

E. Jane Sidnell

Fraser Milner Casgrain LLP
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LEGAL EXPERIENCE:

Partner

Fraser Milner Casgrain LLP

30th Floor , 237 - 4th Avenue S.W., Calgary, Alberta

- Partner since March 1, 2007

Lawyer and Partner

Miller Thomson LLP, formerly Cook Duke Cox

3000, 700 - 9th Avenue S.W., Calgary, Alberta

- Partner from January 2000 to February 2007
- Former Chair of the Miller Thomson LLP Construction Law Specialty Practice Group
- Former Chair of the Miller Thomson LLP Alberta Construction and Transportation Group

Articles

Alberta Court of Appeal

Principal: The Honourable W. Kenneth Moore (ret.),
former Chief Justice,
Court of Queen's Bench of Alberta and

Cook Duke Cox (predecessor firm to Miller Thomson LLP)

Research Assistant
& Instructor

Faculty of Law, University of Calgary

Computer Research Lab Assistant and
Instructor for Computer-Aided Research (part-time)
September 1991 - May 1992

Legal Research Assistant

Canadian Institute of Resources Law (CIRL)

University of Calgary
Summer 1991

PROFESSIONAL ACTIVITIES:

Co-Chair of Contracts
Committee

Construction Owners' Association of Alberta (COAA)

Standard Form Committees developing industry standard form
contracts: Stipulated Price, EPC and EPCM
September 2004 - present

Steering Committee Member	American Bar Association Construction Law Forum Division 8 - International Contracting Spring 2004 – July 2010
Chair	Canadian Bar Association National Construction Law Section August 2000 - August 2002
Chair	Canadian Bar Association Construction Law Subsection, Alberta (South) September 1996 - June 1997
Benchers' Representative	Law Society of Alberta Legal Archives Society of Alberta September 2000 - August 2007
Counsel	Association of Consulting Engineers of Canada (ACEC) , counsel to ACEC and member of Document #31 Standard Form Re-drafting Committee and CCDC 2 Review Committee September 2004 - January 2007
Director	Calgary Construction Association March 1999 - March 2003

CONSTRUCTION INDUSTRY EXPERIENCE:

Building Plans Examiner	City of Mississauga , Building Department, May 1990 - August 1990 and City of York , Building Department, May 1988 - September 1989 Meeting with the public regarding zoning issues; examining plans submitted for residential and commercial projects, for architectural and structural standards; working with applicants to overcome difficulties and in particular to discuss the status of large or complicated projects
Designer and Owner	EJ Sidnell Design Services Designing residences and preparing all working drawings January 1989 - September 1989

Design team drafts person
(Summer)

Bregman and Hamann Architects

Drafting and organization of presentations to the City of Toronto Land Use Committee; projects included Terminal 3 at Pearson International Airport, the fifth TD Tower and B.C.E. Place in downtown Toronto
April 1987 - August 1987

ACADEMIC TEACHING:

Instructor

University of Calgary

Faculty of Civil Engineering,
Masters of Project Management Program
Law for Project Managers
1999 - 2001

Instructor

University of Calgary

Continuing Education Department
Real Estate Law
Fall 1995

EDUCATION:

Bachelor of Law Degree

Faculty of Law, University of Calgary
September 1989 - April 1992

Bachelor of Technology in Architectural Science

Certificate of Proficiency in French

Ryerson Polytechnical Institute, Toronto
September 1983 - May 1988

LAW SCHOOL SCHOLARSHIPS:

- Recipient of the Cook Snowdon Scholarship (September 1991)
- Recipient of the Code Hunter Scholarship (September 1991)
- Awarded the Canada Law Book Prize (September 1991)
- Recipient of one of the Resources Law Endowment Fund Scholarships to attend the Canadian Institute of Resources Law's Conference on Natural Resource Law, May 1991 (April 1991)
- Recipient of the Helen Steeves Memorial Scholarship in Law (August 1990)

ARTICLES:

