

PETER JOHN MACKEIGAN, Q.C.
Chartered Mediator / Chartered Arbitrator
Resume

ADDRESS

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EDUCATION

Bachelor of Commerce,
Dalhousie University
LLB,
Dalhousie Law School
Certificate in Environmental Management
DalTech (formerly Technical University of Nova Scotia), Course topics covering
Advanced Environmental Auditing, Pollution Control, Environmental Impact
Assessment (Modules I and II), Hazardous Material, Workplace Health and Safety,
Environmental Regulations for Managers.
Courses endorsed by the ADR Atlantic Institute as follows:
(I) Construction Mediation
(II) Generic Mediation Training
(III) Real Estate Mediation Training
(IV) Advanced Commercial Mediation
(V) Arbitration Development Program (N.S. Department of Labour)
Courses sponsored by the Technical University of Nova Scotia as follows:
(I) Environmental Mediation
(11) Facilitation Skills
(111) Managing Public Consultation
Certificate in Negotiation and Conflict Management from Dalhousie Law School and
Henson College with courses as follows:
(1) Negotiation and Dispute Resolution
(11) Dalhousie Mediation
(111) Advanced Negotiation and Dispute Resolution
(IV) Family Conflict and the Law
Other:
(I) Family Conflict Workshop
(II) Gender and Power Issues in Mediation
(III) The Art of Negotiating
(IV) The Path to Artistry
(V) Advanced Mediation Training - International Academy of Mediators
(V1) Masters Forum - Pepperdine University
(V11) ABS Dispute Resolution - Los Angeles and Atlanta
(V111) Harvard - Master Thinkers Meet Master Practitioners

MEMBERSHIPS

ADR Atlantic Institute (Former Director)
Association for Conflict Resolution
International Academy of Mediators (Fellow)
Canadian Bar Association, Nova Scotia Division (President 2002-2003)
Nova Scotia Barristers Society (Director 2002-2003)

ACTIVITIES

- Admitted to the Nova Scotia Bar in 1973.
- Member (Director 2002-2003) of the Nova Scotia Barristers' Society.
- Appointed Queens Counsel in 1992.
- Designated as a Chartered Mediator and Chartered Arbitrator by the ADR Institute of Canada Inc. (formerly the Arbitration and Mediation Institute of Canada Inc.)
- Completed an extended term of more than ten years as Chief Commissioner of the Nova Scotia Liquor Commission.
- Past President and Director of the Canadian Association of Liquor Jurisdictions.
- Legal advisor to the former Provincial Task Force on Dental Care in the Province of Nova Scotia; former Director of the Denturist Licensing Board of Nova Scotia; former Secretary to the Halifax Waterfront Development Corporation; former Chief Legal Counsel to the Halifax Port Corporation.
- Past President of the Canadian Bar Society - Nova Scotia Division (2002-2003), Former Director of the Nova Scotia Barristers' Liability Fund, the Continuing Legal Education Society of Nova Scotia for Lawyers and the Nova Scotia Barristers' Society.
- Practising member of the ADR Atlantic Institute and former member of Mediation Accreditation Committee, the Association for Conflict Resolution and The International Academy of Mediators.
- Past President and founding member of the Rotary Club of Dartmouth East; former Director of the Cancer Treatment and Research Foundation of Nova Scotia with particular responsibility for chairing the Selection Committee and in advocating and pursuing a central registry system, former Director of the Dartmouth YMCA, Capital Campaign Co-Chairman to raise \$1 million for Cole Harbour Place (a community recreation and cultural centre), former Honourary Legal Advisor and First Vice President of the Canadian Cancer Society Nova Scotia Division.
- Former member of the Part Time Faculty at Dalhousie Law School lecturing in Dispute Resolution and a guest lecturer in Dispute Resolution at numerous educational institutions, Nova Scotia Bar Admission Course, various Continuing Legal Education Seminars for lawyers and professional associations.
- Former Chair of the Credentials Committee for the Civil Mediation Roster which Guidelines are a joint effort of the Nova Scotia Barristers' Society, the Department of Justice and members of the mediation community with the support of the Supreme Court of Nova Scotia.

EXPERIENCE

- As Chief Commissioner of the Nova Scotia Liquor Commission (1985-1996), he acted as chief liaison between the Nova Scotia Liquor Commission to Ministers, other government departments and agencies as well as with other liquor boards and federal departments across Canada. In the executive role he was part of the senior management team at the NSLC with participation in all significant operational and executive matters required to manage a retail corporate organization as its senior officer including strategic planning, budgeting, human resource programs, preparing business plans and policy formation at operational levels, together with overseeing accountability and reporting systems and responsible for overall Board policy and direction.
- Past President of Canadian Association of Liquor Jurisdictions, which represents all boards in Canada on common matters relating to the administration of liquor in their provinces and in particular on national matters relating to the federal government and international affairs relating to the United States.

