

Jean C. van der Lee Q.C.  
1023 Kildonan Crescent SW  
Calgary Alberta T2V 2M5  
[jeancvanderlee@gmail.com](mailto:jeancvanderlee@gmail.com)  
(587) 586-7837

Ms. van der Lee articulated at Atkinson McMahan (now Field LLP) in Calgary and was admitted to the Alberta bar in 1984. She practised with Field LLP as an Associate (1984-1989, 2017) and a Partner (1990-2016) for over 30 years in the area of civil litigation and dispute resolution with an emphasis on construction law. Ms. van der Lee retired from private practice in 2017.

Over her years of practise, Ms. van der Lee represented major engineering and construction companies as well as insurance and surety companies in significant multi-party litigation and in local and international arbitration proceedings. She is nationally recognized as lead counsel in litigation and arbitration involving major construction projects and is counsel of record in a number of leading decisions in construction and surety law. Ms. van der Lee has also contributed extensively to the legal profession and construction industry through her involvement on various committees, associations and organizations, legal scholarship and publications, and seminars and educational programs for lawyers and members of the construction industry. She is author of a number of seminars and publications in the area of construction and surety law and most recently co-authored a chapter on Arbitration Provisions in Construction Contracts. Ms. van der Lee is a Founding Fellow of the Canadian College of Construction Lawyers. She served on the Executive and was President in 2007-2008, and was honoured to be appointed Emeritus Fellow of the College in 2018.

Ms. van der Lee was appointed Queen's Counsel in 2006 and has been listed as leading a construction lawyer by LExpert (Canada); Who's Who International: Construction Law; Who's Who Legal: Canada; Best Lawyers Canada: Construction Law; and LExpert/American Lawyer – Guide to Leading 500 Lawyers in Canada. She was recognized by Best Lawyers Canada as Lawyer of the Year: Construction Law (Calgary) in 2013 and 2017.

#### **Professional Awards / Honours**

---

Lexpert American Lawyer - Leading 500 Lawyers in Canada

Lexpert Construction Lawyers - Most Frequently Recommended

Best Lawyers in Canada

Lawyer of the Year in Construction Law/Calgary 2013 and 2017

International Who's Who of Construction Lawyers

Who's Who Legal Canada

Appointed Queen's Counsel – 2006

Martindale-Hubbell – Distinguished - Peer Rated for High Professional Achievement

**Professional Associations**

---

Law Society of Alberta	1984
Calgary Construction Association, Director	1997 to 1999
Calgary Construction Association Education Fund, Director	2000 to 2008
Canadian Bar Association Alberta, Chairperson Construction Law Section (South)	1989 to 1990
Canadian College of Construction Lawyers - Founding Fellow	1998
- Board of Governors -Member	2000 to 2018
- - President	2007 to 2008
- Emeritus Fellow	2018
Surety Association of Canada, Western Committee	2000 to 2016

**Education/Employment History**

Bachelor of Arts, Psychology, University of Calgary	1971
Masters of Science, Psychology, University of Calgary	1974
LLB, University of Calgary	1983
University of Calgary, Psychology Department Graduate Teaching Assistant	1972 - 1973
Graduate Research Assistant	1973 - 1974
Calgary Board of Education Research Assistant, Research and Testing	1975 - 1976
Supervisor, Research and Testing	1976 - 1980
Atkinson Milvain Articling Student/ Associate	1983 - 1989
Atkinson McMahon/Field Atkinson Perraton/Field LLP Partner	1990 - 2016
Firm Committees/Management: Student Hiring, Associates, Management, Merger, Strategic Planning, Marketing, Process Improvement	
Counsel	2017

**Lecturer / Teaching Positions**

---

Faculty of Continuing Education - Contract Law & Documents, Construction Management Certificate Program	University of Calgary	1996 to 2000
Faculty of Engineering - Guest Lecturer	University of Calgary	1992 to 2010
Gold Seal Program Course, Contract Law and Documents	Red Deer College	1998

**Selected Presentations**

---

New Rules of Court (Alberta)	LESA Seminars	October - November 2010
Construction Law	LESA Seminar	April 2009
Compellability of Witnesses in Arbitration	2008 CBA National Construction Law Conference	April 2008
Managing Complex Litigation - Implications Arising From Parallel or Related Proceedings	2008 CBA National Construction Law Conference	April 2008
Securing and Enforcing Surety Bonds and Other Forms of Construction Security	Canadian Institute - 15th Annual Western Canadian Super Conference	January 2007
Construction Law Update - Contracts and Bonds	Conference	April 2006
The Anatomy of a Construction Action	Canadian Institute - 14th Annual Western Canadian Super Conference	January 2006

