



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

Date of this version	October 11, 2018
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Last name	Marshall
Middle initial	J.
Honorifics	QC
Professional title	Senior Counsel
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LinkedIn URL	
Facebook	
Other social media links	
Region of residence	Western Canada and North



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

Education

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

Degree	Institution attended	Year degree conferred
BA	University of Alberta	1963
LLB	University of Toronto	1966

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

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
Arbitration	AAMS (now ADRIC)	1994
Advanced Arbitration	ICDR (AAA)	2017

Commercial Litigation Experience

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

More than 200

Please list range of years over which these cases occurred.

1966-2018

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

Firm name	Duration
Macleod Dixon LLP (now Norton Rose Fulbright)	1966-2011
John J. Marshall, QC, Prof. Corp.	2012-2018



Did you typically represent plaintiff, respondent or both? Please provide your answer as a percentage.	Response
Plaintiff	yes
Respondent	yes

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)
Regulatory: NEB and Berger Inquiry	Engineering, financial, socio-economic, environmental, oil and gas	Approximately 100 experts in all disciplines	\$6 billion	400 days: 200 Berger Inquiry 200 NEB
Oil & Gas	Fact and expert	Engineering, industry practice	\$6.4 billion	6 weeks
Corporate/Commercial	Fact and expert	Market valuation of public company, loss of opportunity	\$35 million	15 days

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	100 +		2
Over what period of years	30 +		
Number of commercial cases	100 +		



Over what period of years	30 +		
Level of court	n/a		
Please specify tribunal	ICC, ICDR, LCIA, CPR Institute, ad hoc under UNCITRAL and arbitration acts		

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)
Arbitrator	Oil and gas	Fact	n/a	\$900 million USD	3 weeks
Arbitrator	Construction: bridges, roads, underpasses	Fact and expert	Engineering, damages and delay	\$100 million	6 weeks
Arbitrator	Construction	Fact and expert	Engineering, construction, delay, damages	\$250 million	6 weeks

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.

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>	
<i>Railway Third Party Liability Insurance Coverage Regulations – SOR/96-337</i>	



<i>Railway Traffic Liability Regulations – SOR/91-488</i>	
<i>Carriers and Transportation and Grain Handling Undertakings Information Regulations – SOR/96-334</i>	
<i>Railway Interswitching Regulations – SOR/88-41</i>	

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

FOR MARINE SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES

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

Please provide details explaining how you became familiar with this material.
Only familiarity is through RCN. Commissioned S/Lt, RCNR, in 1963

FOR AIR SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES

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

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.

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:

None.



Conflict

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

No.

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

Shipment of gas plant by sea from N. America to Argentina. Approximately 15 years ago.

Fees

Please provide daily and hourly rates	Response
Daily	\$6400
Hourly	\$800

Availability

How many months in advance are you booked for?

Hearings scheduled Jan/19 (2 weeks); February/19 (2 weeks); Court of Appeal, Feb. 13/19 (1/2 day)

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 #	AB 005/19
Issuer	ALIA. Also have \$5 million excess through ALIA

Signed on	
in the province of	
Signature (Please sign the form digitally by typing your first and last name.)	* 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.

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

Checklist

- Filled out the Application Form
- Provided your work sample
- Provided your digital signature above
- Faxed us (819-953-6613) or attached as a PDF, the proof of insurance