



LUDMILA B. HERBST, Q.C.

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## PRACTICE AREAS

Advocacy and Litigation  
Administrative and Regulatory  
Arbitration & Dispute Resolution  
Commercial Litigation  
Defamation and Media Litigation

## PROFILE

Ludmila is a litigator whose practice includes corporate, commercial, resource-related and constitutional cases. Ludmila has represented clients before all levels of court in British Columbia, the Supreme Court of Canada, arbitration tribunals and administrative tribunals including the British Columbia Utilities Commission and the Property Assessment Appeal Board.

Ludmila was named female litigator of the year for British Columbia by the 2013 Benchmark Canada Litigation Guide and has repeatedly been named as a Litigation Star in the fields of Arbitration and Class Action. She is recognized in the annual Best Lawyers Directory as a leading corporate and commercial litigator. In 2010, Lexpert named Ludmila as one of Canada's 40 Leading Lawyers under 40. Lexpert has also named her a cross-border litigation lawyer to watch.

Ludmila joined Farris in 1998 after graduating as the Law Society Gold Medallist from the University of British Columbia. She frequently presents at conferences and publishes on issues pertaining to her practice. She is one of the two co-authors of *Commercial Arbitration in Canada: Domestic and International Arbitrations*, a leading text on arbitration law that has been cited by trial and appellate courts across Canada. Ludmila is the assistant editor of, and a contributor to, the *Advocate*, a legal journal circulated to all lawyers in British Columbia with a readership throughout the Commonwealth. She is on the editorial board of, and contributes to, a text on *British Columbia Business Disputes*, which won an Outstanding Achievement award from the Association for Continuing Legal Education. She has written for numerous other publications on topics including commercial arbitration, civil procedure, evidence, the sale of goods, and women's legal history.

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LEGAL  
RECOGNITION

- Queen’s Counsel (2015)
- Benchmark Canada Litigation Star
- The Best Lawyers in Canada
- Chambers Canada
- Lexpert: Leading Lawyers Under 40 (2010)
- Martindale-Hubbell Ranking (BV)
- Called to the British Columbia Bar (1999)

EDUCATION

- University of British Columbia (LL.B., 1998) – Gold Medallist
- University of British Columbia (M.A., Pol. Sci, 1995)
- University of British Columbia (B.A., Pol. Sci with International Relations (Hons.), 1994)

**PUBLICATIONS AND PRESENTATIONS**

- Co-author, *Commercial Arbitration in Canada*, looseleaf (Aurora, Ont.: Canada Law Book), with yearly updates
- Co-Author, “Legal Anecdotes and Miscellanea”, 75 Advocate 459 (May 2017) (B.C. Legislative Library)
- Chair, CLE Conference – Commercial Arbitration (April 21, 2017)
- Author, “Entre Nous”, 75 Advocate 171 (March 2017) (re “law and order”)
- Author, “Legal Anecdotes and Miscellanea”, 75 Advocate 131 (January 2017) (re Nicola courthouse)
- Presenter, WCCAS Annual General Meeting, “Legal Update” (November 19, 2016)
- Co-Presenter, CLE Conference – BC Business Disputes, “Misrepresentation” (November 18, 2016)
- Co-Presenter, Advocates’ Society Conference, “Arbitration Advocacy” (November 2, 2016)
- Author, “Entre Nous”, 74 Advocate 811 (November 2016) (re *In Flanders Fields*)
- Author, “Legal Anecdotes and Miscellanea”, 74 Advocate 773 (September 2016) (re referenda and conscription in Canada)
- Author, “Legal Anecdotes and Miscellanea”, 74 Advocate 619 (July 2016) (re women’s right to vote)
- Co-Presenter, 10<sup>th</sup> Annual WCCAS Energy, Mining and Resources Arbitration Conference, Panel No. 2: Legal Update (May 10, 2016)
- Author, “Entre Nous”, 74 Advocate 331 (May 2016) (re U.S. presidential race)
- Author, “Legal Anecdotes and Miscellanea”, 74 Advocate 293 (March 2016) (re William Hogarth)
- Author, “Entre Nous”, 74 Advocate 11 (January 2016) (re Paris and Beirut terrorist attacks)
- Presenter, WCCAS Annual General Meeting, “Recent Judicial Pronouncements on Arbitration” (November 21, 2015)
- Author, “Legal Anecdotes and Miscellanea”, 73 Advocate 937 (November 2015) (re Charles Dickens)

and *A Christmas Carol*)

