on Deck: Navigating the Tricky Waters of the Federal Government's New Integrity Regime of Public Procurement The Canadian Bar Association, Webinar
- April 2017

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- Country Pricing: Lessons from the anti-dumping regime, Paper by Dr. A. Neil Campbell and Jonathan O'Hara, presented to the 2014 CBA Annual Competition Law Fall Conference, Ottawa
- September 18, 2014

Representative Matters:

- Complaint by CGI Information Systems And Management Consultants Inc. File Nos. PR-2014-006, PR-2014-015 and PR-2014-020 (CITT)
- Complaint by Knowledge Circle, File No. PR-2013-014 (CITT)
- Complaint by Raymond Chabot Grant Thornton Consulting Inc. and Pricewaterhousecoopers LLP, File Nos. PR-2013-005 and PR-2013-008 (CITT)
- Professional Computer Consultants Group v Department of the Environment, File No. PR-2012-016 (CITT)
- Dumping and Subsidizing of Oil Country Tubular Goods from China, RR-2014-003 (CITT)
- Dumping and Subsidizing of Concrete Reinforcing Bar from China, Korea and Turkey, NQ-2014-001 (CITT)
- Dumping of Hot-Rolled Carbon Steel Plate from Brazil, Chinese Taipei, Denmark, Indonesia, Italy, Japan, Korea, NQ-2013-005 (CITT)
- Dumping of Circular Copper Tube from Brazil, China, Greece, Korea and Mexico, NQ-2013-004 (CITT)
- Dumping of Galvanized Steel Wire from China, Israel and Spain, NQ-2013-001 (CITT)
- Dumping and Subsidizing of Seamless Casing Oil and Gas Well Casing from China, RR-2012-002 (CITT)
- Dumping and subsidizing of Pup Joints from China, NQ-2011-001 (CITT)
- Commercial Radio - SOCAN 1.A (2011-2013); Re: Sound (2012-2014); CSI (2012-2013); AVLA/SOPROQ (2012-2017); ARTISTI (2012-2014) (Copyright Board)
- CSI - Online Music Services (2011-2012); SOCAN Tariff 22.A - Online Music Services (2011-2012); SODRAC Tariff 6 - Online Music Services, Music Videos (2010-2012) (Copyright Board)
- NLG 2011 Inc. v. Central 1 Credit Union, 2014 ONCA 508

- Square v. David, 2012 FC 624

Industries: Manufacturing

Practices: Administrative & Public Law, International Trade