



Brian Poston

Partner

Aviation Law
Insurance
Insurance Coverage

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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 12 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 on 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
- > Mediation
- > Arbitration

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

- > Canadian Forces' Decoration (CD)
- > Litigation Counsel of America, inducted as a Fellow, 2021

- > Best Lawyers® in Canada Aviation Lawyer of the Year, 2023 Aviation, 2020 - 2024 Insurance Law, 2022 - 2024
- > Canadian Legal Lexpert Directory®; Leading Aviation Lawyer, 2015 - 2023 Repeatedly Recommended Lawyer, Aviation (Regulation & Liability), 2022 - 2023 Consistently Recommended, 2015 - 2021
- > Who's Who Legal Global Leader for Transport - Contentious Aviation, 2022 Leading Aviation Lawyer in Canada, 2019 - 2022 National Leader for Transport Aviation, 2021 Transport 2024

Industry & Community Involvement

- > American Bar Association, Litigation Section and Committee on Air and Space Law, Associate Member
- > Aviation Insurance Association (US), Member
- > Banff Forum, Participant
- > British Columbia Aviation Council, Member
- > Canadian Bar Association, Air and Space Law Section, National Executive Officer & Past Chair
- > Canadian Bar Association BC Branch, Aviation and Space Law Subsection, Executive Officer
- > Canadian Bar Association BC Branch, Air and Space Law and Civil Litigation Subsection, Member
- > Law Society of British Columbia, Member
- > Law Society of Northwest Territories, Member and Admissions Committee
- > Law Society of Yukon, Permission to Act (2015 - 2016, 2021)
- > Lester B. Pearson United World College of the Pacific, Board of Directors
- > Northern Aviation Transport Association, Member
- > Vancouver Bar Association, Member

Education & Call to Bar

- > Call to Bar: Northwest Territories, 2021
- > Call to Bar: Yukon, 2021 (Permission to Act)
- > Call to Bar: British Columbia, 1999
- > Bachelor of Laws, University of Alberta, 1998
- > University of Ottawa, Bachelor of Social Science cum laude, 1994
- > Lester B. Pearson United World College of the Pacific, International Baccalaureate, 1990

External Publications

- > Co-author, Back to Tort Law Basics - Plaintiff Fails to Establish a Duty of Care for Slip and Fall on a Municipal Sidewalk, B.C. Real Estate Law Guide published by LexisNexis Canada, December 2022

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.