

Investigations and White Collar Defence

SUMMARY

BLG's Investigations and White Collar Defence Group acts for clients in internal investigations, as well as in all phases of the investigation and prosecution of white collar criminal and regulatory offences.

Our matters have included some of the highest profile investigations and white collar prosecutions in Canadian history. We are also frequently called upon to act as Canadian counsel to multinational corporations, their directors and officers in multi-jurisdictional investigations and enforcement actions.

Our Group has been selected for inclusion in the GIR 100 2018 – a guide to the world's leading firms for corporate investigations. Individual members of our group have also been recognized as leading practitioners in various categories by *Chambers Global – The World's Leading Lawyers for Business*, *Chambers Canada*, *Benchmark Canada*, and the *Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada*. When proceedings are instituted (including follow-on class actions), the courtroom experience of our litigators is unparalleled in Canada. Collectively, BLG lawyers have tried hundreds of cases, and they appear frequently in Canada's appellate courts, including the Supreme Court of Canada.

As one of the largest Canadian law firms, BLG is uniquely positioned to assist clients in navigating the increasingly complex business and regulatory environments in which they operate. With access to over 700 professionals across the country in a variety of disciplines, the lawyers in our Group are well-equipped to assist clients with complex and multifaceted legal problems. The Group regularly acts for clients in a range of industries, including Financial Services, Healthcare, Construction, Energy and Retail.

PRESENTATIONS & PUBLICATIONS

Presentations

- Graeme Hamilton and Alannah Fotheringham, "Addressing Human Trafficking in the Corporate Supply Chain," International Society for the Reform of Criminal Law – The Scourge of Trafficking in the 21st Century, July 2018
- Graeme Hamilton, "Self-Reporting and Legal Professional Privilege in the Context of Bribery Investigations," 16th Annual IBA Anti-Corruption Conference, June 2018
- Jim Douglas and Graeme Hamilton, "Orange is the New Pinstripe: The Increasing Spectre of Individual Criminal Liability for Officers and Directors," BLG In-House Counsel Seminar, November 2017
- Graeme Hamilton, "When the Regulator Comes Knocking – Securities and Regulatory Risk," BLG Seminar on Litigation Risk Management for Financial Institutions, October 2017
- Graeme Hamilton, "Mistake of Law as a Defence to Alleged Breaches of the Securities Act," Advocates' Society Seventh Annual Securities Symposium, September 2017
- Graeme Hamilton, "Navigating Global Compliance Trends and Global Enforcement Priorities," American Bar Association Second Global White Collar Crime Institute, June 2017
- Jim Douglas, Caitlin Sainsbury and Graeme Hamilton, "Enforcement Priorities for the Trump Administration," BLG Client Event, April 2017

- Caitlin Sainsbury, "Significant Legal Developments in the Northeast Region," 31st Annual National Institute on White Collar Crime, American Bar Association.
- Robert Dawkins, "[Fraud Risk Management in the Era of Faceless Clients](#)," International Association of Financial Crimes Investigators International conference, 2017
- Graeme Hamilton, "Using Internal Investigations to Mitigate Criminal, Regulatory and Reputational Risk", BLG In-House Counsel Seminar, November 2016
- Ross McGowan, "From Curbside to Store Front: Risks of Rewards from the Business of Marihuana," BLG Seminar, June 2016.

Publications

- Graeme Hamilton and Milos Barutciski, "[Canada chapter](#)," *The Practitioner's Guide to Global Investigations*, Third Ed., Global Investigations Review, 2019.
- Rob Dawkins and Graeme Hamilton, Lexology Navigator: Anti-money Laundering & Fraud Q&A — Canada, April 2018.
- Loni Da Costa, "[Counsel Comments: *Cunningham v. Wiltzen*, 2017 ABCA 185](#)," *Take Five: Alberta Edition*, July 2017.
- Graeme Hamilton, "White Collar Minimums: Some Mandatory Sentences have been Struck down but Stiff Financial Crime Penalties Here to Stay," *The Lawyers Weekly*, August, 2016.
- Ross McGowan, "International Compliance — Anti-bribery and Corruption Laws," (Canada Chapter [4]), *C. H. BECK, Hart, Nomos*, July 2016.
- Ross McGowan, "[International Compliance — Legal Requirements of Business Organisation in Over 30 Countries](#)," (Canada Chapter [4]), *C. H. BECK, Hart, Nomos*, July 2016.
- Caitlin Sainsbury, "[Is Canada doing enough to support whistleblowers?](#)," *Wealth Professional*, October 2016 (Quoted).
- Caitlin Sainsbury, "[Canadian securities regulators disagree on whistleblower incentives](#)," *Compliance Week*, August 2016 (Quoted).
- Caitlin Sainsbury, "[New awards policy for whistleblowers under fire](#)," *Law Times*, July 2016 (Quoted).

Client Bulletins

- "[Several Common Employment Agreement Provisions Could Violate the Securities Act](#)," February 2019.
- "[Recent OSC Settlement Highlights Importance of Carefully Considering Foreign Corruption Risk](#)," December 2018.
- "[Supreme Court Clarifies Process for Challenging Production Orders](#)," December 2018.
- "[Deferred Prosecution Agreements are Coming to Canada](#)," September 2018.
- "[Whistleblower Policy Bulletin](#)," July 2016.
- "[Canada updates AML/ATF Regulations and Guidance](#)," July 2016.

OUR SERVICES

Our Investigations and White Collar Defence Group regularly acts for clients in the following areas:

- Conducting internal investigations on behalf of public and private corporations as well as public institutions.
- Defending corporations and individuals in investigations and prosecutions for illegal insider trading, market manipulation, price-fixing, bid rigging, public corruption, bribery, fraud and other white collar offences.
- Representing market registrants, public companies and their respective officers, directors and shareholders in all manner of proceedings and prosecutions before provincial securities commissions and the self-regulatory organizations that regulate the investment industry.
- Representing public and private companies in international and domestic cartel investigations as well as other criminal matters under the *Competition Act*.
- Providing advice in relation to compliance with anti-money laundering, anti-bribery, antitrust and securities legislation.
- Acting as Canadian counsel in multi-jurisdictional and cross-border investigations and enforcement proceedings.

OUR 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.