



ARBITRATION PLACE

An all-encompassing approach

JUDGE ARBITRATION JOHN JUDGE PROFESSIONAL CORPORATION



John A.M. Judge

Arbitration Place

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Background Law Practice

In January 2013, John Judge launched his independent practice as a Resident Arbitrator at Arbitration Place in Toronto, specializing in international arbitration. Prior to that, he enjoyed 35 years of counsel practice as a senior partner at Stikeman Elliott LLP in Toronto.

Mr. Judge is experienced in international commercial arbitration as counsel and as arbitrator. He has sat as an arbitrator and as chair on substantial international arbitrations through the International Chamber of Commerce, Paris, the London Court of International Arbitration and the International Centre for Dispute Resolution (the international arm of the American Arbitration Association), as well as ad hoc arbitrations.

He has appeared as counsel before trial and appellate courts, including the Supreme Court of Canada, and also before administrative and arbitral tribunals. He is well versed in all forms of injunctions and pre-emptive interim remedies. As many of his cases have involved international issues, he is adept in coordinating cross-border disputes and effectively dealing with jurisdictional issues. His experience includes shareholder and partnership disputes, corporate and commercial transactions, banking, insolvency, insurance and reinsurance claims, and civil fraud investigations and claims. He has handled a wide variety of technology disputes related to outsourcing, software development, licensing, software implementation and Internet and domain name issues. He has a broad background in real estate and complex construction project disputes, product liability and professional negligence claims.

Peer Recognition

His expertise has been recognized nationally and internationally:

- Chambers and Partners, 2012, ranked in Canada for Dispute Resolution: Arbitration (Band One)
- International Who's Who of Commercial Arbitration 2012
- The Canadian Legal Lexpert Directory 2012 as a leading practitioner most frequently recommended in International Commercial Arbitration
- Who's Who Legal: Canada 2012 for Arbitration as well as for Commercial Litigation and also Insurance and Reinsurance
- Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada (2012 and 2013) for International Arbitration
- The 2012 PLC Which Lawyer? for Dispute Resolution



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- The Best Lawyers in Canada 2013 for Alternative Dispute Resolution and International Arbitration

Mr. Judge is AV® Peer Review Rated according to Martindale-Hubbell (Very High to Pre-eminent), its highest level of professional ranking.

Recent Arbitration Experience

By reason of his experience as arbitrator and counsel, John is well versed in the accepted procedures and practices for the conduct of international and domestic commercial arbitrations to ensure the enforceability of an award.

(i) As Arbitrator

- Appointed as a co-arbitrator in a Dubai arbitration under the rules of the Dubai International Arbitration Centre for a large project management dispute between two prominent companies for major high profile project in Dubai.
- Appointed by LCIA Court as an arbitrator in a dispute amongst an owner, contractor and subcontractor in respect of the design and construction of a liquefied natural gas terminal in Canada.
- Appointed Sole Arbitrator in a substantial *ad hoc* arbitration in excess of \$100 million in a joint venture mining dispute between American and Chinese owned Canadian subsidiary corporations regarding development and operation of an iron ore mine.
- Appointed Sole Arbitrator in an ICC arbitration seated in New York for a dispute between a Spanish company and an American subsidiary of a Chinese corporation regarding the purchase and sale of shares and assets of a Chinese manufacturing company.
- Appointed Sole Arbitrator in an ICC arbitration seated in New York between a well-known American plane manufacturer and Dubai based parties regarding a plane lease dispute.
- Appointed Chair of an ICDR arbitration seated in New York between a large American chemical manufacturer and a large French manufacturer relating to a supply swap agreement.(with co-arbitrator John Townsend)
- Appointed as party nominated arbitrator in an insurance dispute involving insurers and a Caribbean state owned electric facility regarding a catastrophic loss.
- Appointed as Sole Arbitrator in an *ad hoc* arbitration involving a software development and implementation dispute between a Canadian software company and an American radio broadcasting company
- Appointed Chair of an *ad hoc* domestic arbitration in a mining dispute between two public mining companies regarding joint venture and custom milling agreements.
- Appointed Chair of an *ad hoc* UNCITRAL arbitration in an oil and gas dispute between a large British based gas corporation and American oil companies over



