



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
First name	John
Last name	Campion
Middle initial	A.
Honorifics	B.A., J.D. (Tor), FCIArb., EMERITUS BENCHER, C.S., Med (Harvard)
Professional title	Partner
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LinkedIn URL	John Campion
Facebook	n/a
Other social media links	n/a
Region of residence	Ontario



<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
J.D.	University of Toronto	1972
B.A.	University of Western Ontario	1967

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

Courses	Institution attended	Year
B.A., Economics	University of Western Ontario	1967
EMBA (2019)	Rotman School of Business, Toronto	To be completed



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

Courses	Institution attended	Year
EMBA (2019)	Rotman School of Business, Toronto	To be completed
Advanced Individual Accounting training from expert witnesses in litigation, before Ontario Energy Board, National Energy Board, Competition Tribunal		Variously from 1978 to present

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
FCI Arb	Chartered Institute of Arbitrators	2013
Toronto Commercial Arbitration Society Gold Standard Course in Arbitration	Toronto Commercial Arbitration Society	2016/17

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
Annual Principle and Ethical Review	ADR Chambers	2016/17
Annual Program Review	Toronto Commercial Arbitration Society	2014, 2015, 2016, 2017, 2018



Review of Arbitration Principles as newly appointed member of Arbitration Panel	IIROC	2018
Various programmes for the Chartered Institute of Arbitrators, IBA, and ABA		2014 to date

Commercial Litigation Experience

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

Over 300 reported cases

Please list range of years over which these cases occurred.

1974 through to and including 2018

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

Firm name	Duration
Fasken Martineau DuMoulin LLP (associate, Partner (1979), Chair Litigation (1995 – 1997), elected Chair of Firm (2003)	1972 – 2016
Gardiner Roberts LLP (Partner, Chair Class Actions)	2017 to date

Did you typically represent plaintiff, respondent or both? Please provide your answer as a percentage.	Response
Plaintiff	30%
Respondent	70%



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)
MDS (Canada) Inc. and Atomic Energy Canada Ltd.	Economic, market, accounting, and damage expert testimony	Economic, market and accounting damages	\$1.4-billion	Over five months
Counsel to Ontario Energy Board in 49 hearings from 1983 to 1999 and counsel before the National Energy Board	Economic, accounting, rate setting expert testimony	Economic, market design, and accounting	Entities having revenues of hundreds of millions of dollars.	Some hearings lasted as long as one month
Apotex Inc. v. Nordion (Canada) Inc.	Marketing, accounting, and damages expert testimony	Markets, marketing and accounting	\$34-million	Four weeks

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	Approximately 26		Approximately 10 first-level hearings, and 3 appeals as a Bencher of the Law Society of Upper Canada dealing with discipline of lawyers
Over what period of years	Four years		15 years
Number of commercial cases	Approximately 26		



Over what period of years	Four years		
Level of court	Private commercial arbitration		
Please specify tribunal	ADR Chambers and private <i>ad hoc</i> appointments		

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	Closely held corporate break-down among shareholders	Accounting	Accounting	\$40-million	5 days
Arbitrator	Employment	Nil	Nil	\$100,000	One day
Arbitrator	Contract and public obligations	19 witnesses	Nil	\$1-billion	9 days fixed for September and October, 2018

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>	Fair
<i>Railway Third Party Liability Insurance Coverage Regulations – SOR/96-337</i>	Very familiar
<i>Railway Traffic Liability Regulations – SOR/91-488</i>	Very familiar



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

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

I have been acting for VIA Rail, Norfolk Southern, Norfolk Western, Canadian Pacific, and Canadian National Railways since 1975. In that time, as counsel I have appeared before the Canadian Transportation Agency, in trial courts, Courts of Appeal and the Supreme Court of Canada dealing with railway accidents: 3 VIA Rail and Canadian National derailment class actions (2000 to 2018), 1 Canadian National damage claim, and a personal injury appeal for Canadian Pacific. As counsel, I appeared before the Canadian Transportation Commission for hearings regarding track closings before the Canadian Transportation Commission (1975) for Norfolk Southern. As counsel, I appeared before the Canadian Transportation Agency regarding Human Rights complaints involving transportation regulations and design of rail cars (both cases went to the Federal Court of Appeal, and one case went to the Supreme Court of Canada). As counsel, I argued a commercial shipping dispute between Canada Steamship Lines and Canadian Pacific. I appeared before the Canadian Transportation Agency for VIA Rail on a commercial track dispute.

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>	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.

N/A

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>	Not familiar



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

N/A

Familiarity with Transportation and Transportation Law

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

Beginning in 1970, I was a tour guide travelling the country by train on the Canadian Pacific Silver Service to the West, on Canadian National to the West, and Canadian National to Montreal and the Maritimes. Beginning in 1975, I acted for Norfolk Western, Norfolk Southern, Canadian National, Canadian Pacific, and VIA Rail variously until 2018.

As a result of these experiences and counsel work, I have become intimately familiar with the Canadian Transportation Agency, the Transportation Safety Board, and the transportation industry.

From 1978 to 1980, I acted for Haida Helicopters Ltd. in a major industrial helicopter crash. The case involved a trial, and appeals to the Court of Appeal and Supreme Court of Canada. I became familiar with the Transportation Safety Board. I acted for Air Canada in a class proceeding.

As a result of the above cases, I became familiar with aspects of the airline industry.

All of the cases dealt with train regulations, liability, and commercial operations of railways, and some aspects of the airline industry. I have become acquainted with transportation law accordingly

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:

As listed above, I have acted for VIA Rail, Canadian National, Canadian Pacific, Canadian Steamship Lines, Norfolk Southern and Norfolk Western. I am not acting for any of these entities currently.

Conflict

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

Not.

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

I represented UPS in a class proceeding for four years in British Columbia, Ontario and Quebec. That matter has since been resolved.



Fees

Please provide daily and hourly rates	Response
Daily	\$5,000.00
Hourly	\$500.00

Availability

How many months in advance are you booked for?

Variable, but most matters can be accommodated.

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 #	2018-001
Issuer	Law Society of Ontario



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