- *"Is Your Master Services Agreement a Prevenient Arrangement under the Alberta Builders' Lien Act?"*, Fraser Milner Casgrain LLP, Focus on Construction, December 2009
- *"Drug and Alcohol Policies vs. Human Rights: The Latest Chapter"*, Fraser Milner Casgrain LLP, Focus on Construction, January 2008
- *"Construction - The Time Limit for making Claims - Part 2"*, co-authored with Erin Viala, National Credit News, volume 13, number 6, July-August 2007
- *"Construction - The Time Limit for making Claims - Part 1"*, co-authored with Erin Viala, National Credit News, volume 13, number 5, June 2007
- *"Managing Consequential Damages in Contracts: Drafting an Enforceable Exclusion Clause"*, co-authored with W.J. Kenny, Q.C. and Debra Curcio-Lister, presented at the CBA National Construction Law Conference, Whistler May 12, 2006, by Charles Bois
- *"Time is of the Essence"*, Miller Thomson LLP Communiqué, March 2006
- *"The Architect vs. The Engineer in Manitoba"* Canadian Consulting Engineer, Winter 2005/2006
- *"The Code of Ethics: What Weight Does it Carry in the Courts?"* Canadian Consulting Engineer, Fall 2005
- *"Consequential Damages"* Construction Law Letter, co-authored with W.J. Kenny, Q.C., May/June, 2004, Volume 20 #5
- *"Criminal Liability for Health and Safety Offences: Bill C-45 The Westray Amendment"* Miller Thomson LLP Communiqué, May 4, 2004
- *"Private Security: The Use of Force"* Miller Thomson LLP Communiqué, February 5, 2004
- *"Amendment to the Alberta Builders' Lien Act Affecting Work on "Oil or Gas Wells" and "Oil or Gas Well Sites""* Miller Thomson LLP Communiqué, January 15, 2004
- *"Consequential Damages"* Miller Thomson LLP Communiqué, co-authored with W.J. Kenny, Q.C., January 14, 2004
- *"Consequential Damages"* Canadian Consulting Engineer, co-authored with W.J. Kenny, Q.C., December, 2003
- *"Sick Building Syndrome: Mould is a growing cause of legal action"* Canadian Consulting Engineer, co-authored with Owen Pawson, March/April 2003
- *"Criminal Liability for Health and Safety Offences: Bill C-45 the Westray Amendment"* Canadian Consulting Engineer, Spring 2003
- *"Occupational Health and Safety Act - How Much is a Life Worth?"* Alberta Construction Safety Association magazine and Miller Thomson LLP Construction Newsletter, Summer 2002
- *"Construction Law Update"* Construction Specifications Canada Newsletter, January, 2002
- *"Current Law Update"* Miller Thomson LLP, November, 2001

- “*The Naylor Decision*” September 27, 2001
- “*The Legal Principles of Tendering*” Miller Thomson LLP Oil & Gas Newsletter, Fall, 2001
- “*The Right of Set-Off*” Calgary Construction Association Newsletter, July 11, 2001
- “*Surety Bonds*” Calgary Construction Association Newsletter, September 13, 2000
- “*Trying to Figure Out the Law of Tender*” Calgary Construction Association Newsletter, July 12, 2000
- “*Bid-Shopping*” Calgary Construction Association Newsletter, May 31, 2000
- “*Construction Law Cases to Watch*” Canadian Bar Association Construction Law Newsletter, Spring 2000 to current
- “*Drafting Performance Specifications*” Construction Specifications Canada Specifier Newsletter, April, 2000
- “*The Future of Bid Depository Systems*” Calgary Construction Association Newsletter, March 15, 2000
- “*Performance Specifications*” Canadian Bar Association Construction Law Newsletter, September, 1999
- “*Alberta’s new Limitations Act*” Construction Canada, The Official Publication of Construction Specifications Canada, September, 1999
- “*Time to Drop Dead: Alberta’s new Limitations Act*” Calgary Construction Association Newsletter, January 6, 1999
- “*Subcontractors’ Claims against Owners*” The Revay Report, Volume 16, Number 3, October 1997, co-authored with W.J. Kenny, Q.C. and David Percy
- “*Types of Alliance Agreements*” CEL 1997 (Construction and Engineering Leadership Conference), co-authored with W.J. Kenny, Q.C.
- Regular contributor to the Urban Development Institute quarterly newsletter (1994 to 2002)
- “*Property Assessment of Contaminated Land in Alberta*” (1993) 3 J.E.L.P. 231
- “*The Downloading of Growth-Related Capital Costs*” (1992-1993) 11 Alberta and Northwest Territories Journal of Planning Practice 5, co-authored with John A. Peters

OTHER PUBLICATIONS

- W. Venoit, A.D. Brannan, D. R. Beaumont, A.D. Ness and D.S. Oles, eds., *International Construction Law: A Guide for Cross-Border Transactions and Legal Disputes* (Chicago: ABA, 2008), see Chapter 5 Contract Forms and Project Delivery Systems for International Projects
- F.D. Wilshusen, E.A. Berg, T.L. Brookie and C.L.H. Okizaki, eds., *Construction Checklists: A Guide to Frequently Encountered Construction Issues* (Chicago: ABA, 2008), see Checklist 62 United Nations Convention on Contracts for the International Sale of Goods (1980)

