

Cassels



Marc Mercier

Partner

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Office

Toronto

Expertise

- Banking & Specialty Finance
- Energy
- Restructuring & Insolvency
- Private Equity
- Infrastructure

Biography

Marc Mercier* is a partner in the Banking & Specialty Finance Group at Cassels, serving as a current member and Past Chair of the firm's Audit & Risk Management Committee. Marc's practice places a particular emphasis on secured, unsecured and merger and acquisition financing, treasury management and financial derivatives-related matters, along with reorganizational workouts and restructurings. Marc also has an extensive practice serving the needs of various financial institutions in their family office, high net worth and ultra-high net worth areas, as well as various family enterprises and family offices.

Marc's representative experience includes having acted for:

- Planet Fitness in Canada in its \$1.275 billion refinancing transaction
- Wendy's Restaurants in Canada in its recent sale of US\$1.075 billion in senior secured notes
- Summitt Energy and SFE Energy in their energy supply agreements in Canada and the US
- The Federal Government of Canada in connection with the restructurings and refinancings of General Motors and Chrysler
- Harley-Davidson Canada in its renewal of syndicated bank credit facilities totalling US\$500 million for a three-year term to support its and HDFFS Canada's commercial paper program and to fund its and HDFFS Canada's lending activities and other operations

Marc recently received his family enterprise advisor certification through Family Enterprise Canada to better support his private client and wealth management practice. With over three decades of experience, Marc has a prominent practice in the high and ultra-high net worth area working closely on behalf of leading financial institutions and for founders and multi-generational family enterprises. He knows and understands the importance of integrity, trust, discipline, risk management and connection. Marc takes the time to view things holistically with a keen eye on transgenerational wealth planning and execution. Marc is committed to providing high quality

advice and strategic legal services and is accustomed to working within a multi-professional advisory framework.

Marc is the author of various articles published in legal journals and texts. He speaks frequently at derivatives, secured lending, insolvency and restructuring, and law reform conferences and bank seminars. Some of Marc's publications include:

- Author, *Bank Security and Other Credit Enhancement Methods in Canada* (Kluwer), 2003
- Author, "A New Era of Derivatives" (Osgoode Hall Professional Development), 2004
- Co-Author, "Guarantee and Indemnity", *Halsbury's Laws of Canada* (LexisNexis), 2022
- Co-Author, *The Law of Banking and Payment in Canada* (Thomson Reuters), 2022-Present

In addition to being an adjunct faculty member of the University of Toronto Faculty of Law in the late 1990s, where he led classes in debt financing and restructuring, Marc has also been an adjunct faculty member at Osgoode Hall Law School at York University (2005-2019), where he taught advanced financing law in the graduate (masters level) banking programme.

Marc has been active in firm leadership for many years, having served in many key strategic roles at Cassels, including as Chair of the Professional Development Committee; Chair of the Financial Service Group; Chair of the Audit & Risk Management Committee and member of the firm's Executive Committee. As a senior member of the firm's financial services practice area, Marc is also extremely active in the practice development and mentoring of both senior and junior members of the firm.

Outside his day-to-day practice, Marc is equally committed to sports, believing in the power of sport to enhance personal confidence, teamwork capabilities, goal setting and personal discipline. Marc currently serves as Chair of the Ontario Hockey Association (OHA) and has been involved with the Ontario Junior Hockey League (OJHL) for many years, including as Chair of the OJHL Board of Governors and as Governor of the Cobourg Cougars when they won the RBC

Cup (now the Centennial Cup) in 2017. In 2018, the OJHL honoured Marc with the Chairman's Award, which is presented to an individual who demonstrates the core values of the OJHL including integrity, professionalism and sportsmanship. In 2021, this award was renamed the "Marc Mercier Chairman's Award" in recognition of Marc's leadership, guidance and dedication to the OJHL over many years.

Beyond sports, Marc accepted the role of President of The National Club in 2023. As this institution celebrates its 150th Anniversary, Marc is committed to propelling The National Club to greater heights and ensuring the Club's vibrancy for years to come. He also remains active with his alma mater through the Boston University Alumni Association of Canada, where he previously served as Vice President. Marc also successfully climbed Mount Kilimanjaro in July of 2018.

**denotes Professional Corporation*

Achievements

- *Best Lawyers in Canada* (Banking and Finance)
- *Chambers Canada* (Banking & Finance)
- *Chambers Global* (Banking & Finance)
- *Legal 500 Canada* (Banking & Finance)
- *Martindale Hubbell*, Distinguished™ Rating

Client Commentary

- "A 'roll up your sleeves' kind of guy. He doesn't shy away from work, and comes back to you with thorough analysis." – *Chambers Global (Banking & Finance)*
- "Always very responsive and approachable." – *Chambers Global (Banking & Finance)*
- "Acts as a partner, rather than a vendor." – *Chambers Canada (Banking & Finance)*
- "He is very responsive and always keeps our business needs in mind." – *Chambers Canada (Financial Services)*
- "Marc consistently delivers top advice. He has the ability to jump into issues as well as keep a strategic outlook on matters." – *Chambers Global (Financial Services)*
- "He is exceptionally responsive and he goes above and beyond." – *Chambers Global (Financial Services)*

- “Highly regarded as a great resource in this space.”
– *Chambers Global (Financial Services)*
- “He has lots of experience to draw from and provides strategic guidance.” – *Chambers Global (Banking & Finance)*

Recent Representative Work

- TPG Global Acquires Leading Sound Stage Owner Cinespace
- Epsilyte Holdings Acquires StyroChem Canada

Insights

- Supreme Court of Canada Decision in MacDonald Minimizes Role of Taxpayer Intent in Characterizing Derivative Contracts

Pro Bono & Community Involvement

- Boston University’s Alumni Association of Canada, Past Vice President
- National Club (Toronto), Board of Directors, President
- Ontario Hockey Association, Board of Directors, Chair
- RBC Cup Committee, Co-Chair (2015-2017)
- World Junior “A” Challenge, Co-Chair (2015)

Education / Bar Admissions

- LL.M., Boston University, 1994
- LL.B., University of New Brunswick, 1991
- B.A. (Hons.), Western University, 1988
- Ontario, 1993

Associations

- Canadian Bar Association
- Canadian Insolvency Foundation
- Family Enterprise Advisor (2023)
- Ontario Bar Association
- International Association of Restructuring, Insolvency and Bankruptcy Professionals (INSOL)
- Turnaround Management Association (TMA)
- Risk Management Association, Toronto Chapter