

CURRICULUM VITAE

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PROFESSIONAL EXPERIENCE

I have practised civil litigation at the Macleod Dixon LLP law firm since being called to the Alberta Bar in 1983. I have appeared as counsel in the Provincial Court of Alberta (Civil and Criminal Divisions), Court of Queen's Bench, Court of Appeal and the Supreme Court of Canada. I have extensive experience in alternate dispute resolution proceedings and have acted as a mediator in the successful resolution of insurance claims.

My practice is principally in the tort/liability defence and insurance fields with an emphasis on the defence of sophisticated, complex commercial claims, including product liability, commercial liability, professional negligence, and serious personal injury/wrongful death. I regularly act for a diverse group of international insurers and multinational manufacturers and have wide experience handling all manner of liability, property and casualty claims.

I have been named as a leading practitioner in the areas of dental malpractice defence, personal injury defence and commercial insurance by the Canadian Legal LEXPERT Directory and am one of only two Alberta lawyers to appear in the "International Who's Who of Insurance and Reinsurance Lawyers", a list of pre-eminent lawyers in the field. I have also been selected by my peers to be recognized in the U.S. published legal referral guide "Best Lawyers in America, Canadian Edition" as well as in "The Best Lawyers in Canada" in the areas of insurance defence and personal injury defence. The National Post newspaper in January 2007 reported me as being one of the "Best Lawyers, Insurance Law" in the country. That same newspaper reported me in April 2007 as being one of the "Best Lawyers, Personal Injury Defence" in the country. I have been selected by in-house counsel and my peers to appear in the Guide to the World's Leading Product Liability Lawyers, published by Expert Guides and the Legal Media Group.

I have also acted as a professional sports agent, certified by the National Hockey League Players' Association (NHLPA) and the Professional Hockey Players' Association (PHPA), representing players in their dealings and negotiations with professional sports teams.

EDUCATION

Bachelor of Arts	1979 McGill University Montreal, Quebec
Bachelor of Laws	1982 University of Alberta Edmonton, Alberta
Certificate of Completion	June 2004 Bell Helicopter 206B Pilot Ground School for Attorneys Bell Helicopter Training Academy Fort Worth, Texas

PROFESSIONAL

Articles of Clerkship Macleod Dixon	1982 - 1983
Admitted to Bar Province of Alberta	June 24, 1983
Associate Macleod Dixon	June 1983 - January 1990
Partner Macleod Dixon	February 1, 1990 - present
Chair Macleod Dixon's Insurance Practice Group	1997 - present

MEMBERSHIPS

Law Society of Alberta

Canadian Bar Association
1991 Organizing Committee, National Convention

Calgary Bar Association

Defence Research Institute (DRI)

Canadian Defence Lawyers

Honourable Order of Blue Goose International
1988 - present

LECTURES & PUBLICATIONS

Lectures on General Insurance/Legal Topics

The Society of Fellows, Southern Alberta Chapter, "*Legal Ethics: A Public Trust*", November 1996

Panel Member, The 1997 Western Universities Risk & Liability Workshop, "*Legal Liability in Athletic Competitions*", November 1997

The Canadian Institute, Vancouver, Topic: "*Hospital Liability*", Presentation: "*Clinical Pathways as an Indicator of Liability*", February 1998

Infonex Seminar, "*Identifying Legal Issues Pertaining to Insurance Policies in a Sexual Abuse/Harassment Context*", April 1998

CURIE Risk Management Conference, "*The Potential Liability of a University When Sending People Abroad*", October 1998

University of Calgary Seminar, "*The Potential Liability of a University When Sending People Abroad*", February 1999

Canadian Insurance Claims Managers Association, "*Strategic Approaches to the Changed Rules: A Defence Perspective/Update on Leading Cases*", April 1999

Panel Member, University of Calgary Seminar "*Workshop on International Security and Risk Management*", January 2000

University of Calgary Dinos Men's Volleyball Team, "*Developing and Maintaining Professionalism Throughout One's Career*", September 2000

Western Canadian Universities, "*Crisis Liability*", November 2000

Western Canadian Universities, "*International Crisis Planning and Liability*", November 2000

University of Calgary, Department of Psychology, Applied Psychology - Private Practice, Graduate Course, "*Risk Management for Independent Practice Professionals*", May 2001

