



**Michael Barbero, Partner**

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Michael maintains an advocacy practice primarily focused on responding to the regulatory and litigation needs of Alberta's resource companies. Michael has acted for both large and mid-sized oil and gas companies, electrical generators, electrical distributors, national financial institutions, investors, and professionals in a host of disputes involving regulatory proceedings, commercial litigation, and commercial arbitrations. Michael's recent representative experience includes project approval of a large combined-cycle gas fired power generating facility, advising clients on indigenous and land-related matters and disputes, and acting for a major corporation in litigation involving damages to indigenous lands.

**Education:**

- LL.B., University of Windsor
- B.A., University of Calgary

**Professional Associations, Affiliations and Community Activities:**

- Member, Canadian Bar Association
- Environmental Section
- Civil Litigation Section
- Member, Connecting Environmental Professionals, Calgary Chapter

**ENVIRONMENTAL & REGULATORY**

Michael has juniored on a number of significant environmental and regulatory proceedings involving

oil and gas permitting and compliance, transmission line routing and approval, large arbitrations between electrical generations, arbitrations between electrical distributors, and environmental approvals for all types of operations.

Michael's representative experiences includes:

- Representing oil and gas companies in all manner of applications before the AER.
- The successful representation of land owners before the AUC in relation to the Foothills Area Transmission Development.
- Representation of businesses affected by the construction of the Bonnybrook Energy Centre.
- Representation of litigations in a dispute with the Natural Resources Conservation Board relating to approval of agricultural operations.

## **CIVIL LITIGATION**

Michael has appeared before all three levels of Alberta Courts (Provincial Court, Court of Queen's Bench, and Court of Appeal) representing or assisting in the representation of:

- International, national and mid-sized corporations
- National financial institutions
- National insurance companies
- Resource developers
- National political parties

Michael's representative experience includes:

- Representation of international engineering firm in contract audit dispute.
- Representation of international power generation company in a large scale commercial arbitration.
- Representation of an international pipeline company in commercial disputes with purchasers.
- Representation of a national financial institution in matters relating to contract enforcement, debt collection, and secured transactions.
- Representation of a national financial institution in obtaining judicial consideration of key provisions of the *Personal Property Security Act*.
- Representation of shareholders in all nature of dispute.

## **PROFESSIONAL LIABILITY**

Michael has represented clients in professional conduct and disciplinary hearings before various professional bodies, including both the Law Society of Alberta and APEGA.

Michael's representative experience includes:

- Representation of a member before the Law Society of Alberta.
- Representation of engineers before APEGA in relation to all manner of complaint, including: conflict of interest, breach of the public interest, violation of applicable standards, and many others.

## **BANKRUPTCY & INSOLVENCY**

Michael's practice is restricted to the representation of creditors seeking to recover amounts in the face of either personal or corporate bankruptcies.

The primary objective in any bankruptcy scenario is to secure the largest possible realization on assets for distribution to creditors. By working closely with Trustees and strategically using all available tools provided under the *Bankruptcy and Insolvency Act*, Michael aims to meet the primary objective of maximizing asset realization.

Michael's representative experience includes:

- Successfully opposing the discharge of personal bankrupts.
- Forcing investigations by the Office of the Superintendent of Bankruptcy into the conduct of bankrupts where such conduct has been deserving.
- Forced asset recovery on behalf of creditors.

## **PUBLICATIONS**

### **2019**

- "The Supreme Court of Canada Overturns Ontario's Interpretation of the Great Lakes Indemnity Clause" Michael Barbero & Katherine Hagan, Student-At-Law., *Assessing the Impact: Environmental and Resources Law Blog*, 2019

### **2018**

- “Bill 13 - Alberta's Capacity Market” Michael Barbero & Gavin Fitch Q.C., *Assessing the Impact: Environmental and Resources Law Blog*, 2018

## **2017**

- "Supreme Court of Canada Turns the Ship Around on Damages for Mental Injury", *McLennan Ross E-Mail Alert*

## **2016**

- "Supreme Court of Canada to Consider the Duty to Consult in the Context of NEB Proceedings", *McLennan Ross E-Mail Alert*

## **2015**

- "Alberta Takes First Step in 'Re-thinking' Climate Policy", *McLennan Ross E-Mail Alert*
- "Supreme Court of Canada Grants Leave to Fracking 'Crusader'", Gavin Fitch and Michael Barbero, *McLennan Ross E-Mail Alert*

## **2014**

- "Court of Appeal Rejects Private Law Duty of Care Owed by Regulators", Gavin Fitch and Michael Barbero, *McLennan Ross E-Mail Alert*
- "Court of Appeal Provides "Modern Approach" to Privileged Documents", *McLennan Ross E-Mail Alert*
- "Further Hurdles in the Ability to Schedule Timely JDRs", *McLennan Ross E-Mail Alert*
- “Oil and Gas Law: From Habendum to Patent Law”, Dr. Emir Crowne and Michael Barbero, *Washington and Lee Journal of Energy, Climate and the Environment*, Volume 5, Issue 2, 2014

## **2013**

- "Government Releases Rules and Regulations for New Alberta Energy Regulator", Evan Dixon and Michael Barbero, *McLennan Ross E-Mail Alert*
- "ERCB Sends Well Licence Applicant Back to the Drawing Board...Again", Michael Barbero and Gavin Fitch, *McLennan Ross E-Mail Alert*

## **2012**

- "Another Layer to the Environmental Cake", *McLennan Ross E-Mail Alert*
- "Stop the Smelter", *McLennan Ross E-Mail Alert*
- "CEAA- Faster, Easier...Better?", *McLennan Ross E-Mail Alert*
- "ERCB Approves Well in Vicinity of Gas Storage Reservoir", *McLennan Ross E-Mail Alert*

## **2011**

- "Caribou Issues Increase In Relevance", Evan Dixon & Michael Barbero, *McLennan Ross Legal Counsel Newsletter*
- "The Importance of Assessing Alternative Sites", *McLennan Ross E-Mail Alert*

## **2010**

- "No Longer a Moot Point: The Importance of Advocacy in the Law School Curriculum", Dr. Emir Crowne, Mohamed Hashim, and Michael Barbero, *Advocate's Quarterly*, Vol. 37, No. 3, November 2010