

## Jean-Yves Simard

### Partner

Jean-Yves Simard is a partner and was a member of the Board of Directors of the firm from 2012 to 2017. He specializes in commercial litigation, bankruptcy and insolvency, extraordinary remedies, as well as realizing on security.

Mr. Simard acts in commercial litigation of all kinds, major insolvency cases, shareholder disputes, securities litigation, liquidation proceedings, injunctions, and cases involving the realization of movable and immovable security.

At conferences organized by the Canadian Bar Association, Insight, The Canadian Institute, and the Canadian Finance and Leasing Association (CFLA), as well as at business luncheons held for the firm's clients, Mr. Simard has spoken on subjects related to commercial litigation, bankruptcy and insolvency, realizing on security, and civil procedure.

In 2009, Mr. Simard served on the jury for the oral exam administered by the Superintendent of Bankruptcy for trustee candidates for the Province of Québec.

Mr. Simard also teaches at the *École du Barreau du Québec*.

### Publications

Cumming Tom, Konowalchuk Orest and Simard Jean-Yves, "Intersection between Insolvency and Regulatory Law: The Fall-Out after Redwater", CBA National Insolvency Conference, November 2019

█ Once Upon a Time in the West: Redwater, its Trustee and the Environmental Arm of the Law, March 2019, Alexandra Belley-McKinnon, Daniel Bouchard, Chloé Fauchon and Jean-Yves Simard

█ Directors in the crosshairs of the Supreme Court, Need to Know - August 2017, Jean-Yves Simard and Bernard



## Partner, Lawyer Montréal

Telephone [514.877-3039](tel:514.877.3039)

Fax 514 871-8977

[jysimard@lavery.ca](mailto:jysimard@lavery.ca)

### Languages

English

French

### Practice areas

**Commercial Litigation**

Trang

[Bitter Bidder Better Stand? Bloom Lake, g.p.l.](#)

*(Arrangement of)*, 2015 QCCS 1920, Need to Know – June 2015 Jean-Yves Simard, Léa Pelletier-Marcotte

[Does the federal pension deemed trust outrank a perfected security interest in the context of CCAA proceedings? The Superior Court of Québec weighs in](#) ,

Need to Know — April 2014, Jean-Yves Simard, François Parent, Josée Dumoulin, and Brittany Carson

[The Supreme Court rules in Indalex: DIP lenders rank ahead of pension beneficiaries in CCAA Restructuring. In Fact and in Law](#) — April 2013, Jean-Yves Simard, Josée Dumoulin, and François Parent

[Creditors suspected of wishing to eliminate a competitor: The Court refuses to annul their votes against a plan of arrangement. In Fact and in Law](#) — October 2012, Jean-Yves Simard

[CCAA: Is the termination of employment contracts subject to section 32 CCAA?](#), In Fact and in Law — October 2012, Jean-Yves Simard

[The “Critical Supplier” in Québec Jurisprudence and a Québec Perspective on INDALÉX, Other](#) — October 2012, Jean-Yves Simard

[Superior Court refuses to import Indalex decision into Quebec law. In Fact and in Law](#) — July 2012, Jean-Yves Simard

[The Doorcorp Case: The Court of Appeal renders yet another decision on section 139 BIA and the postponement of claims. In Fact and in Law](#) — June 2012, Jean-Yves Simard

[Secured or postponed: Where does the secured lender who shares?](#), In Fact and in Law — July 2011, Jean-Yves Simard

[BIA: Equity claims in proposals – A look at new section 54.1 BIA. In Fact and in Law](#) — March 2011, Jean-Yves Simard

[CCAA: Bet on the right horse – the “stalking horse” in](#)

Restructuring and Insolvency

Financial Products and Services

Quebec, In Fact and in Law — February 2011, Jean-Yves Simard

■ CCAA: The use of credit bids at an auction is scrutinized by Quebec Courts In Fact and in Law — January 2011, Jean-Yves Simard and Jonathan Warin

