

## Michelle Chai

### Partner

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Queen's Marquee

600-1741 Lower Water Street

Halifax, N.S.

B3J 0J2

Phone: +1.902.444.1704

Fax: +1.902.420.1417

[mchai@stewartmckelvey.com](mailto:mchai@stewartmckelvey.com)

Language(s) spoken: English

Bar Admission(s): Nova Scotia, 2013

Legal Assistant(s): [Arabella McKimm](#)

Michelle provides sound legal solutions and risk management to corporate commercial clients in a variety of industries including banking, energy, telecommunications and construction. She also works with insurers in such areas as disability insurance, personal injury and property insurance. Michelle has represented clients in commercial arbitrations, Nova Scotia Supreme, Small Claims and Federal Court matters, as well as appeals before the Canadian International Trade Tribunal, Federal Court of Appeal, Nova Scotia Court of Appeal and Supreme Court of Canada. Some of the ways Michelle helps her clients include:

- Co-counsel in 1 week trial at Supreme Court of Nova Scotia, successfully representing Canadian bank in getting judgment for fraudulent misrepresentation, breach of the duty of good faith, breach of contract, etc.
- Co-counsel in 7 day out-of-province commercial arbitration, successfully defending Nova Scotia corporation against claims for breach of the duty of good faith, breach of contract, etc.
- Co-counsel in 3 week trial at Supreme Court of Nova Scotia, successfully defending insurer against claim for long term disability benefits.
- Assisting importers with appeals of *Customs Act* tariff classification before Canadian International Trade Tribunal, successfully defending multi-national corporations
- Defence of professional malpractice, disability insurance, personal injury and property damage claims for national and international insurers, as well as self-insured corporations (incl. banks and transportation companies).
- Advice on trademark and copyright litigation issues, including assistance with Federal Court litigation.
- Assistance with multimillion-dollar commercial litigation and arbitrations, in the areas of contractual disputes, energy and construction.

## Practice Areas

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Bankruptcy, Receivership & Insolvency  
Class Actions  
Construction  
Education  
Environmental & Natural Resources  
Insurance  
Intellectual Property  
Litigation & Alternative Dispute Resolution

## Education & Career

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### Education

Université de Moncton, Trial Advocacy Program, 2016  
Dalhousie University, JD, 2012  
Queen's University, BAH Political Studies & History, 2009

### Activities

Member, Stewart McKelvey Halifax Students Committee  
Member, Stewart McKelvey Diversity & Inclusion Committee  
Member, Board of Directors, Lawyers Insurance Association of Nova Scotia, 2021 – present  
Co-Chair, Gender Equity Committee, Nova Scotia Barristers' Society, 2022 – present  
Member, Gender Equity Committee, Nova Scotia Barristers' Society, 2019 – present  
Instructor, Civil Trial Practice, Dalhousie University Schulich School of Law, Winter 2020 – Winter 2021  
Member, Board of Directors, Legal Information Society of Nova Scotia, 2014 – 2021  
Secretary, Executive, Legal Information Society of Nova Scotia, 2017 – 2021  
Member, Canadian Defence Lawyers Association, 2013 – present  
Member, Board of Directors, Young Canadian Arbitration Practitioners, 2017 – 2020  
Member, Young Canadian Arbitration Practitioners, 2011 – present  
Member, Canadian Bar Association, 2012 – present  
Presenter/volunteer, Canadian Bar Association, Law Day, 2013 – 2018  
Member-at-Large, Canadian Bar Association, Women's Lawyer Forum, 2018 – 2019  
Member, Canadian Bar Association Equality Committee, 2014 – 2017  
Member, Canadian Bar Association, Interim Governance & Equality Committee, 2017  
Volunteer, Stewart McKelvey United Way Committee, 2012 – 2014  
Volunteer, Habitat for Humanity, 2012 – 2015

## Thought Leadership

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Discovering a Denial: Recent Ontario decision sheds light on discoverability of claims against LTD insurers

June 03, 2022

*Richards Estate* sets the limits on actions against LTD insurers

February 27, 2020

Client Update: Limitation periods & denial of LTD benefits: the NSSC decision in Cameron

May 09, 2018

Client Update: Supreme Court of Canada dismisses appeals in punitive damages cases

May 26, 2016

Client Update: Nova Scotia Court of Appeal Substantially Reduces Punitive Damages in LTD Case (Plus a Primer on the New Nova Scotia Limitations Act)

November 23, 2015

Client Update: Recent Developments: Disability Insurance Policies

December 17, 2014

Client Update: Nova Scotia Supreme Court awards \$500,000 in Punitive Damages in LTD case

July 09, 2014

## **Publications**

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Author, "Field trip frenzy: liability for off-campus activities", *Discovery: Atlantic Education and the Law* – Spring 2019

June 12, 2019

Putting the new generation of lawyers under the magnifying glass, *Touchstones – The Newsletter of the CBA's Equality Committee*

July 22, 2015

Re:Sound Dancing Again, Stewart McKelvey's IP/IT Blog, The Medium

April 15, 2015

What's in a name? (Why there is no copyright in your name), Stewart McKelvey's IP/IT Blog, The Medium

January 12, 2015

Re:Sound Flexes its Musical Muscles, Stewart McKelvey's IP/IT Blog, The Medium

May 26, 2014

Google Glass-wearing Driver Ticketed in the US – What's the law on distracted driving in Nova Scotia?, Stewart McKelvey's IP/IT Blog, The Medium

January 31, 2014

Cloud Computing: How to navigate risky skies, extended version, Doing Business in Atlantic Canada

June 02, 2013

Cloud Computing: How to Navigate Risky Skies, Stewart McKelvey's IP/IT Blog, The Medium

February 26, 2013

Statutory Damages and the New Copyright Regime, Stewart McKelvey's IP/IT Blog, The Medium

November 14, 2012

Signed (Electronically?), Sealed & Delivered, Stewart McKelvey's IP/IT Blog, The Medium

September 30, 2012

Re:Sound, the New Kid (Music Copyright Collective) on the Music Block, Stewart McKelvey's IP/IT Blog, The Medium

September 19, 2012

## **Presentations**

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Panelist, "How to Succeed in Real-Life Negotiation", CBA National New Skilled Lawyer Series webinar

May 09, 2023

Panelist, "Faster, Cheaper, Better: Maximizing Efficiency with the Technology You Have", Advocates' Society Atlantic Symposium

August 29, 2022

Panelist, "Transforming Your Law Practice for Remote Advocacy and E-Litigation", CBA National Skilled Lawyer Series webinar

February 10, 2021

Caselaw Update, Canadian Life and Health Insurance Association 2019 Claims and Anti-Fraud Annual Conference

May 08, 2019

Legal Update, Canadian Life and Health Insurance Association 2018 Claims and Anti-Fraud Annual Conference

May 09, 2018

Documentary Discovery Roundtable, Canadian Life and Health Insurance Association 2017 Legal Section Annual Meeting

October 05, 2017

A Mari Usque Ad Mare – Update from Atlantic Canada (and beyond), Canadian Life and Health Insurance Association 2016 Legal Section Annual Meeting

September 22, 2016