



Melanie J. Harmer

Vancouver

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education and year of call

- Called to the British Columbia bar - 2009
- University of British Columbia, LLB - 2007
- University of Auckland, Exchange Student - 2007
- University of British Columbia, BA (Political Science & Family Studies) - 2004

practice areas

litigation

administrative law

appellate advocacy

employment law

aboriginal law

business litigation

privacy and data protection

fraud law

employment and labour relations

arbitration

industries

mining

forest products

profile

Melanie Harmer is a partner in the firm's Advocacy and Litigation Group. Her practice encompasses a broad range of complex litigation matters, with a particular emphasis on commercial litigation, judicial review, appellate proceedings, and aboriginal law.

Melanie is skilled at distilling complex issues and drafting persuasive arguments in high-profile and complicated matters. Prior to joining the firm, Melanie served as a judicial law clerk to six judges of the Supreme Court of British Columbia.

Her recent experience includes such diverse matters as representing an office of the legislature on a novel issue of solicitor-client privilege, assisting multiple resource companies in defending against injunctions of their exploration and harvesting activities, representing a resource company in obtaining an injunction to remove a blockade of its operations, seeking leave to commence a derivative action in a commercial dispute, obtaining court approval of plans of arrangement and representing shareholders in dissent proceedings, providing advice to international clients on jurisdictional issues, and appearing before an international arbitration tribunal.

In addition to representing clients in litigation before the courts, Melanie regularly assists clients in negotiating solutions outside the courtroom.

directorships and professional associations

- Canadian Bar Association (British Columbia Branch)
- Vancouver Bar Association

representative matters

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The following is a selection of recent cases where Melanie has appeared as counsel:

Commercial Litigation

- *AMS Homecare Inc. v. TSX Venture Exchange Inc.*, 2014 BCCA 204
- *Watson Island Development Corporation v. City of Prince Rupert*, 2014 BCSC 2160 and 2015 BCSC 614
- *McKersie v. Macala*, 2014 BCCA 394
- *0861695 B.C. Ltd. v. Meola*, 2013 BCSC 121
- *Certain Shareholders of Crew Gold Corporation v. Crew Gold Corporation*, 2012 YKCA 9

Administrative Law

- *Jaguar Financial Corporation, Galway Metals Inc. and TSX Venture Exchange Inc.*, 2014 BCSECCOM 440
- *British Columbia (Public Safety and Solicitor General) v. Stelmack*, 2011 BCSC 1244
- *Emergency Health Services Commission v. Cassidy*, 2011 BCSC 1003

Employment and Privacy Law

- *BC Pavilion Corporation*, 2014 BCIPC 17 and 2015 BCIPC 10
- *Whiting v. Boys and Girls Club Services of Greater Victoria*, 2011 BCSC 681
- *Sifton v. Wheaton Pontiac Buick GMC (Nanaimo) Ltd.*, 2010 BCCA 541

Public and Government Law

- *British Columbia (Auditor General) v. British Columbia (Attorney General)*, 2013 BCSC 98
- *British Columbia (Auditor General) v. Butler*, 2011 BCSC 1064

Aboriginal Law

- *Taseko Mines Limited v. Phillips*, 2011 BCSC 1675

awards and rankings

- Recipient of the Lawson Lundell Prize in Corporations I
- Recipient of the Walter H. Gage and Elsie M. Harvey Education Abroad Scholarship
- First Place Factum, Wilson Moot Competition
- Recipient of the David Roberts Prize in Legal Writing
- Recipient of the Edwards, Kenny & Bray Founders

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Scholarship

community involvement

- Mentor, CBA-UBC Student Mentorship Program
- Former Executive Officer, CBA BC Civil Litigation (Vancouver) Subsection
- Former Volunteer with Pacific Assistance Dog Society

publications

March 2018

BC Court of Appeal Rules Absolute Privilege Precludes Claim for Breach of Privacy
Litigation Bulletin

September 2017

Saadati v Moorhead: Expert Medical Evidence is Not Required To Successfully Claim Damages for Mental Injury
LexisNexis Labour Notes, No. 1578

September 2017

BC Court of Appeal Confirms Dismissed Employees Do Not Require Expert Evidence to Prove Compensable Mental Injury
Employment and Labour Bulletin

June 2017

Saadati v Moorhead: Expert Medical Evidence is Not Required To Successfully Claim Damages for Mental Injury
Employment and Labour Bulletin

June 2017

No Free Accidents: Supreme Court of Canada Upholds Termination of Drug Dependent Employee
Employment and Labour Law Bulletin, Litigation Bulletin

June 2017

Know your Obligations: Workplace Privacy in BC
Employment and Labour Bulletin

April 2017

Calling All Small Claims: British Columbia's Civil Resolution Tribunal Looks to Take on Low-Value Small Claims Disputes
Litigation Bulletin

January 2017

Appealing the Arbitrator: A New Avenue of Appeal in British Columbia
Litigation Bulletin

October 2016

Rolling Back *Sattva*: Appeal Courts Can Second Guess Contractual Interpretation
LexisNexis Canadian Insurance Law Reporter, No. 790

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September 2016

Wrongful Quitting: Can Your Employee Suddenly Walk Out the Door?

Employment and Labour Bulletin

September 2016

Rolling Back *Sattva*: Appeal Courts Can Second Guess Contractual Interpretation

Litigation Bulletin

April 2015

Gotta Have (Good) Faith: Wrongful Dismissal and Aggravated Damages in *George v. Cowichan Tribes*

Employment and Labour Bulletin

March 2015

One Step Forward and Two Steps Back: Province Found to Have Breached Aboriginal Consultation Obligations for Second Time

Aboriginal Law Bulletin

September 2014

The Post-*Tsilhqot'in* World: Court Rejects First Nation's Assertion of Crown Obligation to Negotiate and Settle Litigated Claims

Aboriginal Law Bulletin

September 2014

BC Court Considers Striking Out Claims and Defences of Cooperating Parties Who Delayed in Disclosing Existence of Cooperation Agreement

Litigation Bulletin