

Michael A. Skene

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Construction
Construction Disputes
Contract Disputes
Defamation & Media Law
Infrastructure
P3 Contracts
Disputes
International Construction Projects

Michael advises clients in a range of **construction** and **infrastructure** matters, with extensive experience in dispute-related issues.

He counsels a variety of groups, including sureties, developers and contractors.

Michael has successfully represented clients before various tribunals, provincial and superior courts, and in the Supreme Court of Canada.

Additionally, he has a robust media and defamation practice, with experience in all aspects of the sector, including defending **libel claims** and setting aside publication bans.

Experience

- Michael defended a Canadian Joint Venture against a $1.1 billion arbitration that arose after the successful construction of a mineral processing facility. Our team of 75 BLG timekeepers (13 partners, 15 associates, 12 students, 9 paralegals, and many eDiscovery, Litigation Support, Library, Document Production and other staff) worked with numerous client personnel and in-house counsel in various locations, and with eight expert witnesses, insurers and reinsurers. The details of the settlement in December 2016 are confidential. BLG achieved a great result in a timely and efficient way.

- Seymour Capilano Twin Tunnels Project; counsel for the general contractor and its sureties pursuing and defending complex tunneling engineering and geotechnical claims and claims of builders lien (project value $400+ million).
- Brilliant Expansion Project; counsel for the general contractor pursuing complex construction claims (project value $116+ million).
- Lulu Island and Annacis Island Wastewater Treatment Plants; counsel for the general contractor in complex delay and productivity claims against the owner and engineers, and in numerous contract, tort, builders' lien and trust claims against subtrades and suppliers (project value $280+ million).
- Sky Train Millennium Line; counsel for an international consortium pursuing significant delay and productivity claims (project value 272+ million).
- UBC Thunderbird Student Housing; counsel for contractor and surety pursuing delay and productivity claims and defending water-ingress claims with respect to a ten-building project.
- UBC Chan Centre; counsel for contractor pursuing delay and productivity claims.
- R. v. Malik and Bagri (Air India); various media applications for print and television media.
- R. v. Pickton; successfully opposed an application by the accused to close the courtroom to the public and to the media.
- R. v. Trott, R. v. Ertmoed; obtained access to court files regarding videotaped confessions in murder cases.
- Anumba v. The Minister of Employment and Immigration; set aside publication ban and court closure regarding refugee claimant fearing persecution by headhunters.
- Ironworkers Local 97 v. Gordon Campbell, the Liberal Party of BC, Southam Inc. and Brian Kieran; defence co-counsel in a libel claim resulting in dismissal of claim following trial.

Insights & Events

- Co-Author, "Construction Law 2024: Canada - Trends and Developments," Chambers and Partners, June 6 2024
- Author, "4 important construction industry trends to watch", BLG Article, October 2023
- Co-Author, "Construction Law 2022: Canada – Trends and Developments,"*Chambers and Partners*, June 9, 2022
- Moderator and Panelist, "Duty of Good Faith – Panel Discussion" – 27 May 2022 – Canadian College of Construction Lawyers, Annual Conference, St. Andrews by-the-Sea, New Brunswick.
- Co-Author, "Canadian Construction Law Reform: A Survey of Recent Developments in Builders Liens, Prompt Payment, Interim Adjudication and Mandatory Construction Bonding," (M.A. Skene and D.H. Laudan) 2020 Journal of the Canadian College of Construction Lawyers 93, January 2020.
- Author, "Commercial Litigation Beyond the Pale: A Comparison of Extraterritorial Anti-Suit and Mareva Jurisdiction Exercised by the Courts of England and British Columbia in Commercial Disputes," 30UBC Law Review.
- Author, "Preparing Delay Claims," Affinity Institute Conference.
- Author, "Risk Allocation in Canadian Public Private Partnerships", Review of Construction Law: Recent Developments, Carswell.
- Co-Author, "Continuing the Fight to Access Court Exhibits Across Canada," Ad Idem National Media Law website and BLG Media Law Client Update (with D.A. Crerar and J.J. Locke).
- Co-Author, "More Protection from Liability to Website Owners," BLG Commercial Litigation Alert (with C.L. Leggett and D.A. Crerar).
- Co-Author, "Bonds," B.C. Builders Lien Practice Manual (CLE BC), updated annually (with D.H. Laudan).

