
Clarke Hunter, QC

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Clarke Hunter has practised litigation and dispute resolution since 1980, following a clerkship with Chief Justice Laskin at the Supreme Court of Canada.

He has represented clients in domestic and international arbitrations and mediations, at all levels of the courts in Alberta, in the courts of two other provinces, and in the Federal Court, the Tax Court and the Supreme Court of Canada. The disputes on which Mr. Hunter has acted have involved a broad range of subject matters, including aboriginal (government side), contractual and joint venture, fiduciary duties, oil and gas, corporate securities, director and officer liability, shareholder remedies, professional negligence, product liability, intellectual property and tax.

Mr. Hunter has been cited for his experience in various areas of law by a number of legal directories (see Rankings and recognitions section below).

Practices

- Aboriginal
- Arbitration and alternative dispute resolution
- Governance and directors' liability
- International arbitration
- Litigation
- Product liability
- Regulation and investigations
- Securities Litigation
- Supreme Court of Canada and appellate advocacy
- Transnational litigation

Key industries

- Energy

Education

LL.B., University of Alberta, 1979

B.A., University of Lethbridge, 1975

Representative experience

Litigation

- Representing Chevron Corp. in defence against attempts to enforce in Canada a US\$9.5 billion judgment obtained against Chevron Corp. in Ecuador, which judgment has been found, after a trial in the United States, to have been obtained by fraud and corruption and is also being challenged before an international arbitration tribunal.
- Representing the Government of Canada in several multi-billion dollar oil- and gas-related claims brought by several Alberta First Nations, involving to date a successful defence on the first major issue in a four-year trial, and appeals to the Federal Court of Appeal and the Supreme Court of Canada
- Represented Deer Creek Energy Limited, an Alberta oil sands company, in the successful defence of claims in excess of \$1 billion for "fair value," after minority shareholders dissented from a second-stage squeeze-out following a takeover bid by the Canadian subsidiary of Total S.A.
- Represented the Canadian subsidiary of B.J. Services in the Tax Court of Canada, establishing the right of a hostile takeover bid target to claim investment banking advisory fees and white knight break fees as deductions for income tax purposes and as input tax credits for GST purposes
- Represented a retirement residence operator on a successful trade-mark appeal to the Supreme Court of Canada, identified by *Lexpert* as one of the 10 most important business cases in Canada in both 2010 and 2011 and by *Managing IP North America*, in 2012, as the Canadian trade-mark case of the year

Arbitration

- Represented various energy industry participants in the arbitration of multiple disputes, including the calculation of pipeline tariffs for production from two of Canada's largest oil sands projects, the costs allowable for purposes of calculating provincial Crown royalties, and the pricing of natural gas liquids extracted by pipeline companies
- Represented the vendors of a Canadian oilfield service company on a dispute with an American purchaser seeking the return of all or most of the purchase price on the basis of post-closing adjustments and alleged breaches of representations and warranties
- Represented an Alberta energy facilities manufacturer in an arbitration against the Polish state oil and gas company, conducted in Warsaw under the rules of the Warsaw Chamber of Commerce, and in a contractual mediation with a major Belgian company, conducted in Brussels

Advisory

- Advised various companies on the Alberta government's 2008 royalty review and the imposition of higher royalties on the oil and gas industry, and on the implementation of a new bitumen valuation methodology

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- Advised corporations or special committees in responding to allegations of improper manipulation of historical stock option grants, and on securities commission investigations into alleged insider trading and inadequate disclosure

Admissions

- Alberta 1981

Rankings and recognitions

- *Canadian Legal Lexpert Directory*, (2017): recommended in Aboriginal Law
- *Canadian Legal Lexpert Directory*, (2012-2017): recommended in Litigation - Corporate Commercial; Litigation – Securities; Litigation - Directors' & Officers' Liability; Litigation - Product Liability; *Chambers Global: Canada*, 2007-2017: Dispute Resolution
- *Best Lawyers in Canada*, (2006-2017): Corporate and Commercial Litigation
- *Best Lawyers in Canada*, (2013-2017): Bet-the-Company Litigation; Aboriginal Law
- *Who's Who Legal*, cited for Energy
- *Who's Who Legal*, Canada, cited for Energy and Commercial Litigation
- *Chambers Canada* (2016-2017): Dispute Resolution: Alberta (Band 1)
- *The Legal 500 Canada* (2014-2017): Dispute Resolution, Alberta
- *Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada*, (2012-2017)
- *Benchmark Canada* (2013-2017): recognized as a local litigation star in Alberta and a litigation star in Canada in Energy and Natural Resources, Securities, General Commercial, Product Liability, Arbitration, Aboriginal and Insurance and selected as the Canadian Arbitration Counsel of the Year for 2013 and the Energy and Resource Litigator of the Year for 2015
- *Best Lawyers in Canada – Lawyer of the Year 2014* – Corporate and Commercial Litigation, Calgary
- *Lexpert Special Law Inserts in Report on Business Magazine*, December (2012-2016): cited as one of Canada's Leading Litigation Lawyers
- *Lexpert Guide to the Leading US - Canada Cross-border Litigation Lawyers*, (2012-2015): cited for Corporate Commercial and Securities Litigation
- *Corporate Live Wire 2013 - Lawyer of the year*, Dispute Resolution in Canada
- *Martindale-Hubbell* — Client/Peer rated "AV Pre-eminent"
- Fellow, *American College of Trial Lawyers* (inducted in 2009)

Memberships and activities

- Supreme Court of Canada Advocacy Institute
- Western Canada Commercial Arbitration Society
- The Advocates' Society
- Law Society of Alberta Conduct Committee, 2009-2012
- Law Society of Alberta Professional Responsibility Committee, 2006-2008
- Past instructor of advocacy skills to Alberta lawyers through the Legal Education Society
- YMCA Calgary Board of Directors, 2007- 2014; Chair 2011-2013
- YMCA Canada Board of Directors, 2013 - 2016
- Past board member, Calgary Kiwanis Music Festival