DAVIES



Léon H. Moubayed
Partner

Office
Montréal, Toronto

Tel
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Email
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Expertise
Dispute Resolution
Investigations and White Collar Defence
Public Law

Bar Admissions
British Columbia, 2022
Ontario, 2021
Québec, 2010

Léon Moubayed has established himself as a key player in complex and often highly political and high-profile issues and has demonstrated exceptional and decisive creativity in court.

A partner in the Investigations & White Collar Defence and Dispute Resolution practices, Léon is retained in high-stakes domestic and international white-collar criminal cases, usually encompassing significant commercial, civil and administrative ramifications.

Léon acts for clients in high-profile investigations and prosecutions relating to white-collar and regulatory offences. His particular expertise includes challenging search warrants, wiretaps and other investigative techniques. He also represents corporations and individuals in multijurisdictional investigations, conducts confidential internal investigations and carries out asset recovery in extraordinary circumstances.

Léon has appeared at all levels of court, including the Supreme Court of Canada. He was also appointed *amicus curiae* of the Supreme Court by the Chief Justice of Canada in an appeal where criminal law and civil law were closely intertwined. The Court unanimously upheld his position from the bench.

Léon also regularly acts in complex commercial disputes and public law matters such as constitutional challenges and judicial reviews, including advocating for fundamental rights and other social causes on a *pro bono* basis.

He serves as a judge at the International Criminal Court Moot Competition in The Hague. Léon founded Davies' *International Investigations & White Collar Defence Summit* held in Montréal and is the practice coordinator for Davies' Investigations & White Collar Defence team. He is a fellow of the International Academy of Financial Crime Litigators.

REPRESENTATIVE WORK

Amicus curiae of the Supreme Court of Canada
Appointed *amicus curiae* of the Supreme Court of Canada by the then-chief justice of Canada, Beverley McLachlin, in a case raising a question of criminal law applied in a civil context to insurance contracts rules (*Desjardins Financial Security Life Assurance Company v Émond,* 2017 SCC 19). The Supreme Court unanimously upheld the *amicus curiae*'s position and dismissed the appeal from the bench.

Confidential Clients
Acting on behalf of confidential clients against various media outlets in court proceedings in the context of the Public Inquiry on the Awarding and Management of Public Contracts in the Construction Industry (Charbonneau Commission) to obtain a publication ban on ITOs supporting several warrants.

International retailer

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Represented an international retailer in the context of a confidential internal investigation that led to the termination with cause of a senior employee for illicit actions which included soliciting and accepting secret and undisclosed payments or other forms of gifts or benefits from the retailer's suppliers or contractors in multiple jurisdictions.

The Federal Republic of Nigeria
Acting on behalf of the Federal Republic of Nigeria in Canadian proceedings involving the country's efforts to recover assets, including a private jet, from the key figure in the "Malabu Oil Scandal," one of Africa's biggest corruption cases.

Montréal Defence Lawyers Association
Represented the Montréal Defence Lawyers Association (AADM) before the Supreme Court of Canada in *Attorney General of Quebec, et al.* v. *9147-0732 Québec Inc.*, where the Court had to determine for the first time if the constitutional protection against "cruel and unusual treatment or punishment" applies to corporations and other legal persons.

Estate of Paul G. Desmarais
Acted for the estate of the late Paul G. Desmarais in connection with proceedings instituted by the late Louis R. Desmarais. The plaintiff claimed from the estate of his late brother, Paul G. Desmarais, the sum of $75 million on the basis of a promise allegedly made orally in the late 1970s to return shares of Power Corporation of Canada. On April 26, 2017, after the trial and while the case was under advisement, the plaintiff dropped the proceedings in their entirety.

Beauward Real Estate inc., Schokbeton Québec Inc. and Saramac
Acted successfully for Beauward Real Estate inc., Schokbeton Québec Inc. and Saramac before the Superior Court of Québec, the Court of Appeal of Québec and the Supreme Court of Canada on a challenge of search warrants and production orders issued by a judge and executed in multiple locations by the Québec Revenue Agency as part of the Permanent Anti-Corruption Unit of Québec.

Confidential Client
Defended a leading Canadian retailer against criminal charges for tax fraud offences and successfully obtained a stay of the prosecution because of "serious, multiple and systemic" violations of constitutional rights that revealed "a longstanding and systemic misunderstanding of the applicable law, all of which was to the detriment of taxpayers generally, extending far beyond" the case at bar.

