

The MONTREAL LAWYER



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\$4



Legendary deal maker,
corporate lawyer
Norman J. Steinberg
of Norton Rose
Fulbright, retiring
after more than
100 billion M & A and
financings during his
40-year career

Me Norman J. Steinberg

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UNHCR PRESS RELEASE

28 octobre 2019

Kyrgyz human rights lawyer wins UNHCR Nansen Refugee Award

A lawyer, whose work has supported the efforts of the Kyrgyz Republic in becoming the first country in the world to end statelessness, has been selected as the 2019 winner of the UN Refugee Agency's Nansen Refugee Award. Aizbek Ashurov, through his organization Ferghana Valley Lawyers Without Borders (FVLWB), has helped well over [...]

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28 octobre 2019

Top INTERPOL abuser Turkey to host next meeting

Interpol under spotlight for human rights violations over abusive notices
The announcement that Turkey will host the 2021 Interpol General Assembly meeting raises serious doubts about the organisation's integrity. Interpol has been under growing scrutiny over widespread abuse of its data collection process, with increasing incidences of

abusive Red Notices being issued at the request [...]

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26 octobre 2019

TOUS ENSEMBLE Olga Shevchenko in partnership with MUHC Foundation

Invite you to a cocktail under the theme Russian Night in support of the McGill University Health Centre Breast Clinic's Wellness Program
Wednesday, November 20th, 2019 5:30 pm to 8:00 pm La Maison

Forget, 1195 Sherbrooke St. West, Montreal Russian food and drink will be served Special guests include a world-renowned [...]

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3 octobre 2019

Dionysia Zerbisias 1939 – 2019

THE HONOURABLE DIONYSIA ZERBIAS It is with profound sadness that the family of the Honourable Madame Justice Dionysia « Denny » Zerbisias announces her passing on October 1 at Montreal's Jewish General Hospital. Predeceased by the love of her life Martin Bergman, Denny has left a hole in the hearts of so many. Born in 1939 to [...]

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Legendary deal maker Norman J. Steinberg acted in over 100 billion \$ M & A and financings during his 40-year career at Ogilvy Renault he then merged with his team with Norton Rose later Norton Rose Fulbright, one of the world's 10-top law firms.

By André Gagnon

Norman Steinberg's name in the field of corporate law, M & A, financings and governance is a household name in Montreal, Québec and across Canada for 40 years and more recently as a global lawyer since 2010 as his former firm of 450 lawyers joined ranks with Norton Rose officially in 2011. Since then he focused on strategic international development of the 4000-plus member firm now offering legal services on a world scale with 60 offices across the planet, one of the 10 largest law firms.

Highly respected, known as the 100 billion \$ corporate lawyer, Norm Steinberg had reached the top level at Ogilvy Renault. Like most major Montreal law firms were planning mergers with the most solid firms they could deal with for the future in most important legal markets in cities across Canada, the Ogilvy Renault management team headed by Norm Steinberg and John Coleman had other plans on their mind. They opened their own offices in some Canadian



Norman J. Steinberg

cities starting almost from scratch declining to merge with any other firms. Lastly, they opened an office in Toronto!

But Norman Steinberg was looking for other opportunities, the type you'd never expect. Ogilvy Renault struck a deal, a Swiss-type deal, with Norton Rose.

«As Chair of Ogilvy Renault which combined with Norton Rose (based in London, UK) in June 2011, I participated directly in the strategy to create a global law firm with Ogilvy Renault and Norton Rose and subsequent mergers in Canada, and USA leading to the creation of Norton Rose Fulbright.»



Norm Steinberg focused on his management role, global business development with leaders in major markets. With former Prime minister of Canada Brian Mulroney and his former chief of staff Derek Burney who joined Norton Rose Fulbright as a strategic advisor, they criss-crossed several countries with their respective wives to meet corporate leaders

Major M & A and financings

- Acquisition of Alcan by Rio Tinto (representing Alcan), which is the biggest all-cash takeover in Canadian history (transaction valued at US\$38.1 billion) (2007)
- Privatization of the Four Seasons Hotels (transaction valued at US\$3.7 billion); acting for founder Izzy Sharp (2006)
- Privatization of Petro Canada, acting for Federal Canadian Government (2004)
- Sale by Telesystem International Wireless Inc. of its operating subsidiaries to Vodaphone in 2005 (US\$4.4 billion) (2005)
- Privatization of Shell Canada Limited by Royal Dutch Shell (transaction valued at approximately \$8.7 billion) in which I represented the Special Committee (2007)

at the highest level and visited chiefs of states such as Israel's Benjamin Nathanyaou as well as the Palestinian Authorities and other political personalities in the Middle East to pitch about Norton Rose Fulbright strengths as a global law firm.

Norm Steinberg graduated with a degree in science at McGill University in 1971. He thought for a moment to register at the medical school but was informed he must wait several months before being able to become a medical student. He then visited the McGill law faculty where he finally decided to join at the beginning of the next school term. He took a break. He joined a travel company "Tauck Tours" and was engaged as a Tour Director in the US. He very much enjoyed the experience and worked for Tauck Tours for several summers.

He was admitted to the Quebec bar in 1976. He joined Ogilvy Renault and was attracted very soon to corporate law and started working with the team headed then by Pierre Legrand, a legend in financing corporations and M & A specialist and corporate deals such as Quebecor and Bombardier and other local firms that became important Québec icons and Canadian corporations part of so-called «Québec Inc». group.

When Brian Mulroney left the firm to become Prime minister of Canada, his government allowed the sale to Bombardier of the aviation company Canadair for 150 million \$, said Mulroney during an interview.

Norm Steinberg was part of the Ogilvy Renault M & A team that completed this important transaction in the 80ies. Mulroney went on to sell De Havilland in Toronto and another group in western Canada that would later become the aeronautical industry of Canada. In Montreal, the Canadair deal was the start of a new aeronautical and space industry which now accounts for the creation of a 75,000 strong workforce, said Brian Mulroney in an interview with The Montreal Lawyer.

Brian Mulroney has known Norman Steinberg for over 35 years. He is one of the most devoted man I know, respectful, a great leader, honest and ready to help his colleagues and his partners to lead them to the highest level. Norm and John Coleman have had the vision to steer Ogilvy Renault towards the greatest achievements on the world scale where the firm by joining Norton Rose at first with two firms in Canada, and then, Norton Rose Fulbright on the world level.

Mulroney went on to say Norman Steinberg is an outstanding corporate lawyer specialized in M & A who has been involved in the largest ever corporate transaction in Canada, the Alcan-Rio Tinto deal, and so many others during Norm's career, concluded the former Prime minister of Canada and partner for many years.

Steinberg went on practicing and developing his skills in numerous deals as well as financing corporations and privatizing corporations of all sizes including Crown corporations.

He was involved in major acquisitions and mergers in multi-billion dollars transactions in the hospitality, oil and gas, telecommunications, paper and printing, rolling products and electronics sectors. He also has acted in numerous privatization matters for governments as well as major Canadian and North American companies. In the field of corporate finance, he has conducted a large number of Canadian and Canada-US cross-border and international financings for both issuers and underwriters and has acted in a great many initial public offerings in various industry segments. In the area of corporate governance, Norman Steinberg has often advised board of directors governance on issues concerning directors and officers liability, committees, shareholders matters and other related matters.

As a seasoned corporate lawyer with top-notch expertise in M & A, he took part with his team in the biggest all-cash takeover in Canadian history, (as Mr. Mulroney mentioned above) a transaction valued at US\$38,1 billion, the acquisition of Alcan by Rio Tinto (representing Alcan) in 2007.

The previous year, Norman Steinberg acted in the cross-border merger of Domtar with the fine paper assets of Weyerhaeuser creating new Domtar enterprise, a transaction valued at US\$6 billion.

Mr. Zygmunt Jablonski of Domtar explains the transaction and the part played by corporate lawyer Norman Steinberg.

Domtar's merger with the fine paper business of Weyerhaeuser in 2007 transformed Domtar in the largest manufacturer and marketer of uncoated freesheet paper in North America and the second largest in the world, with annual sales of US\$6 billion. It was the crowning of a colossal team effort that span over almost two years and brought together numerous Domtar employees as well as external financial and legal advisors, both in Canada and the United States.



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The combination took place pursuant to a plan of arrangement under the CBCA, and was structured as a reverse Morris trust, first ever cross-border. Under the terms of the transaction, Weyerhaeuser's fine paper business was transferred into a newly formed company for stock and cash, and Weyerhaeuser distributed the shares of the new company to its shareholders in a split-off that allowed its shareholders the opportunity to exchange Weyerhaeuser shares for stock in the new paper business. Domtar merged with the newly formed company to create the «New Domtar».

