



Box 3097
Banff, Alberta,
Canada, T1L 1C7

Western Arbitration Chambers
Jamieson Place, 501-308 4 Ave SW
Calgary, Alberta, T2P 0H7

CURRICULUM VITAE

THE HON. KRISTINE EIDSVIK, KC

Kristine Eidsvik, KC, accepts appointments as an independent arbitrator and mediator in civil litigation disputes.

Kristine served as a Justice of the Court of Queen's Bench of Alberta for nearly 15 years between 2007 and 2022. Prior to her appointment to the Bench, she practised civil litigation in Alberta for 23 years at major national firms and was the litigation leader of the Calgary Litigation Department and then the National Litigation Department of Fraser Milner Casgrain for many years. She was appointed Queen's Counsel in 2004 (now is King's Counsel).

ALTERNATIVE DISPUTE RESOLUTION EXPERIENCE

While on the Court, Kristine sat on a large variety of cases in the general jurisdiction of the superior court of Alberta (now known as the Court of King's Bench). More specifically, she was assigned to the specialised Commercial court and sat on, and case managed, multiple oil and gas, mining, corporate and construction cases.

As a judge, Kristine regularly conducted Judicial Dispute Resolution (JDR) sessions, was a member of the JDR Committee, and was involved in training new judges. Prior to being appointed, she was involved as a litigator at the outset of the development of alternative dispute resolution both privately and through the Court (mini-trials and mediations). She used these methods of dispute resolution for her clients on hundreds of occasions and was a great proponent of their use. She took several levels of customised mediation and negotiation training between 1995 and 2002.

Kristine conducted over 40 trials and multiple appeals at all levels of Court (including the Supreme Court of Canada) in matters pertaining to her practice while a litigator. Key civil litigation cases included trials in the following areas: commercial and contract disputes, energy disputes, insurance, personal injury, professional liability (legal, medical and dental), product liability, municipal law and liability, intellectual property (patent, trademarks and copyright), and insolvency cases.

She presided over multiple trials and applications as a judge – a list of some of the written published decisions follow.

This experience in the Courts is instrumental in helping understand the risks of proceeding to trial – experience which is very helpful in her private mediation, negotiation and arbitration practice.

Since commencing her private mediation and arbitration practice in March 2022, she has conducted dispute resolution sessions in the following areas:

- Product liability
- Personal injury
- Professional negligence (insurance agent, medical, dental)
- Real Estate
- Defamation
- Commercial General Insurance cover
- Wrongful dismissal
- Tort liability assessment (arbitration and award)

REPRESENTATIVE JUDGMENTS

Below is a list of a few of Kristine's Representative Judgements. For a complete list (over 100 judgments) please send her a request.

Court of Appeal decisions while on panel

- ***1007374 Alberta Ltd. v Ruggieri*** [2015] ABCA 205 – civil fraud and punitive damages
- ***1377408 Alberta Ltd. v Fritsch*** [2015] ABCA 207 – real estate
- ***R v Kelly*** 2015 ABCA 200 – criminal harassment
- ***Whitecourt Power Limited Partnership v Interpro Technical Services Ltd.*** 2015 ABCA 252 – summary judgment dismissal
- ***Carbon v Whidden*** 2015 ABCA 255 – medical malpractice
- ***Canadian Union of Public Employees Local 38 v City of Calgary*** 2015 ABCA 280 – judicial review

Commercial Cases

- ***Hillsboro Ventures Inc v Ceana Development Sunridge Inc,*** 2021 ABQB 98 – priority issues in condo receivership
- ***Dominion Diamond Mines ULC (Re)*** 2021 ABQB 47 – interpretation of security requirement in receivership

