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Kenneth Jull

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Expertise

Business and Corporate Commercial

Litigation and Dispute Resolution

Technology

Compliance and Risk Solutions

Education

- Osgoode Hall Law School, LLM, 1985
- Osgoode Hall Law School, LLB, 1981
- University of Toronto, BA (with distinction), 1978

Bar Admission

- Ontario, 1984

Executive Summary

Mr. Jull is a Partner at Gardiner Roberts LLP and completed a two-year interchange with the Competition Bureau Legal Services in Ottawa in the position of General Counsel from 2016-2018. Mr. Jull is the co-author of *Profiting From Risk Management and Compliance* (Thomson Reuters 2023, Co-Author is the Honourable Todd Archibald). A Student Edition of this text is used in a course taught by Mr. Jull at the University of Toronto, Faculty of Law, entitled “Financial Crimes and Corporate Compliance” and at the graduate level at Osgoode Hall Law School.

Mr. Jull conducts compliance reviews and litigates disputes which have a compliance component. This risk and compliance practice includes mergers and acquisitions review and spans a spectrum of diverse subject areas ranging from competition law to regulatory standards in areas such as the environment and telecommunications. As part of risk management, Mr. Jull provides advice to organizations with respect to a due diligence matrix for compliance. The matrix is based on a mathematical model which incorporates new behavioral research.

Mr. Jull has litigated cases at all levels of Courts including the Supreme Court of Canada and Courts of Appeals in areas including constitutional and tax law, telecommunications, securities oppression, environmental offences, misleading/deceptive advertising and civil/ criminal fraud.

Mr. Jull is listed in the Who’s Who Legal-Canada Report 2022, Business Crime Defence. Mr. Jull is a Graduate of University of Toronto (Victoria College) 1978, Osgoode Hall Law School, (LL.B., 1981) (LL.M., 1985).

Representative Work

- *Baron et al v. Halton Region Conservation Authority*, 2023 ONSC 5568
- *Halton Region Conservation Authority v. Thomas*, 2023 ONSC 5404
- *Counsel for HSC Holdings Inc. re purchase from Mercedes-Benz Canada Inc. (4411 NAL 2022-01)*
- *Rudyk v. Halton Region Conservation Authority*, 2022 ONSC 518 leave re: costs
- *Halton Region Conservation Authority & Peter Thomas and Jean Thomas*
- *Halton Region Conservation Authority v. Thomas*, 2021 ONCJ 293 injunction in in the Supreme Court of Canada
- *Rudyk and Young v. Halton Region Conservation Authority*, 2021 ONSC 5692
- Acted as co-counsel in the Supreme Court of Canada concerning the constitutional validity of administrative monetary penalties, *Guindon v Canada*, 2015 SCC 41.
- Counsel for a major telecommunications company assisting with ongoing compliance programs relating to telecommunications
- Retained as part of a third party team reporting to the Government of Canada with respect to potential application of debarment rules
- Counsel in an internal investigations for a Canadian company concerning potential fraud and design systems to mitigate risk



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- Acted as counsel in a Superior Court Trial concerning commercial contracts and allegations of *Securities Act* oppression. The allegations for this part of the claim were dismissed.
- Canadian counsel in a global internal investigation concerning the *Canadian Corruption of Foreign Public Officials Act*. The scope of this investigation included extensive witness interviews and document review, working with law enforcement including the Royal Canadian Mounted Police, and review of compliance procedures and risk assessment
- Revised Codes of Conduct for various entities relating to compliance with the *Corruption of Foreign Public Officials Act*.
- Obtained an injunction preventing construction of a bridge in a floodplain on behalf of Halton Region Conservation Authority
- Ongoing prosecutions on behalf of Conservation Authorities