Norman Steinberg, then (co-chair) of Ogilvy Renault (now Norton Rose Fulbright), and trusted Domtar legal advisor for many years, masterfully led the charge on the Canadian side, heading a multi-disciplinary team of more than 20 highly experienced lawyers who closely collaborated with Domtar's Board of Directors, senior management, and U.S. external counsel. Norm's vast experience with complex international M & A transactions, business acumen, strategic thinking, negotiating skills, impressive leadership, and deep knowledge of the pulp and paper industry were instrumental in bringing this transaction to a successful conclusion, said Domtar's Zygmunt Jablonski. In 2006, Norm Steinberg acted in the privatization of the Four Seasons hotels, acting on behalf of founder Issy Sharp, a transaction valued at US\$3,7 billion.

"When we privatized Four Seasons in 2006, I knew that the deal with Kingdom Holdings and Cascade Investment would ensure Four Seasons legacy for the foreseeable future and would set the stage for our next decade of growth. Norm Steinberg and the team at Ogilvy Renault were very helpful in this process and ensuring the success of this deal. »

Another major transaction involved Norman Steinberg's participation in the Petro Canada privatization in 2004 acting for the Canadian federal government.

The sale of Telesystem International Wireless Inc., part of Charles Sirois' business, of its operating subsidiaries to Vodaphone valued at US\$4,4 billion was completed under Norman Steinberg supervision in 2005.

He was instrumental in 2008 in the privatization of Shell Canada Limited by Royal Dutch Shell acting on behalf of the Special Committee, a transaction valued at US\$8,7 billion.

Another transaction, for Alcan, the spin-out of Novelis, creating the largest rolling products company with sales of US\$6 billion. He also acted in the Quebecor Printing Inc. merger with World Color Press, Inc., valued at US\$2,6 billion.

There were also several other financings involving Wajax Income Fund, secondary offering by ECL Western Holdings Limited and The Sobey Foundation of units of Wajax Income Fund for gross proceeds of \$127 million.



Aeroplan Canada Inc., financing of Air Canada by way of a \$600 million secured credit facility.

Calin Rovinescu, CEO of Air Canada for the last 10 years, said Norm has been one of the true leaders in the Canadian legal and business worlds in the broader community for his entire stellar career. I know of no one who



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Au nom de ses plus de 34 000 employés, Air Canada tient à féliciter M^e Norman Steinberg pour 40 ans de carrière exceptionnelle.

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On behalf of over 34,000 Air Canada employees, we wish to congratulate Norman Steinberg on an outstanding 40-year career.

MEMBRE DU RESEAU STAR ALLIANCE
A STAR ALLIANCE MEMBER



AIR CANADA

has shown more devotion and commitment to Montreal, to Quebec and to Canada than Norm. He has risen to the top of every organization he has been involved with—from Norton Rose Fulbright to the Montreal Symphony Orchestra.

Speaking about his business involvement, Simon Fish, vice-president, legal affairs, at BMO had this to say about corporate lawyer Steinberg:

"Norm is an exceptional strategist. At the table, he is someone you would always want on your side rather than your opponent's. He has led some of Canada's largest M & A transactions. I am hard-pressed to think of anyone in our profession who matches his depth of expertise and experience in business law. »

Norm's focus on client service is exceptional and is embodied in the firm's culture; likely a main reason why people choose to do business with Norton Rose Fulbright.



Mr. Simon Fish, Executive vice-president & General Counsel of BMO.

Mr. Fish added that he read in an interview that Norm gave that he was set to pursue a career in medicine, but he decided that law better suited his temperament and interests. It turns out that both sectors have benefitted from this decision. He is doing some tremendous work bringing world class patient care to Montreal as Chair of the Board of Directors at the McGill University Health Centre Foundation.

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- No question, it is Norm's vision and leadership that built Norton Rose Fulbright into the global law firm that it is today.
- Norm is a passionate and visible promoter of diversity and inclusion. He's made a meaningful impact at Norton Rose Fulbright in guiding their efforts to make sure that every employee feels valued and has a voice. Beyond the firm, Norm is out there getting leaders in our profession to look more closely at their practices and treat workplace inclusion as a business asset.

Congratulating
Norman Steinberg on
a distinguished 40-year
career in business law.

"Norm, your vision, leadership and passion for the law is legendary and has made a lasting contribution to our profession."

Simon Fish
General Counsel,
BMO Financial Group



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Simon Fish concludes his remarks saying it is Norm's vision and leadership that built Norton Rose Fulbright into the global law firm that it is today.

Finally, the BMO vice-president of legal affairs notes a very important point: inclusion and diversity.

Simon Fish says Norm is a passionate and visible promoter of diversity and inclusion. He's made a meaningful impact at Norton Rose Fulbright in guiding their efforts to make sure that every employee feels valued and has a voice. Beyond the firm, Norm is out there getting leaders in our profession to look more closely at their practices and treat workplace inclusion as a business asset.

First non-UK Chair of Norton Rose

Norman Steinberg became the first non-UK chair of the Norton Rose Group. His appointment, chief executive Peter Martyr said, «is a reflection of the globalization of the practice of law and makes Steinberg one of Canada's major players on the international scene. He has significant management experience as well as strong understanding of international markets gained from a practice focusing on mergers and acquisitions, corporate finance, privatization and corporate governance».


The development of both Ogilvy Renault and Norton Rose Fulbright have been at the center of Norm Steinberg's focus for a number of years until he stepped down in July 2019 for another challenge as he retired from the law practice.

Orchestre Symphonique de Montréal

From 1999 to the present, Norman Steinberg has been an active member of the board of the Orchestre Symphonique de Montréal, vice-chair and member of the executive committee with a special emphasis on development. Kent Nagano, the world-renowned conductor of the OSM said he is so proud of Norm's involvement and achievements with the OSM and saluted his outstanding contribution during all these years.

Kent Nagano, the OSM director for almost 16 years praised Norman Steinberg with accent of high esteem and admiration.

Mr. Steinberg possesses the extremely rare gift of being able to bring people of different backgrounds, varying opinions, and contrasting perspectives together and to form a sense of unity. Extraordinarily cultivated and personable, he can communicate on many levels and often simultaneously: the intellectual, economic, aesthetic, abstract, concrete and the existential.



NORTON ROSE FULBRIGHT

**When outstanding talent is honoured,
we're there.**

Norton Rose Fulbright congratulates our former senior partner, chair and global chair, Norman Steinberg for his illustrious career and exceptional contribution to the Montreal community. He has advised some of the world's largest companies and led legal teams on innumerable transformational transactions.

Recognized by his clients as a practical and strategic advisor with exceptional business development skills and excellent client relationship instincts, we are proud to have had Norm as our colleague and friend.

Law around the world
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This is perhaps why when one speaks with him one feels a gestalt forming—an organized whole that is perceived as more than the sum of its parts.

Kent Nagano adds Norm Steinberg has a most special talent that he has and has continuously shared with the OSM and myself during our very long and rich relationship.

Lino Saputo Jr has high praise for Norman Steinberg's vision, leadership and involvement in the community. I have witnessed the impact of his passion and talents during his time working with some of Montreal's most important organizations including Centraide of Greater Montreal and the Montreal Symphony Orchestra. Always generous with his time, he has also demonstrated great diplomacy through his efforts to strengthen ties between Canada and Australia by fostering collaboration between the two countries in key areas, said the head of the Saputo industrial group.

Lawyer Kim Thomassin, vice-president, legal affairs at Caisse de dépôt et placement du Québec, formerly Managing Partner at McCarthy Tétrault, Québec branch, said Norman Steinberg was always a great supporter of many causes and he always made it his mission to rally the business community around important causes whether it be the OSM, the hospitals, Club Mount Royal or others. He embodies what a true Grand Montréalais is.

Norm Steinberg is also deeply involved in health matters as chairman of the board since 2018 of the McGill University Health Center Foundation. Centraide of Greater Montreal is receiving and is the object of Norm's enormous talents for development. He has been helping the Montreal Museum of Fine Arts through its Foundation and the Centaur Theater Company where his personal influence has been felt for a number of years.

The McGill Law Faculty Advisory board is still on his mind where he sat from 2012 to 2017. He graduated from the faculty in 1975. He was admitted to the Québec bar the following year and became a partner in 1984 at Ogilvy Renault where he remained and practiced law for over 40 years.

He retired to join BFL Canada accepting an offer from Barry Lorenzetti who said he was pleased that Norm had joined his firm as vice-chair to oversee business development.

"Norm is extremely knowledgeable and well respected in our community and given this high profile he will be a



Mr. Barry F. Lorenzetti, CEO of BFL Canada

tremendous asset for our firm in the years ahead said Lorenzetti. BFL Canada has offices in several Canadian cities and throughout Québec along with a workforce of 700 people.

