



Patrick Fitzgerald

PARTNER

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PRACTICE AREAS

Corporate & Commercial • Securities & Corporate Finance • Intellectual Property & Technology
• Banking & Finance • Mergers & Acquisitions • Start-Ups • Cybersecurity & Privacy

BIOGRAPHY

Patrick is a partner in the Halifax office of Cox & Palmer. Born in Toronto and raised in Wedgeport, NS, Patrick was admitted to the Nova Scotia Bar in 1998, having completed his education at Saint Mary's University (B.Comm. 1990), University of Windsor (M.B.A. 1991), and Dalhousie Law School (LL.B., 1997).

With over 20 years of maintaining a transactional law practice, Patrick is an experienced business lawyer with extensive experience advising on complex corporate and technology deals.

Always one to embrace innovation and efficiency to provide a better client experience, Patrick is constantly researching and implementing technology and process improvements related to the business of law.

Patrick is a member of Cox & Palmer's Halifax Executive Committee with specific responsibility for creating an innovation culture and identifying, assessing and implementing innovative processes, improvements and technology to allow Cox & Palmer to better serve its clients.

When not focussed on helping clients pursue opportunities or solving challenges, Patrick uses his time to unplug from work and re-connect with his busy family, tackle renovation projects, maintain his racing bikes, train and take online courses that catch his interest. An endurance athletics enthusiast, Patrick has completed many marathons, cycling and triathlon events, including several Ironman branded events.

EXPERIENCE

Patrick is frequently called upon to provide strategic advice to business owners, executives and boards of directors. His experience includes assisting clients in **complex financings, mergers and acquisitions** involving private and public companies as well as equity offerings, private equity transactions and financings.

Patrick has an extensive experience with **unlimited company law (ULCs)** and maintains a robust and responsive agency-based practice providing coordinated Atlantic Canadian legal services to out-of-region lawyers. This includes:

- reviewing transaction documents for local legal issues,
- ensuring compliance with local legal requirements, and
- the provision of opinions related to reorganizations, financings and local counsel securities law opinions related to offerings by public and private companies.

Patrick has extensive experience providing strategic advice on **intellectual property and technology law** issues including protection and commercialization, as well as privacy, data protection, cybersecurity law issues and data breach response. He has significant experience in technology transactions including licensing, acquisitions and sales of intellectual property

assets, multi-year IT outsourcing/managed service, agreements relating to the internet and cloud based applications and services, and negotiating and implementing contracts as part of RFP's for service providers and customers. He is a Registered Trade-mark Agent (Canada).

Patrick is actively involved in **Nova Scotia's start-up ecosystem** having championed Cox & Palmer's support of incubators and accelerator programs, as well as providing pro-bono advice to start-ups across Nova Scotia and judging various pitch competitions in the region. Patrick's work with entrepreneurs, founders, early and growth stage businesses includes assisting with structuring, founder agreements and disputes, employee equity issues, angel and venture capital investments and exits.

Representative Engagements

- Represented major international healthcare software solutions provider in negotiations with a Provincial government for the provision of large scale implementation of software and services
- Represented large regulated energy industry participant in software development dispute, developed and negotiated master services agreements for a variety of digital solutions, including ERP as part of RFP process
- Represented and advised financial institution on data privacy breach and response
Ongoing representation of industry leading communications SaaS provider in equity raises and negotiation of service agreements with customers
- Represented UK based subsea technology company in acquisition of Nova Scotia based offshore asset inspection and engineering company
- Represented Toronto based private equity firm in the acquisition of majority stake in Nova Scotia based technology company
- Represented for Montreal based private equity firm in the acquisition of a majority stake in an Atlantic Canadian based geomatics company
- Represented Nova Scotia based SaaS company on sale of business to US based NGO
- Represented Nova Scotia based inbound tourism company on sale of business to strategic purchaser
- Represented Nova Scotia based venture capital organization in numerous equity investments in life sciences start-ups
- Represented Montreal based venture capital organization on investment in Nova Scotia life sciences company
- Represented of numerous Nova Scotia based start-ups on structure, governance and equity financings
- Represented Nova Scotia based investment company on acquisition of Ontario based contracting company that provides engineering, procurement and construction of high voltage electrical installations
- Represented private mortgage and loan company on sale of business to a regulated financial institution
- Ongoing representation of mortgage investment corporation in equity raises and compliance matters

INDUSTRY RECOGNITION & AWARDS

- Listed as a leading practitioner by the publication The Best Lawyers in Canada since 2008 for his practice in the areas of Corporate Governance, Corporate Law, Information Technology Law, Mergers and Acquisitions, Cannabis Law, Leveraged Buyouts & Private Equity Law and Technology Law
- Recognized in the Canadian Legal Lexpert Directory as a leading practitioner in Corporate Mid-Market, Private Equity, Corporate Finance and Securities, Intellectual Property, Mergers & Acquisitions, Corporate Commercial and Computer & IT Law
- Best Lawyers' 2017 Halifax Information Technology Law Lawyer of the Year

LANGUAGES

- English

LAW SOCIETY MEMBERSHIPS

- Canadian Bar Association
- Nova Scotia Barristers' Society

BAR ADMISSION

- Nova Scotia (1998)

LAW SCHOOL

- Dalhousie University

EDUCATION

- Saint Mary's University (B.Comm., 1990)
- University of Windsor (MBA, 1991)
- Dalhousie Law School (LLB, 1997)

PUBLICATIONS

- Client Alert: Remote Work, Data Breaches and Cybersecurity Considerations during COVID-19
- Nova Scotia Aims to Supercharge Start-up Growth With Revised Equity Tax Credit - Updated following Spring 2019 Provincial Budget: Corporate Investors Now Eligible
- Nova Scotia Aims to Supercharge Start-up Growth With Revised Equity Tax Credit
- Canada's new data breach notification rules: What you need to know
- The Day After: Canada's Breach Notification Rules Soon to be in Effect
- The Latest on Crowdfunding Exemptions in Nova Scotia and New Brunswick
- Deciding on the Structure of Your Business? Things You Need to Know
- Are You Ready to Comply with Canada's Anti-Spam Legislation?

LECTURES & PRESENTATIONS

Patrick has lectured and written on numerous topics in the areas of corporate governance, technology start-ups and commercialization, technology contracting, securities law, venture capital, intellectual property, business expansion, and e-commerce.

PROFESSIONAL ACTIVITIES & AFFILIATIONS

- Member, Board of Directors, Halifax Partnership (2019-)
- Member of Governance Committee
- Member, Intellectual Property Institute of Canada
- Member and past Director, Canadian Technology Law Association
- Member International Technology Law Association
- Past Chair, Canadian Bar Association, Securities Nova Scotia Branch
- Past Chair, Canadian Bar Association, Intellectual Property, Nova Scotia Branch
- Former member, Service Nova Scotia and Municipal Relations Liaison Committee, Nova Scotia Barristers Society
- Member, Mentor First Mentor Network

- Member, Investment Committee, Venture Grade Program at Saint Mary's University

ACTIVITIES WITHIN FIRM

Patrick is the Halifax office Practice Innovations Lead, a member of the Halifax office Executive Committee, chair of Cox & Palmer's Halifax Technology & Life Sciences group and chair of Cox & Palmer's Regional Start-up Industry Group. In this capacity he leads the alt business start-up initiative for high growth innovation companies in Nova Scotia.

COMMUNITY AND VOLUNTEER ACTIVITIES

- Past Director of Triathlon Nova Scotia
- Member of Halifax Triathlon Club