- Co-Presenter, Urban Development Institute, “Property Tax Case Law Review & Tax Strategies” (October 14, 2015)
- Author, “Entre Nous”, 73 Advocate 491 (July 2015) (re refugees)
- Co-Presenter, Benchmark Women in Litigation Forum, “Predicting and Controlling the Cost of Litigation” (June 30, 2015)
- Co-Presenter, Commercial Arbitration 2015: Taking Advantage of User Control Conference, “The First Key to a Successful Arbitration – An Arbitration Agreement Consistent With User Priorities: General Considerations” (June 5, 2015)
- Co-Presenter, 9<sup>th</sup> Annual WCCAS Energy, Mining and Resources Arbitration Conference, Panel No. 6: “Hot Topics” (May 12, 2015)
- Author, “Legal Anecdotes and Miscellanea”, 73 Advocate 457 (May 2015) (re Texas appellate bench)
- Co-Presenter, CLE Conference – Shareholders Disputes, “ADR and Shareholders Disputes” (April 22, 2015)
- Presenter, Federated Press Mini LLP for Aboriginal Leadership Course, “Shareholder and Member Rights in Aboriginal Corporations and Societies” (March 11, 2015)
- Author, “Fernie’s Fabulous Courthouse”, 73 Advocate 205 (March 2015)
- Author, “On Cannabis Day” portion of “Entre Nous”, 73 Advocate 173 (March 2015)
- Author, “Legal Anecdotes and Miscellanea”, 73 Advocate 137 (January 2015) (re *Hansard*)
- Presenter, CLE Conference – Defamation and Media Law, “Pleadings, Peculiarities and Particulars in a Defamation Action” (November 21, 2014)
- Author, “Legal Anecdotes and Miscellanea”, 72 Advocate 933 (November 2014) (re Esther Hobart Morris)
- Author, “Entre Nous”, 72 Advocate 651 (September 2014) (re lawyers’ public involvement and engagement)
- Author, “Entre Nous”, 72 Advocate 329 (May 2014) (re Marc Nadon)
- Author, “Legal Anecdotes and Miscellanea”, 72 Advocate 453 (May 2014) (re Margaret Brent)
- Co-author, “More Than Tax: The Use of Notices of Assessment”, Canadian Property Tax Association Communication Update, Volume No. 34, Issue May/June 2014 at pp. 3-4
- Co-author, “Roundtable Discussion on Arbitration Rules”, Canadian Arbitration and Mediation Journal, Vol. 23, No. 1, Spring/Summer 2014 at pp. 24-33
- Co-presenter, “Limitation Periods Under the *Family Law Act* and the New *Limitation Act*”, Trial Lawyers Association of British Columbia Conference – The Family Law Act: The Times Are Still A’Changing (May 9, 2014)
- Co-presenter, National CBA Panel “Summary Judgment Post-Hryniak: The Supreme Court of Canada’s ‘Cultural Shift’ in Civil Justice”, (February 19, 2014)
- Co-presenter, “Exemptions”, CLE Conference – Real Property Assessment and Taxation (November 7, 2013)

