



## David W. Chodikoff

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### RELATED SERVICES

Corporate Tax  
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## Biography

David W. Chodikoff, Certified Specialist (Taxation), LSO, B.A. (Spec. Hons.), M.A., LL.B., specializes in civil and criminal tax litigation and is the national leader in the Tax Disputes Resolution group at Miller Thomson LLP. David was a former counsel and a Crown Prosecutor at the Department of Justice. David has over 100 reported decisions and has appeared in over 560 cases before the courts. David has been recognized by Canadian, American and European authorities as one of the leading tax controversy leaders in the world. He has edited and contributed to nine tax books. David is the recipient of numerous national and international awards including the 2018 Ontario Bar Association's Award of Excellence in Taxation Law.

Presently, David is completing his 10th tax book. He is co-authoring a tax litigation work with the immediate past Chief Justice of the Tax Court of Canada, the Honourable Gerald Rip, expected to be published in 2019.

In 2019, David was relied upon for an expert opinion in tax litigation, under cross-examination, for a successful stay of proceedings in the Superior Court of Ontario pending the hearing of a tax appeal before the Tax Court of Canada [*Kaye et al. v. Fogler Rubinoff et al.* 2019 ONSC 1289 (CanLii)].

## Professional achievements & leadership

- Selected, Tax Expert of the Year In Canada, Leaders In Law – 2020 Global Awards, United Kingdom
- Corporate International Magazine Global Award, International Tax Lawyer of the Year in Canada, 2019, 2020
- *The Best Lawyers in Canada* – Tax Law, 2017 – 2020
- *Tax Controversy Leaders*, The Comprehensive Guide to the World's Leading Tax Controversy Advisers (World Tax, in association with International Tax Review), (Rated: Highly Regarded) 2013 – 2020
- Tax Lawyer of the Year in Canada, InterContinental Finance & Law, 2019 Country Awards, 2019
- Tax Lawyer of the Year in Canada, DealMakers Global Awards, 2019
- Tax Litigation Lawyer of the Year in Canada, Global Venture – Annual Awards, 2019
- Canada – Tax Litigation Lawyer of the Year, ACQ 5 Law Awards, (United Kingdom), 2016, 2018, 2019
- Selected as Canada – Dispute Resolution Lawyer of the Year, ACQ 5 Law Awards, (United Kingdom), 2016, 2018, 2019
- Tax Litigation Lawyer of the Year – Canada, Lawyer International Legal 100 Award, (United Kingdom), 2019
- Dispute Resolution Lawyer of the Year – Canada, Lawyer International Legal 100 Award, (United Kingdom), 2019
- Tax Litigation Lawyer of the Year – Canada, M&A Today, Global Award, (United Kingdom), 2019
- Dispute Resolution Lawyer of the Year – Canada, M&A Today, Global Award, (United Kingdom), 2019
- International Advisory Experts Award, Tax within Canada, 2019

- Canada – Tax Litigation Lawyer of the Year, ACQ Global Awards, (United Kingdom), 2015, 2016, 2018, 2019
- Selected as Canada – Dispute Resolution Lawyer of the Year, ACQ 5 Global Awards, (United Kingdom), 2016 – 2019
- Acquisition International , the Voice of Corporate Finance- Recipient of the 2018 Global Excellence Award- Leading Criminal Tax Litigation Lawyer of the Year, Ontario, Canada, 2018
- Award of Excellence in Taxation Law, Ontario Bar Association, Taxation Section, 2018
- Recognized by Lawyer100 CANADA 2018© as a leading lawyer in the area of Tax Litigation
- Selected as Tax Litigation Lawyer of the Year – Canada, Corporate Livewire Legal Awards (United Kingdom), 2015, 2016, 2018
- Corporate USA Today – Annual Awards – Dispute Resolution Lawyer of the Year in Canada, 2018
- Corporate USA Today – Annual Awards – Tax litigation Lawyer of the Year in Canada, 2018
- Selected as International Advisory Experts Award-Tax Litigation Lawyer of the Year in Canada, 2018
- Selected as Tax Litigation Lawyer of the Year, Global 100, 2017
- Selected as a leading tax practitioner and included in the Canadian Lexpert Legal Directory, Litigation – Corporate Tax, 2013 – 2015, 2017
- Selected as Canada – Tax Litigation Lawyer of the Year, ACQ 5 Global Awards, (United Kingdom), 2017
- Tax Litigation and Appeals Lawyer of the Year, Canada, Finance Monthly Tax Awards, 2017
- Lawyer of the Year – Civil & Criminal Tax, Lawyer Issue Awards, 2017
- Criminal and Civil Tax Litigation lawyer, International Advisory Experts 2017 Awards Winner
- Tax Litigation Advisor of the Year, Annual International Awards, The Global Business Magazine and The Professional Sector Network (United Kingdom), 2016, 2017
- Business Worldwide Legal Awards – “Best Tax Consultant, Canada-2016” (United Kingdom), 2016
- IAE Tax Litigation (Canada) award, 2016
- Finance Monthly Global Awards, sector winner, Tax, Canada, 2016
- Selected as, ACQ Law Awards (United Kingdom), 2015 Selected as category winner for Tax Law (Toronto, Canada), 2014 – 2015
- Martindale-Hubbell, AV Preeminent® Rated lawyer. Practice Areas: Corporate Tax, Tax Litigation and Dispute Resolution; White Collar Criminal and Regulatory Enforcement Defense; Tax; and Litigation, 2013
- Honoured Lifetime Member, Montclair’s Who’s Who Among Legal Professionals in North America, 2010
- Department of Justice (Canada) Merit Award, 2003

