



## Dan Carroll, QC, LLM, Counsel

### Edmonton

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## Overview

Dan Carroll is a trial lawyer with nearly 40 years of experience representing individuals and small, mid-sized and Fortune 500 companies in complex civil litigation matters before trial and appellate courts. He has served as lead counsel in a broad range of litigation over the years, including personal injury, subrogated insurance, commercial disputes, Residential School abuse, construction, media and internet defamation, bankruptcy and insolvency, municipal tax appeals and legal malpractice defence. Dan is also frequently called upon by clients and other lawyers to provide an in-depth case analysis to ensure an effective strategy is in place before it proceeds.

In addition to his litigation practice, Dan leverages his deep experience resolving disputes in the courtroom to assist litigants engaged in alternative dispute resolution. He regularly mediates complex cases that involve considerable liability exposure and other challenging road blocks that impede informal settlement attempts. Dan has completed mediation courses offered by the Alberta Arbitration and Mediation Society and acted as a volunteer mediator for the Better Business Bureau. He also engages in arbitration for litigants seeking to resolve disputes without the considerable expense and unpredictability involved with jury trials.

### Value to Clients

When clients are facing seemingly impossible disputes with potential liability exposure that puts their future in peril, they call on Dan to step in immediately and repair the situation to the full extent possible under the circumstances. He gets deeply involved in every case and always looks ten moves ahead to ensure that he and his clients explore every option available to achieve the desired outcome. Clients appreciate Dan's ability to take a completely objective view of their cases and conduct a pragmatic analysis of their likelihood of success. He also takes pride in giving individual clients some measure of closure in difficult cases that have a profound impact on their lives.

### Outside the Office

Dan enjoys expanding his knowledge of the law and even went back to school aged 60 to obtain his Master of Laws degree in 2013. He enjoys gardening, spending time at his home on Vancouver Island and engaging in a good debate with his former law school classmates in a small book club focused on contemporary fiction, history, politics and economics. Fifteen years ago, Dan accidentally purchased a health club membership in a silent auction and

## Industries

Construction  
Media + Entertainment  
Real Estate

## Services

Litigation  
Construction  
Class Actions  
Insurance  
Builders' Liens  
Corporate + Business Disputes  
Education

## Education

Osgoode Hall Law School, 2013,  
Master of Laws  
University of Alberta, 1978,  
Bachelor of Laws  
University of Alberta, 1974,  
Bachelor of Arts With Honours

## Admissions

Alberta, 1979

became dedicated to physical fitness – he has been working out with a personal trainer three times a week ever since.

## Experience

LaPrairie Works Inc v Ledcor Alberta Limited, 2019 ABQB 701

ALIA re: Sylvia Lapaschuk and Andrew Tanasychuk

MGN Constructors Inc v AXA Pacific Insurance Company, 2018 ABQB 631

KBR Industrial Canada Co v Air Liquide Global E&C Solutions Canada LP, 2018 ABQB 257

Direct Horizontal Drilling Inc v North American Pipeline Inc, 2017 ABQB 653

Sunshine Village Corporation v. Canada (Attorney General), 2017 FC 846

Paradis Honey Ltd. v. Canada, 2015 FCA 89, Federal Court of Appeal

Modry v Alberta Health Services, 2015 ABCA 31, Alberta Court of Appeal

Modry v Alberta Health Services, 2015 ABCA 20, Alberta Court of Appeal

Mewburn v. Peers, 2013 ABQB 299, Alberta Court of Queen's Bench

## Professional

### Canadian Bar Association Alberta

#### Member

2006 - Present

## Community

Advisor, Edmonton Area Land Trust, 2009-Present

Supervisor, Pro Bono Students Canada, 2005-Present

Mentor, CBA Mentor Program, 2005-Present

President, Belgravia Community League, 1999-2003

## Recognition

Queen's Counsel: 2008

"Litigation Star", Benchmark Canada: 2013 - 2018

Listed Insurance Law , The Best Lawyers™ in Canada: 2014 - 2020

Listed Construction Law, The Best Lawyers™ in Canada: 2014 - 2020

"Repeatedly Recommended" Aboriginal Law, Canadian Legal Lexpert® Directory : 2017 - 2018

"Distinguished", Martindale-Hubbell® Peer Review Ratings™: 2013, 2016 - 2019

## Notable Work

- Represented Chief Restructuring Advisor in major CCAA proceeding
- Served as lawyers' insurance defense counsel on several multi-million-dollar claims
- Represented more than 1,000 plaintiffs advancing Residential School claims against Canada and churches in Alberta mass tort action/national class action (\$5B settlement)
- Managed the Field Law Residential Schools practice unit of ten counsel, seven paralegals and three assistants
- Served as litigation counsel to ski resort, newspaper, land developer, oil manufacturing and education clients
- Served as defense counsel in litigation involving major petrochemical fire losses (oil sands claims) (\$1B, \$250M)
- Served as defense counsel in partnership dispute (\$15M)
- Defended major contractors and owners on construction and other complex litigation issues
- Represented plaintiffs in asbestos claim (\$15M)
- Served as plaintiff and defense counsel in defamation/media litigation - individuals, newspapers, institutions and companies

- Represented major banking insurer in litigation and liquidation proceedings

## Client Stories

### Sunshine Village Corporation v. Attorney General of Canada, 2017 FC 846

- **Where we began:** Sunshine Village Corporation had general access right to the access road from Trans-Canada Highway, which it used for overflow parking for its ski resort. Parks Canada triggered a large avalanche that exceeded its runout boundaries and deposited 150m of debris on the Access Road in an area previously thought to be safe from avalanche risk. Shortly after the avalanche, the Parks Canada Superintendent prohibited Sunshine from using the access road for overflow parking. Sunshine sought an application for judicial review seeking to quash the decision of the Superintendent to prohibit parking on the access road.
- **Our approach:** Judicial Review was the only remedy available to the client and we took steps to expedite the process and the hearing to meet the client's seasonal deadline. That tactic was complemented by a strategy focusing on the failure of the Superintendent to decide taking into account on the key evidence of his own expert.
- **The result:** The Court agreed with Field Law's submission that the decision was unreasonable and not supported by the evidence that was before the Superintendent. The judge quashed the Superintendent's decision and remitted the matter to the Superintendent to be decided anew and ordered that Sunshine have a full opportunity to be heard on the question of the provision of alternative parking.

### ALIA re: Silvia Lapaschuk and Andrew Tanasychuk

- **Where we began:** As defence counsel, we frequently face allegations that paint a negative picture of the defendant even though there is a good defence. In one such case, the plaintiff was convinced the defendants had defrauded an elderly relative. The relative, who could not read or write, sold land to the defendants for much less than market value, soon before his death.
- **Our approach:** Our strategy was to focus on the defendants' good character and relationship with the landowner before the land transfer. In Questioning, the defendants revealed themselves as kind people who would not take advantage of the landowner.
- **The result:** Despite initial concerns about liability exposure exceeding a million dollars, we were able to settle the case without any payment, based on discontinuance without costs. We negotiated a settlement after the plaintiffs' counsel questioned the defendants and saw for his own eyes that these were decent people, despite the nature of the allegations against them.

## News + Views + Events

September 2018

[The Best Lawyers in Canada 2019](#)

August 2017

[The Best Lawyers in Canada 2018](#)