



## 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](mailto:Martina.Faith@otc-cta.gc.ca)



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Last name	Huberman
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Honorifics	
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LinkedIn URL	
Facebook	
Other social media links	
Region of residence	Ontario



<p>Willingness to travel within and to other provinces? Please specify provinces.</p>	<input type="checkbox"/> All provinces <input type="checkbox"/> British Columbia <input type="checkbox"/> Alberta <input type="checkbox"/> Saskatchewan <input type="checkbox"/> Manitoba <input checked="" 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
LL.M. Alternative Dispute Resolution	Osgoode Hall Law School of York University	1997
Arbitration Certification	University of Toronto	1996
Mediation Certification	Harvard Law School	1994
LL.B., Faculty of Law	University of British Columbia	1982

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

Courses	Institution attended	Year



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
Adjudicator Training/ Vice Chair	Commercial Registration Appeal Tribunal	1995
Arbitration Certification	University of Toronto	1996
Member of the Private Court and Arbitrator	ADR Chambers	1997
Adjudicator and Referee	Federal Department of Labour	1997
Arbitration Training	ADR Chambers/Financial Services Commission of Ontario	2012

### 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.

Please list range of years over which these cases occurred.

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

Firm name	Duration
Barrister, Mediator, Chartered Arbitrator	2007-Present
Teplitsky, Colson, Barristers	2005-2007
Ogilvy Renault, LLP	2002-2005
Independent Senior Litigation Counsel	1999-2001
Morris Rose Ledgett, Barristers & Solicitors	1988-1999
Huberman, Cristall & Hutchinson (Vancouver), Barristers & Solicitors	1983-1988
Federal Department of Justice (Vancouver), Articling Student	1982

Did you typically represent plaintiff, respondent or both? Please provide your answer as a percentage.	Response
Plaintiff	75%
Respondent	25%

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.



<b>Area of commercial litigation (e.g. patent infringement)</b>	<b>Kind of evidence presented</b>	<b>What type of experts were involved</b>	<b>Quantum (value of claim)</b>	<b>Duration (time in court)</b>
An international syndicate in a cutting-edge action against directors and officers of an insolvent corporation seeking over \$300 million compensation for damages resulting from that behaviour under the oppression remedy provisions of the Ontario Business Corporations Act, breach of fiduciary duties and the duty of care owed at common-law owed by the directors and officers to the lenders.	Lay and expert witnesses and voluminous documentary productions	Forensic accountants, insolvency experts, and corporate share valuers	\$300,000.00	25 days
A major Canadian retailer in a leading completion case pending before the Competition Tribunal in which the Commissioner alleges that the retailer's marketing practices were not in accordance with the Competition Act related to five models of tires offered during 1999.	Lay and expert witnesses and voluminous documentary productions	Competition experts, sales and marketing experts, and forensic accountants	\$10,000,000	10 days
A leading insurer in a significant international arbitration proceeding involving the interpretation of an insurance policy and the determination of liability under that policy. The claim involves a \$14 million indemnity under an insurance policy. The insurer denies that it owed any payment under the policy.		Accounting and valuation of damages/loss experts	\$14,000,000	7 days



**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.

	<b>Arbitrator</b>	<b>Judge</b>	<b>Tribunal Adjudicator</b>
Number of cases	45	0	40
Over what period of years	20		18
Number of commercial cases	22		25
Over what period of years	20		18
Level of court	First and Second		Second
Please specify tribunal	Private Court, Federal Minister of Labour, Canadian Centre for Sports and Law		Commercial Registration Appeal Tribunal, Ontario Insurance Commission, and Ontario Hepatitis C Assistance Plan Review (Appeal) Committee

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)
Adjudicator	Appeal under s. 10 of the Ontario Cemeteries Act regarding the closure of a cemetery	Numerous law and expert witnesses and voluminous documentary productions	Land use planner, zoning by-law, development and urban design, anthropology and archaeology, heritage conservation and cultural values	\$5,000,000	31 days
Arbitrator	Commercial Landlord and Tenant	Numerous lay and expert witnesses and voluminous documentary productions	Forensic accounts, corporate valuers, and real estate appraisers	\$20,000,000	6 days
Arbitrator	Bills of Lading and Contracts of Carriage-freight claim	Numerous lay and expert witnesses and voluminous documentary	Forensic accountants and damage/loss valuers	\$600,000	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.

See 'Attachment I – Work Samples'.

### 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>	Very familiar
<i>Railway Interswitching Regulations – SOR/88-41</i>	Very familiar

Please provide details explaining how you became familiar with this material.  
By working with this material as Litigation Counsel and/or as a Mediator/Arbitrator

**FOR MARINE SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES**

<b>Please rate your current familiarity with the following using "Very familiar", "Fair" or "Not familiar":</b>	<b>Response</b>
<i>Canada Marine Act – S.C. 1998, c. 10</i>	Very familiar
<i>Coasting Trade Act – S.C. 1992, c. 31</i>	Very familiar
<i>Pilotage Act – R.S.C. 1985, c. P-14</i>	Very familiar
<i>Shipping Conferences Exemption Act, 1987 – R.S.C., 1985, c. 17 (3rd Supp.)</i>	Very familiar

Please provide details explaining how you became familiar with this material.  
By working with this material as Litigation Counsel and/or as a Mediator/Arbitrator

**FOR AIR SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES**

<b>Please rate your current familiarity with the following using "Very familiar", "Fair" or "Not familiar":</b>	<b>Response</b>
<i>Air Transportation Regulations – SOR/88-58</i>	Very familiar

Please provide details explaining how you became familiar with this material.  
By working with this material as Litigation Counsel and/or as a Mediator/Arbitrator

**Familiarity with Transportation and Transportation Law**

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

Represented a variety of individuals, businesses, and organizations in litigation involving bills of lading, cargo claims, freight claims, motor carriers, railroads, regulations and trucking law.



Successfully represented the Ontario Trucking Association in a dispute with the Government of Ontario concerning the constitutionality of the Ontario tire tax.

Represented numerous plaintiffs in litigation against the Government of Ontario challenging the constitutional validity and enforceability of regulations made under the Highway Traffic Act (Ont.), resulting in amendments being made to those regulations creating a vision waiver program province-wide.

Successfully represented an international trucking corporation in an appeal pursuant to the Highway Traffic Act, before the Licence Suspension Appeal Tribunal, setting aside the decision of the Registrar of Motor Vehicles to issue a Suspension and Seizure Order affecting a fleet of approximately 3,600 commercial motor vehicles. The case is precedent-setting.

Represented several carriers and a national transportation organization to provide advice as to whether Canadian trucking companies conducting drug and alcohol testing in compliance with U.S. Department of Transportation Regulations may be justified in doing so under the Canadian Human Rights Act.

**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:

N/A

**Conflict**

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

Yes, in the past but not currently

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 many companies in the past, but not currently, relating to shipment of goods.

**Fees**

Please provide daily and hourly rates	Response
Daily	\$4,500.00
Hourly	\$525.00



**Availability**

How many months in advance are you booked for?

Two

**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 #	TPL1003874
Issuer	Trisura Guarantee Insurance Co

<b>Signed on</b>	
<b>in the province of</b>	
<b>Signature (Please sign the form digitally by typing your first and last name.)</b>	* 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](mailto: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