

## Art Barry, K.C.

### Partner and General Counsel

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Language(s) spoken: English

Bar Admission(s): New Brunswick, 1988; Nova Scotia, 1984

Legal Assistant(s): [Heidi Butler](#)

Art's construction practice has included services for a wide range of clients including clients involved in the power industry, commercial construction, heavy civil works, construction insurance and hospital construction. He provides practical and effective advice from project inception, through contract development and drafting, procurement, course-of-construction problem-solving and where necessary the dispute resolution process. Representative work includes:

- Drafting procurement documents, advising on all aspects of tendering and RFPs, and representing clients on tendering/RFP disputes.
- Preparing and negotiating design and construction contracts of all types, including stipulated price, design-build/EPC, EPCM, architectural services, civil works, construction management and trade contracts.
- Acting for clients in construction mediation, arbitration and court litigation. His early experience includes acting as co-counsel in a number of major construction cases before the Courts involving hotel construction (extras and delays), a warehouse roof collapse and airport hotel construction (labour and material payment bond claim).
- Acting as co-counsel for the turnkey EPC contractor in a \$70 million dispute arising out of a turnkey design-build project for construction of a 165 MW power plant (1993-2002)
- Acting for a major energy company on a \$50MM+ delay in start-up insurance claim.
- Drafting contracts for a \$45 million commercial office building project.
- Drafting standard construction contracts (including fixed price, design-build, general construction/construction management and procurement documents) for a national commercial construction program with over \$300MM in value.
- Drafting an EPCM contract for a major plant conversion.

## Practice Areas

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Construction

Insurance

Litigation & Alternative Dispute Resolution

## Education & Career

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### Education

University of New Brunswick, LLB, 1983

University of New Brunswick, BA (honours), 1980

### Activities

Member, Canadian Bar Association

President, Canadian College of Construction Lawyers, 2017 – 2018

General Counsel, Stewart McKelvey, 2008 – present

Litigation practice manager, Halifax, Stewart McKelvey, 2003 – 2008

Chair, National Construction Law Section, Canadian Bar Association, 1998 – 1999

Past chair, National Construction Law Section, Canadian Bar Association, 1998 – 2000

Vice-chair (1996 – 1997); Secretary/Treasurer (1995 – 1996) National Construction Law Section, Canadian Bar Association

Fellow, Canadian College of Construction Lawyers, inducted May 2005

Governor, Canadian College of Construction Lawyers, Appointed June, 2011

Chair, Construction Documents Committee, Canadian College of Construction Lawyers, 2009 – 2018

Member, Legal Update Committee, Canadian College of Construction Lawyers, 2007 – 2014

Secretary, Executive Committee, Canadian College of Construction Lawyers, 2014 – 2015

Member, Code of Professional Conduct Committee, Nova Scotia Barristers' Society, 2013 – present

### Accolades

King's Counsel, 2002

Best Lawyers 2017 Construction Law "Lawyer of the Year" in Halifax

Best Lawyers: Construction Law, 2006, 2008 – 2023

Best Lawyers: Corporate and Commercial Litigation, 2012 – 2023

Who's Who Legal: Global 2021 (Construction)

Who's Who Legal: Canada 2012, 2014 – 2016 – 2021 (Construction)

Lexpert rating: Construction Law, 2010 – 2023

Lexpert rating: Litigation – Commercial Insurance, 2011 – 2020

Martindale-Hubbell rating: BV Distinguished®

## **Publications**

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Co-author, Nova Scotia chapter, The Design/Build Process: A Guide to Licensing and Procurement Requirements in the 50 States and Canada, 1997, Forum on the Construction Industry, American Bar Association

## **Presentations**

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Presenter, Risk Management in Procurement: A 2014 Primer, All Ships Rise Conference, Halifax WTCC, 2014

Author and presenter, "Principles of Contract Interpretation", 2013, Canadian Bar Association, Nova Scotia branch

Presenter, Progressive Homes v. Lombard General Insurance, Canadian Defence Lawyers, Moncton, June 2011

Presenter, "CCDC2 – 2008 Standard Form Stipulated Price Contract", The Fundamentals of Construction Contracts: & Understanding the Issues Conference, Halifax, December 2008

Presenter, Joint Defence Agreements, 2008 CBA National Construction Law Section

Presenter, "Construction Contracts", 2008 Negotiating Major Business Agreements Insight Conference, Halifax, March 2008

Contributor, "Construction Risk in Public-Private Partnerships in Canada", Canadian College of Construction Lawyers Conference, June 2006

Presenter, "Scope Disputes in Design-Build Contracts", National Construction Law Section CLE Program, Canadian Bar Association, Halifax, May 2004

Presenter, "Commercial Reality and Builders' Risk Insurance: Judicial Limits on Subrogation", Lexpert Conference: "Construction Disputes: Who Gets What?", Halifax, October 2000