Articles and Presentations

Articles

- There Really is no Afterlife for Administrative Monetary Penalties after Bankruptcy, Toronto Law Journal – 1/29/2025
- Judge at the Law and Business Student Association (LBSA) Case Competition at the Ted Rogers School of Management – February 11, 2024
- Guest lecture on Anti-corruption at University of Ottawa law school course in Globalization and law – October 31, 2023
- Corruption of Foreign Public Officials Act: Overview – Practical Law Canada Corporate & Securities
- Presenter, 'Anti-Corruption Legislation and Policies', York University – May 2023
- Team Leader this year in the Osgoode Hall 43rd Annual Intensive Trial Advocacy Workshop (ITAW 2022)
- "SNC-Lavalin 2.0: Canada's first official Remediation Agreement", Toronto Law Journal, June 2022
- Osgoode Certificate in Mining Law on May 19, 2022. Lecture on "Anti-Corruption Legislation and Policies"
- "With Rogers-Shaw deal, Competition Bureau commissioner tests corporate defence of mergers" by Chris Hannay, Globe and Mail, May 13, 2022: "He is really devoted to the public good," said Kenneth Jull, a lawyer at Gardiner Roberts LLP who has argued cases against Mr. Boswell, and worked with him at the Competition Bureau from 2016 to 2018."
- Quoted in "SNC-Lavalin, Quebec prosecutor announce remediation agreement over bridge contract kickbacks" - The Lawyer's Daily (thelawyersdaily.ca) May 10th, 2022
- Quoted in "Canada releases draft amendments to Competition Act" April 28, The Lawyer's Daily
- April 2022, Toronto Law Journal, "There is No Afterlife for Administrative Monetary Penalties

After Bankruptcy”

- March 2022, Judge at the Adam F. Fanaki Competition Law Moot, Federal Court of Canada
- Lecture on “The Nuts and Bolts of An Application: When to Bring an application”, Ontario Bar Association – March 2022
- January 2022, “Government Liability for Policy Decisions Following Nelson (City) v. Marchi” Co-written with James Cook and Eli Bordman
- Quoted in “Pandemic fuels white-collar crime”, Lexpert Magazine; Lexpert Special Editions – Litigation, November 2021
- “Corruption of Foreign Public Officials Act: Overview” – Thomson Reuters Practical Law, October 2021
- Toronto Law Journal 2021 “Foreign Bribery and Conspiracy: A New Plot Twist”
- “Impeachment Techniques in an Era of Fake News: A Principled Approach — The Art and Science of Persuasion”, (2021) Annual Review of Civil Litigation – Kenneth Jull and Todd Archibald
- “Clear and Convincing” Evidence Cannot Reside in the House of Balance of Probabilities: A Scientific Approach’ The Advocates’ Quarterly (March, 2021) 51 Advoc. Q. 315 written with Justice Todd Archibald
- Cruelty and Corporate Reputation: An argument for reverse piercing of the corporate veil – Toronto Law Journal, Spring 2021
- Panel Member, Whistleblowing: Can You Have One without the Other – PECB Anti-Bribery Conference 2021, May 17, 2021.
- Viewing the Supreme Court of Canada’s Decision in Callow Through a Compliance Lens – Municipal Liability Risk Management; Lexis Nexis, March 2021
- “Digital Advertising and Purchasing: Fun or a New Type of Deception? (2020) 33 Canadian Competition Law Review 1 (co-written with Nicole Spadotto). Winner of the CBA Bill Miller memorial award for best article in competition law that year.
- Pandemic fuels white-collar crime, Lexpert Magazine; Lexpert Special Editions – Litigation, November 2021
- After the pandemic, business risk rises: RiskMap 21 – LegalWriter.net, January 26, 2021
- Trial Advocacy Seminar, University of Toronto –September 29, 2020
- Fall 2020 Course, Financial Crimes and Corporate Compliance, University of Toronto – September 14, 2020
- Amazon Canada abuse of dominance probe likely to hear from public interest groups – Parr Global
- Coming in from the Cold of Digital Audits: The Need for Safe Harbours in the Sea of Misleading and Deceptive Marketing – International Telecommunications Society, June 15, 2020
- SNC-Lavalin: The Final Chapter – Toronto Law Journal, May 2020
- Osgoode Mining Law Cert – Webinar Series, May 14, 2020

