



Myriam M. Seers

Senior Associate

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Education

LLB (*Cum Laude*), 2007, University of Ottawa
 2001-2004, McGill University
 McGill University 2001-2004

Bar Admission

Ontario, 2008

Practice

Myriam practices litigation and dispute resolution, with a particular focus on investor-state arbitration, international commercial arbitration and commercial litigation involving clients in the mining, electricity, oil & gas and transportation sectors. She also has experience with regulatory proceedings, and related litigation, involving natural gas and electricity transmission and distribution, and electricity generation. She has appeared as counsel before the Supreme Court of Canada, in international arbitrations under the ICSID, UNCITRAL and ICC Rules, in all levels of Ontario and Canadian federal courts, before Ontario administrative tribunals including the Ontario Energy Board and the Environmental Review Tribunal, and in domestic arbitrations.

Myriam has substantial experience with litigation funding agreements, including in acting for claimants whose claims are funded by a litigation funder and in advising litigation funders regarding the risk profile associated with prospective funded claims. She also regularly advises clients on matters involving compliance with Canadian economic sanctions.

Myriam is active in teaching advocacy skills. She has participated as a faculty member for the Foundation for International Advocacy (FIAA)'s Workshop on Questioning Fact Witnesses in International Arbitration delivered in Bogotá, Colombia, in Geneva, Switzerland and in Paris, France. She has also participated as an advocacy skills adviser for the Law Practice Program at Ryerson University, and co-leads Torys' internal advocacy training programs. Myriam has completed several advanced advocacy courses, including FIAA's Workshop on Questioning Expert Witnesses in International Arbitration held at the Geneva Graduate Institute, as well as the Osgoode Hall Intensive Trial Advocacy Workshop.

Myriam is a native speaker of both English and French, is fluent in Spanish, has a limited working proficiency in Portuguese and Italian, and basic proficiency in Mandarin Chinese.

Representative Work

- ExxonMobil and Murphy Oil in successfully resisting an application by the Government of Canada to set aside a NAFTA arbitral tribunal award in connection with two petroleum extraction projects located off the coast of Newfoundland and Labrador
- Windstream Energy, a U.S. offshore wind project developer, in its successful arbitral NAFTA investment claim against the Government of Canada in connection with Ontario's moratorium on offshore wind development
- Infinito Gold in its ICSID arbitral claim against the Republic of Costa Rica, under the Canada-Costa Rica Bilateral Investment Treaty (BIT), concerning the expropriation of the Crucitas gold mining project
- Stans Energy in the enforcement of an existing US\$118 million international arbitration award from the Moscow Chamber of Commerce and Industry set aside by the Russian courts
- a Canadian mining company in its arbitral claim against the Republic of Ecuador in connection with the cancellation of its exploration permit
- a multinational mining company against a West African state and its state-owned mining company in connection with the cancellation of its exploration permit to develop of a nickel mine
- a multinational mining company in an international ICC arbitration, and related court proceedings, in connection with certain mine processing facilities in an East African state
- a major international natural resources company in an UNCITRAL arbitration in connection with the acquisition of certain assets
- a Canadian mining company in an ad hoc arbitration involving a mining concession in Argentina
- non-utility generators in a successful application and appeal against the Ontario Electricity Financial Corporation (OEFC) in connection with the price escalation mechanism contained in certain power purchase agreements
- Ontario Power Generation in appeals from a rate decision of the Ontario Energy Board (OEB) before the Ontario Divisional Court, the Ontario Court of Appeal and the Supreme Court of Canada rate concerning payment amounts charged by OPG for the period 2011-2015
- Canada's largest telecommunications providers in an appeal to the Federal Court of Appeal challenging the Canadian Radio-television and Telecommunications Commission's jurisdiction to impose the new Wireless Code retrospectively
- Canadian Bankers Association, as an intervener, in appeals to the Supreme Court of Canada concerning the constitutionality of provincial regulation of bank-issued credit cards and the availability of class actions
- Metrolinx, the Ontario government agency responsible for transportation planning and delivery in the Greater Toronto and Hamilton area, in responding to an application for judicial review before the Divisional Court, relating to the Air Rail Link between Pearson International Airport and downtown Toronto
- an automotive parts manufacturer in an ICC arbitration involving a joint venture for the supply of automotive components
- a Canadian energy company in an ICC arbitration involving a petrochemical supply agreement

- Union Gas in a number of regulatory applications before the Ontario Energy Board
- Dufferin Wind Power in an appeal concerning the Renewable Energy Approval (REA) for its wind energy project in Dufferin County, Ontario

Professional Involvement

Myriam volunteers at Pro Bono Law Ontario's Law Help program, where she provides pro bono legal advice to unrepresented litigants involved in civil litigation matters before Toronto-area courts, and also answers incoming inquiries through the Pro Bono Hotline. She acts as a professional mentor through the Canadian Colombian Professional Association's mentoring program, through which she assists legal professionals from Latin America in transitioning their careers to Canada.

Memberships and Affiliations

Myriam is a member of the International Bar Association, the Energy Bar Association, ICC Canada, Toronto Commercial Arbitration Society, Young Canadian Arbitration Practitioners, The Advocates' Society, the Canadian Hispanic Bar Association and the Association des juristes d'expression française de l'Ontario (AJEFO).

Insights

NAFTA On Hold
July 19, 2018

TCAS Annual Conference and AGM 2018
May 24, 2018

CBA Recognition and Enforcement of Foreign Judgments and Awards – Hot Topics and Trends
May 17, 2018

Update on NAFTA Renegotiations
April 19, 2018

Free Trade Deal Reached After 11 Countries Sign CPTPP
March 13, 2018

ICC Canada International Arbitration Conference
Speaker, "Focus on Investment Arbitration: Rejection, Reform, Renewal"
November 10, 2017

Advocates Society Program on Arbitration Advocacy
Speaker, "New Developments in International Arbitration"
November 01, 2017

5th Annual Symposium on Arbitration and Award Dinner
September 28, 2017

Government of Canada Successful in Eli Lilly's NAFTA challenge on the "Promise of the Patent" Doctrine
April 20, 2017

Party Dynamics Affecting Arbitration Advocacy
Speaker, Advocates' Society Presentation on Arbitration Advocacy
November 25, 2016

2016 Energy Bar Association Mid-Year Energy Forum Washington, DC
Speaker
October 05, 2016

10th Annual WCCAS Energy, Mining and Resources Arbitration Conference
May 10, 2016

Drafting the (almost) Perfect Arbitration Clause
October 21, 2015

Evidence in Arbitration
October 07, 2015

Key Developments in International Investment Law and Investor State Arbitration
Speaker, Ontario Bar Association
May 05, 2015

The Bank of Montreal v. Marcotte Decision: Implications and Lessons Learned
Speaker, The Canadian Institute's 10th Payments Forum
February 25, 2015

Challenges of the International Investment Arbitration Regime
Speaker, International Law Students Conference
January 28, 2012

Class Action Forum Shopping North of the Border
For the Defense
2012

Canada's Consumer Product Safety Regime Gets New Teeth
Newsletter of the American Bar Association, Antitrust Section, Consumer Protection Committee
2011

The Best Defence Is... A Good Defence
National Insolvency Law Review
2010

Ontario Court of Appeal Clears the Way for Arbitration of Franchise Disputes
Ontario Bar Association Newsletter
2009

Canada Introduces Bill for New Consumer Product Safety Act
For the Defense
2009

Media

October 05, 2017: Myriam Seers on the Rise of Third-Party Litigation Funding

October 16, 2016: Myriam Seers Weighs in on Litigation Finance with *PE Hub Canada*