



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	Daniel
Last name	McDonald
Middle initial	J.
Honorifics	Q.C., FCI Arb
Professional title	Partner
Firm name	Burnet, Duckworth & Palmer LLP
Address line 1	2400, 525 – 8 Avenue SW
Address line 2	
City	Calgary
Province	Alberta
Postal code	T2P 1G1
Secondary address (please indicate street, city, province and postal code)	
Telephone (office)	(403) 260-5724
Telephone (mobile)	(403) 680-3645
Telephone (other)	
Fax	(403) 260-0332
E-mail	dmcdonald@bdplaw.com
Web site URL	www.bdplaw.com
LinkedIn URL	
Facebook	
Other social media links	
Region of residence	Western Canada and North



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
Bachelor of Laws	Queen's University	1975
Bachelor of Science	University of Alberta	1971

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

Courses	Institution attended	Year
Undergraduate Economics courses		

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

Courses	Institution attended	Year
Law school Accounting		



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	2012
Director	Western Canada Commercial Arbitration Society	2012
Member	Canadian Chamber of Commerce - Arbitration Committee	2013
Member	Toronto Commercial Arbitration Association	2013
Full Member	ADR Institute of Canada and ADR Institute of Alberta	2013

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	2012
The Program on Negotiation Mediation Workshop	Harvard Law School	Oct 2006

Commercial Litigation Experience

Please specify approximate number of commercial cases in which you have acted as counsel.
300+ (during 38 years of practice)



Please list range of years over which these cases occurred.

1976 - date

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

Firm name	Duration
Burnet, Duckworth & Palmer LLP	1998-date
MacKimmie Matthews	1982-1998
Mason Company	1978-1982
Farris, Vaughan, Wills, Murphy	1979-1978

Did you typically represent plaintiff, respondent or both? Please provide your answer as a percentage.	Response
Plaintiff	35
Respondent	65

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)
Energy Law	Oil and gas exploration and development, engineering, geology, accounting, valuation and securities	Engineering, geology, accounting, valuation and securities	\$10M	Approx. 4 months



Competition Law	Airline competition, low cost carrier economics, airline economics and accounting	Transportation economists, accountants	Declaration only	Approx. 2 months
Electrical Power	Electrical power generation, purchase and transportation of coal	Finance, accounting and rail transportation	Declaration and price setting	Approx. 2 months

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	9		2
Over what period of years	2002-date		1993-1994
Number of commercial cases	9		
Over what period of years	2002-date		
Level of court			
Please specify tribunal	Ad hoc arbitration CTA final offer arbitration		Labour Canada adjudications

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	Partnership law	Obligations of partnership to former partners	None	\$1M+	1 day



Arbitrator	Contract law	Rights of parties to technology agreement	2	\$5M+	1 week
Arbitrator	Contract law	Obligations of parties under Distributorship Agreement	None	\$5M+	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.

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>	Very 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>	Very familiar

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

Acted as arbitrator in 2018 CTA final offer arbitration regarding rail rates for shipment of goods.

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.

Reviewed all briefly as part of the preparation of this application.

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.

Reviewed all briefly as part of the preparation of this application.

Familiarity with Transportation and Transportation Law

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

Acted as arbitrator in 2018 CTA final offer arbitration regarding rail rates for shipment of goods, which involved review of the Canada Transportation Act, Railway Costing Regulations and Railway Interswitching Regulations.

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:

I am a partner of Burnet, Duckworth & Palmer LLP, which is counsel to WestJet. I have been counsel for WestJet in many commercial and competition law cases.

Conflict

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

Yes. WestJet.

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

I have represented a coal producer that ships coal by rail.

Burnet, Duckworth & Palmer LLP acts for many western Canadian companies, and undoubtedly some of those would ship goods by rail or air.



Fees

Please provide daily and hourly rates	Response
Daily	\$5,000
Hourly	\$650

Availability

How many months in advance are you booked for?

Varies, but generally have some availability on relatively short notice.

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 #	9600560/#DR1802641/#01860972-14006
Issuer	Royal & Sun Alliance/Axis/Trisura/Lloyds Lloyds Underwriters HDI Gerling/Northbridge/Travelers/XL Catlin

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