



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	Robert
Last name	McBean
Middle initial	G.
Honorifics	Q.C., C.Arb., C.Med.
Professional title	Partner
Firm name	Parlee McLaws LLP
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Address line 2	10175 – 101 Street NW
City	Edmonton
Province	Alberta
Postal code	T5J 0H3
Secondary address (please indicate street, city, province and postal code)	
Telephone (office)	(780) 423-8580
Telephone (mobile)	(780) 233-9756
Telephone (other)	
Fax	(780) 423-2870
E-mail	rmcbean@parlee.com
Web site URL	https://www.parlee.com/lawyers/robert-g-mcbean/
LinkedIn URL	https://ca.linkedin.com/in/bob-mcbean-qc-b2aa7a8a
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
Bachelor of Arts (B.A.)	University of Saskatchewan	1976
Bachelor of Laws (LLB)	University of Saskatchewan	1976

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

Courses	Institution attended	Year
Economics 101 (class)	University of Saskatchewan	1971/1972

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	2017

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
Certificate Program in Arbitration	Alberta Arbitration and Mediation Society (AAMS)	2007
Arbitration: The Law & Practice (included in above Certificate Program)	Alberta Arbitration and Mediation Society (AAMS)	2000

Commercial Litigation Experience

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

In excess of 30

Please list range of years over which these cases occurred.

1995 to date

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

Firm name	Duration
Parlee McLaws LLP (formerly Parlee Irving Henning Mustard and Rodney)	1978 to present



Did you typically represent plaintiff, respondent or both? Please provide your answer as a percentage.	Response
Plaintiff	50%
Respondent	50%

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 Litigation (acting for General Contractor)	Dispute arising out of termination of Construction Services Agreement by Owner and resultant builders' liens and counterclaims		\$5 million	Settled prior to trial
Construction Litigation (acting for Owner of project in which General Contractor went bankrupt)	Construction contract/builders' lien matters	Valuation of work completed	Approximately \$1.5 million	Resolved by Court Order without trial
Employment Law – breach of fiduciary duty, conspiracy and intentional interference with contractual relations	N/A (matter resolved prior to trial)		\$7.5 million (claimed)	Resolved prior to 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	Approximately 25		
Over what period of years	2008 to present		
Number of commercial cases	Approximately 20		
Over what period of years	2008 to present		
Level of court			
Please specify tribunal			

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 3 person arbitration panel	Setting Commodity Price pursuant to Agricultural Products Marketing Council Regulations	Evidence with respect to the producers' costs of production and the effect of the regulated price on the viability of both the producers (farmers) and the corporate bodies purchasing the agricultural products.	Agricultural economist/Valuator; Chartered Business Valuator	Several millions of dollars (exact amount unknown)	7 days



Chair of 3 person arbitration panel	Valuation pursuant to an Option to Purchase of commercial property including contractual interpretation issues with respect to what is properly included in the valuation	Evidence with respect to market value of property	Expert Real Estate Appraisers	Approx. \$9 million	4 days
Sole arbitrator	Dispute with respect to Unanimous Shareholders Agreement	Evidence with respect to proposed distribution of proceeds of the sale of an asset and whether the company should be wound up.	Chartered accountants (re preparation of corporate financial statements, corporate tax returns and tax planning)	Approx. \$800,000	4 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.

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</i> – S.C. 1998, c. 10	Not familiar
<i>Coasting Trade Act</i> – S.C. 1992, c. 31	Not familiar
<i>Pilotage Act</i> – R.S.C. 1985, c. P-14	Not familiar
<i>Shipping Conferences Exemption Act, 1987</i> – R.S.C., 1985, c. 17 (3rd Supp.)	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</i> – SOR/88-58	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.

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 applicable.

Conflict

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

Our firm acts for a private air charter company. I am not personally involved with that client.



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

Our firm periodically represents parties in litigation related to the shipment of goods.

Fees

Please provide daily and hourly rates	Response
Daily	\$4,500 (10 hours)
Hourly	\$450.00

Availability

How many months in advance are you booked for?

1-3

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 #	AB005/19
Issuer	Alberta Lawyers Insurance Exchange / Law Society of Alberta

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