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Brenda C. Swick is a partner in our Toronto office. She is one of Canada's leading practitioners in international trade and investment law. She also offers extensive expertise in government contracting, enforcement & compliance, litigation, anti-corruption and government relations.

Brenda assists clients in understanding how to expand and protect their businesses at home and abroad under the myriad of Canada's international trade and investment agreements, including the NAFTA, CETA and WTO. She advises them on the application of laws governing the cross-border trade in goods, services and technology across a range of industries, including natural resources, consumer goods, financial services, defence and infrastructure.

Brenda's practice focuses on economic sanctions, export, import and technology transfer controls, defence trade controls, blocking measures (Cuba), national security measures, antidumping, countervail and safeguard measures, customs and tariffs, government contracting and anti-corruption enforcement and compliance.

She offers extensive expertise in representing clients in anti dumping and countervailing duty investigations before the Canada Border Services Agency, the Canadian International Trade Tribunal and the Federal Court and Federal Court of Appeal.

For over 20 years, Brenda has successfully litigated high-profile cases and has advised governments and private sector clients in more than 15 WTO dispute resolution proceedings. Brenda represented a provincial government in the WTO Feed-In-Tariff case and for many years represented the Quebec Softwood Lumber industry in the anti-dumping and countervailing duty cases against imports of softwood lumber from Canada, the most commercially significant trade case ever filed under the US trade laws. She has represented clients in some of Canada's highest profile trade disputes in softwood lumber, dairy products, alcoholic beverages, baby food, natural resources and energy.

Brenda was formerly counsel to the Canadian International Trade Tribunal which hears appeals of decisions by the Canadian Government in regard to customs and government contracting matters. She has counselled on customs matters and appeared before the CBSA, CITT and Federal Court. Early in her career, Brenda was in-house counsel to a major freight forwarder and distribution company where she had the opportunity to work on a variety of customs-related matters.

Brenda has represented clients in numerous government contracting disputes, including before the Canadian International Trade Tribunal, the Federal Court of Canada and provincial tribunals. She also advises clients on all aspects of federal, provincial and municipal government contracting in Canada, including bid preparation, contract negotiation, assignment and change of control provisions, regulatory compliance, anti-corruption compliance, suspension and debarment, bid challenges and litigation.



In addition, Brenda also advises clients on the design and conduct of private procurement.

She has also written corporate compliance programs and conducted anti-corruption training, audits and investigations for Fortune 500 companies.

The Government of Canada has appointed Brenda as an expert arbitrator under Chapter 19 of the NAFTA. She has also received her Certificate in Public Procurement Law and Practice from Osgoode Hall Law School. Early on in her career, she was legal counsel with the Canadian International Trade Tribunal (CITT), Canada's bid review mechanism and the Department of Justice.

Having practiced in Ottawa for two decades, Brenda is well-known in government circles, and brings to clients years of experience in dealing effectively with governments and administrative agencies, in regard to a host of regulatory compliance issues.

### Representative Highlights

- Counsel to the Government of Ontario before the WTO in the challenge by EU/Japan of Ontario's procurement of energy under its Feed-In-Tariff (2011-2015)
- Counsel to Oracle Canada ULC. in two bid disputes before the CITT regarding the procurement of common and shared management software solutions by PWGSc
- Counsel to CGI Group Inc. in bid protest by TPG Technology Consulting Group regarding procurement of engineering and technical support services in support of enterprise Server Domain before the CITT
- Counsel to Suncor in export controls and economic sanctions matters
- Counsel to Western Canadian Alliance of Gypsum Contractors before CITT in the dumping of Gypsum from the USA
- Counsel to Raytheon Canada ULC. in bid dispute before CITT regarding procurement of Integrated Soldier System Project (ISSP) by PND/PWGSC
- Counsel to Quebec Forest Industry Council in WTO/NAFTA disputes regarding the importation of Canadian softwood lumber into the US (1996-2008)
- Counsel to Nestle Canada Inc. before the CFIA and Federal Court regarding the restrictions on importation of baby food into Canada
- Counsel to Severstal in Cold Rolled Steel antidumping and countervailing duty Investigation before the CBSA and CITT
- Counsel to RIMA in antidumping and countervailing duty investigation before CITI regarding Silicon Metal
- Counsel to Baosteel in CBSA investigation regarding the dumping and subsidization of Fabricated Industrial Steel components
- Counsel to the Canadian Commissioner of Competition before NAFTA Panels regarding a complaint by Heinz Canada regarding infant formula sales in Canada