- Co-presenter, “Renewing the Pillars of Domestic Arbitration-New Canadian Arbitration Laws and New ADRIIC Rules”, ADR Institute of Canada National Conference and ICC Canada International Arbitration Conference (October 24-25, 2013, Toronto)
- Presenter, Vancouver Association of Law Libraries – “The New BC *Limitation Act*” (October 10, 2013)
- Presenter, “Can You Still Sue? BC’s New *Limitation Act*”, CLE Conference - A Litigator’s Arsenal (September 26, 2013)
- Author, “Costs Awards at the BC Property Assessment Appeal Board”, Canadian Property Tax Association Communication Update, Volume No. 33, Issue May/June 2013 at pp. 6-7
- Presenter and author, “Resolving Post-Closing Disputes – The Arbitration Route”, CLE Conference – Legal Strategies for Private Business Acquisitions (June 5, 2013)
- Co-presenter, “Introduction to the New BC *Limitation Act*”, CLE Conference - New BC *Limitation Act* (May 6, 2013)
- Co-presenter, “BC’s New *Limitation Act*”, CBA Corporate Counsel Section Meeting (February 4, 2013)
- Co-presenter, “BC’s New *Limitation Act*”, CBA Real Property Section Meeting (January 16, 2013)
- Co-presenter, “BC’s New *Limitation Act*”, CBA Civil Litigation Section Meeting (December 4, 2012)
- Co-presenter, “Practice Tips for the New BC *Limitation Act*”, CBA Webinar (August 21, 2012)
- Co-presenter, “*Limitation Act* (Bill 34)”, CBA Webinar (June 19, 2012)
- Author, “Amendment to First Nations Tax Exemption”, Canadian Property Tax Association Communication Update, Volume No. 32, Issue May/June 2012 at pp. 5-6
- Author, “United Nations Convention On Contracts For the International Sale of Goods”, Annual Review of Civil Litigation 2012
- Presenter, “Polygamy Constitutional Reference in BC”, 2012 Joining Together Conference: Taking Action Against Child Abuse (May 6-9, 2012)
- Co-chair and presenter, CLE Conference - Commercial Arbitration (March 1, 2012)
- Presenter, Panel on Drafting Commercial Arbitration Agreements, ADRIIC 2011 Conference - Peak Performance in ADR (October 27-28, 2011)
- Presenter and author, “Misrepresentation”, CLE Conference - Business Disputes (October 7, 2011)
- Author, “Written Hearings Before BC’s Property Assessment Appeal Board”, Canadian Property Tax Association Communication Update, Volume No. 31, Issue January/February 2011 at pp. 4-5
- Interview: Noa Glouberman, “The right side of the law: Lawyers, paralegals, legal administrative assistants in demand in 2011”, Employment Paper April 23/10
- Presenter, “Litigation Preparedness”, Canadian Corporate Counsel Association Fall Training Camp (November 8, 2010)
- Author, “Property Tax Exemptions: Non-Profit Housing Societies”, Canadian Property Tax Association Communication Update, Volume No. 30, Issue May/June 2010 at pp. 4-5
- Co-author, “Pleadings Under the New Rules”, CLE Conference - The New Civil Rules for Legal Support Staff (May 7, 2010)
- Co-author, “Mixed Success on Challenges to Municipal Property Tax Rate Bylaws”, Canadian Property

- Tax Association Communication Update, Volume No. 30, Issue January/February 2010 at pp. 3-4
- Author, “Evolving Court Rules on Expert Evidence”, Canadian Property Valuation, Vol. 54, Book 1, January 2010
  - Author, “Appeal Court Puts a New Spin on Costs for Arbitration”, The Lawyers Weekly, Vol. 29, No. 37 (February 12, 2010)
  - Author, “Security for Costs in Arbitration: playing hard to get”, The Lawyers Weekly, Vol. 29, No. 2 (May 15, 2009)
  - Author, “Arbitration (Domestic Commercial)”, Lexpert CCA Corporate Counsel Directory (May 2008)
  - Author, “Uncertainty surrounds awards for costs in arbitration proceedings”, The Lawyers Weekly, Vol. 27, No. 44 (March 28, 2008)
  - Co-author, “Arbitration (Domestic Commercial)”, Lexpert CCA Corporate Counsel Directory (May 28, 2007)
  - Presenter and author, “Judicial Deference to Arbitral Jurisdiction: Applications for Stays of Proceedings and Dell Computer Corp. v. Union des Consommateurs”, The Advocates Club (September 17, 2007)
  - Presenter and co-author, “A Good Offence: Pleadings and Preliminary Motions”, CLE Conference - A Litigator’s Arsenal 2007 (June 8, 2007)
  - Presenter and co-author, “Breach of Fiduciary Duty”, CLE Conference - Torts 2007 (May 17, 2007)
  - Co-author, “Anti-Suit Injunctions are Garnering Interest”, The Lawyers Weekly (March 30, 2007)
  - Author, “In-House Counsel and Attorney-Client Privilege”, Lex Mundi Publication (2007)
  - Presenter and author, “Effective Legal Research”, CLE Conference - Personal Injury for Legal Support Staff (December 2006)
  - Presenter, “Research Considerations Relating to Commercial Arbitration”, CBA Legal Research and Writing Subsection (April 2006)
  - Presenter and author, “Commercial Litigation: Effective Legal Research and Writing”, Insight Information Paralegal Forum (April 6-7, 2006)
  - Presenter and author, “Sealing Orders in Civil Proceedings”, The Advocates Club (February 21, 2005)
  - Co-author, “Rule 18A Applications: Suggestions for Effective Use”, CLE Conference - Civil Litigation (October 2004)
  - Co-author, “Perceived Conflicts Between Social Values and Charter-Protected Rights” (May 2002)
  - Co-author, “Limitation of Actions in Tort” (2002) 60 Advocate 535
  - Co-author, “Torts Update: Limitation of Actions”, CLE Conference - Torts (April 2001)
  - Co-author, “Evidentiary Issues in the Law of Contract”, CLE Conference (November 2000)
  - Co-author, “Jurisdictional and Inter-Jurisdictional Issues”, CLE Conference (April 2000)