



James Bancroft, Q.C.

Counsel

jim.bancroft@dlapiper.com

Calgary

T: +1 403 698 8764

F: +1 403 213 4480

Jim Bancroft has extensive experience in all aspects of litigation, arbitration and mediation. Although he has considerable court room experience he strives to find cost effective and practical solutions for his client's business problems. In addition to his litigation experience Jim is highly skilled in negotiation and mediation techniques and strategies.

Jim has held leadership roles and executive positions in a variety of areas including acting as the Chair of the Litigation and Regulatory Department, Managing Partner and member of the Executive Committee of another National law firm.

Jim has also been very active in the legal community and has served in a number of important positions with the Canadian Bar Association including President of the Alberta Branch and member of the CBA's National Executive Committee. He is very active in legal education and has served as a Board Member and Chair of the Board of Directors of the Legal Education Society of Alberta and a member of the boards of the Alberta Arbitration and Mediation Society and the ADR Institute of Alberta, where he also served as Chair of the Board of Directors.

In addition, Jim has chaired and participated in a variety of legal and industry panels on issues pertaining to commercial litigation - practice and procedure, product liability, environmental contamination, mediation and negotiation.

- Aviation
- Conflict Management and Alternative Dispute Resolution
- Environment
- Litigation, Arbitration and Investigations
- Product Liability, Mass Torts and Product Stewardship
- Securities and Corporate Finance
- Capital Markets

English

LANGUAGES SPOKEN

- English

ARBITRATION AND MEDIATION

- Party appointed arbitrator in an ad hoc proceeding concerning the interpretation of cost escalation provisions in power purchase arrangements for the generation of electrical energy
- Chair of arbitration panel in an ad hoc proceeding concerning breaches of a pipeline construction contract resulting in environmental damages and business losses
- Sole arbitrator in an ad hoc proceeding concerning breaches of a commercial real estate purchase contract
- Sole arbitrator in an ad hoc proceeding relating to claims of breach of trust and undue influence arising out the distribution of an estate
- Mediator in a dispute relating to breaches of a construction contract for the supply and installation of concrete for a commercial condominium project
- Mediator in a dispute relating to claims of unjust enrichment and breaches of fiduciary duties concerning the disposition of a family owned agri-business
- Mediator in multiple disputes relating to the valuation of partnership interests
- Mediator in multiple disputes relating to the valuation of minority shareholders' interests and the interpretation of unanimous shareholder agreements
- Mediator in a wide variety of disputes relating to breaches of construction contracts for commercial and industrial properties including issues relating to deficiencies in engineering and architectural design, electrical installation, concrete and foundation issues and general construction deficiencies
- Mediator in a dispute relating to the installation of electrical services for a large industrial warehouse
- Counsel on an administered arbitration relating to breaches of a contract for the construction of a major electrical generation facility
- Co- counsel on an arbitration to determine if an event of force majeure had occurred following the failure of an electrical power generator
- Co- counsel on an arbitration to determine whether a coal mine should be treated as a part of the operating assets of an electrical power generating station
- Counsel on a wide variety of right-of-way and expropriation cases concerning the installation of natural gas and petroleum pipelines and electrical transmission lines for a large industrial manufacturing plant and an ethylene plant
- Counsel on an arbitration to determine the valuation of natural gas pipelines, gas compressor stations and gas plant operations and the interpretation of a right of first refusal clause
- Counsel on an arbitration concerning breach of contract for the provision of access to rail transportation

AVIATION

- Acted for air carriers in a variety of contract disputes relating to the provision of charter services, tour operations and ground and maintenance services
- Acted for air carriers in relation to claims for damage to aircraft and ground handling equipment
- Defended air carriers in connection with passenger injury claims and claims for the loss or damage to cargo on domestic and international flights
- Acted for airport operators in responding to Transport Canada investigations
- Acted for the owners of a private airport in negotiations with Transport Canada and NAV Canada in relation to airport operations and navigational requirements

CORPORATE & COMMERCIAL LITIGATION

- Defended a major Canadian investment firm in a large, multi-party lawsuit concerning investor losses arising from the failure of a real estate limited partnership
- Defended numerous corporations against shareholders oppression actions brought under the Alberta Business Corporations Act and Canada Business Corporations Act
- Acted on behalf of shareholder group to enforce Unanimous Shareholders Agreement
- Pursued claims for breach of trust arising from the failure of privately-held corporations and professional partnerships
- Pursued claims on behalf of multinational corporations relating to patent infringement, theft of confidential information and the violation of non-competition agreements in the oil and gas industry

- Acted as lead counsel defending a multinational corporation in multiple jurisdictions on a multi-million dollar product liability claim
- Obtaining Mareva Injunctions, Norwich Orders and Anton Pillar Orders to preserve assets, compel production of documentation and execute civil search warrants in cases where there are allegations of fraud, breach of trust, misappropriation of funds and property
- Acting as a court appointed, independent supervising solicitor in relation to the execution of an Anton Pillar Order in a major mortgage fraud case
- Acting on behalf of a variety of applicants and interveners in various regulatory hearings for the construction of oil and natural gas pipelines and pumping and compression stations, electrical power generation facilities, substations and transmissions lines