- Summer 2020 Course, Corporate And Financial Crimes And Compliance, April 13, 2020
- Coronavirus Emergency Response: Risk Assessment and Risk Management – Toronto Law Journal, March 2020
- Canada’s record bribery sentence puts company executives on notice, Global Investigations Review – January 15, 2020
- SNC-Lavalin case an “important signal” for Canada’s anti-corruption aspirations, Global Investigations Review – January 13, 2020
- Corporate Whistleblowing Context in Australia, Canada and USA, Theory, Practice, and Design – January 2020
- SNC Lavalin settles Libya charges, pleads guilty to single count of fraud, Toronto Star – December 18, 2019
- SNC Lavalin pleads guilty to fraud, will pay a \$280M fine for Libyan work, Edmonton Journal – December 18, 2019
- Debarment the key factor for SNC as it pleads guilty to fraud: Lawyer, BNN Bloomberg – December 18, 2019 (video)
- SNC Lavalin pleads guilty to one count of fraud, CBC’s Power & Politics with Vassy Kapelos – December 18, 2019 (video)
- What SNC Lavalin admitted: Funding Gadhafi’s condo decor, yacht and parties, Financial Post – December 18, 2019
- Establishing corporate criminal liability in the case of SNC Lavalin, BNN Bloomberg – December 17, 2019 (video)
- The Ethics Commissioner’s Report as a Political Football, Toronto Law Journal – October 2019
- Team Leader: 40th Annual Intensive Trial Advocacy Workshop (ITAW), Osgoode Hall Professional Development – July 7 - 12, 2019
- Affaire SNC-Lavalin: une enquête serait pertinente, estime un expert, Le Devoir – August 2019
- Profiting From Risk Management and Compliance (formerly Regulatory and Corporate Liability: From Due Diligence to Risk Management), Thomson Reuters, Authored by The Honourable Mr. Justice Todd L. Archibald, and Kenneth E. Jull – August 2019
- “The Total Fraud Test is Still Alive” – July 19, 2019
- Compliance Now Counts in AntiTrust – July 12, 2019
- Drip Pricing Case Between the Competition Bureau and Ticketmaster Settled – July 3, 2019
- SNC Lavalin needs to be held criminally liable, BNN Bloomberg – March 28, 2019
- Terence Corcoran: Free SNC-Lavalin, victim of inadequate laws and political incompetence, Financial Post – March 27, 2019
- Roadmap ahead for remediation agreements, CBC’s Power and Politics – March 27, 2019
- Here’s a simple solution to prevent another SNC-Lavalin from happening, Toronto Star – March 26, 2019
- Legal analysis of the roads forward for SNC Lavalin, Financial Post – March 26, 2019



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- Workplace investigations: The Elephant in the Room, CBA National – March 19, 2019
- Deferred Prosecution Agreements, CTV National News – March 5, 2019
- La ligne rouge a-t-elle été franchie?, Le Devoir – March 1, 2019
- Bombshell testimony rocks the government, Power and Politics, CBC television – February 28, 2019
- SNC-Lavalin was Trudeau's priority for new Minister of Justice, Wilson-Raybould says, The Globe and Mail – February 27, 2019
- Testified as an expert witness on remediation (deferred prosecution) agreements before the House of Commons Standing Committee on Justice and Human Rights – February 25, 2019
- What is Deferred Prosecution? CBC Radio – February 13, 2019
- The case for—and problem with—remediation deals like the one SNC-Lavalin wants, Maclean's – February 11, 2019
- Deferred Prosecution Regime in Canada: Canadian Corporate Counsel Association, Ontario Chapter – February 5, 2019
- "Investigations, Evidence, and Hearings: Learn by Watching an Experienced Witness", Presented to the Competition Bureau – November 7, 2018
- Atlantic Judges Conference, Stigma and Severity – September 27, 2018
- Atlantic Judges Conference, Due Diligence: A Template – September 27, 2018
- Inside the Mind of Parties Who Exchange Multiple Proposals Through Counsel: (i) When is a binding commercial agreement reached? (ii) What are the tactical pros and cons of waiving solicitor client privilege? – Justipedia, September 2018
- Presenter, "Administrative Monetary Penalties: Basic Principles," Transportation Appeal Tribunal of Canada – July 18, 2018
- Chair Conducting Internal Investigations Conference, The Canadian Institute – June 6-7, 2018
- Canada's Developing Self-Reporting Regime: Deferred Prosecution Agreements, Conducting Internal Investigations Conference, The Canadian Institute – June 7, 2018
- An Integrated Approach to Investigations: Practical Considerations, Conducting Internal Investigations Conference, The Canadian Institute – June 6, 2018
- Leadership Competencies: What Senior Managers Need to Know: Presentation on Risk, Governance and Change Management, Schulich School of Business – June 4, 2018
- Instructor of Schulich Executive Education Centre risk-training program that was awarded an RSA Canada Stevie award – May 14, 2018
- Symposium on Competition Policy in the Age of Big Data Net Neutrality and Multi-sided Platforms, University of Toronto – Law and Economics Program – April 26, 2018
- The Enforcement Response at the 2018 Federal Regulatory Law Enforcement Symposium, Ottawa – February 2018
- Foreign bribery and Conspiracy: the Plot Thickens, Toronto Law Journal – January 2018



