



Jim Lebo, Q.C., FCI Arb, Partner

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For over 37 years Jim has delivered practical legal solutions enabling his clients to protect their businesses and other interests. He has handled litigation involving construction disputes, products liability, oil and gas, utility regulation, real estate disputes, securities regulation, shareholders' disputes, estates, intellectual property, lawyers' and engineers' professional liability and responsibility, labour, derivatives contracts and directors' liability. His commitment to understanding his clients' long-term goals, combined with his extensive experience prosecuting and defending litigation, enables Jim to provide a cost-effective, tailored solution for each matter.

Jim has extensive experience defending those facing professional liability claims. He has worked with clients on a variety of matters, from disciplinary proceedings against individuals to multi-million dollar actions against firms.

Jim's practice includes commercial arbitrations, both as counsel and arbitrator. In 2013 Jim joined the Chartered Institute of Arbitrators, an organization based in London, U.K. which has Canadian and North American Branches. After completing the necessary coursework and passing the examination requirements, Jim achieved Fellow status in the Institute, the highest level of membership.

Jim is an active and committed member of the Canadian Bar Association (CBA) and has held a variety of senior positions, including serving as Alberta Branch President and a member of the National Council. In recognition of his long commitment to the CBA, Jim received the CBA – Alberta Branch Outstanding Service Award in 2006 and the CBA SOGIC Ally Award in 2006. Currently Jim sits on the Board of Directors of Lawyers Financial/Canadian Bar Insurance Association..

Education:

- LL.B., Western University, London, Ontario
- M.Sc. Economics, London School of Economics, London, U.K.
- B.A. (*Honours*), Queen's University, Kingston, Ontario

Awards and Recognition:

- Corporate and Commercial Litigation, Construction Law, Appellate Practice, Legal Malpractice Law, Product Liability Law, and Alternative Dispute Resolutions, *Best Lawyers® in Canada, 2006 - 2021*
- Litigation (Alberta), *Chambers Canada 2021*
- Dispute Resolution (Alberta), *Chambers Canada*
- Dispute Resolution, *Chambers Global*
- Corporate Commercial Litigation, *Canadian Legal Lexpert Directory*
- Local Litigation Star, *Benchmark Canada 2016*
- Local Litigation Star - General Commercial, International Arbitration, *Benchmark Litigation Canada*
- BV Distinguished Peer Review Rating, *Martindale-Hubbell*
- Queen's Counsel, 1996

Professional Associations Affiliations and Community Activities:

- Fellow, Chartered Institute of Arbitrators
- Member of Board of Directors, Lawyers Financial/Canadian Bar Insurance Association
- Member, Institute of Corporate Directors
- Member, Scouts Canada National Review Board
- Participant, Alberta Ride to Conquer Cancer

PUBLICATIONS

- "When Owners are not "owners": An Update", James L. Lebo, Q.C. and Andrea M. Swabuk, *Construction Business*, 2010
- "When Owners are not "owners": Loopholes in lien liability?", James L. Lebo, Q.C. and Andrea M. Swabuk, *Construction Business*, 2010

PRESENTATIONS

- "Court Room Etiquette", Moderator, Canadian Bar Association Skilled Lawyers Series, 2014

- “Ethical Issues for In-House Counsel”, Moderator, Canadian Institute for the Administration of Justice, Ethics and Civility in the Practice of Law, 2014
- “A View from the Bench: Motion Practice and Strategy”, Moderator, Canadian Bar Association Skilled Lawyers Series, 2012
- “Conducting and Defending a Discovery”, James Lebo, Q.C. and Lyle Harris, Q.C., Canadian Bar Association Skilled Lawyer Series, 2011
- “New Rules of Court Program”, Legal Education Society of Alberta, Instructor
- “Successful Strategies for Protecting your Builders’ Liens”, 18th Annual Western Canadian Construction Superconference, 2010
- “Managing Risk in Construction Contracts”, 17th Annual Western Canadian Construction Superconference, 2009

