



Michal Jaworski

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Partner

Higher Learning
Information Technology
Intellectual Property
Infrastructure, Construction & Procurement
Privacy
Commercial Real Estate
General Business Law
Technology Transactions

Profile

Michal is a trusted and strategic advisor, driven to understand his clients and help achieve their goals.

He is aware of what clients value because he's been in their shoes. He was an in-house counsel for almost six years, receiving legal service from external counsel and providing advice to his internal clients. He knows the value of responsiveness and efficiency, and providing clear, actionable advice on schedule and on budget.

Work Highlights

The University of British Columbia

> Managed and negotiated complex long-term relationships with community partners such as the Vancouver Whitecaps and Corix Utilities, and various international IT entities such as Workday, Salesforce and Oracle.

- > Led the review and development of several major policies, including: Conflict of Interest and Conflict of Commitment, and Capital Projects, Capital Purchases & Internal Loans.
- > Worked extensively with national and institutional counsel on the development of Copyright aware policies and procedures.
- > Coordinated a series of working groups with counsel and copyright officers from across Canada to research and draft policy positions on Copyright Act reform.
- > Negotiated several major land lease and related agreements for major capital projects, including the AMS Nest and the UBC Alumni Centre.
- > Worked extensively with UBC Campus and Community Planning, the UBC executive and UBC Properties Trust, on governance, land development and regulation, and strategic initiatives regarding on-campus housing.
- > Worked with the Ministry of Advanced Education, Skills and Training and the Attorney General to secure ministerial orders for various specific disposals of land, and unique arrangements to facilitate large scale development of the University's lands.

UBC Properties Trust

- > Completed numerous long-term lease transactions for neighbourhood and academic developments on UBC's Vancouver Campus.
- > Negotiated commercial leases for office and retail properties in Wesbrook Place.
- > As in-house counsel at UBC, worked to secure Board and Ministerial Approvals, and established clear and practical protocols and governance arrangements between UBC and the Trust.

Great Northern Way Campus Trust

- > Completed the sale of two ancillary properties on the Great Northern Way campus lands.
- > As in-house counsel and external counsel, assisted in navigating various institutional approval and Ministerial requirements.

Michal employs this in projects large and small. In a recent complex project under a tight deadline, he faced the standard time-consuming process of trading drafts, which can involve many hoops and hurdles. Michal was determined to expedite this process without sacrificing the quality of work. Proactively, he identified self-contained issues and engaged with the subject matter specialists (IT, tax, privacy) of both parties to resolve those, without impeding ongoing negotiations. As a result, a process that can take weeks or months was done in a fraction of the time, and the transaction closed on the parties' preferred date.

Services

- > Negotiating large, multi-faceted projects including IT outsourcing and long-term partnerships
- > Advising on Board governance including policy development and advice regarding bicameral governance
- > Drafting and negotiating various commercial agreements
- > Research commercialization
- > Copyright and trademark matters
- > Public sector procurement
- > Property development and leasing
- > Privacy, including policies, contract and compliance issues, and Freedom of Information requests

Michal has developed many relationships through his deep interest in seeing the higher learning sector thrive. He serves on the Board of the UBC Staff Pension Plan and is the First Vice-Chair of the Langara College Board. Michal has also taught students as an adjunct professor at the UBC Allard School of Law and Sauder School of Business. These experiences have provided him with an awareness of the challenges faced by boards, executives, faculty and staff, and how to best advise them.

Unafraid to embark into uncharted terrain with clients, Michal is passionate about presenting legal advice in a way that's easily understood and put into action. He sifts through the "legalese", learning the background and context so as to help his clients find creative solutions and hidden opportunities.