University of Calgary Dinos Men's Volleyball Team, "*Opportunities and Challenges in European Professional Volleyball*", October 2001, October 2002

Calgary Jewish Academy, Administration, "*Liability of Educational Institutions*", December 2001

University of Calgary, Department of Kinesiology, "*Contractual Agreements for Off-Campus Travels*", September 2002

CURIE Risk Management Conference, "*University Liability Trial Demonstration*", Saskatoon, September 2002

City University, Department of Psychology, "*Risk Management for Chartered Psychologists*", July 2004

City University, Department of Psychology, "*Discipline Proceedings and Negligence Claims*", September 2004

CURIE University and College Risk Management Meeting, "Mandatory Mediation Demonstration", Winnipeg, October 2004

CURIE University and College Risk Management Meeting, "Failure to Educate Claims", Winnipeg, October 2004

CURIE University and College Risk Management Meeting, "Accident Investigation and Claims Settlement Demonstration", Montreal, September 2005

CURIE University and College Risk Management Meeting, "Class Action Litigation in Western Canada", Montreal, September 2005

Canadian Conference on Student Judicial Affairs, "Handling Alcohol-Related and Other Anti-Social Behaviour on University Campuses", Edmonton, March 2006

Risk and Insurance Management Society ("RIMS") Canada - 2006 National Conference, "Business Interruption Claims When the Insured Has No Physical Damage", Calgary, September 2006

Alberta Colleges Consortium Annual Meeting, "Educational Malpractice", Edmonton, October 2006

Lectures to Legal Profession

Lecturer/instructor, University of Calgary Law School, "*Intensive Trial Advocacy*", 1990, 1991

Legal Education Society of Alberta Banff Refresher Course, Personal Injury, "*The Hard Facts on Soft Tissue Injuries: Trends in Quantifying Damages*", April 1995

CBA Personal Injury Subsection, January 1996

Chairman/Lecturer, CBA Mid-Winter Meeting, Personal Injury section, "*Recent Procedural Developments in Alberta Personal Injury Litigation*", February 1996

Legal Education Society of Alberta Seminar, "*Personal Injury: The Fundamentals, Quantum Assessments in Soft Tissue, Orthopaedic Bony Injuries and Chronic Pain*", February 1998.

CBA Insurance Law Subsection, "*Personal Injury Assessment - The Defence Perspective*", October 1998

Lexpert Medical Negligence 1998, *The Art of Case Selection; Case Studies*; Panel, October 1998

Legal Education Society of Alberta Banff Refresher Course; Civil Litigation, "*Damages for Personal Injury in Alberta: Whiplash, TMJ, Chronic Pain, Psychological and Loss of Housekeeping Capacity Awards*", April 1999

CBA Personal Injury and Insurance Law Subsections, "*Personal Injury Damages Assessments*", June 1999

Chairman, Personal Injury Panel, Canadian Bar Association Mid-Winter Meeting, January 2000

Legal Education Society of Alberta "Personal Injury Primer" – "*A Decade of Whiplash Decisions in Alberta*", March 21 and 28, 2000

Canadian Bar Association, Personal Injury and Insurance Subsections, "*Non Whiplash Injury Quantification*", December 2000

Chairman, Legal Education Society of Alberta Seminar, "*Personal Injuries: Damages*", April 2001

Alberta Civil Trial Lawyers Association Seminar, "*Litigating Soft Tissue Injuries*", October 15 and 16, 2001

Legal Education Society of Alberta, Civil Litigation, "*Personal Injury Damages, The Fundamentals*", March 18 and 20, 2003

Sessional Chair and Lecturer, Legal Education Society of Alberta 37th Annual Banff Refresher Course, Civil Litigation, "*Re-Discovering Discovery*", April 24 - 28, 2004

Legal Education Society of Alberta "Insurance Update" - "*Recent Trends in Motor Vehicle Coverage Issues*", June 13 (Calgary) and 20 (Edmonton), 2007

Lectures to Dental Profession

Alpha Omega Dental Fraternity, "*Dentistry and the Law*," 1989, 1991, 1994, 1995, 1997