- A financial background with experience in matters of budgeting, pricing and analysis. Considerable experience in preparation of public offerings and prospectus' including structuring, financial analysis and forecasting, regulatory controls, compliance and related matters. Advanced understanding of the principles and theories of Corporate Governance and implementation techniques.
- A practising arbitrator, mediator, facilitator and negotiator. He serves on the roster, either as an arbitrator or mediator or has performed arbitrations or mediations at the request of the Nova Scotia Department of Labour and Environment (Minister's List), the Nova Scotia Department of Justice for Compensation for Survivors of Institutional Abuse, Canadian Transportation Agency, Centre for Sport & Law, ADRsportRED (Sport Canada), Farm Debt Mediation Service (Agriculture & Agri-Food Canada), Public Works & Government Services Canada, and the Registrar of Condominiums Arbitrators List. He serves as Chair of the Sable Offshore Energy Project Commercial Fisheries Gear & Vessel Damage Compensation Board.
- He has been a practicing arbitrator and consensually appointed in hundreds of labour and commercial arbitrations. He has been consensually appointed as a mediator in over 1300 mediations with over 10,000 sitting hours.
- Successfully completed the Arbitration Development Program jointly sponsored by the Nova Scotia Department of Labour and the ADR Atlantic Institute as a prerequisite for acceptance by the Department of Labour for inclusion on the Minister's List respecting labour arbitration. Successfully completed basic, advanced and topic dedicated courses in mediation, together with acting as a coach in mediation training courses.
- Conducted facilitations on behalf of the N.S. Department of Environment in order to obtain input and guidance from stakeholders to initiate the development of principles and procedures that can be utilized to guide the use of mediation in the environmental impact assessment and contaminated site management processes, and prepared report on use of mediation in the case of a dispute over a proposed development that is subject to an environmental impact assessment and in disputes concerning the rehabilitation of contaminated sites.
- Concentration of practice of law in areas including corporate/commercial, administrative, oil and gas, marine and fishery related, governmental relations and regulatory matters, financing, development and land use issues, commercial leasing, environment, arbitration, mediation, labour relations, and negotiation techniques.
- Acted on major public/private joint venture developments between the government and private sector, including matters relating to negotiating, contracting, leasing, operating agreements, offering memorandums and memorandums of understanding. Significant projects include providing representation with respect to the negotiation and development of Alderney Gate by the City of Dartmouth and acting for the Province of Nova Scotia in connection with the negotiation and development of casinos in the Province.

- Presentations to committees of the Nova Scotia Legislature and the Governor in Council.
- Experience in all levels of courts in the Province of Nova Scotia and before many administrative and tribunal bodies including the Nova Scotia Utility and Review Board, Labour Relations Board, Labour Standards Tribunal, Liquor Licensing Board, Residential Tenancy Board, Nova Scotia Environmental Assessment Board, Nova Scotia Law Amendments Committee and Real Estate Tax Assessment Appeal Boards.
- Presentations before municipal councils and other public relating to Municipal Development Plans, zoning by-laws, planned unit developments, change in use applications and other matters involving analysis and interpretation of municipal legislation and by-laws.
- A senior environmental lawyer whose services includes advising parties involved in spills, representing government and N.G.O.'s, providing advice concerning environmental impact assessments, environmental site assessments and environmental audits, acting as counsel in environmental legal proceedings, working with environmental consultants and experts, advising as to dealing with the Department of the Environment, environmental mediation and arbitration services, advice concerning ministerial orders, representing clients in connection with the development of composting, refuse disposal systems, recycling, composting, landfills and energy to waste systems and making representations to the Nova Scotia government in connection with many of those matters. Mr. MacKeigan has also obtained a Certificate of Environmental Management from DalTech having completed various course requirements including Advanced Environmental Auditing, Pollution Control, Environmental Impact Assessment (Modules I and II), Hazardous Material, Workplace Health and Safety, Environmental Regulations for Managers, and has participated in an environmental project concerning household hazardous wastes and their safe disposal.
- Has considerable expertise with respect to the development of condominiums. He has been called upon to act for builders and developers of a considerable number of condominiums in the Province of Nova Scotia. In that connection, he has been responsible for all aspects of the condominium development including land acquisition, municipal zoning and regulatory compliance requirements, preparation of construction contracts, investor agreements, contract management during the construction phase, declaration and by-laws of the condominium corporation, insurance trust agreements, management agreements, agreements of purchase and sale for condominium units, financing matters including placement of debenture and mortgage security, and dealing with all regulatory authorities as may be required. Illustrations include a 25-acre residential condominium project with more than 500 units known as Regatta Point located in Halifax and a mixed residential/commercial project known as Spring Garden Place in Halifax with a value in excess of \$40,000,000.
- Represented major development and real estate firms and provided advice and representation on project development generally, including matters of contract, acquisition of property rights, statutory liens, easements and rights-of-way. Acts on a regular basis for many financial lending institutions and frequently place various types of security instruments including debentures, bonds and mortgages. He has generally, providing legal services required on related matters including the following types; conveyancing, representing both vendors and purchasers, mortgage lending and borrowing, commercial, commercial and residential leasing, land assemblies and

development, condominiums, construction contracts, municipal regulation and land use planning, foreclosures, boundary line disputes and related matters.

