

David B. Kitchen

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Education and Employment

Education	Employment
1993, BA, University of Victoria	1999-2008: Fraser Milner Casgrain (now Dentons). Articled and practiced as an Associate before becoming Partner
1999, LLB, University of Calgary	2008 - 2019: Verjee Law Partner
	2019 – 2021: Fasken Martineau DuMoulin Counsel
	2021 – present: David Kitchen Mediation Founder

Memberships and Affiliations

- Member, Law Society of Alberta
- Member, Calgary Bar Association
- Member, Canadian Bar Association

Rankings and Awards

- *The Best Lawyers in Canada* 2016-2021 Corporate and Commercial Litigation
- *Martindale Hubbell* 2013-2015 Martindale-Hubbell BV Rating

Community Involvement

- Resicare Society (2008-present - director) (not-for-profit community based residential services)
- Ride to Conquer Cancer (2009-2019 – rider)
- Disciplinary Committee for Girls' Hockey Calgary (2018-2020 – committee member)

- Co-founder and past President of the *Velo Café Cycling Club* (2017-2020)
- Coach for several minor league soccer and hockey teams (2008-2016)

Mediation Practice

David has practiced primarily in the areas of insurance, disability insurance, oil and gas, construction and general commercial litigation. During his 21 years of practice, David has run several trials in the Court of Queen's Bench, been involved in numerous Special Chamber's Applications and argued at the Court of Appeal on a wide range of legal issues. In the last three years David has begun to work as a mediator.

David brings the practicality of having appeared at all levels of court in Alberta to the mediation process. David has obtained immeasurable litigation experience and gained some sense of what a court may do if a certain matter were to come before it; not to mention having a clear understanding of the significant time and cost commitments of proceeding to trial.

David completed the STARS program at the Straus Institute for Dispute Resolution through Pepperdine University, School of Law. This mediation training, along with David's litigation experience and balanced approach to problem solving will allow him to assist parties in negotiating a successful resolution of their lawsuits, regardless of the value or issues in dispute. David was recognized by *The Best Lawyers in Canada* for Corporate and Commercial litigation (2021).

Client Work

- *Murdoch v. Balfour*, 2002 ABQB 494
- *Sinclair v. Stehr*, 2002 ABQB 374
- *Gagnon v. Frey*, 2005 ABCA 106
- *Hantzinikolas v. Guest*, 2006 ABQB 157
- *Korencik v. Hartwell*, 2007 ABQB 459
- *Merchant v. Law Society of Alberta*, 2007 ABQB 658
- *Beninger v. Carmichael*, 2007 ABQB 148
- *Condominium Corporation No. 9813678 v. Statesman Corporation*, 2008 ABQB 495
- *Jiwani v. Royal and SunAlliance Canada*, 2010 ABCA 385
- *Paule L. Armeneau Professional Corporation v Frank*, 2012 ABQB 778
- *Vaccaro v. Twin Cities Power-Canada U.L.C.*, 2012 ABCA 109 (co-counsel)
- *Vaccaro v. Twin Cities Power-Canada U.L.C.*, 2012 ABCA 193 (co-counsel)
- *Vaccaro v. Twin Cities Power-Canada, U.L.C.*, 2013 ABCA 252 (co-counsel)
- *Kowch v. Gibraltar Mortgage Ltd.*, 2013 ABQB 498, 2013 ABQB 498
- *Vaccaro v Twin Cities Power-Canada, U.L.C.*, 2014 ABQB 56
- *Danek v Levine*, 2016 ABQB 422
- *McIver v McIntyre*, 2016 ABQB 667
- *McPhail v John Doe I*, 2016 ABQB 76
- *Holmes v Edmunds*, 2017 ABCA 28
- *McIver v McIntyre*, 2018 ABCA 151
- *Alderson v. The Wawanesa Life Insurance Company 2019*, ABQB 96

Presentations

- **Alberta Civil Trial Lawyers' Association**
Crossing-examining at Trial, Calgary and Edmonton, October, 2015
- **Insurance Law Section Webinar**
Meditations in the Virtual Age, Calgary, May 27, 2020
- **In-house client seminars**
Most recently - Insurance Implications of COVID 19 for National Olympic Committee, Spring 2020

Interests

David is an avid road cyclist and can often be found on two wheels. David taught indoor spin classes for three years and has helped organize cycling clubs in the Calgary area. David also commutes eight months of the year to work. David also enjoys skiing (when not able to ride a bike) as well as travelling with his wife and family.