



# Andrew Matheson

Partner

Toronto

[amatheson@mccarthy.ca](mailto:amatheson@mccarthy.ca)

t. +1 416-601-8379

## Bar Admission

New York, USA 2004  
Ontario 1997

## Law School

Columbia University  
University of Victoria

## Practices

Litigation and Dispute Resolution  
Corporate Commercial Litigation  
Securities Litigation  
White Collar Defence and  
Investigations

## Industries

Banking & Financial Services

Andrew Matheson is the Head of our National White Collar and Investigations Group and a partner in our Litigation Group in Toronto. He specializes in complex and cross-border investigations, regulatory and criminal defence, and professional discipline matters.

Andrew has diverse advocacy experience in sensitive litigation and investigations. He has represented clients at all levels of the Ontario court and before various administrative and disciplinary tribunals in the province, and he has conducted investigation relating to a wide range of exposures, including fraud, corruption, insider trading, money laundering and tax evasion. He practised securities litigation in New York City with Allen & Overy for four years, and started his career working with Edward L. Greenspan, QC, defending criminal prosecutions. He was a member of the McCarthy Tétrault team that successfully defended the former CEO of Nortel on criminal fraud charges. He frequently defends physicians and prosecutes teachers in professional disciplinary matters.

Andrew is active in pro bono work having acted for Guantanamo Bay detainees in habeas corpus litigation and assisted needy clients in criminal, immigration, commercial and other matters. He has been an adjunct professor at University of Toronto Law School, and he continues to mentor the Corporate Securities Moot team. He is a co-editor of CCH's Annotated Ontario Securities Legislation.

Upon his graduation from the University of Victoria Law School in 1995, he was awarded the McIntyre Prize for academic excellence, leadership and community involvement. He completed his LLM at Columbia University in 2003, graduating as a Stone Scholar.

## REPRESENTATIVE CASES

- leading an ethics and compliance review of an engineering firm operating around the globe
- securing the acquittal of a physician in a criminal trial
- coordinating an investigation and regulatory response for a multinational resources enterprise in respect of corruption and securities law allegations arising in multiple jurisdictions
- advising major Canadian financial institution on worldwide investigations arising from the 'Panama Papers' leak
- obtain judgement in Ontario against a hacker for Tesla Motors
- exonerate the target of an OSC insider trading investigation
- obtain a stay of criminal price-fixing charges brought against a corporate defendant
- successful investigation and asset recovery in relation to an employee fraud committed against a public company client
- dismissal of Provincial Offences Act charges against a drilling company arising from a fatality at a mine

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- obtaining emergency injunctions to remove trespassers from resource sector client assets
- assisting a multinational company's compliance with a deferred prosecution agreement
- defending the former CEO of Nortel, acquitted of criminal fraud charges
- successful representation of financial institution accused of breaching privacy in the course of anti-money laundering investigation
- acting for a major financial institution in connection with an investigation into the failure of the third-party asset-backed commercial paper market
- representing Mason Capital at the OSC hearing concerning Magna International Inc.'s buyout of Frank Stronach's multiple voting shares
- bringing an application before the OSC on behalf of a minority shareholder challenging related party transactions by MI Developments Inc.
- successfully obtaining a motion to dismiss claims against U. S. Steel in a \$1.8-billion action brought by ArcerlorMittal Dofasco
- successfully defending a financial institution criminally charged with failure to respond to production orders

## RECENT PUBLICATIONS

- "SNC-Lavalin Probation Order Sets Out Key Anti-Corruption Compliance Measures", co-written with John W. Boscaroli and Oksana Migitko, McCarthy Tétrault's Terms Of Trade Blog, January 2020
- "SNC-Lavalin Pleads Guilty in Canada's Most Significant Foreign Corruption Case to Date", co-written with John W. Boscaroli and Robert A. Glasgow, McCarthy Tétrault's Terms Of Trade Blog, December 2019
- "A New Era in Journalist Source Protection: The Supreme Court of Canada Clarifies section 39.1 of the Canada Evidence Act", co-written with Gillian P. Kerr and Sharanya Thavakumaran, McCarthy Tétrault's Canadian Appeals Monitor Blog, October 2019
- "IIROC Releases its Annual Enforcement Report for 2018", co-written with Cristian O. Blidariu, Shane C. D'Souza, Sean D. Sadler and Rene Sorell, McCarthy Tétrault's Canadian Securities Regulatory Monitor Blog, May 2019
- "IIROC Advances Two New Forms of Disciplinary Action", co-written with Cristian O. Blidariu, Shane C. D'Souza, Sean D. Sadler and Rene Sorell, McCarthy Tétrault's Canadian Securities Regulatory Monitor Blog, May 2019
- "OSC's \$7.5 Million Whistleblower Awards a First for Canada", co-written with Cristian O. Blidariu, Shane C. D'Souza, Sean D. Sadler and Rene Sorell, McCarthy Tétrault's Canadian Securities Regulatory Monitor Blog, March 2019