COMMERCIAL LITIGATION

- Geophysical Service Incorporated v Encana Corporation et al., 2016 ABQB 230, 2017 ABCA 125
Represented an oil company in an intellectual property dispute relating to use of licensed technical data; the claimant alleged our client breached the terms of license agreements and the claimant’s copyright in certain data. Case settled.
- Represented an oil company in a dispute with its joint venture partner over the terms of the joint venture and the satisfaction of certain obligations in the joint venture. Case settled.
- Giammarco et al. v. TRL Real Estate Syndicate et al., 2015 ABQB 587
Represented the vendor of commercial real estate in claims arising from an uncompleted sale transaction. Case settled after trial and before appeal.
- Represented a shareholder of a private corporation in a dispute with another shareholder stemming from a commercial development. Case settled at mediation.
- Represented a regulator in a dispute involving a corporation which claimed the regulator has breached the corporation’s rights under the Canadian *Charter of Rights and Freedoms*. Case settled early in the proceedings.
- Represented an engineering firm in a claim arising from an oil pipeline failure; the client was involved in the design of a facility upstream of the pipeline where the failure took place. Case settled during trial.
- TD Auto Finance (Canada) Inc. v. Yan, 2014 ABCA 233
Represented an auto finance company in an appeal over whether the finance company’s security interest survives a sale of an automobile to a third party after the vehicle’s VIN was illegally altered by an intervening party. Appeal successful.
- Represented an oilfield facility operator in a claim against a major pipeline transmission company. Our client alleged that when the pipeline company crossed an oil flow line during construction of a major transmission line, the flow line was not properly supported. The flow line later failed and oil

was discharged into the surrounding environment. The pipeline company added companies and individuals involved in the pipeline construction as third parties. Case settled at mediation.

- Represented a grocery retailer in a dispute with an equipment leasing company. Another party (out of business by the time of the proceedings) had persuaded our client to install video displays in grocery stores on the basis there would be no net cost. When the company went out of business, the leasing company sought payment on its leases for the video equipment. Case settled at judicial mediation.
- Represented a junior oil and gas company, and its major shareholder, in claims brought by the other large shareholder of the company. The claims included breach of an agreement over share ownership and oppression in the management and operation of the company. The litigation was ongoing for four years before our firm was retained to take over the case, and it was settled by direct negotiation on the eve of trial.
- Represented an individual who provided private mortgage financing to a residential real estate project. A claim was brought against a lawyer who was involved with placement of security on the property after it was found the agreed security for the loan was not obtained. Claim settled following judicial mediation.
- *Marathon Canada Limited v. Enron Canada Corp.*, 2009 ABCA 31
Represented a natural gas producer in a dispute over the termination of a long term gas supply contract. Case was successful at trial and upheld on appeal.
- *Calgary (City) v. Alberta (Energy and Utilities Board)*, 2010 ABCA 94, *FortisAlberta Inc. v. Alberta (Utilities Commission)*, 2015 ABCA 295
Represented a large municipality in appeals to the Court of Appeal of Alberta arising from regulatory decisions concerning the regulated rates set for the purchase of natural gas by consumers.
- *Imperial Oil Resources Ltd. v. 826167 Alberta Inc.*, 2007 ABCA 131
Represented a large oil and gas company in a successful appeal to the Court of Appeal of Alberta from the Surface Rights Board.
- Represented a large oilfield services company in an intellectual property dispute with a competitor, a former employee and a consultant. Case settled before trial.
- Represented a power generation company in a claim arising from a large industrial fire. Case settled before trial.
- *Edmonton (City) v. TransAlta Energy Marketing Corporation*, 2008 ABQB 426
Represented a power generation company in a claim arising from the sale of a large industrial asset to a municipality. Case successfully resolved on summary judgment.
- Represented a power generation company in a claim arising from the release of water from a river dam. Case settled.
- Represented a power generation company in several claims arising from a wildfire sparked by a downed transmission line. Cases settled.
- *Omairi v. Compass Group PLC*, 2009 ABQB 611
Represented a large camp catering company in a jurisdictional dispute with an employee over

whether the employee's claims were properly represented before the courts or an arbitrator under the collective agreement. Case settled after some hearings.