CONSTRUCTION

- Acted in a wide variety of construction related disputes including claims relating to construction deficiencies, delay, breach of warranty and fundamental breach of contract
- Acting as lead counsel defending a multinational corporation in several jurisdictions on a major product liability claim relating to the failure of sealed glass windows

ENVIRONMENTAL

- Acted on behalf of several multinational corporations to defend them against allegations of chemical or hydrocarbon contamination of large commercial and industrial sites

EDUCATIONAL INSTITUTIONS

- Acted on behalf of a variety of primary, secondary and post-secondary educational institutions on a broad variety of issues including privacy, corporate governance, breach of contract, student disciplinary and suspension hearings, harassment, defamation and workplace investigation procedures
- Provided advice to various educational institutions in relation to the interpretation of Provincial legislation

CREDENTIALS

Admissions

- Alberta, 1979

Recognitions

- *Best Lawyers in Canada* (Corporate & Commercial Litigation), 2016-2022
- *Canadian Legal Lexpert® Directory* (Litigation - Corporate Commercial), 2021
- Appointed Queen's Counsel, 1998
- Martindale-Hubbell, Distinguished® Peer Review Rated

Education

- Certificate in Negotiation and Mediation, University of Windsor
- LL.B., University of Alberta, 1978
- B.A. (Honours), University of Calgary, 1974

Memberships

- President, Board of Directors, ADR Institute of Alberta
- Board of Directors, Alberta Arbitration and Mediation Society
- Former Chair, Board of Directors, Legal Education Society of Alberta
- Former President, Canadian Bar Association, Alberta Branch
- Former Member, National Executive Committee of the Canadian Bar Association

- Member, American Bar Association's Litigation, Aviation and Alternative Dispute Resolution Sections
- Member, Executive of the Canadian Bar Association's National Alternative Dispute Resolution Section
- Member, International Bar Association
- Former Section Chair, Canadian Bar Association - Alberta Branch, Alternative Dispute Resolution Section
- Former Chair, Canadian Bar Association's Civil Litigation Section
- Member, Law Society of Alberta, Canadian Bar Association and the Calgary Bar Association
- Member, Canadian Bar Association's Task Force on Civil Justice Reform
- Member, Government of Alberta Justice Summit and Justice Reform Implementation Committee
- Inaugural President, University of Alberta's Law Faculty Alumni Association, Calgary Branch, 2003 - 2004 and currently a member of the Board of Directors

OTHER ACTIVITIES

- Volunteer, Kidney Foundation of Canada
- Volunteer, Canadian Cancer Society
- Volunteer, Habitat for Humanity
- Pro bono work, Alberta Justice Mediation Program
- Instructor, Alberta Justice Mediation Program

INSIGHTS

Publications

- *Alternative Methods of Dispute Resolution*, Canadian Bar Association - Law Matters, Volume 32, No. 3
- *Preparing your Client for Mediation*, Canadian Bar Association, Law Matters Volume 32, No. 4
- *Preparing Your Client for Mediation II*, Canadian Bar Association - Law Matters, Volume 32, No. 5
- *ADR - One Size Does Not Fit All - The Choice of Alternative Dispute Resolution Strategies*, The Lawyers Weekly Vol. 26, No. 37, and Canadian Bar Association - Law Matters

Events

- Presenter, Lawyers in Mediation - Help or Hindrance, February 27, 2009 - Alberta Justice
- Instructor, Bar Admission Course (CPLED Program) on Negotiations, Law Society of Alberta
- Instructor, University of Calgary, Faculty of Law - Intensive Negotiation Course for Second Year Students, Dispute Resolution II, Law 618
- CBA Skilled Lawyer Series - Advocacy Stream, *Negotiation Techniques for the Litigator* (January, 2014)
- Canadian Bar Association Business Law Section - *Privilege Issues for In-House Counsel*

NEWS

DLA Piper (Canada) LLP recognized in the 2022 *Best Lawyers in Canada* guide

26 August 2021

DLA Piper (Canada) LLP is thrilled to see 84 of our lawyers across 35 practice areas recognized in the 2022 Best Lawyers in Canada guide.

DLA Piper Canada has strong showing in 2021 *Canadian Legal Lexpert Directory*

22 April 2021

DLA Piper (Canada) LLP has increased their rankings in the Canadian Legal Lexpert Directory for the third consecutive year.

DLA Piper Canada increases rankings in 2021 edition of *Best Lawyers in Canada*

28 AUG 2020

DLA Piper (Canada) LLP is pleased to see 79 of our lawyers across 35 practice areas recognized in the 2021 *Best Lawyers in Canada* guide, resulting in our best showing with the guide since its inception.
