



BRYAN G. BAYNHAM

Bryan is Associate Counsel with Harper Grey and Co-Chair of our Defamation, Privacy & Media Law Group. He is also the past chair of our Commercial Litigation Group.

BRYAN G. BAYNHAM

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ASSISTANT

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EXPERTISE

Aviation
Class Actions
Commercial Litigation
Defamation, Privacy & Media Law
Directors & Officers Liability
Real Estate Law
White Collar Crime

Bryan provides advice and acts as counsel with respect to corporate and commercial disputes and all issues relating to aviation, real estate, contract, tort and defamation litigation. He has extensive experience and has represented a number of financial institutions in appellate proceedings.

EXPERIENCE

AVIATION LAW

- Representing airlines and operators in hull loss subrogated actions
- Representing the pilot, operator and underwriters in multiple actions for wrongful death, personal injury and property damage in a hot air balloon crash
- Representing an operator in a successful recovery action in British Columbia and instructing defence counsel in a Texas death claim arising out of a helicopter accident in British Columbia
- Representing a telephone company in a wrongful death claim and a hull recovery claim arising out of a helicopter colliding with a telephone line

CLASS ACTIONS

- Representing defendants in the class action litigation following the collapse of two large financial institutions, Eron Mortgage Corporation and the Legion Credit Union

CONDO LITIGATION

- Representing individuals and groups of purchasers disputing pre-sale contracts for the purchase of condominiums from real estate developers in British Columbia
- Successfully negotiating the return of all or part of the pre-sale purchase deposits to buyers who wanted to exercise their rights of rescission

DEFAMATION & BREACH OF PRIVACY

- Advising publishers and media outlets concerning defamatory and potentially defamatory statements both before and after publication
- Successfully defending a vice principal and a school board in a seven-day jury trial involving defamatory remarks made on school property
- Representing an elite athlete in a defamation action involving remarks made about her in an email exchange
- Obtaining court orders requiring internet service providers to disclose the identity of

people who post anonymous comments that defame clients and breach their rights to privacy

- Pursuing claims for breach of privacy and defamation against websites and individuals who post compromising photos and comments
- Acting for cabinet ministers, members of parliament, MLAs, mayors and councillors in a variety of defamation actions

COMMERCIAL LITIGATION

- Representing the liquidator of the Christian Brothers of Ireland in Canada in ground breaking litigation to sell trust properties, including private schools, to satisfy outstanding claims for sexual abuse perpetrated by individual Christian Brothers at the Mount Cashel orphanage in Newfoundland. The liquidator ultimately made a recovery of \$19 million by way of settlement.
- Representing Kuehne & Nagel International at the Supreme Court of Canada in a landmark decision which changed the law by allowing third parties to claim the benefit of an exclusion clause in a contract to which they were not a party. This case also explored the boundaries between the law of contract and the law of tort and is recognized as the seminal decision in the ongoing debate concerning vicarious liability.
- Representing an employer in a trial and appeal concerning vicarious liability for an independent contractor

SECURITIES LITIGATION

- Representing a defendant in an 80-day securities/conspiracy trial commenced by a brokerage firm
- Representing brokerage firms and private individuals in various actions for negligence, breach of fiduciary duty, and fraud with respect to both on and off market securities transactions

INSURANCE

- Representing Canadian, American and international insurers in actions including liability, damage, coverage, and subrogation claims
- Acting as counsel for the Canadian Life and Health Insurance Association in an action concerning the constitutional authority of the Province of British Columbia to regulate the telemarketing of credit insurance by banks
- Representing the life insurance industry in an appeal concerning the exigibility of annuities and in particular segregated funds where the debtor/bankrupt has designated a spouse or a member of his immediate family as beneficiary of the policy

PROFESSIONAL NEGLIGENCE

- Representing professionals including lawyers, accountants, doctors, architects, engineers, real estate agents, appraisers and insurance agents with respect to claims for professional negligence, breach of fiduciary duty and fraud

DIRECTORS AND OFFICERS INSURANCE

- Representing individual directors in actions whereby either company shareholders or third parties seek recovery for breach of both statutory and common law duties arising out of an individual's position as a director or officer of a company
- Advising a large international company concerning the wording and coverage provided by various layers of offshore excess insurance designed to protect directors and officers generally, and in particular their exposure to punitive damages both in Canada and the United States
- Assisting an insurance intermediary in drafting policy wording to provide directors and officers coverage for a nation-wide program for sporting organizations

