

mcmillan

**Crisis Response Services**



# McMillan's Crisis Response Services



## Let us help you respond to a crisis

When faced with a crisis or imminent threat, clients need to act fast to protect their organization and its personnel from further harm and liability. They need urgent access to specialized expertise and well-developed crisis management tools to ensure the most well-informed and prudent decisions are made by the company from the outset.

McMillan's teams of dedicated lawyers and support specialists have extensive experience helping clients manage and overcome these challenging situations. McMillan has specially-trained lawyers that are able to respond quickly and efficiently to any legal crisis. Our experts know the legal issues at play and are supported by an extensive proprietary database of ready-to-go materials including intake checklists, worksheets, questionnaires and various customizable forms.

McMillan's Crisis Response Services help clients identify, assess, and resolve each threat.

## Our Services

### Data Breach Crisis Service

Quickly and efficiently addressing legal requirements and risks associated with data breaches. [Page 2]

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### Product Recall and Regulatory Compliance Services

Providing assistance in investigations and offers numerous assessment tools as part of a risk analysis response plan. [Page 3]

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### Document Preservation/Destruction Crisis Service

Avoiding the unintentional destruction or alteration of critical records with the onset of litigation. [Page 3]

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### Search Response Service

Immediately responding to real-time investigative actions including searches, seizures and inspections. [Page 4]

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### Fraud and Emergency Orders Service

Isolating, assessing and alleviating acts of fraud, and using the court's urgent injunctive tools to freeze assets (Mareva), protect evidence (Anton Piller orders) and obtain relevant third party documents (Norwich orders). [Page 5]

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### Workplace Harassment Response Service

Helping clients navigate the legal and public relations landscapes that arise with a high-profile claim of harassment. [Page 5]

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### Crisis Communications Readiness Service

Administering best practices and war room protocols and for communication processes and digital preparedness. [Page 6]

## Data Breach Crisis Service

When clients are faced with a possible data breach, they must act quickly to identify and assess the breach and its effects.

McMillan's Data Breach Crisis Service forms part of a rapid response plan, which includes an emergency service provider referral list as well as an intake checklist to assist the client in assessing each phase of the crisis, including: issue identification; applicable law assessment; information and data collection; risk and harm assessment; notification assessment; and reporting requirement review.

McMillan's Data Breach Crisis Service also contains numerous investigative and assessment tools, including customizable notices; reporting forms; and court documents.

"Over one-third of organizations that experienced a breach in 2016 reported substantial customer, opportunity and revenue loss of more than 20 percent." *Cisco 2017 Annual Cybersecurity Report*



## Key Contacts



**Lindsay Wasser, Partner**  
Co-Chair, Privacy & Data Protection  
and Cybersecurity

t: 416.865.7083  
lyndsay.wasser@mcmillan.ca



**Lindsay Lorimer, Partner**

t: 416.865.7197  
lindsay.lorimer@mcmillan.ca



**Janine MacNeil, Partner**

t: 416.307.4124  
janine.macneil@mcmillan.ca

## Product Recall and Regulatory Compliance Services

When clients are faced with difficult compliance issues and recalls, they must respond quickly to identify, assess, and manage interrelated safety, legal, business and communications concerns. McMillan's team of regulatory, recall and communications specialists are ready to assist.

McMillan's Product Recall and Compliance Service forms part of a tailored, confidential risk analysis and response plan and program, which identifies and prioritizes concerns; provides assistance in investigations, assessments and development of corrective plans; offers representation and advice regarding regulatory and other communications; and makes available initial and ongoing support and resources for compliance and recall management.

McMillan's Product Recall and Compliance Service also offers numerous investigative and assessment tools, including: reporting forms; corrective action management plans; corrective action tracking plans; and customizable notices.

### Key Contacts



**Teresa Dufort, Partner, CEO  
Co-Chair, Product Liability**  
t: 416.865.7145  
teresa.dufort@mcmillan.ca



**Lisa Parliament, Partner**  
t: 416.865.7801  
lisa.parliament@mcmillan.ca



**Sidney Elbaz, Partner**  
t: 514.987.5084  
sidney.elbaz@mcmillan.ca



**Lindsay Lorimer, Partner**  
t: 416.865.7197  
lindsay.lorimer@mcmillan.ca

## Document Preservation/ Destruction Crisis Service

When clients are threatened with litigation, they must act quickly to preserve all relevant records, in order to avoid the dangerous consequences of destroying, disposing of or altering potentially relevant documents.

McMillan's Document Preservation/Destruction Crisis Service, and its proprietary eDiscovery Playbook, form part of a comprehensive risk analysis plan, which identifies imminent concerns with records management procedures that may impact the preservation of potentially relevant records.

McMillan's Document Preservation/Destruction Crisis Service also contains template preservation letters, interview sheets and questionnaires, workflow charts and stage-by-stage checklists for document identification, preservation, collection, processing and production.

### Key Contacts



**Benjamin Bathgate, Partner**  
t: 416.307.4207  
ben.bathgate@mcmillan.ca



**Lisa Parliament, Partner**  
t: 416.865.7801  
lisa.parliament@mcmillan.ca



**Shari Munk-Manel, Partner**  
t: 514.987.5004  
shari.munk-manel@mcmillan.ca



**Christopher Purdon, National  
Manager, eDiscovery Support**  
t: 416.865.7839  
christopher.purdon@mcmillan.ca

## Search Response Service

When clients are faced with a search, seizure or inspection by police or regulatory authorities, they need to act quickly as they may be facing significant criminal or other liability for the company and its personnel. An improperly handled response can also lead to considerable harm to an organization's brand and reputation.