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- Mastering the Legal Framework for Regulatory Investigations, The Canadian Institute Conducting Fair Investigations Conference, Ottawa – January 2018
- Investigating Corruption Across Jurisdictions, The Canadian Institute Conducting Fair Investigations Conference, Ottawa – January 2018
- Corruption of Foreign Public Officials Act: Overview, December 2017
- The Supreme Court Decision in Lacasse: White Collar Offenders Beware; Toronto Law Journal, June 2016
- Panellist at “Crown School”; Strategies for Managing the Prosecution Process, hosted by McMaster University, June 2016.
- Proportionality in Sentencing (Canada): White Collar Offenders Beware, January 2016
- “Constitutionality of Administrative Monetary Penalties: Defining the Punitive Paradigm,” Regulatory Boards and Administrative Law Litigation, Volume XII, No. 3, 2015
- “The Constitutionality of Administrative Monetary Penalties: Defining the Punitive Paradigm,” Toronto Law Journal, September 2015
- “Canada: judicial recognition of risk assessment, R. V. Michaud”
- Co-written with Sarah Petersen, September 2015
- “The new Integrity Regime in Canada – revised debarment rules still too strict?” Co-authors: Christopher Burkett, Matt Saunders, Canada – July 2015
- “Deferred Prosecution: Why Canada should adopt the U.K. Judicial Model,” co-written with Chris Burkett, Global Compliance News, June 14, 2015
- “One million dollar fine confirms the shift of corporate criminal liability from the boardroom to the middle managers”, April 2015
- “Penalties that do not Punish: Administrative Monetary Penalties under the Canadian Anti-Spam Legislation,” Toronto Law Journal, May 2015
- “Global Anti-Corruption Compliance: The Role of Cultural Comparisons,” Western Michigan University Thomas M. Cooley Law Review”, Volume 31, Issue 3
- “Corruption of Foreign Public Officials Act Overview,” Practical Law, January 2015
- “Corporate Criminal Liability: Myriad Complexity in the Scope of Senior Officer,” 2013 60(3) Crim. L.Q., co-author with Todd Archibald and Kent Roach
- “Critical Developments in Corporate Criminal Liability: Understanding the New Concepts of Senior Officers, Wilful Blindness, and Agents in Foreign Jurisdictions,” (2013) 60(1) Crim. L.Q., co-author with Todd Archibald and Kent Roach
- “Chapter 3 – Canada,” Mark F. Mendelsohn, ed., The Anti-Bribery and Anti-Corruption Review, London: Law Business Research Ltd., 2012
- “From the Slow Lane to the Fast Lane of Broadband: Application of a Theory of Justice”, with S. Schmidt, presented at the 2011 Regional Conference of the International Telecommunications Society (Budapest, Hungary), September 18-21, 2011



