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New Toronto Construction Association chair sees a growing role for lawyers

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During the course of a legal career that has spanned two decades, newly elected Toronto Construction Association (TCA) chairman Glenn Ackerley has seen his fair share of change.

For starters, says the partner in WeirFoulds, the role of lawyers has become more pronounced in the construction industry, as projects and contracts become increasingly complex.

"It used to be that contracts were put together by owners and their architects," he says. "But lawyers now are a much bigger part of the picture at the front end of construction."



Ackerley, who exclusively practises construction law, has also noticed a surge over the years in the number of disputes and court cases related to tendering and procurement issues generally.

Forensics experts are also becoming "more and more involved" in analysis of claims for delays and extras, he says.

"That has become a real cottage industry."

Glenn Ackerley

In the last 20 years, specialization has become "more and more" the norm in legal circles.

"There now are boutique firms that do nothing but construction law and lawyers like myself who do nothing but construction law."

And while adoption of alternative dispute resolution techniques such as arbitration and mediation have become more common, ADR is not being used "as often as you would expect, particularly in a dispute-ridden industry like construction.

"People are still running off to court."

Ackerley, who attended the University of Toronto's law school, joined WeirFoulds in 1989 after articling with the firm.

Construction law "wasn't on the radar screen" during his university days. But as fate would have it, Ackerley ended up being taken under the wing of a WeirFoulds lawyer who happened to practise in this field.

"I began to get more and more involved in just construction," he says. "I also started to get consulted about forms of contract. I ended up becoming a blend of a contracts lawyer and a litigation lawyer."

These days, Ackerley practices construction law in all aspects of projects and related disputes. He often fills the role of a "project lawyer," providing ongoing advice from start to completion.

He represents clients from across the construction industry, including public and private owners, contractors, subtrades, suppliers and consultants in a variety of construction-related matters.

Ackerley is regularly consulted about negotiating and preparing construction and consultant contracts, procurement and tendering issues and risk avoidance strategies.

He acts for clients from both the ICI and residential sectors in construction lien and trust claims, bond claims

and construction delay and deficiency claims.

A TCA director since 2003 and former vice-chair of finance, Ackerley is thought to be the first lawyer to be elected chairman of the association, which represents 2,200 firms.

He also sits on the executive of the construction section of the Ontario Bar Association.

"Getting involved in the TCA has provided an opportunity to interact with people who are active in the industry, learn from them and stay on top of developments," he says. "I've been able to put this intelligence to use in my law practice."



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