

# GENEVIÈVE SAUMIER

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## PROFESSIONAL

### MCGILL UNIVERSITY, FACULTY OF LAW

Peter M. Laing Q.C. Chair in Law, 2016-  
Full Professor, 2014-  
Norton Rose Fulbright Faculty Scholar in International Arbitration and International  
Commercial Law, 2020-21  
Associate Dean (Academic), 2005-08  
Associate Professor 2003-2014 (sabbatical 2004-05; 2011-12)  
Visiting professor: Univ. of Perugia (2004-05); Univ. of Trento (2011-12)  
Assistant Professor (tenure track) 1996-2003 (maternity leaves 1996, 1998, 2001)

### HAGUE ACADEMY OF INTERNATIONAL LAW

Professor of Directed Studies, Private International Law, August 2017

### MEMBER, BARREAU DU QUÉBEC (since 1999)

### SUPREME COURT OF CANADA

Law Clerk to the late Honourable Justice John Sopinka (1995-1996)

### UNIVERSITY OF NEW BRUNSWICK, FACULTY OF LAW

Visiting Research Fellow (1994-95)

## EDUCATION

### UNIVERSITY OF CAMBRIDGE, Darwin College

Doctor of Philosophy (Ph.D.), Faculty of Law, 1997

### MCGILL UNIVERSITY, FACULTY OF LAW

Bachelor of Civil Law (B.C.L.) and Bachelor of Laws (LL.B.), 1991

University Scholar

### MCGILL UNIVERSITY, FACULTY OF MANAGEMENT

Bachelor of Commerce (B.Com.) - Finance and International Business, 1987

University Scholar

## AWARDS

Paul-André-Crépeau Medal, awarded by the Canadian Bar Association – Quebec Division, 2016

## TEACHING

### Courses and Seminars Taught

- Judicial Institutions and Civil Procedure: 2013-2022 (compulsory course); English and French
- Private International Law/Conflict of laws: 1996-2015, 202-22; English and French
- Extra-judicial Dispute Resolution, 2020; English
- Mediation: 2015-2016; English
- Extra-contractual obligations / torts (compulsory course) 1999-2012, 2016-18; English & French
- Consumer Law: 2012-2014, 2019; English and French
- Consumer Arbitration: 2007-2013; English

### Graduate supervision

#### (i) Doctoral supervision

Gabriel Berthold, “La figure du consommateur en droit », replacing Daniel Jutras (graduated 2021)

Zhang Ke, “ The impact of post-Convention activities of the Hague Conference on Private International Law” admitted in September 2017

Guillaume Laganière, “Liability for transboundary pollution in private international law : a duty to ensure prompt and adequate compensation” (graduated 2020) (Prix de thèse de l’APDQ, Prix de thèse Henri Capitant, 2021)

Li-Juan Ko, “Remedies for Passengers for Flight Delays Caused by Force Majeure” (graduated 2016)

Claude Alie, “Thinking Moves: Natural Logic Structures and Functions in Legal Reasoning”, graduated 2016 (Faculty of Education; co-supervised with Prof. Carl Frederiksen)

#### (ii) Doctoral committees

Yueming Yan, « Anti-corruption measures in international investment arbitration » (graduated 2021)

Leyla Bahmani, « Double recovery in international commercial arbitration » (graduated 2021)

Mohamed Dikna, “Third-party funding in investment arbitration” (2020-)

Svetoslav Ivanov, « Socio-legal study of maritime arbitration » (2019-)

Catherine Mathieu, « Partage des pouvoirs et droit de la consommation » (2019-)

Alexandra Pasca, “L’avocat privatiste contemporain: une étude empirique québécoise” (2016-)

Cléa Iavaraone-Turcotte, « Placer le citoyen au coeur du système de justice civile: étude d’opportunité et de faisabilité en contexte québécois » (graduated 2020)

Don Lasantha Ivers Hettiarachchi, « The Quasi-regulation of the International Air Transport Association and its Impact upon the Airline Industry and the Consumer » (graduated 2018)

Andrea Di Paolo, “Risk Management in Space: Insurance and Legal Issues in the Growth of Commercial Space Activities” (graduated 2018)

Catherine Piché, “Fairness in Class Action Settlements” (graduated 2012)

Anna Conley, “Harmonizing Jurisdiction in Transnational Cases: A Deep Comparative Inquiry” (acting supervisor 2010-11) (graduated 2012)

## RESEARCH

### A. External Research Grants

Individual external research grants:

