

# Pascale Cloutier

## Partner and General Counsel

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### OFFICE

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## Industries & Expertise

### INDUSTRIES

Franchising & Distribution

### EXPERTISE

Arbitration & Mediation | Class Actions |  
Competition, Antitrust & Foreign Investment |  
Marketing, Advertising & Product Compliance

## Biography

### BAR ADMISSION

Ontario, 2012

Quebec, 1995

### EDUCATION

- Certificate of Qualification in Common Law, National Accreditation Committee, 2012
- Program in public and private international law, The Hague Academy of International Law, 1993
- LL.L., University of Ottawa, 1993

### LANGUAGES SPOKEN

English, French

Pascale Cloutier serves as Miller Thomson's General Counsel. Proficient in civil and common law, and fluent in both French and English, Pascale ensures firm-wide compliance with law society regulations and risk mitigation practises. Alongside her legal team, she provides legal advice to the firm's leadership and ethical guidance to its lawyers. Prior to becoming Miller Thomson's General Counsel, Pascale was a commercial litigator focusing mainly on competition and consumer law, product liability, and franchising. She has represented clients before various courts, including the Supreme Court of Canada.

Pascale has made valuable contributions to the legal landscape through publications and presentations on ethical compliance, franchise law, competition law, and other related topics. Her contributions to prominent legal resources and journals underscore her commitment to sharing valuable insights and knowledge within the legal community.

Renowned for her knowledge and experience in competition/antitrust and franchise law, Pascale is an active member of numerous legal associations and has received multiple recognitions, including listings in *The Best Lawyers in Canada* and *The Canadian Legal Lexpert Directory*. A recipient of the Queen Elizabeth II Diamond Jubilee Medal, Pascale's success in cross-border litigation further attests to her exceptional legal acumen and dedication to her field.

## Industry involvement

### Recognition

- *The Best Lawyers in Canada* – Competition/Antitrust Law, 2013 – 2022; Franchise Law, 2015 – 2025
- *The Canadian Legal Lexpert Directory* – Franchise Law (Franchisor), 2015 – 2024
- *The International Who's Who of Franchise Lawyers*, 2013, 2015
- *The International Who's Who of Business Lawyers*, 2014
- Leading practitioner in franchise law, *Canadian Legal Lexpert Directory*, 2009 – 2015
- Queen Elizabeth II Diamond Jubilee Medal 2012
- *Who's Who Legal: Canada* 2011 – 2015; *Franchise Lawyers* 2011 – 2015
- Cross-border Litigation Lawyers to Watch in Canada, *Lexpert Guide to the Leading US/Canada Cross-border Litigation Lawyers in Canada*, 2009 and 2010

### Thought leadership

#### Publications

- "Franchising in the Province of Québec", *Fundamentals of Franchising – Canada*, 2nd Edition, 2017
- "The International Comparative Legal Guide to: Franchise 2015 – A practical cross-border insight into franchise law", 1st edition, *Jurisdictional Chapter: Canada*, Global Legal Group, 2014

- “Main impact of Competition Law in the Franchise field”, *Recent developments in Franchise Law*, the Department of Continuing Education, Québec Bar Association, vol. 368, 2013
- “Quebec – Language Charter: The Mandatory Duties of a Company, Franchise and Distribution”, *Federated Press*, 2013
- “The Charter of the French Language: What to Know When Doing Business in Quebec, Franchise and Distribution”, *Federated Press*, 2013
- *Covenants against Competition on Franchise Agreements*, 3rd Edition, American Bar Association Forum on Franchising, 2012
- “The Additional Warranty Offered by Merchants in Quebec Law”, *Franchise and Distribution*, 2011
- “Contracts of Adhesion: Consequences of a Franchise Contract Being Called a Contract of Adhesion in Quebec Civil Law”, *Franchise and Distribution*, 2010
- “The Canadian Franchising System”, *2009 Lexpert Guide to the Leading US/Canada Cross-Border Litigation Lawyers in Canada*, 2009
- “Québec Class Action Certification Decision”, *Franchise and Distribution*, 2008
- “La responsabilité contractuelle et extracontractuelle du franchiseur, Développements récents en droit de la franchise et des groupements”, *Barreau du Québec, Service de la formation continue, Éditions Yvon Blais*, 2008
- “The Evolution of the Safeguard Order for the payment of Royalties in Québec”, *Franchise and Distribution*, 2007
- “Superior Court of Québec Dismissal of a Motion for Authorization to institute a Class Action against Toyota Canada and 38 of its dealerships”, *Franchise and Distribution*, 2007
- “The Compensatory Contribution for Municipal Curb Side Recycling Services in Québec”, *Franchise and Distribution*, 2007
- “La responsabilité du franchiseur et du franchisé pour des produits défectueux”, *FranNews*, 2006
- “Contractual Legal Liability of Manufacturers and Distributors Under Québec Law”, *Franchise and Distribution*, 2006

## **Community roles**

- Climbed Mount Kilimanjaro, a height of 5,895 meters (19,340 feet), in January 2007, to raise funds for liver research and education

## **Corporate directorships**

- Member, Board of Directors, Canadian Liver Foundation

## **Memberships & affiliations**

- The Canadian Bar Association

- Canadian Franchise Association, Legal and Legislative Committee
- International Franchise Association
- American Bar Association