## Notable matters

### Reported Decisions

- *101139810 Saskatchewan Ltd. v. The Queen*, 2017 T.C.C. 3
- *948698 Ontario Ltd. v. Canada*, [1996] T.C.J. No. 225
- *Akanda Innovation Inc. v. The Queen*, 2018 T.C.C. 35
- *Akanda Innovation Inc. v. The Queen*, 2018 F.C.A. 200
- *Alliance Mercantile Inc. v. President of the Canada Border Services Agency*, Appeal No. AP-2016-038, Decision and reasons issued, November 3, 2017.
- *Anderson v. Canada*, [1993] 2 C.T.C. 2403 (T.C.C.)
- *Antrex Corp. v. Canada*, [1995] F.C.J. No. 1528 (F.C.A.)
- *Balz (F.) Estate v. Minister of National Revenue*, (1992), 92 D.T.C. 1472 (T.C.C.)
- *Bancheri v. Canada*, [1999] T.C.J. No. 21
- *Bancheri v. Canada*, [1999] T.C.J. No. 22
- *Bayliss v. Canada*, [1995] 2 C.T.C. 2228 (T.C.C.)
- *Bell v. Canada*, [1997] T.C.J. No. 215
- *Boucher v. Canada*, [2003] 1 C.T.C. 2242 (T.C.C.)
- *Boucher v. Canada*, 2003 T.C.C. 86
- *Bradley v. Canada*, (1995), 96 D.T.C. 2040 (T.C.C.)
- *Brock v. Canada*, (1991), 91 D.T.C. 1079 (T.C.C.)
- *Cai v. Canada*, [1996] T.C.J. No. 882

- *Campbell v. Canada*, 2004 T.C.C. 460
- *Canada (Attorney General) v. Fitzgerald*, [1990] F.C.J. No. 731 (F.C.T.D.)
- *Canada Trustco Mortgage Company v. Canada*, 2004 T.C.C. 792
- *Canada v. Bradley*, [1998] 3 C.T.C. 393 (F.C.A.)
- *Canada v. Gardner*, 2002 FCA 195
- *Canada v. Montgomery (1997)*, 152 D.L.R. (4th) 764 (F.C.T.D.)
- *Cipollone v. Canada (1997)*, 97 D.T.C. 5327 (F.C.A.)
- *Cipollone v. Canada*, [1996] T.C.J. No. 1771
- *Colangelo Estate v. Canada*, [1998] T.C.J. No. 187
- *Coliviras v. Canada*, [2000] 1 C.T.C. 2430 (T.C.C.)
- *Cunha v. Canada*, (1999), 99 D.T.C. 5432 (F.C.T.D.)
- *Disbrowe v. Canada*, [2001] 2 C.T.C. 2552 (T.C.C.)
- *Dupont Canada Inc. v. Canada (1999)*, 99 D.T.C. 1132 (T.C.C.)
- *Dupont Canada Inc. v. Canada*, [2003] S.C.C.A. No. 18
- *Dupont Canada Inc. v. Canada*, 2001 FCA 114
- *Facchini v. Canada*, 2004 T.C.C. 733
- *FCMI Financial Corp. v. Ontario (Minister of Finance)*, [2008] 1 C.T.C. 311, 2005
- *Fukushima v. Canada*, [1999] 2 C.T.C. 2312 (T.C.C.)
- *Gifford v. Canada*, [1991] 2 C.T.C. 2254 (T.C.C.)
- *Global Cash Access (Canada) Inc. v. H.M.Q.*, 2012 T.T.C. 173
- *Goodstein v. Canada (1997)*, 97 D.T.C. 5327 (F.C.A.)
- *Granger v. Canada*, [2001] 2 C.T.C. 2361 (T.C.C.)
- *Hallatt v. Canada*, [2001] 1 C.T.C. 2626
- *Hallatt v. Canada*, 2004 FCA 104
- *Hayes v. Canada*, 2003 T.C.C. 93
- *Hewlett Packard (Canada) Ltd. v. Canada*, 2003 T.C.C. 386
- *Hoare v. Canada*, 2007 T.C.C. 292
- *Iannuzzi v. Canada*, [1998] 1 C.T.C. 2671 (T.C.C.)
- *Izumi v. The Queen*, 2014 T.C.C. 108
- *Jenkins v. Canada*, 2001 FCA 202
- *Jurchison v. Canada*, [2001] S.C.C.A. No. 327
- *Jurchison v. Canada*, 2001 FCA 126
- *Kaneff Properties Ltd. v. Canada*, [1995] 2 C.T.C. 177 (F.C.T.D.)
- *Liorti v. Canada*, [1999] T.C.J. No. 387
- *Lippert Music Centre Inc. v. The Minister of National Revenue*, 2014 T.C.C. 170
- *Macro Auto Leasing Inc. v. Canada (Transport)*, 2007 FC 521
- *Macro Auto Leasing Inc. v. Canada (Transport)*, 2008 FCA 136
- *Magliocchetti v. Canada*, [1996] T.C.J. No. 839
- *Maréchaux v. Canada*, 2009 T.C.C. 587
- *Maréchaux v. Canada*, 2010 FCA 287
- *Markovic v. Canada*, 2006 T.C.C. 696
- *Markovic v. Canada*, 2007 T.C.C. 18
- *McCoy v. Canada*, 2003 T.C.C. 332
- *McCoy v. Canada*, 2003 T.C.C. 508
- *McGroarty v. Canada*, [1994] 2 C.T.C. 52 (F.C.T.D.)
- *Melman v. Canada* 2017 FCA 83
- *Mezzanine Steel Ltd. v. Canada*, [2001] 2 C.T.C. 33 (F.C.A.)
- *Michael v. Canada*, [1991] 2 C.T.C. 2131 (T.C.C.)
- *Montgomery v. Canada*, [1996] 1 C.T.C. 2796 (T.C.C.)
- *Newmont Canada Corp. v. The Queen*, 2011 T.C.C. 148
- *Nowak v. The Queen*, 2011 T.C.C. 3
- *NRT Technology Corp. v. The Queen*, 2012 T.C.C. 420
- *NRT Technology Corp. v. Canada (Attorney General)*, 2013 FC 200
- *NRT Technology Corp. v. Canada*, 2013 FCA 221
- *Ogden Funeral Homes Ltd. v. Canada*, [1994] 1 C.T.C. 2564 (T.C.C.)
- *Pazner Scrap Metals Co. v. Canada*, [1991] 2 C.T.C. 2295 (T.C.C.)
- *Peterborough Youth Services v. Minister of National Revenue*, 2013 TCC 291
- *R. v. Schell*, [2003] O.J. No. 5189
- *Risi v. Canada*, [1996] 2 C.T.C. 2439 (T.C.C.)
- *Romanuk v. Canada*, (2013), FCA 113
- *Rumford v. Canada*, [1994] 1 C.T.C. 239 (F.C.A.)
- *Scenna v. Canada*, [2002] 2 C.T.C. 2020 (T.C.C.)
- *Schachtschneider v. Canada*, [1991] T.C.J. No. 1023 (T.C.C.)
- *Schachtschneider v. Canada*, [1994] 1 F.C. 40 (F.C.A.)