- SSHRC Insight Grant, 2022-25, \$75,000
- Canada Foundation for Legal Research, 2022, \$11,000
- SSHRC Standard Research Grant, 2009-12, \$56,000
- Foundation for Legal Research, 2006, \$4000
- Fondation Claude Masse, 2003-06, \$57 839
- FQRSC, Bourse de nouveaux chercheurs, 2003-06, \$45,000

Team grants:

- Co-applicant, FQRSC, Soutient aux équipes de recherche (Équipe Justice privée et état de droit) 2007, 2013 and 2018 (lead : F. Gélinas, McGill)
- Co-applicant, SSHRC, Partnership Development Grant – Public policy-oriented consumer interest research, 2014-2017 (lead: R. Kerton, Univ. of Guelph)

### B. Scholarship

#### 1. Published works

##### (i) Books or chapters in books or in edited collections (selected)

“Forum selection clauses and the waning legacy of *The Eleftheria*” in J. Neels, ed, *Commercial Private International Law in Southern Africa. Essays in honour of Prof Christopher Forsyth* (Eleven, forthcoming 2022)

“The law applicable to post-award issues” in A. Bjorklund et al., eds, *Cambridge Compendium of International Commercial and Investment Arbitration* (CUP, forthcoming 2022)

“SDG 12 – Sustainable Consumption and Production” in R. Michaels, V. Ruiz Abou-Nigm & H. van Loon, *The Private Side of Transforming our World – UN Sustainable Development Goals 2030 and the Role of Private International Law* (Intersentia, 2021), 383-408

“Regional Report: Canada” in D. Girsberger et al., eds, *Choice of Law in International Commercial Contracts: Global Perspectives on the Hague Principles* (OUP, 2021), 1155-70

with Francisco Garcimartín, *Explanatory Report on the 2019 HCCH Judgments Convention - Rapport explicatif sur la Convention HCCH Jugements de 2019* (The Hague: HCCH, 2020) (183 pages) (<https://www.hcch.net/en/publications-and-studies/details4/?pid=6797>)

“Choice of Court Agreements in Canada – Common Law” in M. Keyes, ed, *Optional Choice of Court Agreements in Private International Law* (Springer 2019) 137-149

with Hans-W. Micklitz, eds, *Enforcement and Effectiveness of Consumer Law* (Springer, 2018)

with Hans-W. Micklitz, “General Report” in Hans-W. Micklitz & Geneviève Saumier, *Enforcement and Effectiveness of Consumer Law* (Springer, 2018) 3-45

“Les clauses types pour l’utilisation des Principes d’UNIDROIT” in Eppur si muove : The age of Uniform Law; Essays in honour of Michael Joachim Bonell, vol. 2 (Rome: UNIDROIT, 2016) 1649-1663

“Trade usages in the CISG” in F. Gélinas, ed., *Trade Usages in the Age of Arbitration* (Oxford: Oxford University Press, 2016) 125-144

“L’arbitrage et les parties faibles” in P. Ferland, M-F. Rigaud, eds, *Guide pratique de l’arbitrage* (LexisNexis, Québec, 2014) 167-177

“Le forum non conveniens au Québec : bilan d’une transplantation” in S. Guillemard, ed., *Mélanges en l’honneur du professeur Alain Prujiner*, Québec, Yvon Blais, 2011, 345-70 (cited in *Stormbreaker Marketing and Productions Inc. c. Weinstock*, 2013 QCCA 269 at para. 85).

with M. Baer et al., *Canadian Private International Law: Cases and Materials*, 1<sup>st</sup> ed. (1997) 2<sup>nd</sup> ed. (2003) and 3<sup>rd</sup> ed. (2010) (Toronto: Emond Montgomery); responsible for Chap. 17 – Marriage and Cohabitation, Chap. 18 – Dissolution of marriage and other unions and Chap. 20 – Children

with P.G. Jobin, Rapport national (Québec) in D.P. Arroyo, éd., *Consumer Protection in International Private Relations* (Asunción, Paraguay, 2010) 121-38

“Transborder Litigation and Private International Law – The View from Canada” in F. Cafaggi & H.-W. Micklitz, eds, *New Frontiers of Consumer Protection – the Interplay between Private and Public Enforcement* (Antwerp: Intersentia, 2009) 361-78

“The Convention on International Sale of Goods” in D. Franklin, ed. *International Commercial Debt Collection* (Toronto: Carswell, 2007)

