



KAREN R.
ZIMMER*
PARTNER

* Professional Law Corporation

BIOGRAPHY

Karen R. Zimmer is the leader of our firm's Defamation + Publication Risk Management Practice Group, and a member of the firm's Information + Privacy, Business Disputes, Local Government and Charities + Non-Profit Practice Groups.

Her practice is primarily focused on the following areas of civil and commercial litigation: libel and slander claims, privacy, cyber breach response coaching and related defense work, society litigation matters, directors and officers liability, complex commercial litigation and professional regulatory matters.

She is experienced in providing privacy breach response coaching for a variety of matters, including those involving rogue employees, ransomware attacks and phishing attacks and as the lead Canadian member of the Legalign Global Cyber Breach Response Team.

She is also experienced in pursuing her clients' interests in urgent interlocutory applications, short and lengthy trials, appeals, arbitrations and mediations. She has appeared at all levels of court in British Columbia as well as the Yukon Supreme Court and the Human Rights Tribunal. She has represented clients in matters before the federal and provincial Privacy Commissioner offices.

She has extensive experience in defending professional regulatory bodies, health and school boards, insurance benefit providers, non-profit associations, professionals, insurers and the media, including CBC and radio stations, in a variety of libel and slander matters and breach of privacy claims.

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EDUCATION

- 1999 LL.B. [Queen's University](#)
 - 1996 B.A. (Honours) [Simon Fraser University](#)
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BAR ADMISSIONS

- 2015 Admitted to the Yukon Bar
 - 2000 Admitted to the British Columbia Bar
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PRACTICE AREAS

BUSINESS

- Defamation + Publication Risk Management
- Business Disputes
- Information + Privacy
- Charities + Non Profit
- Franchise
- Intellectual Property + Technology

Ms. Zimmer believes in the importance of assessing risk exposure early on in her retainer and providing ongoing risk management advice to ensure that contentious matters do not escalate. Where litigation is to be avoided, she is experienced in working with her clients to achieve a resolution.

Ms. Zimmer appreciates that her areas of practice frequently require quick action, and responds accordingly.

ON A PERSONAL NOTE

Karen is enthusiastic about travelling, skiing, running, gardening and wine.

RECOGNITION

- 2022 Best Lawyers® in Canada Privacy and Data Security Law

REPRESENTATIVE EXPERIENCE

- Acting as breach counsel during various kinds of privacy breaches and cyber-security threats.
- Defending breach of privacy claims, including employers who are alleged to be vicariously liable for the privacy breaches of their employees.
- Advising public bodies and private corporations on their compliance obligations with their applicable privacy legislation.
- Representing public and private sector clients in matters before the federal and provincial Privacy Commissioner offices.
- Assists clients, including companies, insurance benefit providers, and health boards to prepare privacy-related policies and procedures, and crisis response plans to limit legal, economic, and reputational risks.
- Advising on access to information requests, including on discretionary and mandatory severance of information under the applicable privacy laws.
- Advising clients on conflict of laws and overlapping jurisdiction issues with respect to inter-provincial and international data flow.
- Reviewing publications to provide pre-publication advice, and recommending strategies to minimize the risks of being sued in defamation.
- Well-versed at defending print communications in the private and public

- Appellate Advisory
- Health
- Cyber Breach Response + Defense

PERSONAL

- Defamation + Publication Risk Management
- Information + Privacy
- Intellectual Property + Technology
- Appellate Advisory

INSURANCE

- Defamation + Publication Risk Management
- Information + Privacy
- Appellate Advisory
- Local Government
- Directors + Officers
- Professional Liability
- Cyber Breach Response + Defense

INDUSTRIES

- Charities + Non-Profit
 - Education
 - Franchise
 - Health Care
 - Local Government
 - Technology
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sector, media articles, radio broadcasts, and internet publications including those on Facebook, websites and blogs.

