



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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Honorifics	LL.B.
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Firm name	McMillan LLP
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Web site URL	www.mcmillan.ca
LinkedIn URL	
Facebook	
Other social media links	
Region of residence	



<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 checked="" type="checkbox"/> French

Education

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

Degree	Institution attended	Year degree conferred
LL.B.	University of British Columbia, Faculty of Law	1988

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

Courses	Institution attended	Year
Econ 566, Sauder School of Business, Guest Lecturer	University of British Columbia	Annual
Competition Law & Policy, Allard Hall Law School, Adjunct Professor of Law	University of British Columbia	Annual



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

Commercial Litigation Experience

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

About 20

Please list range of years over which these cases occurred.

1996-2018



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

Firm name	Duration
McMillan LLP (and predecessors)	1988 to present

Did you typically represent plaintiff, respondent or both? Please provide your answer as a percentage.	Response
Plaintiff	60
Respondent	40

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)
Final Offer Arbitration (CTA)	Economic, costing, financial, operational logistics, labour, safety & rail transportation policy	Economists, Finance, Rail Operations	Confidential	10 sitting days
Final Offer Arbitration (CTA)	Economic, costing, financial, operational logistics, labour, safety & rail transportation policy	Economists, Finance, Rail Operations	Confidential	8 sitting days
Competition (Antitrust)	Econometrics, financial, operational	Economists, industry experts	Confidential	Resolved by consent order

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			
Over what period of years			
Number of commercial cases			
Over what period of years			
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)

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>	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>	Fair



<i>Railway Interswitching Regulations – SOR/88-41</i>	Very familiar
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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>	Fair
<i>Coasting Trade Act – S.C. 1992, c. 31</i>	Not familiar
<i>Pilotage Act – R.S.C. 1985, c. P-14</i>	Fair
<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.

Representation of numerous clients in the terminal and port sector, as well as in the ship berthing and cruise line industries.

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.

Co-Chair, Transportation Law Practice Group, McMillan LLP. Active since 1996 in rail shipping industry. Frequently called upon by other law firms, shippers, shortline railways, rail equipment manufacturers and lessors, governments and carriers in Canada and the United States to provide expert legal counsel. Strong relationships with industry participants, third party service providers, regulators and consultants in the fields of economics, costing, safety and environmental regulation, and other fields. Broad spectrum of services to the transportation and distribution sector. Assist parties across North America. Advise on commercial distribution and logistics matters, including rates, level of service, risk, competitive and strategic analyses, dispute resolution in all facets of rail shipping, logistics and regulatory matters, manage distribution chain projects, ranging from small or short run outsourced matters



to large, long-term and multi-disciplinary engagements, advise on safety, environmental and rail regulatory compliance, and transportation of dangerous goods, and on development, expansion, purchase and sale of railways, railway equipment, transportation infrastructure, terminal and related businesses and facilities, including government-owned facilities. See <http://mcmillan.ca/FrancoisTougas>

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 have represented numerous shippers, carriers, intermediaries and stakeholders.

Conflict

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

As a matter of public record, I act for Central Maine & Québec Railway. I have acted for other rail carriers and a container line, which are not a matter of public record. Our firm acts for numerous air carriers.

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

Numerous times, both for carriers and shippers, in air, marine and rail.

Fees

Please provide daily and hourly rates	Response
Daily	C\$5,000
Hourly	C\$725

Availability

How many months in advance are you booked for?

Rarely more than a month

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 #	26009
Issuer	Canadian Lawyers Liability Assurance Society

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