



## David G. O'Brien, KC

PARTNER

### SAINT JOHN

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### PRACTICE AREAS

Insurance Litigation • Administrative • Health • Regulated Professions

## BIOGRAPHY

David O'Brien, KC, is a partner in the Saint John office of Cox & Palmer. He was called to the New Brunswick Bar in 1984 after completing his education at Dalhousie University. David was a partner in the former firm Barry Spalding and joined Cox & Palmer in January 2013. He was appointed the designation of Queen's Counsel (now King's Counsel) in 2010.

David is a recipient of the "Distinguished Service Award / Médaille de Service Méritoire Exceptionnelle" of the New Brunswick Branch of the Canadian Bar Association. David has developed a strong litigation practice in health law and insurance law, and routinely represents the interests of a number of insurers in the courts of New Brunswick. He has participated in the drafting of private legislation pertaining to health law, and has prosecuted professional misconduct cases for the medical and opticians' professional associations in New Brunswick. He is also solicitor to the Architects' Association.

When David attended St. Francis Xavier University, he was Vice-President of his class, and won the Governor-General's Gold Medal in 1980, following four years on the Dean's List. His thesis under the direction of Senator John B. Stewart considered "Civil Liberties Under Emergency Government: A Case Study Of The War Measures Act". He won the prestigious Law Foundation of Nova Scotia Scholarship to Dalhousie Law School, where he won the Legal Writing Prize (1981). While a law student in Halifax, he worked as a newscaster at CJCH/C-100 Radio, as he had done during High School and College at CFBC/C-98 Radio in Saint John, and Campus Radio CFXU in Antigonish, NS.

In their spare time, David and his wife Linda continue the never-ending renovation of their home in the South End of Saint John.

## INDUSTRY RECOGNITION & AWARDS

- 2022 Law Firm of the Year for Insurance Law by The Best Lawyers™ in Canada.
- Recognized as a Best Lawyers 2014 Lawyer of the Year in the area of Insurance Law.
- Recognized in the publication The Best Lawyers in Canada since 2013 for his practice in the areas of Insurance Law, Legal Malpractice Law, Defamation and Media Law, and Personal Injury Litigation.
- Recipient - "Distinguished Service Award / Médaille de Service Méritoire Exceptionnelle", Canadian Bar Association New Brunswick Branch (2010).
- Martindale-Hubbell Rating: "BV" ("High to Very High").
- Recognized in the Canadian Legal Lexpert Directory as a leading practitioner in Commercial Insurance and Personal Injury Litigation.

## LANGUAGES

- English

## LAW SOCIETY MEMBERSHIPS

- Canadian Bar Association
- Law Society of New Brunswick
- Saint John Law Society

## BAR ADMISSION

- New Brunswick (1984)

## LAW SCHOOL

- Dalhousie University

## EDUCATION

- St. Francis Xavier University (Political Science/Economics, Honours, 1980)
- Dalhousie University (LL.B., 1983)

## PUBLICATIONS

- NBCA Decision Broadens Limitation Rules for Plaintiffs
- New Brunswick Court of Appeal Rejects Loss of Inheritance Claim Under Fatal Accidents Act in Absence of Proof of Reasonable Expectation of Inheriting

## LECTURES & PRESENTATIONS

David has, for many years, served as an instructor in civil procedure and insurance law in the New Brunswick Bar Admission Program and in various Continuing Legal Education Programs (CLE). He has also lectured for the Continuing Education Division of the Technical University of Nova Scotia.

- June 2016 – “Autonomous Vehicle Technology: The End of Driver’s Negligence Claims?”, Atlantic CIIA/CICMA Joint Conference, St. Andrew’s, NB
- October 2015 – “Dealing with Experts”, Canadian Bar Association New Brunswick CLE Conference
- October 2014 – “Preparing Effective Motions”, Canadian Bar Association New Brunswick CLE Conference
- September 2014 – “Understanding the Limitation of Actions Act: A Follow-Up”, Moncton Area Lawyers Association CLE Conference
- October 2013 – “Clements v. Clements: For Want of a Nail, the Wife was Lost...”, Canadian Bar Association New Brunswick CLE Conference
- March 2012 – “Trial Preparation”, Canadian Bar Association Skilled Lawyer Series II, National Webinar
- February 2010 – “An Overview of Bill 28, the Limitation of Actions Act”, Canadian Bar Association New Brunswick CLE Conference
- November 2009 – “The Art of Controlling Difficult Witnesses”, Canadian Bar Association New Brunswick CLE Conference
- February 2009 – “Bill 28: Limitation of Actions Act: Submission to the Standing Committee on Law Amendments”, Legislative Assembly of New Brunswick on behalf of the Canadian Bar Association of New Brunswick
- November 2008 – Panel Moderator, “Negotiation and Mediation: Practice & Practicalities”, ARC Group Conference, St. Andrew’s Club, Toronto, ON

- October 2008 – “Limitation Law You Should Know About”, Canadian Bar Association New Brunswick CLE Conference
- October 2007 – “The Rule in Browne v. Dunn”, Canadian Bar Association New Brunswick CLE Conference: Experts and Evidence
- April 2006 – “Impact of Athey v Leonati on First Party Claims”, Second Annual National Civil Litigation CLE Conference, Toronto, ON
- May 2005 – “Navigating Privacy Legislation”, Radio and Television News Directors’ Association of Atlantic Canada
- November 2004 – Proposed Bill C-12: “Quarantine Act” presented to the Standing Parliamentary Committee on Health (House of Commons of Canada)
- Spring 2002 – Presented as Parliamentary Agent private legislation, the Opticians Act, enacted by the Legislature of the Province of New Brunswick at S.N.B. 2002, c. 58, for the Opticians Association of New Brunswick

## **PROFESSIONAL ACTIVITIES & AFFILIATIONS**

- Member – File Retention Policy Committee, Law Society of New Brunswick
- Member – Law Society of New Brunswick, Ethics Committee (2008 – Present)
- President – Canadian Bar Association, New Brunswick Branch (2012-2013)
- Council – Law Society of New Brunswick (2007-2012)
- National Chairperson – Canadian Bar Association, Civil Litigation Section (2010-2011)
- Treasurer – Canadian Bar Association New Brunswick Branch (2010-2011)
- Past Provincial Chairperson – Canadian Bar Association New Brunswick Branch, Civil Litigation Section (2005-2010)
- Past National Chairperson – Canadian Bar Association, Health Law Section (2004-2005)
- Member – Canadian Defence Lawyers
- Past Council – Saint John Law Society

## **COMMUNITY AND VOLUNTEER ACTIVITIES**

- Trustee – UNB Faculty of Law Endowment Trust (2014 – Present)
- President – Uptown Saint John Inc.
- Board Member – Saint John Development Corporation
- Trustee – Board of Commissioners of the Saint John Free Public Library
- Co-Chair – Saint John Belfast Children’s Vacation Project
- Committee Member – Fundy Food Festival (supporting Boys & Girls Club of Saint John)
- Red Triangle Committee – Saint John YM-YWCA
- Former Acting Chairman – City of Saint John, Planning Advisory Committee
- Past President – Saint John St. Francis Xavier University Alumni Association