CREDENTIALS

EDUCATION

- University of Toronto, LL.B., 1972
- University of Western Ontario, B.A. (Hons.), 1969

BAR ADMISSIONS

- British Columbia, 1973
- Appointed Queen's Counsel, 1997

LEADERSHIP

- Co-Chair, Harper Grey Defamation, Media & Privacy Law Group
- Past Chair, Harper Grey Commercial Litigation Group
- Speaker for various industry and educational organizations including the [Continuing Legal Education Society of BC](#), the [Pacific Business and Law Institute](#) and the [Society of Notaries Public of BC](#)
- Past Member, Canadian Bar Association Special Committee on the Reform of Parliament

MEMBERSHIP

- Member, [The Law Society of British Columbia](#)
- Member, Canadian Bar Association, BC Branch Subsections:
 - Aviation Law

RECOGNITION

Recognized as a "Local Litigation Star" in British Columbia in the areas of Defamation, General Commercial and Insurance by Benchmark Canada®, 2013 - 2018

Recognized by Best Lawyers® in Canada as a "Leading Lawyer" in the areas of Defamation and Media Law, Insurance Law and Legal Malpractice Law, 2006 - 2020

Rated as a "Repeatedly Recommended Leading Practitioner" in the area of Litigation - Commercial Insurance by Canadian Legal Lexpert Directory®, 2014 - 2018

Named Vancouver "Lawyer of the Year" in the area of Defamation and Media Law by Best Lawyers® in Canada, 2013

Martindale-Hubbell® Peer Review Rating: 5.0 Martindale-Hubbell Preeminent

Inducted into the Litigation Counsel of America, 2011

Appointed Small Claims Adjudicator and Justice of the Peace by Province of British Columbia pursuant to Pilot project initiated by Chief Judge Hugh Stansfield, 2008 to present

Appointed Queen's Counsel in 1997, a designation that recognizes a lawyer's skill, contribution to the profession and to the justice system

COMMENTARIES

"Recognition remains vibrant for firm figurehead Bryan Baynham, a veteran of commercial law as well as niche areas such as real estate, defamation, media and privacy."

— *Benchmark Canada® 2017*

"Bryan Baynham exemplifies the ways in which this firm has set itself apart. He attends to a variety of practice areas that he has really cornered a market on, like aviation and also defamation and media law."

— *Benchmark Canada@ 2016*

"Bryan Baynham has a strong presence and remains active and upbeat. I always seem to have something going with him, confirms one peer."

— *Benchmark Canada@ 2016*

"Peers vouch for Bryan Baynham's acumen, addressing him as a "worthy opponent, good on his feet, very skilled and seasoned."

— *Benchmark Canada@ 2012*

SELECT ARTICLES + PUBLICATIONS

"Residential Real Estate Case Law Update" Paper

Published By: Harper Grey - 12.Dec.12

Written by: Bryan G. Baynham, QC

"299 Burrard Residential Partnership Limited v. Essalat" Counsel Comment

Published In: Take Five Newsletter - Aug.12

Written by: Bryan G. Baynham, QC

"Defamation in the Age of the Internet: The Modern Day Soapbox" Article

Published By: Harper Grey - 20.Sep.10

Written by: Bryan G. Baynham, QC, Daniel J. Reid

"BC's Real Estate Development Marketing Act" Paper

Published By: Harper Grey - 19.May.10

Written by: Bryan G. Baynham, QC, Daniel J. Reid

SELECT EVENTS + PRESENTATIONS

Bryan Baynham QC and Daniel Reid present at Trial Lawyers Association of BC seminar "Under Pressure: Interim Tactics That Apply Pressure In Commercial Litigation"

Presentation Date: 18.Nov.16

Presented by: Bryan G. Baynham, QC, Daniel J. Reid

James Lepp, QC and Bryan Baynham, QC to join Panel of Learned Litigators at upcoming CLE course "A Litigator's Arsenal – The Tools And Techniques For Litigation Success!"