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interests in a large oil and gas field in Kazakhstan.(with co-arbitrator Michael Collins QC and a retired US Federal Court judge)

- International Chamber of Commerce (“ICC”) Arbitration – appointed Chair of ICC Tribunal for a substantial joint venture dispute seated in New York and governed by English law between a large Venezuelan engineering firm and a large public German engineering and manufacturing group regarding a Venezuelan petrochemicals by-product facility
- Acted as co-arbitrator in an international ad hoc arbitration regarding a private equity investment dispute governed by El Salvador law between a Canadian investment firm and an El Salvador manufacturing business which had moved from Ontario. Issues related to fundamental breach of agreements and repudiation in the context of certain put rights
- ICC Arbitration – co-arbitrator in fundamental breach of contract claim between Canadian and English corporations for large industrial machinery manufactured in Canada for installation at a U.K. plant.
- ICC Arbitration – acted as a co-arbitrator in a substantial ICC arbitration claim between a public Canadian forestry company and a large German corporation for breach of contract in the supply of large industrial machinery by the German supplier for a plant in Northern Ontario, which allegedly caused a catastrophic fire and damages of \$60 million. (with chair VVVeeder QC)
- Appointed sole arbitrator in an *ad hoc* arbitration for a joint venture contract dispute between the Canadian subsidiaries of a foreign based developer and an American financial institution which involved a high profile development property in the heart of Toronto.

(ii) As Counsel

- Counsel to a Canadian public mining corporation with respect to the enforcement issues relating to an ICSID Award obtained by a Turkish company against an Asian country in which the client owns and operates a substantial gold mine.
- Counsel to a Canadian public mining corporation in connection with an investor-state dispute involving mining operations in a Central American country.
- Counsel to a French nuclear organization in a large contract dispute and arbitration with Atomic Energy of Canada Limited over development and installation of certain nuclear medical isotope waste facilities. The case involved difficult issues of contract interpretation and complex evidence regarding nuclear engineering and processes related to claims for fundamental breach of contract.
- Counsel to a large international software company in an ad hoc arbitration over alleged fundamental breach of contract for an enterprise business software license and implementation agreement.
- Co-counsel in an LCIA arbitration seated in London for a Canadian investment corporation in an investment contract dispute with a Ukrainian corporation over a property development in the Ukraine.
- Counsel to a Dubai Engineering company in an *ad hoc* arbitration against an Ontario corporation for breach of contract in connection with a supply agreement



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Industry Experience

Mining, Oil and Gas, Energy – disputes involving mining properties (gold, copper, iron ore), mining and milling operations and off take agreements, commercial investment and joint venture agreements involving major and junior mining companies regarding substantial mining projects in Canada, the United States, Latin and South America, Africa and Australia. Commercial oil and gas disputes involving joint ventures and other commercial agreements including supply, pricing and swap agreements, leases, well operating, facility processing and transportation agreements. Also disputes in relation to power purchase agreements within co-generation projects.

Construction, Engineering, Infrastructure, Real Estate – a wide variety of construction and engineering disputes in relation to complex industrial plants including sophisticated cogeneration and hydro-electric facilities, nuclear facilities, mines and gold milling plants, iron ore mills, paper mills and air separation plants, as well as design and construction of commercial, government and residential buildings and complexes. Project finance disputes in relation to power generation facilities and real estate development. Acted in a wide variety of real estate development disputes, including joint ventures and partnership, financing and contractor disputes, leasing disputes including rent rates.

Technology and Telecommunications – disputes in relation to software development, licensing, and enterprise implementation; outsourcing; business disputes involving technology and telecommunication companies, shareholders, joint ventures, partnerships, strategic alliances as well as matters relating to privacy, confidentiality, licensing and commercialization of IP, electronic commerce and the internet.

Insurance and Reinsurance – commercial insurance disputes (including property, D&O, energy, professional liability, product liability, environmental) and general coverage disputes. Also acted in reinsurance and brokerage disputes.

Banking, Investment, M&A – a wide variety of banking, finance and private equity disputes in sophisticated transactions; disputes arising from mergers and acquisition; corporate, shareholder, partnership and joint venture disputes.