SEMINARS AND PRESENTATIONS:

- Canadian Petroleum Law Foundation (CPLF): Serious Occupational Health and Safety Incidents in the Oil and Gas Industry: Legal Issues and Recommendations, co-presented and written with Kelli Grier, Senior Counsel, Petro-Canada, June 18 2009
- CBA Real Estate Subsection (Alberta South), Builders' Liens, May 6, 2009
- Legal Education Society of Alberta (LESA) Construction Conference: Builders' Liens, April 7 and 16, 2009
- COAA, Best Practices Conference, Deal or No Deal: Allocation of Risk in EPCM Contracting, May 21, 2008
- Client Presentation on Public-Private Partnerships (P3), June 25, 2008
- University of Calgary, Law for Project Managers, Bill C-45-Criminal Code - Drug & Alcohol Policies, November 7, 2007
- COAA Best Practices Conference, EPCM Contract, May 2007
- Client Seminar, Use of CCDC Contracts, January 25, 2007
- Construction SuperConference, Understanding the Latest Developments in Construction Contracts: New Forms, New Decisions and New Strategies, January 22, 2007
- Construction Specifications Canada, Consequential Damages, January 9, 2007
- Legal Education Society of Alberta (LESA) video-conference: Dealing with the Alberta Boom, Occupational, Health and Safety Top 5 Issues, November 16, 2006
- University of Calgary, Law for Project Managers, Occupational Health and Safety, October 23, 2006
- Client Seminar, Construction Contracting, June 13, 2006
- CBA South Alberta ADR Subsection, Options for Commercial Disputes - Mediating Construction Disputes, June 7, 2006
- Construction Specifications Canada, Product Liability Presentation, February 14, 2006
- Construction SuperConference, Advanced Guide to Effectively Negotiating, Structuring and Drafting the Construction Contract, co-presented with Cary Mamer, Guy Lembach and John Cullian, Deloitte Financial Advisory Services, January 25, 2006
- CBA South Alberta Construction Law Subsection, COAA Standard Form Contracts Presentation, January 9, 2006
- Buildex, Construction Contracting, November 16, 2005
- Buildex Panel Presentation, Designing and Building Fast-Tracks Projects: Techniques – Contracts – Risks with: John Hiebert, Syd Hartley and Ken Hutchinson, November 16, 2005
- University of Calgary, Law for Project Managers, Occupational Health and Safety, October 24, 2005
- Convention Centres of Canada, Facility Operator's Conference, Contracting Best Practices, September 11, 2005

- ACEC Summit, Ethics Codes and the Consulting Contract – What the Future Holds, June 24, 2005
- Construction SuperConference, Advanced Guide to Effectively Negotiating, Structuring and Drafting the Construction Contract, co-presented with Andrew Hyslop, Petro-Canada, February 2, 2005
- Construction Specifications Canada, Drug and Alcohol Policies and Liability for Employers in Alberta, November 9, 2004
- Miller Thomson LLP Seminar, Drug and Alcohol Policies and Liability for Employers in Alberta, October 27 and 28, 2004
- University of Calgary, Law for Project Managers, Occupational Health and Safety, October 19, 2004
- Fort McMurray Wood Buffalo Builders' Association, What Every Employer Needs to Know About the New Occupational Health & Safety Legislative Framework, August 12, 2005
- Calgary Construction Association Women in Construction presentation to young women, Stampede Roundup Centre, May 12, 2004
- Calgary Construction Association Board of Directors, What Every Employer Needs to Know About the New Occupational Health & Safety Legislative Framework, May 7, 2004
- Urban Development Institute (Canmore) Seminar, What Every Employer Needs to Know About the New Occupational Health & Safety Legislative Framework, April 29, 2004
- Client Seminar, The New Occupational Health & Safety Legislative Framework, March 17, 2004
- Miller Thomson LLP Seminar, The New Occupational Health & Safety Legislative Framework, March 5, 2004
- Miller Thomson LLP Seminar, Builders' Liens and Construction Claims for Receivers and Trustees, February 3, 2004
- Client Seminar, Construction Owners Association of Alberta (COAA), Standard Form of Stipulated Price Contract 2003, January 14 and 15, 2004
- Client Seminar, Tender Right or Bid Farewell, December 9, 2003
- Insight, Regulatory Framework: Potential Liability under OH&S and Environmental Legislation, December 1, 2003
- Government of NWT Construction Conference, Recent Trends in Contract Law – RFPs and Tenders, November 25, 2003
- Government of NWT Construction Conference, Drafting Construction Contracts – Approaches to Project Delivery, November 25, 2003
- Construction Specifications Canada, Product Liability, November 18, 2003
- National Institute of Facility Managers, Sick Building Syndrome, October 29 and November 3, 2003
- University of Calgary, Law for Project Managers, Contracts and Standard Forms, October 20, 2003