## **(ii) Refereed Journals (selected)**

“Submission as a Jurisdictional Basis under the 2019 HCCH Judgments Convention” (2020) *Netherlands International Law Review* 49-65

“Uniformity and Diversity in the Enforcement of Arbitration Clauses in Canada” (2020) 77 *Thémis - Revista de Derecho* 27-38

« L’ouverture récente des tribunaux canadiens aux poursuites pour violation des droits de l’homme à l’étranger » (2018) 4 *Revue critique de droit international privé* 775-792

with Catherine Piché, “Consumer Collective Redress in Canada” (2018) 61 *Japanese Yearbook of International Law* 231

“Has the CJPTA Readied Canada for the Hague Choice of Court Convention?” (2018) 55 *Osgoode Hall Law Journal* 141-162

“Article 3 of the Hague Principles: A Response to Peter Mankowski” (2017) 22 *Uniform Law Review* 395-401

“The Hague Principles and the Choice of Non-State “Rules of Law” to Govern an International Commercial Contract” (2014) 39 Brooklyn Int’l L.J. 1-29

with J. Bagg, “Forum Selection Clauses before Canadian Courts: A Tale of Two (or Three) Solitudes” (2013) 46 UBC Law Rev. 439-87 (cited in *Ormuco inc. c. Ernst & Young*, 2022 QCCA 405 at footnote 11).

“Designating the Unidroit Principles in International Dispute Resolution” (2012) 17 Uniform L.R./Rev. dr. uni. 533-47

“Competing Class Actions across Canada: Still at the Starting Gate after *Canada Post v. Lépine*?” (2010) 48 Can. Bus. L.J. 462-81

“Consumer Arbitration in the Evolving Canadian Landscape” (2009) 113 Penn State L. Rev. 1203-26 (cited in *Griffin v. Dell Canada Inc.*, 2010 ONCA 29 at para. 31; *Seidel v. TELUS Communications Inc.*, [2011] 1 SCR 531 at para. 156).

“L’affaire *Dell*: La sphère d’application de l’article 3149 C.c.Q. et le consommateur québécois” (2007) 37 Rev. générale de droit 6-23.

“International Sales: Is Canada Missing the Boat?” (2007) 7:1 Canadian International Law 1-7

“USA-Canada Class Actions: Trading in Procedural Fairness” (2005) 5(2) Global Jurist Advances 1-42 (cited in *Hocking c. Haziza*, 2008 QCCA 800)

“The Recognition of Foreign Judgments in Québec: The Mirror Crack’d?” (2002) 81:3 Canadian Bar Review 677-719 (cited in *Newfoundland and Labrador (Attorney General) v. Uashaunnuat (Innu of Uashat and of Mani-Utenam)* 2020 SCC 4; *Barer v. Knight Brothers LLC*, 2019 SCC 13; *R.S. v. P.R.*, 2019 SCC 49; *Canada Post v. Lépine*, [2009] 1 S.C.R. 549; *Hocking c. Haziza*, 2008 QCCA 800).

“What’s in a Name? Lloyd’s, Public Policy and International Comity” (2002) 37 Canadian Business Law Journal 388-418 (cited in *Douez v. Facebook*, 2017 SCC 33)

### **(iii) Papers in Conference Proceedings (selected)**

« Le consommateur numérique : défis et recours en droit international privé » in P.-C. Lafond & V. Gautrais, eds, *Le consommateur numérique : une protection à la hauteur de la confiance*, Yvon Blais, 2016, pp 295-320.

“Mass and Class Claims in Arbitration: A Canadian Perspective”, (2014) 8 World Arbitration and Mediation Review 351-368; updated version published in B. Hanotiau & E.A. Schwartz, eds, *Class and Group Actions in Arbitration* (ICC: Paris, 2016) 33-44

« Quelques zones grises autour de l’arbitrage de consommation » in F. Gélinas & F. Bachand, dir., *D’une réforme à l’autre : Regards croisés sur l’arbitrage au Québec*, Cowansville (QC), Yvon Blais, 2013, 141-66

with P.G. Jobin, «La protection du consommateur dans les relations transfrontières en droit québécois », in P. Galindo et al., *A proteção do Consumidor no Brasil e no Quebec: Diálogos de Direito Comparado/La protection du consommateur au Québec et au Brésil : échanges de droit comparé*, Niteroi (Brésil), Editora di UFF, 2013 (in French and in Portuguese)

with L. Gama, “Non-State Law in the (Proposed) Hague Principles on Choice of Law in International Contracts” in D.P. Fernández Arroyo, J.J. Obando Peralta, eds, *El Derecho Internacional Privado En Los Procesos De Integración Regional* (Editorial Jurídica Continental, 2011) 41-65; updated and translated into Portuguese: “Contratos Internacionais e os (Futuros) Princípios da Haia: Desafios da Aplicação e Interpretação do Direito Não Estatal” (2012) 1:2 *Revista de Arbitragem* 115 and (2012) 34 *Revista Brasileira de Arbitragem* 72.

