



Michel Gagné

Partner

Montréal

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Bar Admission

Québec 1989

Law School

Université Laval

Practices

Litigation and Dispute Resolution
Class Actions
Corporate Commercial Litigation
IP Litigation
Products Liability
Professional Liability
Environmental, Regulatory & Aboriginal (ERA)

Industries

Pharmaceutical
Global Metals & Mining
Franchise & Distribution

Michel Gagné is a partner in our Litigation Group in Montréal. His practice focuses on commercial and civil litigation, and more specifically on complex technical litigation.

Mr. Gagné specializes in defending class actions as well as in environmental litigation. More specifically, he defends manufacturers' liability class actions related to pharmaceutical and consumer products. He has extensive experience in personal injury cases and in cases involving soil and groundwater contamination. He regularly pleads before the civil courts. His experience includes numerous proceedings for damages, injunctive relief and judicial review. He is skilled in statutory penal law and has pleaded before numerous administrative tribunals and arbitration boards.

He has had the opportunity to lead cases in various fields, including in the areas of technology and intellectual property, administrative and constitutional law, as well as expropriation. He has managed contractual and unfair competition disputes. His experience includes lawsuits with respect to manufacturers' liability and matters related to the *Consumer Protection Act*. He also has extensive experience in health law, professional liability and disciplinary law.

Mr. Gagné regularly provides advice and guidance to clients in the context of potential litigation to minimize their risk of liability. Many clients seek his experience and judgment to obtain strategic advice.

Mr. Gagné also regularly gives lectures, including for the Quebec Bar's continuing education department, the Canadian Bar Association, Insight and the Canadian Institute. Mr. Gagné has taught trial advocacy skills at the Quebec Bar School. He is a past chair of the Environmental Law Section of the Canadian Bar Association's Québec Branch and a member of the Defense Research Institute, an American organization.

Mr. Gagné has co-authored numerous articles, including the following: "La preuve dans un contexte électronique," 2001; "L'incidence de la condition personnelle préexistante de la victime sur l'évaluation des dommages : l'importance du lien causal," 2003; "Recours pour troubles de voisinage : les véritables enjeux," 2004; "Les recours collectifs et l'environnement : que

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nous réserve la prochaine décennie ?," 2005; "La preuve à l'étape de l'autorisation d'un recours collectif : à la recherche de l'équilibre," 2006; "Développements sans précédent en 2006-2007 dans le domaine des recours collectifs en matière environnementale," 2007; "Le droit à un environnement sain et respectueux de la biodiversité : valeur symbolique ou effet concret ?," 2009; and "Les décisions des tribunaux qui ont attiré l'attention en 2013-2015" in *Développements récents en droit de l'environnement*, 2015; "L'importance de la formulation des questions communes pour une saine prévisibilité de ce qui sera débattu au mérite de l'action collective", in "Colloque National sur l'action collective - développements récents au Québec, au Canada et aux États-Unis", 2022.

Mr. Gagné received his Bachelor of Laws degree from Université Laval in 1987.

Awards & Rankings

Chambers Canada

Leading Lawyer: Litigation - Products Liability

The Canadian Legal Lexpert Directory

Leading Lawyer: Class Actions; Litigation - Corporate Commercial, Litigation - Product Liability

Benchmark Litigation Canada

Litigation Star

LMG Life Sciences Awards - 2020

Canadian Product Liability Attorney of the Year

LMG Life Sciences

Star: Product Liability

Lexpert Special Edition: Litigation

Leading Lawyer

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Lexpert Special Edition: Technology & Health Sciences

Leading Lawyer

Who's Who Legal: Life Sciences

Leading Lawyer: Product Liability

Best Lawyers in Canada

Leading Lawyer in the area of Environmental Law

Acritas Stars

"Stand-out lawyer"

Recent Experience

- **Sanofi wins product liability class action**

May 11, 2023

Recent Insights

- **An important reminder from the Quebec Court of Appeal of the importance of causation in environmental class actions**

November 6, 2023

- **The Impact of Proportionality on the International Jurisdiction of Quebec Courts**

November 14, 2022

- **P.A. c. Air Canada: Court of Appeal Upholds the Trial Judge's Decision to Narrow the Authorized Pan-Canadian Class to a Québec-only Class**

June 23, 2021