- *Sherman v. Canada*, 2002 FCT 586
- *Sherman v. Canada*, 2003 FCA 202
- *Sherman v. Canada*, 2004 FC 1423
- *Sliwinski v. Canada*, [1993] 1 C.T.C. 2729 (T.C.C.)
- *Soft-Moc Inc. v. Canada (National Revenue)*, 2013 FC 291
- *Soft-Moc Inc. v. Canada (National Revenue)*, 2014 FC 10
- *Smith v. Canada*, [2000] 1 C.T.C. 33 (F.C.A.)
- *Smith v. Canada*, [2001] 1 C.T.C. 272 (F.C.A.)
- *Stacey v. Canada*, [1997] 2 C.T.C. 2703 (T.C.C.)
- *Standhaft v. Canada*, [1994] 2 C.T.C. 2131 (T.C.C.)
- *Swirsky v. Canada*, 2013 T.C.C. 73
- *Eliahu Swirsky v. Canada*, 2014 FCA 36
- *Svastal v. Canada*, [2002] 2 C.T.C. 2439 (T.C.C.)
- *TBT Personnel Services Inc. v. M.N.R.*, 2010 T.C.C. 360
- *TBT Personnel Services Inc. v. The Queen*, 2011 FCA 256
- *Toastmaster Inc. v. MNR as represented AGC*, 2011 FC 1309
- *Toastmaster Inc. v. Canada (National Revenue)*, 2012 FCA 317
- *Twomey v. Canada*, 2012 T.C.C. 310
- *Watts v. Canada*, [1998] 4 C.T.C. 2544 (T.C.C.)
- *Weeks v. Canada*, [1999] 1 C.T.C. 2917 (T.C.C.)
- *Weeks v. Canada*, [2001] 1 C.T.C. 146 (F.C.A.)
- *Weeks v. Canada*, [2001] S.C.C.A. No. 58
- *Wilson v. Canada*, [1996] 2 C.T.C. 2099 (T.C.C.)
- *Woods v. Canada*, [1995] 2 C.T.C. 2084 (T.C.C.)
- *Yacyshyn v. Canada*, [1999] 1 C.T.C. 139 (F.C.A.)

## Thought leadership

### Upcoming Presentations

- Speaker, “No Place to Hide – Tax Prosecutions, the latest developments”, GTAAN/GTAFN, North York, Ontario, January 14, 2020.
- Co-Chair, “Tax Litigation Program”, The Advocates’ Society, Toronto, Ontario, January 16, 2020.

### Presentations

- Speaker, “CRA Audits”, Retirement Planning/Compensation Program, UJA PAC, Toronto, Ontario, June 12, 2019.
- Panelist, “Advising Your Clients in a Crisis Situation When a Regulator Appears”, 9th Business Law Summit, Law Society of Ontario, Toronto, Ontario, May 13, 2019.
- Moderator, Ontario/Quebec Tax Summit, Miller Thomson LLP, Toronto, April 2, 2019.
- Speaker, “Privilege and Confidentiality”, Ethical and Legal Issues for Appraisers, CBV Institute and American Society of Appraisers (ASP) Eastern Canadian Chapter, Toronto, Ontario, March 1, 2019.
- Panel member, “Tax and Expert Witnesses”, Canadian Tax Foundation, Montreal, Quebec, February 20, 2019.
- Speaker, “Tax Update 2019 Seminar – from an Accountant and Lawyer’s Perspective”, Fazzari & Partners LLP – Chartered Accountants, Vaughan, Ontario, January 24, 2019.
- Speaker, “Business Valuations and Dealing with CRA Challengers on Business Sales”, Sale of a Business, Wolters Kluwer Seminar Series, Markham, November 1, 2018.
- Panelist, “Potpourri Of Tax Audit & Collection Issues”, 2018 Ontario Tax Conference & Live Webcast, Canadian Tax Foundation, Toronto, Ontario, October 23, 2018.
- Panelist, “The Privatisation of Tax Enforcement”, International Bar Association Annual Conference, Rome, Italy, October 10, 2018.
- Speaker, “Search and Seizure and Exceptions For Crime and Fraud”, Privilege: A Litigator’s Guide (program), The Advocate’s Society, Toronto, Ontario, June 12th, 2018.
- Co-presenter, “Sarnia Tax Practice Summit 2018”, Chatham-Sarnia CPA Association, Sarnia, Ontario, February 24, 2018.
- Speaker, “Cryptocurrency, Tax and Bitcoin”, Professional Accountants PD Network, Toronto, Ontario, February 6, 2018.
- Co-chair, Tax Litigation Program, The Advocates’ Society, Toronto, Ontario, December 14, 2017.
- Guest Speaker, “CRA Audit Issues: The Domestic and International Fronts”, GTA Accountants Network, Toronto, Ontario, September 25, 2017.