Presentation Date: 23.Oct.15

Presented by: Bryan G. Baynham, QC, James M. Lepp, QC

Bryan Baynham, QC and Daniel Reid to co-present at the PBLI Local Government Conference

Presentation Date: 30.May.13

Presented by: Bryan G. Baynham, QC, Daniel J. Reid

Bryan Baynham to present at Trial Lawyers of BC Trial by Fire No More! Lecture Series

Presentation Date: 27.Mar.13

Presented by: Bryan G. Baynham, QC

Bryan Baynham, QC and Dan Reid to present at Association of Certified Fraud Examiners

Presentation Date: 16.Oct.11

Presented by: Bryan G. Baynham, QC, Daniel J. Reid

Daniel Reid and Bryan Baynham, QC to present workshop at Union of BC Municipalities Annual Convention

Presentation Date: 29.Sep.11

Presented by: Bryan G. Baynham, QC, Daniel J. Reid

Bryan Baynham, QC and Daniel Reid to speak at Local Government Liability seminar

Presentation Date: 06.May.11

Presented by: Bryan G. Baynham, QC, Daniel J. Reid

Bryan Baynham, QC presents to The Society of Notaries Public of BC Regarding Pre-Sale Condo Contracts

Presentation Date: 10.Apr.10

Presented by: Bryan G. Baynham, QC

Harper Grey partner Bryan Baynham, QC to present at Residential Real Estate Conference 2009

Presentation Date: 03.Dec.09

Presented by: Bryan G. Baynham, QC

Harper Grey lawyer Bryan Baynham, QC to present on Residential Real Estate Deals: CLE

Presentation Date: 19.Jun.09

Presented by: Bryan G. Baynham, QC

SELECT NEWS

Harper Grey receives 48 rankings from Best Lawyers® in Canada 2020

Related to: Sandra Abley, JD, CFP®, TEP, Steven Abramson*, Owais Ahmed, Bryan G. Baynham, QC, Richard E. Bereti*, Salman Y. Bhura*, Guy P. Brown, QC*, William S. Clark*, Prentice Durbin*, Michael J. Hewitt*, Kimberly J. Jakeman*, Steven G. Lukas*, Maureen L.A. Lundell, QC, William D. MacRae*, Derek Mah*, Jonathan D. Meadows*, David W. Pilley, Una Radoja*, Christopher M. Rusnak*, Raj Samtani*, John P. Sullivan*, W. Sean Taylor, Michael G. Thomas*, Nigel L. Trevethan*, Abigail C.F. Turner*, Henning W. Wiebach*, Jennifer R. Woznesensky, Lara C. Zee - 21.Aug.19

30 Harper Grey Lawyers recognized by Best Lawyers® in Canada 2019

Related to: Steven Abramson*, Owais Ahmed, H. Roderick Anderson*, Bryan G. Baynham, QC, Richard E. Bereti*, Salman Y. Bhura*, Guy P. Brown, QC*, William S. Clark*, Prentice Durbin*, Michael J. Hewitt*, Kimberly J. Jakeman*, James M. Lepp, QC, Steven G. Lukas*, Maureen L.A. Lundell, QC, Derek Mah*, Jonathan D. Meadows*, David W. Pilley, Una Radoja*, Christopher M. Rusnak*, Raj Samtani*, John P. Sullivan*, W. Sean Taylor, Michael G. Thomas*, Nigel L. Trevethan*, Abigail C.F. Turner*, Henning W. Wiebach*, Jennifer R. Woznesensky, Lara C. Zee - 21.Aug.18

Bryan Baynham, QC quoted in Macleans' article regarding recent decision in the Steven Galloway arbitration matter against UBC

Related to: Bryan G. Baynham, QC - 11.Jun.18

19 Harper Grey Lawyers recognized for litigation expertise by Benchmark Canada® 2018

Related to: H. Roderick Anderson*, Bryan G. Baynham, QC, Richard E. Bereti*, Salman Y. Bhura*, Guy P. Brown, QC*, Karen F. Douglas*, Michael J. Hewitt*, Kimberly J. Jakeman*, James M. Lepp, QC, Jonathan D. Meadows*, David W. Pilley, Christopher M. Rusnak*, John P. Sullivan*, Michael G. Thomas*, Nigel L. Trevethan*, Abigail C.F. Turner*, Jennifer R. Woznesensky, Cameron B. Elder, Una Radoja* - 19.Apr.18

