



THE HONOURABLE JOEL A. SILCOFF SENIOR COUNSEL

Bar of Québec – 1968

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AREAS OF EXPERTISE

Arbitration and dispute
resolution

Shareholder disputes and
directors and officers liability

Civil and commercial litigation

BIOGRAPHY

The Honourable Joel Avery Silcoff joined LCM Attorneys Inc. as Senior Counsel in February 2017, following his retirement as a Judge of the Superior Court of Quebec.

Maître Silcoff was appointed to the Superior Court in 2000. He was a member of the ad hoc Organizing Committee that gave rise to the establishment of the Commercial Division of the Court, as well as of the standing committee on the rules of procedure of the Superior Court. He represented the Court as a member of the Committee on the Accessibility to the Justice System in the English Language, and taught advanced judgment writing courses to francophone judges as part of the Judges' Language Training Program organized by the Office of the Commissioner for Federal Judicial Affairs.

As a member of the Commercial Division of the Court, he frequently presided trials involving complex corporate and commercial disputes and rendered several landmark decisions in the areas of shareholders' oppression remedies, corporate reorganizations (including arrangements pursuant to the Canadian Business Corporations Act), banking law, calls for tenders by governmental authorities, contractual interpretation and international arbitration.

In the Fall of 2017, he joined the Faculty of Law of McGill University as a Course Lecturer, sharing his expertise in the field of oppression remedies and corporate arrangements in the context of a course entitled "BCE Revisited".

Prior to his appointment to the Superior Court, he practiced law primarily in the areas corporate and commercial litigation. He has appeared as counsel before the Supreme Court of Canada as well as before all levels of the Courts below and numerous Commissions of Inquiry and Administrative Tribunals.

From 1975 to 1978 he lectured a course in the Faculty of Arts and Science at Concordia University entitled “Legal Issues Affecting Society”. He has recently participated in this program as a guest lecturer.

REPRESENTATIVE WORK

Maître Silcoff is certified as an arbitrator and a mediator by the Institut de médiation et d'arbitrage du Québec (IMAQ) and is a member of the Canadian Arbitration Practitioners of the Canadian Chamber of Commerce/ICC Canada (the Canadian national committee of the International Chamber of Commerce).

REPRESENTATIVE JUDGMENTS

The following are some of the reported judgments of Justice Silcoff:

Alstom Canada inc. v. Société de transport de Montréal, 2008 QCCS 8, [2008] R.J.Q. 387

BCE Inc. v. 1976 Debentureholders, 2008 QCCS 898, [2008] R.J.Q.1029; 2008 QCCS 905, [2008] R.J.Q. 1097; 2008 QCCS 907, [2008] R.J.Q. 1119 (Supreme Court of Canada: 2008 SCC 69, [2008] 3 S.C.R. 560)

Louis Dreyfus, s.a.s. (SA Louis Dreyfus & Cie) v. Holding Tusculum, b.v. (2008 QCCS 5903, 2008 QCCS 5904)

Mazzarolo v. BMO Nesbitt Burns Itée, 2009 QCCS 274 (Court of Appeal: 2013 QCCA 245)

Samen Investments Inc. v. Monit Management Limited (Monit Management Limited v. Samen Investments Inc.), 2010 QCCS 5788 (Court of Appeal: 2014 QCCA 826)

Vidéotron Itée v. Bell ExpressVu, l.p., 2012 QCCS 3492 (Court of Appeal: 2015 QCCA 422)

Churchill Falls (Labrador) Corporation Ltd. v. Hydro-Québec, 2014 QCCS 3590 (Court of Appeal: 2016 QCCA 1229) (Supreme Court of Canada, awaiting judgment).

PUBLICATIONS, CONFERENCES AND ACADEMIC ACTIVITIES

McGill University – Faculty of Law: Course lecturer (Fall 2017)

Conference: 5th Worldwide Common Law Judiciary Conference, Sydney, Australia, 2003

Conference: Canada-China Judicial Linkages Project: Civil Evidence Technical Exchange Program, National Judicial Institute, Vancouver, British Columbia, 2006

Conference: International Cross-border Insolvency and Restructuring, INSOL International, Buenos Aires, Argentina, 2008

Civil Law Seminar: Contract Law, National Judicial Institute, St. John's, Newfoundland, 2009

Conference: Managing the Complex Civil Trial, National Judicial Institute, St. John's, Newfoundland, 2009

Conference: Electronic Court Files: “Paperless trials”, National Judicial Institute, Montreal, Quebec, 2014

EDUCATION

B.A. Economics and Political Science, Sir George Williams University, 1964

M.B.A., Columbia University Graduate School of Business, 1967

B.C.L., McGill University, 1967

PROFESSIONAL ASSOCIATIONS

Barreau du Québec

ICC Canada / Canadian Chamber of Commerce

Institut de médiation et d'arbitrage du Québec (IMAQ)

Canadian Bar Association

Lord Reading Law Society

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