- Canada Southern Petroleum Ltd. v. Amoco Canadian Petroleum Company Ltd., 2001 ABQB 803
Represented a large natural gas producer in a long-running dispute with a carried interest owner. The issues included allegations that our client failed to market natural gas according to a contractual commitment and failed to operate and maintain gas wells and associated facilities. Trial lasted almost 5 years and was settled before appeal.
- Represented a large oilfield services company in a dispute over the operation of underwater oil production lines. Case settled at mediation.
- Represented the manufacturer of components installed in an oil upgrader facility in a claim brought by the facility owner. Case settled at mediation.
- Represented other corporate and personal clients in a wide variety of contract disputes, including real estate transactions, investment advice, business disputes, intellectual property, franchise disputes, oil and gas operating agreements, electrical utility matters, and products liability.

ARBITRATION EXPERIENCE

Jim is a Fellow of the Chartered Institute of Arbitrators. He has conducted commercial arbitrations as lead counsel under the *Arbitration Act of Alberta* with panels of three arbitrators.

Jim also acts as an arbitrator and has served as sole arbitrator in several commercial disputes. Jim is currently serving as sole arbitrator for two ongoing commercial disputes.

CONSTRUCTION LITIGATION

- Represented an engineering firm in a claim relating to a failed road in a new residential subdivision. Our client provided certain advisory services to the developer related to the road construction. The developer added our client as a third party to the claim by the road contractor against the developer for the cost of repairing the road. Case settled.
- Represent an engineering firm in a claim relation to foundation design for a building constructed in Canada's North. Case is ongoing.
- Represented the owner and the main contractor on a bulk fuel facility in a damages claim brought by the former construction manager whose contract was terminated during construction.
- Represented a condominium corporation in a claim against the developer and others regarding defective construction of common property. Case settled at mediation.
- Represented the developer of a residential condominium high-rise building in a dispute with the mechanical contractor. Case settled during trial.

- Represented a large geotechnical engineering firm in a claim arising from the construction of a residential condominium complex in Calgary. Case settled before trial.

OTHER LITIGATION EXPERIENCE

Professional Liability:

- Represents lawyers in cases involving legal malpractice claims.
- Represents engineers in professional liability claims and disciplinary matters before APEGA.

Estate Litigation:

- *Cross Estate (Re)*, 2016 ABQB 177
- *Aldred Estate (Re)*, 2018 ABQB 600
- Represents beneficiaries and personal representatives in contested estate and estate distribution claims. Recent cases involved a dispute between a widow and children of a former marriage and a dispute amongst siblings over the right to challenge gifts made prior to a parent's death.

Constitutional Litigation:

- Represented the Canadian Bar Association, an intervener in *Alberta (Information and Privacy Commissioner) v. University of Calgary*, 2016 SCC 53. This appeal dealt with the conflict between the investigative powers of the Information and Privacy Commissioner and a claim of solicitor-client privilege by the party under investigation.
- Represented an intervener in *Pridgen v. University of Calgary*, 2012 ABCA 139, in the Court of Appeal of Alberta on the issue of whether the *Canadian Charter of Rights and Freedoms* applies to universities.
- Represented the Canadian Bar Association, an intervener in Reference re *Same-Sex Marriage* [2004] 3 S.C.R. 698, which dealt with the constitutionality of same sex marriage in Canada.
- Represented the Canadian Bar Association, *Intervener in R. v. Fink*, [2002] 3 S.C.R. 209, which dealt with solicitor-client privilege and the execution of search warrants on law offices.
- Represented the Canadian Bar Association – Alberta Branch, an Intervener in *Vriend v. Alberta*, [1998] 1 S.C.R. 493, which dealt with whether the equality provisions of the Canadian Charter of Rights and Freedoms required provincial human rights legislation to include protection from discrimination on the basis of sexual orientation.