

Lowell A. Westersund Q.C., LL.B., B.A., Counsel



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Areas of Expertise

Litigation & Dispute Resolution
Construction | Infrastructure
Alternative Dispute Resolution
Energy
Oil & Gas
Public-Private Partnerships (P3)

Year of Call

1979 (Alberta)

Education

University of Alberta, LL.B., 1978
University of Calgary, B.A., 1971

Lowell offers over 30 years of experienced counsel with a focus on all types of large construction projects, including working as project counsel in relation to construction, products liability, surety and fidelity bonds. His practice is focused on the representation of owners, engineering firms, contractors, sureties, consultants and suppliers involved in industrial, commercial and institutional construction as well as on various matters relating to commercial litigation. He has represented clients in relation to disputes throughout Canada, the United States and Mexico. Lowell has appeared as lead counsel before the Supreme Court of Canada, at all levels of Alberta Courts, before the British Columbia Supreme Court and in alternate dispute resolution including both mediation and arbitration.

More recently, Lowell has been engaged to provide advice regarding risk management and avoidance with respect to a number of large construction programs underway or in planning. Lowell's practice is largely in the areas of industrial, commercial and institutional construction projects and related disputes, commercial litigation, surety and fidelity bonding matters.

Representative Work

- Oil & Gas/Energy
- Manufacturing/Processing
- Bridges/Dams/Waterworks
- Hospitals/Health Care
- Commercial Towers
- Environmental
- Municipal/Provincial/Federal Facilities
- Universities/Colleges (Infrastructure)
- Insurance/Bonding
- Successfully mediated resolution of a \$35 million refinery equipment failure and fire
- Successfully appeared before Alberta Court of Appeal in relation to application of limitations under the Arbitration Act
- Two-week Alberta trial and appeals to the Court of Appeal and the Supreme Court of Canada relating to land development breach of contract, the law of mistake and punitive damages
- Five-month construction dispute brought before the Court of Queen's Bench of Alberta involving claims in excess of \$15 million and a subsequent week-long appeal
- Five-week trial before the Supreme Court of British Columbia relating to a fire in a pulp and paper mill
- An Alberta Queen's Bench trial and subsequent Court of Appeal hearing relating to the purchase of industrial property, breach of fiduciary duty and misuse of confidential information

Publications

Force Majeure Clauses in Construction Contracts

Change Orders and Notice Requirements: Mitigating the Cumulative Impact of Multiple Changes

Force Majeure Clauses in Construction Contracts

"Change Orders, Notice and Delay," Canadian College of Construction Lawyers 11th Annual Conference, Mt. Tremblant, Québec, May 2008

Westersund, L.A., "Force Majeure Clauses in Construction Contracts" (2008) in Glaholt, D.W., Kirsh, H. and Reynolds, R.B. (eds.) *Journal of the Canadian College of Construction Lawyers*, 2008 (Toronto: Thomson/Carswell, 2008) at 67

Presented numerous papers on a variety of construction issues including an article published in the *Construction Law Reports* and a pending article for the *Journal of the Canadian College of Construction Lawyers*

Teaching Roles

Lecturer for several years at the Law Society of Alberta Bar Admission Course on civil procedure

Lecturer at seminars including the Construction Superconference, Insight seminars and as a member of numerous public and private seminar panels

Lecturer at Annual Alberta Construction Association, Law and Construction Industry Course, 2008 & 2009

University of Calgary Law for Project Managers - several years

Recognition

Recognized by the 2013 LEXPERT/American Lawyer Guide to the Leading 500 Lawyers in Canada as a leading lawyer in the area of Construction Law

Recommended by PLC Which lawyer? in the PLC Construction and Projects Multi-Jurisdictional Guide 2012 in the area of Construction Law

Recommended by The Canadian Legal LEXPERT Directory 2011 and 2012 as one of Canada's most frequently recommended lawyers in Construction Law

Selected by Best Lawyers in Canada as a leading construction lawyer in Canada, 2006, 2009, 2010, 2011, 2012, 2013

Recognized by Best Lawyers in Canada 2012 as "Lawyer of the Year" in Construction Law

Recommended by The 2010 and 2011 LEXPERT/American Lawyer Guide to the Leading 500 Lawyers in Canada as a leading lawyer in the area of Construction Law

Repeatedly recommended by LEXPERT as a leading construction lawyer

Queen's Counsel Appointment: 2004

Professional Affiliations

Governor of the Canadian College of Construction Lawyers

Member of the Canadian Bar Association

Member of the Law Society of Alberta

Member of the Calgary Bar Association

Community Involvement

Former Director of Brown Bagging It For Calgary Kids

For more information, please contact us as:

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