



## REQUEST FOR BIOGRAPHICAL INFORMATION

### Opportunity for arbitrators to be selected for the Canadian Transportation Agency rosters

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## Contact Information

Please note that completion of this form is lengthy. You may be required to save and return to complete. If you have any questions or need help please contact Martina Faith at [Martina.Faith@otc-cta.gc.ca](mailto:Martina.Faith@otc-cta.gc.ca)

|  |   |
|--|---|
| Date of this version   | October 11, 2018  |
| First name   | Helmut  |
| Last name  | Johannsen   |
| Middle initial   | K   |
| Honorifics   | B.A.Sc., LLB, PEng., C.Arb.   |
| Professional title   | Barrister & Solicitor, Mediator and Arbitrator  |
| Firm name  | Singleton Urquhart Reynolds Vogel LLP   |
| Address line 1   | Suite 1200  |
| Address line 2   | 925 West Georgia Street   |
| City   | Vancouver   |
| Province   | British Columbia  |
| Postal code  | V6C 3L2   |
| Secondary address (please indicate street, city, province and postal code) |   |
| Telephone (office)   | 604-673-7431  |
| Telephone (mobile)   | 604-764-0022  |
| Telephone (other)  |   |
| Fax  | 604-682-1283  |
| E-mail   | <a href="mailto:hjohannsen@singleton.com">hjohannsen@singleton.com</a>                                  |
| Web site URL   | <a href="http://www.singleton.com">www.singleton.com</a>  |
| LinkedIn URL   | <a href="https://www.linkedin.com/in/helmutjohannsen/">https://www.linkedin.com/in/helmutjohannsen/</a> |
| Facebook   |   |
| Other social media links   |   |
| Region of residence  | Western Canada and North  |



|   |  |
|---|--|
| Willingness to travel within and to other provinces?<br>Please specify provinces. | <input checked="" type="checkbox"/> All provinces<br><input type="checkbox"/> British Columbia<br><input type="checkbox"/> Alberta<br><input type="checkbox"/> Saskatchewan<br><input type="checkbox"/> Manitoba<br><input type="checkbox"/> Ontario<br><input type="checkbox"/> Quebec<br><input type="checkbox"/> New Brunswick<br><input type="checkbox"/> Nova Scotia<br><input type="checkbox"/> Newfoundland and Labrador<br><input type="checkbox"/> Prince Edward Island<br><input type="checkbox"/> Yukon<br><input type="checkbox"/> Northwest Territories<br><input type="checkbox"/> Nunavut |
| Languages spoken  | <input checked="" type="checkbox"/> English<br><input type="checkbox"/> French   |

**Education**

Please list degree(s), institution(s) attended and year degree(s) conferred below.

| Degree                    | Institution attended                                       | Year degree conferred |
|---------------------------|--|-----------------------|
| BASc. (Civil Engineering) | University of British Columbia, Faculty of Applied Science | 1975                  |
| LLB                       | University of British Columbia, Faculty of Law             | 1980                  |

Please list courses or degrees in **Economics**, if any.

| Courses | Institution attended | Year |
|---------|----------------------|------|
|         |                      |      |

Please list courses or degrees in **Finance and Accounting**, if any.

| Courses | Institution attended | Year |
|---------|----------------------|------|
|         |                      |      |



Please list courses relating to **logistics, transportation or transportation law**, if any.

| Courses | Institution attended | Year |
|---------|----------------------|------|
|         |                      |      |

### Arbitration Designation

Please list below the designation(s), certification(s) or accreditation(s) in arbitration received from any recognized institution(s) and the year(s) conferred.

| Designation                          | Organization                            | Year conferred |
|--------------------------------------|---|----------------|
| Chartered Arbitrator                 | ADR Institute of Canada                 | 1988           |
| Fellow                               | Chartered Institute of Arbitrators (UK) | 2016           |
| Diploma in International Arbitration | Chartered Institute of Arbitrators (UK) | 2016           |

### Arbitration Training

Please list below the **arbitration training** or course(s), if any, along with the institution providing the training and the year that you received this training.

| Course   | Institutions  | Year              |
|--|---|-------------------|
| Accelerated Route to Fellowship – International Commercial Arbitration - with Award Writing Exam | Chartered Institute of Arbitrators (UK)   | 2016              |
| Arbitration – Practice & Procedure with Award Writing Exam                                       | ADRBC (formerly BC Arbitration & Mediation Institute)   | 1988              |
| ADRBC Symposium (2 day Symposium)  | ADRBC (formerly BC Arbitration & Mediation Institute), attendee, speaker and moderator  | 2016, 2017 & 2018 |
| Mediating the Litigated Case   | Strauss Institute, Pepperdine School of Law   | 2017              |
| Arbitration Practice & Procedure - sessions as part of Annual Conferences (attendee and speaker) | Canadian College of Construction Lawyers, American College of Construction Lawyers, International Academy of Construction Lawyers and International Bar Association | 2000-2018         |



### Commercial Litigation Experience

Please specify approximate number of commercial cases in which you have acted as counsel.

