



Brian Poston

Partner

Aviation
Insurance

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Profile

From defending diverse tort based litigation to advising airlines, product manufacturers, operators and overhaul/repair facilities, Brian Poston has an insightful understanding of litigation and risk management with a particular emphasis on aviation and the aerospace industry. With over 20 years of experience, Brian advises insurers and their insureds on a wide range of operational and risk management issues, negligence, product liability, regulatory and coverage disputes.

Prior to becoming a lawyer, Brian spent 10 years as a reserve officer in the Royal Canadian Air Force, achieving the rank of Captain. This experience fostered an applied understanding of his clients' perspectives, enabling Brian to craft legal strategies that achieve practical and effective results.

Work Highlights

- > Successfully pursued a subrogated claim against a US heavy lift helicopter manufacturer in relation to transmission and input freewheel unit design.

- > Successfully pursued a subrogated claim against a multi-national corporation in relation to unauthorized and negligent fuel control unit modification.
- > Successfully pursued a subrogated claim against a US based repair facility in relation to negligent repair of a tail rotor quill assembly.

Additional work highlights below

When working with his clients, Brian's strategic advice and decisions are not based only on legal principles, but also their risk tolerance and the business objectives they wish to achieve. Acting as a trusted advisor, he never loses sight of the end goal no matter what the challenges of litigation may present.

Brian's ability to communicate not only as a lawyer and business advisor, but as a fellow industry professional, is often what draws his clients in. He is highly sought-after by companies for his specialized insight and unique perspective gained from his unique upbringing in the north as well as his years of service to both the aviation and legal communities.

Services

- > Tort litigation
- > Insurance defence and multi-party litigation
- > Product liability defence
- > Subrogated claims
- > Coverage advice and disputes
- > Regulatory compliance and administrative tribunals
- > Class action defence
- > Contractual disputes
- > Underwriting advice, policy wording and development

Prior to joining Clark Wilson, Brian was the Managing Partner at another Vancouver law firm. His leadership extends far beyond the firms in which he works, volunteering his time with several aviation-related and legal industry organizations as well as the local community.

Raised in Canada's arctic, Brian was exposed to the world of aviation and those who service it at a young age. His appreciation for the people who service the north in all sectors of society and the environment in which they work has continued into his adult life and has greatly influenced Brian's professional career.

Credentials

Awards & Distinctions

- > Litigation Counsel of America, Fellow, 2020-Present
- > Best Lawyers in Canada, Aviation, 2020-2021
- > Canadian Legal Lexpert Directory®, Consistently Recommended, 2015-2021
- > Who's Who Legal, Leading Aviation Lawyer in Canada, 2019-2020

- > Listed as aviation lawyer/firm of the year in the following publications: ACQ5
Corporate International Global Awards Corporate USA Today Expert Guides - Legal
Global 100 Global Law Experts Global Venture Lawyer International - Legal 100
M&A Today - Global Awards

Industry Involvement

- > Law Society of British Columbia, Member
- > Law Society of Yukon, Permission to Act (2015-2016)
- > Vancouver Bar Association, Member
- > Canadian Bar Association (B.C. Branch), Air and Space Law and Civil Litigation, Member
- > Canadian Bar Association (B.C. Branch), Aviation and Space Law Section, Executive Officer
- > Canadian Bar Association, Air and Space Law Section, National Executive Officer & Past Chair
- > Aviation Insurance Association (US), Member
- > Northern Aviation Transport Association (NATA), Member
- > American Bar Association, Litigation Section and Committee on Air and Space Law, Associate Member
- > Banff Forum, Participant

Community Commitments

- > Lester B. Pearson United World College of the Pacific, Board of Directors
- > Playmakers Basketball, Advisory Committee
- > St. Augustine School Transit Expansion, Advisory Committee
- > Vancouver College, Career Profile Volunteer

Education & Call to Bar

- > Call to Bar: British Columbia, 1999
- > Bachelor of Laws, University of Alberta, 1998
- > Bachelor of Social Science (Cum Laude), University of Ottawa, 1994
- > IB, Lester B. Pearson United World College of the Pacific, 1990

Additional Work Highlights

- > Successfully defended a hot air balloon and propane tank manufacturer in a products liability claim that saw extensive property damage, personal injury and loss of life.
- > Successfully defended a US based parts manufacturer alleged to have caused a helicopter main rotor blade to strike the cockpit killing the crew.
- > Provided timely legal and geo-political advice to underwriters regarding an act of aviation terrorism that resulted in significant loss of life.
- > Successfully managed litigation for insurers and manufacturers relating to in-flight break-ups, mid-air collisions, under water egress issues, piloting issues, transmission

failures, turbine blade delamination, operational issues, ground collisions, overhaul, component repair and engine design issues.

- > Successfully managed the defence of class action litigation involving environmental issues and Ponzi scheme participants.