

M^e MARTIN BERNARD

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Martin Bernard is highly experienced in both civil and commercial litigation and construction law. He represents major private and public work providers involved in large scale engineering projects. He also acts as an advisor on behalf of major companies in the analysis of tenders and in the awarding of contracts, pursuant to public calls for tenders.

M^e Bernard has also acquired significant experience in administrative and disciplinary law. On several occasions, he has been called upon to act as legal counsel in the course of public inquiries.

An exceptional litigator whose sharp skills are recognized by his peers, Martin Bernard has shared his knowledge at various seminars on the art of pleading held annually since 2005, as part of the Québec Bar's training activities within its Continuing Education Program.

Recently, M^e Bernard was received at the Ordre des administrateurs agréés du Québec and is an arbitrator, member of the Institut de médiation et d'arbitrage du Québec.

Before setting up his own law firm in 2009, Martin Bernard worked at the Litigation Department of the Québec Ministry of Justice (Attorneys' office) from 1983 to 1987.

He then joined a major national law firm, where he became head of the Litigation Department made up of more than 30 lawyers. He also sat on the firm's Board of Directors.

Education

- 1984 – Called to the Québec Bar
 - 1983 – Université de Sherbrooke, LL.B.
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Areas of expertise

- Civil and commercial litigation
 - Construction law
 - Administrative and disciplinary law
 - Civil and commercial arbitration
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Associations and activities

- Québec Bar
- Canadian Bar Association
- Governor of the Québec Bar Foundation
- Member of the "Ensemble" Campaign at the Université de Sherbrooke (2005-2006)
- Member of the Sherbrooke Foundation Seminar
- Member of the Université de Sherbrooke Teachers' Association
- Member of the Board of the annual GRIS-Montreal fund-raising campaign (2007-2008)
- Arbitrator, member of the Institut de médiation et d'arbitrage du Québec
- Chartered Administrator, member of the Ordre des administrateurs agréés du Québec

Québec Bar

- Disciplinary Board (2006-2008)
- Arbitration Board on Lawyers Professional Fees (2005)

Montreal Bar

- President of the Montreal Bar Liaison Committee with the Superior Court with regard to civil matters (2008-2009 and 2010-2011)
- Montreal Bar Liaison Committee with the Superior Court with regard to civil matters (2006-2007)
- *Ad hoc* committee on the Best Practices Guide (2009-2010)
- Committee on the administration of justice in civil matters (2008-2009 and 2010-2011)

A representative sample of mandates

In the area of construction law

- **Hydro-Québec**

Legal counsel for Hydro Québec in two major lawsuits involving the Grand-Mère and the Beauharnois hydroelectric power stations, where the disputed amounts are respectively \$70 million and \$15 million.

- **Société québécoise d'assainissement des eaux**

Advisor to the Société québécoise d'assainissement des eaux (SQAE) in connection with the analysis of tenders and the awarding of contracts in the course of implementing the Programme d'assainissement des eaux du Québec (PAEQ), which represented an investment of more than \$4 billion since 1980. As part of this mandate, M^e Bernard also acted as an advisor to several Québec municipalities with respect to municipal jurisdiction in zoning matters.

He also represented the SQAE with respect to all of the claims related to the PAEQ, which ranged from \$100,000 to \$10 million.

- **Montreal Port Authority**

Legal counsel for the Montreal Port Authority in relation to claims totalling more than \$4 million with respect to repairs done on the Port's quays and storage areas.

M^e Bernard also advises the Montreal Port Authority on matters relating to public calls for tenders and to the awarding of contracts.

- **Société d'habitation et de développement de Montréal – Société de développement de Montréal**

Legal counsel for the Société d'habitation et de développement de Montréal (SHDM) in relation to claims ranging from \$1 to \$4 million in connection with the completion of major construction projects (such as Chaussegros-de-Léry, Monastère du Bon-Pasteur and Le Royer St-Claude).

M^e Bernard also acted as legal advisor to SHDM in relation to the analysis of tenders pursuant to public calls for tenders in connection with major future projects.