Numerous in 38 years of practice

Please list range of years over which these cases occurred.

1981 - 2018

Please list law firms with which you were associated, according to years.

| Firm name   | Duration |
|---|----------|
| Singleton Urquhart  | 2 years  |
| Fasken Martineau (formerly called Russell & DuMoulin in Vancouver, BC) from 1980-2016 | 36 years |

| Did you typically represent plaintiff, respondent or both?<br>Please provide your answer as a percentage. | Response |
|---|----------|
| Plaintiff   | 40       |
| Respondent  | 60       |

Please list by subject area, the three most complex commercial cases with which you have been involved as counsel in arbitrations or litigation, the kind of evidence presented, what experts were involved, quantum in issue and duration of case.

| Area of commercial litigation (e.g. patent infringement) | Kind of evidence presented  | What type of experts were involved  | Quantum (value of claim)    | Duration (time in court) |
|--|---|---|-----------------------------|--------------------------|
| Construction (process plant)                             | Standard of care, design defects, construction defects, economic loss, accounting | Industry experts, including engineering, manufacturing, construction and accounting | \$30 million (2018 dollars) | 1 ½ years                |



|  |   |  |              |                         |
|--|---|--|--------------|-------------------------|
| Construction (13 km overland conveyor) | Scheduling, delay and disruption, extra costs and overheads                 | Industry experts, including engineering, geotechnical, construction and accounting | \$12 million | 6 months                |
| Construction (pipeline)                | Manufacturing, quality control, corrosion inhibition, metallurgy, operation | Industry experts, including metallurgists, corrosion inhibition experts, welding   | \$40 million | Settled on eve of trial |

### Experience as an Arbitrator, Adjudicator or Judge

Please specify approximate number of cases in which you have acted as an arbitrator, judge or tribunal adjudicator. Please note that there are cells, in the table below, in which you are asked to provide the court level and tribunal.

|                            | Arbitrator | Judge | Tribunal Adjudicator |
|----------------------------|------------|-------|----------------------|
| Number of cases            | 12+        |       |                      |
| Over what period of years  | 1990-2018  |       |                      |
| Number of commercial cases | 12         |       |                      |
| Over what period of years  | 1990-2018  |       |                      |
| Level of court             |            |       |                      |
| Please specify tribunal    | Ad hoc     |       |                      |

Please list by subject area the three most complex commercial cases in which you acted as arbitrator, judge or adjudicator, the kind of evidence presented, experts involved, quantum in issue and duration of hearing.



| Please specify your role | Area of commercial litigation | Evidence presented  | Experts included  | Quantum (value of claim) | Duration (time in court)    |
|--------------------------|-------------------------------|---|---|--------------------------|-----------------------------|
| Chair of Tribunal        | Construction (design-build)   | Standard of care, general industry standards, design defects, construction defects, economic loss, accounting | Experts on plant performance, corrosion, technology, commissioning, damages     | >\$200 million           | 46 hearing days (fall 2018) |
| Sole Arbitrator          | Construction                  | Claims for extras, changes, interference, delays, cost records, accounting                                    | Experts on industry standard practice, delay, scheduling and damages            | >\$1 million             | 15 hearing days             |
| Chair of Tribunal        | Construction                  | Claims for extras, changes, interference, delays, cost records, accounting                                    | Experts on geology, standard industry practice, delay, cost records, accounting | \$1 million              | 5 hearing days              |

### Work Samples

Please provide a written award (redacted) or decision that you have written. Files should be attached to this submission. Only .pdf or .doc files are accepted.

Unfortunately, due to nature of disputes the awards are strictly confidential and, even after being redacted, the parties and dispute are identifiable by the nature of the particular disputes in question. Redacted version can be made available if required, subject to the prior execution by recipient of an appropriate confidentiality agreement.

### Transportation Specific Legislation

FOR RAIL SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES

| Please rate your current familiarity with the following using "Very familiar", "Fair" or "Not familiar". | Response     |
|--|--------------|
| <i>Railway Costing Regulations – SOR/80-310</i>  | Not familiar |
| <i>Railway Third Party Liability Insurance Coverage Regulations – SOR/96-337</i>                         | Fair         |
| <i>Railway Traffic Liability Regulations – SOR/91-488</i>  | Fair         |



|   |              |
|---|--------------|
| <i>Carriers and Transportation and Grain Handling Undertakings Information Regulations – SOR/96-334</i> | Not familiar |
| <i>Railway Interswitching Regulations – SOR/88-41</i>   | Fair         |

Please provide details explaining how you became familiar with this material.

