

# Joel Wiesenfeld

Mediator

## Professional Experience and Education

Partner at Torys LLP, 2001-2012

Co-founder and co-chair of The Advocates' Society's Securities Litigation Practice Group 2011 - 2012

Editorial board member of Canadian Securities Law Reporter.

Member of Working Group that created the Litigation Assistance Program (LAP), a program designed to provide volunteer legal advice and representation to unrepresented Respondents appearing in enforcement proceedings before the Ontario Securities Commission

Organized and chaired OSC LAP training seminar, September 12, 2011

Partner and Associate at Fogler, Rubinoff LLP, 1981-2001

Called to the Bar in Ontario, 1981

JD, University of Western Ontario, 1979

Graduate Studies, Hebrew University of Jerusalem, 1975-1976

BA (with Distinction, University Scholar), McGill University, 1974

## Recognitions

Lexpert/Thomson *Canada's Canadian Legal Lexpert Directory 2010, 2011, and 2012*—Most frequently recommended practitioner in securities litigation

Lexpert/American Lawyer's *Guide to the Leading 500 Lawyers in Canada 2007, 2009, 2010, 2011 and 2012*—Leading practitioner in securities litigation

Woodward White's *Best Lawyers in Canada - Securities Law 2011, 2012, 2013 and 2014*—Leading lawyer in securities law; Woodward White's *Best Lawyers 2010*—Toronto Securities Lawyer of the Year

## Selected Publications

Broker/Dealer Legal Reference Case Law Database  
Published by Carswell  
2007-2014

Securities Litigation  
Bullen & Leake & Jacob's *Canadian Precedents of Pleadings Second Edition*  
(Carswell; Toronto, 2013 at vol. 2 pages 1240-1272

Contributor to *Mediation for Civil Litigators*  
By John Hollander (Irwin Law; Toronto, 2013)

The Issue of Credibility in Investor Loss Litigation  
The *Canadian Bar Review*, vol. 90, pp. 131-151  
March 2012,

The Reality of Settlement in Regulatory Enforcement Cases  
*Advocates' Quarterly*, vol.38, issue 1  
2011

Comment on a National Securities Regulator  
FAIR: Canadian Foundation for Advancement of  
Investor Rights  
February 2011

Is IIROC Overreaching on Rule 37?  
Editorial, *Investment Executive*  
November 2010

Securities Officials Should Defend Deals  
Editorial, *National Post*  
November 16, 2010

Revisiting Enforcement  
Editorial, *Investment Executive*  
May 3, 2010

Beware of the Lure of the "Fiduciary" Label  
Editorial, *Investment Executive*  
April 2009

Recruiting Brokers after the RBC DS Case  
Editorial, *Investment Executive*  
mid-November, 2008

Industry in Need of Code of Conduct  
Editorial on Recruitment Issues, *Investment Executive*  
December 2007

Rethinking the Gatekeeper Theory  
Editorial, *Investment Executive*  
May 2005

The Case for Vertical Integration  
Editorial, *Investment Executive*  
February 2005

Dealing with Dealers: Conflict of Interest Issues;  
Paper presented at Queen's University Annual Business  
Law Symposium 2003  
Published in *Conflicts of Interest in Capital Market Structures*,  
edited by Anita Anand and William F. Flanagan  
October 2003

Regulatory Rethink  
Editorial, *Financial Post*  
May 9, 2003

Supervising the Supervisors  
Editorial, *Investment Executive*  
December 2000

No Contest Pleas in Canadian Securities Regulatory  
Enforcement Proceedings  
Editorial, *The Lawyers Weekly*  
September 1, 2000

## Regulatory Speaking Engagements

2015 Ontario Securities Commission Enforcement Conference  
Securities Enforcement in the 21st Century  
Panelist: 'Mediating Enforcement Actions and No Contest Settlements'  
June 11, 2015

IIROC-CLS (Compliance and Legal Section) Compliance Conference 2014  
Panel Moderator: 'Dealing with Vulnerable Clients'  
December 2, 2014

OSC Enforcement Counsel Meeting  
Speaker: 'Settlement of Enforcement Cases'  
March 24, 2014

OSC Dialogue 2011 held November 1, 2011, Panelist on Securities Law Enforcement in a Rapidly Changing Environment  
Settlements of Enforcement Cases  
Speaker, IIROC Enforcement Counsel and Investigators  
September 26, 2011