Guest, Shaw Cable 10 Television production, "*Dentistry and the Law*", 1994

The Comprehensive Dental Treatment Plan Study Group, February 1997

Calgary and District Dental Society, "*Litigation and Dentistry*", 1997, 1998

Calgary Oral Surgeons Study Group "Changes to *Limitations Act*", 1999

Canadian Dental Association National Congress, Jasper, Alberta, "Dental Malpractice and Professional Discipline Loss Prevention", May 2003

Calgary and District Dental Society, "*Avoiding Lawsuits*", April 2005

Lectures to Insurance Industry

Continuing education lectures to:

Guardian Insurance/ING:

November 1994	Whiplash Case Summary and Loss of Housekeeping
May 1995	Loss of Housekeeping Update, Commercial Host Liability and Increased Damages for Wrongful Death
November 1995	Paraesthesia, TMJ, Burns and Scarring, Improper Denture Fit and Value of Teeth
May 1996	Limitations Law and Use of Experts
June 1996	Assessment of Housekeeping, Loss of Future Care and Future Lost Income Claims
November 1996	Alternative Dispute Resolution, Changes to the <i>Alberta Hospital Act</i> and Pre-Judgment Interest
September 1999	Soft Tissue Quantification, Procedures under the <i>Hospitals Act</i> , Amendments to the <i>Limitations Act</i>
September 2000	Quantification of Personal Injury Damages, Quantification of Fatality Claims
November 2001	Calculating Lost Future Earnings in Fatality Claims
June 2002	Conflicts of Interest in Dental Malpractice Claims

Federated Insurance:

February 1994	Loss of Housekeeping and Fibromyalgia
August 1994	"Without Prejudice", Rules 243 and 244: Delay in Prosecution, Facsimile and Audio: Admissibility and Personal Injury Case Study and Assessment
February 1995	Commercial Host Liability
September 1995	Hospitals Amendment Act and Workers' Compensation Act
March 1996	Multiple motor vehicle accidents, New Limitations of Actions Act, Relief from forfeiture, Sale of Goods Act and Farm Implements Act and Overview of Typical Civil Litigation Steps
August 1996	The Producibility of Statements from an Insured to the Insurer, Changes to the Alberta Hospitals Act, Section B issues
April 1997	New Developments in Judicial Interpretation of Survival of Actions Legislation in Alberta, Damages for Personal Injuries in Light of the Principles of Tort Liability laid down by Supreme Court of Canada
September 1997	Costs in Litigation Process, Void ab Initio, Privilege and the Adjuster's file
April 1998	Fatality Assessments
September 1998	Amendments to Rules of Court
April 1999	Personal Injury Mini-Trial Demonstration
September 1999	Review of Leading Cases in Estate Claims
July 2000	Assessment of Personal Injury Damages
September 2000	Quantification of Personal Injury Damages
May 2006	Joint Claims and Underwriting Conference, "Personal Injury Mediation Demonstration", Winnipeg

Allstate Insurance:

October 1992	Overview of Typical Litigation Steps
February 1998	Assessment of Fatality Claims
August 2000	Civil Procedure Update - Perring and Mary Carter Agreements

State Farm Insurance:

October 1993	Overview of Typical Litigation Steps
September 1994	Overview of Typical Litigation Steps
March 1994	Loss of Housekeeping and Fibromyalgia
February 1997	Civil Procedure on Insurance Defence Files, Claims of Estate in fatality cases

PUBLICATIONS

Co-author of Civil Litigation Practice and Procedure - Recent Developments, Alberta Law Review 1990, 1992

Co-author of The Doctor's Role in the Courts: Unravelling The Litigation Nightmare, 1993, 1995

Co-author of Alberta Moderate Whiplash Awards Move Higher, Lawyers Weekly, July 23, 1999

Co-author of A Review of Whiplash Decisions in Alberta January, 1994 - February, 2006, March 2006

REPRESENTATIVE CASES

Professional Malpractice

Acted for a general dentist in the defence of a dental malpractice claim where a patient suffered from complications which led to quadriplegia.

Acted for a dental specialist in the defence of a claim where an infant patient suffered brain damage following post-surgical complications.

Represented several hundred dentists and dental specialists in the defence of malpractice claims involving each major speciality area of dentistry.

Acted as counsel to lawyers, psychologists, dentists, and medical doctors in disciplinary hearings before their respective professional associations.

Regularly represent psychologists, social workers, physiotherapists, student medical doctors and student nurses in the defence of malpractice claims.