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- "It has been a privilege... and still is in England, as well as Canada," co-written with David M. Porter and Alison Bond, McCarthy Tétrault's Canadian Securities Regulatory Monitor Blog, October 2018
- "Questions and Caution Regarding Canada's Proposed Deferred Prosecution Regime," co-written with John W. Boscarior, David M. Porter and Gabriel Querry, McCarthy Tétrault's Terms Of Trade Blog, June 2018
- "Canada Continues Efforts in Battling Foreign Corruption – 2017 in Review and What to Expect for 2018," co-written with John W. Boscarior, Robert A. Glasgow, Martha Harrison and Gabriel Querry, McCarthy Tétrault's Terms Of Trade Blog, January 2018
- "No Bribe, No Bribee, No Essential Offence Elements in Canada... But Conspiracy Conviction Under CFPOA Affirmed," co-written John W. Boscarior, Robert A. Glasgow and Gabriel Querry, McCarthy Tétrault's Terms Of Trade Blog, June 2017
- "OSC Proposes Higher Financial Awards for Whistleblowers", co-written with Cristian Blidariu, Shane C. D'Souza, Rene Sorell and Sonia Struthers, McCarthy Tétrault's Canadian Securities Regulatory Monitor Blog, November 2015
- "What Happens When OSC Staff Can't Prove Its Allegations? Lessons from the Baffinland Insider Trading Saga", co-written with Shane C. D'Souza, Rene Sorell and Shea Smal, McCarthy Tétrault's Canadian Securities Regulatory Monitor Blog, September 2015
- "Responding to a Money-laundering Investigation", co-written with Justin Nasser, Financier Worldwide, February 2014
- "Hot Topics in Cross-Border Securities Litigation," *Lexpert*, November 2009
- "The Globalization of Securities Class Actions," prepared for a panel presentation at the American Bar Association Litigation Section's 2009 Annual Conference in Atlanta, Georgia on April 30, 2009
- "Recent OSC Settlements Highlight Increasing Enforcement Risk for Public Company Insiders," client e-Alert published by The Business Law and Litigation Groups, February 13, 2009
- "Market MACs," McCarthy Tétrault Co-Counsel: Litigation, Volume 2, Issue 3, November 2008 – February 2009
- "The Right to Be Wrong ... Why Should Anyone Be Wrong," McCarthy Tétrault Co-Counsel - Business Law Quarterly, Volume 3, Issue 2, June 18, 2008
- "The Cost of Compliance: Production Orders and Who Should Pay," Toronto Lawyers' Association, Vol. 3, No. 1, January 2008
- "New in Class Actions: The Kerr v. Danier Leather Decision," Canadian Corporate Counsel Association Magazine, 2008
- "My Mistake, Your Mistake or Common Mistake," McCarthy Tétrault Co-Counsel: Litigation, Volume 1, Issue 2, July-October 2007
- "A Brief on Guantanamo Bay ... by a Canadian," Ontario Bar Association's Briefly Speaking, August/September 2007

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- "Why Foreseeable Harm Should Be an Aspect of the Mens Rea of Honest Services Fraud," American Journal of Trial Advocacy, Volume 28:20, Fall 2004
- "Available in America: Punitive Damages in Arbitration," International Arbitration Law Review, Vol. 7, Issue 4, August 2004 (with Pamela Rogers Chepiga)
- "Rybicki Revives Old Questions About Honest Services Fraud," New York Law Journal, July 19, 2004 (with Michael F. Feldberg)
- "Discipline and Parole," Queen's Quarterly, Vol. 105, Issue 1, March 1998, with Edward L. Greenspan, QC and Ronald Davis

## Awards & Rankings

### Chambers Canada

Leading Lawyer: White-Collar Crime & Government Investigations

### The Canadian Legal Lexpert Directory

Leading Lawyer: Litigation - Securities

### Benchmark Litigation Canada

Litigation Star: White Collar Crime

### Best Lawyers in Canada

Leading Lawyer: Criminal Defense

### Lexpert Rising Stars: Canada's Leading Lawyers under 40 - 2008

Rising Star

## Recent Experience

- **SCC dismisses appeal in R. v. Haevischer**  
April 28, 2023
- **Pretium Resources Inc. wins class action that challenged the withholding of an adverse opinion in the midst of a public gold miner's exploration program**  
July 22, 2022

## Recent Insights

- **In criminal cases, only "manifestly frivolous" applications may be summarily dismissed: Supreme Court of Canada**  
May 19, 2023

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- **Bridges, bribes and possible bargains: paving the way for Canada's first remediation agreement**

September 27, 2021

- **UK SFO unable to compel US company to produce documents held outside the UK**

April 20, 2021

- **UK SFO unable to compel US company to produce documents held outside the UK**

April 20, 2021