



## Joan M. Young\*

Co-Chair, Litigation  
Co-Chair, B.C., Administrative & Public Law  
Vancouver

604.893.7639  
joan.young@mcmillan.ca  
\*Law Corporation

### education and year of call

- Called to the British Columbia bar - 1991
- University of Victoria, LLB - 1990
- University of British Columbia, BA - 1987

### practice areas

litigation  
class actions  
data breach and privacy litigation  
product liability  
competition and antitrust  
administrative law  
privacy and data protection  
aboriginal law  
government and public policy  
business litigation  
dispute resolution  
white collar defence and government investigations

### industries

mining  
media, communications and entertainment  
forest products  
automotive  
manufacturing, distribution and retail

### profile

Joan Young is a partner and senior litigator in the firm's Advocacy & Litigation Group, and the Competition & Antitrust Group. She also serves as a member of the firm's Professional Services Committee. Her practice emphasizes complex civil and commercial litigation, class actions, and administrative/regulatory hearings representing a wide range of clients and industries, such as automotive, mining, forestry, hospitality, manufacturing and government. Known as a highly skilled advocate with over 24 years of trial and appeal experience, Joan's extensive commercial litigation background includes product liability, class actions, conspiracy claims, tort law, contractual claims, employment law, administrative law and judicial review, government and public agency law, and aboriginal law.

Joan represents clients at all levels of courts in British Columbia, including civil jury trials, as well as appearing before multiple administrative tribunals and boards. She has extensive experience advising and defending private sector clients on the impact of public and administrative law decisions. As well, Joan has considerable experience representing public institutions in claims related to the operation of government programs. Joan is skilled in providing proactive advice to public and private sector business on how to prevent and resolve disputes. Using the strength of her courtroom experience, Joan provides guidance to her clients in successfully managing and reducing litigation risk in their business operations. She is equally experienced working with clients to settle claims in alternative dispute resolution and in mediation of claims outside of the court system. Joan's clients routinely express their trust and appreciation for her legal skills.

As one of British Columbia's most experienced professionals for public sector procurements, Joan has been appointed in over 15

Joan M. Young  
t: 604.893.7639  
joan.young@mcmillan.ca

high profile and multi-million dollar procurements. Joan is sought out to provide advice and oversight on the entire public procurement process from the initial development of the bid opportunity through to selection of preferred proponent.

Joan is a former Legal Advisor to the Office of the Premier, and Special Assistant to the Attorney General. She has significant public sector experience serving on both the policy and legal sides of the Ministry of Attorney General for eight years. Joan is currently the Chair of the Board of Directors of the Museum of Vancouver, and previously held appointments as a member of the Environmental Appeal Board, as Corporate Secretary to the Motor Carrier Commission and as a Director of the Michael Smith Foundation for Health Research, Victoria Airport Authority, the Food Innovation Centre of B.C. and the Vancouver Island Multiple Sclerosis Society. She also served as an instructor at Camosun College in the School of Business

## directorships and professional associations

- Chair of the Board of Directors Museum of Vancouver
- Advocates' Society
- Vancouver Bar Association
- Canadian Bar Association, BC Branch
  - Class Action Section, Executive Member
  - Competition Law (National)
  - Vice-Chair of the Civil Litigation Section (past)
  - Provincial Council Member (elected), Vancouver County Representative (2009-2012)
  - Products Liability Section
  - Civil Litigation Section
  - Aboriginal Law Section, Executive Member
- American Bar Association (Antitrust Section)
- Defence Research Institute (U.S.)
  - Products Liability Committee
  - Women in the Law Committee
- Board of Directors, Michael Smith Foundation for Health Research

## representative matters

Joan Young has been counsel to the following:

- Defending a global chemical supplier in connection with a multi-million dollar product liability claim brought by a pulp mill operator
- Counsel to global auto-parts manufacturer defending civil