- Panelist, "Offshore Tax Compliance and Evasion", 2017 Tax Policy Research Symposium, Waterloo Centre for Taxation In A Global Economy, Toronto, Ontario, May 11, 2017.
- Speaker, "From Formal Treaty requests To Data leaks: Identifying And Discussing International Tax Avoidance and Evasion", Ontario Bar Association Program, Toronto, Ontario, May 9th, 2017.
- Co-presenter, "Staying Sharp-An essential Tax Update–Solicitor Client Privilege", OBA Institute Program, Ontario Bar Association, Toronto, Ontario, February 8, 2017.
- Guest speaker, "The Taxation of Professional Corporations", Etobicoke District Professional Chartered Accountants Association, Toronto, Ontario, January 10, 2017.
- Co-presenter, "Record Retention in the Electronic Age-Practical Issues", 2016 Ontario Tax Conference & Live Webcast, Canadian Tax Foundation, Toronto, Ontario, October 24, 2016.
- Co-chair and speaker, "International Tax Evasion: what Canadian Taxpayers Need to Know Right Now," Thomson Reuters Carswell, Toronto, Ontario, June 28, 2016.
- Guest speaker, "The Panama Papers: what it means to you, your client and Canada," CPA-CGA Tax Symposium, Toronto, Ontario, May 18, 2016.
- Program Chair, "Tax Prosecutions In An Ever-Changing World: The Implications for Canada," Ontario Bar Association–Tax Section program, Toronto, Ontario, April 20, 2016.
- Speaker, "Cross-Border Tax Problems: Advising the Delinquent Filer," Thomson Reuters-Carswell, Toronto: Ontario, March 8, 2016.
- Speaker, "Taxes and Your Restaurant Business—Hot Issues!" Restaurants Canada, Toronto, Ontario, February 28-29, and March 1, 2016.
- Co-Chair, "Successfully Managing GST/HST and Income Tax Issues in Your Practice," Ontario Bar Association's Institute, Toronto, Ontario, February, 3, 2016.
- Co-lecturer, "Managing Risks in Multi-jurisdictional Investigations," 3rd Law Enforcement Risk Management Course, Federated Press, Toronto, Ontario, January 28-29, 2016.
- Featured dinner speaker, "International Tax Evasion," Etobicoke District CPA Association, Etobicoke, Ontario, January 12, 2016.
- Co-Chair, "Tax Litigation Skills Certificate Programme," The Advocates' Society, Toronto, Ontario, December 1, 2015.
- Speaker, "Tax Essentials for IT Law," IT.CAN, 18th Annual Conference, Toronto, Ontario, October 26-27, 2015.
- Guest speaker, "Audit Defence: Dealing with Friends, 'the Enemy' and Hot Audit Areas," CPA-CGA Joint Symposium, Toronto, Ontario, February 21, 2015.
- Co-lecturer, "Managing Risks in Multijurisdictional Investigations," 2nd Law Enforcement Risk Management Course, Federated Press, Toronto, Ontario, January 27-28, 2015.
- Guest speaker, "Cross-Border Tax Issues & Current Developments," Etobicoke District Professional Chartered Accountants Association, Toronto, Ontario, January 13, 2015.
- Co-lecturer, "Dealing with Outside Advisors—Driving a Culture of Legal and Ethics Compliance," 15th General Counsel's Role in Maximizing Board Effectiveness Course, Federated Press, Toronto, Ontario, December 2-3, 2014.
- Co-lecturer, "The Federal Budget Impact on R&D," 7th Tax Planning for R&D Course, Federated Press, Toronto, Ontario, November 27-28, 2014.
- Chair and lecturer, "Resolving Tax Disputes Efficiently," 5th Managing a Value-Driven Tax Department Course, Federated Press, Toronto, Ontario, November 20, 2014.
- Co-presenter, "The Carr-Chodikoff Exchange: Skills, Service and Success," Miller Thomson LLP, Professional Development Program, Toronto, Ontario, September 9, 2014.
- Co-Chair and speaker, "CRA Audit Programs: Preparing for and Defending Against CRA Audits," Tax Accounting and Tax Planning for Financial Services, Federated Press, Toronto, Ontario, June 17-18, 2014.
- Co-Presenter, "Correcting Mistakes: Rectifications, Rescission and Taxpayer Relief," CGA Ontario's Tax Symposium, Toronto, Ontario, March 24-25, 2014.
- Workshop co-leader, "Advanced issues in Valuation of Intellectual Property," 4th Advanced Valuation Course, Federated Press, Toronto, Ontario, March 3-4, 2014.
- Speaker, "Tax Audits and Investigations," Professionalism Bootcamp, Miller Thomson LLP, Toronto, Ontario, December 4, 2013.
- Guest speaker, "Civil Penalties," Etobicoke District Chartered Accountants' Association, Etobicoke, Ontario, December 2, 2013.
- Panelist, "Topics in Tax Dispute Resolution," Canadian Tax Foundation 65th Annual Tax Conference, Toronto, Ontario, November 24-26, 2013.
- Panel Member, "CRA update Session," 17th Annual CCI-T/ACMO Condo Conference, Toronto, Ontario, November 15, 2013.
- Co-lecturer, "Partnering with Outside Tax Advisors," 4th Managing a Value-Driven Tax