Product Liability

Acted for a concrete supplier where it was alleged that faulty concrete was supplied to a major construction site in central Alberta.

Acted for a fast food restaurateur concerning allegations of E coli food poisoning of a family.

Acted for a pipefitter whose installation of a hot water heating system was alleged to have caused a major commercial fire at a ski resort.

Acted in the defence of a major international automobile manufacturer in a products liability case where the Plaintiff suffered life threatening injuries.

Acted for an appliance supplier in a products liability case where a wall oven is alleged to have caused a fire which destroyed a large private home.

Defended an appliance installation company against a claim where it was alleged that negligence in installing a gas line led to a major fire and destruction of a large private home.

Acted for a medical appliance supplier in the defence of a products liability case where a woman suffered significant abdominal complications following use of the product during surgery.

Acted for a medical/dental equipment supplier in the defence of a national class action involving the supply of dental-jaw joint implants.

Regularly act for farm implement dealers to defend lawsuits against them stemming from alleged breaches of warranty and negligent servicing of tractors, cultivators, loaders and combines.

Represented a manufacturer of an entertainment device used at country fairs and exhibitions which allegedly malfunctioned, leading to severe personal injuries.

Acted for the re-seller of a home security device which allegedly malfunctioned, causing a third party to be electrocuted.

Acted for a health and fitness company in the defence of an action where it was alleged that fitness equipment malfunctioned, resulting in permanent, disabling injuries.

Represented the designer and installer of an in-floor heating system which was alleged to have caused a major blaze which destroyed a large commercial building.

Acted for the re-seller of metal fabricated buildings in an action arising from the sudden collapse of a 600' x 300' farm building.

Represented the installer of a fire alarm system which was alleged to have failed to properly warn of a fire which went on to destroy a large private school in rural Alberta

Aviation

Acted for a world leader in helicopter design and manufacture concerning a ten-person fatality helicopter crash in the Maldives.

Acted for this same helicopter manufacturer in a crash of a medium helicopter alleged to have been caused by a mast fracture.

Represented the worldwide leader in general aviation engine manufacture concerning a light plane crash in British Columbia.

Provided legal advice, litigation support and opinions regarding international aviation conventions and protocols to foreign counsel following the fatal crash of an Antonov AN-140-100 aircraft at Nardaran, Azerbaijan.

General Casualty

Acted for a farm implement dealer where it was alleged that improper repairs and product instructions led to the loss of a limb of a customer/farmer.

Acted for an electrician in a case where it was alleged that another subcontractor was electrocuted on a job site.

Acted for an electrician who was alleged to have contributed to an oil field storage tank explosion as a result of faulty wiring.

Acted in the defence of a recreational gun owner charged with unsafe use of a firearm in a skeet-shooting incident that left one dead.

Acted in the defence of an oil company/gas station where it was alleged that their underground storage tanks had leaked causing major environmental damage.

Acted in the defence of a welder whose acts or omissions were alleged to have contributed to a ski-lift accident which rendered an infant a total quadriplegic.

Acted in the defence of the Province of Alberta respecting hundreds of claims arising from the sterilization and confinement of mentally handicapped individuals in central Alberta from the 1920's to the 1970's.

Represented several thousand defendants in personal injury litigation throughout the Province of Alberta concerning claims of a mild, moderate and severe nature, including claims involving paraplegia, quadriplegia, brain injury and death.

Represented a hotel bar and beverage room in a commercial host liability claim where a drunk patron left by vehicle and thereafter caused massive injuries to two teenaged bicyclists.

Represented gas fitters who were alleged to have contributed to a propane explosion which killed one and seriously injured another.

Represented concrete coring specialists who were alleged to have caused telephone switch disruption in a large Calgary office tower.

Regularly act for a large Canadian educational institution to defend claims brought against them arising from a wide variety of mishaps to their students and staff.

Acted for an auto body shop whose allegedly negligent repairs led years later to the collapse of the windshield pillar during a high speed collision which is said to have caused or contributed to a severe brain injury.

Acted for an oil field consultant who was named in a lawsuit arising from the death of a worker caused by the premature detonation of a dynamite charge.

Acted for the re-seller and installer of a large commercial HVAC system which allegedly malfunctioned and led to the destruction by fire of a large department store in the Northwest Territories.

