



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	Pierre
Last name	Dalphond
Middle initial	J.
Honorifics	Honourable
Professional title	Lawyer
Firm name	Stikeman Elliott
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Address line 2	41 st Floor
City	Montreal
Province	Quebec
Postal code	H3B 3V2
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Fax	+1 514 397 3622
E-mail	pdalphond@stikeman.com
Web site URL	https://www.stikeman.com/en-ca/offices/montreal
LinkedIn URL	N/A
Facebook	N/A
Other social media links	N/A
Region of residence	Quebec



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 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.L. (Law)	Université de Montréal	1978
Certificate in Common Law	Dalhousie University	1978
M. Phil. (Law and Politics)	Oxford University	1982

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

Courses	Institution attended	Year
Economics for judges	George Mason University	2004

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

Courses	Institution attended	Year
Accounting Principles & Financial Reports	Law School/HEC	1977



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
Fellow	Chartered Institute of Arbitrators (London)	2016
Arbitrator	NAFTA, chapter 19	2017
Arbitrator	CAS (Lausanne)	2017

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
Mediation training	Canadian Judicial Institute	1998
IBA conferences on arbitration (speaker in 2016)	IBA	Since 2014
ICC conferences on arbitration (speaker in 2015 and 2017)	ICC Paris and ICC Canada	Since 2014
Advanced course in complex commercial cases	ICC Paris	2014
Training in Commercial Arbitration	AAA	2016
Teach advanced arbitration Course (45 hours)	Faculté de droit, Université de Montréal	Since 2016



Diploma in International Arbitration	Chartered Institute of Arbitrators	2017 (NYC)
Teach Arbitration (summer course)	Faculté de droit, Université de Sherbrooke	Since 2018

Commercial Litigation Experience

Please specify approximate number of commercial cases in which you have acted as counsel.
More than 100.

Please list range of years over which these cases occurred.

1984-1995
2014 - now

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

Firm name	Duration
McCarthy Tétrault	1984-1995
Stikeman Elliott	2014-now

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



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)
Transport contract on pipeline	Contracts, experts, documents	Economics	Ongoing contract	Months
Supply of engines	Contracts, experts, documents	Engineers	\$500M	Years
Third party insurance	Contracts, experts, documents	Legal	\$200	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	30 +	3,000 +	
Over what period of years	4 years	20 years	
Number of commercial cases	Mostly	500 +	
Over what period of years	4 years	20 years	
Level of court		Superior Court (1995-2001), Court of Appeal (2002-2014)	
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)
Appeal judge	Corporate takeovers	All kind	Yes	\$100M +	Appeal
Judge	Self-insurance & Policies	All kind	Yes	\$25M +	Appeal
Arbitration	Resiliation of overhaul contract (interpretation and damages assessment)	All kind	Yes	\$15M	2 weeks hearing

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.

Wrote judgments related to CNR self-insured retention, liability on carriers involved in transport and/or storage of goods – Read Regulations.



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</i> – S.C. 1998, c. 10	Very familiar
<i>Coasting Trade Act</i> – S.C. 1992, c. 31	Fair
<i>Pilotage Act</i> – R.S.C. 1985, c. P-14	Fair
<i>Shipping Conferences Exemption Act, 1987</i> – R.S.C., 1985, c. 17 (3rd Supp.)	Fair

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

Provided legal advice on issues covered by Marine Act and Pilotage Act. Read other Acts.

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</i> – SOR/88-58	Fair

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

Read the Regulations.

Familiarity with Transportation and Transportation Law

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

Wrote judgments/awards related to loss of carriage/goods, maritime accidents, insurance for train operator, airport operations and airplane accidents.

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:

Did some work for a railway company while at McCarthy Tétrault (1984-1995). Provided strategic and legal advice to a national airplane company (2014-2015).



Conflict

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

Yes.

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

Yes.

Fees

Please provide daily and hourly rates	Response
Daily	-
Hourly	\$700

Availability

How many months in advance are you booked for?

2-3 months but easy to deal with urgent matter requiring 1-2 days of hearing

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 #	179185-1
Issuer	Fonds d'assurance du Barreau de Québec, additional coverage by a private insurer (Lloyd's)

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