



Heather L. Treacy, Q.C., ICD.D.

Partner

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Heather L. Treacy, Q.C. is a highly sought after and nationally recognized counsel whose practice is focused on civil litigation and dispute resolution.

Heather is the former Managing Partner of the Calgary office of DLA Piper (2013-2019) and is currently an elected member of DLA Piper's Executive Committee. She has over 25 years of experience in acting as counsel to clients in complex litigation and disputes, and has extensive experience with negotiations and mediation on matters related to energy and resources law, indigenous and constitutional law, general commercial disputes, transportation, aviation, products liability, human rights, employment law and intellectual property law. She frequently appears before both the Trial and Appellate Courts in the Province of Alberta, the Federal Court of Canada, the Federal Court of Appeal and various tribunals, including the Canadian Human Rights Tribunal, energy related tribunals and the Canadian Transportation Agency.

Heather has extensive knowledge of the energy industry, particularly in the oil and gas sector. She has acted on numerous oil and gas disputes, including contract, lease, farm-out and operating agreement issues and royalty calculation disputes. Heather also has specific expertise in indigenous law and provides advice on a significant number of issues involving treaty, indigenous rights and indigenous title issues and has been involved in several precedent setting cases.

Heather has been recognized for her expertise in the area of dispute resolution by leading lawyer ranking guides *Benchmark Canada* (Litigation Star), *Acritas* (Star Lawyer), *Chambers Canada*, *Legal 500 Canada* and *Euromoney*. In the area of indigenous law, she has been recognized by *The Canadian Legal Lexpert Directory*, *Best Lawyers in Canada*, *Chambers Global* and *Chambers Canada*. In 2014, Heather was named one of WXN's Top 100, Canada's Most Powerful Women, in 2016, she was a Women in Law Leadership (WILL) Award winner in the "Leadership in the Profession in Private Practice" category, and in 2017 she was named a winner of the Lexpert Zenith Awards: Celebrating Women in Law. Most recently, Heather was an Excellence Award Recipient in the Woman of the Year category for the 2020 Canadian Law Awards.

Heather is active in the community and has a passion for the arts. She is the former Chair of the Board of Directors of the Calgary Philharmonic Orchestra. She is a member of the Board of Directors of the University of Calgary Alumni Association.

- Aviation
- Conflict Management and Alternative Dispute Resolution
- Projects, Energy and Infrastructure
- Environment
- Litigation, Arbitration and Investigations
- Oil and Gas
- Product Liability, Mass Torts and Product Stewardship
- Construction Law
- Employment
- Indigenous Law

English

LANGUAGES SPOKEN

- English

EXPERIENCE

- Acting as counsel for energy companies on claims involving royalty calculation issues (Stoney Tribal Council v Petro-Canada Ltd. et al).
- Acting as counsel for a manufacturer in relation to a products liability claim involving agricultural feed products.
- Acting as counsel for an international air carrier in proceedings before the Canadian Transportation Agency and the Federal Court of Appeal.
- Acted as counsel to a manufacturing company involving the protection of its trademark and intellectual property.
- Acted as counsel in successfully compelling that an election be held when cancelled by a First Nations government (Shotclose et al v Stoney First Nation et al).
- Acted as Chief Federal Negotiator for the Government of Canada in a treaty on Vancouver Island involving the B.C. treaty process for First Nations.
- Co-Counsel for Imperial Oil in its application for the Kearl Oil Sands Project before a Joint Review Panel established by the Alberta Energy and Utilities Board and Canadian Environmental Assessment Agency.
- Acted on trespass and royalty claims arising out of the production of oil and gas on reserve lands (Samson Indian Band et al v Imperial Oil et al).
- Acted as counsel for a financial institution involving an action to trace and recover funds based on allegations of bribery (Alberta Treasury Branches v. Leahy et al).
- Acted as counsel defending a manufacturer of helicopter parts in relation to a products liability claim.
- Acted as counsel in Federal Court to constitutional challenges to customary aboriginal laws (Letendre v Appeal Board of the Horse Lake First Nations; Ashley Paige Horseman v Horse Lake First Nation).
- Acted on injunctive relief and membership issues associated with a First Nation Community (Horseman v Horse Lake First Nation).
- Acted as counsel on a matter as to whether an immigrant who was “overqualified” for a position of employment was discriminated on the basis of national or ethnic origin (Sangha v McKenzie Valley Land and Water Board).
- Acted as counsel for an international air carrier in obtaining Anton Piller relief.
- Acted on issues associated with the specific land claim agreement of a First Nation Community (McAllister v. Horse Lake First Nation).
- Acted on determination of reserve interests under Indian Act (Stoney Band v. Poucette).