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- “An Empirical Approach towards a New Methodology of Impeachment” with Justice Todd Archibald (September 2011) The Advocates’ Journal 3
- Competition Act (Canada) Wage-fixing and no-poach provisions - 11/21/2023
- Presenter, Corporate Crime and Compliance: the Nordion case study, Canadian Fraud Investigators Annual Fraud Conference (ACFI) - 10/3/2023
- Competition Bureau sues Cineplex for drip pricing in possible ‘precedent-setting’ case - 5/23/2023
- Cruelty and Corporate Reputation: An Argument for Reverse Piercing of the Corporate Veil - 12/1/2021
- The Art and Science of Persuasion - 11/10/2021
- SNC-Lavalin: The Concluding Chapter - 2/28/2020
- Deceptive Marketing in the Digital Age - 2/28/2020
- Cannabis, Compliance and Trust - 7/26/2019
- The Total Fraud Test is Still Alive - 7/19/2019
- Compliance Now Counts in AntiTrust - 7/12/2019
- Drip Pricing Case Between the Competition Bureau and Ticketmaster Settled - 7/3/2019
- Debarment Proposals Loosen Their Grip But Reach Out Farther - 5/29/2019
- Corporate Governance Principles for Non-Profit Entities - 5/23/2019
- The Right and the Wrong Way to seek Remediation Agreements - 3/29/2019
- Monetary Penalties Levied against Advisors in a Tax Case, Guindon v. Canada: Unconstitutional? - 2/12/2019
- Debarment Tentacles Reach Out – But Loosen Their Grip - 10/23/2018
- Coming in From the Cold: Deferred Prosecution (Remediation) Agreements in Canada - 8/2/2018
- Corruption of Foreign Public Officials Act: Overview - 12/4/2017
- Internal investigations and privilege - 9/12/2017
- R. v. Cody: Trial within a reasonable time and enhancing efficiency - 8/1/2017
- Encouraging Dialogue with a Telecommunications Regulator when Penalties are at Risk - 9/9/2016
- The Supreme Court Decision in Lacasse: White Collar Offenders Beware - 6/30/2016

Presentations

- Team Leader: 39th Annual Intensive Trial Advocacy Workshop (ITAW), Osgoode Hall Professional Development – July 11 and 13, 2018
- Panel Member – Judicial Authorizations, RCMP Training Day
- Guest Instructor, Intensive Trial Advocacy Workshop, Osgoode Hall Law School – July 11-12
- Lecturer, “Effective Corporate Governance Practices: A Risk Management Approach,” Schulich School of Business Conference, Leadership Competencies - What Senior Managers Need to Know, April 7, 2016



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- Tackling Corporate Corruption: The Case for Deferred Prosecution Agreements” The Conference Board of Canada, March 16, 2016 (Webinar)
- Lecturer, “A Psychological Approach to Impeachment”, Faculty of Law, Queen’s University, Course on Criminal Trial Advocacy, February 8, 2016
- Lecturer, “A Risk Assessment Approach to the standard of Reasonableness” Osgoode Continuing Professional Development Administrative Law Programme, November 2015
- Lecturer on Risk Management at CBERN CEU Educating for Integrity Conference Thursday, November 5 – November 7, 2015
- Lecturer, “Effective Corporate Governance Practices: A Risk Management Approach,” Schulich School of Business Conference, Leadership Competencies - What Senior Managers Need to Know, October 2015
- Co-chair, 6th Conducting Regulatory Investigations Course, September 29-30, 2015
- Panel Member, Canada-China Institute for Business & Development, Chinese Immigrants Doing Business in Canada Conference Program, Ryerson University, September 12, 2015
- Lecturer, “Corporate Criminal Responsibility,” Osgoode Hall Law School Professional Development, June 24, 2015.
- Panel member, “Innovations in Sentencing,” Crown Counsel Summer School, June 17, 2015
- Judge, “2015 Law and Business Case Competition,” Ted Rogers School of Business Management, Ryerson University
- Course Leader, 5th Conference on Conducting Regulatory Investigations, Ottawa September 9-10, 2014
- Presenter, “Global Anti-Corruption Compliance: The Role of Cultural Comparisons,” International Programs, Thomas M. Cooley Law School, June 20, 2014
- Presenter, “Cross-Border Issues in Energy, Mining, and Natural Resources,” OBA Seminar, June 20, 2014
- Panel member, OBA Ontario – New York Legal Summit, 28 March 2014
- Presenter, “Corporate Criminal Liability,” RCMP, February 10, 2014
- Presenter, “Corruption of Foreign Public Officials Act (FCPA) and FCPA compliance practices,” Canada China Business Council
- Co-Chair, 4th Conference on Conducting Regulatory Investigations, Ottawa, September 2013
- Presenter, “The Charter and Regulatory Investigations,” Prosecutions Course Legal Services Division 2013 - Crown Counsel Summer School, June 20, 2013
- Presenter and Chair, “2nd Annual Canadian and Global Anti-Corruption Compliance Conference,” Marcus Evans, Toronto, February 2013
- Speaker, “20th Annual Canadian International Law Students’ Conference: Envisioning Canada’s Leadership in Changing Legal Landscape (CILSC),” York University and University of Toronto, January 2013
- Co-presenter, “Fair Warning: Anti-spam Legislation and a Pyramid Approach towards