Joan M. Young  
t: 604.893.7639  
joan.young@mcmillan.ca

cartel/conspiracy class action proceedings relating to Ignition Coils

- Counsel to a global shipping company defending civil cartel/conspiracy class action proceedings relating to "Roll-on, Roll-off" Car Carriers
- Counsel to a leading electronics manufacturer defending civil cartel/conspiracy class action proceedings relating to Capacitors
- Counsel to a joint-venture electronics manufacturer defending civil cartel/conspiracy class action proceedings relating to Optical Disk Drives
- Representing Avanti Mining in Federal Court and Supreme Court judicial review proceedings related to its environmental assessment certificate and related Fisheries Act permits for the Kitsault Mine project
- Advising a mining company on aboriginal and injunction issues associated with a coal exploration project
- Counsel to global auto-parts manufacturers defending civil cartel/conspiracy class action proceedings relating to Automotive Wire Harness Systems and Heating Control Panels.
- Counsel for Google Inc. in a Class Action for Competition Act consumer claims and breach of privacy.
- Counsel for a pharmaceutical company to protect trade secrets and confidential information from disclosure under access to information laws.
- Counsel for the Province of British Columbia in successfully opposing a certification of a Class Action involving medical services to children with Autism.
- Counsel to a foreign exchange company regarding protection of confidential information and enforcement of restrictive covenants.
- Counsel for a fire products manufacturer in multiple claims involving product liability claims by both consumers and commercial parties.
- Representing a forestry company to oppose an injunction related to their harvesting activities in a First Nation's traditional territories.
- Counsel for the Province of British Columbia in defending a multi-plaintiff claim of historic sexual and physical abuse at a former Boys Industrial School culminating in the dismissal of all claims after a six and a half month trial in B.C. Supreme Court and the abandonment of related pending class proceedings.
- Counsel for an insurance agent in defending claims of civil

Joan M. Young  
t: 604.893.7639  
joan.young@mcmillan.ca

conspiracy, breach of fiduciary duty and misuse of confidential information.

- Representing a mining company in an appeal of various environmental permits.
- Representing an international mining company to obtain an injunction to prevent the continued blockade of the company's operations.
- Counsel for Marriott Hotels of Canada Ltd in successfully defending a wrongful dismissal lawsuit brought by a senior manager with 22 years seniority.
- Counsel for the Insurance Corporation of British Columbia representing the defendants in a five week jury trial in which the Plaintiff was claiming approximately \$1.5 million in damages. The Jury awarded less than \$40,000 to the Plaintiff.
- Counsel for the Attorney General of British Columbia in representing the Ministry of Children and Families, the Ministry of Education and the Medical Services Commission in a constitutional challenge.
- Counsel for the Ministry of Transportation and Highways in a procurement dispute over a highways tender.

Joan has been appointed in over 18 high profile, multi-million dollar procurements, including:

- Fairness Auditor on the \$700 million City of Calgary West LRT expansion project providing arm's length advice and independent assurance to the City of Calgary as to the fairness and appropriateness of project management activities related to the procurement process.
- Fairness Auditor on the \$200 million Fort St. John Hospital project providing arm's length advice and independent assurance to the Northern Health Authority and Partnerships BC as to the fairness and appropriateness of project management activities related to the procurement process.

## awards and rankings

- Received a "Martindale Distinguished 4.4/5" Peer Review Ranking from *Martindale-Hubbell*.

## teaching engagements

- Instructor, Camosun College, School of Business (past)

## community involvement

- Children's Wish Foundation of Canada, volunteer Gala Committee member (2013-2014)
- Committee Member, Professional Development Committee, Canadian Bar Association (BC Branch) (2013-2015)

