

Josiane Brault

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Insurance Claim Defence
Commercial Litigation
Products Law
Health Care Disputes
Disputes
Contract Disputes
Institutional Abuse Claims Defence

Josiane Brault is a Partner in our Disputes Group and an experienced trial lawyer, having practised in civil and commercial litigation for nearly 20 years. She is known for her ability to handle complex cases involving significant technical, financial and institutional challenges.

She focuses her practice on insurance law, civil liability and product liability, as well as the health care sector: all areas where it is critical to have a thorough command of the technical evidence, coordinate expert opinions, and strategically manage risk. Favouring an integrated approach that encompasses prevention, incident management, litigation strategy and advocacy, she guides her clients not only in court but before disputes even arise.

Josiane regularly represents insurers and their policyholders, both in defence and in subrogation cases, in matters involving major claims, personal injury, and civil, professional or commercial liability. She also represents municipalities and their insurers in complex litigation, particularly in the wake of major weather events or in cases involving expropriation and the exercise of regulatory powers.

In the health care sector, she draws on her extensive experience representing health care facilities. She currently represents private clinics, health care access centres and nursing homes in medical malpractice and other civil lawsuits. In addition, she is often called upon to help avoid litigation, particularly during internal investigations, inspections and critical situations. She advises clients on their obligations, operational practices and policies, with the specific goal of reducing exposure and managing risk.

Her practice takes into account the changing environments in which clients operate, particularly the use of technology in health care settings, including digital tools and artificial intelligence, as well as the resulting liability issues.

Josiane frequently represents clients before all courts and tribunals in Québec. Her advocacy experience is reflected in a proactive approach to cases, focused on quickly grasping the issues at hand, strategically managing the evidence, and promptly preparing the case for trial.

Josiane actively contributes to mentoring and training the next generation while maintaining a sustainable balance between her professional and family duties.

Experience

- Represented major contractors in complex disputes against a public project owner in the energy sector (in particular *Kiewit v. Hydro-Québec* and *Dawcolectric v. Hydro-Québec*), achieving the award of substantial compensation for additional costs related to design defects, delays, safety constraints and interference with work methods in large-scale technical infrastructure projects.
- Secured an early claim withdrawal at no cost in a lawsuit for over $20 million by implementing a targeted strategy that quickly called the basis of the claim into question.
- Represented municipalities and their insurers in civil liability and municipal law disputes, including a trial before the Superior Court of Québec that resulted in the complete dismissal of a claim alleging misrepresentation in a real estate project, as well as cases involving weather events, the exercise of regulatory powers, and public infrastructure management.
- Represented healthcare companies (private clinics, a medical centre and seniors' residences) in medical liability cases involving service quality, duty of supervision, and incident management.
- Represented manufacturers and distributors—including in the medical device industry—being sued following major accidents and losses in cases involving complex technical issues that require in-depth knowledge of the law on manufacturer liability and an understanding of the clients' products.
- Represented clients at all stages of litigation, and appeared before all courts in Québec.

Insights & Events

- Author, "Product Law Updates in Canada: Québec's Leadership and Emerging Common Law Trends", American Bar Association, December 2025
- Author, "The real impact of delays on evidence: When time erases evidence in complex litigation", BLG Article, May 2025
- Medical device litigation trends in Canada and the U.S., BLG Video, April 2023
- The Sensor: Driverless vehicles: Two years of autonomy on Québec roads, BLG Perspective, May 2020
- Author, "Endossement frauduleux et vol d'identité : la Cour d'appel détermine qui de deux parties innocentes doit subir la perte liée à l'encaissement d'un chèque par un fraudeur (in French)", BLG Article, July 2019
- Panelist, Sommet transport et mobilité, organized by Événements Les Affaires, November 6, 2018
- The Sensor: Québec Moves Forward with Regulation of Autonomous Vehicles, BLG Perspective, April 2018
- Co-author, "Québec Superior Court confirms strict liability for cheque bearing forged endorsement, in a case of identity theft and mortgage fraud," The Exchange: BLG Financial Institutions Litigation Blog, Oct. 26, 2016

Beyond our Walls

Professional Involvement

- Directorship training (Board of Directors), Réseau des jeunes administrateurs (RJA), Montréal, Université Laval
- Member, Canadian Bar Association

Awards & Recognitions

- Recognized in the 2027 edition of *The Best Lawyers in Canada* (Insurance Law)

Bar Admission & Education

- Québec, 2008

- LLB (civil law), Université du Québec à Montréal, 2008
- BA, International Relations and International Law, Université du Québec à Montréal, 2006

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