



Guy Pinsonnault

Co-Chair, White Collar Defence and Government Investigations
Ottawa, Montréal

613.691.6125, 514.987.5063
guy.pinsonnault@mcmillan.ca

education and year of call

- Called to the Ontario bar - 2011
- Called to the Quebec bar - 1980
- University of Ottawa, LL.L - 1979

practice areas

competition and antitrust
anti-corruption and fraud
cartels
class actions
competition policy advocacy
marketing and advertising
unilateral conduct and distribution
practices

profile

Guy Pinsonnault is a partner in the firm's Competition and White Collar Defence and Government Investigations Groups. His practice includes the full range of competition, white collar crime and Canadian business regulation, litigation and advisory work, with a particular focus on Canadian and international cartel and commercial crime matters.

Prior to joining McMillan, Mr. Pinsonnault was the General Counsel, Competition Law Section, Public Prosecution Service of Canada, from 2004 to 2012. His work as the senior prosecutor at the Competition Bureau focused mainly on the prosecution of criminal cartel matters, as well as bid-rigging and fraudulent misrepresentation, in many of the major contested competition prosecutions in that period. He also provided extensive advice in the development of the Competition Bureau policies and programs in the criminal field (e.g. the Immunity and Leniency Programs) and advised on Bureau policies and practices for search and seizure, wiretaps, immunity and plea agreements.

Mr. Pinsonnault has had extensive criminal law and competition law experience dealing with local, national and cross-border corporate crime investigations. His practice involved foreign corrupt practices, fraud, commercial crime and other white collar offences. His work included multi-jurisdictional files for the Competition Bureau with the United States Department of Justice Antitrust Division, as well as the RCMP Commercial Crime Division, the Integrated Proceeds of Crime Unit, and the Province of Quebec anti-corruption unit (UPAC). Mr. Pinsonnault has appeared before Superior courts, the Federal Court, the Court of Appeal of Quebec and the Supreme Court of Canada.

Mr. Pinsonnault started his career in 1980 as a provincial prosecutor in the province of Québec where he prosecuted cases that covered a wide range of criminal matters including

Guy Pinsonnault
t: 613.691.6125, 514.987.5063
guy.pinsonnault@mcmillan.ca

fraud, white collar crimes, murder, sexual offences, robbery.

From 1990 to 2004, Mr. Pinsonnault was a prosecutor with Federal Prosecution Services, Justice Canada, where he prosecuted gang related drug cases, proceeds of crime and criminal organization offences, as well as criminal tax evasion.

The International Competition Network invited Guy Pinsonnault to participate as a non-governmental advisor at the Cartel Workshop in 2013 (Cape Town, Africa), 2014 (Taipei, Taiwan), 2015 (Cartagena, Colombia), 2016 (Madrid, Spain), 2017 (Ottawa) and 2018 (Tel Aviv, Israel).

Mr. Pinsonnault has also been approved by Public Service and Procurement Canada to be an independent third party pursuant to the Integrity Regime to provide them expert advice in the Competition Law field and afterward regarding the fraud sections of the *Criminal Code*.

directorships and professional associations

- Appointed to the Long Range Planning Committee, Antitrust Law Section of the ABA
- Past Chair, Criminal Matters Committee, Canadian Bar Association, Competition Law Section (2015-2016)
- American Bar Association - Member of the Section's International Cartel Task Force
- Appointed Non-Governmental Advisor (NGA) to International Competition Network – ICN Cartel Working Group (2012-2018)

awards and rankings

- Recognized by *Chambers Canada (2020)* as a leading lawyer in the area of Competition / Antitrust: Litigators
- Recognized by *Best Lawyers in Canada (2020)* as a leading lawyer in the area of Competition / Antitrust Law
- Recognized in the *2019 Canadian Legal Expert Directory* as a Repeatedly Recommended lawyer in the area of Competition Law
- Recognized by *Chambers Global (2019)* as a leading lawyer in the area of Competition / Antitrust: Litigators
- Recognized by *Chambers Canada 2019* as a leader in Competition/Antitrust
- Named the *Best Lawyers 2019* Competition / Antitrust Law “Lawyer of the Year” in Ottawa
- Recognized in *Best Lawyers in Canada (2019)* as a leading lawyer in the area of Competition/Antitrust Law
- Listed in *Who’s Who Legal Canada: 2018* as a leader in