Joan M. Young  
t: 604.893.7639  
joan.young@mcmillan.ca

- Representative of the Advisory Committee to the Judicial Council of British Columbia
- Vice Chair, Civil Litigation Section, Canadian Bar Association (BC Branch) (2013-2015)
- Treasurer, Aboriginal Law Section, Canadian Bar Association (BC Branch) (2012-present)
- Treasurer, Class Action Section, Canadian Bar Association (BC Branch) (2014-present)
- Elected Representative, (Vancouver County) Canadian Bar Association (BC Branch) (2009-2012)
- Committee Member, Judicial Compensation Advisory Committee, Canadian Bar Association (BC Branch) (2004-2005)
- Chair, Civil Litigation Section (Vancouver Island), Canadian Bar Association (BC Branch) (2003-2004)
- Practice Advisory Panel member (Civil Litigation) (2002-present)
- Executive Member, Civil Litigation Section (Vancouver Island), Canadian Bar Association (BC Branch) (2001-2005)
- Committee Member, Government Relations Committee, Canadian Bar Association (BC Branch) (2000-2004)
- Member, Legal Education and Action Fund (LEAF) (1990-1994)
- Senator, University of Victoria Senate (elected 2 terms) (1988-1990)
- Member, Senate Committee on Academic Standards, U.Vic (2 terms) (1988-1990)
- Member, President's Equal Rights and Opportunities Committee, U.Vic (1988-1989)
- Member, Dean's Women's Advisory Committee, Faculty of Law, U.Vic (1987-1988)

## media mentions

- "[City can't refuse pot greenhouse: Court](#)" by Megan Devlin, *Richmond News*, September 19, 2018
- "[Treaty rights trump minerals rights: province](#)" by Nelson Bennett, *Business in Vancouver*, January 17, 2017
- "[Treaty entanglements. China Minerals sues British Columbia over incremental treaty agreement](#)" by Eavan Moore, March-April 2016
- "[Mineral rights continue to clash with native land claims in B.C.](#)" by Nelson Bennett, *Business in Vancouver*, March 15, 2016

Joan M. Young  
t: 604.893.7639  
joan.young@mcmillan.ca

- "[Gold prospector sues B.C. over transfer of property over mineral claims](#)" by Derrick Penner, *Vancouver Sun*, February 1, 2016
- "[Junior miner takes B.C. to court over land transfer](#)" by Iain Marlow, *The Globe and Mail*, January 31, 2016
- "[Junior miner alleges de facto expropriation in treaty deal](#)" by Nelson Bennett, *Business in Vancouver*, January 25, 2016
- "[Supreme Court land title ruling may affect First Nations financing](#)" by Wendy Stueck, *The Globe and Mail*, July 2, 2013
- Quoted in article regarding HD Mining temporary foreign worker case
- Featured in article discussing Taseko Mines injunction case on *Stockwatch.com*
- Discussed 100-year-old surveying error in Squamish BC

## publications

### April 2020

The Perils of Imprecision – British Columbia Supreme Court Rebukes Plaintiff for Failing to Stick to the Relevant Facts  
Employment and Labour Bulletin

### March 2020

PLEASE READ: Waivers of Liability Must Be Clearly Identified To Be Effective  
Litigation Bulletin

### March 2020

Old Consideration Is No Consideration for Changes to Employee Contract  
Employment and Labour Law Reporter

### February 2020

Old Consideration Is No Consideration for Changes to Employee Contract  
Litigation Bulletin

### June 2019

Party Cannot Negotiate Certification Defeat from the Jaws of Contested Victory  
Litigation Bulletin

### April 2019

Life is not Fair: Unsuccessful Proponent Admits Non-Compliance with RFP, But Sues Fairness Advisor Anyways  
Construction Bulletin

### September 2018

Head of the Class: Changes to BC's Class Proceedings Act  
Class Action, Litigation Bulletin

Joan M. Young  
t: 604.893.7639  
joan.young@mcmillan.ca

**September 2018**

How Far is Too Far? Court Strikes Down the City of Richmond's Attempt to Curtail the Cannabis Industry  
Litigation Bulletin

**June 2017**

Supreme Court of Canada Turns the Other Cheek: Facebook's "Terms and Conditions" – Forum Selection Clause Unenforceable  
Litigation and Privacy Bulletin

**May 2017**

Get Out and Vote: Employer Obligations on B.C. Election Day  
Employment and Labour Relations Bulletin

**April 2017**

Duty to Consult does not Apply to all Aboriginal Concerns  
Aboriginal Law Bulletin

**January 2017**

Class Actions Keep on Rollin'  
Class Action Bulletin

**January 2017**

Should I stay or should I go? BC Supreme Court Stays Wrongful Dismissal Proceeding  
Employment & Labour Bulletin

