



Harvey J. Kirsh

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Harvey J. Kirsh is a recognized authority in construction law. He has been certified by the Law Society of Upper Canada as a "Specialist in Construction Law", and has more than 40 years of experience in the arbitration, mediation and litigation of complex construction claims and disputes arising out of significant infrastructure, public-private partnership (P3), transportation, energy, resource, industrial, commercial, and institutional projects, both domestically and internationally.

Designated as a Chartered Arbitrator more than 30 years ago by the ADR Institute of Canada, he has extensive training, and Canadian, American and international experience, as both an arbitrator and a mediator. Harvey has been included in the *Chambers Global* list of Canada's top arbitrators, and has the distinction of having been elected, as one of only several Canadians, as a Fellow of the *College of Commercial Arbitrators*, which is an elite organization of internationally recognized commercial arbitrators whose professional training and experience qualify them to undertake the most complex and difficult arbitration assignments. As for mediation, Harvey was featured in *Who's Who Legal* as one of the "most highly regarded individuals" in Canada in Commercial Mediation, and as being "a construction specialist with a terrific reputation for mediating complex industrial, commercial, infrastructure and energy disputes", and as "a famed practitioner in the field both domestically and internationally". Harvey has also been selected as the recipient of the Ontario Bar Association's Award of Excellence in Alternative Dispute Resolution.

His most recent experience as an ADR neutral includes both international and domestic claims arising out of the construction of an international crude oil pipeline, an oil sands project in northern Alberta, a biomass cogeneration facility in the Maritimes, an Ontario solar power project, a commercial roofing system in New Jersey, a copper mine in Panama, a Virginia cement finish mill, an oil refinery in Utah, a gold mine in northern Ontario, a municipal water and sewage system in Brooklyn, sewage treatment plants in Halifax, a nickel processing plant in Newfoundland, a Canadian armed forces base, a hospital in the Bronx, a brewery facility in the Maritimes, and an upscale residential housing project in Ontario. He was also selected by NJ Transit and the Port Authority of New York and New Jersey to act as Chair of a Dispute Review Board, for both subsurface and surface contracts, relating to the construction of the \$8.7 billion Mass Transit Tunnel from the suburbs of New Jersey to central Manhattan (although the construction project was ultimately cancelled by the State of New Jersey due to lack of funding).

Harvey was also appointed by the Government of Ontario as Chair of "*The Independent Expert Review of Certain Girders Manufactured for the Rt. Hon. Herb Gray Parkway*", whose mandate was to investigate and make recommendations regarding the safety and durability of certain girders used in the construction of one of the largest construction projects in Canada.

He has acted as legal advisor and counsel with respect many high-profile construction projects, including

the Toronto Transit Commission's \$3 billion Spadina Subway Extension project; the Toronto Transit Commission's \$900 million Sheppard Subway project; Northland Power's 110-megawatt Iroquois Falls, Ontario cogeneration plant; the 580-megawatt Brighton Beach Power Plant (Windsor, Ontario); wastewater plants in Sudbury, London and Orangeville, Ontario; the Four Seasons Centre for the Performing Arts (home of the Canadian Opera Company and the National Ballet of Canada); the Greater Toronto Airport Authority (also known as Lester B. Pearson International Airport); the Niagara Fallsview Casino Resort; the CANDU 9 nuclear reactor project (Bruce Nuclear Generating Station); Deerhurst Resort (one of Canada's largest all-season luxury golf, spa, and family resorts, and the site of the G-8 Summit); the Marriott Toronto Downtown Eaton Centre Hotel; the Municipality of Metropolitan Toronto Archives; numerous University of Toronto construction projects, including fiber optics installation program, Varsity Arena renovations, construction of student dormitories, renovation of law school, dental school facilities; Sunnybrook Health Sciences Centre; The Residences at the Ritz Carlton (luxury high-rise condominium and hotel), and a wide range of other facilities – both public and private – including tunnels, bridges, transportation facilities, roads and highways, stadiums and arenas, water and wastewater plants, hospitals and healthcare facilities, court houses, manufacturing and distribution facilities, commercial office towers, high-rise condominiums and hotels, municipal projects, schools, shopping centers, and a range of energy projects including co-generation, hydro-electrical transmission, and nuclear facilities.

Harvey was the First President, a Founding Fellow and a Governor of the *Canadian College of Construction Lawyers* and is currently an Emeritus Fellow; and has also been elected as a Fellow of the *American College of Construction Lawyers*.

A prolific writer and popular speaker, Harvey has authored numerous books and articles and has chaired many conferences and seminars in Canada and the United States on various aspects of construction law and alternative dispute resolution. He is also the Founding Editor-in-Chief of the *Construction Law Reports* (published by Carswell), the Founding Editor of the *Construction Law Letter* (published by Lexis Nexis), and the former Editor of *JAMS' Global Construction Solutions* newsletter.

For more than 20 years, Harvey has had the Martindale-Hubbell Peer Review Rating of "AV", which indicates the highest possible rating in legal ability and ethical standards. He has been prominently and regularly featured as a leading practitioner in the fields of construction law, arbitration and mediation in *Chambers Global*; *The Best Lawyers in Canada Directory*; the *Canadian Legal Lexpert Directory*; the *Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada*; *International Who's Who Legal—Construction*; and *The Cross-Border Construction and Projects Handbook*. He has also been featured in the *Lexpert Special Edition on Infrastructure* as one of "Canada's Leading Infrastructure Lawyers". Harvey has also been an Adjunct Professor at the Faculty of Law, University of Toronto, where he created and taught a course entitled "*From Blueprints to Buildings: Legal Issues in the Construction Industry*".