Guy Pinsonnault
t: 613.691.6125, 514.987.5063
guy.pinsonnault@mcmillan.ca

Competition

- Recognized in the 2018 Canadian Legal Lexpert Directory as a Repeatedly Recommended lawyer in the area of Competition Law
- 2016 Bill Miller Memorial Award for Contributions to the *Canadian Competition Law Review*.
- Governor of the Fondation du Barreau du Québec
- Recognized in *Best Lawyers in Canada* 2018 as a leading lawyer in the area of Competition/Antitrust Law
- Recognized in *Who's Who Legal: Canada 2017* as a leading lawyer in the area of Competition
- Recognized in the *Canadian Legal Lexpert Directory* 2017 as a repeatedly recommended in the area of Competition Law
- Recognized in *Best Lawyers in Canada* 2017 as a leading lawyer in the area of Competition/Antitrust Law
- Recognized in *Who's Who Legal: Canada 2016* as a leading lawyer in the area of Competition
- Recognized in the *Canadian Legal Lexpert Directory* 2016 as a leading lawyer in the area of Competition Law

media mentions

- "[Canada narrows Postmedia/Torstar deal to criminal probe](#)", Global Competition Review, December 05, 2018

publications

June 2019

Deferred Prosecution Agreements and the "National Economic Interest"
Litigation Bulletin

April 2019

Cooperating Witnesses not Confidential Informers - Competition Bureau Updates Immunity and Leniency Programs under the Competition Act
Competition and Antitrust Bulletin

March 2019

Getting the Deal Through (Canada Chapter) – Cartel Regulation 2019

December 2018

Anti-Corruption 2019 Guide
Chambers and Partners

Guy Pinsonnault
t: 613.691.6125, 514.987.5063
guy.pinsonnault@mcmillan.ca

November 2018

The Court of Appeal puts an End to 'Jail on the Couch'
Sentences for Bid-rigging
Regulatory Bulletin

October 2018

Deferred Prosecution Agreements: Improving Corporate
Compliance in Canada
IBA Anti-Corruption Committee Website

September 2018

A New Deferred Prosecution Agreement Regime in Canada
The Lawyers Daily – LexisNexis

March 2018

Canada Announces the Creation of the Remediation Agreement
Regime and Improvements to the Integrity Regime to Tackle
Corporate Crime
Competition Bulletin

March 2018

Getting the Deal Through (Canada Chapter) – Cartel Regulation
2018

January 2018

Proposed Changes to the Competition Bureau's Immunity
Program Will Undermine Effective Cartel Enforcement in
Canada - Comments of McMillan LLP on the Consultation Draft
dated October 26, 2017

October 2017

Foreign Corruption: Canada Makes "Facilitation Payments"
Illegal
Business Law Bulletin

October 2017

Government of Canada Announces Public Consultation
regarding Deferred Prosecution Agreements (DPAs)
Competition Bulletin

June 2017

Rigging the Bid: Finding Fraud in a Regulated Setting
Competition and Antitrust Bulletin

April 2017

FCPA Declination Letters and Corporate Criminal Liability: What
Can Be Learned From the U.S. Approach
Competition Bulletin

February 2017

Getting the Deal Through – Cartel Regulation 2017
Global Coordinating Editor; Canada Chapter

Guy Pinsonnault
t: 613.691.6125, 514.987.5063
guy.pinsonnault@mcmillan.ca

November 2016

Impacts of the Supreme Court's Decision in *R v Anthony-Cook* on the Certainty of Plea Agreements and Jointly Proposed Sentencing
Competition Bulletin

January 2016

Fraud in Regulated Settings: Detrimental Reliance by the Victim not always Required
Competition and Antitrust Bulletin

November 2015

Recent Trends and Developments under Canada's Corruption of Foreign Public Officials Act
International Trade Bulletin

June 2015

The Purpose, Nature and Constitutionality of the Presumptions of Section 69 of the Competition Act
Canadian Competition Law Review, Vol. 28, No. 1

March 2015

The Canadian Approach to Corporate Criminal Liability for Antitrust Offenses
American Bar Association Section of Antitrust Law, Cartel & Criminal Practice Committee Newsletter – Spring 2015

March 2015

Attaching Criminal Liability to Organizations for Anti-Competitive Offences: What Can Be Learnt From the Canadian Experience
Journal of European Competition Law & Practice (Oxford University Press), Vol. 6, Issue 3

February 2015

Warrantless Searches of Cell Phones upon Arrest are Lawful in Canada – but Strict Safeguards Apply
Canadian Privacy Law Review, Vol. 12, No. 3

February 2015

The Supreme Court finds that certain Search and Production Provisions of Anti-Money Laundering and Anti-Terrorist Legislation are inapplicable to Legal Counsel
Competition Bulletin

December 2014

Warrantless Searches of Cell Phones upon Arrest are Lawful in Canada – but Strict Safeguards Apply
Competition Bulletin
Republished in the February 2015 edition of the Canadian Privacy Law Review