■ Bitter Bidder Bites the Dust, In Fact and in Law — July 2010, Jean-Yves Simard

■ Plan of Arrangement Under the CCAA or Assignment in Bankruptcy Under the BIA: Which Takes Priority?, In Fact and in Law — June 2010, Jean-Yves Simard and Dominique Vallières

■ Bankruptcy: RRSPs and Life Insurance Policies - The Supreme Court Rules on the Trustee's Rights, In Fact and in Law — November 1999, Jean-Yves Simard

■ RRSPs - Are they subject to seizure ?, Other — October 1995 Serge Bourque and Jean-Yves Simard

These newsletters are available on Lavery's website (Lavery – Publications – Jean-Yves Simard) or by contacting Mr. Simard's assistant.

## Conferences

■ 2019 CBA Insolvency Law Conference in Banff on November 07, 2019 on the “*Intersection between Insolvency and Regulatory Law: The Fall-Out after Redwater*”, *The Canadian Bar Association*

■ 2018 CBA National Insolvency Law Conference in Vancouver, BC on September 13-14, 2018 on the Annual Cross-Canada Update panel, with a presentation titled 2018 Update on Insolvency Law in the Province of Quebec

■ 2017 CBA National Insolvency Law Conference in St. John's, NL on September 14-15, 2017 on the Annual Cross-Canada Update panel, with a presentation titled 2017 Update on Insolvency Law in the Province of Quebec

■ “*Safeguard and interim orders as part of an oppression remedy*”, conference presented to judges of the Québec Superior Court-Commercial division (December 15, 2015)

■ “*The outside counsel and in-house lawyer: succeeding together*”, presented to members of the Bar of Montreal (March 17, 2015)

■ “*2013 Update on Insolvency Law in the Province of Québec*” as part of the Ninth Annual Pan-Canadian Insolvency and Restructuring Law Conference in Calgary (September 20, 2013)

■

“The ‘Critical Supplier’ in Québec Jurisprudence and a Quebec Perspective on Indalex” as part of the Eighth Annual Pan-Canadian Insolvency and Restructuring Law Conference of the Canadian Bar Association (October 12, 2012)

“Introduction to Canadian Bankruptcy and Insolvency” as part of the NACM Conference in Quebec City (June 20, 2013)

“2011 Update on Insolvency Law in Quebec” as part of the Seventh Annual Pan-Canadian Insolvency and Restructuring Law Conference of the Canadian Bar Association

“Plan of arrangement under the CCAA or assignment in bankruptcy under the BIA: which takes priority?” (2011) 26 *N.C.D. Rev.* 8

“Bitter Bidder Bites the Dust” (2010) 25 *N.C.D. Rev.* 60

“Risk Management and Commercial Contracts” given at a Lavery symposium

“2010 Update on Insolvency Law in the Province of Québec” as part of the Sixth Annual Pan-Canadian Insolvency and Restructuring Law Conference of the Canadian Bar Association

*Le nouvel Article 45 du Code du travail et l'exploitation continue dans un contexte d'insolvabilité* [New article 45 of the Labour Code and continuous operation in an insolvency context]

*Les droits et obligations du bailleur, du locataire et du syndic dans un contexte d'insolvabilité* [The rights and obligations of the lessor, the lessee, and the trustee in an insolvency context]

*Certains recours des actionnaires de compagnies privées: il n'y a pas que l'oppression! L'action dérivée et le recours en liquidation* [Remedies available to shareholders of private corporations are not limited to oppression! The derivative action and winding-up remedies are also available]

## Distinctions

The Best Lawyers in Canada in the fields of Corporate and Commercial Litigation, as well as Restructuring and Insolvency, since 2012



## Education

LL.B., *Université de Montréal*, 1987

Member of the *Barreau du Québec* since 1988

## Boards and Professional Affiliations

Member of the *Conseil de discipline du Barreau du Québec*

Secretary of the National Insolvency Law section of the Canadian Bar Association

Canadian Bar Association

Governor of the *Fondation du Barreau du Québec*

INSOL

Member of the Canadian Insolvency Foundation

Member of the Turnaround Management Association

Member of the American Bankruptcy Institute (ABI)