Founded in 1987 by Barry F. Lorenzetti, BFL Canada is one of the largest employee-owned and operated Risk Management, Insurance Brokerage, and Employee Benefits consulting services firms in Canada.

Norm Steinberg left his law firm on the 25th floor of Place Ville-Marie after a big career at Ogilvy Renault, where he was co-Chair from 2005 to 2009. He became Chairman of Norton Rose Fulbright Canada and its predecessors in June 2009 until 2017, then Global Chair of Norton Rose from 2012 to 2013, and Global Vice-Chair of Norton Rose Fulbright and lastly Chair Emeritus since 2017.

He surely felt a heavy load off his shoulders and a sense of devoir accompli as the elevator closed its doors on a corporate lawyer who is credited with the most important cash transaction ever completed in the history of Canada.

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In North America and throughout the world, the glass ceiling persists. Despite a rise in female entrepreneurs and leaders, a significant gap exists. The Women Entrepreneur and Leadership Program is a unique innovation and leadership program for seasoned women professionals worldwide.

Developed in partnership with CentraleSupélec Exed and the Women Initiative Foundation, this six-day residential program connects women to a community and establishes a foundation for lifelong learning, growth and engagement.

The first session of the Women Entrepreneurs and Leadership Program will be launched in the spring of 2020.

Learn more in the upcoming online information session on December 10, 2019

Redefining Your Happy Place

By Gabrielle Grawey

My customers say: "Family lawyers and mediators whose client's are managing major life changes, would do their clients a huge favour by referring them to Gabrielle Grawey". Here's why!

I am an interior decorator with twenty-five years' experience whose specialty is helping people going through divorce, separation, widowhood and other family difficulties that need to pursue new living arrangements throughout significant emotional distress and time pressures.

As your involvement with client's will likely attest, it takes a lot to establish a new home in the best of circumstances but can be overwhelming for someone who is suddenly thrown into a new day-to-day reality or has never had to deal with home renovations or furnishings in the past. As I listen to people's needs and understand what's important to them I help simplify their lives.

This is not a new initiative. There are companies in Toronto and USA who provide a similar service. However, I consider my business to be unique. Not only do I handle the logistics of the domestic situation but I have been trained in dealing with feelings of people such as your clients who need a helping hand and considerate approach. I am also a single mother, having been through a divorce myself I understand all the ensuing issues, personally.

My customers include women and men with sophisticated tastes and ability but little time or know how to undertake the many tasks necessary to establish a new living environment. Many have simply never been involved in household activities such as relocation, renovations, decorating, furnishing and creating a new living space for themselves and possibly others.



Gabrielle Grawey

My approach is holistic, starting with customers' tastes and lifestyle and their current situation as well as their vision of a happy life going forward. All this translates into the detail of planning, budgeting, purchasing, staging and moving household or personal goods as is necessary. Many times, I am called on to resolve some unusual tasks that lift the burden from people who do not have the motivation or time, due to current personal circumstances.

My goal is to understand my customer needs to shift this part of their challenge from you to me. This becomes a large portion of my responsibility and it results in a harmonious environment tailored to each customer's individual unique personality, lifestyle and means. The resulting smooth transition enables people to concentrate on the legal advice and expertise you provide and still embrace a more optimistic view of their new home life.



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Several anecdotes about current and previous projects will better illustrate the range of services I provide and the way in which I make things happen in unusual situations:

- A just divorced travel CEO, changing her living space to enjoy her down time, hired me to renovate her home. The house was vacated so floor sanding and staining could start. While inspecting progress, I discovered a dusty mess, and a forgotten family member, the cat. I don't pretend to be a cat expert, but have seen these furry friends on aircraft. I knew they could be transported. I found a carry cage and elicited help from the floor refinisher to round up the errant Angel. Cat in hand, I located a feline hotel 1 hour away, registered her for a week's vacation and advised my client her pet was safe.
- "Trying to run my financial business, just into a divorce and looking for a place to live with my two children, I was in panic mode. After blood sweat and tears, I found Gabrielle's website, and hired her to take charge. She helped me decide on a location and I handed her the keys, Gaby handled all the furnishing and decorating, including the kids rooms and home office. She purchased all the appliances, tableware, linens, plants, and even frames for photos and my kids' art. She scheduled delivery, assembly and organized everything to create a harmonious and inviting environment for family and guests. The smooth almost invisible service relieved me of a great burden, so I can confidently state Gabrielle can do this for anyone in similar circumstances."

I can imagine the kind of pressure that is involved in family law, particularly given the emotional turmoil of your client's life situation. My service can be of value to you in providing your client's with help in the extra-legal aspects of life changes.



Gabrielle Grawey
www.gabriellegrawey.com
514 501-9574

Mtre Azim Hussain, Litigator at Norton Rose Fulbright

Born in Pakistan, Mtre. Azim Hussain was three years old when his parents immigrated to Québec. His family settled on the South Shore of Montréal, in Brossard, where he started his education. This led him to McGill University where he obtained a B.A. in Sociology in 1995, and then to the London School of Economics where he did a Master's in Sociology the year after.

With issues of justice among his passions and aware of the practical aspects of the legal profession, Mtre. Hussain moved away from sociology and towards law, enrolling at the Faculty of Law of McGill University in 1996. In 2000, he graduated with a B.C.L. and LL.B. He was admitted to the Barreau du Québec in 2001, and then the Law Society of Ontario in 2002.

In 2001-2002, Mtre. Hussain was a clerk for the Honorable Justice Charles Gonthier of the Supreme Court of Canada. He started his career at Ogilvy Renault, the predecessor firm of the current Norton Rose Fulbright. Mtre. Hussain appeared before all levels of court, his practice involving local and multi-jurisdictional litigation, as well as international arbitration.

Historic judgment

In 2008, Mtre. Hussain initiated a suit at the Superior Court in the matter that became ultimately known at the Supreme Court as *Salomon v. Matte-Thompson*, a case concerning the professional liability of a lawyer. The case became a true judicial saga, a roller coaster ride consisting in a defeat in first instance in 2014, followed by a favorable decision for Mtre. Hussain's client at the Court of Appeal of Québec in 2017. The Supreme Court of Canada gave leave



Litigator of the Year 2019

Three litigators, Me Azim Hussain of Norton Rose Fulbright won an important case in the Supreme Court of Canada after eleven years of litigation on behalf of a widow who had been defrauded by her Montreal lawyer, Mr. Solomon. He faced disbarment from the Québec Bar Association that disciplined him. The widow has been totally financially compensated by the Bar insurance association.

Me Isabel Schurman, Ad.E., a criminal lawyer for 35 years, won two very important cases on behalf of Frank Zampino, former Montreal municipal official. She was named Litigator Emeritus of the Year by legal magazine *Le Monde Juridique*, sister publication of *The Montreal Lawyer*. Her law firm of Schurman Grenier Strapatsas & Associate, is highly considered in the field of white collar crime defense.

Me Nicholas St-Jacques, also a criminal lawyer, who assisted lawyer Michel Massicotte of the firm Desrosiers Joncas Nouria Massicotte that represented former SNC-Lavalin chairman Lamarre for a long court preliminary inquest and other difficult negotiations that cleared the way for a guilty plea and a sentence in the community plus a fine of 200,000 \$ and other strict freedom requirements. Me St-Jacques was named Litigator of the Year 2019 under 40 years old.

to appeal but then in 2019 confirmed the judgment of the Court of Appeal.

In a judgment written by Justice Clément Gascon, with the concurrence of seven of his colleagues, the Supreme Court found the defendant lawyer professionally liable. Even



Me Azim Hussain, Litigator of the Year 2019



Me Isabel Schurman, Ad.E., Litigator Emeritus 2019

though the preservation of capital was paramount for his client, the lawyer in question had recommended multiple times to her to invest in funds that were highly risky and were revealed to be a Ponzi-type fraudulent scheme. Even worse, the lawyer had collected commissions from the promoter of the funds, without the knowledge of his client. The promoter was both his friend and the author of the fraud.

According to the majority (Justice Suzanne Côté was in dissent), clients hire lawyers in order to be advised regarding important decisions. Clients need to be in a position to trust their legal advisors and therefore have a right to expect their lawyers to be competent, conscientious, and free from conflict of interest. To preserve this confidence, lawyers are subject to professional and ethical obligations,



Me Nicholas St-Jacques, Litigator of the Year under 40

namely the duty to advise and duty of loyalty.