“L’arbitrage de consommation équitable : option ou illusion ?” in B. Moore & P.-C. Lafond, éd., *L’équité au service du consommateur*, Cowansville (QC), Yvon Blais, 2010, 103-27

“Le droit international privé et le travail international” in *Développements récents en droit des affaires internationales – le travail international*, Cowansville (QC), Yvon Blais, 2009, 197-220

“Le recours collectif, la globalisation des marchés et l’accès à la justice pour le consommateur” in T. Bourgoignie, *Propos autour de l’effectivité du droit de la consommation*, Yvon Blais, 2008, pp. 193-214 (cité dans *Benamor c. Air Canada*, 2020 QCCA 1597 au para. 99).

#### **(iv) Non-Refereed Publications and Other Papers or Reports (last five years)**

Droit international privé – Canada (provinces de common law) – Fascicule 62, *Jurisclasseur (Droit comparé)* (Paris : LexisNexis, 2021)

“Consommateur” (2020) 64(1) *McGill LJ* 27-31

“Chronique de droit international privé canadien” (2017) 144 *Journal du droit international* 361-77

Commentary on/Commentaires sur : articles 2, 3 & 11, *Hague Principles on Choice of Law in International Commercial Contracts*, Hague Conference on Private International Law, 2015

“FASCICULE 21, Organismes privés et appareil étatique” in P.-C. Lafond, ed, *Jurisclasseur Québec – Droit de la consommation* (LexisNexis, 2014; updated 2017) (10 pages)

“FASCICULE 23 : Recours du consommateur et de l’État” in P.-C. Lafond, ed, *Jurisclasseur Québec – Droit de la consommation* (LexisNexis, 2014; updated 2017) (29 pages)

Droit international privé – Canada (provinces de common law), *Jurisclasseur (Droit comparé)* (Paris : LexisNexis, 2012 & 2022) fascicule 62.

#### **C. Presentations, Workshops and Conferences (last five years)**

« *Dell Computer Corp. c Union des consommateurs* », 17 décembre 2021, Cycle de conférences de la Fondation Claude Masse – Les grands arrêts du droit de la consommation, Faculté de droit, Université de Montréal (in person)

“SDG 12 – Sustainable Consumption and Production”, 9 December 2021, The Private [International Law] Side of Transforming our World, American Society of International Law (ASIL) Private International Law Interest Group (PILIG) (by Zoom)

“SDG 12 – Sustainable Consumption and Production”, 10 September 2021, The Private Side of Transforming our World – UN Sustainable Development Goals 2030 and the Role of Private International Law Conference, Max Planck Institute for Comparative and International Private Law, Hamburg (by

Zoom)

Discussant, 4 August 2021, APEC Regional Consumer Protection Framework Workshop, Seoul, Korea (by Zoom)

“Quel droit international enseigner? » 2 avril 2021, Les assises de l’enseignement du droit international en France, Société française de droit international, Paris (by Zoom)

Cross-border and International Dimensions, 5 March 2021, Comparative Procedural Law & Justice Conference, Max Planck Institute for Procedural Law, Luxembourg (by Zoom)

Arbitration vs Litigation: Can Recent Hague Instruments Influence the Market for Cross-Border Commercial Dispute Resolution?, Luther Lecture, Bucarius, 25 January 2021 (by Zoom)

SDG 12 – Sustainable Production and Consumption – Intersections with Private International Law, 10 Sept 2020, SDG2030 and PIL Workshop, Max Planck Institute for Private International Law, Hamburg (by Zoom)

‘Beware the Fine Print’, 5 Years Later - Does Arbitration Disempower Consumers from Bringing Class Actions in the US and Other Countries? – A view from Canada, 16 June 2020, American Bar Association Annual Meeting – International Law Section, over Zoom (instead of in NYC as originally planned for April 2020)

Risques et périls de se défendre à l’étranger, 14 mai 2019, Association du barreau canadien – Division Québec, section internationale, Montréal