- Department Course, Federated Press, Toronto, Ontario, November 13-14, 2013.
- Panelist, "Risk Management for Accountants," Miller Thomson Seminar Series, Toronto, Ontario, October 3, 2013.
  - Guest speaker, "Misrepresentation of a Tax Matter by a Third Party: Where are We Today and What it Means to You—Section 163.2 of the ITA"; and "Update: Base Erosion, Profit Shifting ('BEPS') and the Squeeze on Multi-National Enterprises," North York District Chartered Accountants Association, Toronto, Ontario, September 24, 2013.
  - Co-Chair and co-lecturer, "Taxpayers' Constitutional Rights: Audits vs. Investigations," 16th Managing Tax Audits & Investigations Course, Federated Press, Toronto, Ontario, June 13-14, 2013.
  - Invited speaker, Saskatchewan Accounting Firms—Thomson Jasper, Deloitte, and Virtus Group, Saskatoon, Saskatchewan, February 27, 2013.
  - Co-Chair, Tax Session, Institute 2013—Ontario Bar Association (Canada's Largest Legal Education Conference), Toronto, Ontario, February 7-8, 2013.
  - Course leader and principal lecturer, "Bullet Proofing Your Tax Practice," Federated Press, Toronto, Ontario, January 16-17, 2013.
  - Speaker, "Partnering With Outside Tax Advisors," 3rd Managing a Value Driven Tax Department, Federated Press, Toronto, Ontario, November 8, 2012.
  - Chair (day two) and principal lecturer, "Requirements for Information," 8th Understanding Canada/U.S. Transfer Pricing Course, Federated Press, Toronto, Ontario, November 6, 2012.
  - Co-lecturer, "Litigator's Perspective—Court Testimony," 7th Advanced Valuation for Tax Practitioners Course, Federated Press, Toronto, Ontario, November 5, 2012.
  - Speaker, "The Canada Revenue Agency ('CRA') Audit Process—Resolving Disputes in an Effective Manner," Financial Executives International (FEI) Income Tax Webinar, Toronto, Ontario, October 11, 2012.
  - Principal lecturer, "IP Licensing Agreements: Tax," 3rd Tax Essentials for Business Transactions Course, Federated Press, Toronto, Ontario, September 27-28, 2012.
  - Invited speaker, "An Update on CRA Audit Initiatives, the GAAR and Protecting Clients' Interests and Rights," Saskatchewan Accounting Firms-Virtus Group, MNP and KPMG, Regina, Saskatchewan, September 6, 2012.
  - Co-presenter, "Correcting Mistakes: Rectification, Rescission, Taxpayer Relief," Tax Executives Institute, Canadian Tax Course, Toronto, Ontario, July 26, 2012.
  - Guest speaker and panelist, "Practical Approach to Common Management Issues—An Interdisciplinary Approach," STEP Canada 14th National Conference, Toronto, Ontario, June 12, 2012.
  - Co-lecturer, "Taxpayers' Constitutional Rights: Audits vs. Investigations Course," 14th Managing Tax Audits & Investigations Course, Toronto, Ontario, May 14-15, 2012.
  - Guest lecturer, "Advocacy Before the Tax Court of Canada: Fundamentals," Paralegal Program, Canadian Business College, Toronto, Ontario, April 11, 2012.
  - Chair (day one) and speaker, "How Do Recent and Ongoing Court Cases Inform Transfer Pricing Decision-Making?" 16th Annual Transfer Pricing Conference, Infonex, Toronto, Ontario, March 5-7, 2012.
  - Speaker, "Preparing for and Defending the CRA Trust Audit Initiative," Estate Planners Council of Halton, Oakville, Ontario, February 16, 2012.
  - Co-presenter, "Misclassification of Workers: To Be an Employee or Not—That is the Question," Employment Law 2011, Osgoode Hall Law School, Professional Development Program, Toronto, Ontario, December 12-13, 2011.
  - Co-Chair and lecturer, "The Competent Authority and Dispute Resolution," 7th Basics of International Tax and Transfer Pricing Course," Federated Press, Toronto, Ontario, November 7-8, 2011.
  - Speaker, "Taxation Matters—Requirements, Privacy and the Employer-Employee Relationship," 14th Annual Tow Show, Provincial Towing Association (Ontario) Inc., Hamilton Convention Centre, Hamilton, Ontario, October 1, 2011.
  - Co-Chair and co-lecturer, "IP Licensing Agreements: Tax," 2nd Tax Essentials for Business Transactions Course, Federated Press, Toronto, Ontario, September 12-13, 2011.
  - Course leader, "Transfer Pricing," Professional Development Seminar, Certified General Accountants of Ontario, Toronto, Ontario, May 16, 2011.
  - Workshop leader, "Tax Litigation: Best Practices Before The Court," 12th Managing Tax Audits & Investigations Course, Federated Press, Toronto, Ontario, May 10-11, 2011.
  - Speaker, "Bullet Proof Your Practice from the CRA," The Conference for Advanced Life Underwriting, Ottawa, Ontario, May 2, 2011.
  - Panelist, "Tax Litigation Essentials—2011," Ontario Bar Association, Continuing

- Professional Development Program, Toronto, Ontario, March 30, 2011.
- Guest speaker, "Taxpayers' Constitutional Rights: Audits vs. Investigations," 11th Annual Managing Tax Audits & Investigations Seminar, Federated Press, Calgary, Alberta, March 2-3, 2011.
  - Guest lecturer, "GAAR: Lipson is it Long Forgotten," Faculty of Law, Queen's University, Kingston, Ontario, January 27, 2011.
  - Speaker, "SRED Tax Credit Program," Professional Development Seminar, Certified General Accountants of Ontario, Toronto, Ontario, December 2, 2010.
  - Co-lecturer, "IP Licensing Agreements: Tax Issues," Tax Essentials for Business Transactions Course, Federated Press, Toronto, Ontario, September 27-28, 2010.
  - Guest Panelist, "The GAAR Session" with Mr. Justice Little of the Tax Court of Canada at the STEP Toronto Seminar, Law Society of Ontario, September 13, 2010.
  - Speaker, "Valuation Issues Before the Tax Court of Canada: The Never-Ending Question of the Expert's Role," The Canadian Institute of Chartered Business Valuators, Toronto, Ontario, June 9, 2010.
  - Speaker, "Tax Dispute Resolution," Professional Development Seminar, Certified General Accountants of Ontario, Toronto, Ontario, May 20, 2010.
  - Co-lecturer, "Taxpayers' Constitutional Rights: Audits vs. Investigations," 10th Managing Tax Audits & Investigations Course, Federated Press, Toronto, Ontario, May 10-11, 2010.
  - Speaker, "SRED Tax Credit Program," Professional Development Seminar, Certified General Accountants of Ontario, Toronto, Ontario, April 19, 2010.
  - Speaker, "Liabilities under Taxation Statutes," Business Law: Directors' and Officers' Liability in the Current Marketplace, Ontario Bar Association, Institute 2010 of Continuing Legal Education, Toronto, Ontario, February 16, 2010.
  - Guest lecturer, "Ethics in Tax Law: Higher Thinking and Practical Considerations—GAAR, Tax Evasion and Third Party Penalties," Faculty of Law, Queen's University, Kingston, Ontario, January 7, 2010.
  - Co-lecturer, "Dealing With The Canada Revenue Agency and the Department of Justice on Valuation Matters," Valuation and the Tax Practice, Federated Press, Toronto, Ontario, June 2-3, 2009.
  - Co-Chair, 5th Basics of International Tax and Transfer Pricing Course, Metropolitan Hotel, Toronto, Ontario, May 28, 2009.
  - Guest speaker, "GAAR—Where are We Now?," Semi-Annual Tax Practitioners Seminar, Kitchener-Waterloo Tax Services Office, Canada Revenue Agency, Kitchener, Ontario, May 27, 2009.
  - Guest speaker, "GAAR Update," Semi-Annual Tax Practitioners Seminar, Kitchener-Waterloo Tax Services Office, and the Tax Practitioners Consultation Group, Canada Revenue Agency, Kitchener, Ontario, May 27, 2009.
  - Co-lecturer, "Taxpayers' Constitutional Rights: Audits vs. Investigations," 9th Managing Tax Audits & Investigations Course, Federated Press, Toronto, Ontario, May 19-20, 2009.
  - Speaker, "Tax Debt Collection and the (Potentially) Long Arm of CRA," Spring Tax Wrap-Up, Taxation Law Section, Ontario Bar Association, Toronto, Ontario, April 23, 2009.
  - Presenter, "The General Anti Avoidance Rule and Tax Collection: The Latest Do's and Don'ts For Clients," Etobicoke CA Association Meeting, Etobicoke, Ontario, March 3, 2009.
  - Faculty instructor, "Use of Experts in Tax Litigation," Tax Litigation Skills Certificate Program, The Advocates' Society, Toronto, Ontario, November 10, 2008.
  - Guest lecturer, "GAAR: Basic Principles and Practical Considerations," Faculty of Law, Queen's University, Kingston, Ontario, November 3, 2008.
  - Guest speaker, "Current Issues of Interest in Tax Litigation," Golden Horseshoe CA Group, Hamilton, Ontario, February 20, 2008.
  - Co-lecturer, "Tax Treatment and Valuation of the R&D Investment," Taxation & Valuation of Intellectual Property, Federated Press, Toronto, Ontario, November 5-6, 2007.
  - Guest speaker, "Taxes, Your Condo and the Government," Metro Toronto Condo Show, Metro Toronto Convention Centre, Toronto, Ontario, October 19-21, 2007.
  - Faculty member/co-presenter, "Review of Current Case Law in FI Tax," Financial Institution Taxation Forum 2007, Infonex, Toronto, Ontario, October 16-17, 2007.
  - Facilitator, "Recent Tax Cases Related to the Valuation of IP," The Canadian Institute of Chartered Business Valuators, Toronto, Ontario, September 18, 2007.
  - Guest speaker, "Cross Border Updates," OBA Tax Program, Toronto, Ontario, February 27, 2007.
  - Guest speaker, "Tax Shelters—what's left? and the Canada Revenue Agency," Central Branch, Royal LePage, Toronto, Ontario, November 15, 2006.
  - Guest speaker, "How to Protect Yourself When You are Audited by the Canada Revenue

