



# JEFFREY VALLIS QC, FCI Arb.

## Partner

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[Product Liability](#)

[Insurance and Tort Liability](#)

[Litigation and Arbitration](#)

[Construction Contracts](#)

[Corporate Commercial Litigation and Arbitration](#)

[Oil and Gas](#)

### Education / Bar Admissions

LLB, University of Toronto, 1981

Leadership in Law Firms Certificate,  
Harvard Law School Executive  
Program, 2011

Alberta, 1982

Manitoba, 2015

Saskatchewan, 2016

### Professional Involvement

Fellow, Canadian College of  
Construction Lawyers

Fellow, Chartered Institute of  
Arbitrators

Member, Western Canada  
Commercial Arbitration Society

Member, Canadian Bar Association  
and Calgary Bar Association

### Community Involvement

Board Chair, Hospice Calgary  
Society, 2008-10

Director, Hospice Calgary Society,  
2002-11

Trustee and Vice-President, Canadian  
Athletic Foundation, 1993-2010

Director and Vice-Chair, Recreation  
for Life Foundation, 2002-09

## EXECUTIVE SUMMARY

Jeffrey Vallis is a partner in both our Construction Group and International Construction Projects Focus Group. Based in Calgary, Jeff practises construction litigation and arbitration, and is recognized as one of the leading lawyers in Canada for construction law by the foremost legal rankings publications. He acts on behalf of owners, contractors, subcontractors, lenders and sureties in disputes arising from large-scale construction and engineering projects, principally in the infrastructure, industrial and commercial sectors.

Jeff has experience before the superior courts of Alberta, Saskatchewan and Manitoba, the Federal Court of Canada, and the Supreme Court of Canada, but primarily before the Court of Queen's Bench of Alberta and the Alberta Court of Appeal. He has also acted as counsel in many arbitration proceedings, and has served as an arbitrator and as a mediator.

## REPRESENTATIVE WORK

Recent arbitration work includes:

- Acting as counsel for two joint ventures engaged in disputes arising out of the design and construction of a major ring road project in southern Alberta.
- Counsel for an international engineering firm defending a \$125 million claim arising out of the design of a series of pumping stations on a large international oil pipeline. The arbitration was commenced as an ICC arbitration, but was converted to ad hoc rules by agreement between the parties.
- Counsel for an owner of a \$1 billion sour gas processing plant in northern Canada claiming damages against two contractors and a fabricator. This arbitration was commenced under UNCITRAL rules, and is a multi-party proceeding.
- Counsel for a general contractor involved in disputes with the owner and with a number of subcontractors arising out of the construction of an international airport in a major city in Canada.
- Counsel for a design build contractor, arising out of the design and construction of a highway infrastructure project in southern Manitoba.

Co-Chair, Hospice Calgary's  
Community Campaign, 2008-09

University of Calgary Law Faculty  
Fundraising Campaign, 1999

- Counsel for an EPC contractor involved in a dispute with the owner and operator of a carbon capture facility.

Sample of reported decisions:

- *JTI v. Alberta* (2016), ABCA 28 (Alta. CA); successfully set aside an adverse interpretation of the Tobacco Tax Act of Alberta.
- *Tulsa Heaters Inc. v. Syncrude Canada Limited* (2009), 86 CLR (3d) 245 (Alta. CA); upheld trial decision relating to changes in specifications.
- *Tulsa Heaters Inc. v. Syncrude Canada Limited* (2008), 2 Alta L.R. (5th) 296 (Alta. QB); successfully prosecuted claim arising out of changes to piping specifications in heavy oil upgrader project.
- *Agrium Inc. v. Chubb Insurance Co. of Canada* (2007), 5 WWR 530 (Alta. QB); successfully defended at trial a large claim against a fidelity bond.
- *Graham Construction and Engineering (1985) Ltd. v. LaCaille Developments Inc.* (2006), 154 A.C.W.S. (3d) 1079 (Alta. QB); six-week trial dealing with delay claims, allegations of deficiencies, and changes in scope of work.
- *NAC Constructors Ltd. v. Alberta Capital Region Wastewater Commission* (2005), 144 A.C.W.S. (3d) 469 (Alta. CA); upheld decision limiting effect of discretion clauses in tender documents.
- *Westco Storage Ltd. v. BICC Canada Inc.* (2005), 192 Man. R. (2d) 166 (CA); upheld summary dismissal of environmental claim based on Manitoba limitations legislation.
- *Bell ExpressVu Limited Partnership v. Rex et al* (2002), 212 D.L.R. (4th) 1 (SCC); acted for intervenor in successfully challenging BCAA interpretation of *Radio Communications Act*.
- *Canada Post v. Goodfellas Delivery Inc.* (2002), 322 A.R. 13 (QB); application to strike portions of a defence.
- *WIC Premium Television Ltd. v. General Instrument Corp. et al* (2001), 2 WWR 431 (Alta. CA); leading decision on the jurisdiction of the Alberta courts.
- *IMC Canada Ltd. v. Enron Canada Corp.* (2001), 318 A.R. 62 (QB); application for interlocutory injunction.
- *National Bank of Canada v. Merit Energy Ltd.* (2001), 294 A.R. 36 (QB); determination of rights in a bankruptcy proceeding.

