



David M. Porter

Partner

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t. 416-601-7870

Bar Admission

Ontario 1983

Law School

University of Toronto

Practices

Disputes
Appellate Litigation
Professional Liability
White Collar Defence and
Investigations

US and International Markets

US Markets

David Porter is the head of the firm's White Collar Defence and Investigations practice, which is ranked in the Chambers Canada Guide as Band 1. He was made a Fellow of the American College of Trial Lawyers in 2015.

David has appeared as counsel on numerous criminal trials in the Superior Court of Justice and appeals in criminal matters in the Ontario Court of Appeal. He has acted for the Criminal Lawyers' Association (Ontario) in the Supreme Court of Canada. He has also been engaged in both prosecuting and defending professionals before disciplinary tribunals. He has frequently appeared as trial and appellate counsel for self-regulating professional colleges in Ontario.

Since 2011, David has been the Canadian Bar Association member on the "Steering Committee on Justice Efficiencies and Access to the Justice System", a national committee of judges, Crown counsel, police representatives and defence counsel. He has been the Law Society of Ontario representative on the Ontario Judicial Council from April 2015 to August 2019.

From 1996 to 1998, he was a member of the adjunct faculty of the University of Toronto Faculty of Law, where he taught trial advocacy, and he taught the LLM course in Evidence at Osgoode Hall Law School from 2015 to 2018.

David received his BA from Queen's University, his MA from the University of Sussex and his LLB from the University of Toronto.

RECENT ACTIVITIES

- Mr. Porter was recently successful as counsel in striking down under the Charter sections of the Income Tax Act restricting the non-partisan political speech of charities in *Canada Without Poverty v. A.G. Canada* 2018 ONSC 4147 (CanLII).
- Mr. Porter was successful in his defence of the former CEO of Nortel in a lengthy fraud prosecution. The acquittal is reported as *R. v. Dunn* 2013 ONSC 137. In the course of the prosecution, judgment was received from Boswell, J. on December 31, 2009 in *R. v. Dunn* (2009) 251 C.C.C. (3d) 384 ordering the Crown to make its database of Crown disclosure fully searchable for the defence. The decision is a leading authority on electronic disclosure of voluminous documentation in criminal cases.
- In 2009, Mr. Porter obtained a new trial for his client, following a Crown appeal, in *Regina v. Stucky* 2009 ONCA 151. This case was a lengthy and complex prosecution by the Competition Bureau for misleading

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advertising.

- On December 24, 2010 Mr. Porter received the judgment acquitting his client in Regina v. De Zen et al, 2010 ONCJ 630, a lengthy fraud prosecution in which his client, the former CFO of Royal Group Technologies Limited, was acquitted of two counts of fraud.
- Mr. Porter was the lead author of "The Significance of Police Misconduct in the Analysis of s. 8 Charter Breaches and the Exclusion of Evidence under s. 24(2) in R. v. Grant, R. v. Harrison and R. v. Morelli" (2012), 58 The Criminal Law Quarterly, p.510.
- Mr. Porter frequently participates in numerous continuing education programs dealing with criminal law and professional discipline proceedings. Recently he sat on a L'Expert panel in Toronto to discuss the public corporation's response to a police investigation of the alleged corruption of a foreign public official.

Awards & Rankings

Chambers Canada

Band 1: White-Collar Crime & Government Investigations - Nationwide Canada

Who's Who Legal

Most Highly Regarded: Canada - Investigations

Benchmark Litigation Canada

Litigation Star: Professional Liability

Best Lawyers in Canada

Best Lawyer: Criminal Defense

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