



REQUEST FOR BIOGRAPHICAL INFORMATION

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

Table of Contents

REQUEST FOR BIOGRAPHICAL INFORMATION	1
Contact Information.....	2
Education.....	3
Arbitration Designation.....	4
Arbitration Training.....	4
Commercial Litigation Experience	4
Experience as an Arbitrator, Adjudicator or Judge	5
Work Samples.....	6
Transportation Specific Legislation.....	6
For Rail Specialization – Legislation, Regulations, and Procedures.....	6
For Marine Specialization – Legislation, Regulations, and Procedures	7
For Air Specialization – Legislation, Regulations, and Procedures.....	7
Familiarity with Transportation and Transportation Law	7
Disclosure	8
Conflict.....	8
Fees.....	8
Availability	8
Signed Agreement	8
Application Checklist.....	9



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 Lorn
Last name	McDougall
Middle initial	
Honorifics	QC., FCI Arb., CArb.
Professional title	Barrister and Solicitor, Arbitrator
Firm name	John Lorn McDougall Professional Corporation
Address line 1	333 Bay Street
Address line 2	Suite 900
City	Toronto
Province	Ontario
Postal code	M5H 2R2
Secondary address (please indicate street, city, province and postal code)	120 Lascelles Blvd., Toronto, ON M5P 2E4
Telephone (office)	647-847-4625
Telephone (mobile)	416-565-4691
Telephone (other)	416-485-3309 (residence)
Fax	416-850-5316
E-mail	jlmcd@arbitrationplace.com
Web site URL	www.arbitrationplace.com
LinkedIn URL	
Facebook	
Other social media links	
Region of residence	Ontario



Willingness to travel within and to other provinces? Please specify provinces.	<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
Languages spoken	<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	Carleton University	1962
Post Graduate Study	University of British Columbia	
LLB	Osgoode Hall Law School	1966

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

Courses	Institution attended	Year
All the then normal courses to major in economics.	Carleton University	1960 - 1962
Further courses in advanced economics.	University of British Columbia	1962 - 1963



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

Courses	Institution attended	Year
Legal Accounting	Osgoode Hall Law School	1964

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	2005
Chartered Arbitrator		2005

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
	International Chamber of Commerce (ICC)	
	International Centre For Dispute Resolution (ICDR)	
	London Court of International Arbitration	

Commercial Litigation Experience

Please specify approximate number of commercial cases in which you have acted as counsel.
More than 1,000 cases.

Please list range of years over which these cases occurred.

From 1968 to 2016.



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

Firm name	Duration
Fraser & Beatty and successor firms.	48 years

Did you typically represent plaintiff, respondent or both? 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)
Fiduciary duties		Mining and damages	\$3.0 billion	42 days trial 1 week Court of Appeal 1 day Supreme Court of Canada
Audit negligence		Accounting and damages		71 days
Government interference with statutory enterprise	Affidavit	Farming	Value of single desk	10 days total trial and Federal Court of Appeal (2)

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	75 ±		
Over what period of years	1990 - 2018		
Number of commercial cases	All		
Over what period of years	1990 - 2018		
Level of court			
Please specify tribunal	Ad hoc. ICC, LCIA, ICDR, AAA, CPR		

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 (Single)	International contract	Witnesses 10	1	>\$ 10 million	10 days
Arbitrator (Chair)	International reinsurance	8	4	>\$100 million	2 weeks
Arbitrator	International bank fraud	5	2	>\$100 million	1 week

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.

See attached.

Reported at *Re Scotia Capital* 2017 IIROC 48

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>	Not familiar
<i>Railway Traffic Liability Regulations – SOR/91-488</i>	Not 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.

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.

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.

Familiarity with Transportation and Transportation Law

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

Acted for Volvo, Volvo Trucks and Ferrari, CNR, Canadian Wheat Board, and Domtar.



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:

Conflict

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

I acted for CNR and its underwriters during its privatization to stop blockage of the main line by First Nation bands. I have also done several smaller cases for CNR some years ago.

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

I am sure I must have in the course of my practice as a commercial litigator but I cannot remember any specific case.

Fees

Please provide daily and hourly rates	Response
Daily	\$6,000.00 (8 hours)
Hourly	\$750.00

Availability

How many months in advance are you booked for?

None fully booked.

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	LAWPRO

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