Agency ('the CRA')," 4th Annual Tax Strategy Seminar, Royal LePage, Oakville, Ontario, November 14, 2006.

- Presenter, paper, "Judicial Activism, Tax Disputes and The Aftermath of Canada Trustco," Queen's Annual Business Law Symposium 2006, The Corporation in the Courts, Faculty of Law, Queen's University, September 29, 2006.
- Co-lecturer, "Dealing with the Canada Revenue Agency and the Department of Justice Canada on Valuation Matters" and "Tax Shelters and Valuation," 4th Annual Valuation and the Tax Practice Course, sponsored by Federated Press, Toronto, Ontario, September 15, 2006.
- Guest speaker, "GAAR and the Latest Issues Regarding Valuation, Legislation and Case Law on Tax Shelters," Estate Planning Council, Eastern Ontario, Kingston, Ontario, March 27, 2006.
- Conference Chair, "Tax Summit: Interpreting GAAR/Tax Shelters/Tax Practice Review," sponsored by LexisNexis Butterworths, Toronto, Ontario, December 13, 2005.
- Co-lecturer, "Valuation and Tax Shelters," 3rd Annual Valuation and the Tax Practice Course, sponsored by Federated Press, Toronto, Ontario, September 22-23, 2005.

## Publications

### Published Works – Books

- David W. Chodikoff, General Editor (and contributing co-author) *Transfer Pricing*, second edition, A Global Guide From Practical Law, (London, U.K.: Thomson Reuters (Professional) U.K. Limited, 2017).
- David Kerzner and David W. Chodikoff, *International Tax Evasion In The Global Information Age* (Toronto: Irwin Law, 2016 and published internationally by Palgrave Macmillan, Switzerland, 2016).
- David W. Chodikoff, general editor (and contributor co-author) *Tax Litigation*, second edition, jurisdictional comparisons, Sweet & Maxwell International Series, Practical Law Global Guides, (London, U.K.: Sweet & Maxwell, September, 2016).
- David W. Chodikoff, general editor (and contributing co-author) *Transfer Pricing and Tax Avoidance*, first edition, jurisdictional comparisons, The European Lawyer, (London, U.K.: Sweet & Maxwell, September, 2014).
- David W. Chodikoff, general editor (and contributing co-author) *Tax Litigation*, The European Lawyer Reference Series, (London, U.K.: Sweet & Maxwell, October, 2013).
- David W. Chodikoff and James L. Horvath (editors and contributing authors) *Taxation, Valuation and Investment Strategies in Volatile Markets* (Toronto: Carswell, 2010).
- David Kerzner, Vitaly Timokhov and David Chodikoff, *The Tax Advisor's Guide to the Canada – U.S. Tax Treaty* (Toronto: Carswell, 2008 – loose leaf service, 2 volumes).
- James L. Horvath and David W. Chodikoff (editors and contributing authors) *Taxation & Valuation of Technology* (Toronto: Irwin Law, 2008).
- David W. Chodikoff and James L. Horvath (editors and contributing authors) *Advocacy & Taxation in Canada* (Toronto: Irwin Law, 2004).