**January 2017**

Court of Appeal Holds Duty to Consult Does Not Apply to Statutory Interpretation  
Aboriginal Law Bulletin

**August 2016**

Employee Can't Have Cake and Eat It Too: Court Strikes Employee's Claims for Lack of Jurisdiction  
Employment and Labour Bulletin

**2016**

Getting the Deal Through - Private Antitrust Litigation 2016, Canada Chapter  
Law Business Research

**December 2015**

It's a "Like": Facebook Class Certification Overturned by Appeal Court  
Canadian Privacy Law Review, Vol. 13, No. 1

**November 2015**

Keep your (fiduciary) hands off my money: *Louie v. Louie*, 2015 BCCA 247  
Aboriginal Law Bulletin

Joan M. Young  
t: 604.893.7639  
joan.young@mcmillan.ca

**October 2015**

Employer Obligations on Federal Election Day  
Employment and Labour Bulletin

**September 2015**

It's a "like": Facebook class certification overturned by appeal court  
Litigation Bulletin

**June 2015**

Commonality is Key: Class Proceeding Certification Denied  
Litigation Bulletin

**March 2015**

It's Not Just a "Like": Court Certifies Facebook Class Action  
Internet and E-Commerce Law in Canada, Vol. 15, No. 11

**March 2015**

Diamonds are a Class Counsel's Best Friend: *Fairhurst v. Anglo American PLC*  
Class Action Bulletin

**March 2015**

One Step Forward and Two Steps Back: Province Found to Have Breached Aboriginal Consultation Obligations for Second Time  
Aboriginal Law Bulletin

**February 2015**

Knock, Knock: Responding to Search Warrants and Inspections in the Environmental Law Context  
Environmental Law Bulletin

**October 2014**

Aboriginal Claims and Standard of Review of the Specific Claims Tribunal: *Canada v Kitselas First Nation*<sup>1</sup>  
Aboriginal Law Bulletin

**September 2014**

The Post-*Tsilhqot'in* World: Court Rejects First Nation's Assertion of Crown Obligation to Negotiate and Settle Litigated Claims  
Aboriginal Law Bulletin

**July 2014**

Court affirms right of Province to "Take up" Treaty Lands – *Grassy Narrows First Nation v. Ontario (Natural Resources)*  
Aboriginal Law Bulletin

**June 2014**

Supreme Court declares Aboriginal title in *Tsilhqot'in Nation v. British Columbia*<sup>1</sup>  
Aboriginal Law Bulletin



Joan M. Young  
t: 604.893.7639  
joan.young@mcmillan.ca

**June 2014**

Province punished in costs in flawed consultation case: *Moulton Contracting Ltd. v. British Columbia*<sup>1</sup>  
Aboriginal Law Bulletin

**June 2014**

It's Not Just a "Like": Court Certifies Facebook Class Action  
Litigation Bulletin

**presentations**

**February 2020**

Defending Innovation  
Defence Research Institute Products Liability Seminar, New Orleans

**May 2018**

Preparing for Mediation  
Advocates Society, Mediation Advocacy

**November 2017**

Defending a Product Liability Claim  
Continuing Legal Education

**December 2, 2015**

Managing Regulatory Risks: Compliance, Inspections and Investigations  
Course Leader, Lexpert Seminar, St. Andrews Club, Toronto

**March 2015**

Privacy Law  
Presenter, Federated Press 3rd Mini LLB for Aboriginal Leadership Workshop, Calgary

**March 2015**

The Duties of Loyalty and Confidentiality  
Civil Litigation Basics—2015 Update Paper 6.2, Continuing Legal Education Society of British Columbia

**March 2, 2015**

Code of Professional Conduct  
Presenter, CLEBC Civil Litigation Basics 2015 Course, Vancouver, BC

**November 15, 2014**

Indigenous Rights – Right in Your Backyard: *The Post Tsilhqot'in World*  
Presenter, CBABC 9<sup>th</sup> Annual Branch Conference