



Joseph M. Herschorn

he/him

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PRACTICE AREAS

Commercial Litigation • Construction Litigation • Health • Administrative
• Alternative Dispute Resolution

BIOGRAPHY

Joe is a partner in the Halifax office with over a decade of civil litigation experience. He earned his law degree from Dalhousie Law School and was called to the Nova Scotia Bar in 2009.

EXPERIENCE

Joe's broad litigation practice includes business disputes, professional liability, and construction disputes. He is a successful trial and appellate advocate, and has represented clients at all levels of court in Nova Scotia (including in civil jury trials), in the Supreme Court of PEI, and in commercial arbitrations.

His commercial litigation experience includes:

- Representing shareholders in oppression claims and contractual disputes concerning share purchase agreements;
- Acting for landlords and tenants in commercial-lease disputes;
- Acting for developers in land disputes;
- Helping corporations protect confidential information and competitive position;
- Representing financial institutions in banking disputes; and
- Prosecuting and defending all manner of contract and tort claims.

Joe's professional liability practice includes acting as counsel to the Canadian Medical Protective Association and its members in defending civil actions and in regulatory proceedings before the College of Physicians.

Joe is active in the construction field and is a Fellow of the Construction Lawyers' Society of America. Among other engagements, he has assisted contractors and owners in lien disputes, acted for owners and contractors in construction- and engineering-deficiency claims, acted for contractors in payment disputes, and handled bonding and insurance matters. Joe also advises clients negotiating construction contracts.

Representative matters include:

- Lead litigation counsel to the parent company of Golder Associates Inc. in connection with its \$1.4 billion sale by way of court-approved plan of arrangement to WSP Global Inc;
- Successful before the Court of Appeal in overturning a dismissal of a motion for summary judgment on evidence in a construction dispute about a failure to give timely notice of dispute;

- Successful defence at re-trial of a neonatologist whose conduct was alleged to have delayed diagnosis of congenital hypothyroidism;
- Acting on behalf of a leading operator of long-term care facilities in successfully appealing the Department of Health's decision to release valuable and sensitive commercial information to potential competitors in procurement processes;
- Successful defence in a jury trial of a neurosurgeon alleged to have operated on a patient without informed consent;
- Obtaining summary judgment on evidence in a factually rich case involving allegations of conversion and civil fraud, leading to complete recovery from assets previously frozen by an emergency *Mareva* injunction;
- Obtaining summary judgment on evidence on behalf of a subcontractor in a dispute concerning work on federal infrastructure;
- Acting for a leading multinational IT company in an action regarding tortious interference with contractual relations; and
- Obtaining trial judgment of \$1.15 million for a telecommunications company against a reseller.

INDUSTRY RECOGNITION & AWARDS

- Listed as a leading practitioner by the publication The Best Lawyers in Canada for his practice in the areas of Corporate & Commercial Litigation, Medical Negligence, and Professional Malpractice Law
- Recognized in the Canadian Lexpert Legal Directory as a leading practitioner in Corporate Commercial Litigation and Construction Law

LANGUAGES

- English

LAW SOCIETY MEMBERSHIPS

- Canadian Bar Association
- Nova Scotia Barristers' Society

BAR ADMISSION

- Nova Scotia (2009)

LAW SCHOOL

- Dalhousie University

EDUCATION

- University of King's College (BA, First Class Honours 2005)
- Dalhousie Law School (LLB, 2008)

PUBLICATIONS

- Contractual Clauses Providing for Alternative Dispute Resolution

PROFESSIONAL ACTIVITIES & AFFILIATIONS

- Nova Scotia Medical Legal Society
- The Advocates' Society
- Fellow, Construction Lawyers Society of America

COMMUNITY AND VOLUNTEER ACTIVITIES

- Volunteer, reachability