Credentials

Industry Involvement

- > Second Vice President, Canadian Association of University Solicitors
- > Canadian Bar Association
- > Law Society of British Columbia
- > Member at Large, CBA BC Charities and Not-For-Profit Subsection
- > First Vice-Chair, Board of Governors, Langara College
- > Product Design Advisory Committee, Kwantlen Polytechnic University
- > Adjunct Professor, Topics in Corporate Law, Allard School of Law, University of British Columbia (2010 - 2016)
- > Adjunct Professor, Land Law, Sauder School of Business, University of British Columbia (2015 - 2016)

Community Commitments

- > Board of Directors, UBC Staff Pension Plan
- > Innovation and Productivity Committee, Business Council of British Columbia
- > Human Capital Committee, Business Council of British Columbia

Presentations

- > Canadian Association of University Solicitors. Topic: Then was the winter of our discontent; Annual Copyright Act Review (May 2019)
- > Canadian Association of University Solicitors. Topic: Business Trusts: To be, or not to be / To buzz, or to buzz-kill (May 2019)
- > Fair Dealing Week, Balancing the scales: The role of fair dealing in Canada. Moderating a panel entitled: The faces of fair dealing: A conversation about user rights in Canada (February 2019)
- > Canadian Association of University Solicitors. Topic: Copyright, The Year in Review (September 2018)
- > ABC Copyright Annual Conference. Topic: Digital Content Licensing (April 2017)
- > ABC Copyright Annual Conference. Topic: Copyright Act in Review (April 2016)
- > BCNet Annual User Conference. Topic: Copyright Modernization Act's Notice and Notice Regime (April 2015)
- > Canadian Association of University Solicitors. Topic: Copyright and Donations of Cultural

Property (September 2015)

- > Canadian Association of Research Libraries. Topic: Copyright law, the next three years (October 2015)
- > "Trustworthy: A Primer on Post-Secondary Business Structures. Part 1 - The Wheelhouse Issue", Clark Wilson Higher Learning Newsletter, co-author (May 2019)
- > "Did you notice? When a notice is not a notice under the Notice and Notice regime.", Clark Wilson Higher Learning Newsletter, co-author (January 2019)
- > "Trademark Demand Letters - Avoiding Unforced Errors In The Age of Social Media", Clark Wilson Higher Learning Newsletter, co-author (January 2019)
- > "Copyright in Teaching Materials", BarTalk Magazine - CBABC (December 2018)
- > "Legislative Update - Trick or Treat?", Clark Wilson Higher Learning Newsletter, co-author (November 2018)
- > "Trademarks… Prohibited Marks… Official Marks? What? Which? Why?", Clark Wilson Higher Learning Newsletter, co-author (October 2018)
- > "FIPPA and Cloud Services - Compliance from Procurement to Go-Live", Clark Wilson Higher Learning Newsletter, co-author (October 2018)
- > "The information and rights for unions under the Labour Relations Code", Clark Wilson Higher Learning Newsletter, co-author (October 2018)
- > "Prohibited Marks and Universities: Are You Taking Full Advantage of Your Rights under the Trademarks Act?", Clark Wilson Higher Learning Newsletter, co-author (October 2018)
- > "A (re)introduction to FIPPA and how your familiarity with private sector privacy laws will only take you so far (alas, not far enough).", Clark Wilson Higher Learning Newsletter, co-author (October 2018)
- > "Final Certificate of Payment - Final No More", Clark Wilson Construction Law Bulletin, co-author (June 2014)
- > CLE Annotated Commercial Lease, Chapter on Surrender and Modification (2012 Edition)
- > "Do on-campus barber shops, mini-marts and travel agencies qualify as university purposes?", Clark Wilson campus counsel (August 2010)
- > CLE Annual Review, Construction Law section, Bidding and Tendering (2007, 2008, 2009 Editions)
- > "The Emerging Climate Consciousness - Public Company Disclosure and Beyond", Slaw Magazine (June 2009)
- > "Post-Tender Resubmission: The Duty to Carry Subcontractors", Clark Wilson Construction Law Bulletin (October 2008)
- > "Bare Bones" Privilege Clause Not Enough, Clark Wilson Construction Law Bulletin (July 2008)
- > "Unlimited Liability Companies Soon to be Available in BC", Clark Wilson Business Matters (October 2007)
- > "Is it an RFP or a Call for Tenders?", Clark Wilson Construction Law Matters (July 2006)