

DOUGLAS HODSON, Q.C.



Partner

Class Actions | Commercial Litigation | Construction Litigation |
Arbitration | Transportation

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Doug Hodson focuses on commercial litigation and has significant experience in class actions, transportation law and construction litigation.

REPRESENTATIVE WORK

- *Great Western Brewing Company Ltd. v Alberta Gaming and Liquor Commission*, 2018 ABQB 476, represented Great Western Brewing Company Ltd. in a successful application for an order declaring a liquor markup to be unconstitutional. The markup was challenged on the ground that, by imposing higher markup rates on out-of-province beer, it created a barrier to interprovincial trade and was therefore contrary to section 121 of the *Constitution Act, 1867*. The Court granted the declaration and also awarded restitution of the amounts unlawfully collected under the markup. This is the first time that a law has been successfully challenged on the grounds that it violates section 121 of the *Constitution Act, 1867*.
- *Canadian National Railway Company v. Viterra Inc. et al.*, 2017 FCA 6, counsel for Canadian National Railway before the Federal Court of Appeal in a successful appeal under the *Canada Transportation Act*, overturning a decision of the Canadian Transportation Agency in relation to the level of service provided by the railway in the context of the historic grain crop of 2013.
- *Jackson v. Canadian National Railway*, 2015 ABCA 89, recovering more than \$400,000 in costs relating to the successful defence of a significant class action. As of its issuance, the cost award represented the largest reported quantum to date in the context of Alberta class proceedings.
- Numerous final offer and service level arbitrations under the *Canada Transportation Act*
- *Saskatoon & Region Home Builders' Association Inc. v. The Children's Wish Foundation of Canada*, 2014 SKQB 89,

counsel for the Children's Wish Foundation in a successful application for summary judgment regarding the use of provincial lottery proceeds. The application resulted in costs awarded to the Foundation on a solicitor and client basis for the first time in the context of the revised summary judgment regime in Saskatchewan.

- Represented Mosaic Potash (Esterhazy) Ltd. in a significant action involving potash reserves and mining practices in motions and appeals, including a leading appellate decision on interlocutory injunctive relief in Saskatchewan (*Mosaic Potash Esterhazy Limited Partnership v. Potash Corporation of Saskatchewan Inc.*, 2011 SKCA 120).
- *Canadian National Railway Co. v. McKercher LLP*, 2013 SCC 39, counsel for Canadian National Railway before the Supreme Court of Canada in a successful appeal on a landmark decision clarifying a lawyer's duty of loyalty to clients, as well as the scope of conflicts of interest rules governing the legal profession in Canada. The decision was named by *Lexpert Magazine* as the most significant case in Canadian litigation for 2013.
- *Jackson v. Canadian National Railway*, 2013 ABCA 440, aff'g 2012 ABQB 652 (leave to appeal to SCC dismissed May 29, 2014, SCC No. 35730), successfully representing the defendant railways on an appeal of the dismissal of an application for certification of a class action seeking hundreds of millions of dollars as a result of the alleged overcharging for carriage of grain in Western Canada and the granting of an application for summary judgment in favour of the railways.
- Represented corporate defendants in major class actions in Saskatchewan and Alberta.
- Successfully represented Canadian retailers in constitutional and other challenges to Sunday shopping legislation in Saskatchewan, Alberta and Ontario.
- Commission Counsel, Inquiry into the Wrongful conviction of David Milgaard (2004-2007), a public inquiry spanning 192 days of hearings with more than 125 witnesses and 100,000 documents.
- *Dolan v. Moose Jaw*, 2008 SKQB 339. Successfully representing the defendant municipality in an action challenging the effect of a municipal referendum related to a major construction project.
- *David McKinnon v. Red Lily Energy Partnership et al.*, 2011 SKQB 313, successfully opposing a motion in an uncertified class action for an injunction to restrain the construction of an electricity-generating wind farm.
- *Fond du Lac First Nation et al. v. Attorney General et al.*, 2012 FCA 73; aff'g 2010 FC 948, successfully representing a resource company in an application concerning a licence renewal and the extent of the duty to consult First Nations on resource development issues.