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Enforcement,” 2012 Regional Conference of the International Telecommunications Society, Vienna, Austria, July 2012

- Panel member and presenter, “When Defendants are Corporations,” Justice of the Peace Spring Conference I, April and May 2012
- Chairman and presenter, “Anti-Corruption Risk Assessment and Risk Management,” Canadian and Global Anti-Corruption Compliance Conference, Marcus Evans, February 27-29, 2012
- Presenter, “Risk of Harm in Commercial Dealings: Fraud and Insider Trading,” RCMP, IMET, February 2012
- Presenter, “Developing and Implementing Comprehensive Compliance Programs,” Anti-Corruption and Bribery Compliance Conference, The Canadian Institute, January 30-31, 2012
- Presenter, “Courts as Gatekeepers: Alternative Hypotheses,” Evidence and Experts OBA Seminar, Fredericton, New Brunswick, October 21, 2011
- Presenter, “Global Ethics,” Global Business Law & Ethics Seminar, October 5, 2011
- Presenter, “The Law Governing Regulatory Investigations: A Primer Regulatory Law and Privacy,” 2nd Regulatory Investigations Course, Ottawa, September 26-27, 2011
- Co-presenter, “From the Slow Lane to the Fast Lane of Broadband: Application of a Theory of Justice,” 2011 Regional Conference of the International Telecommunications Society, Budapest, Hungary, September 18-21, 2011
- Presenter, “Administrative Monetary Penalties,” Globalization of Crime: Criminal Justice Response Seminar, Ottawa, August 7-11, 2011
- Presenter “Corporate Governance, Compliance, Ethics and Administrative Monetary Penalties,” CCCA - 2011 National Spring Conference, Hilton Toronto, Toronto, April 3-5, 2011
- Co-presenter, “From Behind the Veil of the Unknown: Justice and Innovation in Telecommunications,” 18th Biennial Conference of the International Telecommunications Society, Tokyo, Japan, 2010

Quoted

- Quoted in “Careless driving cases show limits of POA”, Law Times, July 18, 2016
- Quoted in “Dammed if you do, dammed if you don’t: the perils of self-reporting corporate misdeeds” Financial Post, April 19, 2016
- Quoted in “Work Deaths Ruling Send a Strong Message”, The Lawyers Weekly, February 5, 2016
- Quoted in “Canada Enters a New Phase by Stepping Up Enforcement: White Collar Crime,” Lexpert, July/August 2015
- Quoted in “Canadian Supreme Court raises standard of proof in punitive cases,” Global Investigations Review, August 10, 2015
- Quoted in “SCC upholds AMPs in case against Ottawa lawyer,” Law Times, August 10, 2015
- SNC Lavalin needs to be held criminally liable, BNN Bloomberg – March 28, 2019



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Professional Involvement

- Lecturer, University of Toronto, Faculty of Law, “Trial Advocacy”
- Adjunct Professor, University of Toronto, Faculty of Law, “Financial Crimes and Corporate Compliance”
- Schulich School of Business, “Corporate Governance” in continuing education”
- Adjunct Professor, Osgoode Hall Law School, Faculty of Graduate Studies – Co-Director of the Part Time LL.M. specializing in Civil Litigation and Dispute Resolution, Teaching “Corporate and Financial Crimes and Compliance” and “Advanced Trial Advocacy: Empirical and Theoretical Issues”
- Law Commission of Ontario’s Advisory Group
- Canadian Association of Law Teachers
- Toronto Lawyers Association
- Toronto Lawyers Association Journal, Regulatory Matters – Editor
- Regulatory Boards and Administrative Law Litigation Journal – Editor