

SHEA COULSON*



Categories: [People](#), [Lawyers](#)

Shea helps public and privately held companies with complex B2B, shareholder, governance, and regulatory disputes. He uses a diligent, practical and opportunistic approach to help his clients find their path to the best outcome. Shea approaches his clients' problems with a strategic mindset and an open mind, treating them as business problems rather than just as legal problems.

Shea has a particular focus in his disputes practice on the forest products, mining, transportation, technology services, liquor, hospitality, and cannabis industries. Shea also assists growth companies in a range of industries with disputes arising from public markets financing and assists IIROC regulated investment banks with a variety of regulatory and commercial matters.

Shea regularly acts for shippers in arbitrations under the *Canada Transportation Act* and regulatory proceedings before the Canadian Transportation Agency relating to rail freight rates and service issues. Shea

also acts for shippers in related commercial disputes with carriers and terminals.

Shea has extensive expertise in white-collar defence, fraud, and investigations, having acted as external counsel in civil asset seizure cases for the Attorney General of British Columbia for over a decade. Shea now uses his former 'prosecutorial' expertise to assist companies seek recovery for corporate/commercial fraud and related wrongs.

Many leading companies have relied on Shea's services, including Teck Resources, Paper Excellence, Taseko Mines, West Fraser Timber, Whirlpool Corporation, EBA Engineering (now Tetra Tech), BMW, E&J Gallo, Diageo, Donnelly Group, Fire & Flower, and FortisBC.

Shea is recognized as a litigation star in general corporate and constitutional litigation in Benchmark Litigation: Canada. Shea began his career as a law clerk for two justices of the British Columbia Court of Appeal.

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Expertise: Corporate Commercial Litigation, Food, Beverage & Agribusiness, Forest Products, Transportation, White Collar Defence, Fraud & Investigations

LinkedIn: <https://www.linkedin.com/in/sheacoulson/>

Location: Vancouver

Phone: 604.691.7467

Position/Title: Partner, Corporate Commercial Litigation

Community Involvement:

- Board member, BC Hospitality Foundation (2017-2020)
- Member of planning committee, Vancouver International Wine Festival (2019)

Directorships & Affiliations:

- Former Member, board of directors, BC Hospitality Foundation
- Former Member of planning committee, Vancouver International Wine Festival
- Former Member, Advocate's Club
- Former Co-chair CBA Administrative Law Subsection

Publications:

- "[Cullen Commission on money laundering, part two](#)," This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc. (July 27, 2022)
- "[Cullen Commission report on money laundering, part one](#)," This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc. (July 25, 2022)
- "Applying for a Non-Medical Cannabis Retail Licence in BC," *Cannabis Retailer*, (2018)
- "Normative Ethics and the Changing Face of Legal Technology: Or, How to Stay Relevant in a Transformed Profession," *The Advocate*, Vol. 75, Part 5 (Sept 2017)
- "Reviewing the Consequences of Search or Seizure in Administrative Regimes," *UBC Law Review*, (2017) 50:1 UBC L Rev 39 (Feb 2017)
- "BC Court of Appeal Maintains Status Quo With Administrative Roadside Prohibition Judgment," *The Publican* (May 2014)
- "Police Practices and Impaired Driving under the Automatic Roadside Prohibition Regime," *The Publican* (May 2013)
- "Using Section 8 of the Charter in the Administrative Context," *Lawyer's Weekly* (December 7, 2012)
- "Missing Pieces: Administrative Bodies and the Deliberative Secrecy Doctrine," *Lawyer's Weekly* (December 2011)
- "Palpable and Overriding Confusion: Appellate Review of Certification Orders in Canada," *Canadian Class Action Review*, Vol. 7, Issue 1 (November 2011)
- "From Backwater to Next Big Thing: The Barriers and Boundaries of British Columbia's Wine Industry," *Palate Press and Wine Business Magazine* (February 2010)
- "Liberty, Property and the Environment: Rethinking Environmental Law in Canada," *Windsor Review of Legal and Social Issues* (February 2009)
- "Funnier Than Unhappiness: Adorno and the Art of Laughter," *New German Critique 100*, Vol. 34, No. 1 (February 2007)
- "Adorno's Aesthetics of Critique," *Cambridge Scholars Publishing* (2007)

Education & Admissions:

Degree: Called to the BC Bar

Year: 2010

Degree: JD

University: University of British Columbia

Year: 2009

Degree: PhD program

University: York University

Year: 2006

Degree: MA

University: University of Western Ontario

Year: 2005

Degree: BA (Honours)

University: University of Toronto

Year: 2003

Rankings & Recognition:

- Benchmark Litigation Canada Guide (2019-2022): Litigation Star, general corporate commercial and constitutional litigation

Representative Matters:

- Confidential final offer arbitration under the *Canada Transportation Act*, 2022.
- Level of Service Complaint under the *Canada Transportation Act*. 2022.
- Confidential final offer arbitration under the *Canada Transportation Act*, 2021.
- Successfully settled complex multi-million dollar partnership and taxation dispute.
- Successfully removed valuator from valuation dispute.
- Successfully settled disputed buy-out of minority shares in \$30 million dispute.
- Successfully settled complex licensing dispute in the liquor sector.
- Successfully settled multi-million dollar share claw-back dispute for founders arising from a new tech IPO and subsequent acquisition.
- Successfully settled complex multi-jurisdiction commercial lease dispute in hospitality sector.
- Successfully obtained multi-million dollar injunction for alleged fraud on behalf of large corporate client.
- Container Trucking Commissioner and Canadian National Transportation Ltd., CTC Decision No. 02/2019: Successfully defended Canadian National Transportation Ltd. in a regulatory audit of its trucking

operations by the B.C. Container Trucking Commissioner. Saved the client millions of dollars in potential payments and fines. Successfully defended the legitimacy of its collective agreement in the context of rate requirements under the provincial *Container Trucking Act*.

- *R. v. Comeau*, 2018 SCC 15: Advising as lead counsel for a group of British Columbia wineries at the Supreme Court of Canada in the landmark case determining for the first time in modern Canadian history the meaning of s. 121 of the *Constitution Act, 1867* (Canada's free-trade provision).
- *Director of Employment Standards and Sun, Huigang, Besco International Investment Co Ltd., Wiston Building Materials Ltd., Viceroy Houses (2015) Ltd., et. al.*, ER #186- 601: Successfully defending a group of companies in an unusually complex employment standards matter arising from numerous complaints filed following an asset acquisition within a complex bankruptcy and insolvency proceeding.
- Private liquor retailers: Advising in a months-long policy review process with the City of Vancouver that resulted in the City Council voting to support a motion to allow grocery stores to open a "store within a store" but to prohibit "wine on grocery shelves".
- Group of hospitality businesses: Advising in relation to British Columbia's liquor policy review, including developing and drafting submission on regulatory reform.
- Numerous British Columbia liquor importers, agents, and manufacturers: Regulatory enforcement, regulatory compliance and commercial litigation.
- *British Columbia (Director of Civil Forfeiture) v. Johnson*, 2016 BCSC 1570: Advising the Director of Civil Forfeiture in an important case applying the Charter to civil forfeiture proceedings. Successful on all major Charter breach issues.
- *Goodwin v. British Columbia (Superintendent of Motor Vehicles)*, 2015 SCC 46: Advising as lead counsel for the drivers arguing BC's administrative roadside prohibition impaired driving law violated section 8 of the Charter.
- *ATL Trucking LTD. et al v. Vancouver Fraser Port Authority*, 2015 FC 520: Advising as co-counsel in a successful judicial review of decisions by Port Metro Vancouver to deny licenses to almost 30 companies representing hundreds of trucks for access to the Port to conduct local shipping and drayage.
- *Provincial Court Judges' Association v. British Columbia (Attorney General)*, 2015 BCCA 136: Advising as co-counsel for the government of British Columbia on an appeal of the constitutional petition by the Provincial Court Judges' Association challenging the Province's decision on Provincial Judges compensation.
- *Provincial Court Judges' Association of British Columbia v. Attorney General of British Columbia*, 2014 BCSC 336: Advising as co-counsel for the government of British Columbia in the constitutional petition by the Provincial Court Judges' Association challenging the Province's decision on Provincial Judges compensation.

- *18320 Holdings Inc. v. Thibeau*, 2014 BCCA 494: Advising as co-counsel on the leading case in British Columbia on tribunal standing to make submissions in judicial review and on costs awards against tribunals.
- *Sivia, Goodwin et al. v. British Columbia (Superintendent of Motor Vehicles)*, 2014 BCCA 79: Advising as co-counsel on the constitutional challenge to British Columbia's administrative impaired driving regime. This case was ultimately heard by the Supreme Court of Canada.
- *18320 Holdings Inc. v. Thibeau et al*, 2013 BCSC 539 and 2013 BCSC 1677: Advising as co-counsel on a successful judicial review of Student Aid British Columbia's decision to prohibit some private post-secondary institutions from enrolling students with government student loans.
- *IAT Air Cargo Facilities Income Fund v. BMO Nesbitt Burns Inc.*, 2010 BCSC 1965 and 2011 BCCA 226: Advising as co-counsel in contract dispute involving unjust enrichment claim for improperly paid commission for financial services. Was successful at trial and upheld on appeal.

Teaching Engagements:

- Taught constitutional remedies at UBC's Allard Hall Law School - 2013-2015

Industries: Cannabis, Food, Beverage & Agribusiness, Forest Products, Transportation

Practices: Corporate Commercial Litigation, White Collar Defence, Fraud & Investigations