Transportation – disputes involving airplane leases, cargo losses with carriers by air, truck and ship, maritime accidents; engineering, design and manufacture of rail and subway cars.

Professional Activities

As an arbitrator, Mr. Judge is a Fellow of the Chartered Institute of Arbitrators (FCI Arb); member of London Court of International Arbitration (LCIA); past Vice-President of its North American Users Council(2007-2013); ICC Canada, member of the Executive; member of the Institute for Trans-National Arbitration, Dallas (Advisory Board Member) and member of the Canadian Panel of Arbitrators for the International Chamber of Commerce; Panel Member for the International Centre for Dispute Resolution; Panel Member of the Singapore International Arbitration Centre. He is a founding member of the Arbitration Roundtable of Toronto and the Toronto Commercial Arbitration Society and has become a member by invitation of the London International Arbitration Club. He is also a founding Member of Arbitration Place in Toronto.



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Mr. Judge is a member of The Advocates' Society (past director 1987-89, 1992); Canadian Bar Association; American Bar Association; International Bar Association; International Technology Law Association and Canadian Information and Technology Law Association. He is a director and past president (2006-2007) of The Sopinka Cup Society, sponsor of the Canadian National Trial Advocacy Moot Competition for law schools; past instructor at the annual Osgoode Hall Intensive Trial Advocacy Program, Toronto.

Publications & Speaking Engagements

Mr. Judge has written many articles and spoken on a wide variety of legal and advisory issues, including:

- Keynote Speaker, Commercial Arbitration in Toronto: *The Past, The Present, and The Future Challenges*, ASAP Arbitration Place, Toronto, January 2012
- ICC Canada Conference Program, *It's Time For a Fresh Look at Canadian Arbitration Legislation*, speaker on Interim Measures, Ottawa, October 2011
- Speaker, Toronto Commercial Arbitration Society, Conference for General Counsel, *Cost Effective Dispute Resolution, Arbitrate or Litigate*, Toronto, September 2011
- The Anatomy of an International Mining Dispute, conference chair, speaker and moderator, Toronto, March 2011
- Toronto Commercial Arbitration Society, Inaugural Conference, Chair and speaker, Toronto, October 2010
- Co-author of Canadian chapter in *Getting the Deal Through – Arbitration 2010, 2011, 2012 and 2013*.
- Speaker at the ICC Canadian National Committee Workshop on Parallel Proceedings in International Commercial Arbitration, October 2008.
- Speaker on Enforcement of International Commercial Arbitration Awards, Arbitration Roundtable of Toronto Conference on Arbitration: A Primer for Corporate Counsel, October 2008.
- Moderator and speaker at LCIA North American Users' Council Symposium in Toronto, September 2007; Washington 2009, and Vancouver 2010.
- Moderator and speaker on "Foresight: Strategies in Resolving Technology Industry Disputes in North America", ADR After NAFTA Conference with The International Centre for Dispute Resolution, Toronto, September 2007.
- Speaker on "Developments in Discovery and Taking Evidence for Use in Arbitration", Conference on Current Issues in Canada – U.S. Arbitration Practice: A Canadian Perspective with the New York City Bar Association, New York, June 2007.
- Speaker on "Recent Developments on Discovery in Arbitration", Conference with the Ontario Bar Association and ADR Institute of Canada, May 2007.
- Speaker on "Preparation for Arbitration", Conference on Advanced Commercial Arbitration through the Law Society of Upper Canada and The Advocates' Society, April 2007.
- Speaker on "The Charter of Rights in Regulatory Proceedings", Conference: Regulators at the Gates, October 2006.
- Chair and speaker for a Conference by Arbitration Roundtable of Toronto, Arbitration for the In-House Counsel, Toronto Board of Trade, September 2006.
- Chair and speaker for a Conference by the Arbitration Roundtable of Toronto, Arbitration for the Corporate Lawyer: Essentials for an Effective Arbitration Clause, Toronto Board of Trade, October 2005.

Education

FCI Arb (2006), University of Toronto (LL.B. 1975, BA 1972).



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Bar Admission

Ontario, 1977.