



GRAEME A. HAMILTON

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[Investigations and White Collar Defence](#)

[Securities Litigation](#)

[Competition, Antitrust and Foreign Investment](#)

[Defence and Security](#)

[Appellate Advocacy](#)

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Education / Bar Admissions

LLM, Harvard Law School, 2010

JD, University of Toronto, 2008

MA in Economics, University of Toronto, 2008

BSc in Mathematics and Engineering, Queen's University, 2003

Ontario, 2009

Professional Involvement

Member, Advocates' Society

Member, Criminal Lawyers' Association

Member, American Bar Association, Criminal Justice Section

Member, International Bar Association

Teaching Advisor, Trial Advocacy, University of Toronto Faculty of Law, 2018-2019

Adjunct Professor, Evidence, Osgoode Hall Law School, 2014-15

EXECUTIVE SUMMARY

Graeme Hamilton is the National Co-Chair of BLG's Investigations and White Collar Defence Group. Graeme is an experienced trial and appellate counsel whose practice focuses on white collar criminal defence, government and internal investigations, securities regulation and public law. In particular, Graeme's practice encompasses:

- Defending corporations and individuals facing investigation or prosecution for white collar offences, including fraud, illegal insider trading, price-fixing, deceptive marketing, bribery and public corruption
- Advice in relation to compliance with anti-money laundering, anti-bribery, antitrust and securities legislation
- Corporate internal investigations
- Securities regulation, including investigations and enforcement proceedings before the Ontario Securities Commission (OSC) and self-regulatory organizations
- Professional discipline proceedings
- Related civil litigation, including proceedings for contempt of court and applications for *Mareva* injunctions and *Anton Piller* orders
- Appeals and applications for judicial review

Graeme has been lead counsel in dozens of trials and contested hearings. He also has substantial appellate experience in both criminal and civil matters. Graeme teaches trial advocacy at the University of Toronto Faculty of Law and previously taught Evidence at Osgoode Hall Law School as an adjunct professor.

REPRESENTATIVE WORK

White Collar Defence

- Counsel to an individual in a high profile investigation for alleged tax evasion.
- *R. v. Barra and Govindia* - acting for an individual charged under the *Corruption of Foreign Public Officials Act*.

- Represented a large Canadian municipality in various regulatory prosecutions.
- *City of Toronto v. Toronto Community Housing Corporation* – acted for Toronto Community Housing Corporation in a regulatory prosecution for breaches of the Ontario Fire Code following a fatal fire at a seniors' residence.
- Represented a large public corporation in a regulatory prosecution for alleged environmental offences.
- Represented an investment dealer in a quasi-criminal prosecution under the *Pension Benefits Act*.
- *R. v. Gunasingham* – acted for an individual in a high profile auto insurance fraud prosecution.
- Represented corporations and individuals in price-fixing and deceptive marketing investigations conducted by the Canadian Competition Bureau.
- Frequently advise corporate and institutional clients in relation to compliance with Canadian anti-bribery and anti-money laundering legislation.

Internal Investigations

- Conducted an internal investigation for a public issuer into alleged foreign corrupt practices.
- Conducted an internal investigation for a public sector institution into alleged conflicts of interest and misuse of public funds.
- Conducted an internal investigation for a public sector institution into allegations of employee fraud.
- Conducted an internal investigation for a multi-national construction service provider into allegations of employee fraud and kickbacks.

Securities Regulation and Litigation

- *In the Matter of Home Capital Group Inc. et al.* – acted for former CFO of Home Capital Group in OSC enforcement proceedings and related class action proceedings.
- Counsel to an SRO in relation to various issues arising out of investigations and enforcement 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.

PUBLICATIONS & PRESENTATIONS

- Co-Author, "[Civil Enforcement of Canada's Foreign Corruption Law?](#)", FCPA Professor Blog, January 18, 2019.
- Co-Author, "[Canada](#)" chapter, *The Practitioner's Guide to Global Investigations*, Third Ed., Global Investigations Review, 2019.
- Co-Author, "[Supreme Court Clarifies Process for Challenging Production Orders](#)," *BLG Bulletin*, December 2018.
- Co-author, "[Deferred Prosecution Agreements are Coming to Canada](#)," *BLG Bulletin*, September 2018.
- Speaker, "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.