- ***JMB Crushing Systems Inc. (Re)*, 2021 ABQB 8** – contract interpretation re alleged trust
- ***Geophysical Services Inc. (GSI) v Encana Corporation et al* 2016 ABQB 230, affd. 2017 ABCA 125, leave denied SCC Nov 30 2017** – trial of 2 issues: copyright of seismic data and regulatory regime effect
- ***GSI v 612469 Alberta Limited (Calwest)* 2016 ABQB 356** – breach of copyright trial
- ***GSI v Plains Midstream Canada ULC* 2017 ABQB 462** – sum judg re breach of contract
- ***GSI v Devon ARL Corp* 2017 ABQB 463** – sum judg/dism re breach of contract
- ***GSI v Murphy Oil Co Ltd* 2017 ABQB 464; 2018 ABCA 380** – sum dismiss re breach of contract
- ***GSI v Suncor Energy Inc* 2017 ABQB 465** – sum judg/dism re breach of contract
- ***GSI v Encana Corp* 2017 ABQB 466; 2018 ABCA 384**– sum judg/dism re breach of contract
- ***Dacha Property Mngt. v Jaswal* 2017 ABQB 250** – right of first refusal contract breach
- ***Pillar Securitisation SARL v Sinha Estate* 2016 ABQB 355** – security enforceability
- ***Alberta Treasury Branch v COGI Limited Partnership*, 2016 ABQB 43** – receivership application
- ***NEP Canada ULC v MEC Op LLC* 2016 ABQB 201; affd 2016 ABCA 201** – trial of an issue
- ***Altus Group Ltd. v City of Calgary* 2013 ABQB 608; affd. 2015 ABCA 86** – municipal tax appeal/independence of LARB
- ***Metrowest Developments Ltd. v Calgary (Assessment Review Board)* 2014 ABQB 450** – leave to appeal tax asst.
- ***Budd v MBE Jet Ltd.* 2014 ABQB 778** – attachment application
- ***Iona Contractors Ltd. (Re)* 2014 ABQB 347; appeal allid, 2015 ABCA 240** – builder’s lien/trust
- ***Transalta Generation Partnership v Balancing Pool* 2014 ABQB 172; 2014 ABCA 294** – interpretation of arbitration agreements
- ***R v Stuwe* 2014 ABQB 402** – bankruptcy issues re s. 38 *Bankruptcy and Insolvency Act*
- ***Metalworks Canada Ltd. v Warrack* 2014 ABCA 389** – review of attachment Order
- ***Thompson v The Governors of the University of Alberta* 2013 ABQB 410; rev on different grounds 2013 ABCA 391** – master appeal on production/priviledge issue
- ***RBZ Capital Corp v Petrol Alchemy LLC* 2013 ABQB 671** – interim injunction re technology patent
- ***Courtesy Chrysler (1987) Ltd. v Chrysler Canada Inc.* 2012 ABQB 658** – franchise dealership interim injunction application
- ***TBM Transportation Ltd. v Tri-Star Transport Ltd.* 2011 ABCA 358** – *forum conveniens* Order upheld

- **869120 Alberta Ltd v B & G Energy Ltd 2011 ABQB 209** – appl to add parties r. 3.74
- **Gordon v Averde Energy Group Inc. 2010 ABCA 402** – distribution Order upheld
- **Rand v Hidden Valley Golf Resort Association 2010 ABQB 318** – breach of contract trial judgment
- **Northwest Geomatics v Telford Services Group Ins 2009 ABQB 543** – writ and lease breach
- **Top Grade Solutions Inc. v Flying Pizza 73 Inc. 2009 ABQB 492** – master’s appeal re procedural order
- **Bhimani v Lartiga 2009 ABCA 330** – master’s appeal re caveat sum judg – appeal allld.
- **McCallum v Teamster Union 987 of Alberta 2008 ABCA 229**- offer of judgment enforcement Order - upheld
- **Devon Canada Corporation v. PE Pittsfield, LLC 2008 ABQB 394** – parties for questioning issue

General Civil Cases

- **Duhn Estate, 2021 ABQB 35** – estate financial disclosure issue
- **Asquin v Michetti, 2021 ABQB 16** – joint tenancy severance/estate issue.
- **Hickaway v Riddell Kurczaba Architecture Engineering Interior Design Ltd 2019 ABQB 646** – wrongful dismissal – **2019 ABQB 874** – trial costs
- **Colins v Pearce, 2019 ABQB 868** – real estate – adverse possession.
- **Kumar v College of Physicians and Surgeons of Alberta , 2019 ABQB 514.**
- **J.H. v Alberta Health Services 2015 ABQB 316** re quashing of *Mental Health Act* certificate, **2017 ABQB 477** re mootness of constitutional challenge, **2019 ABQB 540** – re constitutionality of the MHA
- **CNRL v Pavia 2015 ABQB 391** – trial decision re wrongful dismissal
- **Barratt Estate v Kasha 2014 ABQB 12** – summary judgement re real estate
- **Kissendal v Kissendal 2013 ABQB 736** – estate division trial decision
- **Baxter v Harder 2011 ABQB 730** – restraining order in employment situation
- **Keller v Luzzi Estate 2010 ABCA 127** – Order re probate hearing upheld by CA
- **Baum v City of Calgary 2008 ABQB 791** – judicial review re discrimination claim
- **Burns Estate 2007 ABQB 730** – MPA claim against long separated deceased husband’s estate