## PUBLICATIONS & PRESENTATIONS

- Speaker, "Construction Contract Dispute Resolution – Collaborating with the Opposition in a Litigious Situation," Managing Risk in Construction Contracts and Projects conference, January 2016.
- Panelist, "Doing More with Less," Canadian Bar Association/Canadian Corporate Counsel Association Annual Conference, Calgary, August 2015.
- Speaker, "Multi-party Arbitrations," Society for Construction Law Conference, September 2014.
- Speaker, "New Rules for Summary Judgement in Canada," Annual Meeting of the Canadian College of Construction Lawyers, June 2014.

- Co-Chair, "Canadian Construction Insurance Law: A Roadmap to Risk Management," *Lexpert*, Calgary, June 2013 (with Patricia Morrison).
- Author, "A Bought Magistrate: The Conundrum of the Consultant," *Journal of the Canadian College of Construction Lawyers*, 2013 (with Erin Berry).
- Speaker, "Better Understanding the Arbitration Process," Canadian Bar Association, Alberta Branch, Commercial Real Property Section, February 2012.
- Speaker, "Leading Types of Claims in the Construction Industry," 4th Construction Claims Conference, April 2011.
- Contributor, *PLC Cross-Border Construction and Projects Handbook*, 2011-12.
- Speaker, "Exclusion Clauses in the Construction Context," *Tercon: Changing the Face of Tendering Law in Canada*, June 2010.
- Speaker, "Drafting Key Provisions in Procurement Documents," Tendering and Procurement Conference, May 2010.
- Speaker, "Best Practices for Minimizing Financial Risk During a Construction Project," 18th Annual Western Canadian Construction Superconference, January 2010.
- Author, "In Defence of *Yugra-Neft*," *News and Notes from The Institute of Transnational Arbitration*, May 2009.
- Author, "Welcome to Alberta ... But Don't be Late," *Lexpert*®, December 2008.
- Co-Chair, Managing Risks in Construction Contracts Conference, November 2008 (with Scott J. Hammel).
- Speaker, "Construction Delay: A Couple of Current Legal Issues," Managing Risks in Construction Contracts Conference, November 2008.
- Author, "Resolving Construction Disputes: Is Arbitration Today's Answer?," Calgary Construction Association's magazine, *The Constructor*, November 2008 (with Patricia L. Morrison).

## TESTIMONIALS & RANKINGS

### Testimonials

"In addition to his in-depth knowledge of the law, he is a mindful tactician gifted with a highly developed business sense."

"His selection as outside counsel on our matter was significantly driven by his general stellar reputation as a pre-eminent Canadian lawyer, with particular expertise in complex construction matters."

"His skill and depth of expertise make him a valuable leader on a complex construction dispute team and he also possesses personal qualities (strong communication and interpersonal skills) that make him an effective collaborator and colleague with other diverse team members."

— *Lexology Client Choice Award independent research*

### Rankings

- Recognized in the 2016 edition of *Chambers Canada - Canada's Leading Lawyers for Business* (Construction).

- Recognized in the 2015 edition of *Chambers Global - The World's Leading Lawyers for Business* (Construction).
- Selected by peers for inclusion in the 2016 edition (and since 2006) of *The Best Lawyers in Canada*® (Construction Law).
- Recognized as a leading infrastructure lawyer in the 2016, 2015 and 2013 editions of the *Lexpert*®/Report on Business Special Edition on Infrastructure.
- Recognized in the 2015 edition of the *Legal 500 Canada* (Dispute Resolution).
- Recognized in the 2016 and 2015 editions of *Who's Who Legal: Construction*.
- Recognized in the 2015 (and since 2012) edition of the *Lexpert*®/American Lawyer Guide to the Leading 500 Lawyers in Canada (Construction Law) and *Canadian Legal Lexpert*® Directory (Construction Law, Infrastructure Law).
- Recognized in the 2016 edition (and since 2012) of *Who's Who Legal: Canada* (Construction).
- Recognized by the 2014 Lexology Client Choice Awards as the exclusive winner in Construction in both Canada and Alberta.
- Recognized by the 2013 Lexology Client Choice Awards as the exclusive winner in Construction in Alberta.
- Recognized in the 2012 edition of *PLC Which lawyer?* (Construction).
- Martindale-Hubbell® Peer Review Rated.

#### **ABOUT BORDEN LADNER GERVAIS LLP**

Borden Ladner Gervais LLP (BLG) is a leading, national, full-service Canadian law firm focusing on business law, commercial litigation and arbitration, and intellectual property solutions for our clients. BLG is one of the country's largest law firms with more than 725 lawyers, intellectual property agents and other professionals in five cities across Canada. We assist clients with their legal needs, from major litigation to financing to trademark and patent registration.