Regulatory Issues and Enforcement Initiatives Affecting Dealers and Registrants  
Speaker, 2009 Annual Compliance and Legal Section, Legal and Compliance Conference of IIROC, Toronto  
December 1, 2009

Compliance-Enforcement Roundtable  
Speaker, Ontario Securities Commission, Toronto  
November 3, 2009

Alternatives to Adjudicative Proceedings in the Resolution of Compliance/Enforcement Matters  
Speaker, Ontario Securities Commission 2007 Commissioners' Adjudicative Retreat, Toronto  
September 24-25, 2007

2007 Securities Investigation Training Course  
Speaker, Ontario Securities Commission, Kempenfelt Conference, Barrie  
June 14, 2007

The Impact of Sanctions on a Registered Representative  
Speaker, Investment Dealers Association of Canada Lunch and Learn Session, Toronto  
March 31, 2007

Defence Counsel Perspective on the MFDA  
Speaker, Mutual Fund Dealers Association Training Session for Enforcement Counsel and Investigators, Toronto  
November 29, 2005

2005 Securities Investigation Training Course  
Speaker, Ontario Securities Commission, Kempenfelt Conference, Toronto  
June 19-24, 2005

Compliance Officer Liability  
Speaker, Compliance and Legal Section, Education Committee, Investment Dealers Association of Canada, Annual Compliance Conference, Toronto  
December 2, 2003

IDA Cross-Country Enforcement Counsel Seminar  
Panelist, Toronto  
September 13, 2003

2003 Securities Investigation Training Course, Ontario Securities Commission  
Speaker, Kempenfelt Conference, Barrie  
June 8-13, 2003

Self-Regulation Today/Tomorrow  
Speaker, Presented by Canada's Self-Regulation Organizations and the CIPF  
January 2003

# Postings on the Securities Litigation Practice Group Blog of The Advocates' Society

Financial Advisors: Sales Representatives or Professionals  
October 24, 2014

Comment on a 'Best Interests Standard'  
August 26, 2014  
Reprinted in The Advocates' Society E-Brief October 2014 in Top Blogs of the Month, and on FAIR Canada website 2014

A Centralized Licence Bureau for Financial Advisors,  
September 4, 2012

Comment on *Robitaille*, April 5, 2012

On No Contest Settlements, January 4, 2012

On Rankin and Disclosure, November 28, 2011

ADR Investor Loss Claims, November 1, 2011

Reflections on *Meyer*, September 7, 2011

IIROC: Sanctions, Reasons and Decision, June 9, 2011

## Securities Industry and Securities Litigation Bar Speaking Engagements

Managing and Resolving Parallel Regulatory and Civil Proceedings  
Panelist, The Law Society of Upper Canada  
Emerging Issues in Directors' and Officers' Liability 2015  
March 12, 2015

Disciplinary Proceedings  
Panelist, Ontario Bar Association  
Litigating Before Arbitration Panels, Administrative Tribunals and Disciplinary Boards  
September 29, 2014

Securities Advocacy  
Panelist, The Advocates' Society Securities Litigation Practice Group  
May 13, 2014

ADR in Labour and Employment  
Panelist, The Advocates' Society Labour and Employment Practice Group  
January 23, 2014

Mediation Best Practices for Civil Litigators  
Speaker, Ontario Bar Association Program  
October 3, 2013

Settlements  
Panel Chair, Third Annual Securities Symposium  
The Advocates' Society Securities Litigation Practice Group  
September 12, 2013

Common Capital Markets Regulator – Enforcement  
Panelist, Capital Markets Institute  
October 10, 2012

Between Scylla and Charybdis: The Challenges Ahead for Distributors  
Discussion Leader, 12th Annual Investment Funds Invitational Forum  
October 18, 2012

Co-Chair of the Securities Symposium  
The Advocates' Society  
September 14, 2011

The Real Battleground in Securities Litigation: Advocacy Outside the Hearing Room  
Speaker, Advocates' Society Program, Toronto  
April 22, 2010

# Securities Industry and Securities Litigation Bar Speaking Engagements (continued)

Legal Risk Management in Retail Investments  
Coordinator/Chair, Osgoode Hall Professional  
Development Program, Toronto  
November 12, 2009

Proposed National Securities Regulator  
Coordinator/Host, Toronto Meeting of Securities Litigation  
Bar and Canadian Securities Transition Office  
November 11, 2009

