



## Joel Richler, FCI Arb, LL.B, B.C.L.

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Mr. Richler has over 40 years of experience in commercial dispute resolution as a litigation counsel, arbitration counsel, mediation counsel, arbitrator (domestic & international), adjudicator and mediator.

Before establishing his independent arbitration and mediation practice, Mr. Richler was a senior partner in Blake, Cassels & Graydon LLP and, for a number of years, led that firm's Toronto litigation group.

Mr. Richler obtained his Civil and Common Law degrees at McGill Law School in 1977-78 and was called to the Bar in Ontario in 1980. He obtained a Diploma in International Commercial Arbitration from the Chartered Institute of Arbitrators in 2008 and was, shortly thereafter, designated as a Fellow of that institute. He was a member of the Arbitration Roundtable of Toronto and then a founding director of its successor organization, the Toronto Commercial Arbitration Society. In addition, Mr. Richler is a founding Fellow of the Canadian College of Construction Lawyers, and was, while practising as counsel, a Fellow of Litigation Counsel of America.

Mr. Richler has sat on many arbitral tribunals as emergency arbitrator, sole arbitrator, chair and party-appointed, including numerous ICC and ICDR appointments. He has acted as party-appointed and tribunal chair in many domestic and international *ad hoc* arbitrations, as a construction contract adjudicator and as a mediator in many domestic and international cases. Also, he has been accepted as a member of the Canadian and International rosters of the International Centre for Dispute Resolution (ICDR), the roster of the BCICAC (British Columbia), and the Roster of Referees for the Ministry of Transportation (Ontario) and the Ontario Roadbuilders Association. He is a member of the International Arbitration Committee of ICC Canada, the London Court of International Arbitration (LCIA) and the ADR Institute of Canada (ADRIC). Mr. Richler also acts as the Treasurer of the Chartered Institute of Arbitrators (Canada Chapter).

### **Peer Recognition**

Mr. Richler has been recognized for many years for his litigation, mediation and commercial litigation practices in several professional directories and publications, including:

• *Chambers Global & Canada*

• *Lexpert*

- *Canadian Legal Directory*
- *Leading Cross Border Lawyers*
- *Guide to 500 Leading Lawyers in Canada*

- *Guide to the World's Leading Experts in Commercial Arbitration*

• *Best Lawyers in Canada*

• *Who's Who International and Canada*

• *Benchmark Canada*

In particular, Mr. Richler was honoured as:

- *Expert*: Most Frequently Recommended category for commercial arbitration (2020)
- *Best Lawyers* Alternative Dispute Resolution Lawyer of the Year (Toronto, 2013)
- *Best Lawyers* International Arbitration Lawyer of the Year (Toronto, 2015)
- *Best Lawyers* Procurement Lawyer of the Year (Toronto, 2016)
- *Best Lawyers* International Arbitration Lawyer of the Year (Toronto, 2020)

### **Areas of Experience**

While Mr. Richler has had broad commercial dispute resolution experience, his particular areas of practice include general commercial contract interpretation and other disputes, franchise disputes, construction, public and private procurement, shareholder and partnership disputes, oppression and other corporate remedies, technology, intellectual property and professional negligence.

### **Significant Arbitration Appointments**

- Contract dispute in cannabis industry (ICDR Canada, party-appointee)
- Construction contract delay claims (domestic, *ad hoc*, sole arbitrator)
- Mining contract dispute (ICC, sole arbitrator)
- Publication contract dispute (international (*ad hoc*, court-appointed sole arbitrator)
- Franchise agreements dispute between U.S.-based franchisor and South American franchisee (international, ICC, tribunal president)
- Distribution contract termination claims (international, ICC, sole arbitrator)
- Anti-trust and contract breach claims between U.S. corporation and China corporation (international, ICDR, tribunal chair)
- Construction disputes (delay claims) relating to construction of power facility (domestic, *ad hoc*, party-appointee arbitrator)
- Construction disputes (delay claims) relating to construction of three related waste disposal facilities (domestic, *ad hoc*, tribunal chair)
- Disputes between condominium corporations and services providers (domestic, *ad hoc*, tribunal chair)
- Disputes arising from property construction and development contracts (domestic, *ad hoc*, sole arbitrator)
- Claims related to construction of power supply facilities (international, *ad hoc*, sole arbitrator)
- Dispute relating to exercise of contractual rights of first refusal in mining royalty agreement (international, *UNCITRAL Rules*, tribunal chair)
- Property development contract dispute (domestic, *ad hoc*, sole arbitrator)
- Oppression and contract rectification claims (domestic, *ad hoc*, sole arbitrator)
- Contract interpretation claim relating to sharing of allocation of expenses in construction of government infrastructure project (domestic, *ad hoc*, sole arbitrator)
- Franchise agreement dispute (domestic, *ad hoc*, sole arbitrator)