Represented a concrete manufacturer whose allegedly negligent preparation of materials led to the delay in construction of two plants at the Empress field in Central Alberta.

Acted for the operator of a school bus company who had been named as a defendant in several wrongful death cases arising from allegedly negligent transportation of children.

Defended a major Canadian university in a \$12 million dollar abuse, harassment, defamation and failure to educate claim. Succeeded in having the claim struck on a summary judgment motion, which was later upheld by the Alberta Court of Appeal, with leave to appeal to the Supreme Court of Canada being refused.

Defended a major Canadian university in a large number of diverse claims arising from injuries suffered by students while participating in their recreational and outdoor education programs.

Defended a major Canadian university against a claim by couple who had alleged mistreatment and harassment by the university's caretaking and security staff.

Acted on behalf of a University's Medical Faculty in a claim involving allegations of failure to educate by a medical student who was claiming a delay in her education and attendant losses of significant income.

Acted on a similar claim in the defence of this University's Nursing Faculty by a former nursing student.

Acted on behalf of a city in Northern Alberta where it was alleged that their fire department failed to adequately respond to and fight a fire which led to over \$30 million in damages to a sawmill.

Represented an electrical contractor whose installation of a building automation system and interaction with a large retail store's central distribution panel were alleged to have caused a major fire at the store.

Represented a pharmacist named as a Defendant in litigation arising out of erroneous supply or prescription drugs.

Acted for a university, cardiologist and research study administrative staff who were alleged to have improperly conducted a prescription drug trial for cardiac patients.

Acted as coverage counsel in several cases where it was alleged that there was sexual abuse of junior and senior high school students by faculty members.

Represented a hotel bar and beverage room in a commercial host liability claim where a drunk patron left by vehicle and thereafter caused massive injuries to two teenaged bicyclists.

COMMUNITY INVOLVEMENT

1991 - 2003	Appointed to University of Calgary Athletic Advisory Board - Elected Chairman in 1994
1995 - 1998	Appointed to University of Calgary Athletic Hall of Fame Organizing Committee
1995 - 2003	Member of the Organizing Committee - University of Calgary Dinosaur Hockey Annual Golf Tournament
1996 - 1998	Chairman - CIAU Men's Volleyball All-Canadian Awards Dinner
1997	Recipient of University of Calgary Athletic Department Award of Distinction for distinguished service to the department

- 1998 - 2000 Appointed as advisor to the President, Vice-Presidents and Head Coach of the Men's National Hockey Team of the Canadian Hockey Association
- 1998 - 2000 Appointed to the Canadian National Hockey Team Advisory Committee
- 1998 - 2003 President of University of Calgary Men's Volleyball Booster Club
- 1998 - 2003 Appointed to the University of Minnesota-Duluth (NCAA) Athletic Advisory Committee
- 1998, 2000 Master of Ceremonies, Insurance Professionals of Calgary/Alberta Association of Insurance Adjusters Charity Auction
- 2000 Master of Ceremonies, Mount Royal College Insurance Faculty Fundraiser
- 2000 Master of Ceremonies, Jim Sinclair 5th Annual Insurance Industry Charity Golf Classic
- 1999, 2000 Master of Ceremonies, The Honourable Order of Blue Goose International, Alberta Pond, Christmas Dinner and Draw
- 2001 Appointed to Head Coach Selection Committee - University of Calgary Dino Hockey Program
- 2001 - 2004 Elected Vice-President, Calgary Jewish Academy; member of the school executive and chair of the security committee.
- 2003 - 2006 Elected to the Board of Directors, Intergold Ltd.
- 2002 - 2006 Member of the Design and Manufacturing Team of Intergold Ltd., makers of the Championship Rings for the following clubs:
- Detroit Red Wings (NHL) - Stanley Cup 2002
 - Anaheim Angels (MLB) - World Series 2002
 - New Jersey Devils (NHL) - Stanley Cup 2003
 - Florida Marlins (MLB) - World Series 2003
 - Tampa Bay Lightning (NHL) - Stanley Cup 2004
 - Detroit Pistons (NBA) - World Champions 2004
 - St. Louis Cardinals (MLB) - National League Champions 2004
 - Houston Astros (MLB) - National League Champions 2005
 - Carolina Hurricanes (NHL) - Stanley Cup 2006