McMillan's Search Response Service experts consists of specially trained and experienced search response professionals across Canada who can provide immediate, on-site response to real-time investigative action such as searches and seizures by the Competition Bureau, Canada Border Services Agency or RCMP, and inspections by environmental, energy, employment and other regulatory authorities.

McMillan's Search Response Service experts help clients protect their rights, address possible exposure of individuals, avoid obstruction of justice issues, manage internal and external communications and handle post-search issues including dealing with seized documents. They also help clients to integrate emergency preparedness into risk management and compliance programs.



Your first call for search response.™

## Key Contacts



**Dr. A. Neil Campbell, Partner  
Co-Chair, Competition and Trade**

t: 416.865.7025  
neil.campbell@mcmillan.ca



**Robin M. Junger, Partner  
Co-Chair, Aboriginal and Environmental  
Co-Chair, Oil and Gas (B.C.)**

t: 778.329.7523  
robin.junger@mcmillan.ca



**Guy Pinsonnault, Partner**

t: 613.691.6125  
guy.pinsonnault@mcmillan.ca



**Chris Kalantzis, Associate**

t: 416.865.7088  
chris.kalantzis@mcmillan.ca

## Fraud and Emergency Orders Service

When clients are faced with signs of impropriety or fraud, they must act fast to isolate, assess and alleviate those risks.

McMillan's Fraud and Emergency Orders Service consist of specialized fraud litigators, information technology specialists, forensic investigators and accountants. It forms part of a tailored confidential risk analysis plan, and includes intake checklists for certain specific types of fraud, and to assess the suitability of various asset recovery tools, including: the freezing of assets (**Mareva injunctions**); civil search warrants and evidence protection (**Anton Piller orders**), third party document disclosure (**Norwich Pharmacal orders**) and enforcement of foreign judgments.

McMillan's Fraud and Emergency Orders Service also contains numerous proprietary investigative worksheets, questionnaires and precedent court documents to ensure the fastest possible transition from fraud detection, to containment and resolution.

### Key Contacts



**Benjamin Bathgate, Partner**  
Co-Chair, Fraud Law Group

t: 416.307.4207

ben.bathgate@mcmillan.ca

## Workplace Harassment Response Service

When clients are faced with allegations that an employee, Board member or other person connected with the organization has engaged in sexual misconduct or workplace bullying, there is not much time to act before the allegations and rumours spread both within and outside the organization.

McMillan's Harassment response team consists of specialized employment lawyers and litigators from McMillan LLP and communication professionals from McMillan Vantage. Our team helps clients effectively navigate the legal and public relations landscape that arises with a high-profile claim of harassment. Our legal team develops a tailored strategy to help clients respond promptly to these types of allegations so that the organization meets its legal obligations to investigate and confront harassment in the workplace, including assisting in identifying the proper investigator, sources of information and Anton Piller orders to protect evidence. Our communications team helps manage the reputational issues that inevitably accompany these types of allegations. Working together, we craft practical strategies to address the concerns and questions posed by media, investors, regulators, customers and others. Practical strategies and consistent messaging help guide the client strategically through the public relations challenges such situations present.

### Key Contacts



**Dave J.G. McKechnie**  
Partner

t: 416.865.7051

dave.mckechnie@mcmillan.ca



**Shari Munk-Manel**  
Partner

t: 514.987.5004

shari.munk-manel@mcmillan.ca



**Kristen Pennington**  
Associate

t: 416.865.7943

kristen.pennington@mcmillan.ca





## Crisis Communications Readiness Service

When clients are faced with a crisis, responding rapidly and accurately is key. The McMillan Vantage Communications Readiness Service can help clients assess if the appropriate communications / public relations processes and tools are in place, and if not, can help create strategy and response measures based on industry best practices.

The Service includes checklists and templates to assess internal communications processes, digital preparedness, 'war room' protocols, spokesperson training, key audience identification and media response readiness. There is also best practice guidance on structuring a Rapid Response Team, ensuring an effective working relationship among legal, public affairs and communications teams, and developing an effective Board / staff / media / investor / customer approach.

McMillan Vantage communications / public relations experts can guide clients through the readiness assessment and assist in addressing gaps.

## Key Contacts



**Robyn Osgood,**  
**Managing Director**

t: 613.691.6177

[robyn.osgood@mcmillanvantage.com](mailto:robyn.osgood@mcmillanvantage.com)



## McMillan Vantage: an introduction

McMillan Vantage Policy Group, the only public affairs consultancy anchored in a national law firm, offers government relations counsel, policy and regulatory analysis, and, through its alliance with Blueprint Communications and Marketing, strategic communications services to Canadian-based and international clients.

Our team includes former senior advisors to Prime Ministers and Premiers, former Ministers of Finance and International Trade, and experts who advise the C-suite and sit on Boards of Directors.

## Firm Profile

McMillan is a business law firm serving public, private and not-for-profit clients across key industries in Canada, the United States and internationally. With recognized expertise and acknowledged leadership in major business sectors, we provide solutions-oriented legal advice through our offices in Vancouver, Calgary, Toronto, Ottawa, and Montréal. Our firm values – respect, teamwork, commitment, client service and professional excellence – are at the heart of McMillan’s commitment to serve our clients, our local communities and the legal profession.