Construction Bonding and Insurance Update	Canadian Institute - 12th Annual Western Canadian Super Con- ference	January, 2004
Construction Law Update	Homebuilders & Ren- ovations Expo	Novem- ber, 2003
Construction Law Update	Conference	February, 2003
ADR and Mediation in the Surety Industry	Surety Association of Canada 4th. National Surety Conference	Novem- ber 2001
Managing Construction/Purchasing Risk	Calgary Airport Au- thority	June 2001
Legal Alert - Construction Law Primer	Calgary	April 2001
Surety Bonds Seminar	Insurance Institute of Southern Alberta	February 2001
Recent Developments in Construction Law	Homebuilder & Ren- ovator Expo	October 2000
Sureties and The Companies Creditors Ar- rangement Act: Construction Law: 2000 and Beyond	Vancouver - Cana- dian Bar Association National Construction Law Section	May 2000
Surety Bonds	The Insurance Insti- tute of Southern Al- berta	January 2000
The Basics of Surety Law	Canadian Bar Associ- ation - Construction Law Section South Alberta	October 1999
Recent Legal and Legislative Developments in Construction Law	Construction Super- conference, Calgary - The Canadian Insti- tute	Novem- ber 1997
Alternative Dispute Resolution - Recent De- velopments in Private and Government Con- tracts	Alberta Construction Exposition, "ACE 98"	Novem- ber 1997
Alternative Dispute Resolution	Construction Specifi- cations Canada, Cal-	October 1996

gary

Arbitration Provisions in Construction Contracts - Is a Surety Bound?	Canadian Bar Association - Construction Law National Round Table - Aylmer, Quebec	May 1996
---	---	----------

**Selected Reported Decisions**

---

Sprague Rosser Contracting Co Ltd. v. EOS Pipeline & Facilities Inc.	2016 ABQB 231	Alberta Court of Queen's Bench	2016
UPA Construction Group Limited Partnership v. Lake Placid Properties (Park) Inc.	2010 ABQB 675	Alberta Court of Queen's Bench	2010
Contintental Earthmovers Ltd. v. Midwest Furnishing & Supplies Ltd. (c.o.b. Midwest Developments)	[2006] A.J. No. 889	Alberta Court of Queen's Bench	2006
Bains Engineering Corp. v. 734560 Alberta Ltd.	2005 CarswellAlta 731	Alberta Court of Appeal	2005
Bains Engineering Corp. v. 734560 Alberta Ltd.	affd.[2004] A.J. No. 630	Alberta Court of Appeal	2004
Tracer Industries Inc. v. Shell Canada Ltd.	[2004] A.J. No. 769	Alberta Court of Queen's Bench	2004
Bains Engineering Corp. v. 734560 Alberta Ltd.	[2004] A.J. No. 1237	Alberta Court of Queen's Bench	2004
American Home Assurance Co. v. Tanar Industries Ltd.	[2002] A.J. No. 326	Alberta Court of Appeal	2002
Alberta (Executive Director of Securities Commission) v. Vantage Securities Inc.	[2002] A.J. No. 126	Alberta Court of Queen's Bench	2002
Sovereign General Insurance Co. v. Tanar Industries Ltd.	[2002] A.J. No. 107	Alberta Court of Queen's Bench	2002

Tanar Industries Ltd. v. Outokumpu Eco Energy	303 A.R. 27	Alberta Court of Appeal	2001
Sovereign General Insurance Co. v. Tanar Industries Ltd.	[2001] A.J. No. 613	Alberta Court of Queen's Bench	2001
Scaffold Connection Corp. (Re)	[2000] A.J. No.230	Alberta Court of Appeal	2000
Tanar Industries Ltd. v. Outokumpu Eco Energy	249 A.R. 1	Alberta Court of Queen's Bench	1999
Sovereign General Insurance Co. v. Tanar Industries Ltd.	[1999] A.J. No. 634	Alberta Court of Queen's Bench	1999
Tanar Industries Ltd. v. Outokumpu Ecoenergy Inc.	[1999] A.J. No. 1151	Alberta Court of Queen's Bench	1999
Kvaerner Enviropower Inc. v. Tanar Industries Ltd.	affd.[1998] A.J. No. 1027	Alberta Court of Appeal	1998
Tanar Industries Ltd. v. American Home Assurance Co.	1998 CarswellAlta 853	Alberta Court of Appeal	1998
Landes v. Royal Bank	1997 CarswellAlta 248	Alberta Court of Appeal	1997
Rainbird Sprinkler Mfg. Co. (Canada) v. Elpat Holdings Ltd.	[1997] A.J. No. 385	Alberta Court of Appeal	1997
Kvaerner Enviropower, Inc. v. Tanar Industries Ltd.	[1996] A.J. No. 805	Alberta Court of Queen's Bench	1996
Kvaerner Enviropower Inc. v. Tanar Industries Ltd.	affd.[1994] A.J. No. 778	Alberta Court of Appeal	1994
Kvaerner Enviropower Inc. v. Tanar Industries Ltd.	[1994] A.J. No. 556	Alberta Court of Queen's Bench	1994
Greenscape Ltd. v. LRSCO Investments Ltd.	[1994] A.J. No. 514	Alberta Court of Queen's Bench	1994
Pecaflor Construction	[1994] A.J. No. 490	Alberta Court of	1994

