

Investigations & White Collar Defence

Our Investigations and White Collar Defence practitioners are poised to quickly respond in a crisis. We recognize that the challenges faced by clients are often multi-faceted, and that the management of reputational risk needs to be a forefront consideration. We will immerse ourselves in your issues from the start, bringing our impeccable judgment to bear on your problem so that we can navigate you to a successful outcome.

Our deep experience uniquely positions us to help you. Among our ranks are former senior staff at the Ontario Securities Commission and the Canadian Competition Bureau. Our matters have included several of the highest profile white collar and regulatory prosecutions in Canadian history. And while our goal is always to have our clients' issues resolved at the investigative stage and outside of the glare of the news media, when proceedings are instituted, the trial experience of our lawyers is second to none.

Our practice encompasses all areas of white collar defence work, including:

- responding to search warrants, documentary summonses and production orders
- defending corporations, directors and officers in criminal and regulatory investigations and prosecutions
- conducting internal investigations into allegations of corporate and employee misfeasance
- navigating complex cross-border and multijurisdictional investigations and enforcement actions

Experience

- Conducted an internal investigation for a multi-national construction service provider regarding allegations of employee fraud and kickbacks.
- Represented a Canadian bank-owned securities dealer in an internal investigation and regulatory investigation into the collapse of assetbacked commercial paper market.
- Conducted an internal investigation for a public sector institution regarding alleged conflicts of interest and misuse of public funds.
- Represented a UK-based national charged with bribery under the *Canadian Corruption of Foreign Public Officials Act* (CFPOA), in a landmark prosecution under Canada's anti-bribery statute.
- Represented a major Canadian investment dealer in a regulatory prosecution under the *Pension Benefits Act*.
- Represented a large municipality in various regulatory prosecutions.
- Acted for an intervenor before the Supreme Court of Canada in *World Bank Group v. Wallace*, which pertained to compelled third party production in a CFPOA prosecution.

- Defended a client in a Canadian Competition Bureau investigation concerning alleged price fixing in the Québec retail gas sector.
Special counsel to the Investment Industry Regulatory Organization of Canada in relation to market manipulation proceedings.
- Represented senior executives of a major Canadian technology company during an internal investigation, regulatory investigation and regulatory proceedings in relation to options back-dating allegations.
- Represented Canadian bank-owned securities dealer in an internal investigation and subsequent OSC no-contest settlement regarding allegations of control and supervision inadequacies in respect of customer fees.
- Defending a Schedule I bank in a proceeding brought against it by a commercial customer pertaining to a multi-million dollar fraud perpetrated by the customer's bookkeeper.
- Counsel to an individual in a high profile investigation for alleged tax evasion arising out of the Panama Papers.
- R. v. Barra and Govindia - acting for an individual charged under the Corruption of Foreign Public Officials Act.
- Acting for a travel insurance underwriter in a contract dispute with its claims administrator.
- Represented an investment dealer in a regulatory prosecution under the Pension Benefits Act.
- In the Matter of Home Capital Group Inc. et al. – acted for the former CFO of Home Capital Group in Ontario Securities Commission enforcement proceedings and related class action proceedings.
- Represented the Canadian Investor Protection Fund (CIPF) in relation to customer claims brought as a result of the collapse of First Leaside Securities Inc.
- Acted for the Canadian subsidiary of a multinational aluminum producer in an action to recover funds misappropriated by a former employee.
- Acted for a commercial wind farm in a dispute with adjacent landowners.
- Acted for Hollinger, RIM, and Nortel, as well as landmark bribery (R. v. Barra and Govindia, Katanga Mining, Griffiths Energy and Nordion) and illegal insider trading prosecutions (e.g. the 2015 OSC prosecution of Davies partner Mitchell Finkelstein and others).

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

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