

Michelle Chai

Partner



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Language(s) spoken: English

Bar Admission(s): Nova Scotia, 2013

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.
- Co-counsel in appeal of *Customs Act* tariff classification before Canadian International Trade Tribunal, successfully defending multi-national corporations
- Defence of 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 issues, including assistance with Federal Court litigation.
- Assistance with multimillion-dollar commercial litigation and arbitrations, in the areas of energy and construction.
- Assistance with debt collection for companies and financial institutions involving multinational assets and parties.
- E-discovery management including collection and organization of, as well as delegation for review of, electronic

disclosure in databases with over 1.5 million records.

Practice Areas

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

Education & Career

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

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

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

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