In an article in *Le Monde Juridique* relating to this matter (see Volume 25-1, pages 29 and 30), it was pointed out that after the judgment of the Supreme Court, the Fonds d'assurance responsabilité professionnelle du Barreau du Québec paid Madam Matte-Thompson the full amount of the money that Mtre. Salomon was ordered to pay. Mtre. Hussain acted in this file for 11 years during which he benefited from the important assistance of his colleagues: Mtre. Andres Garin, Mtre. François-David Paré, Mtre. Richard Desgagnés (now at the firm Brisset Bishop), Mtre. Frédéric Wilson (now in the legal department at the National Bank). Mtre. Jérémy Boulanger-Bonnely and Mtre. Pierre Bienvenu, Ad. E. joined the team when the file reached the Supreme Court.

Mtre. Hussain has been practising for almost 20 years. *Le Monde Juridique* was proud to salute his numerous accomplishments on the evening of October 23, 2019 at the St. James Club.

McCarthy Tétrault Honours Tom Heintzman

On October 24th, 2019, news circulated at the firm of Tom's passing. The below is a collection of tributes from his mentees, partners and friends across the firm.

McCarthy Tétrault is deeply saddened by the loss of Tom Heintzman, an enthusiastic partner, an architect of the firm and an icon in the legal community and the litigation bar. On October 24th, 2019, we lost a legend, but his impact on the firm is timeless. Tom was known for his eternal optimism, his positive energy, his boundless curiosity and strong work ethic. To know Tom was to invite an immediate explosion of interest, analysis and support. While his

boundless energy and enthusiasm still reverberate through our Toronto office and the Toronto litigation bar, his impact on our firm and profession was profound and national.

On behalf of all of us at McCarthy Tétrault, we pay tribute to Tom by not only remembering him but living out his legacy and honouring him in our day-to-day lives. Tom reminds us to encourage and empower others and to make a difference, not only to our clients and the firm, but to society.

The firm extends our deepest condolences to his loving wife, Mary Jane, his family and friends.

Mexico, the great unknown

By Yves Delage



Mexico is well known for its beaches, numerous and beautiful. But wait a bit. Its coastline is 11,122 km notably with the Pacific ocean and the gulf of California (also known as the sea of Cortez) which account for

7,828 km on its western side and the Carabean sea and the gulf of Mexico which occupy only 3,294 km on its eastern side.

The total surface area of Mexico is 1,964 375 square km including 5,142 square km in islands. If we take 10 km in-land for all coastline (and for those of you that have been in Acapulco, you know that I'm generous) the beaches of Mexico represent $11,122 * 10 = 112,220$ square km which represents less than 6% of its total area.

The rest?

The rest are mountains and a plateau. The mountains, Sierra Madre oriental and occidental go from the frontier with the United States right up to the neovolcanic cordillera which crosses Mexico from Colima to Veracruz. This cordillera cuts Mexico in half. But the sierras continue further south.



Pico de Orizaba, plus haut que le Mont Blanc dans les Alpes.

Between the two sierras, you find the plateau that reaches between 1,100 to 3,300 meters in altitude. The city of Mexico sits at a height of around 2,200 meters which explains a climate that is never too hot or too cold. In fact, a perfect climate.

The Yucatan peninsula, which houses Chichen Itza, Tulum, Cancun, Playa del Carmen and other sand areas, features little or no mountains.

In order to compare altitudes, the Mont Blanc, the highest peak of the Alps is 4,809 meters high whereas the Orizaba peak, in the Veracruz state, rises to 5,636 meters.

There are many more mountains but for the purpose of this article, those mentioned are sufficient.

There are many attractions in this magnificent country but let's mention only a few:



Pyramid of the Sun in Teotihuacan

The three largest pyramids of the world are: Cholula (Mexico) Kheops (Egypt) and the sun pyramid of Theotihuacan (Mexico)

The Barranca del Cobre (Copper Canyon) is four times larger than the Grand Canyon. The Urique canyon is 1,879 meters deep whereas the Grand Canyon is 1,857 meters deep.



Bellini restaurant, top of the World Trade Center

The largest revolving restaurant in the world is the Bellini, on the top of Mexico city's world Trade center.



Baluarte Bridge

The Baluarte bridge is a cable stayed bridge with the highest deck height and is the second highest bridge in the world after China's Siduhe bridge (Durango – Sinaloa)

Pena de Bernal is the third largest monolith in the world but is the highest (altitude). (Queretaro).

Xilitla, the only super realist site in the world with over 200 structures (San Luis Potosi).

The longest zipline in the world was, in July 2014, in Posada Barranca. To get there, you could take El Chepe, one of the 10 most beautiful train rides in the world.



Longest Zip Line in the world (2014)

Mexico is in 15th position for its gross domestic product, 9th biggest petroleum producer, and biggest silver producer.

The Mexican Consejo Regulador del Tequila (Tequila Regulatory Council) reported 1,377 registered brands from 150 producers for the year 2013. There are over 150 brands of Mezcal.

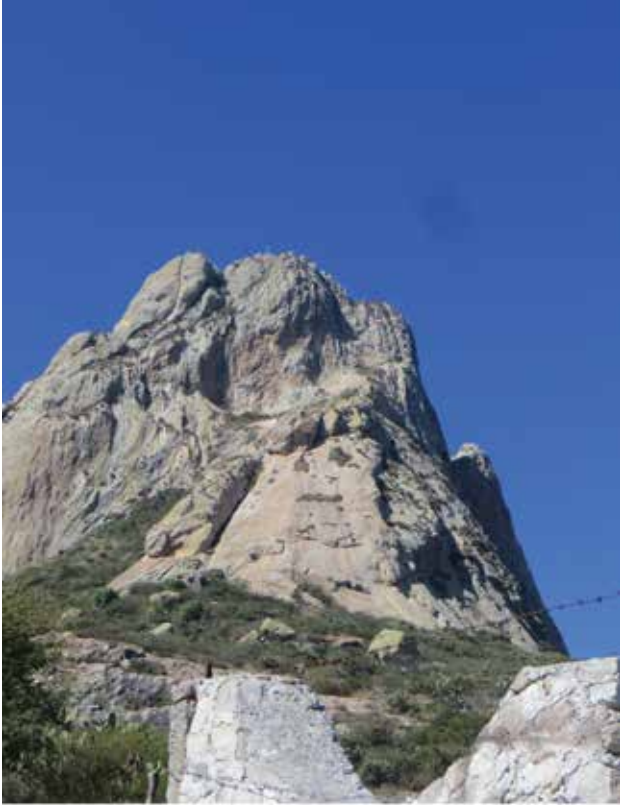
Tequila can only be produced from the blue Agave plant whereas Mezcal can be produced from all Agave plants except the blue Agave.

Second largest cave in the world. Between the 82 km of Dos Ojos and the 238 km of Sac Actun, the combination of these two places define the second largest grotto in the world but the number one position for the longest subterranean river in the world. (173 km in Tulum).

Much more will be examined in the coming articles.



The mountain under the cathedral is Cholula



Peña de Bernal



The Urique Canyon

Videos links :

Baluarte :

<https://www.youtube.com/watch?v=2Y7vrsq14wo&feature=youtu.be>

Peña de Bernal :

<https://www.youtube.com/watch?v=PRtma3Y0NYo&feature=youtu.be>

Tirolesa Barranca :

<https://www.youtube.com/watch?v=NJXVMuV2pqY>

Las Posas :

<https://www.youtube.com/watch?v=XdpYYo-PrqM&feature=youtu.be>



Sac Actun - Dos Ojos the longest subterranean river in the world



Taking a picture of an Agave field



One of the many sculptures in Las Posas, Xilitla

Kyrgyz human rights lawyer wins UNHCR Nansen Refugee Award



A lawyer, whose work has supported the efforts of the Kyrgyz Republic in becoming the first country in the world to end statelessness, has been selected as the 2019 winner of the UN Refugee Agency's Nansen Refugee Award.

Azizbek Ashurov, through his organization Ferghana Valley Lawyers Without Borders (FVLWB), has helped well over 10,000 people to gain Kyrgyz nationality after they became stateless following the dissolution of the Soviet Union. Among them, some 2,000 children will now have the right to an education and a future with the freedom to travel, marry and work.

Statelessness affects millions of people worldwide, depriving them of legal rights or basic services and leaving them politically and economically marginalized, discriminated against and particularly vulnerable to exploitation and abuse.

"Azizbek Ashurov's story is one of great personal resolve and tenacity," said Filippo Grandi, the UN High Commissioner for Refugees.

"His commitment to the cause of eradicating statelessness in Kyrgyzstan – an achievement secured in partnership with the Kyrgyz government and others across the country – is a compelling example of the power of an individual to inspire and mobilise collective action."

As part of the Soviet Union, with no internal borders in place, people moved across Central Asia with internal documentation, acquiring residency and getting married. After the dissolution of the USSR in 1991

and the formation of new states, many people became stranded across newly established borders, often with now invalid Soviet passports or no means to prove where they were born. This left hundreds of thousands of people stateless throughout the region, including in Kyrgyzstan.

