



NIGEL P. KENT *

Chair, Insurance Group

Member, Executive Committee

Direct Tel. 604.643.3135

Email npk@cwilson.com

800-885 West Georgia Street

Vancouver, BC V6C 3H1 Canada

Main Tel. 604.687.5700

Fax 604.687.6314

Website www.cwilson.com

Area of Practice

Business, Environmental and Insurance Litigation.

Representative Assignments

The defence of numerous class actions (vanishing premium, auto salvage deductibles, radiant heat panels, beverage container refunds, tainted food products, etc. ... cases dismissed or settled on favourable terms);

Successfully defending a three hundred million dollar breach of fiduciary duty claim against a major educational institution (case dismissed with \$1 million costs awarded to clients);

Brokering settlement of a multimillion dollar E&O case against a prominent law firm and enforcing liability coverage for same;

Defending directors and officers in environmental remediation cost recovery actions;

Drafting policy wording for a newly licensed casualty and excess auto insurer;

Defending contractors and design professionals in a number of multi-party catastrophic property and casualty claims involving fires, landslides and contamination;

Acting as counsel in an arbitration respecting the valuation of minority limited partnership interests in a substantial real estate development project;

Obtaining injunctive relief and damages in BC's first copyright infringement and domain name "cybersquatting" case;

Acting for a national franchisor in litigating the enforcement and termination of a franchise agreement;

Arguing cases before the Court of Appeal involving bad faith, duty to defend, coverage, complex liability issues; and

Handling coverage enforcement and contribution claims through various litigation, arbitration and appraisal processes.

Profile

Nigel Kent practiced law in Alberta for 11 years before becoming a partner with Clark Wilson LLP in 1991. He heads up the firm's Insurance Litigation practice group and is also a member of the firm's Executive Committee.

With almost 30 years experience in insurance and business litigation matters, Nigel has handled a good number of complex and difficult cases at the trial and appellate levels in both Alberta and BC. He is a successful negotiator and has brokered settlements of many complicated multi-party disputes. He has arbitrated and litigated a wide variety of insurance coverage and contribution claims.

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Nigel is an elected member of the International Association of Defence Counsel (IADC) and, based on peer selection, is listed as leading insurance counsel in both *The Best Lawyers in Canada* and *Lexpert* directories. He also instructs the Insurance Law course at Capilano University.

He obtained his Bachelor of Laws degree from Dalhousie University in 1980.

Memberships & Associations

Member, Law Societies of Alberta (1981) and British Columbia (1991)
Member, International Association of Defence Counsel
Member, British Columbia and Alberta Civil Trial Lawyers Association
Member, Canadian Bar Association (Litigation, Environmental and Insurance subsections)
Member, Defence Research Institute
Instructor, Insurance Law Course, Capilano University
Lecturer, Continuing Legal Education.

Publications & Presentations

Some of the more recent articles and texts written by Nigel include:

- *Juggling Ethics: Joint Retainers and the Professional Obligations of Insurance Defence Counsel* (June 2009)
- *Meet Trusted Counsel*, Canadian Insurance Business Magazine (February 2009)
- *Appraisals Under BC's Insurance Act: Practice and Procedure* (September 2008 update)
- *Consolidated BC Insurance Statutes and Regulations* [Editor] (2008, Thomson-Carswell)
- *Directors and Officers Liability in Canada: A Review of Exposures and Coverages Available under D&O Policies* (June 2008)
- *Insurance Bad Faith Litigation in Canada: Developments since the SCC decisions in Whiten and Fidler* (June 2007)
- *MVA Claims in BC: A Manual for Out-of-Province Claims Examiners* (Revised 2007)
- *The CGL Policy and the Additional Insured Endorsement in Canada* (2006)
- *Tort Immunity: Covenants to Insure and Waivers of Subrogation* (Revised 2006)
- *Insurer Bad Faith Damages: A USA-Canada Comparison* (2004)
- *Mould Claims in Canada: Property and Liability Insurance Issues* (2003)
- *Uneasy Alliances: The Relationship Between Primary and Excess Auto Insurers in BC* (March 2002)
- *Theft, Vandalism and Sabotage in Cyberspace: Legal and Insurance Issues* (2001)
- *The Jetsons Get Into Trouble: A Sampler of Cyperspace Litigation in Canada* (2000)
- *Leaky Condo Litigation in BC: Liability Insurance Issues* (1999)
- *Arbitration of Commercial Disputes: A Primer for Clark Wilson LLP's Clients* (1999)
- *The Preparation of Expert Reports to be Used in a Civil Lawsuit: A Guideline for the Expert Witness* (1999)
- *Preventative Paperwork: Non-Waiver Agreements, Reservation of Rights and the Defence of Claims in Questionable Coverage Situations* (1997)

Nigel is a presenter on these and other topics at numerous seminars under the auspices of the Canadian Risk and Insurance Managers Society, the Continuing Legal Education Society of BC, the Insurance Institutes of British Columbia, Alberta and Ontario, the Insurance Brokers' Association of BC, and Insight Educational Services.