BIOGRAPHY

Doug has argued significant cases before all levels of court in Saskatchewan, Alberta and Ontario and before the Federal Courts and the Supreme Court of Canada.

Doug is one of the most distinguished community leaders in Saskatoon. His volunteer portfolio is diverse and extensive, and includes active involvement with a number of professional, business and social organizations. His

significant contributions to his profession and community have been recognized on numerous occasions.

LEADERSHIP

- Fellow, Litigation Counsel of America's Trial Lawyer Honorary Society (2018)
- Remail Modern Foundation – Board Member (2018)
- Chair, Graham and Ruby DeLaet Foundation Fundraiser for Children's Hospital of Saskatchewan (2014)
- Chair, \$20 Million Capital Campaign, Remail Art Gallery of Saskatchewan (2010-2015)
- Vice-President of Sponsorships, University Cup Canadian University Men's Hockey Championships (2013-2014)
- Chair (2008-2010); Director (2005-2012), St. Paul's Hospital Board of Management
- Committee Member, United Way of Saskatoon Dinner Date (2012)
- Chair, Mike Weir Miracle Golf Drive for Kids (2008)
- President (2006-2007); Director (2000-2008), Heart & Stroke Foundation of Saskatchewan
- Chair (2007-2012); Member (2000-2012), Saskatoon District Planning Commission
- President (2001-2002); Co-Chair, Royal Care Campaign (2002-2006); Director (1998-2004), Royal University Hospital Foundation
- Vice-President, Nokia Brier (2004)
- President (2001-2002); Campaign Chair (1994), United Way of Saskatoon

PAPERS & PRESENTATIONS

- Co-author with [John Agjoritis](#), *International Comparative Guide to Business Crime 2014: Canada*, ICLG (2013)
- Panellist, "Technology and the Law," Future of Law Conference, University of Saskatchewan (2012)

AWARDS

- Lawyer of the Year, Corporate and Commercial Litigation, *Best Lawyers* (Saskatoon, 2020)
- Recognized in *Lexpert/ROB Special Edition*, as one of Canada's Leading Lawyers in Litigation (2019)
- Litigator of the Year – Saskatchewan, *Benchmark Canada* (2019)
- Named one of *Chambers Canada's* top lawyers in General Business Law and Transportation Law (since 2019)

- “Leader in Their Field,” Transportation: Rail & Road (Nationwide-Canada), General Business Law (Saskatchewan), *Chambers Canada* (since 2016)
- “Notable Practitioner,” *Chambers and Partners* (since 2014)
- One of *Benchmark Canada’s* “Canada Litigation Stars” – Class Actions (since 2013), General Commercial (since 2016)
- Queen’s Diamond Jubilee Medal (2012)
- One of the University of Saskatchewan College of Law’s “100 Distinguished Graduates” at Centennial Celebrations (October 2012)
- Fellow of the American College of Trial Lawyers (2007)
- Appointed Queen’s Counsel (2007)
- Recognized in *Best Lawyers*, Bet-the-Company Litigation, Class Action Litigation, Corporate and Commercial Litigation (since 2006)
- A leading practitioner, Commercial Litigation, Corporate Commercial Litigation, Commercial Insurance Litigation, Directors and Officers Liability Litigation, Professional Liability, *Canadian Lexpert Legal Directory* (since 2006)
- *Lexis-Nexis / Martindale-Hubbell* – “BV Peer Review Rated”
- Saskatoon Centennial “100 People, 100 Reasons” Award (2006)
- Saskatchewan Centennial Medal (2005)
- Rotary Clubs of Saskatoon Golden Wheel Award for Excellence in Community Service (2005)
- Canadian Bar Association Community Service Award (Saskatchewan, 2002)
- University of Saskatchewan Alumni Association Humanitarian Award (2001)
- B’nai B’rith “Proud of You” Award (2000)

EDUCATION & QUALIFICATIONS

- Saskatchewan Bar (1985)
- LLB with distinction (Saskatchewan, 1984)
- B.Comm. with honours (Saskatchewan, 1981)