- Counsel to Ford Canada in WTO dispute regarding the Canada-US Auto Pact filed by Japan and EU
- Counsel to Mark Anthony Fine Wines before the government of British Columbia regarding the procurement and sale of alcoholic beverages
- Counsel to Food and Consumer Products Association in regard to the WTO Dispute by Canada regarding Country of Origin Labelling and Front of Packaging Labelling

*This list does not include representation of clients in export control, economic sanctions, anti-corruption matters due to the confidential nature of these mandates.*

A complete list of significant cases and mandates can be found [here](#).

### Publication Highlights

- Speaker, "A Time for Retaliatory Tariffs," May 20, 2018
- Author, "B.C. Log Export Restrictions The Big Change in Softwood Lumber Dispute," The Lawyer's Daily, March 15, 2018
- Panelist, "NAFTA Talks Are Going Better Than Expected: International Trade Lawyer," BNN Interview, January 29, 2018
- Panelist, "NAFTA Modernization: Benefits & Challenges," Open Caucus Meeting, October 18, 2017
- Panelist, "Why the Softwood Deal Before NAFTA Talks is Not Critical," BNN Interview, May 2, 2018
- Author, "Anti-Corruption Compliance In Import/Export Transactions," 2017 ICPA Conference, Toronto, May 2017
- Co-Author, "Halsbury's Laws of Canada - Customs and Excise," February 2017
- Contributor, "Protectionism in Reverse," Lexpert Magazine, November/December 2016
- Panelist, "A Toast to the Future - From the Auto Pact to What's Next - Canada-U.S. Trade and Talent for the 21st Century," U.S.-Canada S.A.G.E. Summit, Columbus, Ohio, June 16, 2016
- Speaker, "Recent Developments in Investor State Arbitration," Canadian/US Law Institute, April 7, 2016
- Speaker, "How to Void Suspension and Debarment: A Potent Government Consumer Remedy and Serious Consequences for Corporations and Individuals," ABA 2016 Spring Meeting, Columbus, Ohio
- Speaker, "Gordie Howe: A Great Hockey Player and a Vital Link to Cross Border Trade Between the US and Canada," ABA 2016 Spring Meeting, Columbus, Ohio
- Co-Author, "Unpacking the U.S. Border," The Lawyers Weekly, Cross Border Law, March 2, 2016
- Quoted, "PM's Star Power Won't Settle Softwood Fight," Globe and Mail, March 12, 2016
- Speaker, "International Procurement Developments in 2016; Canada," Thomson Reuters West Government Conducts Year In Review Conference, Washington D.C., February 16, 2016



## **Achievements**

- *Chambers Global* (International Trade/WTO)
- *Chambers Canada* (Public Procurement; International Trade/WTO)
- *Canadian Legal Lexpert Directory* (International Trade Regulation)
- *Who's Who Legal: Trade & Customs*
- *Who's Who Legal: Government Contracts*
- *Who's Who Legal: Canada* (Trade & Customs and Government Contracts)

## **Call to the bar**

Ontario, 1987

## **Associations**

- Global Offset and Countertrade Association
- Canadian Bar Association (International Law Section; Public Procurement; Anti-Corruption Committees)
- American Bar Association (Co-Chair, International Procurement Committee; Aerospace-Defence Committee)

## **Expertise**

International Trade  
Government Relations  
White Collar Crime & Regulatory Response  
Competition, Antitrust & Foreign Investment  
Business  
Litigation