



Marc-Alexandre Hudon

Partner

Montréal

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Bar Admission

Québec 2007

Law School

McGill University

Practices

Disputes
White Collar Defence and
Investigations
International Trade & Investment
Environmental, Regulatory &
Aboriginal (ERA)
Competition Litigation
Procurement

Industries

Global Metals & Mining
Energy & Infrastructure
Power

US and International Markets

Africa

Marc-Alexandre Hudon practices in the Litigation and Business Law Groups of McCarthy Tétrault in Montréal. Mr. Hudon's practice encompasses aboriginal law, commercial litigation, internal investigations, privacy law and procurement. He acts on behalf of clients in litigation, investigations and transactions relating to various industries, including the natural resource and infrastructure industries. He is also actively involved in the firm's Africa Group.

Internal Investigations and Business Integrity

Mr. Hudon has considerable experience regarding the rules pertaining to public procurement, including the *Act 1*, the *Act Respecting Contracting with Public Bodies*, the *Lobbying Transparency and Ethics Act* and the Government of Canada's Integrity Regime. Mr. Hudon has advised numerous corporations in their efforts to obtain, retain and renew authorizations from the Autorité des marchés public to contract with Québec's public bodies. He has also acted as counsel in several litigations in connection with public procurement rules.

Examples of Mr. Hudon's mandates include:

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- Strategic advice to businesses on the procurement regime governing the establishment of commercial relationships with municipalities and public bodies in Québec and Canada;
- Strategic advice to businesses affected by federal, provincial and municipal disbarment regimes;
- Strategic advice to businesses and Crown corporations with respect to provincial and federal statutes pertaining to lobbying and access to information in procurement context;
- Acting for businesses in the context of search warrants executed by federal and provincial investigative authorities;
- Acting for businesses in relation to internal investigations relating to allegations of fraud, anticompetitive conducts and bribery;
- Opinion and advice on code of ethics, conformity programs and employee and officer training on matters that deal with human rights, privacy, competition, corruption, bribery, facilities payments, conflict of interest inside or outside of Canada for clients in the natural resource and infrastructure industries;
- Acting as lead counsel for businesses from the banking, energy, IT, infrastructure and real estate industries in their discussions and negotiations with the Autorité des marchés publics to obtain, maintain or renew authorizations to contract with Québec public bodies;
- Strategic advice to businesses with respect to trade and export sanctions law.

Moreover, Mr. Hudon had a broad expertise with respect to anti-corruption legislation, both at the national and international level. In this regard, he frequently acts as counsel to corporations and their boards of directors in developing strategies and policies to preserve the integrity of their business processes, including with respect to the Corruption of Foreign Public Officials Act.

Privacy Law

Mr. Hudon also has leading edge expertise in privacy legislation, both at the provincial and federal level, with a specific emphasis on health-related privacy issues. As such, Mr. Hudon has acted in over 175 privacy matters throughout his career, including data breaches, theft of personal information and documents and ransomware. He also frequently represents clients before the Commission d'Accès à l'Information du Québec.

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- Acting for KPMG in proceedings before the Commission d'Accès à l'Information du Québec ("CAI") with respect to an access request for information initiated by a third party to obtain information about Bombardier's C Series project;
- Acting for Desjardins Group in defense of class actions alleging damages in relation to one a large data breach;
- Advising a large Canadian bank on federal law privacy issues in the context of an information request submitted by the Québec's anti-corruption police ("CAI") to obtain personal information about former employees of the bank;
- Acting for CIBC Bank with respect to an access request for information initiated by a third party to obtain information about its investigation methods;
- Advising a large residential property manager with respect to a ransomware demand concerning the personal information of several thousand of its tenants;
- Advising several medical clinics in the context of data breaches pertaining to personal medical information of patients;
- Acting for a general physician in proceedings before the CAI that led to a landmark judgment that clarified the rules with respect to the inclusion of administrative documents in professional records;
- Acting for a professional in judicial review proceedings before the Superior Court of Québec challenging the powers of a syndic of a Professional Order to require the unbound communication of a professional's complete personal medical information from public bodies;
- Opinion and advice on internal policies pertaining to privacy.

Aboriginal Law

Mr. Hudon advises Canadian and international clients on all aspects of Canadian aboriginal law, either in connection with business transactions, litigation, consultation and accommodation processes, treaties and the *Indian Act*. He also has broad experience creating and implementing co-ventures and other partnerships that qualify as Aboriginal businesses with First Nations in Ontario, Québec, Nunavut, Saskatchewan, Manitoba and, Newfoundland and Labrador.

