



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	Murray
Last name	Clemens
Middle initial	A.
Honorifics	QC, FCI Arb
Professional title	Lawyer
Firm name	Nathanson Schachter & Thompson LLP
Address line 1	750-900 Howe Street
Address line 2	
City	Vancouver
Province	British Columbia
Postal code	V6Z 2M4
Secondary address (please indicate street, city, province and postal code)	
Telephone (office)	604-662-8840
Telephone (mobile)	604-209-8048
Telephone (other)	
Fax	604-684-1598
E-mail	mclemens@nst.bc.ca
Web site URL	www.nst.bc.ca
LinkedIn URL	
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
BA	University of Toronto	1972
LLB	Queens University	1975

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

Courses	Institution attended	Year
Macro, Micro, Industrial	University of Toronto	1971

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

Courses	Institution attended	Year
Financial Statement Analysis	University of Toronto	1971



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	2011

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
FCI Arb	Chartered Institute	2011
I have taught several Arbitration courses for Continuing Legal Education		2000-2018

Commercial Litigation Experience

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

500+

Please list range of years over which these cases occurred.

1975-2018

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

Firm name	Duration
McRae Montgomery	1975-1979



Campney & Murphy	1979-1999
Nathanson, Schachter & Thompson	1999 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)
Sale of a mine	Contractual representations, mine economics & value	Valuation, Mineral testing	\$150 million	4 months
Expropriation	Market for product of expropriated property Conduct giving rise to "defacto expropriation"	Valuation	\$30 million settlement amount	Settled first day of trial
Grain Elevator Construction	Construction schedule analysis, work performance, critical path analysis	Damage calculation Critical path analysis	\$10 million	135 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.



	Arbitrator	Judge	Tribunal Adjudicator
Number of cases	100+		
Over what period of years	1995-present		
Number of commercial cases	50+		
Over what period of years	1995-present		
Level of court			
Please specify tribunal	Predominantly as sole arbitrator, several as nominee or chair or a three person panel		

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)
Nominee on 3 person panel – 5 back to back arbitrations among the same parties	Mining Joint Venture	Parties performance of contractual obligations	Economic and valuation	\$250 million	All 5 cases proceeded over a period of approximately 3 months
Sole arbitrator, designed the process	Interest arbitration among 15 Medical specialties over distribution of Government funding	Relative value of services of the various specialties	None	\$101 million	5 hearing days with principal written submissions in advance
Sole arbitrator	Option Exercise dispute	Performance of contractual obligations; valuation	Valuation	TBD	10 days first phase



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>	Fair
<i>Railway Third Party Liability Insurance Coverage Regulations – SOR/96-337</i>	Fair
<i>Railway Traffic Liability Regulations – SOR/91-488</i>	Fair
<i>Carriers and Transportation and Grain Handling Undertakings Information Regulations – SOR/96-334</i>	Fair
<i>Railway Interswitching Regulations – SOR/88-41</i>	Fair

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

I have conducted several FOA under the Act over the past 20 years.

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.

A significant part of my litigation practice prior to 2000 involved Maritime and Admiralty litigation.



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.

Maritime Litigation practice pre 2000 and FOA experience as arbitrator in several arbitrations

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:

NO

Conflict

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

N/A

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

Fees

Please provide daily and hourly rates	Response
Daily	Negotiable
Hourly	\$650

Availability

How many months in advance are you booked for?

6 with openings



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 #	LPL 18-01-01
Issuer by: Law Society of British Columbia For: LSBC Captive Insurance Company Ltd.	Proof of insurance attached

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