

## Rodney L. Hayley

Rod practices general civil litigation, with an emphasis on class actions, toxic tort litigation, products liability, securities litigation, construction and engineering law, insurance law, mining law, aboriginal law, banking law and complex corporate/commercial disputes generally. Rod has also had significant cases in the areas of trusts, wills and estates, charitable institutions, employment, personal injury and constitutional and administrative law.

Rod has also been counsel or co-counsel in cases in Delaware, Texas, Ontario, Saskatchewan, Alberta, Quebec and Newfoundland.

Rod is currently co-counsel for the federal government in class actions and other major Canadian tobacco litigation.

### Recognition And Ranking

- *Benchmark Canada: The Guide to Canada's Leading Litigation Firms and Attorneys 2012*: recognized for class actions, commercial, product liability and securities litigation in British Columbia

### Professional Activities

- Chair, Uniform Law Conference of Canada, National Class Action Project
- Member, CBA National Class Action Task Force (including both lawyers and judges from across Canada)
- Member, Editorial Advisory Board, *Class Action Defence Quarterly* (Butterworths)
- Chair, CBA Class Actions Committee (B.C.)
- CBA, National Civil Litigation Section, Former Chair (Chair of the Section twice)
- CBA Civil Litigation Section, Vancouver, Chair
- CBA National Sections Council Executive, Member
- CBA Legislation and Law Reform Committee, Member
- CBA, Student Mentor Program, Mentor
- CBA Professional Liability Committee, Member
- B.C. Continuing Legal Education Society and the Professional Legal Training Course, Frequent Lecturer
- *Queen's Law Journal*, Queen's University Law School (Ontario), Former Editor-in-Chief

### Community Activities

- Vancouver Bach Choir, Board of Directors, Former Member
- Vancouver Academy of Music, Former Trustee and Vice-Chair
- Naval Officers Association of Vancouver Island, Associate Member
- "Friends of H.M.C.S. Vancouver" Society, Member
- University of Victoria Endowment for Aboriginal Justice, Board of Directors, Former Member



**Rodney L. Hayley**

Partner

#### Vancouver

P: 604.631.9211

F: 604.669.1620

E: rhayley@lawsonlundell.com

#### Edward Hulshof

Legal Assistant

604.408.5386

#### Practices

- Class Action
- Commercial Litigation
- Insurance Litigation
- Litigation & Dispute Resolution
- Product Liability
- Securities Litigation

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- Mt. Seymour Soccer Association, Former Member of the Executive Former Cub Leader

#### Bar Admissions

- British Columbia (1984)
- Saskatchewan (2005)

#### Education

- University of London (Ph.D.)
- Queen's University (LL.B.)
- University of Victoria (B.A., first class honours)
- Commonwealth Scholar
- Canada Council Doctoral Fellowship
- Killam Postdoctoral Fellowship

#### Personal Interests

Rod is active in sports including billiards, tennis and running. Other interests include music, literature, history of Asians in Canada, legal history, and naval history. Rod has also taken Mandarin classes at Vancouver Community College and the Vancouver Chinese Cultural Centre and French classes at Alliance Française.

#### Experience

##### Teaching Experience

As an adjunct Professor, Rod teaches a course at the University of Victoria, entitled "Class Actions and Mass Litigation," which Rod designed and has taught for several years. Rod has also taught the following courses:

- University of Victoria (Class Actions and Mass Litigation; Business Associations; Legal Process; Civil Procedure; Advanced Legal Research and Writing; Engineering Law; and Major Paper Supervision)
- University of British Columbia (Class Actions and Mass Torts; Construction Law; Advanced Legal Research and Writing (Supervisor); and Engineering Practice, Legal Aspects)
- Guest lecturer at Akitsiraq Law School, Iqaluit, Nunavut (Statutory Interpretation; Torts)
- Formerly an English professor, and taught full-time at Dalhousie University, University of Western Ontario, the University of Alberta, and University of Ottawa (where he was Chair of the Honours English program and a Director of the Association of the Professors of the University)

##### Litigation Experience

Rod has acted for both defendants and plaintiffs groups in major class actions and other large, cross-border claims, including:

- Co-counsel for the government of Canada in national tobacco litigation, including class actions and other cases across Canada
- Defence counsel in a class action involving interest rates
- Defence counsel in a class action involving university fees
- Canadian counsel in a "mega" bankruptcy proceeding in the United States with cross border implications, involving thousands of product liability claims



