



firm profile

McMillan is a modern and ambitious business law firm serving public, private and not-for-profit clients across key industries in Canada, the United States and internationally. With recognized expertise and acknowledged leadership in major business sectors, we provide solutions-oriented legal advice through our offices in Vancouver, Calgary, Toronto, Ottawa, Montréal and Hong Kong. Our firm values – respect, teamwork, commitment, client service and professional excellence – are at the heart of McMillan's commitment to serve our clients, our local communities and the legal profession. For more information, please visit our website at www.mcmillan.ca.

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fraud law

overview

Crimes of deception are becoming increasingly widespread and sophisticated in today's business environment. When signs of impropriety or fraud arise, businesses of all sizes must be able to rely on specially trained legal partners to help isolate, assess and alleviate those risks without delay. To assist in protecting you, McMillan's team of specialized fraud litigators are ready to mobilize quickly, ensuring the most efficient, confidential and thorough solution to your business problem.

McMillan's fraud team is comprised of experienced litigators and multi-disciplinary lawyers who have expertise with all aspects of fraud prevention, detection and litigation. Our team works with leading national and international companies on fraud related matters of varying sizes and complexity, including some of Canada's largest precedent-setting fraud cases. We are unique in offering specially trained in-house forensic investigator and forensic accountant services, to ensure that all client needs can be served as part of a single, confidential plan.

Our lawyers regularly advise companies on fraud prevention and risk analysis. They are experts in evaluating and enhancing compliance practices, developing appropriate procedures and policies in response to the ever-changing regulatory landscape, and in implementing systems to prevent fraud. Our team often conducts internal corporate investigations to identify weaknesses in internal controls and suggest corrective measures to prevent fraud before a crisis hits. This includes working alongside other first responders such as forensic accountants, information technology consultants, private investigators and law enforcement agencies.

Early detection, assessment and action are critical to containing the effects of fraudulent conduct. Our fraud litigators use their proprietary fraud detection and recovery tools to help identify the source of the fraud and recover assets quickly.

McMillan professionals help clients lead by:

- Developing and implementing sophisticated tools for early warning and fraud prevention
- Identifying and detecting various types of fraud including mortgage fraud, fraudulent conveyances, investment fraud, securities fraud, corruption, bribery, and bankruptcy fraud
- Advising on the most efficient forms of asset recovery, including judicial remedies ensuring the freezing of assets (Mareva injunctions), evidence protection (Anton Piller orders), document disclosure (Norwich Pharmacal orders) and the enforcement of foreign judgments



fraud law

- Advising on asset-tracing, corporate governance procedures, compliance, director and officer liability, professional malpractice claims, audit procedures, and risk analysis

representative transactions

- Represented several former officers of Sino-Forest Corporation before the Ontario Securities Commission in one of Canada's largest ever securities fraud proceedings
- Represented a large merchant bank in prosecuting a \$30 million set of claims for fraud and conspiracy arising from a failed international wood processing joint venture
- Acted for the trustee in Ottawa's largest ever mortgage broker Ponzi Scheme, resulting in the bankruptcy of Kiminco Acceptance Co. and Coulter Financial Corp.
- Acted for an unknowing lender to Cancorp Financial Services, a mortgage broker implicated in a Ponzi Scheme, in which we recovered full principal and 2% interest per month
- Conducted several confidential internal fraud investigations for client corporations where conflicts of interest have led to resignations or retirements, without impacting the client corporations' reputation
- Prosecuted multi-jurisdictional fraud case against an embezzler who took significant funds from her employer, resulting in the precedent setting case on how to determine which jurisdiction decides interim injunctions and other interlocutory matters
- Acted for an investor seeking to recover from one of Canada's largest ever Ponzi schemes, First Leaside.
- Prosecuted and proceeded to trial on a complex 10-year, multi-transfer fraudulent conveyance action on behalf of a European banking client
- Consulted with a financial institution in investigating an international email fraud scheme
- Defended a land development company and its officers against \$15 million in claims of fraud and oppression