Managing Internal and Regulatory Investigations  
Speaker, Osgoode Hall Professional Development  
Program, Toronto  
April 20, 2009

Mediation of Retail Investor Loss Cases  
Speaker, Association of Canadian Compliance  
Professional 7th Annual Compliance Forum, Toronto  
May 5, 2008

Managing the External Enforcement Investigation: Key  
Issues and Current Practices  
Speaker, Osgoode Hall Professional Development  
Program, Toronto  
April 24, 2008

Compensation, Disgorgement & Restitution Orders  
Arising From Breaches of Securities Laws  
Speaker, Capital Markets Institute, Toronto  
February 29, 2008

Understanding and Managing Regulatory Investigations  
Speaker, Osgoode Hall Professional Development  
Program, Toronto  
April 23, 2007

Examining New Developments Under Ontario's  
Secondary Market Regime: What New Risks Have  
Emerge and How Can They Be Avoided  
Speaker, Canadian Institute's 10th Annual Conference on  
Directors' and Officers' Liability  
October 30-31, 2006

Recent Developments in the Securities Class Action Field  
in Canada, Implications for D&O Insurers, Their Brokers  
and Clients  
Speaker, Professional Liability Underwriting Society  
(PLUS) Seminar, Montreal  
May 25, 2006

Discovery of a Compliance Officer  
Speaker, IFIC's Fifth Annual Compliance Forum, Toronto  
May 8, 2006

Risk of Personal Regulatory Liability for Compliance  
Officers and Legal Counsel at Dealers  
Speaker, Annual CLS (Compliance and Legal Section),  
Legal and Compliance Conference of the IDA Members,  
Toronto  
November 29, 2005

Where is the OSC Going in its Regulatory Reach  
Speaker, Canadian Institute's Fifth Annual Advanced  
Forum on Securities Litigation, Toronto  
November 14-15, 2005

Bill 198 And How It Will Affect Your Practice  
Speaker, Law Society of Upper Canada Conference on  
Director's and Officers' Liability, Toronto  
October 24, 2005

Focusing on the Element of Knowledge  
Speaker, Going Before the Courts, Securities Litigation  
Forum, Insight Information, Toronto  
June 14, 2005

Capital Market Enforcement in Canada: Principles,  
Priorities and Alternatives  
Panelist, commenting on paper of Professor Poonan Puri,  
Capital Markets Institute, Toronto  
June 14, 2005

Securities Regulatory Enforcement Post-Enron and  
Post-YBM  
Speaker, Osgoode Hall Professional Development  
Program, Toronto  
June 10, 2004

# Securities Industry and Securities Litigation Bar Speaking Engagements (continued)

Managing Confidential Information and Conflicts of Interest in Financial Institutions  
Speaker, Canadian Institute's Ninth Annual Regulatory Compliance for Financial Institutions, Toronto  
November 20-21, 2003

Blackburn, YBM and Beyond: The Latest Word on Litigation Involving Brokers, Analysts, Advisors and Securities Firms  
Speaker, Canadian Institute's Third Annual Advanced Forum on Securities Litigation, Toronto  
November 17-18, 2003

Current Issues in Broker-Client Litigation  
Speaker, Osgoode Hall Professional Development Program, Toronto  
September 26, 2003

Bill 198: Working with Ontario's Proposed New Securities Law Regime  
Speaker, Law Society of Upper Canada  
March 2003

Brave New World: Securities Litigation & Enforcement  
Speaker, Ontario Bar Association  
February 2003

Fitness for Registration  
Speaker, Securities Litigation, Canadian Institute  
November 2002

Regulation and Compliance Track: Mock Examination for Discovery  
Speaker, IFIC's Sixteenth Annual Conference  
September 2002

Recent Developments in Ontario Securities Commission Enforcement  
Speaker, Professional Development Program, Osgoode Hall Law School  
April 2002

Strategies to Consider for Approaching Settlement with the Ontario Securities Commission  
Speaker, The Six-Minute Commercial Advocate, Law Society of Upper Canada  
October 2001

Current Issues in Broker-Client Litigation  
Speaker, Securities Litigation, Canadian Institute  
October 2001

Issues Arising from the Settlement of Client Complaints by Investment Dealers  
Speaker, Professional Development Program, Osgoode Hall Law School  
April 2001

Dealing with the OSC's Expanding Vigilance  
Speaker, Securities Superconference  
February 2001

