



JOE LAWYER

Synopsis of Legal Experience

I have been engaged in civil litigation since my articles and call to the Bar. I have conducted 18 Provincial Court trials, small claims court or family court; participated in a dozen Supreme Court trials, several as lead counsel; and appeared before three judge panels of the Court of Appeal five times, two times as lead counsel. I have been involved in discoveries, chambers applications and mediations. My case load currently includes approximately 85 active ICBC defence matters, and approximately 25 other matters, primarily family and general civil litigation.

Insurance Defence/Plaintiff

My practice for the past 5 years has consisted of a significant proportion of insurance defence work on behalf of ICBC. They consist of plaintiffs with various claims such as soft tissue, orthopaedic, neurological and psychological injuries. In particular, my work has included:

- receiving instructions from and communicating with insurance adjusters
- preparing and conducting chambers applications to seek production of documents, adjournment of trial, removal from Rule 66, Rule 28 and Rule 29 applications
- interviewing and preparing defendants for discovery
- conducting video depositions and Rule 28 examinations of witnesses in preparation for trial
- attending several costs assessments before the Registrar
- retaining and instructing medical and engineer experts
- holding a *Swirski* interview with a physician prior to trial
- drafting interrogatories, examination for discovery reporting letters and mediation summaries
- drafting pleadings, applications for both Supreme Court and Provincial Court
- attending and conducting numerous Examinations for Discovery on a frequent basis
- participating in case management (pursuant to Rule 68) and pre-trial conferences
- conducting two mediations, one of which resulted in settlement
- negotiating with plaintiff's counsel to resolve claims
- preparing materials for summary trial applications to resolve liability
- conducting assessments of files and providing recommendations to adjuster regarding offers to settle, IME's, investigations of the plaintiff, document production etc.
- acting as junior counsel in two British Columbia Supreme Court trials (jury and judge alone) by hearing and summarizing evidence and drafting written argument
- conducting a 3 day Supreme Court Rule 66 trial, *Name v. Name*, Vancouver Registry No. X12345 which included cross-examination of two expert witnesses and leading evidence of numerous witnesses, researching case law and drafting written submissions and providing oral submissions
- Conducting a 5-day Supreme Court jury trial, *Name v. Name*, 2007 (unreported jury trial). Defendant made a false statement to ICBC when he was involved in an

accident. Conducted cross-examination of ICBC adjuster. Jury verdict in favour of the plaintiff.

Family Law

Approximately 35% of my practice consists of family law files, which has provided me with ample opportunity to appear in Provincial Court on a regular basis as well as refine my client interview skills. In particular, my work has included the following:

- conducting three Supreme Court trials which lasted between 3-5 days
- conducting several Provincial Court family trials and applications
- conducting numerous Settlement Conferences, Examinations for Discovery and Judicial Case Conferences in Supreme Court
- conducting numerous contested Chambers applications, including 18A trials
- drafting various agreements including separation agreements, prenuptial agreements and cohabitation agreements.

General Civil Litigation

Approximately 10 to 15% of my practice consists of general civil litigation. I have experience prosecuting and defending a variety of commercial matters including employment matters, tax matters, contract matters and other commercial disputes, from initial retainer through to appeal. I have appeared as lead counsel in the Court of Appeal four times on appeal hearings, and a fifth time on a leave application. I have done a variety of work in this field, including the following:

- drafting pleadings for actions such as breach of contract, monies owed and theft
- drafting pleadings, including Statement of Claim and Statement of Defence
- drafting pleadings, including Notice of Claim, Reply and Applications for Production of documents, Default Orders for Small Claims Court;
- drafting factum for British Columbia Court of Appeal;
- preparing a pre-judgment collection order
- attending settlement and pre-trial settlement conferences in small claims court
- preparing witness ‘will-says’ and organizing documentary evidence for trial
- conducting two small claims court trials for breach of contract
- handling B.C. Provincial Court Small Claims files (debt collection, employment)
- assisting senior counsel with British Columbia Supreme Court Rule 18A Summary Trial
- drafting Chamber’s Briefs for Rule 18A Summary Trials
- conducting numerous contested Chambers Applications, Settlement Conferences and Examinations for Discovery
- attending as junior counsel in a judge alone British Columbia Supreme Court trial
- conducting numerous Small Claims trials for wrongful dismissal, contract disputes, debt and property law matters
- conducting a 5 day hearing of a Petition in Supreme Court involving the enforcement of a Statutory Building Scheme