Women were disproportionately affected, often left without citizenship after marrying and settling outside of their own state before the dissolution of the Soviet Union and the establishment of new borders. As a result of hereditary citizenship laws, their statelessness was passed onto their children.

Motivated by his own family's difficult experience of achieving citizenship after arriving from Uzbekistan in the aftermath of the dissolution, Ashurov helped to found FVLWB in 2003 to offer free legal advice and assistance to vulnerable displaced, stateless and undocumented people in the southern part of Kyrgyzstan.

"I cannot stand still when I see an injustice," said Ashurov. "Statelessness is injustice. A stateless person is not recognized by any state. They are like ghosts. They exist physically, but they don't exist on paper."

"Our role in reducing statelessness is to help people do what they cannot do themselves. We don't give them citizenship, we give them back a right that they should have had from birth."

"I realised that if it was this difficult for me, with my education, and as a lawyer, then imagine how hard it must be for an ordinary person," he said.

As more and more people approached FVLWB for help with citizenship issues, he turned the organization's focus onto statelessness, working with others to map

cases across the country for the first time and setting out to tackle the devastating problem once and for all.

Ashurov and FVLWB formed mobile legal teams which travelled to remote areas of the south of the country to find vulnerable and socially marginalized groups. In their mountainous country, the mobile legal teams relied on a battered four-wheel drive or travelled on horseback.

His close work with the Kyrgyz authorities, including on the launch of a temporary 'amnesty' for those without crucial papers, helped large numbers of state-

less people to gain citizenship.

"Our main method was to work with the government," said Ashurov. "We managed to get their attention and make them our friends. We were little warriors – but behind us was a big tank."

"Similarly to Kyrgyzstan, a number of states in the wider region have initiated campaigns through which some 46,000 stateless people have so far been identified and over 34,500 cases have been successfully resolved to date."

New managing partner for Tory's

Matt Cockburn has been elected by the firm's partnership to succeed Les Viner as Managing Partner effective April 1, 2020.

"We are thrilled that Matt has agreed to take on this new role at the firm," said Les. "Matt has always exemplified and role modeled the very finest of the attributes to which we aspire as professionals and as colleagues. Matt is an incredibly thoughtful, decent, caring person. He is down to earth and a delight to be with and to work with."

"Beyond those qualities, Matt has a well-earned reputation as one of the leading private equity lawyers in Canada and has played a pivotal role in building our private equity group from the ground up to what it is today: an enormously successful multi-office and cross-border practice that serves many of our top clients. What's more, he has proven leadership experience, having served as a member of the firm's Executive Committee for eight years."

This change comes as Les Viner, Torys' Managing Partner for an unprecedented 22 years, has announced he will be stepping down as Managing Partner of the firm effective March 31, 2020.

"It has been and continues to be the great privilege of my career to have been able to serve such terrific colleagues and clients," Les said. "The firm has never been stronger.

We ranked first in Canada and among the top 20 in the world for M & A deal volume last year. We were recently recognized by Chambers and Partners as the top corporate law firm in Canada. No leading firm in Canada has a higher percentage of its partners recognized for professional excellence in the annual Chambers and Partners reviews.

We consistently enjoy high feedback ratings from our clients and are privileged by their loyalty—more than half of our business derives from clients who have been clients of the firm for more than 10 years."

On being named the next Managing Partner of Torys LLP, Matt said, "I'm filled with gratitude and excitement that my colleagues have chosen me to help guide our firm into the next chapter of its story."

"Under Les' leadership, we have experienced tremendous growth and transformation while never departing from the core values that define us— integrity, mutual respect, collegiality, collaboration and professional excellence. It is my great fortune to be tasked with continuing to build on this legacy to grow our firm, which Les has done successfully for more than two decades."



Saputo family donates \$10 million to Concordia University to help entrepreneurs

Source : The Montreal Gazette

The Saputo family have made a \$10 million donation to Concordia University to set up a new centre to foster entrepreneurship and help solve social problems.



Amelia Saputo and Lino Saputo Jr. react to a thank-you gesture from the crowd as the Saputo family foundations donate \$10 million to Concordia University in Montreal, on Friday, November 1, 2019.

There's a love story behind one of the largest donations ever to Concordia University.

On Friday, the university announced that the Saputo family is giving a \$10-million donation to Concordia to create a brand-new inter-disciplinary centre to promote entrepreneurship and grapple with social challenges.

The donation is from the Mirella & Lino Saputo Foundation and the Amelia & Lino Saputo Jr. Foundation. Lino Saputo is the founder of Montreal-based cheese manufacturer Saputo Inc. and Mirella, his wife, is president of the founda-

tion. Lino Saputo Jr. is the CEO of Saputo and Amelia, his wife, is the president of their foundation.

In an interview just prior to the official announcement Friday afternoon, Lino Jr. and Amelia talked of how Concordia played such a significant role in both of their lives, in part because they were undergraduate students there just as they began their relationship. In fact, Lino Jr. only went to Concordia because Amelia was enrolled there.

They met at a Saputo company party when the two were both at CEGEP, and they started dating soon thereafter. Lino Jr. was at Champlain College in Lennoxville and Amelia was at Vanier College in Montreal. Lino Jr. was recruited to play on the football team at Bishop's University, also in Lennoxville in the Eastern Townships, but when he found out Amelia was going to Concordia, he decided he didn't want to commute back and forth all the time to see his girlfriend. Lino Jr. and Amelia both earned bachelor of arts degrees from Concordia, in 1989 and 1990 respectively.



Amelia Saputo and Lino Saputo Jr. both attended Concordia University as students.

"A lot of our classes were together and we spent a lot of time on campus together," said Lino Jr. "And it was a great time in our lives. Not a lot of stress, except having to pass your classes. It was really an enjoyable time for us. We have very fond memories of going to university. So when we got the call to say Concordia was in a (financing) campaign and they needed funds, it brought out very sentimental feelings for us."

Lino Jr. is co-chair with Andrew Molson of the current Concordia capital campaign, which is seeking to raise \$250 million for the institution. Lino Jr. said they are so far about halfway towards their goal. The campaign is in its third year.

It's the attachment to the school that made them want to make the donation, said Amelia.

"Whatever school you go to, there's always that attachment," said Amelia. "We're living downtown, so we get to see all of the changes at Concordia and it's nice to see that and it's nice to be part of that connection to the past and moving forward."

The donation will be used to create the Shift Centre for Social Transformation, which will allow Concordia and its partners to support community-based projects across Canada. So for example the centre could bring together students and faculty to look at coming up with creative solutions to such social problems as how to find an efficient way to deliver meals three times a day to seniors in difficulty.



Mirella Saputo says younger generations have "bigger challenges because the world is moving so fast."

"To go forward in life we have to help (other people)," said Mirella Saputo. "We faced challenges, but the younger gen-

eration has bigger challenges because the world is moving so fast. So we have to give them the tools to move forward and do better things."

"What we're trying to do is build a space where folks who have different kinds of knowledge and expertise will be able to come together to address these major challenges," said Charmaine Lyn, interim director of the Shift Centre for Social Transformation. "Our next generation of learners are coming out of university facing the kinds of challenges that none of us could've imagined 10 or 15 years ago, and they need to be equipped to deal with those issues."

The centre will look at community issues and try to find solutions, and those issues will include food policies and sustainable development.

For Lino Jr., the key is focusing on social entrepreneurship.

"We have an entrepreneurial family," said Lino Jr. "My father and his father started a business from nothing. So we are at heart entrepreneurs, but we're also trying to tackle social problems."



Lino Saputo Jr., left, and his father, Lino Saputo.

It's also about trying to ensure that students will be more implicated in the society around them.

"Young people in school will be face-to-face with the reality of things on the street," said Mirella Saputo. "It's nice to go to school. But then you're face-to-face with a person that needs you and maybe from that, you'll be more understanding of what's going on... and you'll be able to come up with a solution to the problems."

Attorney General James Gives Update on Facebook Antitrust Investigation

New York Attorney General Letitia James today released the following update on the status of the multistate antitrust investigation into Facebook:

"After continued bipartisan conversations with attorneys general from around the country, today I am announcing that we have vastly expanded the list of states, districts, and territories investigating Facebook for potential antitrust violations. Our investigation now has the support of 47 attorneys general from around the nation, who are all concerned that Facebook may have put consumer data at risk, reduced the quality of consumers' choices, and increased the price of advertising. As we continue our investigation, we will use every investigative tool at our disposal to determine whether Facebook's actions stifled competition and put users at risk."

Joining Attorney General James on the leadership team investigating Facebook are the attorneys general of Colorado, Florida, Iowa, Nebraska, North Carolina, Ohio, Tennessee, and the District of Columbia.