- Co-Author, “How Much Trouble are You in When You Cannot Prove What You Published? Recent Applications of the New Responsible Communication Defence in BC,” BLG Media Law Client Update (with J.J. Locke).
- Co-Author, “Hyperlinks to Defamatory Material on Other Websites May Expose Website Owners to Liability in Defamation,” The Lawyers Weekly and Internet & E-Commerce Law Inc. Canada (with D.A. Crerar).
- Co-Author, “Hyperlinks to Defamatory Material: Avoiding Liability,” The Lawyers Weekly (with D.A. Crerar).
- Co-Author, “New Defamation Defence of Responsible Communication on Matters of Public Interest,” BLG Media & Defamation Commercial Litigation E-Alert (with D.A. Crerar).
- Co-Author, “Trend Set Toward Larger Awards for Defamation of Corporations,” The Lawyers Weekly (with D.A. Crerar).
- Quoted, “Defamation and Contempt: Responsible Journalism,” Canadian Press, Vancouver.

Beyond Our Walls

Professional Involvement

- Fellow, Canadian College of Construction Lawyers
- Panelist, Commercial Litigation / Inns of Court Annual Program, Law Society of British Columbia, 2002-present
- Member, Canadian Bar Association
- Member, American Bar Association
- Member, International Bar Association
- Member, Ad Idem Canadian Media Lawyers Association

Community Involvement

- Director and Past President, Alumni Association of St. George’s School, 2007-2014
- Director, St. George's School Foundation Board, 2014-2016
- Director, St. George’s School Society Board, 2012-2014 and 2016-2023

Awards & Recognition

- Recognized in the 2027 edition (and since 2010) of *The Best Lawyers in Canada* (Construction Law and Defamation & Media Law).
- Recognized in the 2027 edition (and since 2025) of *Chambers Canada* (Construction (Nationwide - Canada)).
- Recognized in the 2026 edition (and since 2024) of *The Canadian Legal Lexpert Directory* (Construction Law) and in 2023 (Litigation - Defamation & Media)
- Recognized in the 2025 (and previous editions) of *Lexology Index* (formerly *Who’s Who Legal: Canada* (Construction).
- Recognized as a 2025, 2024 and 2023 *Thomson Reuters* Stand-out Lawyer
- Recognized in the 2024 edition of *Benchmark Canada – The Definitive Guide to Canada's Leading Litigation Firms & Attorneys* (Insurance, Securities, Professional Liability).
- Recognized in the 2026, 2025, 2024 and 2019 edition of the *Lexpert Special Edition - Canada's Leading Infrastructure Lawyers*.

- Recognized in the 2021 edition (and since 2020) of the *Doyles Guide - Leading Construction, Engineering & Infrastructure Lawyers* – British Columbia.
- Recognized in the 2020 edition of *Acritas Stars*. Nominated as a stand-out lawyer by in-house counsel.
- Recognized in the 2019 edition of *The Canadian Legal Lexpert Directory* (Construction Law).
- Recognized as a "Litigation Star" in the 2026, 2025 and 2018 editions of *Benchmark Canada* (Insurance, Professional Liability, and Securities).
- Recognized as a "Litigation Star" in the 2017 edition of *Benchmark Canada — The Definitive Guide to Canada's Leading Litigation Firms & Attorneys* (Construction Law, Commercial, Media and Entertainment, Defamation).
- Recognized as a "Future Star" in the 2016 edition (and since 2012) of *Benchmark Canada — The Definitive Guide to Canada's Leading Litigation Firms & Attorneys* (Construction Law).
- Martindale-Hubbell BV Distinguished 4.4 out of 5 Peer Review Rated.
- Recognized in the 2016 edition of *The Canadian Legal Lexpert Directory* (Litigation - Defamation & Media).

Bar Admission & Education

- Ontario, 2026
- Saskatchewan, 2019
- British Columbia, 1993

- LLM, University of Cambridge, 1995
- JD, University of Toronto, 1992
- B.Comm. (Hons.), University of British Columbia, 1992

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

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