



REQUEST FOR BIOGRAPHICAL INFORMATION

Opportunity for arbitrators to be selected for the Canadian Transportation Agency rosters

Table of Contents

REQUEST FOR BIOGRAPHICAL INFORMATION	1
Contact Information.....	1
Education.....	3
Arbitration Designation.....	4
Arbitration Training.....	4
Commercial Litigation Experience.....	5
Experience as an Arbitrator, Adjudicator or Judge	6
Work Samples.....	7
Transportation Specific Legislation.....	7
For Rail Specialization – Legislation, Regulations, and Procedures.....	7
For Marine Specialization – Legislation, Regulations, and Procedures	7
For Air Specialization – Legislation, Regulations, and Procedures.....	8
Familiarity with Transportation and Transportation Law	8
Disclosure	8
Conflict.....	8
Fees.....	9
Availability	9
Signed Agreement	9
Application Checklist.....	10

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	Peter
Last name	Cathcart
Middle initial	G
Honorifics	Q.C
Professional title	Partner
Firm name	Peter G. Cathcart Q.C
Address line 1	181 Bay Street
Address line 2	Suite 4400
City	Toronto
Province	Ontario
Postal code	M5J 2T3
Secondary address (please indicate street, city, province and postal code)	2 Sherwood Street Collingwood, ON L9Y 5L1
Telephone (office)	(416) 865-8473
Telephone (mobile)	(416) 418-2324
Telephone (other)	(705) 481-2201
Fax	
E-mail	pcathcart@lawpgc.com
Web site URL	
LinkedIn URL	
Facebook	
Other social media links	
Region of residence	Ontario



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 Commerce	University of Windsor	1960
Bachelor of Laws	Osgoode Hall Law School	1963
Called to the Bar of the Province of Ontario		1965

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

Courses	Institution attended	Year
Normal economic courses for B Comm	University of Windsor	1963



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

Courses	Institution attended	Year
Normal courses for B. Comm, including accounting, finance and economic	University of Windsor	1963

Please list courses relating to **logistics, transportation or transportation law**, if any.

Courses	Institution attended	Year
Attended conference on transportation law and delivered papers on transportation law and policy at Osgoode Hall and Tulane University and various industry groups including Canadian Ship Owners Joint Conferences with the US Lake Carriers Association		

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
Certificate University of Windsor	Stitt Feld and Handy	2008

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
Stitt Feld and Handy Group	University of Windsor	2008
Professional Development Seminars on arbitration and mediation	ADR Chambers	2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018
McMillan LLP	Law Firm	2017, 2018



Commercial Litigation Experience

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

Junior Counsel on several marine cargo claims

Please list range of years over which these cases occurred.

1965 to 1975

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

Firm name	Duration
McMillan LLP and its predecessor McMillan Binch	53 years

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

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)
Marine claim on petition of right Government of Canada – junior counsel	Ship navigation in St. Lawrence River	Ship navigation, ship model tests at the National Institute, Netherlands damages	\$5,000,000	3 months at Federal Court, 1 week in Supreme Court of Canada
Marine claim on fire onboard ship – junior counsel	Whether ship on “deviation”	US legal experts on fire statute	\$500,000	1 week



Marine claim on collision in Welland Canal – junior counsel	Ship navigation	Experts on ship navigation	\$750,000	1 week
---	-----------------	----------------------------	-----------	--------

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	16		
Over what period of years	10		
Number of commercial cases	16		
Over what period of years	10		
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)
Arbitrator	CTA final offer CN and Tolko	Railway and shippers evidence	Experts on railway costing and economics	Est \$3-5 million	3 days
Arbitrator	PEI Potato Board Final Offer	Evidence from Board and Processor on potato pricing including expert evidence on Canadian markets			1.5 days



Arbitrator	Currently, arbitrator in an oppression claim under the OBCA	Valuator's evidence on corporate valuation		\$2,000,000	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.

Attached

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.

Research

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>	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>	Fair



<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.

I was lead counsel to the consortium of users that formed the St. Lawrence Seaway Management Corporation under the Canada Marine Act and have represented clients on several Coasting Trade applications as well as filings under the SCEA.

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>	Fair

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

Research

Familiarity with Transportation and Transportation Law

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

Represented several clients on commercial marine transportation matters (buying, selling and financing of ships), acted for Collingwood Shipyards and Canada Steamship Lines, Director of St. Lawrence Seaway Management Corporation and a domestic shipping corporation operating on the Great Lakes. Presented several papers on Canadian transportation regulation and policy matters as detailed in my CV available on the internet, member of Canadian Maritime Law Association and Canada Marine Association.

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:

Former director and solicitor for Misener Shipping, see above regarding St Lawrence Seaway Management Corporation, former solicitor for Great Lakes Feeder Lines and Canada Steamship Lines, current director and solicitor K Line Canada Inc.

Conflict

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



See J above. For the past 10 years I have been a sole practitioner and represented Great Lakes Bulk Carriers and Menpas Shipping. My former firm McMillan Binch and Lang Michener with which it merged represents carriers in all modes. I have no conflict with such clients

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

See K a, above

Fees

Please provide daily and hourly rates	Response
Daily	\$3,750
Hourly	650-750

Availability

How many months in advance are you booked for? One

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 #	10419605
Issuer	Dominion of Canada Insurance Company

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