Inc. v. Royal Bank of Canada		Queen's Bench	
Maiklem v. Springbank Oil & Gas Ltd.	[1994] A.J. No. 1005	Alberta Court of Queen's Bench	1994
Guarantee Co. of North America v. Beasse	1993 CarswellAlta 463	Alberta Court of Queen's Bench	1993
Rainbird Sprinkler Mfg. Co. (Canada) v. Elpat Holdings Ltd.	[1993] A.J. No. 861	Alberta Court of Queen's Bench	1993
Guarantee Co. of North America v. Beasse	1992 CarswellAlta 448	Alberta Court of Queen's Bench	1992
The Guarantee Company of North America v. Robdale Contractors et al.	[1992], 7 C.L.R. (2d) 194, additional reasons at [1993], 14 C.P.C. (3d) 182	Court of Queen's Bench	1992
Pigott Project Management Ltd. v. Alberta	[1992] A.J. No. 1215	Masters Chambers	1992
Robdale Contractors Ltd. v. Deloitte & Touche Inc.	1991 CarswellAlta 303	Alberta Court of Queen's Bench	1991
Ellis-Don Management Services Ltd. v. Canadian Surety Co.	[1991] A.J. No. 675	Alberta Court of Queen's Bench	1991
Guarantee Co. of North America v. Beasse	[1991] A.J. No. 1234	Alberta Court of Queen's Bench	1991
Guarantee Co. of North America v. Beasse	[1991] A.J. No. 1199; 7 C.L.R. (2d) 194	Alberta Court of Queen's Bench	1991
Robdale Contractors Ltd. v. Deloitte and Touche Inc.	[1991] A.J. No. 111	Masters Chambers	1991
Barry Pendergast Architect Ltd. v. Marigold Holdings Ltd.	1989 CarswellAlta 90	Alberta Court of Appeal	1989
Marigold Holdings Ltd. v. Norem Construction Ltd. (Alta. C.A.)	[1989] A.J. No. 548	Alberta Court of Appeal	1989
Marigold Holdings Ltd. v. Norem Construction Ltd.	1988 CarswellAlta 116	Alberta Court of Queen's Bench	1988

Dominion Construction v. Modular Windows et al	[1988] A.J. No. 540; 30 C.L.R. 30	Alberta Court of Queen's Bench: Action No. 8301-04821	1988
Oracle Resources Ltd. v. Dome Petroleum Ltd.	[1988] A.J. No. 289	Alberta Court of Queen's Bench	1988
Oracle Resources Ltd. v. Dome Petroleum Ltd.	[1988] A.J. 146	Alberta Court of Queen's Bench	1988
Marigold Holdings v. Noram Construction Ltd.	[1987] 60 Alta. L.R. (2d) 289	Alberta Court of Queen's Bench	1987
Rasmussen v. Westerkirk Holdings Inc./Ford v. Westerkirk Holdings Inc.	8701-21524, 8701-21509	Alberta Court of Queen's Bench, Appeal to Court of Appeal dismissed with costs throughout.	

**Publications**

---

Arbitration in Construction Contracts	CCCL Deskbook	April 2019
The DesignBuild Deskbook: Blueprint for DesignBuild Procurement Across the United States and Canada (4 <sup>th</sup> Edition) - Alberta	American Bar Association	April 2010
Have We Come Full Circle? Case Comment on Tercon Constructors Ltd. v. B.C Ministry of Transportation and Highways		Fall 2009
Implications Arising from Parallel or Related Proceedings - Use of Evidence - Res Judicata - Having Proceedings Stayed	Construction Law Conference	April 2008
Compellability of Witnesses in Arbitration	Construction Law Conference	April 2008
Owner's Duty of Fairness in the Tender Process	Construction Law Update	February 2006
Joint Meeting of the American College of Construction Lawyers and The Canadian College of Construction Lawyers	Construction Law Reports - Third Series	February 2005
Completing Sureties: Can't Get No Respect	Construction Law Reports	1999