Additionally, attorneys general from Arizona, Arkansas, Connecticut, Delaware, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, Wisconsin, Wyoming, and the territory of Guam have all joined the investigation, in addition to a number of other states that cannot confirm their participation in pending investigations.

The following attorneys general added:

Arizona Attorney General Mark Brnovich:

"Free and competitive markets help ensure consumers

have access to the highest quality and most cost-effective products and services. Enforcement of state consumer protection and antitrust laws in the modern marketplace demands new strategies and focused efforts from state and federal authorities. By working together, state attorneys general are leading the way in ensuring digital platforms respect consumer privacy and do not engage in anticompetitive behavior."

Connecticut Attorney General William Tong:

"Social media is a critical part of doing business in today's economy. Any effort by Facebook to unlawfully stifle competition could cause wide-ranging harm to smaller companies, restrict consumer choice, and increase costs for all. Connecticut is working closely with attorneys general across the nation in taking a very hard look at Facebook to determine whether it is engaging in unlawful competitive practices. We cannot prejudge the outcome of this investigation, but stand ready to follow the evidence where it takes us to protect American consumers."

Delaware Attorney General Kathy Jennings:

"Together with other state attorneys general from both parties, we are investigating whether Facebook has broken the law through anticompetitive practices or other acts that harm consumers. I am dedicated to protecting the rights of Delawarean consumers, which includes the right to participate in the internet economy without fear of being taken advantage of by social media companies and other service providers. Today's confirmation of our participation in the multistate investigation is just that; the investigation will reveal what laws, if any, have been violated."

Indiana Attorney General Curtis Hill:

"Just like individual citizens, corporations must be held accountable for following the law. And just like individual citizens, corporations also enjoy the presumption of innocence until facts prove otherwise. In this case, we must

follow the facts to determine whether Facebook has engaged in anti-competitive behavior in violation of state and federal antitrust laws. To protect consumers and the free market, we must promote conditions under which all entities may compete on a level playing field in accordance with the rule of law."

Louisiana Attorney General Jeff Landry:

"Big Tech must account for its actions. I am proud to join my Republican and Democrat colleagues in efforts to ensure Tech Giants can no longer hide behind complexity and complicity."

Massachusetts Attorney General Maura Healey:

"It's important that the internet remain fair and open to everyone. We are participating with a broad coalition of states in an investigation of Facebook's business practices."

Michigan Attorney General Dana Nessel:

"Facebook has played a major role in shaping our global on-line economy as one of the largest social media platforms in the world. It is illegal for a business to use its market power to engage in anticompetitive conduct in an effort to achieve or maintain a monopoly. Our personal data is the biggest commodity in today's online economy and, as the chief law enforcement officer of the state, it is my duty to ensure Michigan residents' personal data doesn't continue to be pillaged in a monopolist's quest to control social media and advertising markets."

Mississippi Attorney General Jim Hood:

"Over the past year, I have raised concerns of potential barriers to competition and decreases in the quality of service when consumer data is concentrated in the hands of only a few. In this investigation, we will determine whether Facebook has restrained trade, thereby reducing the quality of consumers' choices or increasing the price of advertising."

Missouri Attorney General Eric Schmidt:

"Even the biggest of the big tech companies should be held accountable, and that's what we're seeking to do with this investigation. This coalition of attorneys general will investigate Facebook's business practices to determine whether they engaged in anticompetitive behavior, put user data at risk, reduced consumer choice, and more."

North Carolina Attorney General Josh Stein:

"I'm increasingly concerned about the way the internet has come to be dominated by a few major tech companies. When companies in any industry get too big and too

powerful, they can use that power to harm their consumers and to damage markets. We need to protect competition in markets so that consumer benefit from choices, so that their privacy is protected, and to ensure that the next generation of tech innovators aren't snuffed out by their powerful competitors."

Ohio Attorney General Dave Yost:

"Dominance of big tech is changing the way we live and how society is shaped. This is a time for fact finding and careful thought and I am fully committed to the process."

Pennsylvania Attorney General Josh Shapiro:

"Facebook is a dominant force in the social media industry, and with that dominance comes an obligation to ensure their practices are not stifling competition. Our bipartisan coalition of 46 of my Attorney General colleagues will follow the evidence wherever it leads, and we will not hesitate to take action to protect the rights of consumers."

South Carolina Attorney General Alan Wilson:

"Competition built this country and free and competitive markets are important for social media platforms. We are part of a bipartisan group investigating whether Facebook violated any state or federal laws. To ensure that there is meaningful market-based competition, we will work exhaustively to verify that companies follow the law."

Virginia Attorney General Mark Herring:

"Big tech and social media companies like Facebook must comply with anti-trust laws that promote competition and choice, and consumer protection laws that guard the privacy and personal data of users. Given Facebook's nearly unprecedented influence in so many sectors of the economy and political process, this bipartisan coalition of attorneys general is committed to ensuring that Facebook is complying with the law and meeting its obligations."

Wisconsin Attorney General Josh Kaul:

"When competition is blocked, innovation can be stifled and consumers are harmed. Facebook, like every other company, must comply with our antitrust laws, and this investigation is looking into whether it has. No one is above the law."

District of Columbia Attorney General Karl A. Racine:

"The District of Columbia has joined this investigation to ensure Facebook is giving a fair shake to District residents and the American people. No company gets a pass if it throttles competitors and exploits consumers."

AG James Secures Court Order Against Donald J. Trump, Trump Children, and Trump Foundation

AG James Achieves Restitution of Misused Funds, Dissolution of Foundation,
and Restrictions on Charitable Activity After Donald J. Trump's Abuse of the Trump Foundation

Trump to Pay \$2 Million in Damages for Illegal Activity During 2016 Election

New York Attorney General Letitia James today announced that the New York Supreme Court ordered Donald J. Trump to pay \$2 million in damages for improperly using charitable assets to intervene in the 2016 presidential primaries and further his own political interests. The award is part of Attorney General James' lawsuit against the Donald J. Trump Foundation and its directors — Mr. Trump, Donald Trump Jr., Ivanka Trump, and Eric Trump.

As part of the settlement, Attorney General James also announced that her office entered into multiple stipulations with the Trump Foundation and its directors to resolve the remaining claims in the lawsuit. Chiefly, Mr. Trump admits to personally misusing funds at the Trump Foundation, and agrees to restrictions on future charitable service and ongoing reporting to the Office of the Attorney General in the event he creates a new charity. The settlements also include mandatory training requirements for Donald Trump Jr., Ivanka Trump, and Eric Trump. Finally, the settlements name the charities that will receive the remaining assets of the Trump Foundation as part of its dissolution.

"The Trump Foundation has shut down, funds that were illegally misused are being restored, the president will be

subject to ongoing supervision by my office, and the Trump children had to undergo compulsory training to ensure this type of illegal activity never takes place again," said Attorney General James. "The court's decision, together with the settlements we negotiated, are a major victory in our efforts to protect charitable assets and hold accountable those who would abuse charities for personal gain. My office will continue to fight for accountability because no one is above the law — not a businessman, not a candidate for office, and not even the President of the United States."

The lawsuit against the Donald J. Trump Foundation was filed in June 2018 — charging the Foundation's directors with ignoring their oversight duties under New York's charity laws and demonstrating how Mr. Trump repeatedly used Foundation money for his own personal, business, and political interests, including the unlawful coordination with his 2016 presidential campaign. In the first half of 2016 — at the height of the Republican primaries — Mr. Trump used Foundation money, raised from the public, to demonstrate his purported generosity and attract votes. Mr. Trump and his campaign doled out \$500,000 at a campaign rally in the days leading up to the first primary election in the nation, the Iowa caucuses, then took credit for all \$2.8 million in grants the Foundation made.

In her decision ordering Mr. Trump to pay \$2 million, Justice Saliann Scarpulla said, "...Mr. Trump breached his fiduciary duty to the Foundation and that waste occurred to the Foundation. Mr. Trump's fiduciary duty breaches included allowing his campaign to orchestrate the Fundraiser, allowing his campaign, instead of the Foundation, to direct distribution of the Funds, and using the Fundraiser and distribution of the Funds to further Mr. Trump's political campaign."

In total, the Office of the Attorney General has entered into four stipulation agreements as part of this settlement.

Last year, in December 2018, following a court decision in favor of the Attorney General's Office, the first stipulation took effect when the Trump Foundation agreed to shutter its doors and dissolve under court supervision. In October 2019, the Office of the Attorney General entered three additional stipulations. One stipulation ensures that the Foundation's remaining assets will go to reputable charities approved by Attorney General James and that have no connection to Mr. Trump or his family members. Another stipulation ensures that Donald Trump, Jr., Ivanka Trump, and Eric Trump received training on the duties of officers and directors of charities so that they cannot allow the illegal activity they oversaw at the Trump Foundation to take place again.