Yanick Morris
Acted for a franchisee in its defense to a prosecution regarding tax-related charges. Obtained a ground-breaking decision that sets new standards for electronic disclosure, adapting to the 21st century the prosecution's duty to disclose evidence to the accused. Obtained thereafter a stay of the prosecution affirming that the principles set out by the Supreme Court of Canada in *R. v. Jordan* regarding the fundamental right to be tried within a reasonable time apply with full force in matters of white collar crime and deciding that the prosecution cannot merely invoke the nature of the charges to seek to justify an unreasonable delay.

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Confidential Individuals
Acting on behalf of confidential clients in a challenge of multiple search warrants executed in multiple locations by the Québec's Revenue Agency in the context of an investigation being jointly conducted with the Sûreté du Québec, the provincial police force. The case was heard by the Superior Court of Québec, the Court of Appeal of Québec and is now before the Supreme Court of Canada.

RECOGNITIONS

Chambers Canada: Canada's Leading Lawyers for Business—White Collar Crime and Government Investigations

Benchmark Litigation Canada —White-Collar Crime/Enforcement Litigator of the Year (2022)

Benchmark Canada: The Definitive Guide to Canada's Leading Litigation Firms & Attorneys—Commercial (Litigation Star); Public Law (Litigation Star); White Collar Crime (Litigation Star); 40 and Under List

Lexpert Rising Stars: Leading Lawyers Under 40

Lexpert Special Edition: Litigation

The Canadian Legal Lexpert Directory—Litigation: Corporate Commercial

The Best Lawyers in Canada—Administrative and Public Law; Appellate Practice; Corporate and Commercial Litigation; Criminal Defence (Lawyer of the Year 2022, Montréal)

Young Bar Association of Montréal—Civil and Commercial Litigation: Lawyer of the Year Award (2015)

Euromoney's *Rising Stars* Expert Guide–White Collar

INSIGHTS

The Power and Peril of IP Addresses: The Supreme Court of Canada Weighs in on the Changing Landscape of Online Privacy
Mar. 22, 2024

The Long Arm of Canadian Securities Laws: The Supreme Court of Canada Confirms the Cross-Border Reach of Securities Enforcement
Dec. 13, 2023

Doing Business in Canada 2023, contributor
Nov. 14, 2023

Global Enforcement Forum 2023, "Hot Topics in Internal Investigations Roundtable"; New York, NY
Oct. 12, 2023

Court of Québec Orders the Exclusion of Evidence Citing "Serious" and "Systemic" Breaches of the *Canadian Charter of Rights and Freedoms*
Aug. 03, 2023

Consultation on Strengthening Canada's Anti-Money Laundering and Anti-

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Terrorist Financing Regime with Minister of Justice, the Honourable David Lametti
July 18, 2023

Québec Court Tackles Novel Issues During Approval of the Second Remediation Agreement (a.k.a. Deferred Prosecution Agreement) Under the Canadian *Criminal Code*
May 23, 2023

Presenter, Young Bar Association of Montréal, Annual Convention 2023, "Financial Crimes"; Montréal, QC
May 11, 2023

Program co-chair and speaker, Law Society of Ontario, White Collar Crime Update for Litigators, "Alternative Measures Essentials: A Fireside Chat with the Prosecution"; Toronto, ON
May 09, 2023

The International Academy of Financial Crime Litigators, "Constitutional Challenges to Legislation in Canada: A Brief Case Study of Québec's Bill 21 – Act Respecting the Laicity of the State"; Basel, Switzerland
May 06, 2023

EDUCATION

Osgoode Hall Law School, JD, 2009
Université de Montréal, LLB, 2008
Université Panthéon-Assas (Paris II), 2008

PROFESSIONAL AFFILIATIONS

Association des avocats de la défense de Montréal
Canadian Bar Association
International Academy of Financial Crime Litigators, Fellow
Lawyers Without Borders
Ligue des droits et libertés
The Duke of Edinburgh's International Awards, Gold Medallists Association

COMMUNITY INVOLVEMENT

Canadian Bar Association, Anti-Corruption Team Steering Committee
Canadian Bar Association, Criminal Justice Executive Committee, member
International Criminal Court Moot Court Competition at The Hague, judge
Davies' Annual Corporate/Securities Law Moot 2023, judge