- Construct Alberta, Design-Build vs. Construction Management, moderator, October 9, 2003
- Construction Owners Association of Alberta (COAA), December 11, 2002, revised form of stipulated price contract to COAA Executive
- Miller Thomson LLP Client Seminar, Sick Building Syndrome, October 29 and 30, 2002
- Canadian Construction Association Corporate Members Roundtable, Recent Construction Cases, October 25, 2002
- Lorman, Public Competitive Bidding: Electronic Tendering, October 16, 2002
- University of Calgary, Law for Project Managers, Standard Form Construction Contracts, September 16, 2002
- Insurance Institute of Southern Alberta, Design-Build, Professional Responsibility and Limitations Act Issues, September 12, 2002
- Client Seminar, Construction Contract Administration, August 19, 2002
- Miller Thomson LLP Client Seminar, Collecting and Protecting Oil & Gas Payment Issues – Amendments to the Builders’ Lien Act, June 19, 2002
- Organizing Committee: “The Leading Edge: CBA Construction Law Conference 2002” held in Winnipeg May 24 & 25, 2002
- Construction Specifications Canada, Liability Issues in the Tendering Process, March 12, 2002
- Miller Thomson LLP Client Seminar, Contract Claims – Duties, Liabilities, Damages and Delay Claims, February 27 and 28, 2002
- Calgary General Contractors Association, Proposed Federal Trust Legislation, February 19, 2002
- Construction SuperConference, Co-Chair, Drafting Construction Contracts: Key Issues For All Parties, January 28, 2002
- Miller Thomson LLP Client Seminar, Contract Documents Where to Start and Standard Forms, November 30, 2001
- Calgary Construction Association, How To Deal With Management Contracts: Construction Management, November 29, 2001
- Miller Thomson LLP Client Seminar, Tendering: Yesterday, Today and Tomorrow and Liability of Consultants, Subcontractors and Suppliers for Defective Work, October 30, 2001
- Lorman Conferences, Construction Claims in Alberta: Methods of Claim Presentations or Proving Your Damages, Timing and Procedure: Limitations Act Provisions and Effect on Claims and Records to Keep, April 5, 2001
- The Canadian Institute, Construction SuperConference, Electronic Bidding and Tendering, Practical and Legal Considerations, January 22, 2001
- Client Seminar, Standard Forms of Contract, October 31, 2000
- Canadian Bar Association Construction Law Section Conference, Co-chair and Co-presenter of Preparing for an Arbitration with Steve Tatrallyay, May 5 and 6, 2000

- The Canadian Institute, Construction SuperConference, Finessing Construction Contracts using Performance Specifications, January 24, 2000
- Construction Specifications Canada, The New CCA 15 Design-Build Consultant's Contract, March 10, 1999
- The Canadian Institute, Construction SuperConference, Drafting the Contract to Maximize Protection and Minimize Exposure, January 20, 1999
- Calgary Construction Association, How to Select the Right Standard Form Contract, November 18, 1998
- Infonex Design-Build Conference, A Practical Outline of the new CCA Design-Build Stipulated Price Contract, May 1, 1998
- Calgary Construction Association, The New CCA 14 Design Build Contract, June 25, 1997
- Client Seminar, The Builders' Lien Act, March 12, 1997
- Construction Specifications Canada, Product Liability and Specifications: the Privest and Hollis cases, September 10, 1996
- Urban Development Institute, Calgary, Changes and Challenges in Condominium Legislation and Development, May 14, 1996
- Client Seminar, New Ways to Collect Your Money - The Civil Enforcement Act, April 16, 1996
- Urban Development Institute, Canmore, Changes and Challenges in Condominium Legislation and Development, February 8, 1996
- Canadian Bar Association, Alberta Branch and British Columbia Branch, Mid-Winter Meeting, Trends in Technology, January 1996
- Urban Development Institute, Development under the new Planning Regime, co-presented with John A. Peters, October 5, 1995
- Insight Conference, Planning and Development Reform in Alberta - Understanding Bill 32, October 3, 1995
- Canadian Bar Association Seminar - How to get before the Court of Appeal with the Least Amount of Pain, co-authored materials with Jacquie Ford, Deputy Registrar, Alberta Court of Appeal, 1993

INDUSTRY & PROFESSIONAL MEMBERSHIPS:

- Canadian Bar Association
- Construction Owners Association of Alberta COAA
- American Bar Association - Construction Law Forum