The third stipulation includes 19 paragraphs of factual admissions by Mr. Trump and the Foundation of illegal activity. Mr. Trump admitted that the Foundation's board of directors — of which he was chair — failed to meet, failed to provide oversight over the Foundation, and failed to adopt legally required policies and procedures. He also admitted that these failures "contributed to the Foundation's participation" in seven related party transactions described in the settlement document and in the Attorney General's lawsuit.

Mr. Trump and the Foundation have admitted key facts about their illegal political coordination with the Trump campaign, including that a purported Foundation fundraiser in January 2016 was in fact a campaign event, and that Foundation gave the Trump campaign complete control over the timing, amounts, and recipients of the \$2.8 million raised through that event. Mr. Trump further admits that he and his campaign took credit for the grants that the Foundation made with funds that had been raised from the public. Justice Scarpulla noted in her decision that "Mr. Trump's campaign, rather than the

Foundation: (1) 'planned' and 'organized' the Fundraiser; and (2) 'directed the timing, amounts, and recipients of the Foundation's grants to charitable organizations supporting military veterans.'"

Additionally, Mr. Trump admitted a number of key facts about the other self-dealing transactions he initiated as chair — specifically, that he used Foundation funds to settle legal obligations of companies he controlled, and that the Foundation paid for a portrait of Mr. Trump that cost \$10,000. As separate piece of the settlement Donald Trump Jr. reimbursed the Foundation for the cost of the portrait. The settlement also requires the Foundation to be reimbursed \$11,525 for sports paraphernalia and champagne purchased at a charity gala.

Finally, the settlement agreement imposes a regime of restrictions on any future service by Mr. Trump on a charity's board of directors, including a total ban on any self-dealing. Any charity he joins as a director must have a majority of independent directors, must engage counsel with expertise in New York not-for-profit law, and must engage the services of an accounting firm to monitor and audit the organization's grants and expenses. If Mr. Trump forms a new charity, such an organization must comply with these requirements, and also report to the Office of the Attorney General for five years.

The \$1.78 million in assets currently being held by the Trump Foundation, along with the \$2 million in damages to be paid by Mr. Trump, will be disbursed equally to eight charities: Army Emergency Relief, the Children's Aid Society, Citymeals-on-Wheels, Give an Hour, Martha's Table, United Negro College Fund, United Way of National Capital Area, and the U.S. Holocaust Memorial Museum. The charities — which were required as part of the resolution to be entities that did not have any relationship with Mr. Trump or entities he controlled — were approved by the Office of the Attorney General and the court.

This case was handled by Assistant Attorney General Yael Fuchs, Co-Chief of the Enforcement Section of the Charities Bureau; Assistant Attorneys General Steven Shiffman and Peggy Farber of the Charities Bureau; with assistance from Senior Counsel Matthew Colangelo and former Special Counsel Laura Wood. James Sheehan is the Chief of the Charities Bureau, and Karin Kunstler Goldman is the Deputy Chief. The Charities Bureau is a bureau of the Division of Social Justice, headed by Chief Deputy Attorney General Meghan Faux.

AG James, States Reach \$700 Million Settlement with Reckitt Over Allegations of Improper Marketing of Suboxone

Attorney General Letitia James today announced that New York and five states have reached a \$700 million agreement with the pharmaceutical distributor Reckitt Benckiser Group ("Reckitt") over allegations that the company improperly marketed and promoted the drug Suboxone, resulting in improper expenditure of state Medicaid funds. As part of the agreement, New York's Medicaid program will receive more than \$71.9 million in recoveries, with more than \$39.9 million being returned to New York State.

"Pharmaceutical companies have a basic duty to ensure that they are properly disclosing and marketing powerful drugs," said Attorney General Letitia James. "Reckitt misled the public about the real impacts of Suboxone and encouraged physicians to wrongly prescribe it, while cheating New York out of tens of millions of dollars in the process. No company is above the law and we will continue to take on anyone who takes advantage of the opioid crisis to increase their bottom line."

Suboxone is a drug product approved for use to treat opioid addiction to avoid or reduce withdrawal symptoms while undergoing treatment. Suboxone and its active ingredient, buprenorphine, are powerful and addictive opioids. Reckitt has paid a total of \$700 million to resolve various civil fraud allegations impacting Medicaid and other government healthcare programs, of which over \$400 million will go to the Medicaid programs. New York's Medicaid Program will receive \$71,953,065.74 in recoveries from Reckitt with

\$39,941,582.30 being returned to the State. To resolve its potential criminal liability stemming from conduct alleged in the indictment of Indivior, Inc., Reckitt has entered into a separate non-prosecution agreement.

The civil settlement resolves allegations that, from 2010 through 2014, Reckitt, directly or through its subsidiaries, knowingly:

- Promoted the sale and use of Suboxone to physicians who were writing prescriptions to patients without any counseling or psychosocial support, such that the prescriptions were not for a medically accepted indication and for uses that were unsafe, ineffective, and medically unnecessary and that were often diverted for uses that lacked a legitimate medical purpose;
- Promoted the sale or use of Suboxone Sublingual Film based on false and misleading claims that Suboxone Sublingual Film was less subject to diversion and abuse than other buprenorphine products and that Suboxone Sublingual Film was less susceptible to accidental pediatric exposure than Suboxone Sublingual Tablets;
- Submitted a petition to the Food and Drug Administration on September 25, 2012, fraudulently claiming that it had discontinued manufacturing and selling Suboxone Sublingual Tablet "due to safety concerns" about the tablet formulation of the drug;

- Took other steps to fraudulently delay the entry of generic competition for various forms of Suboxone in order to improperly control pricing of Suboxone, including pricing to federal healthcare programs.

The civil settlement resolves the claims against Reckitt brought in six qui tam lawsuits pending in federal courts in the Western District of Virginia and the District of New Jersey.

A National Association of Medicaid Fraud Control Units (NAMFCU) team participated in the investigation and in settlement negotiations. The team included representatives

from the New York Attorney General's Office, in addition to representatives from the attorneys general of California, Indiana, Ohio, Virginia, and Washington.

Special Assistant Attorney General Jill D. Brenner, Chief Auditor Civil Enforcement Division Stacey Millis, and Auditor Investigator Brenna M. Magruder represented New York on the NAMFCU team. The New York State Medicaid Fraud Control Unit is led by Director Amy Held and Assistant Deputy Attorney General Paul J. Mahoney. The New York Attorney General's Division of Criminal Justice is led by Chief Deputy Attorney General José Maldonado.

Attorney General James Announces Second Annual International Charity Fraud Awareness Week

Attorney General Letitia James, the National Association of State Charities Officials (NASCO) and the Federal Trade Commission, today announced the second annual International Charity Fraud Awareness Week (ICFAW) from October 21 to 25, 2019. ICFAW is a coordinated international campaign to help charities and their contributors avoid charity fraud and promote wise giving.

"It's unfortunate that far too often, scammers take advantage of the generosity of others in order to line their own pockets," said Attorney General James. "I am proud to serve a state whose residents always give generously to charities, and I support ICFAW in its efforts to protect generous donors throughout the globe and the charities they support. I urge donors, wherever they are, to take advantage of resources available to them so they may give wisely."

Some actions that donors may take to avoid fraud are:

- Search the Charities Bureau's online registry to see if an organization is registered and to review its financial reports.
- See how the charity has been rated by "watchdog"

organizations such as the BBB Wise Giving Alliance, Charity Navigator, Charity Watch, and Guidestar.

- Find out if a contribution is tax-deductible by checking the IRS website at Tax Exempt Organization Search
- Read the Charities Bureau's tips on charitable giving.
- Find the results of a charities' fundraising campaigns in the Charities Bureau's annual report Pennies for Charity.
- Check the Federal Trade Commission's website for additional guidance.

ICFAW was spear-headed by the Charities Commission for England & Wales, which for many years hosted its own Charity Fraud Awareness Week. The Australian Charities and Not-for-profits Commission, the Charity Commission for Northern Ireland, the New Zealand Charities Service, and the Office of the Scottish Regulator as well as are also joining in the international outreach effort.

For more information about New York charities, members of the public should contact the Charities Bureau at charities.bureau@ag.ny.gov. Complaints about charities should be submitted using the Charities Bureau's Complaint Form.

Johnson & Johnson and Subsidiary to Pay \$117 Million Settlement After Endangering Women's Health

Consumers Misled About Safety, Effectiveness, and Potential Risks of Transvaginal Mesh Devices

New York Attorney General Letitia James today announced a multistate settlement, along with 41 additional attorneys general, requiring Johnson & Johnson and its subsidiary Ethicon, Inc. to pay nearly \$117 million for the deceptive marketing of transvaginal surgical mesh devices that endangered the health of women across New York and the rest of the nation. A multistate investigation found the companies violated state consumer protection laws by misrepresenting the safety and effectiveness of the devices and failing to sufficiently disclose risks associated with their use.