- Extensive experience in construction law representing the legal interests of owners, developers, contractors and designers in both simple and complex construction disputes, performance bond claims and mechanics' lien actions, including negotiating and providing advice on drafting and management of construction contracts.
- Represented clients in banking and secured lending transactions, insolvency matters and provide counsel in the legal aspects of corporate finance and public accounting, including, general practice in all areas of corporate and commercial law relating to the incorporation and organization of companies, ongoing contractual matters, preparation of shareholders' agreements, matters involving shareholders' rights, commercial leasing and financing, purchases, sales and windups of businesses, acting in major corporate reorganizations and restructures of both national and local corporations, dealing with the Nova Scotia Securities Commission in connection with private placements, and the preparation of offering memoranda, prospectuses and applications for discretionary rulings, representing both lenders and borrowers in mortgage commitments, financing obligations, forms of security, joint venturing, debentures and other matters of financing, incorporation, mergers and restructuring, share transfers and asset conveyancing, shareholders' and partnership agreements, banking and secured loan transactions.
- Acted as legal counsel on behalf of the Province of Nova Scotia with respect to the issuance of Government of Nova Scotia bonds administered by the Department of Finance.
- Participated in the drafting and interpretation of various by-laws both of a public and private nature and of note is his involvement in the drafting of the Registered Nurses' Association of Nova Scotia Act together with its Regulations and By-laws, which have become the working legislation for the 9,500 nurses in the Province of Nova Scotia. Participated in the drafting of various by-laws to the Halifax Port Corporation. Currently acts as a member of a select advisory committee for making recommendations to the Minister of Housing with respect to the Condominium Act for the Province of Nova Scotia.
- Served on the executive of the Halifax Port Corporation in the capacity as Chief Legal Counsel with responsibility for advising the Board and the Executive on all matters relating to the port operations and facilities. He has been involved in regulating vessel activity in the harbour including the arrest and seizure of vessels for non-compliance, negotiating tariffs and rates, matters relating to the environment and pollution, marine and fishery related issues, land use matters relating to Corporation properties, advice concerning the Canada Ports Corporation Act and related legislation.
- Acted for the Attorney General of Canada for purposes of prosecution under the Competition Act.
- During the time he was actively practicing law he was listed in the Canadian Legal EXPERT Directory as one of only a few lawyers recommended by their peers as a leading practitioner in Nova Scotia in Property Leasing and Property Development.
- He has been awarded an AV rating in Martindale-Hubbell.

PRESENTATIONS

- Investing in Commercial Real Estate - Legal Considerations, 1982 for the NS Bar, Continuing Education Program.
- Syndications - 1984.
- Limited Partnerships - Nova Scotia, 1985 for the NS Bar, Continuing Education Program.
- Condominium Purchases - The Practical approach, 1993 for the NS Bar, Continuing Education Program.
- Weber & O'Leary - An Arbitrator's Approach, 1996 for the National Labour Law Section / The Continuing Legal Education Committee of the Canadian Bar Association.
- Mediating Harassment Complaints, 1997 for the Canadian Bar Association, Labour and Employment Law Section.
- Mediating Shareholder Disputes, 1999 for the Canadian Bar Association.
- Property Practice in the Next Millennium - The New Condominium Act, 2000 for the Continuing legal Education Society of Nova Scotia.
- Creative Alternatives to Legal Action, 2000 for the Continuing legal Education Society of Nova Scotia.
- Recommendations Blue Bag Collection - Empty Paint and Aerosol Cans 1996 for TUNS, co-author, for presentation to the Halifax Regional Municipality
- The Crumbling Real Estate Deal; - So You Can't Afford to go to Court- Curing the Deal - Real Estate Litigation Seminar 2000.
- Personal Injury Mediation, 2001 for The Continuing Legal Education Committee of the Canadian Bar Association.
- Setting Up For Success Toward an ADR Practice - Conflict Resolution Network Canada, Connections 2002 PEI.
- The Use of Mediation - An Alternative Problem Solving Method for The Canadian Bar Association Annual Professional Development Conference, 2003.
- Dispute Resolution Strategies - How to Best Use ADR in Bad Faith Claims, for the Canadian Defence Lawyers, 2003
- Mediation Strategies - When To Use Which Type, for the Atlantic Provinces Trial Lawyers Association, 2003
- Conflict Resolution: Alternatives to Arbitration, presented as part of a three person panel for the Labour Management Relations Speaker Series of the Nova Scotia Conciliation Service and Federal Mediation Conciliation Service, 2003
- Use of Mediation in Discipline Matters - Canadian Council of Professional Engineers, Halifax, 2004
- Role of Mediators in Resolving Labour Disputes - Insight Conference 2005
- Use of Mediation as An Alternative Problem Solving Method - CBA PEI 2005
- ADR Processes: Riding the Crest of the Wave in Atlantic Canada - ADR Institute of Canada, 2007