

Ian Rose, FCI Arb

Partner

Ian Rose is a senior litigator, arbitrator and mediator with experience in civil and commercial disputes in many areas including insurance coverage, construction matters, product liability, professional liability, directors' and officers' liability, and intellectual property. He specializes in complex matters involving multiple parties, and has also acted as monitoring counsel in litigation involving multiple jurisdictions.

He has extensive experience before all levels of Quebec's civil courts and has also represented clients before the Supreme Court of Canada. He has been called as an expert witness on Quebec law before the Superior Court of Justice (Ontario) and the High Court of Justice in London, England.

Mr. Rose is a member of the Quebec Bar, a certified mediator and a Fellow of the Chartered Institute of Arbitrators. He is also a Member and Chairman of the Insurance and Financial Services Table of the Quebec Mediation and Arbitration Institute of Quebec (IMAQ), as well as a member of the International Chamber of Commerce (ICC) Canada Arbitration Committee. Furthermore, as of January 2020 Mr. Rose will be teaching Insurance Law as a Sessional Lecturer at McGill Faculty Law.



Representative Mandates

- Lead counsel for an industrial chemical products supplier named in a class action filed on behalf of the victims of a legionella outbreak in Quebec City
- Lead counsel for several insurers involved in litigation concerning the application of Quebec law to the worldwide professional liability insurance program of Coopers & Lybrand in the context of the Castor Holdings litigation
- Lead coverage counsel for the liability insurer of one of the central parties in litigation involving hundreds of claims totalling some half a billion dollars involving

Partner, Lawyer Montréal

Telephone [514.877-2947](tel:514.877.2947)

Fax 514 871-8977

irose@lavery.ca

Bar Admission

Québec, 1973

Languages

English
French

defective concrete

Lead counsel for a D&O insurer sued directly as defendant in a class action along with the directors and accountants of a company allegedly having included misleading information in its IPO prospectus

Lead counsel for the D&O insurer of the directors before the Quebec Court of Appeal and the Supreme Court of Canada in the landmark decision concerning duties of directors and officers in Canada, *Peoples Department Stores v. Wise*

Lead counsel before the Quebec Superior Court and the Quebec Court of Appeal defending a multinational industrial products manufacturer in a multimillion dollar lawsuit involving an allegedly defective recovery boiler

Counsel for a leading Canadian D&O insurer in a coverage dispute involving several million dollars in defence costs for multiple lawsuits instituted in the U.S. involving claims of hundreds of millions of U.S. dollars

Lead negotiator in achieving landmark agreement between Quebec authors and book publishers leading to the creation of the Quebec copyright collective COPIBEC – *Société québécoise de gestion collective des droits de reproduction*

Sole Arbitrator in a contract dispute between a French publisher and a Canadian licensee regarding royalties

Practice areas

Mediation and Arbitration

Insurance

Professional Liability

Special Risk Insurance

Product Liability

Commercial Litigation

Class Actions

Publications

DRI Compendium *Writing a Reservation of Rights* (co-author, Quebec section)

"Legal Developments for Directors and Officers in Canada" (co-authored) in *Executive Risks: A Boardroom Guide 2012/13*, by White Page in collaboration with Willis Finex Global

"*Quelques réflexions sur la responsabilité du fabricant au Québec à la lumière de l'arrêt Domtar*", AGRAQ, January 22, 2009

"Recent Developments in the Securities Class Action Field in Canada" in *PLUS Magazine*, February 2006

"Canada (& Quebec)" (co-authored with André Laurin & Isabelle Lamarre) in *The Willis Worldwide Directory of Directors' and Officers' Liability*, 3rd ed., London, 2005

Conferences

"*Médiation dans le monde des affaires – Assurance*", as part of the *Rendez-vous 2018-2019* of the *Clinique de médiation de l'Université de Montréal (CMUM)*, October 30, 2018

"Statutory civil liability remedies for investors in the secondary securities markets", F.P. publication, 4th Conference on the liability of directors and officers, February 2013

"Exploring Trends in D&O Liability – Certain Canadian Trends", Canadian Institute's 12th Annual Forum of Directors', Officers' and Fiduciary Liability, Montreal, October 22-23, 2009

"The Canadian ABCP Experience: The Montreal Accord of 2007 and the Metcalfe & Mansfield CCAA Plan of Arrangement" as part of the PLUS conference "*La crise mondiale du crédit : où en sommes-nous ? Où allons-nous?; D&O, E&O et autres types de responsabilité*", PLUS Seminar, Montreal, May 6, 2009

"Directors' Duties: The Supreme Court Confirms that Directors Owe No Fiduciary Duty to the Company's Creditors", McGill University, Faculty of law, Montreal, February 8, 2006

"Current Developments in D & O Litigation: What You Need to Know in Light of Peoples v. Wise and other Recent Court Decisions", Canadian Institute, October 25, 2005

"When They Sneeze... Emerging Trends in Canadian Directors' & Officers' Claims", RIMS Canada, Montreal, September 19, 2005

"Peoples Department Stores Inc. v. Wise: Directors' Duties Defined", QRIMA, November 2004

"The Liability of Pension Plan Administrators in the Quebec and Canadian Context", QRIMA, Montreal, February 26, 2004

"Barbarians at the Gate? Corporate Disclosure and Securities Class Action Litigation in Canada", QRIMA, Montreal, February 15, 2001

Distinctions

The Best Lawyers in Canada in the fields of Director's' and Officers' Liability, and Insurance Law

The Canadian Legal LEXPERT® Directory in the field of Director's and Officer's Liability

Who's Who Legal in the field of Insurance & Reinsurance, National Leader, 2019, 2020

Practical Law Company (PLC) Cross-Border Insurance Handbook

Fellow, Litigation Counsel of America (LCA)





Education

B.C.L., McGill University, 1971

B.A., McGill University, 1968

Certified Mediator (*Barreau du Québec* and Arbitration and Mediation Institute of Quebec (IMAQ))

Fellow, Chartered Institute of Arbitrators (FCIArb)

Boards and Professional Affiliations

Barreau du Québec since 1973 (Quebec Bar)

Governor of the *Fondation du Barreau du Québec*

Canadian Bar Association (Chairman of the Insurance Law Section (1990))

American Bar Association

International Bar Association

Chartered Institute of Arbitrators

ICC Canada Arbitration Committee

Arbitration and Mediation Institute of Quebec (IMAQ); Chairperson of IMAQ's Insurance and Financial Services Sector Committee (*Table Sectorielle en assurances et en services financiers*)

ADR Institute of Canada (ADRIC)

Professional Liability Underwriting Society (PLUS); Member of the Canadian Chapter National Steering Committee (1996-2007); Founding Chairman of the Quebec Sub-Section of the Canadian Chapter (2002-2014)

Defence Research Institute

Canadian Defence Lawyers

■ Member of the Board of Directors and the Editorial Board of the *Cahiers de propriété intellectuelle*
(1998-2008)

Specialities

■ Arbitrator

■ Certified mediator