



Jason
Murray*
Partner

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BIOGRAPHY

Jason Murray is a Vancouver-based litigator and negotiator with a broad range of experience advising and representing clients in Aboriginal law matters and on commercial, insurance, and product liability litigation.

Jason works to provide clients with effective guidance in Aboriginal law matters, advising First Nations, industry, and government clients on the implications of Aboriginal rights and title on resource and related development. He provides counsel to both industry and First Nations communities in the negotiation of impact benefit agreements (IBAs) and agreements with the Crown. He has advised clients with applications before the Canada Energy Regulator. Jason has also helped guide clients engaged with environmental assessment of projects before the Impact Assessment Agency of Canada and BC Environmental Assessment Office. Clients turn to Jason for his help in negotiating agreements that build partnerships and foster good working relationships so that projects may move forward in accord with the duty to consult and accommodate Aboriginal peoples.

An experienced courtroom lawyer, Jason has represented clients before all levels of court in British Columbia and before several tribunals, including the British Columbia Utilities Commission. He acted as counsel in the significant Aboriginal rights and land title trial, *Tsilhqot'in Nation v. British Columbia*. A litigation generalist, Jason has represented clients in a variety of commercial disputes and in class actions involving consumer products, deceptive/misleading marketing, and government and institutional negligence. Jason has also represented clients in personal injury matters.

Jason advocates for clients subject to administrative and regulatory proceedings, including the discipline of members of the Law Society of BC, the College of Physicians and Surgeons of BC, and students enrolled at private and public secondary and post-secondary

PRACTICE AREAS

- Insurance
- Business Disputes
- Class Action
- Professional Regulation
- Indigenous Consultation & Reconciliation
- Personal Injury Defence
- Product Liability

EDUCATION

- LLB, Queen's University (2001)
- BA, University of British Columbia (1998)

BAR ADMISSION

- British Columbia, 2003

institutions.

Jason is also involved in the community. He has served as legal counsel to electoral campaigns and nomination contestants in federal and municipal elections. Jason is a director of the Jewish Federation of Greater Vancouver and a past director the Centre for Israel and Jewish Affairs.

A graduate of Queen's University with a Bachelor of Laws, and the University of British Columbia with a Bachelor of Arts, Jason served as a law clerk to seven justices of the Supreme Court of British Columbia after completing law school.

NOTABLE CASES

NOTABLE MANDATES

New Day Agreement, February 2020. Jason and Douglas Eyford, K.C. were pleased to act for Cheslatta Carrier Nation in its successful negotiation of a comprehensive agreement with Rio Tinto. The New Day agreement involves the parties in the areas of training, employment, business opportunities and environmental stewardship, including the creation of the Nechako Reservoir Stewardship Program, a joint initiative that will leverage local knowledge to maintain the Nechako Reservoir watershed ecosystem while promoting recreation and tourism opportunities consistent with ongoing Cheslatta stewardship activities.

Economic and Community Development Agreements (ECDAs). Jason acted as lead negotiator for First Nations impacted by significant mining projects in central British Columbia, including by negotiating ECDA agreements with the provincial Crown for a share of the direct mineral tax revenue on new and expanding major mines.

Accommodation Agreements. Jason negotiated impact benefit agreements on new and existing mining projects in northern and central British Columbia, including for a First Nation and for a mine operator. He represented another First Nation in several

accommodation agreements focused on highway construction through the nation's territory.

Relationship Agreements. Jason represented First Nations in concluding relationship agreements and in establishing communication protocols with resource development companies engaged on projects within his clients' territories. He negotiated several agreements for a First Nation client to share resources and cooperate in regulatory proceedings with a neighboring nation concerning a major mine development.

Canada Energy Regulator. Jason advised First Nations and government on oil and gas pipeline operation and construction, including on applications before the Canada Energy Regulator.

NOTABLE CASES

Winick v. Goddard, 2020 BCSC 4. Jason acted as counsel for the defendants in a trial in which the plaintiff sought significant compensation for injuries arising out of three successive motor vehicle collisions. The court ultimately found that there was reasonable prospect for the plaintiff to enjoy some increased functioning and scope for a return to a more moderate level of activity. The plaintiff was awarded only half of the compensation she sought at trial for her future loss of earning capacity and roughly half the damages she sought for her future care and diminished housekeeping capacity.

Repin v. Aam Ventures Ltd., 2020 BCSC 227. Jason acted as counsel for the defendants in a trial where the defendants were successful in undermining the credibility of the plaintiff and the weight ascribed to one of the plaintiff's key medical experts. All of the plaintiff's applicable damages were reduced 25% for failure to mitigate, except for future cost of care, which was reduced by 10%. In the result, the court awarded the plaintiff a mere 10% of the compensation she sought at trial.

Dabu v. Schwab, 2016 BCSC 613. Jason acted as counsel for the defendant in a trial involving diagnoses of major depressive disorder, somatic symptom disorder, and chronic pain syndrome, resulting from a motor vehicle accident.

Jones v. Zimmer GMBH, 2011 BCSC 1198, aff'd 2013 BCCA 21. Jason acted as counsel for the representative plaintiff in a successful application to certify a national class action against the manufacturers of the Durom acetabular hip implant.

Chalmers v. AMO Canada Company, 2010 BCCA 560. Jason acted as counsel for the representative plaintiff in an appeal upholding certification of a class action against the manufacturers of Complete All-In-One MoisturePLUS contact lens solution.

Tsilhqot'in Nation v. British Columbia, 2007 BCSC 1700. Jason acted as counsel for the Provincial Crown in landmark litigation involving the elements of the test for establishing Aboriginal title to land and the duty of the Crown to consult and accommodate in respect of development of land over which Aboriginal rights and title are asserted.

Transpacific Petroleum Corp., et al. v. The Minister of Petroleum-Egypt, et al. (12 September 2009), Vancouver S083864 (B.C.S.C.). Jason acted as counsel for the Egyptian Minister of Petroleum in a successful application to strike claims on the basis of state immunity under the State Immunity Act, R.S.C. 1985, c. S-18.

ASSOCIATIONS

Member, Vancouver Bar Association

Member, Canadian Bar Association

Member, Law Society of British Columbia

Member, International Association of Jewish Lawyers and Jurists

Director and Vice Chair, Jewish Federation of Greater Vancouver