November 2014

Blame It On Rio: Whistleblowing and World Football's Anti-Corruption Crisis

Guy Pinsonnault
t: 613.691.6125, 514.987.5063
guy.pinsonnault@mcmillan.ca

Competition Bulletin

September 2014

The Characterization of a Procurement Process as a "Call or Request for Bids or Tenders" Under Section 47 of the *Competition Act*
Canadian Competition Law Review, Vol. 27, No. 2

June 2014

R. v. Pétroles Global: The First Judgment in a Decade to Apply the New Canadian Corporate Criminal Liability Regime
The Marker, Criminal Matters Committee of the CBA National Competition Law Section

May 2014

The Criminal Liability of Organizations for Economic Crimes
Canadian Competition Law Review, Vol. 27, No. 1

November 2013

The Supreme Court Reiterates That a Mistake of Law Affords no Defence, But Opens a Discussion on a New Exception
Competition Bulletin

November 2013

The Supreme Court's decision in *R. v Vu*: a specific authorization is required to conduct the search of computer or cell phone data
Competition Bulletin

September 2013

What's new with the FAQs
Competition Bulletin

presentations

June 2019

Remediation/deferred prosecution agreements, monitor appointments, leniency programs & other investigation resolution outcomes
Discussion Leader
Northwind's 2nd Internal and Enforcement Investigations Invitational Forum, Cambridge, Ontario

May 2019

The Uncertain State of Immunity & Leniency
Panelist
CBA Competition Law Spring Conference, Toronto, Ontario

March 2019

The state of leniency
Panelist
GCR Live - 4th Annual Cartels, Washington, DC

October 2018

ICN Cartel Workshop 2018 Mini Plenary 8: Fines – finding the

Guy Pinsonnault
t: 613.691.6125, 514.987.5063
guy.pinsonnault@mcmillan.ca

right balance, Non-Governmental Advisor
Moderator
International Competition Cartel Working Group, Tel Aviv, Israel

March 2018

2017-2018 ICN Cartel Working Group – SG1
Speaker
Webinar on Parental Liability

October 2017

ICN Cartel Workshop 2017 Breakout Session #11 - When civil servants go bad: what to do when a government procurement agency is involved in big-rigging
Panelist, Non-Governmental Advisor
International Competition Cartel Working Group, Ottawa, Ontario

September 2017

Parental Liability
Speaker
ICN CWG SG1 Webinar

May 2017

Whither Section 45? Criminal Conspiracies Under the Microscope
Speaker
CBA Competition Law Spring Conference, Toronto, Ontario

January 2017

Guilty Pleas 101 – The Nuts and Bolts of Guilty Pleas
Panelist
CBA Criminal Matters Committee Brown Bag Session, Teleconference

November 2016

La Responsabilité des Organisations
Panelist
Édition Blais, Montréal, Québec

October 2016

A Time for a Reboot? Exploring a Fresh Approach to Immunity and Leniency Programs
Speaker
CBA Competition Law Fall Conference, Ottawa, Ontario

October 2016

CBA Speed Mentoring
Participant
Competition Law Fall Conference, Ottawa, Ontario

October 2015

Mini Plenary 3: NGA panel: Role of NGAs in advising leniency applicants in multinational cartel cases
Non-governmental Advisor Panelist
Activities of the International Competition Cartel Working Group, Cartagena, Columbia

Guy Pinsonnault
t: 613.691.6125, 514.987.5063
guy.pinsonnault@mcmillan.ca

June 2015

Beyond the Borders: Emerging Issues in Business Litigation Seminar, Crossing the Line When Crossing the Border: The Canadian and US Approaches to Combating Foreign Corruption Speakerconference hosted by DRI, The Voice of Defense Bar, Toronto, Ontario

November 2014

Search Warrants and Inspections: How You Can Reduce Risk and Be Ready to Respond?
SpeakerMcMillan Client webinar on Search Warrants and Inspections

October 2014

Developing Effective Relations with Public Prosecutors – The Canadian Experience
Non-Governmental Advisor PanelistActivities of the International Competition Cartel Working Group, Taipei, Taiwan

September 2014

Section 45 - Auto-Parts and Other Recent Developments
ModeratorFall Conference session in 2014, Ottawa, Ontario

February 2014

Cartel et collusion : perspectives pratiques
SpeakerLaval University, Ville de Québec, Quebec

October 2013

Section 45 (3) of the Competition Act: Use of Circumstantial Evidence to Prove Conspiracy
Panelist, Non-Governmental AdvisorInternational Competition Cartel Working Group, Cape Town, South Africa

October 2013

Making the Settlement Stick
Presenter
Webcast