



Josh J.B. McElman, KC

PARTNER

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PRACTICE AREAS

Banking & Finance • Restructuring & Insolvency • Corporate & Commercial
• Intellectual Property & Technology • Small & Medium Sized Enterprises
• Shipbuilding, Maritime & Transportation

BIOGRAPHY

Josh is a leading Partner with Cox & Palmer providing advice in a variety of sophisticated litigation matters and a wide range of business and financial transactions. Josh acts for individuals, owner-managed businesses, corporations, financial institutions, public entities and other organizations. He has developed a reputation of providing both strategic and tactical solution-oriented advice to assist his clients in achieving their goals, whether outside or inside a Court.

Josh has appeared as counsel before Courts in New Brunswick, Newfoundland and Labrador, Prince Edward Island, Nova Scotia, Ontario and Quebec. He has acted as lead counsel in sophisticated business litigation matters including shareholder, contractual, constitutional, tax and property disputes. He also acts as lead counsel in CCAA, receivership and bankruptcy proceedings and on numerous business and financial matters, including syndicated loans, operating and term loans, corporate reorganizations, asset and share acquisitions and IP licensing. He is also the Co-Chair of his firm's Regional Banking Group and Regional Business Development Group.

EXPERIENCE

- Lead Counsel for Canadian Financial Institutions in complex litigation including the Atcon matter, a multi-jurisdictional CCAA Court proceeding
- Lead Counsel for a Federal Crown Corporation in the largest Atlantic Canadian Court approved quick flip transaction.
- Lead Counsel for a private Corporation in a \$180 million oppression litigation.
- Lead Counsel for Debtor in the Atlantic Yarns matter, a multi-jurisdictional CCAA Court proceeding
- Lead Counsel for Monitors, Trustees and Receivers in various Court proceedings throughout Atlantic Canada
- Co-Lead Counsel in multiple large syndicated loan financings
- Counsel for US and Canadian financial institutions in a variety of matters

INDUSTRY RECOGNITION & AWARDS

- Josh has been recognized every year since 2013 in the publication The Best Lawyers in Canada for his practice in the area of Insolvency and Financial Restructuring. This publication has also recognized him for Corporate and Commercial Litigation and Banking and Finance Law
- Josh has also been recognized in the Canadian Legal Lexpert Directory since 2013 as a leading practitioner in various areas including Insolvency & Financial Restructuring Litigation, Corporate Commercial Litigation, Banking & Financial Institutions and Directors'/Officers' Liability Litigation

- In 2011 Josh was recognized as a Lexpert Rising Star – Leading Lawyer Under 40 and a Lawyer to Watch
- 2024 Law Firm of the Year for Banking & Finance Law by The Best Lawyers™ in Canada.

LANGUAGES

- English

LAW SOCIETY MEMBERSHIPS

- Canadian Bar Association
- Law Society of New Brunswick
- Saint John Law Society
- York-Sunbury Law Society

BAR ADMISSION

- New Brunswick (2004)

LAW SCHOOL

- University of New Brunswick

EDUCATION

- University of New Brunswick (B.B.A., 2002)
- University of New Brunswick (LL.B., 2003)
- Trade-mark Agent

PUBLICATIONS

- Copyright Owners and (Downloading) Users Take Note: Canada's Formal Notice and Notice Regime is in Force
- Canadian Trade-mark Applications and Oppositions
- Cracking Down: Canadian Court Emphasizes Compliance with Export Procedures

LECTURES & PRESENTATIONS

- Panel Presentation Annual Review of Insolvency Law Conference, Toronto, Ontario (2015)
- Mid-Market Commercial Insolvency Update – Canadian Association of Insolvency and Restructuring Professionals (May 2011)
- Panel discussion of "Regional Hot Topics" in Insolvency and Restructuring – Canadian Association of Insolvency and Restructuring Professionals (May 2010)

PROFESSIONAL ACTIVITIES & AFFILIATIONS

- Co-Chair – Commercial Law Bench Bar Committee of the Law Society of New Brunswick
- Member – Insolvency Institute of Canada
- Member – International Association of Restructuring, Insolvency & Bankruptcy Professionals
- Past Chair – New Brunswick Young Lawyers section Canadian Bar Association
- Past Chair – Canadian Bar Association Law Day, New Brunswick

ACTIVITIES WITHIN FIRM

- Managing Partner – Saint John Office (2012-2016)

COMMUNITY AND VOLUNTEER ACTIVITIES

- Member – Miramichi Salmon Association, Saint John Dinner Committee
- Past Director – Canadian Automobile Association, Atlantic
- Past Member – Atlantic Salmon Federation, Fredericton Dinner Committee
- Past Secretary/Director – Symphony New Brunswick Foundation Inc.
- Past Director – Friends of Hestia House & Second Stage Housing, The Foundation Inc.