Recent mandates in the field of aboriginal law includes the following::

- Advising on various agreements with Aboriginal groups in Québec and Ontario, including pre-development agreements and impacts and benefits agreements;

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- Negotiating Relationship Agreements with various First Nations in Ontario and in Québec for clients in the forestry, infrastructure and the mining industries;
- Negotiating a commercial lease in an urban area of Ontario with respect to land subject to the *Federal government's Policy Directive on Additions to Reserve and Reserve Creation*;
- Advising a provincial public body to develop an aboriginal statement and to strengthen its policies in favour of aboriginal people;
- Advising an Aboriginal economic development corporation to reinforce the integrity of its procurement process and policies;
- Acting for a forestry business in connection with an injunction to prevent an Aboriginal group from disrupting its timber harvesting activities in Northern Québec;

Mr. Hudon has also authored numerous articles and frequently lectures on aboriginal law, energy law and natural resource law.

Mr. Hudon was appointed in 2018 to the Québec Bar Committee with respect to Indigenous Peoples. He is noted as "Repeatedly Recommended" for Indigenous Law in the 2019 and the 2020 Edition of Lexpert's Canadian Legal Directory.

Commercial Litigation

Mr. Hudon regularly acts on behalf of clients in commercial litigation, specifically injunctions and complex proceedings. He has pleaded before the major courts in Québec, including the Superior Court, the Court of Québec, the Tribunal administratif du Québec and the Commission d'Accès à l'Information ("CAI").

Examples of mandates in which Mr. Hudon was involved include:

- Acting for Rio Tinto Fer & Titane in connection with an application for judicial review filed by an Aboriginal group challenging permits required for the expansion of a mining site in Northern Québec;
- Acting for a large industrial company in the context of a multi-million dollars cross-border arbitration in connection with alleged faulty design of industrial equipment;
- Acting for Hydrocarbure Anticosti SEC to defeat injunction proceedings taken by an Aboriginal group to prevent it from conducting oil & gas exploration activities;
- Acting for Resolute Forest Products against injunctive proceedings taken by an Aboriginal group challenging timber permits issued by the

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Government of Québec;

- Acting for a forestry business in connection with injunctive proceedings to prevent an Aboriginal group from disrupting its timber harvesting activities;
- Acting for developers in litigation arising from infrastructure and natural resources projects;
- Acting for several companies (including Crown corporations) in litigation involving the award of public contracts, including RFPs and public calls for tender;
- Acting for Veolia with respect to injunction proceedings raising issues with respect to the procurement policy of the City of Montréal;
- Acting for an engineering firm in penal and disciplinary proceedings in connection with alleged violations of election legislation;
- Acting for a tech business with respect to a motion seeking the issuance of a search warrant under the *Bankruptcy and Insolvency Act*;
- Acting for banking institutions with respect to several complex injunction proceedings, mostly in the context of alleged frauds;

Mr. Hudon has also written numerous articles on commercial litigation topics, several of which have been cited by the courts.

Mr. Hudon holds a Bachelor's degree in finance (BAA) from HEC Montréal, a Bachelor of Civil Law (BCL) and a Bachelor of Common Law (LLB) from McGill University. During his law studies, he was awarded several prizes in commercial law. He also holds two Master's degrees from the London School of Economics and Political Science, one in International Employment Relations and Human Resources Management, the other in European Management. Mr. Hudon has also completed, with distinction, the Canadian Securities Course (CSC).

Mr. Hudon was called to the Québec Bar in 2007. He is a member of the Canadian Bar Association, the HEC Montréal alumni association and the Academy of Management (International Management and Organizational Behaviour divisions). He is also the treasurer and sits on the executive committee of the board of directors of the Canadian Music Centre (Québec).

Awards & Rankings

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The Canadian Legal Lexpert Directory

Leading Lawyer: Indigenous Law

Lexpert Special Edition – Mining - 2020

Leading Lawyer

Recent Experience

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February 06, 2020
- **Champion Iron completes C\$650M transactions for the refinancing and acquisition of 100% of Bloom Lake**
August 16, 2019
- **CCMP Capital Advisors enters into approx. US\$1B agreement to acquire BGIS**
May 31, 2019
- **Invernergy LLC sells interests in 5 wind farms to Boralex for C\$215M**
September 14, 2018

Recent Insights

- **Facilitation Payments Now Illegal Under Canada's Foreign Corruption Law**
November 01, 2017