

Duncan W. Glaholt, C. Arb



Glaholt Dispute

Resolution Services

141 Adelaide Street West

Suite 800

Toronto, Ontario

M5H 3L5

Tel: 416 368 8280

Fax: 416 368 3467

dwg@glaholtadr.com

Curriculum Vitae

Duncan W. Glaholt, C.Arb, is the founder and a partner of the leading and nationally recognized construction law firm of Glaholt LLP, consistently peer rated as one of Canada's most highly recommended mid-sized construction law practices. He is the recipient of the 2014 OBA Award of Excellence in Construction Law, the 2018 TCA Donald Griffin Jr. Award and has been named one of Canada's leading lawyers in the Construction Law category in the Lexpert/American Lawyer Media publication: "Leading 500 Lawyers in Canada" in each year in which that category appeared in publication. Mr. Glaholt maintains Martindale-Hubbell's highest possible AV rating and is certified by the Law Society of Ontario as a Specialist in Construction Law.

Mr. Glaholt is a chartered arbitrator and mediator. He is a Founding Fellow and Past President of the Canadian College of Construction Lawyers, a Fellow of the American College of Construction Lawyers, and a Founding Fellow of the International Academy of Construction Lawyers and the North American branch of the Society of Construction Lawyers.

Mr. Glaholt is author and co-author of standard reference books on lien legislation, construction law, and alternative dispute resolution as well as an Adjunct Professor at the Faculty of Law at the University of Toronto.

Arbitration & Mediation:

Mr. Glaholt has arbitrated major claims on a number of industrial and infrastructure projects under both institutional (ICC, JAMS, UNCITRAL) and *ad hoc* rules. Mr. Glaholt has been a member of arbitration panels in energy industry, wind power, cogeneration, nuclear power, nuclear new build and retrofit, solar power and related BOP and distribution systems as well as conventional infrastructure, environmental and housing development projects.

Mr. Glaholt is one of Canada's foremost mediators of complex construction disputes, with a specialty in complex multi-party infrastructure disputes.

Claims Officer and Referee

Mr. Glaholt has had court appointments as a Claims Officer in major infrastructure insolvencies and as a Referee of complex construction disputes.

Adjudication



Mr. Glaholt has undertaken a leadership role in the introduction of principles of private and statutory adjudication to Canadian lawyers and trade associations and has advocated for efficiency in the arbitration process. He sat on the Subject Matter Expert Advisory Group to the Expert Review of Ontario's Construction Lien Act on the implementation of an adjudication regime in Ontario. He is also a member of the Toronto Commercial Arbitration Society's Arbitration Act Reform Committee.

Dispute Review and Advisory Boards

Mr. Glaholt has written in this area and sits as an active chair of DRB tribunals.

Education:

B.A. University of Manitoba, 1974

J.D. University of Toronto, 1977

Called to the Bar of Ontario, 1979, Alberta and Saskatchewan 2017

Certified by the Law Society of Ontario as a Specialist in Construction Law, 1998 to present

Diploma in International Commercial Arbitration, 2004

Harvard Law School, Mediation Workshop for Lawyers, 2008

C.Arb., FCIArb, Chartered Institute of Arbitrators, 2009

Offices held:

William Osler Health Centre
Past Chair, Board of Directors

Canadian College of Construction Lawyers
Founding Fellow, Governor, Past President

American Colleges of Construction Lawyers
Fellow

International Academy of Construction Lawyers
Founding Fellow

Society of Construction Lawyers (North American Branch)
Founding Governor

Editor 2007-2011, Journal of the Canadian College of Construction Lawyers

Books:



- *The Law of ADR in Canada: An Introductory Guide*, 2nd ed. (LexisNexis, 2018) (co-author)
- *Halsbury's Laws of Canada, Alternative Dispute Resolution* (LexisNexis, 2009 / 2014 / 2018) (co-author)
- *Halsbury's Laws of Canada, Construction* (LexisNexis, 2008 / 2013 / 2017) (co-author)
- *Construction Builders' and Mechanics' Liens in Canada*, 7th ed., Bristow, Glaholt, Reynolds & Wise, (Carswell, 2005)
- *Journal of the Canadian College of Construction Lawyers* (Editor, Carswell, 2007 - 2011)
- *Conduct of Lien, Trust and Adjudication Proceedings* (Carswell, 2019) (now in its 16th edition)
- *Conduct of a Trust Action* (Carswell, 2010)
- *Ontario Annotated Construction Act* (Carswell, 2019) (now in its 25th edition) (co-author)
- *Construction Trusts*, (Carswell, 1999)
- *Canadian Precedents of Pleadings*, 2nd ed. (contributor: Construction Law, Carswell, 2013)
- *O'Brien's Encyclopedia of Forms, 11th Edition, Building Contracts* (Canada Law Book, 2007)

ADR Specific Articles:

Mr. Glaholt is well published in the periodical literature related to alternative dispute resolution, including:

- "The Collaborative Settlement of Construction Disputes" (2017) 1:2 *American Journal of Construction Arbitration & ADR* 189 (co-author)
- "'Made in Ontario' Statutory Adjudication", The 2017 Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada
- "Arbitrator Questioning: Sphinx or Skeptic" (2016) *Journal of the Canadian College of Construction Lawyers* 81
- "The Collaborative Settlement Process and its Application in Construction Disputes", *JAMS Global Construction Solutions* (Fall 2011, p. 5, co-author)
- "Conciliation" (2009), 82 C.L.R. (3d) 161
- "Expert Determination" (2009), 82 C.L.R. (3d) 12
- "Has the Time Come for the '100 Day Construction Arbitration' in Canada?" (2007), 59 C.L.R. (3d) 1



- “The Adjudication Option: The Case for Uniform Payment & Performance Legislation in Canada” (2006), 53 C.L.R. (3d) 8
- “ICC Arbitration: A Model for the Resolution of Complex Disputes” (2003) 19:1 International Law Quarterly 4 (co-author)
- “An ICC Model for the Resolution of Complex Construction Disputes” (2002), 14 C.L.R. (3d) 173 (co-author)
- “Toward an Inquisitorial Model for the Resolution of Complex Construction Disputes” (1998), 36 C.L.R. (2d) 159 (co-author)

Memberships:

- Canadian College of Construction Lawyers
- American College of Construction Lawyers
- International Academy of Construction Lawyers
- Society of Construction Lawyers
- Chartered Institute of Arbitrators
- Dispute Resolution Board Foundation
- International Bar Association
- The Law Society of Upper Canada
- Canadian Bar Association
- Ontario Bar Association
- County of York Law Association
- Advocates’ Society
- The Defence Research Institute
- Ontario Trial Lawyers Association
- American Trial Lawyers Association