

**BARRY FRASER***Chair, Business Litigation Practice Group*

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## Area of Practice

Business Litigation, with an emphasis on complex commercial disputes, including bankruptcy and restructuring matters, real estate disputes, class action defence and intellectual property claims.

## Profile

Barry Fraser is a partner of Clark Wilson LLP and Chair of our Business Litigation and Insolvency and Restructuring Practice Groups. He brings an exceptional level of dedication, tenacity and professionalism to his representation of clients.

Before joining Clark Wilson to lead our business litigation group, Mr. Fraser was a senior partner with a national Canadian law firm, where he had built a thriving and successful practice over 26 years.

Mr. Fraser is recognized as an expert in business, insolvency and restructuring, receivership, intellectual property, employment, real estate, corporate governance and insurance coverage matters. He is recognized by his peers for his skills as an advocate. He regularly appears before the BC Supreme Court and Court of Appeal. Mr. Fraser has also represented clients before the Federal Court Trial Division, the Federal Court of Appeal, the BC Environmental Appeal Board, the BC Marketing Board and the Workers' Compensation Board.

Mr. Fraser has extensive experience dealing with public companies, including corporate governance issues, shareholder disputes and securities matters.

Mr. Fraser is also accomplished and experienced in alternative dispute resolution, including arbitrations and mediations.

He is co-author of *Defending Class Actions in Canada, 2002*, a book outlining class action law and procedure for use by corporate counsel and senior executives.

Mr. Fraser obtained his Bachelor of Arts degree from Simon Fraser University in 1974, and his Bachelor of Laws degree from the University of British Columbia in 1977.

## Representative Work

Acting for a national railway in the insolvency of 360 Networks.

Acting for the General Partner of a BC winery in receivership proceedings.

Defending the City of Pitt Meadows in receivership proceedings.

Defending a national firm from claims brought by a former executive for damages arising from efforts to create an IDA registered brokerage firm.

Acting for the landlord in arbitration concerning the enforcement of a lease for a build-to-suit retirement home.

Defending a national manufacturer of wood coatings against class action suits alleging that the coatings were defective and negligently manufactured.

Defending a national pharmaceutical company against allegations that its product caused heart attacks and strokes.

Acting for a committee on an appeal to the BC Court of Appeal which established the modern standard of conduct for committees.

Representing a national broadcaster in the Federal Court Trial Division and Federal Court of Appeal on a novel trade-mark case involving the use of an internet domain name which embodied a registered trade-mark.

Representing the employer in the seminal case in British Columbia concerning claims of breach of fiduciary duty and wrongful use of confidential information brought against a departed management employee and his new employer.

Acting for a Chinese resident and Hong Kong company in a case which established that the BC Supreme Court has jurisdiction over disputes concerning Sino-Foreign joint ventures.

Acting for both employers and employees on applications brought to restrain unfair competition.

Acting for a major forest products company to restrain the anonymous posting of defamatory messages on an internet bulletin board.

Representing a police officer on the largest found money case in Canadian history.

## Publications

Co-author: "Defending Class Actions in Canada", 2002, a book outlining class action law and procedure in Canada for use by corporate counsel and senior executives.

Co-author: "The National Class", an article concerning class action litigation published October 2005 by Lexpert.

Paper: "Insurance and Toxic Mould Claims", presented September 2006 at a conference organized by the Pacific Law Institute.

Paper: "When Key Employees Leave: Business and Litigation Perspectives", presented March 1996 for The Continuing Legal Education Society of BC.

## Memberships & Associations

Law Society of British Columbia

Trial Lawyers Association of British Columbia

American Trial Lawyers Association, now called the American Association for Justice

Terminal City Club

Arbutus Club

Vancouver Rowing Club