- Speaker, “Self-Reporting and Legal Professional Privilege in the Context of Bribery Investigations”, 16th Annual IBA Anti-Corruption Conference, June 2018.
- Speaker, "Orange is the New Pinstripe: The Increasing Spectre of Individual Criminal Liability for Officers and Directors", BLG In-House Counsel Seminar, November 2017.
- Speaker, "When the Regulator Comes Knocking – Securities and Regulatory Risk", BLG Seminar on Litigation Risk Management for Financial Institutions, October 2017.
- Speaker, "Mistake of Law as a Defence to Alleged Breaches of the *Securities Act*", Advocates' Society Seventh Annual Securities Symposium, September 2017.
- Speaker, "Navigating Global Compliance Trends and Global Enforcement Priorities", American Bar Association Second Global White Collar Crime Institute, June 2017.
- Moderator, "Enforcement Priorities for the Trump Administration", BLG Client Event, April 2017.
- Speaker, "Using Internal Investigations to Mitigate Criminal, Regulatory and Reputational Risk", BLG In-House Counsel Seminar, November 2016.
- Author, "White Collar Minimums: Some Mandatory Sentences have been Struck down but Stiff Financial Crime Penalties Here to Stay," *The Lawyers Weekly*, August, 2016.
- Co-Author, "OSC Whistleblower Policy Comes Into Effect," *The Exchange: Financial Institutions Litigation Blog*, July, 2016.
- Author, "New SCC decision on pre-trial delay likely to have a significant impact on white collar prosecutions," *The Exchange: Financial Institutions Litigation Blog*, July, 2016.
- Author, "Are mandatory minimum sentences for white collar offences unconstitutional - hypothetically?," *The Exchange: Financial Institutions Litigation Blog*, April, 2016.
- Author, "\$1 Million Costs Award Protects Commercial Landlords and Mortgage Lenders," *The Exchange: Financial Institutions Litigation Blog*, April, 2016.
- Speaker, "How to Approach Disclosure & Settlement After an International Internal Investigation," *American Bar Association Global White Collar Crime Institute*, November 2015.
- Guest Lecturer, “The Law Society Discipline Process,” Osgoode Hall Law School, Criminal Law Intensive Program, January 2015.
- Witness, Bill C-36, An Act to amend the *Criminal Code* (*Bedford v. Canada*), Senate of Canada, Legal and Constitutional Affairs Committee, September 2014 (Submissions on behalf of the Canadian Council of Criminal Defence Lawyers).
- Witness, Bill C-217, An Act to amend the *Criminal Code* (mischief relating to war memorials), Senate of Canada, Legal and Constitutional Affairs Committee, February 2014 (Submissions on behalf of the Canadian Council of Criminal Defence Lawyers).

- Guest Lecturer, “The Law Society Discipline Process,” Osgoode Hall Law School, Criminal Law Intensive Program, January 2014.
- Speaker, “The Role of Psychiatric Opinion Evidence in Legal Proceedings: Lessons from *Clark v. Arizona* and the Goudge Inquiry,” Canadian Academy of Psychiatry and the Law Annual Conference, February 2011.
- Co-Author, “The Goudge Inquiry and the Role of Medical Expert Witnesses” (2010). 182:1 *Canadian Medical Association Journal* 53-56 (with the Honourable Frank Iacobucci).
- Co-Author, “Canadian Securities Regulation and Foreign Blocking Legislation” (2010). 5:1/2 *International Journal of Business Governance and Ethics* 87-97 (with Andrew Gray).

RANKINGS & RECOGNITIONS

- Recognized in the 2019 edition of *Benchmark Canada – The Definitive Guide to Canada’s Leading Litigation Firms & Attorneys* (Future Star).
- Recognized in the 2018 edition of *Benchmark Canada - The Definitive Guide to Canada's Leading Litigation Firms & Attorneys* as a "Future Star: Ontario"
- Recognized in the 2018 edition of *Benchmark Canada 40 and Under Hotlist*

ABOUT BORDEN LADNER GERVAIS LLP

Borden Ladner Gervais LLP (BLG) is a leading, national, full-service Canadian law firm focusing on business law, commercial litigation and arbitration, and intellectual property solutions for our clients. BLG is one of the country’s largest law firms with more than 700 lawyers, intellectual property agents and other professionals in five cities across Canada. We assist clients with their legal needs, from major litigation to financing to trademark and patent registration.