2018 Canadian Legal Lexpert® Directory recognizes 24 Harper Grey lawyers as “Leading Practitioners”

Related to: Steven Abramson*, H. Roderick Anderson*, Bryan G. Baynham, QC, Richard E. Bereti*, Salman Y. Bhura*, Guy P. Brown, QC*, William S. Clark*, Karen F. Douglas*, Prentice Durbin*, Michael J. Hewitt*, Kimberly J. Jakeman*, James M. Lepp, QC, Maureen L.A. Lundell, QC, Jonathan D. Meadows*, David W. Pilley, Una Radoja*, Christopher M. Rusnak*, Raj Samtani*, W. Sean Taylor, Nigel L. Trevethan*, Abigail C.F. Turner*, Lara C. Zee - 13.Apr.18

In recent case of Wilke v. Jeong B.C. judge orders homebuyer who balked at foreign buyer tax to give up \$180,000 deposit

Related to: Bryan G. Baynham, QC - 27.Nov.17

Best Lawyers® in Canada 2018 recognizes 27 Harper Grey Lawyers

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16 Harper Grey lawyers recognized for litigation expertise by Benchmark Canada® 2017

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18 Harper Grey lawyers recognized as “Leading Practitioners” by 2017 Canadian Legal Lexpert® Directory

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Martindale-Hubbell® recognizes 14 Harper Grey lawyers

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Best Lawyers® in Canada 2017 recognizes 24 Harper Grey Lawyers

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2016 Canadian Legal Lexpert Directory recognizes 11 Harper Grey lawyers as “Leading Practitioners”

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15 Harper Grey lawyers recognized for litigation expertise by Benchmark Canada 2016

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20 Harper Grey Lawyers recognized by Best Lawyers

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2015 Canadian Legal Lexpert Directory recognizes 9 Harper Grey lawyers

Related to: Barbara J. Norell, QC, Bryan G. Baynham, QC, David W. Pilley, Guy P. Brown, QC*, James M. Lepp, QC, Kimberly J. Jakeman*, Raj Samtani*, H. Roderick Anderson* - 30.Jun.15

12 Harper Grey lawyers recognized for litigation expertise by Benchmark Canada 2015

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17 Harper Grey lawyers recognized by Best Lawyers® in Canada 2015

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2014 Canadian Legal Lexpert® Directory recognizes 8 Harper Grey lawyers

Related to: Barbara J. Norell, QC, Bryan G. Baynham, QC, David W. Pilley, Guy P. Brown, QC*, James M. Lepp, QC, Kimberly J. Jakeman*, H. Roderick Anderson* - 13.Aug.14

Harper Grey receives high rankings from Benchmark Canada 2014

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12 Harper Grey lawyers recognized by Best Lawyers in Canada 2014

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Bryan Baynham, QC featured in CBC News Top Story regarding recent condo pre-sale ruling

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10 Harper Grey lawyers recognized for litigation expertise

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Bryan Baynham, QC interviewed by The Province

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Bryan Baynham, QC interviewed by The Globe and Mail

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Bryan Baynham, QC interviewed by Canadian Business

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Bryan Baynham, QC interviewed by The Province and other media outlets

Related to: Bryan G. Baynham, QC, Daniel J. Reid - 05.Nov.12

Bryan Baynham, QC interviewed by CBC News

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Eight Harper Grey lawyers recognized by Best Lawyers in Canada 2013

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Three Harper Grey lawyers recognized for litigation expertise by Benchmark Canada 2012

Related to: Bryan G. Baynham, QC, Christopher M. Rusnak*, Terrence L. Robertson, QC - 17.Feb.12

Harper Grey lawyers Bryan Baynham, QC and Daniel Reid quoted in commentary: SCC Decision re: Crooks v. Newton

Related to: Bryan G. Baynham, QC, Daniel J. Reid - 19.Oct.11

Seven Harper Grey lawyers recognized by Best Lawyers in Canada

Related to: Bryan G. Baynham, QC, Christopher M. Rusnak*, James M. Lepp, QC, H. Roderick Anderson*, L. Neil Matheson, QC*, W. Sean Taylor - 19.Sep.11

Harper Grey's Bryan Baynham, QC one of four lawyers to represent groups at Missing Women Inquiry

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Bryan Baynham, QC inducted into Litigation Counsel of America

Related to: Bryan G. Baynham, QC - 10.May.11

Harper Grey lawyers Bryan Baynham, QC and Daniel Reid quoted in Vancouver Sun regarding how social media is creating a growing business in defamation

Related to: Bryan G. Baynham, QC, Daniel J. Reid - 21.Jan.11