Personal Injury Cases

- ***Knibb v Foran* 2017 ABQB 375** – liability – commercial host sports team; **2013 ABQB 754** – Limitation Act application to disabled person; affd at **2014 ABCA 303**
- ***Jones v Stepanenko* 2016 ABQB 295** – chronic pain v “minor injury” trial decision
- ***McLean v Parmar* 2015 ABQB 62** – chronic pain trial decision
- ***Hennessey v City of Calgary* 2011 ABQB 143** – mva liability trial decision
- ***Marchand v Brar* 2008 ABQB 470** – chronic pain/causation in multiple mva trial decision

EDUCATION, APPOINTMENTS AND AWARDS

- Queen’s Counsel Appointment – 2004 (now King’s Counsel)
- Called to the Alberta Bar - 1984
- University of Alberta, LL.B. (Dean’s List) – 1983
- University of Waterloo, B.A. (Psychology) – 1980

- President’s Award, Canadian Superior Court Judges’ Association – July 2021

- “Compelling Calgarian”, Calgary Herald, January 1, 2008

LANGUAGE SKILLS

Kristine is fluent in reading, writing and speaking English and French. Her early education was in French in Ottawa (écoles George Etienne Cartier, Pierre Laporte et école secondaire Charlebois) and Switzerland (Université de Lausanne – 2e year – 1977-78).

Kristine conducted multiple French trials while at the Court (including with a jury) and wrote decisions in French – the most recent was a criminal trial and *Charter* challenge – see R c Kloubakov, 2021 ABQB 960 and 2022 ABQB 21.

WORK EXPERIENCE

July 1, 2022 – present – joined Western Arbitration Chambers as an independent arbitrator and mediator member

March 1, 2022 – present – Independent Mediator and Arbitrator – KME Dispute Resolution

April 26, 2007 – February 7, 2022 – Justice Court of Queen’s Bench of Alberta (now King’s Bench)

February 1, 2005 – April 26, 2007 – Partner, civil litigation and intellectual property department of Bennett Jones LLP – Calgary Office

April 1, 1986 – January 31, 2005 – Associate – 1986 – 1991 with Fenerty, Robertson, Fraser and Hatch, 1991 - Partner in civil litigation department with Milner Fenerty, 1995 - Leader Calgary Litigation office, 2000 - Leader of National Litigation department of new Fraser Milner Casgrain offices (now Denton's) – Calgary office

June 1, 1983 – March 31, 1986 – articling student/associate with Brownlee Fryett, - Edmonton office

Summer 1982 – legal researcher for the Drewry Mental Health Task Force - Edmonton

Summer 1981 – land title researcher at Land Titles Offices – Edmonton

MEMBERSHIPS AND AFFILIATIONS

Member of the Law Society of Alberta

Member of the Canadian Bar Association

Member of the ADR Institute of Alberta/Canada

Member of the Calgary Bar Association

Membre de L'Association des juristes d'expression française de l'Alberta

Member of the Canadian Association of Superior Court Judges, Chair of the Retired Judges' Committee, former co-chair of the Compensation Committee (during the Quadrennial Commission 2020), Co-Chair of the Technology Committee, member of the International committee, and communication committee

Member of the executive of the 2e Study Commission on Civil Litigation, International Judges Association

Member of the International Women's Forum

Past member of many Court Committees including the Commercial List, Technology Committee (Co-Chair for 6 years), JDR Committee, Civil Litigation Committee, French Committee (Chair for many years), New Judges Training Committee (Co-Chair for 6 years), Communication Committee

RECENT PAPERS and LECTURES

2022

November 2, 2022 – “*Speed It Up – Novel ADR Solutions*” – presented with A. Robertson, arbitrator and ret. Master of the Court of Queen’s Bench of Alberta, Canadian Bar Association ADR Sub-Section

September 18, 2022 – “*Judicial Diversity – the Canadian Experience*” – International Judges Association AGM, Tel Aviv, Israel

September 19, 2022 – “*Virtual Trial Hearings in Canada*” – International Judges Association AGM, Tel Aviv, Israel

July 13, 2022 – “*Two Years of Virtual Justice: How Did Lawyers and Citizens Experience It?*” – panel moderator – National Judicial Institute – Judging Better, Judging Smarter conference – St. John’s Nfld.

July 13, 2022 – “*Virtual Justice and the Open Court Principle*” - panel moderator – NJI, St. John’s, Nfld

July 14, 2022 – “*Digital Courts and Privacy Issues: Unintended Consequences?*” – Panel Moderator – NJI, Nfld

July 14, 2022 – “*Virtual Justice Around the World*” – Report on the International Judges’ Association country members survey results on virtual justice during the Pandemic – NJI – St. John’s Nfld.