CREDENTIALS

Admissions

- Alberta, 1990

Recognitions

- *Best Lawyers in Canada* (Aboriginal Law), 2012-2022
- Excellence Award Recipient, The Gowling WLG Award for Woman of the Year, *Canadian Law Awards*, 2020
- Winner of the Lexpert Zenith Awards: Celebrating Women in Law, 2017
- Winner of the Women in Law Leadership (WILL) Awards in the "Leadership in the Profession in Private Practice" category, 2016
- Recognized as one of *Canada's Most Powerful Women: Top 100 WXN*, 2014
- Litigation Star, *Benchmark Canada* (General Commercial), 2014-2021

- Listed as Acritas Star™ Lawyer 2019-2020
- *Canadian Legal Expert® Directory* (Aboriginal Law), 2010-2018; (Indigenous Law), 2020-2021
- *Euromoney's Expert Guides* (Litigation and Product Liability) 2016
- *Chambers Canada* (Aboriginal Law), 2016-2022; (Litigation: General Commercial - Alberta), 2018-2022
- *Chambers Global* (Aboriginal Law), 2015, 2021
- *Legal 500 Canada* (Dispute Resolution), 2016-2021; (Aboriginal Law), 2018-2021
- Martindale-Hubbell, Distinguished® Peer Review Rated
- Received the distinction and recognition as Queen's Counsel in 2012
- Recipient of the 1996 Canadian Bar Association Young Lawyers Pro Bono Service Award

Education

- Institute of Corporate Directors, ICD.D. (May 2018)
- LL.B., University of Alberta, 1989
- B.Comm, University of Calgary, 1984
- Music Degrees, Royal Conservatory of Toronto and Mount Royal College, 1984

Memberships

- Law Society of Alberta
- Calgary Bar Association
- Canadian Bar Association
- International Bar Association
- Association of International Petroleum Negotiators
- Institute of Corporate Directors
- Former Member of the Professional Responsibility Committee of the Law Society of Alberta, 2008 to 2014
- Former Member of the Law Society of Alberta Pro Bono Committee, 2007-2008
- Former Member of the Law Society of Alberta Civil Practice Advisory Committee, 2004-2007
- Executive Member of the National Aboriginal Law Section of the Canadian Bar Association
- Past Chair, Vice-Chair and Secretary-Treasurer of the Aboriginal Law Section (Southern Alberta) of the Canadian Bar Association
- Past Chair of the Constitutional Law Section (Southern Alberta) of the Canadian Bar Association

Community Involvement

- Member of the Board of Directors and Governance and Nominating Committee of the University of Calgary Alumni Association
- Past Chair, Vice-Chair of the Board, and Past Chair, Governance Committee and member of the Board of Directors of the Calgary Philharmonic Orchestra
- Alumni Representative, The University of Calgary Energizing Eyes High Strategic Planning Committee (2016 to 2017)
- Past member, Board of Directors and Corporate Secretary of the Alberta Ballet Company
- Past member, Board of Directors of Theatre Junction
- Past member, Calgary Region Arts Foundation

INSIGHTS

Publications

Cumulative effects - The impact of “a tide of change” on Indigenous treaty rights

16 August 2021

For sometime now, an uncertainty has existed as to how the cumulative environmental effects of industrial development should be evaluated in relation to a potential infringement on Aboriginal or Treaty rights. For the first time, a court has carried out a deep dive into this issue and considered whether there has been an infringement of a First Nations' Treaty right due to the cumulative environmental impacts of industrial development. The British Columbia Supreme Court decision in *Yahey v British Columbia* analyzes the cumulative impacts of industrial development in treaty territory finding the government's conduct “frustrates the essential promise of the Treaty”.

