



# 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 is a Fellow of the Litigation Counsel of America. He has diverse advocacy experience in sensitive litigation and investigations. Andrew has represented clients at all levels of the Ontario court and before various administrative and disciplinary tribunals in the province. He has conducted investigation relating to a wide range of exposures, including fraud, corruption, insider trading, money laundering and tax evasion. Andrew's experience includes practising securities litigation in New York City with Allen & Overy for four years. He was a member of the McCarthy Tétraut team that successfully defended the former CEO of Nortel on criminal fraud charges. Andrew also frequently defends physicians and prosecutes teachers in professional disciplinary matters.

Andrew is active in pro bono work, assisting underprivileged clients in criminal, immigration, commercial and other matters. His experience also includes acting for Guantanamo Bay detainees in habeas corpus litigation. Andrew has been an adjunct professor at University of Toronto Law School, and he continues to mentor the Corporate Securities Moot team. Andrew is a contributor to *Annotated Ontario Securities Legislation*, *Annotated British Columbia Securities Legislation* and *Canadian Securities Law Reporter* published by LexisNexis.

Upon his graduation from the University of Victoria Law School in 1995, Andrew 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, and started his career working with Edward L. Greenspan, QC, defending criminal prosecutions.

## REPRESENTATIVE CASES

- Guided company client through sports industry investigation and parallel criminal investigation

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- Developed anti-foreign interference, security, and integrity policies for a major financial institution
- Advised a public company on Canadian implications of U.S. prosecution and eventual deferred prosecution agreement
- Secured withdrawal of criminal obstruction charge against a bank manager
- Negotiated the avoidance of criminal fraud charges against client following Ontario Police investigation
- Assisted financial institution in Canadian law enforcement and civil matters arising from U.S. money laundering allegations
- Secured withdrawal of criminal charge against client in alleged cyber attack
- Advised public officials in law enforcement investigations
- Conducted employee fraud investigation resulting in judgment and criminal charges against perpetrators
- Led an ethics and compliance review of an engineering firm operating around the globe
- Secured the acquittal of a physician in a criminal trial
- Coordinated an investigation and regulatory response for a multinational resources enterprise in respect of corruption and securities law allegations arising in multiple jurisdictions
- Advised major Canadian financial institution on worldwide investigations arising from the 'Panama Papers' leak'
- Obtained judgement in Ontario against a hacker for Tesla Motors
- Exonerated the target of an Ontario Securities Commission (OSC) insider trading investigation
- Obtained a stay of criminal price-fixing charges brought against a corporate defendant
- Advised on successful investigation and asset recovery in relation to employee fraud committed against a public company

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- Obtained dismissal of *Provincial Offences Act* charges against a drilling company arising from a fatality at a mine
- Obtained emergency injunctions to remove trespassers from resource sector client assets
- Assisted a multinational company's compliance with a deferred prosecution agreement
- Defended the former CEO of Nortel, acquitted of criminal fraud charges
- Successfully represented a financial institution accused of breaching privacy in the course of anti-money laundering investigation
- Acted for a major financial institution in connection with an investigation into the failure of the third-party asset-backed commercial paper market
- Represented Mason Capital at the OSC hearing concerning Magna International Inc.'s buyout of Frank Stronach's multiple voting shares
- Brought an application before the OSC on behalf of a minority shareholder challenging related party transactions by MI Developments Inc.
- Successfully obtained a motion to dismiss claims against U. S. Steel in a \$1.8-billion action brought by ArcerlorMittal Dofasco
- Successfully defended 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. Boscarior 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. Boscarior 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

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- "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
- "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

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- "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
- "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

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## Awards & Rankings

### Chambers Canada

Leading Lawyer: White-Collar Crime & Government Investigations

### Benchmark Litigation Canada

Litigation Star

### Lexpert Special Edition: Litigation

Leading Lawyer

### Best Lawyers in Canada

Leading Lawyer: Corporate and Commercial Litigation, and Criminal Defence

### 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

- **McCarthy Tetrault's TechLex reports on R. v. Bykovets**

March 6, 2024

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- **Supreme Court of Canada Rules IP Addresses Attract a Reasonable Expectation of Privacy**

March 6, 2024

- **Fall Economic Statement Bill Introduces Anti-Money Laundering and Criminal Code Amendments**

December 11, 2023

- **OSFI Issues Draft Integrity and Security Guideline**

October 17, 2023