Reviewed legislation related to rail transport while reviewing, preparing and advising on contracts for ship loading terminals where coal was transported to the marine terminals by rail.

**FOR MARINE SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES**

| <b>Please rate your current familiarity with the following using "Very familiar", "Fair" or "Not familiar":</b> | <b>Response</b> |
|---|-----------------|
| <i>Canada Marine Act – S.C. 1998, c. 10</i>   | Not familiar    |
| <i>Coasting Trade Act – S.C. 1992, c. 31</i>  | Not familiar    |
| <i>Pilotage Act – R.S.C. 1985, c. P-14</i>  | Not familiar    |
| <i>Shipping Conferences Exemption Act, 1987 – R.S.C., 1985, c. 17 (3rd Supp.)</i>                               | Not familiar    |

Please provide details explaining how you became familiar with this material.

**FOR AIR SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES**

| <b>Please rate your current familiarity with the following using "Very familiar", "Fair" or "Not familiar":</b> | <b>Response</b> |
|---|-----------------|
| <i>Air Transportation Regulations – SOR/88-58</i>   | Not familiar    |

Please provide details explaining how you became familiar with this material.

**Familiarity with Transportation and Transportation Law**

Please describe your background involvement in the transportation industry or transportation law, if any.

Somewhat familiar. Transportation of goods to construction sites by road and rail is a necessary element of most construction projects, particularly those in remote areas. This includes issues around transportation of dangerous goods and construction of transit projects, highways, etc., adjacent to or across railway lines. On large infrastructure projects, review of restrictions and availability of provincial, national and international transport corridors must often be considered as part of the procurement process.





**Disclosure**

If you have ever worked for, been associated with, or have a current or past interest in a transportation carrier or shipper in rail, marine or air, please provide details below:

Not to the best of my recollection (other than acting for marine terminals years ago). I understand the firm does not presently, but acted on some isolated matters at some point in its past history.

**Conflict**

If you OR YOUR FIRM currently represent, or have in the past represented, a carrier please advise.

If you OR YOUR FIRM currently represent, or have ever represented, a company in a matter relating to shipment of goods, please advise.

**Fees**

| Please provide daily and hourly rates | Response |
|---------------------------------------|----------|
| Daily                                 | \$4,500  |
| Hourly                                | \$575    |

**Availability**

How many months in advance are you booked for?

Varies. Between 1 and 4 months

**Signed Agreement**

PLEASE NOTE THAT YOUR APPLICATION IS NOT COMPLETE WITHOUT PROOF OF INSURANCE AND THE SIGNED AGREEMENT THAT YOU WILL FIND BELOW.

The information I have provided describes accurately my qualifications and experience.

I understand that:

- Roster members will be selected based on the criteria set out in this request for biographical information.
- The biographical information provided by me in this request for biographical information will appear online ON the Agency's Web site.
- Rosters and roster members may be reviewed every two years.
- Being accepted as a roster member does not guarantee that I will receive work under the *Canada Transportation Act*.



- The Canada Transportation Agency is in no way responsible for any fees, expenses or outstanding payments, all of which shall be billed by the arbitrator to the parties to any proceeding under the *Canada Transportation Act*.

If my request is accepted, I will comply with all the conditions of the program, including but not limited to the following:

- Compliance with the Canadian Transportation Agency's Code of Values and Ethics.
- Maintenance of insurance at the required level.

| Please provide proof of insurance | Response  |
|-----------------------------------|---|
| Policy number #                   | Several – see attached certificate  |
| Issuer                            | Lawyer's Professional indemnity Company and others – see attached certificate |

|   |                           |
|---|---------------------------|
| <b>Signed on</b>  |                           |
| <b>in the province of</b>   |                           |
| <b>Signature (Please sign the form digitally by typing your first and last name.)</b> | * Signed on original copy |

### Application Checklist

Please do not include a resume. If you have any questions or need help, please contact Martina Faith at [Martina.Faith@otc-cta.gc.ca](mailto:Martina.Faith@otc-cta.gc.ca).

If you wish to be considered for the roster, please ensure that you completed the following:

### Checklist

- Filled out the Application Form
- (Available on request subject to recipient's agreement as to confidentiality) Provided your work sample
- Provided your digital signature above
- Faxed us (819-953-6613) or attached as a PDF, the proof of insurance