



Bankruptcy & Insolvency

2022



PROFILED:

D.J. MILLER

Thornton Grout Finnigan LLP



Thornton Grout Finnigan LLP
RESTRUCTURING + LITIGATION



Bankruptcy & Insolvency



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PERSONAL BIOGRAPHY

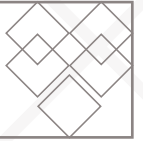
D.J. Miller has been a partner at Thornton Grout Finnigan LLP for 20-plus years and has a leading restructuring practice in national and cross-border and multijurisdictional matters. She is known for her deep knowledge of the insolvency framework, both domestic and international, and for applying strategic skills to achieve precedent-setting outcomes for her clients. She is considered 'go-to' counsel for clients requiring creative advice, both within and outside of formal insolvency proceedings. Regular clients include lenders, companies requiring restructuring or their various stakeholders, landlords, court-appointed monitors and receivers and counsel from other jurisdictions requesting advice in connection with cross-border matters.



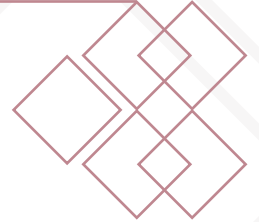
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Q&A WITH D.J. MILLER

**In what ways do you endeavour to support the career development of your colleagues rising through the ranks?**

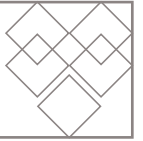
◆ As the first woman partner in my firm, it is exciting to now have women comprising 50 percent of our equity partners. A team approach is the cornerstone to a successful practice, and I have certainly benefitted from that. Supporting younger colleagues by providing opportunities to take the lead in significant mandates, promoting their achievements with clients and peers, nominating them for peer recognition and finding opportunities for leadership roles within industry organisations are ways that I have found effective in providing tangible support as they seek to gain experience within the profession. We have a non-hierarchical culture at TGF, where everyone in the firm is encouraged to ‘think like an owner’. Instilling this promotes a sense of teamwork and inclusiveness and gives lawyers at every stage of their career the confidence to excel.

What strengths and characteristics do you, your team and your firm strive to demonstrate to clients?

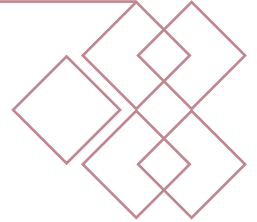
◆ As a focused firm with two practice areas – restructuring and insolvency and commercial litigation – we do not try to be all things to all people. Clients know that they will receive creative and strategic advice to help them achieve a desired outcome, including outcomes that they did not contemplate or consider possible. Novel outcomes include obtaining the first pre-filing stay of proceedings under Canada’s main restructuring statute, representing the first public university to file for insolvency protection in Canada, and representing the first cannabis company to file for insolvency protection in Ontario. In our cross-border and multijurisdictional mandates, we have obtained foreign recognition of

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Canadian insolvency proceedings in countries where it had never previously been sought. Encouraging everyone on the team to think outside the box and find creative solutions to intractable problems is a key component of our service to clients.



Reflecting on your area of expertise, how do you see this sphere of the market shaping up over the coming months? Are any exciting trends or developments on the horizon?

◆ The practice of insolvency and restructuring is considered chaotic at the best of times, but the pace has been amplified as we grapple with the continued effects of a worldwide pandemic and the economic fallout from lockdowns and shuttered businesses across all sectors of the economy. In addition, continuing supply chain disruptions, international economic sanctions and dynamic and devastating geopolitical events create real instability that will no doubt impact the volume and nature of restructuring matters in the coming year. There has been a lot of money poured into the Canadian economy over the past two years by federal and provincial governments to help mitigate the effect of the shutdown of all businesses for prolonged periods of time. Many businesses and sectors will never fully recover and, more than ever, it will require creativity on the part of insolvency practitioners to help develop successful outcomes for clients. ■

“THE PRACTICE OF INSOLVENCY AND RESTRUCTURING IS CONSIDERED CHAOTIC AT THE BEST OF TIMES, BUT THE PACE HAS BEEN AMPLIFIED AS WE GRAPPLE WITH THE CONTINUED EFFECTS OF A WORLDWIDE PANDEMIC AND THE ECONOMIC FALLOUT FROM LOCKDOWNS AND SHUTTERED BUSINESSES ACROSS ALL SECTORS OF THE ECONOMY.”

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REPRESENTATIVE ENGAGEMENTS

- ◆ Counsel to Laurentian University of Sudbury, which is the first public university in Canada to be restructured pursuant to insolvency legislation.
- ◆ Canadian insolvency counsel to the largest single creditor in the global insolvency proceedings of Nortel Networks, successfully obtaining a pro rata allocation of \$7.3bn of proceeds among 40 insolvency estates in 19 countries.
- ◆ Counsel to Alvarez & Marsal Canada Inc. as court-appointed monitor of Lydian International and its related entities in a multijurisdictional restructuring.
- ◆ Counsel to Ernst & Young Canada Inc. as court-appointed monitor of Peraso Technologies Inc. in its CCAA restructuring and Chapter 15 US recognition proceedings.
- ◆ Counsel to the applicant lender which sought and obtained the appointment by the Court of Receiver over the Comsale Group of Companies for the recovery of assets in Canada, the US and Malaysia.
- ◆ Canadian counsel for SquareTwo Financial Corporation and its Canadian and US subsidiaries in Chapter 11 and CCAA recognition proceedings.

