



Brian Vail, QC, Counsel

in

Edmonton

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Overview

Brian Vail is Counsel in the firm's Edmonton office with more than 30 years of experience representing individuals, businesses and public institutions in a broad range of civil and criminal litigation matters before trial and appellate courts throughout Alberta. He has extensive experience with cases involving a combination of civil and criminal law issues in multiple venues, defending businesses, individuals and public institutions facing emotionally-charged claims and complaints of embezzlement, sexual offences, misconduct or other serious wrong-doing.

Brian is well versed with respect to using electronic evidence and social media in litigation. He feels it is important to keep up to date on the law and to look for common ground and shared concerns on every file so as to facilitate resolution by settlement if possible and by litigation if necessary. He takes satisfaction from taking the mystery out of the law applicable to his clients' situations.

Brian's practice is primarily focused on the following:

- Emerging Technology and Privacy – cyber-liability, autonomous (driverless) vehicles and related insurance issues
- Criminal Defence – assault, sexual offences, child pornography offences and internet luring offences, embezzlement, fraud
- Insurance – approved litigation defence counsel for several major insurers throughout Canada
- Education Law – defence of teachers and schools against all types of misconduct claims
- Personal Injury – defence of motor vehicle accident, work accident, product liability and other negligence claims
- Complex Commercial Litigation – breach of contract, shareholder actions and partner disputes

Before joining Field Law, Brian articulated with the Alberta Court of Appeal. He has spoken at industry events and published numerous papers discussing trending topics in emerging technology, privacy and cyber-liability, autonomous vehicles, social media in litigation, criminal, insurance, personal injury, and education law. He is also a former sessional lecturer at the University of Alberta, Faculty of Law. Brian was appointed a Queen's Counsel in 2012.

Brian is a member and past chair of the National Insurance Section of the Canadian Bar Association and past chair or co-chair of the Insurance, Criminal Justice and Education Law subsections of the Canadian Bar Association

Industries

Insurance
Technology

Services

Insurance
Criminal
Cyber Liability
Privacy + Data Management

Education

University of Alberta, 1981,
Bachelor of Laws
University of Alberta, 1978,
Bachelor of Commerce, With
Distinction

Admissions

Alberta, 1982

(Northern Alberta). He is also currently a member of the Privacy and Intellectual Property/Technology subsections. He is a past chair and current member of the Canadian Defence Lawyers and a member of the Defence Research Institute and the Criminal Trial Lawyers Association.

Outside the Office

Brian is an avid reader of history and science fiction and an amateur archer.

Experience

Gilson v. Fort Vermillion School Division No. 52, 61 A.R. 225, Board of Reference Under the School Act

R. v. Wasylyk, [2015] A.J. No. 1466 (Alta.P.C.)

Stubbard v. Hajduk Gibbs LLP, 2015 ABCA 73, Alberta Court of Appeal

R. v. Paolinelli, 2012 ABPC 213

R. v. Edna Smith, Docket No. 100631498P1, Alta.P.C., per Watson, P.C.J., Alberta Provincial Court

R. v. Jonkman, 2010 ABPC 245

R. v. Eszczuk, [2009] A.J. No. 1503 (Alta. Q.B.)

R. v. McNally, [2008] A.J. No. 586, Alberta Provincial Court

R. v. Sautner, 2008 CarswellAlta 2235, Alberta Provincial Court

J.N. v. G.J.K., 2004 ABCA 394, Alberta Court of Appeal

Professional

Calgary Personal Injury + Insurance Law

Member

2011-Present

Alberta Association of Insurance Adjusters

Member

2010-Present

Edmonton Insurance Association

Member

2010-Present

Canadian Bar Association Alberta, Criminal Justice Section (North)

Member

2005-Present

St. Thomas More Lawyers' Guild

Executive Member

2007-Present

International Order of the Blue Goose

Member

1999-Present

Canadian Bar Association Alberta, Insurance Law Section (North)

Past Chair

1997-Present

Alberta Civil Trial Lawyers Association (ACTLA)

Associate Member

1990-Present

Canadian Bar Association Alberta, Insurance Law Section (North)

Member

1985-Present

Canadian Bar Association, Insurance Law Section

Member

1985-Present

Edmonton Bar Association

Member

1982-Present

Criminal Trial Lawyers' Association

Member

1982-Present

Law Society of Alberta

Member

1982-Present

Canadian Bar Association Alberta, Civil Litigation Section (North)

Member

Canadian Defence Lawyers

Member

Canadian Bar Association Alberta, Education Law Section (North)

Executive Member

2006-2019

Canadian Bar Association Alberta, Criminal Justice Section (North)

Past Co-Chair

2010-2016

Canadian Defence Lawyers

Executive Member

2004-2008

Community

Member, Capital Region Archery Club, 2014-Present

Legal Sector Liaison, Sign of Hope Campaign, Catholic Social Services, 2000-2015

Recorder, St. Thomas More Catholic Parish, 2010-2011

Chair, Parish Council, St. Thomas More Catholic Parish, 2009-2010

Vice Chair, Parish Council, St. Thomas More Catholic Parish, 2008-2009

Parish Council, St. Joseph's Basilica Parish, 2001-2004

Recognition

Listed Insurance Law, The Best Lawyers™ in Canada: 2016 - 2021

Queen's Counsel: 2012

"Distinguished", Martindale-Hubbell® Peer Review Ratings™: 2017-2019

"Repeatedly Recommended" Personal Injury (Represents Defendants), Canadian Legal Lexpert® Directory: 2019

"Repeatedly Recommended", Canadian Legal Lexpert® Directory: 2008 - 2012

News + Views + Events

December 2020 - 25 min read

Case Summary: Tokio Marine & Nichido Insurance Company v Security National Insurance Company

December 2020 - 7 min read

Case Summary: Der v Zhao

December 2020 - 9 min read

[Case Summary: In re Capital One Consumer Data Sec. Breach Litig.](#)

October 2020 - 5 min read

[Case Summary: LDS v SCA](#)

October 2020 - 6 min read

[Case Summary: National Ink & Stitch, LLC v. State Auto Property & Casualty Insurance Company](#)