

## The Honourable Barry Leon



The Honourable Barry Leon, FCI Arb is an independent Arbitrator and Mediator with Arbitration Place.

He is a Fellow of the Chartered Institute of Arbitrators (FCI Arb), an International Mediation Institute (IMI) Certified Mediator, and a Fellow of the International Academy of Trial Lawyers.

Barry is experienced in arbitrating and mediating corporate and commercial, contract, shareholder and business breakup, joint venture, employment, insurance, intellectual property, technology, expropriation, natural resources, and construction disputes.

In addition, he is a dispute resolution specialist, and an independent consultant and professional services provider (including independent corporate meeting chairman, and member of public and private oversight and integrity bodies).

**Judicial Experience.** Barry was the Presiding Judge (Commercial Division), Eastern Caribbean Supreme Court, in the Territory of the Virgin Islands, known as the BVI Commercial Court, from 2015 to 2018.

In that capacity he presided over a range of high-stakes international commercial disputes involving parties from around the world, including shareholder and corporate disputes, insolvency matters, contractual disputes, fraud and asset recovery proceedings, judgment enforcement and arbitration assistance and arbitral award enforcement. A number of his written judgments can be found at [here](#).

While serving on the BVI Commercial Court, Barry was a founding member of the Judicial Insolvency Network, a network of judges from leading international commercial courts that, among other things, established the *Guidelines for Communication and Cooperation Between Courts in Cross-border Insolvency Matters*, with protocols for communication and cooperation between courts in different jurisdictions. He also served on the Chief Justice's Insolvency Committee in BVI and the Court's 50<sup>th</sup> Anniversary Committee for BVI.

**Litigation and Arbitration Counsel Practice (1976 – 2015).** Prior to his appointment to the Eastern Caribbean Supreme Court for a 3-year term, from 2009 – 2015 Mr. Leon was a Partner and Head of the International Arbitration Group at Perley-Robertson, Hill & McDougall LLP, a Canadian regional business law firm with a boutique international arbitration counsel practice, based in Ottawa, Canada.

Until 2009 he was a Partner with Torys LLP, a leading Canadian business law firm, in its Litigation and Dispute Resolution Practice in Toronto, Canada, and for many years served as Coordinator of the Practice.

Mr. Leon has more than 35 years of experience as counsel in litigation, arbitration, and mediation, acting on many complex and significant cases for a wide variety of clients and involving many different industries including financial services, natural resources, energy, insurance (property and casualty; life and disability) and reinsurance, air transportation, technology, intellectual property, manufacturing, and construction. His cases included corporate and shareholders disputes; employment

and labour; patent, trademark, and copyright; contractual and tort claims; insurance; and construction.

**Arbitrator and Mediator.** In addition to being an independent Arbitrator with Arbitration Place, Barry is an independent arbitrator and mediator with 33 Bedford Row Chambers in London, and Caribbean Arbitrators in the British Virgin Islands.

Barry is an Arbitrator on the American Arbitration Association National Roster of Arbitrators, a member of the Jamaica International Arbitration Centre (JAIAC) Panel of Neutrals (Arbitration, Mediation, Facilitated Contract Re-Negotiation, Neutral Evaluation) and a member of the Vancouver International Arbitration Centre (VanIAC) Domestic Arbitration, International Arbitration, and Mediation Panels.

Barry also served as an arbitrator and mediator for several years prior to his appointment to the BVI Commercial Court. He continued to do so occasionally while serving on the Court.

**Current Organizational Involvement.** Barry is past Chair of the Arbitration Committee of the Canadian Chamber of Commerce, ICC Canada (Canadian National Committee of the International Chamber of Commerce's International Court of Arbitration) and remains active on the Arbitration Committee of ICC Canada in various capacities, as well as being a member of the ICC's Commission on Arbitration and ADR.

He is Chair of Arbitration Place's Advisory Board and is on the Organizing Executive Committee for Canadian Arbitration Week (CanArbWeek). Barry is Co-Chair of the 2023 Canadian Arbitration Report. Also, he is a founding member of the BVI Arbitration Group, and of the governing Committee responsible for achieving the objectives of the Group.

Barry is a member of the Arbitration Act Review Committee of the Toronto Commercial Arbitration Society, which conducted a complete review of the Ontario, Canada domestic and international arbitration laws, and has been assisting in The Bahamas with the drafting of its international arbitration, mediation, and adjudication laws. Recently he was a member of the faculty that conducted a series of arbitration courses for the Guyanese judges, lawyers, public sector members, the business community, the media, and civil society, at the request of the Attorney General through IMPACT Justice.

Barry is one of the moderators of OGEMID (part of TDM – Transnational Dispute Management), a global listserv focused on international arbitration, alternative dispute resolution and related fields.

He is a member of the Board of Governors of the Canadian Guyanese Congress, the Advisory Board of the Canadian Association of Progressive Muslims, and of the North America Sub-Committee of the Campaign for Greener Arbitrations (CGA) and was Organizing Committee Chair for CGA global workshop, "*Shaping the Future of Greener Arbitration Conferences and Training*".