July 15, 2022 – “*Ergonomie cognitive de la lecture numérique*” (the ergonomics of digital reading) moderator for Dr. Baccino’s presentation (in French) – NJI – Nfld

May 12, 2022 – “*Mediating Medical Malpractice Claims*” – CBA Health Section Webinar lecturer with Marney Lutz QC and Ivan Derer, QC

June 6, 2022 – “*The Virtual Expert – How to Effectively Use Technology in Trial*” – presented with A. Wilson, QC, CBV Institute Congress AGM, Vancouver, British Columbia

March 2, 2022 – « *Les Procès Virtuels* » Association des juristes d’expression française AGM – Calgary

2021

April 27, 2021 – Witness at the Parliamentary Standing Committee on Justice and Human Rights – presentation on the *Impact of the Pandemic on Trials in the Criminal Justice System*

April 28, 2021 – “*Judging Remotely During the Pandemic*” – Podcast – University of London – Institute of Advanced Legal Studies with Justice Anderson and Prof Carl Stycken, director of the Institute

July 7, 2021 – “*How to Conduct a Virtual Hearing: Insights from Academia*” – panel moderator, National Judicial Institute, Judging Better Judging Smarter, July 7-9, 2021, virtual seminar

June 16, 2021 – “*Technology Tips from the Bench*” – Tech Hacks for Litigators webinar - The Advocate’s Society

2020

August 13, 2020 – *Demonstration and Tips at using a Digital Evidence Program* – Introduction to Thompson Reuters – CaseLines – The Advocates’ Society

June 10, 2020 – “*Impact of the Pandemic on the Alberta Justice System*” – presented to the International Women’s Forum – Calgary branch

May 12, 2020 – “*Advanced Evidence Issues*” – The Advocates’ Society

2019

September 2019 – “*Judicial Wellness – a Canadian Perspective*”, ANAO regional group at the International Judges Association AGM, Nur Sultan, Kazakhstan

September 2019 – “*Litigation Costs in Canada*” – 2e Study Commission on Civil Litigation, International Judges Association AGM, Nur Sultan, Kazakhstan

July 3-5, 2019 – Planning Chair for National Judicial Institute Judging Better Judging Smarter, National Judicial Institute conference, Calgary, Alberta

2018

May 30, 2018 - “*The Court of Queen’s Bench of Alberta: How Technology Can Transform It*”. A study leave report for the Canadian Judicial Council. It included many recommendations about digitizing a court system after having studied the state of affairs across Canada, in many US States and the United Kingdom.

On the Bench and in private practice, Kristine lectured at, and for, the Advocates’ Society, National Judicial Institute, University of Alberta and University of Calgary law schools, Legal Education Society of Alberta, L’Expert, Insight, Canadian Bar Association, Canadian Defence Lawyers, and various schools in areas of civil litigation practice, evidence, court technology, negotiation, privacy rights, copyright and intellectual property, insurance, personal injury, municipal law, public transport liability, language rights, medical and legal malpractice.

RECENT SEMINARS ATTENDED

October 19 – 21, 2022 - CanArb 2022 Week – Montreal, Canada

September 17 – 23, 2022 – International Association of Judges Annual General Meeting – Tel Aviv, Israel, member of the Canadian delegation, executive of the 2e Study Commission on Civil Litigation and presenter. Kristine was also on the Canadian delegation for the IAJ’s AGMs in Kazakhstan September 2019 and in Morocco in September 2018.

July 13 – 15, 2022 – Judging Better, Judging Smarter, National Judicial Institute – on the organising committee for the seminars based on court technology in 2019, 2021 and 2022

May 3, 2022, 15th WCCAS Commercial Arbitration Conference, Calgary, Alberta

February 3-4, 2022 - Annual Insolvency Conference – National Judicial Institute, and Annual Review of Insolvency Law (ARIL) conference – virtual. Attended annually in person in Vancouver, Toronto, Montreal and Calgary, from 2012.

Judicial education while on the Bench was extensive and involved over 10 days of education per year, at the least, in substantive law, procedural law, French language, communication and cultural areas.

COMMUNITY INVOLVEMENT

Over the years Kristine sat on many community boards including 14 years on the board of the Alberta Ballet Company (Chair of the Board 2007-2012), the Canadian Civil Liberties Board, the National Alpine School Board, and the Canadian Mental Health Association Board.