### Published Works – Chapters

- Co-Author with Amanda Perumal, Practical Insights – Search and Seizure, Tax Dispute & Resolutions Centre, Thomson Reuters, September, 2019.
- Co-Author with Peter Little, 2018 Update of "Tax Consequences of Intellectual Property Matters" in *Intellectual Property Disputes: Resolutions and Remedies*, Ronald E. Dimock (ed.) Carswell (2002, loose leaf service, 2 volumes).
- Editor and Author, Tax litigation Chapter in Miller Thomson on Estate Planning – the authoritative review of trusts, estates and taxes in Canada, (2012, loose leaf service, 2 volumes).
- Co-author with Patrick Déziel and Rahul Sharma, "Tax Consequences: Tax Consequences of IP Disputes" in *Intellectual Property Disputes: Resolutions and Remedies*, Ronald E. Dimock (ed.) Carswell (2002, loose leaf service, 2 volumes).
- Co-author with Tarsem Basraon, "Business Valuation Experts on Trial: A Canadian Perspective," in *Valuing a Business in Volatile Markets*, James L. Horvath (ed.), Carswell (2010).
- Author, "E-Commerce: Canadian Considerations of Residency, Permanent Establishment and the GAAR," in *Global E-Commerce Business and Taxation*, Ana D. Penn & Martha L. Arias (eds.), Oxford University Press Inc. and Internet Business Law Services Inc., a Joint Publication, (2009).

### Published Works – Monographs



- “Judicial Activism, Tax Disputes and The Aftermath of Canada Trustco,” Queen’s Annual Business Law Symposium 2006, The Corporation in the Courts, Faculty of Law, Queen’s University, 2006.

## Other Publications/Articles

- “Tax Evasion: Have You Heard Of The ICIJ And The Latest Of The Mauritius Leaks?” (Part I of II), *Taxes & Wealth Management*, Issue 12-3, October, 2019.
- “Apple, Ireland And The EU: The Tax Fight Continues”, *Taxes & Wealth Management*, Issue 12-3, October, 2019.
- “International Tax Evasion: Courts in France Are Getting Tougher”, *Taxes & Wealth Management*, Issue 12-1, March, 2019
- Co-author, “International Tax Evasion & Money Laundering Rises To New Heights”, *Taxes & Wealth Management*, Issue 11-3, October, 2018
- “The Conduct of Judges: Optics and Reality”, *Taxes & Wealth Management*, Issue 11-2, 2018
- “Bitcoin and Examples of the Global Regulatory Environment: It is Anyone’s Guess”, *Taxes & Wealth Management*, Issue 11-1, 2018
- “Fallout from the Panama Papers: The CRA Pursues Canadian Tax Evaders” *Taxes & Wealth Management*, Issue 11-1, 2018
- Co-author, “Practical Insights – Transfer Pricing, The Tax Disputes and Resolutions Centre”, Thomson Reuters, January, 2018
- “Policy Forum: Whistleblowers and the Evidentiary Challenges in Offshore Tax Evasion Cases”, *Canadian Tax Journal* (2017) 65:3, 637-49
- “KPMG, Tax Evasion, Tax Avoidance and the Canadian Government: Tax Policy”, *Taxes & Wealth Management*, Issue 10-1, 2017
- “The Taxation of Marijuana in Canada”, *Taxes & Wealth Management*, Issue 9-3, 2016
- “Update on Tax Evasion”, *Taxes & Wealth Management*, Issue 9-3, 2016
- “The Panama Papers: More To Come and What It Could Mean For Canadians,” *Taxes & Wealth Management*, Issue 9-2, May, 2016
- “A Tax Court Judge Faces Serious Tax Evasion, Conspiracy and Obstruction Charges,” *Taxes & Wealth Management*, Issue 9-2, May, 2016
- “The Panama Papers: Taxpayer Alert,” *Tax Notes*, April 2016
- “Tax Scams: It is Not CRA Calling You!,” *Taxes & Wealth Management*, Issue 9-1, February, 2016
- “How Pharmacists Can Protect Themselves From the CRA in the Coming Years,” *Taxes & Wealth Management*, Issue 9-1, February, 2016
- “Evidence Lost, Justice Found: Excluding Evidence Under Section 24 (1) of the Charter,” *Tax Litigation Journal*, Volume xix, No.4, 2015
- “The Canadian Federal Election And Tax Policy,” *Taxes & Wealth Management*, Issue 8-3, 2015
- “Tax Evasion: Lengthy Investigations and/or Delays Do Not Necessarily Prevent a Prosecution,” *Taxes & Wealth Management*, Issue 8-2, May, 2015
- “Tax Evasion: HSBC is Still in the Spotlight,” *Taxes & Wealth Management*, Issue 8-1, March, 2015
- “Tax Terrorism: Is It the Vogue for Hungry Revenue Authorities?” *Taxes & Wealth Management*, issue 7-5, November, 2014
- “Tax Inversions: A Legitimate Means of Tax Avoidance, But For How Long?” *Taxes & Wealth Management*, issue 7-3, September, 2014
- “Daimsis v. The Queen 2014 TCC 118: Findings Based On Credibility: It Is Not As Easy As You Might Think,” *Taxes & Wealth Management*, issue 7-2, May, 2014
- “Employee vs. Independent Contractor: An Unsatisfactory State of Law,” *Taxes & Wealth Management*, issue 7-1, February, 2014
- “Tax Evasion: Some Recent Global Developments including a report from the IBA,” *It’s Personal (Preserving Wealth for People and Private Companies)*, 2013
- “Tax Avoidance, Tax Evasion and the Drive Towards Greater Transparency and the Exchange of Information: The September 2013 G20 Declaration,” *It’s Personal (Preserving Wealth for People and Private Companies)*, 2013
- “Fair warning: The pendulum continues to swing and a tax fraud schemer gets serious jail time and a hefty fine,” *Charities and Not-for-Profit Newsletter*, August 2013
- “Base Erosion, Profit Shifting and Tightening the Tax Noose on Multi-National Enterprises,” *Tax Notes*, August 2013
- “Tax Evasion: The Merchant Affair and The Canadian Government Sideshow,” *It’s Personal (Preserving Wealth for People and Private Companies)*, 2013
- “SCC Tax Cases 2012 in Review: The Death of Moldowan and the First Transfer Pricing