- **Agence métropolitaine de transport**

Legal counsel for the Agence métropolitaine de transport (AMT) in various lawsuits against general contractors.

M^e Bernard also acts on behalf of the AMT as an advisor in all matters relating to public calls for tenders and the awarding of contracts.

- **Bibliothèque nationale du Québec**

Advisor to the Bibliothèque nationale du Québec in the analysis of tenders and the awarding of contracts in connection with the realization of its Grande Bibliothèque Project. M^e Bernard also acted as legal counsel for the library in lawsuits instituted by or against the Grande Bibliothèque, totalling more than \$7 million.

- **Palais des congrès de Montréal**

Advisor to the Palais des congrès de Montréal in connection with the analysis of tenders that gave rise to its expansion.

- **Dessau-Soprin inc.**

Legal counsel for the engineering-construction company Dessau-Soprin inc. (today Dessau) during the Coroner's Inquest, and the disciplinary inquiries and legal proceedings in relation to the collapse of Du Souvenir overpass in Laval.

In the area of disciplinary and administrative law

- **Ordre des ingénieurs du Québec**

Advisor to the Ordre des ingénieurs du Québec in connection with the overhaul of professional peer review in 1988, the revision of the *Engineer's Code of Professional Conduct* and in matters related to the Office of the Syndic.

M^e Bernard has also acted on behalf of the Ordre des ingénieurs du Québec in lawsuits instituted against the American Company Birdair inc. pursuant to roof work carried out on the Montreal Olympic Stadium roof.

- **Québec Police Commission**

Prosecutor-investigator on behalf of the Québec Police Commission in several disciplinary inquiries into members of the police force, all across Québec.

- **Régie des permis d'alcool du Québec**

Prosecutor-investigator on behalf of the Régie des permis d'alcool du Québec (today the Régie des alcools, des courses et des jeux) in numerous inquiries into alcohol permit holders.

- **Investment Industry Regulatory Organization of Canada**

Advisor and legal counsel to the Investment Industry Regulatory Organization of Canada (IIROC).

- **McGill University Discipline Committee**

M^e Bernard has sat on the McGill University Discipline Committee to deal with disputes involving the University and its Law Faculty.

In the area of municipal law

- Advisor and attorney for Ivanhoé Cambridge and Groupe Pacific.

In the area of public inquiry commissions

- Since the adoption of the *Act respecting the determination of the causes and circumstances of death in the Province of Québec*, M^e Bernard has acted as legal counsel in several public inquiries ordered by the Coroner's Office.

Lecturer

- ***The art of pleading***
Seminar of the Québec Bar (2007)
St-François District Bar (2008)
Symposium of the Association des avocats et avocates de province (2009)
- ***Superior Court: Better equipped to better manage***
Symposium of the Montreal Bar, chaired by M^e Martin Bernard (2009)
- ***The unique expert***
Symposium of the Montreal Bar, chaired by the Honorable Deputy Chief Justice, André Wery (2008)
- ***The agreement as to the conduct of proceedings for a better management of files***
Symposium of the Montreal Bar, chaired by the Honorable Chief Justice, François Rolland, and the Honorable Deputy Chief Justice, André Wery (2007, 2009, 2010)
- ***The Environmental Responsibility of Canada's Port Authorities***
49th annual general meeting of the Canadian Port Authorities Association (2007)

In 2001, M^e Bernard chaired a major international conference on municipal mergers entitled "**Reinventing our cities: how to successfully amalgamate municipalities**".

Awards

- Recipient of an honorary medal "Tribute from the Bar", awarded at the Québec Bar Symposium in 2007, designed to pay homage to M^e Bernard's participation in the seminars on the art of pleading that have been taking place annually at the Université de Sherbrooke since 1982.
- Since 2006, candidate selected by his peers to be listed in The Best Lawyers in Canada directory and by International WHO'S WHO of Professionals in construction law.

Teaching

- Facilitator on behalf of the Quebec Bar at Seminars on the Art of Pleading, a course within its Continued Education Program which is given yearly at the Université de Sherbrooke (since 2005)
- Teacher at the Law Faculty of the Université de Sherbrooke (2009) (Obligations I)