Barry is Co-Chair of the Caribbean Task Force of the Institute for Transnational Arbitration's Americas Initiative; a member of the International Trust Arbitration Organisation's Research Council; and a Director of the International Law Association's Canadian Branch and Member of the International Commercial Arbitration Committee.

Also, he is a Vice Chair and Branch Committee Member of the Caribbean Branch of the Chartered Institute of Arbitrators; a member of the Canadian Bar Association's International Law Section, the International Arbitration Club of New York, the London Court of International Arbitration, the American Society of International Law, and the New York International Arbitration Center.

**Past Organizational Involvement.** Barry has been an active member of numerous other organizations involved in international arbitration and other dispute resolution for many years, serving in executive positions and on task forces and commissions, and organizing and chairing conferences and events, including:

- *International Bar Association:* Member, IBA Rules for Investor-State Mediation Subcommittee; Member, Arbitration, Mediation and Litigation Committees; Co-Chair, IBA International Arbitration Conference, “First Principles, Current Practices, Latest Trends”, Toronto, 2014;
- *The Advocates’ Society:* Co-Chair, Arbitration and Mediation Advocacy Practice Group; Member, Practice Group Standing Committee; Chair, The Roger Fisher Lifetime Achievement Award in Alternative Dispute Resolution Dinner Committee and Chair of the Dinner (Lifetime Achievement Award to L. Yves Fortier, CC, OQ, QC, Ad. E., LLD);
- *Canadian Bar Association:* Chair, Working Group on ICSID; Executive, Dispute Resolution Committee of International Law Section;
- *CPR Institute for Conflict Prevention & Resolution:* Member, Task Force on Diversity in ADR; Member, Arbitration Committee;
- *Rocky Mountain Mineral Law Foundation:* Program Committee Member – “International Energy and Minerals Arbitration” Conference (Toronto); and
- *Centre for Effective Dispute Resolution (CEDR):* Member, Commission on Settlement in International Arbitration.

**Recognitions.** Barry has received numerous professional recognitions in international arbitration and other related areas.

In 2022, he was shortlisted by Global Arbitration Review (GAR) for its award for the ‘best prepared’ arbitrator.

Previously, Global Arbitration Review’s GAR 100 called him “one of Canada’s most high-profile arbitration practitioners,” and Chambers Global referred to him as “an accommodating, instructive and personable practitioner who provides clear advice and opinions.” His recognitions include Global Arbitration Review’s GAR 100; Chambers Global; Lexpert/American Lawyer’s Guide to the Leading 500 Lawyers in Canada; PLC Which Lawyer?; The International Who’s Who of Commercial Arbitration; The Best Lawyers in Canada; Canadian Legal Lexpert Directory; Guide to the World’s Leading Experts in Commercial Arbitration; Guide to the Leading US/Canada Cross-Border Litigation Lawyers in Canada; and Who’s Who Legal – Canada.

The International Mediation Institute (IMI) reported that the lawyers who engaged Barry as a mediator were satisfied with his work. They said that he is open and approachable; skilled; well prepared; able to understand legal issues quickly; deals well with parties’ animosities; and listens to both sides’ concerns to try to assist them to resolve their disputes. All lawyers were satisfied with the work Barry did, would likely use him again and would recommend him to others.

Barry is a recipient of the “Award for Outstanding Contribution to Diversity in ADR” from the CPR International Institute for Conflict Prevention & Resolution (CPR).

**Writing, Speaking and Teaching.** Barry writes and speaks extensively on arbitration, mediation, negotiation, and other dispute resolution topics, including in Canada and in the Caribbean (in Jamaica, BVI, Trinidad and Tobago, Guyana, The Bahamas, and Barbados), including conducting arbitration workshops for judges in the Caribbean. He has taught regularly on an *ad hoc* basis in international

arbitration courses (including at the International Law Institute, Advanced Arbitration and Mediation Course (Washington), Foundation for International Arbitration Advocacy, Osgoode Hall Law School at York University (Toronto), University of Montreal, and McGill University (Montreal)). He also speaks on topics relating to fraud and asset recovery, construction, and insolvency.

He chaired a panel at the 2017 Offshore Alert Miami Conference on "Cross-Border Clashes and Cooperation Among Courts" and spoke and wrote on appeals in arbitration (Fordham Conference on International Arbitration 2015 and "Merit Appeals in International Arbitration: Undermining Arbitration or Facilitating True Party Autonomy" in *Contemporary Issues in International Arbitration and Mediation: The Fordham Papers 2015*, 2016: Koninklijke Brill NV). Mr. Leon's paper on "Arbitration of Cross-Border Insolvency Disputes" for the Judicial Insolvency Network Conference was nominated by Global Restructuring Review for its 2017 Award for "Innovation in Cross-Border Insolvency and Restructuring".

He is an Executive Editor and a founder of the Canadian Journal of Commercial Arbitration, a member of the Board of Editors of the Commercial Litigation and Arbitration Review, and currently is involved in co-editing a book on arbitration in the Caribbean.

**Bar Admission and Education.** Barry was admitted to Bar in Ontario, Canada (now a non-practicing member of the Law Society of Ontario). He holds a law degree from the University of Toronto, an MBA degree from the Richard Ivey School of Business at The University of Western Ontario (Western University), and a BA (Political Science; Economics; English Literature) from the University of Alberta.