- Decision,” *Tax Notes*, April 2013
- “Federal Budget Review,” 2013
  - “Tax Evasion: The Clock Continues to Tick and the Hourglass Runs to Empty,” *It’s Personal (Preserving Wealth for People and Private Companies)*, 2013
  - “Transfer Pricing—The Last Word in Canada,” *Financier Worldwide Magazine*, 2012
  - “Swiss Banks, Tax Evasion and Voluntary Disclosure,” *It’s Personal (Preserving Wealth for People and Private Companies)*, 2012
  - “Former Italian Prime Minister Found Guilty of Tax Fraud and Given 4 Years,” *It’s Personal (Preserving Wealth for People and Private Companies)*, 2012
  - “Tax Evasion: Canada’s Open Door But The United States is a Different Story,” *It’s Personal (Preserving Wealth for People and Private Companies)*, 2012
  - “A Brief Summary of the Post STEP Conference Session,” *It’s Personal (Preserving Wealth for People and Private Companies)* Special Edition, 2012
  - “Winds of Change: A Better Outlook for Challenging the Denial of Taxpayer Relief Requests (Section 220 (3.1) of the Income Tax Act),” *It’s Personal (Preserving Wealth for People and Private Companies)*, 2012
  - “RCAs and SDAs—One and the Same for the Canada Revenue Agency?” *Insurance Planning*, 2012
  - “The Looming Greek Debt Default, Taxes, and Why It All Matters to Canadians,” *It’s Personal (Preserving Wealth for People and Private Companies)*, 2012
  - “RCAs Under Attack—What You Need to Know,” *It’s Personal (Preserving Wealth for People and Private Companies)*, 2012
  - “The SR&ED Program: An Audit Rich Target Area for the CRA,” *It’s Personal (Preserving Wealth for People and Private Companies)*, 2011
  - “The Right to Remain Silent: Does it Exist in Civil Tax Audits?” *Criminal Law, Regulation & Enforcement Newsletter*, October 2011
  - “Employee or Independent Contractor; Can We Not Formulate a Single Test, Please!” *It’s Personal (Preserving Wealth for People and Private Companies)*, 2011
  - “Offshore Tax Crimes: It’s Coming to a Canadian Court Near You!” *Criminal Law, Regulation & Enforcement Newsletter*, May 2011
  - “Offshore Tax Crimes: Canadians are in Danger!” *It’s Personal (Preserving Wealth for People and Private Companies)*, 2011
  - “CRA audit project targets high-net-worth individuals,” *The Lawyers Weekly*, 2011
  - “Banking Secrecy, Whistleblowers and Voluntary Disclosure,” *It’s Personal (Preserving Wealth for People and Private Companies)*, 2011
  - “U.S.: The 2011 Voluntary Disclosure Initiative,” *It’s Personal (Preserving Wealth for People and Private Companies)*, 2011
  - “Accountants and Tax Preparers Beware: Zero Tolerance Has Truly Arrived,” *It’s Personal (Preserving Wealth for People and Private Companies)*, 2010
  - “Accountants and Tax Preparers Beware: Zero Tolerance has Truly Arrived,” *Charities and Not-for-Profit Newsletter*, October 2010
  - “The U.S. Economy, The Ripple Effect and Tax Planning,” *It’s Personal (Preserving Wealth for People and Private Companies)*, 2010
  - “The Tax Shelter Business: Big Rewards, Now Bigger Risks,” *Charities and Not-for-Profit Newsletter*, September 2010
  - “Tax Shelters, Fiduciary Duties and Troubles Ahead For Some Chartered Accountants,” *It’s Personal (Preserving Wealth for People and Private Companies)*, 2010
  - “Offshore Accounts: Now HSBC Clients Should Worry!” *It’s Personal (Preserving Wealth for People and Private Companies)*, 2010
  - “Tax-Free Savings Account: Tell Everyone You Know!” *It’s Personal (Preserving Wealth for People and Private Companies)*, 2010
  - “A Decision That Defies Common Sense And A Taxpayer That Rightly Challenged That Decision,” *It’s Personal (Preserving Wealth for People and Private Companies)*, 2010
  - “The Tax Shelter Business: Big Rewards, Now Bigger Risks,” *Criminal Law, Regulation & Enforcement Newsletter*, June 2010
  - “The Silly Season: RRSP Strips,” *It’s Personal (Preserving Wealth for People and Private Companies)*, 2010
  - “Current Cases: General Electric Case: Deductibility of Guarantee Fees,” *Tax Notes*, March 2010
  - “Liabilities under Taxation Statutes,” 2010
  - “Clarifying Expenditures that qualify for the HRTC,” *Let’s Talk Condo—Ontario*, Fall 2009
  - “Of Summer’s Past and the Fall of the Tax Evaders—Extreme Caution Advisory for Canadian and U.S. Taxpayers with Unreported Offshore Accounts,” *It’s Personal (Preserving Wealth for People and Private Companies)*, 2009

- “Tax Evasion: Hard Times, Bad Decisions and How to Avoid Them,” *Criminal Law, Regulation & Enforcement Newsletter*, April 2009
- “Lipson: More Uncertainty about the Application of GAAR,” 2009
- “Tax Shelters: What Is Next For The Buyer/Participant?” *It’s Personal (Preserving Wealth for People and Private Companies)*, Volume 1, Issue 4, 2008

## **Community involvement**

- Committee Member, One Life Gala for Princess Margaret Cancer Foundation, 2019.
- Honorary Patron and Organizing Committee Member, Moonlight Gala, McMichael Art Gallery, 2018.
- Organizing Committee Member, Moonlight Gala, McMichael Art Gallery, 2017.
- Organizing Committee Member, Moonlight Gala, the 50<sup>th</sup> Anniversary of the McMichael Art Gallery, 2016.

## **Professional memberships**

- Advocates’ Society
- American Bar Association, Section of Taxation
- American Bar Association, Senior Lawyers Division
- Association for Corporate Growth
- Ontario Bar Association, Member at Large, Section Executive, Criminal Justice Section, 2013 – 2014
- Ontario Bar Association, Member, Pensions Advocacy and Government Relations Committee, 2013 – 2014
- Canadian Bar Association, Member, National Taxation Law Section 2011-2012 Executive Committee
- Canadian Tax Foundation
- International Bar Association
- International Fiscal Association
- The Law Society of Ontario
- The Law Society of Ontario – Taxation Standards of Certification Validation Working Group, 2018
- Toronto Lawyers Association

## **Bar admissions & education**

- Ontario Bar, 1989
- LL.B., Dalhousie University, 1987
- M.A., Dalhousie University, 1983
- B.A. (Specialized Honours), York University, 1981