The procedural implications of Quebec’s hybrid legal system, 17 April 2019, Max Planck Institute for Procedural Law, Luxembourg

Transsystemic Treaty Tribulations, Faculty Seminar, 23 November 2018, McGill,

Choice of Court Agreements in Canada – Common Law, 27 July 2018, International Academy of Comparative Law Congress, Fukuoka (Japan),

The Supreme Court of Canada Takes on Google and Facebook, International Academy of Commercial and Consumer Law, Durham (England), 5 July 2018

Regulatory Compliance and Civil Liability, Concilier la sécurité des produits et la responsabilité civile à l’ère du risque et de l’incertitude, Sacacomie (Québec), 8 June 2018

Arbitration and Forum Selection Clauses, American Bar Association Annual Meeting – International Law Section, New York (NY), 19 April 2018

La compétence internationale des tribunaux après les affaires *Facebook* et *Google*, Association du barreau canadien – Division Québec – Section internationale, Montréal, 29 novembre 2017

Defying Borders: The Promise and Peril of Party Autonomy in Private International Law, Peter M. Laing QC Inaugural Lecture, McGill, 24 October 2017

Bringing it home: Are Canadian courts suddenly opening up to corporate liability for extra-territorial violations of human rights? PILAGG Seminar, Sciences Po, Paris, 20 October 2017

Le droit international privé et la famille, Formation continue des juges de la Cour supérieure du Québec, Montréal, 3 octobre 2017

The Law Applicable to Post-Award Issues, 7 April 2017, Cambridge Compendium of International Commercial and Investment Arbitration: Selected Topics, Vienna

Enforcement and effectiveness of consumer law, 17 November 2016, International Academy of Comparative Law – 2016 Thematic Congress, Montevideo (Uruguay)

Who's afraid of non-state law for the regulation of international contracts?, 10 November 2016, Jornadas ASADIP – Los contratos internacionales entre la libertad de las partes y el control de los poderes publicos, Buenos Aires (Argentina)

Has the CJPTA readied Canada for the Hague Choice of Court Convention? 21 October 2016, CJPTA: A Decade of Progress, Toronto

## **V. UNIVERSITY AND COMMUNITY-RELATED ACTIVITIES**

### **Administrative Responsibilities (last five years)**

- Chair, Prizes & Scholarships Committee, Faculty of Law, 2019-21
- Full Professor Advisory Committee, Faculty of Law, 2020-21
- Member, SIRC SSHRC Subcommittee--CRC and Internal Award, 2020-21
- Faculty Senator, 2019-21, including membership in the Committee on the Rights of Senate
- Member, McGill Law Journal Advisory Board, 2020-
- Member, Admissions Committee, Faculty of Law, 2017-18
- Member, Graduate Studies Committee, Faculty of Law, 2016-17

### **Academic and Professional activities and affiliations (last five years)**

- Member, Editorial Board, Canadian Business Law Journal, 2022-
- Member, Working Group to review the Uniform Enforcement of Canadian Judgments Act, Uniform Law Conference of Canada, 2022-
- Comité de la Revue du barreau, Member, 2021-
- Member, Working Group, Best Practices for Effective Enforcement, UNIDROIT, 2020-
- Member of the Comparative Procedural Law and Justice (CPLJ) Project, Max Planck Institute Luxembourg for Procedural Law, 2020-
- Member, Working Group to review the Uniform Court Jurisdiction and Proceedings Transfer Act, Uniform Law Conference of Canada, 2020-21
- Member, Board of Directors, Commission for Complaints for Telecom-television Services, 2020-
- Member of the Board, Quebec Office de la protection du consommateur, Appointed by the Minister of Justice, 2012-21; reappointed 2021-
- Member, Board of Directors, Fondation Claude-Masse, 2012-
- Co-rapporteur, Convention of 2019 on Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters, Hague Conference on Private International Law
- Member of the Canadian delegation to the Hague Conference on Private International Law, 2016-2019
- General rapporteur, International Academy of Comparative Law, Montevideo conference on Enforcement of Consumer Law, November 2016



## **Memberships**

- Titular member, International Academy of Comparative Law, since 2012 (promoted to titular 2021)
- Association Americana de derecho internacional privado, since 2011
- McGill Association of University Teachers, since 2001
- Association québécoise de droit comparé, since 2001
- Canadian Association of Law Teachers, since 1997
- Association québécoise des professeurs de droit, since 1997

**Languages:** English and French (fluent), Italian (good)

Updated May 2022