- Construction delay claim relating to construction of military facilities (domestic, *ad hoc*, sole arbitrator)
- Dispute relating to purchase price adjustments of an asset purchase agreement (domestic, *ad hoc*, sole arbitrator)
- Distribution Agreement dispute (international, *ad hoc*, party appointee)
- Delay claims relating to construction of power plants (domestic, *ad hoc*, sole arbitrator)
- Commercial tenancy rent reset (domestic, *ad hoc*, sole arbitrator)
- Disputes arising from energy supply contract (domestic, *ad hoc*, sole arbitrator)
- Construction contract interpretation claim (domestic, *ad hoc*, sole arbitrator)
- Franchise agreement termination claims (ICDR Emergency Arbitrator – injunction application)
- Claim for declaratory relief relating to contract between aircraft manufacturer and venture funds (international, ICC. President of Tribunal)
- Claims relating to termination of hotel management contract re hotel in Panama City (international, ICC Emergency Arbitrator – injunction application)
- Commercial tenancy rent reset (domestic, *ad hoc*, party-appointee arbitrator)
- Construction contract adjudication (MTO Referee Process, tribunal chair)
- Dispute relating to interpretation of marine carriage contract (domestic, *ad hoc*, sole arbitrator)
- Construction contract adjudication (MTO Referee Process, tribunal chair)
- Disputes arising out of prior arbitration relating to award review process (domestic, *ad hoc*, party-appointee arbitrator)
- Commercial tenancy rent reset (domestic, *ad hoc*, party-appointee arbitrator)
- Contract interpretation agreement re supply of services (domestic, *ad hoc*, sole arbitrator)
- Law firm partnership compensation dispute (domestic, *ad hoc*, sole arbitrator)
- Contract termination claim (supply agreement) (domestic, *ad hoc*, sole arbitrator)
- Contract dispute re management of television services contract (domestic, *ad hoc*, tribunal chair)
- Disputes relating to auction of estate property (domestic, *ad hoc*, tribunal chair)

### **Significant Mediation Appointments**

- Construction delay claims
- Professional negligence claims against lawyer re. tax advice
- Disputes relating to funding of museum project
- Disputes relating to construction of transit facility
- Dispute between technology provider and software provider (settled)
- Dispute between parties to a self-storage warehouse project
- Dispute relating to professional fees of large accounting firm (settled)
- Dispute relating to construction of military facility in Kabul (settled)
- Dispute relating to supply of IT services (settled)
- Dispute between union and pension fund manager
- Oppression remedy claims (settled)
- Professional liability claims against lawyers and accountants (settled)
- Dispute relating to construction of highway exchange infrastructure (settled)
- Dispute between financial adviser and clients (settled)
- Dispute between two charitable organizations
- Dispute relating to construction of municipal facility

### **Significant Arbitration Counsel Experience**

- dispute relating to terms of airline capacity purchase agreement between a national and a regional carrier
- dispute relating to termination of helicopter services joint venture agreement
- dispute between three oil pipeline companies and Ontario Hydro over easements agreements
- dispute relating to calculation of royalties under multi-national software licensing agreement
- dispute arising from copyright infringement of software code (arbitration counsel)
- dispute relating to termination of software development and installation contract between provider and a Crown Agency
- dispute relating to installation of defective manufacturing software (litigation counsel)
- dispute relating to shotgun provisions of a unanimous shareholder agreement
- dispute relating to claims made under P3 contract for construction of hospital
- dispute relating to interpretation of profit sharing provisions in real estate joint venture agreement
- dispute arising from installation of manufacturing process software
- product liability claim relating to retrofit of large steel plant

### **Significant Litigation Counsel Experience**

- dispute relating to claims made on fraudulent corporate debentures
- oppression claims made by debenture holders in context of hostile takeover bid
- judicial review relating to application of Tobacco Tax Act provisions to a casino
- injunction proceedings brought by professional sports league relating to illegal broadcast of blacked-out telecasts
- dispute arising from claims made by losing bidder in public procurement for health therapy services
- dispute arising from claims made by losing bidder in public procurement for construction services for regional municipality health therapy services
- maritime law claims made in relation to loading accident and loss of cargo
- dispute relating to delay and defect claims made under contract to build municipal centre and city hall delay claims made in respect of renovation of large museum in City of Toronto
- several procurement and construction/contract disputes made against and by municipal mass transit system
- delay claims made in relation to construction of Pearson airport
- dispute relating to procurement of naval vessel retrofit services
- dispute relating to retrofit of large manufacturing furnace
- disputes relating to fraud and theft by key employees
- dispute relating to retrofit of manufacturing plant by Italian supplier
- international class action against fast food company in relation to promotional contest
- dispute relating to co-packing of national brand product and breaches of license agreement
- dispute relating to default on documentary letter of credit
- dispute relating to interference with commercial relations
- numerous professional liability claims against lawyers
- commercial claims made against a Superior Court Judge
- negligence claims made against a Superior Court Judge

Mr. Richler has long been an advocate of the use of arbitration as an effective means of resolving construction disputes. In addition to his professional engagements, he has authored a number of articles and text chapters on this subject and he has lectured on arbitration matters in many conferences and professional programs in Canada and the United States. For a number of years, Mr. Richler participated as a judge at the Willem C. Vis International Commercial Arbitration Moot in Vienna, Austria.

Mr. Richler is committed to the creative, efficient and fair conduct of arbitrations and, focused on working with parties and their counsel to achieve that result.