

Speakers' Biographies

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The Future of Transnational Torts in Canada: What's Next
After *Araya v. Nevsun*?

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PROFESSIONAL DEVELOPMENT

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Session 1

The Meaning and Legacy of *Araya v. Nevsun*: A keynote conversation between Prof. Harold Koh and Joe Fiorante, K.C.



Professor Harold Hongju Koh is Sterling Professor of International Law and former Dean (2004-09) at Yale Law School, where he has taught since 1985. He has served under four US presidents, as Senior Advisor (2021-present) and Legal Adviser to the US Secretary of State (2009-2013) (Secretary of State's Distinguished Service Award), Assistant Secretary of State for Democracy, Human Rights and Labor (1998-2001), and Attorney-Adviser at the US Department of Justice (1983-1985).

Joe Fiorante K.C. is a partner at CFM Lawyers LLP in Vancouver. His practice is concentrated on complex tort cases including international aviation, product liability cases, and transnational torts. He was one of the lead lawyers on *Araya v. Nevsun* and also led the plaintiffs' counsel team on *Garcia v. Tahoe*; two ground-breaking transnational tort cases litigated in British Columbia. He is also a Fellow of the International Academy of Trial Lawyers and Litigation Counsel of America.



Session 2

Conceptualizing a Customary International Law Cause of Action in Canada



Professor Mayo Moran is currently the Provost and Vice-Chancellor of Trinity College. Prior to this role, she was the first woman to serve as Dean of the Faculty of Law at the University of Toronto from 2006 until 2014. Her work is at the intersection of private and public law and focuses on the role of law in redressing historic injustice. At both Trinity College and at the Faculty of Law, she teaches a course entitled Ten Cases that Changed the World which explores groundbreaking cases that dramatically shifted the course of history.

Professor Craig Scott is a professor of law at Osgoode Hall Law School of York University. His teaching and research have been primarily in the fields of public international law and private international law, with a focus on the place of international human rights law in both of these fields. His most recent work draws on all three of these fields, including in the areas of human rights torts across borders, transnational corporate accountability and transitional justice. He has also written on constitutional rights protection in Canada and abroad.



Amanda Ghahremani is an international lawyer and consultant. Her expertise includes international criminal law, corporate accountability, universal jurisdiction, and transitional justice. She is currently a consultant to CFM Lawyers LLP on cases that involve international law and human rights. She was a member of the plaintiff's counsel team in *Araya v. Nevsun*. Her previous work also includes co-authoring the legal analysis on genocide for the National Inquiry into Missing and Murdered Indigenous Women and Girls in Canada.



Session 3

U.S. Transnational Litigation and the Alien Tort Statute: Lessons for Canada



Professor Beth Stephens, Distinguished Professor of Law at Rutgers Law School, has published extensively on the relationship between international and domestic law and enforcement of international human rights norms through domestic courts. She was an Advisor to the American Law Institute's Restatement (Fourth) of the Foreign Relations Law of the United States. Professor Stephens has litigated international human rights cases in U.S. federal courts, including a lawsuit against the former president of Bolivia for the killing of civilians by troops under his command.

Agnieszka Fryszman, chair and founder of the Human Rights practice at Cohen Milstein, is recognized as leading one of the best private international human rights practices in the world. She represents individuals who have been victims of torture, human trafficking, forced and slave labor and other violations of international law. An expert and leader in the field of human rights law, Agnieszka regularly litigates cases against corporate giants and foreign powers. She was named to Forbes Magazine 50 over 50 list as a changemaker who leaves the world better than she found it.



Matt Eisenbrandt has over two decades of leadership in the fields of international justice and corporate accountability for human rights violations. He is a U.S.-trained lawyer who has played an important role on these issues in Canada for more than fifteen years. Matt is the Director of Transnational Investigations for CFM Lawyers LLP in Vancouver, with a focus on the firm's groundbreaking tort cases against Canadian companies for alleged human rights abuses in their overseas operations, including *Araya v. Nevsun*, *Garcia v. Tahoe*, and *John v. Barrick*.



Session 4

A Global View on Transnational Torts in Common Law Jurisdictions and Impacts on Justice in Host States

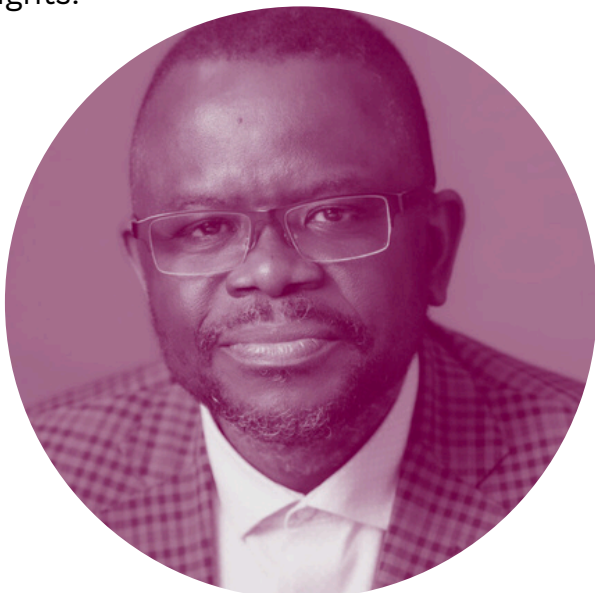


Dr. Sara Ghebremusse is the Cassels Chair in Mining Law and Finance, and an Assistant Professor at the University of Western Ontario Faculty of Law. She writes, researches, and teaches in the areas of mining law and governance, law and development, transnational law, and business and human rights, with a particular focus on the interests of Indigenous peoples and mining-affected communities. She is the Principal Investigator of a SSHRC-funded project examining how two Canadian mining conflicts in Tanzania and Zambia have contributed to institutional transformation in both countries.

Richard Meeran has been a Partner at Leigh Day since 1991 where he is joint Head of the International Department. He pioneered UK litigation against multinationals from the mid-1990s. He is Editor of 'Human Rights Litigation against Multinationals in Practice' published by Oxford University Press in 2021. He is a member of the Drafting Team on The Hague Rules on Business and Human Rights Arbitration. In July 2024 he was appointed by the UN as an expert for the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights.



Professor Obiora C. Okafor is the Edward B. Burling Chair in International Law and Institutions at John Hopkins University's School of Advanced International Studies in Washington DC, USA and a Professor of International Law at Osgoode Hall Law School, York University, Toronto, Canada. He is the immediate past UN Independent Expert on Human Rights and International Solidarity and a former Chairperson of the UN Human Rights Council Advisory Committee. He is the author/co-editor of 7 books and over 130 articles and other scholarly pieces.



Session 4 (continued)

A Global View on Transnational Torts in Common Law Jurisdictions and Impacts on Justice in Host States



Cory Wanless is a partner at Waddell Phillips and has been actively litigating cases of public importance for over a decade. He has represented clients before all levels of court in Ontario and Alberta, and at the Supreme Court of Canada. Cory has particular interest and experience in complex civil litigation, especially as it relates to corporate accountability, human rights, Indigenous rights, Aboriginal law, police and state accountability, anti-racism and defending human rights defenders. He currently is co-counsel in ground-breaking corporate accountability lawsuits against two Canadian mining companies regarding serious human rights abuses in Guatemala and in Tanzania.