"Health and safety must come before profits," Attorney General James said. "While Johnson & Johnson and its subsidiary were putting income before the health of people in need of care, women were put in danger. My office will never waver in its efforts to hold companies accountable for risking the health of its consumers."

Transvaginal surgical mesh is a synthetic material that is surgically implanted through the vagina to support the pelvic organs of women who suffer from stress urinary incontinence or pelvic organ prolapse.

The multistate investigation found the companies misrepresented or failed to adequately disclose the products' possible side effects, including the risk of chronic pain and inflammation, mesh erosion through the vagina, incontinence developing after surgery, painful sexual relations, and vaginal scarring. Evidence shows that Johnson & Johnson and its subsidiary were aware of the possibility for serious medical complications but did not provide sufficient warnings to consumers or surgeons who implanted the devices.

Under the settlement, Johnson & Johnson has agreed to pay \$116.86 million to the 41 participating states and the Dis-

trict of Columbia. New York State will receive \$5,203,122.50 under the settlement.

The settlement also provides injunctive relief, requiring full disclosure of the device's risks and accurate information on promotional material, in addition to the product's "information for use" package inserts.

Among the specific requirements, the companies must:

- Refrain from referring to the mesh as "FDA approved," when that is not the case.
- Refrain from representing, in promotions, that risks associated with mesh can be eliminated with surgical experience or technique alone.
- Ensure that product training provided to medical professionals covers the risks associated with the mesh.
- Stop claiming: that surgical mesh stretches or remains soft after implantation, that foreign body reactions are temporary, and that foreign body reactions "may" occur, when studies show that they do, in fact, occur.
- Disclose that mesh risks include: fistula formation and inflammation, as well as mesh extrusion, exposure, and erosion into the vagina and other organs.
- Disclose risks of: tissue contraction, pain with intercourse, loss of sexual function, urge incontinence, de novo incontinence, infection following transvaginal implantation, and vaginal scarring.
- Disclose that risks include that revision surgeries: may be necessary to treat complications, may not resolve complications, and are also associated with a risk of adverse reactions.

Joining Attorney General James in this multistate settlement are the attorneys general of Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida,

Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Wisconsin, and the District of Columbia.

On behalf of New York, the case was handled by Special Counsel Mary Alestra of the Consumer Frauds and Protection Bureau, under the supervision of Deputy Bureau Chief Laura J. Levine and Bureau Chief Jane Azia. The Consumer Frauds and Protection Bureau is part of the Division of Economic Justice, which is led by Chief Deputy Attorney General Christopher D'Angelo.

Public Rights Project Releases Guide for Local Prosecutors, Urges Newly Elected DAs to Fight Corporate Abuse

New guide gives concrete examples of how district attorneys can prosecute corporate abuse, such as wage theft, predatory lending and illegal dumping.

Today Public Rights Project released a new guide for district attorneys – those elected this week as well as those in office for many years – outlining how to crack down on corporate crimes that are hurting so many Americans. The guide explores tools prosecutors already have to support and protect vulnerable people.

The resource, called “Growing An Equitable Enforcement Practice: A Guide for Local Prosecutors To Fight Corporate Abuse,” provides examples and practical steps for district attorneys who want to use their power to protect vulnerable communities and combat corporate lawlessness. It includes best practices on how to work with community-based organizations, how to engage in public education and policy advocacy, and more.

“Citizens across the country this week voted to elect reform-minded local prosecutors,” said Jill Habig, founder and president of Public Rights Project. “They are part of a growing movement of prosecutors across the country who understand that tackling corporate abuse is an essential part of promoting public safety and community well-being. We are thrilled at this opportunity for them to make an impact on corporate wrongdoers who have destabilized our communities, like opioid manufacturers and predatory lenders.”

Local prosecutors are charged with ensuring public safety and promoting the health and well-being of their communities. However, many people think the tools available to prosecutors to advance public safety are limited to cracking down on violent crimes, drugs, property theft and other offenses. People are less familiar with how local prosecutors can address illegal acts by businesses that harm workers, tenants and consumers.

One prosecutor who is setting an example with her work to reform the criminal justice system by fighting corporate abuse like notario fraud over prosecuting low-level, non-violent criminal offenses, is Kim Foxx, State’s Attorney for Cook County, Ill. “Our office is committed to protecting our most vulnerable residents through our work as we strive to create healthy and thriving communities,” said Foxx. “As recent efforts by the current federal government seek to undermine basic civil rights of citizens nationwide, it’s crucial that more local prosecutors utilize their authority to stand up for our communities.”

Public Rights Project commissioned a national survey on corporate abuse that showed that 54 percent of those surveyed identified as having experienced one or more instances of corporate abuse in the last 10 years, including wage theft, predatory lending, predatory debt collection, unsafe rental housing conditions, or health problems due to pollution created by a business. These civil and criminal violations can often be the root cause of, or aggravate, public safety and public health concerns. Public Rights Project’s survey showed a strong connection between corporate and personal victimization – people who experienced corporate abuse were four and a half times more likely to identify as victims of violent crime and three times more likely to identify as victims of non-violent crime than people who had not experienced corporate abuse.

“Reform-minded prosecutors are rightly concerned about the current inequities that plague our criminal justice system,” said Lijia Gong, Interim Legal Director of Public Rights Project. “Public Rights Project believes that, by ensuring that children are not exposed to lead, that consumers have access to a fair marketplace, and that workers are paid for all the work that they have done, district attorneys can address some of the root causes of involvement in the criminal justice system.”

The guide points to examples like the Manhattan District Attorney’s prosecution of one of New York’s largest construction companies. The district attorney brought larceny charges, because over the course of three years, the construction company allegedly stole more than \$1.7 million in wages from over 500 low-wage workers engaged in the dangerous work of building multi-million dollar luxury condominiums. The cheated workers were especially vulnerable to the company’s scheme because many of them were undocumented immigrants, who often do not pursue claims due to intimidation, harassment, or fear of retaliation.

With more than 2,300 local prosecutors offices across the country, district attorneys can leverage their authority and resources to address corporate abuse and help to tip the scales in favor of ordinary people and vulnerable communities. In so doing, local prosecutors can restore trust in their offices and contribute to making all of our communities safer.

David Miliband gives in-depth interview after receiving 2019 Stockholm Human Rights Award

David Miliband and the humanitarian aid body that he heads, the International Rescue Committee (IRC), were presented with the 11th Stockholm Human Rights Award at a ceremony in Stockholm, Sweden, on Monday 4 November 2019. The presentation was made by Mia Edwall Insulander, Secretary General of the Swedish Bar Association and Horacio Bernardes Neto, President of the International Bar Association (IBA). This was followed by a wide-ranging interview conducted by Mark Ellis, IBA Executive Director, where Mr Miliband spoke passionately about the refugee crisis and his personal experience as the child of Jewish refugees who fled to the United Kingdom in the aftermath of World War II.

He discussed internally displaced people, the climate crisis, economic migrants, global and internal economic inequality, populist movements, Brexit, the state of British democracy and Russian interference in elections. An abridged transcript of the interview is available to download [here](#).

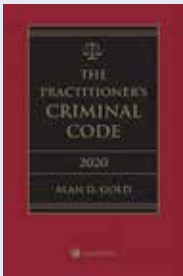
In her opening remarks, Ms Insulander described Mr Miliband as 'a magnificent role model for life-saving and life-improving work', and said that his background brings a personal commitment to the work of the IRC. Mr Miliband said that he humbly received the award on behalf of the 13,000 IRC staff and 15,000 volunteers working in more than 40 countries and 190 field sites around the world. In his acceptance speech, he said that it is 'the nutrition worker in South Sudan, the gender-based violence responder in Afghanistan... it is their work providing life-saving and life-changing aid to people whose lives have been shattered by conflict who have earned this award.'

He went on to urge 'the Swedish government to continue standing up against the age of impunity. We need the engaged attention of the Swedish people to show the world

that indifference, cynicism and pessimism in the face of such a massive global challenge is neither smart nor worthy. We need your help to defend and uphold the regime of human rights that defined the ambitions of the second half of the 20th century. Today we face a triple emergency around the world and that makes tonight's award all the more poignant. It is not just an honour. It needs to serve as a rallying call.'

Past recipients of the Award:

2018: Thomas Buerghenthal
2017: International Criminal Court
2016: Mary Robinson
2015: Prince Zeid Ra'ad Zeid Al-Hussein
2014: B'Tselem
2013: Professor M Cherif Bassiouni
2012: Thomas Hammarberg and European Roma Rights Centre
2011: George Soros and Aryeh Neier
2010: Navi Pillay
2009: Richard Goldstone



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