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- Defence counsel in an intended class action involving the alleged privatization of a major utility
- Defence counsel in an intended class action against the Province and a major crown corporation alleging breach of contract and various alleged duties concerning the ferries system in the interior of B.C.
- Co-counsel for the defendant companies in a multi-million dollar Alberta class action involving securities
- Defence counsel in a class action in which a multi-million dollar claim has been brought against a major utility involving allegations of overcharging on rates (the action was struck on jurisdictional grounds after a six day hearing, and the appeal was abandoned)
- Plaintiffs' counsel in a national class action against banks, which settled after certification
- Plaintiffs' counsel in a significant class proceeding against a credit union, involving overcharges, which resulted in judgment for the plaintiff after an eleven day summary trial, and judgment was affirmed on appeal with respect to one of the two major issues
- Counsel in the landmark Privest Properties case, the first asbestos property damage case to be litigated in Canada, which ended in success for our client, W.R. Grace, after a two-year trial and affirmation of the decision on appeal
- Counsel in two multi-million dollar cases in Saskatchewan involving insurance issues
- Counsel for the insurer of a manufacturer of an allegedly defective product (succeeded in obtaining an order striking the action against it)
- Counsel for various financial services companies and their representatives in civil actions and in proceedings before the B.C. Securities Commission
- Counsel in a multi-million dollar case in Saskatchewan involving oppression and other corporate issues
- Defence counsel in a multi-million dollar intended class action involving securities and corporate issues
- Defence counsel in a multi-million dollar Saskatchewan case involving securities, involving claims by approximately 100 plaintiffs
- Defence counsel in B.C. and Saskatchewan, and co-counsel in Ontario, in a multi-million dollar case involving securities sold across Canada
- Counsel for a major resource company in an action against the Province of British Columbia, involving a claim in excess of half a billion dollars

### Conferences

Rod has been the chair of, and/or participated as a panel member in, numerous legal conferences, including for the Canadian Bar Association, the Uniform Law Conference of Canada, and Continuing Legal Education Societies, in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, New Brunswick, Nova Scotia, and Newfoundland. Rod has also presented national on-line CLE conferences for the Canadian Bar Association.

Rod was chair of the Uniform Law Conference of Canada National Class Actions Project. The committee he chaired presented a report on "The National Class and Related Interjurisdictional Issues" which was the basis for Saskatchewan's new legislation on the national class.

Rod was also a member of a smaller committee which produced a supplemental report for the ULCC on the topic of multi-jurisdictional class actions in Canada. In addition, he has also been a member of a committee working with the CBA and the courts which has succeeded in setting up a national class actions database. He is currently a member of the CBA Task Force on National Class Actions.



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#### News / Publications

- Rodney Hayley appointed “Professor of Law and Lawson Lundell Practitioner in Residence”, (May 14, 2012)
- "Expert Evidence and Certification: Risks and Benefits", *Class Action Defence Quarterly*, Volume 6 Number 2, (December 2011), Co-author with Michael Berger
- “A Two-Way Street’: Comity and Conflicting Certifications of National Classes”, *forthcoming in Class Action Defence Quarterly*, Co-Author with with Gordon Kuski, Q.C. and Chris Dafoe
- “Evidence on Certification/Authorization Motions: Est-ce qu’il y a vraiment ‘Deux Solitudes’?”, *presented at Le Barreau du Québec conference, Montreal, (October 2007), published in Développements Récents En Recours Collectifs, Volume 278, Les Éditions Yvon Blais Inc., 2007, at pp. 127-168*, Co-Author with Chris Dafoe and Jude Samson
- Focus on Civil Litigation: Inter-Jurisdictional Muddle Inspires Class Actions Report Recommendations, *The Lawyers Weekly*, p. 9., (June 7, 2006), Co-Author with Chris Dafoe
- “Towards Order and Fairness: Reforming the National Class”, *1 Class Action Defence Quarterly* 19, (2006), Co-Author with Chris Dafoe
- Case Comment: “B.C. Tobacco Certification: Limited on Appeal”, *1 Class Action Defence Quarterly* 59, (2006), Co-Author with Chris Dafoe
- Rod Hayley and Ward Branch present national online CLE on class actions, (March 10, 2005)
- The Chinese Head Tax Class Action: No Legal Basis, (January 7, 2002)

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