Protection provided for *bona fide* purchaser for value without notice in transaction involving First Nation lands

12 February 2021

Courts have long protected the interests of *bona fide* purchasers for value without notice in land transactions. However, seeking this protection can become far more complicated in land transactions where First Nations communities assert an interest and where such lands are held in trust. Despite these complexities, a recent decision from the Alberta Court of Queen's Bench has confirmed that the interests of a *bona fide* purchaser for value without notice of a breach of trust should be protected.

The landmark Tsilhqot'in Nation decision: What it means for project developers in Canada

03 Jul 2014

On June 26, 2014, the Supreme Court of Canada (the “Court”) issued a landmark ruling in the area of aboriginal law with its decision in *Tsilhqot'in Nation v British Columbia*, 2014 SCC 44 (the “Decision”). The Court declared that the Tsilhqot'in Nation, a semi-nomadic Aboriginal group, hold Aboriginal title over certain lands in central interior British Columbia, the first declaration of its kind in judicial history.

Events

Previous

White Collar Crime, Investigations and Compliance Symposium

5 October 2021

Webinar

Corporate Fraud, Corruption and Cyber Risks: Current Trends and Practical Strategies

16 December 2020

Webinar

- Panelist, "How Today's Leaders are Redefining Success and Breaking New Boundaries," The Canadian Law Awards, October 6, 2020
- Speaker, "First Nations Law: Update on Recent Developments", Calgary Energy Sector Speaker Series, Oct 15, 2015

NEWS

DLA Piper Canada recommended in 2022 edition of *Chambers Canada*

10 September 2021

DLA Piper (Canada) LLP and its lawyers have been recognized across 15 practice areas in the 2022 edition of *Chambers Canada*.

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 teams up with Women+Power to work towards a more diverse and inclusive power industry

3 May 2021

DLA Piper Canada is proud to team up with Women+Power, an organization dedicated to creating a more diverse and inclusive power industry and to increasing the representation of women in that industry.

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) LLP recognized by *Chambers Global 2021*

19 February 2021

DLA Piper (Canada) LLP and nine of its practitioners have been recognized in the 2021 edition of *Chambers Global*.

DLA Piper (Canada) LLP recognized in the 2021 edition of the *Legal 500 Canada*

13 November 2020

DLA Piper (Canada) LLP and its lawyers have been recognized as industry leaders across multiple practice areas in the latest edition of the *Legal 500 Canada*.

DLA Piper (Canada) LLP recognized by *Chambers Canada 2021*

10 September 2020

DLA Piper (Canada) LLP is pleased to see 25 of our lawyers recognized across 16 practice areas in the 2021 edition of *Chambers Canada*.

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.

DLA Piper (Canada) LLP increases rankings in the 2020 *Canadian Legal Lexpert Directory*

24 APR 2020

DLA Piper (Canada) LLP is pleased to announce that we have significantly increased the number of lawyers ranked as leading practitioners in the 2020 edition of the *Canadian Legal Lexpert Directory*.

DLA Piper (Canada) LLP recognized by *Chambers Global 2020*

20 FEB 2020

DLA Piper (Canada) LLP and nine of its practitioners have been recognized in the 2020 edition of *Chambers Global*.

DLA Piper (Canada) LLP recommended in the 2020 edition of the *Legal 500 Canada*

14 NOV 2019

DLA Piper (Canada) LLP has been recommended across a broad range of practice areas in the latest edition of the *Legal 500 Canada*.

MEDIA MENTIONS

Quoted, "A Winding Path for Pipelines", *Lexpert* Special Edition - Energy, October 2017

Quoted, "Reconciliation Time", *Lexpert*, June 2016