- Obtaining various urgent injunctions in commercial litigation matters, including an order to remove a director and shareholder from management.
- Urgent applications on behalf of media clients, including applications related to publication bans and for cameras in hearing rooms (see i.e. *v. Zehaf-Bibeau*, 2014 BCPC 253).
- Providing governance advice to non-profit clients, including on membership and election disputes, drafting Bylaws and Policies, and defending non-profits in legal proceedings brought under the *Societies Act* and the *Canada Not-for-profit Act*.
- Responding to privacy breaches including breach coaching, defending breach of privacy claims, and advising on compliance with *FIPPA*, *PIPA*, *GDRP* and *PIPEDA*.
- Successfully opposed application for summary judgment and injunction in dispute involving mining clients.
- Obtaining order to remove opposing counsel due to a conflict of interest.
- Various cases concerning the defence of absolute privilege, including application in the context of a pre-litigation demand letter (see i.e. *Peak Innovations Inc. v. Pacific Rim Brackets Ltd.*, 2009 BCSC 1034)
- Successfully defending with David Gooderham, a local school board and four trustees in a claim by a former school superintendent arising out of extensive coverage in the local media. The claim was dismissed in its entirety after a lengthy trial and with costs awarded in favour of our clients for approximately \$700,000: *Lane v. Board of School Trustees of School District 68 (Nanaimo-Ladysmith)*, 2006 BCSC 129.
- Successfully defending with David McKnight, a regional health board in an action commenced by a restaurant after the local newspaper published an article entitled, 'Vomit serves up virus at buffet'. The case was dismissed against our clients as it was found that the statements made by our clients did not identify the restaurant and alternatively were protected by the defences of fair comment and justification: *Restaurant Ltd. v. Northern Interior Regional Health Board et al.* 2004 BCSC 294, 2005 BCCA 210.
- Various litigation involving contract disputes, guarantees, and intellectual property matters.



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PUBLICATIONS

- March 1, 2022, “Defamation, Privacy and Media Law 2022”, *CLE BC* – Course, Speaker
- March 2022, “Utilizing the Courts for an Online Reputational Scrub, and the Potential Emergence of a Right to Be Forgotten in Canada”, *CLE BC*, Author
- January 28, 2021, “Insurance Considerations for Not-For-Profits and Charities”, *Canadian Bar Association: Charities & Not-For-Profit Law Section*, Speaker
- November 11, 2020, “Cyber”, *Critical Uncertainties Webinar Series Autumn 2020* – a joint presentation by the Legalign Global Breach Response Team, Speaker
- October 2020 – *Critical Uncertainties – Technology – Four mismatches and misconceptions that could cost cyber dear* – a joint publication by the Legalign Global Cyber Team, Contributor
- November 28, 2019, “What They Wish They Knew Before Posting Their Own Words, and Hosting or Hyperlinking the Words of Others”, *BCSTA Academy*, Presenter
- May 7 – 9, 2019, “Navigating Privacy and Defamation Laws when Investigating and Reporting Benefit Fraud”, *CLHIA Conference Vancouver*, Presenter
- May 4, 2018, “Damages and Other Consequences for Breaching Privacy”, *Risk Management Branch Conference Vancouver*, Presenter
- 2014 – 2017, Various presentations on defamation issues for her insurance clients
- August 18, 2017, “Best ways for non-profits to navigate B.C.’s new Societies Act”, *Business in Vancouver*, Author
- August 2017, “Privacy vs. free speech on the internet: An update on the right to be forgotten”, *BarTalk Magazine*, Author
- July 2017, “What an insured needs to know when defending a defamation action”, *Claims Canada*, Author

EVENTS

- 07/05/2019, Navigating Privacy and Defamation Laws when Investigating and Reporting Benefit Fraud



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PROFESSIONAL & COMMUNITY AFFILIATIONS

- [Law Society of British Columbia](#), Member
- [Canadian Bar Association](#), Member
- [Vancouver Bar Association](#), Member
- [Canadian Defence Lawyers](#), Member
- [International Association of Privacy Professionals](#), Member
- [Ad IDEM/Canadian Media Lawyers Association](#), Member



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