



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	Richard
Last name	Moore
Middle initial	J
Honorifics	
Professional title	
Firm name	MDR Associates Conflict Resolution Inc.
Address line 1	138 Flora Street
Address line 2	
City	Ottawa
Province	Ontario
Postal code	K1R 5R5
Secondary address (please indicate street, city, province and postal code)	
Telephone (office)	613-230-8671
Telephone (mobile)	613-286-7790
Telephone (other)	
Fax	
E-mail	rmoore@mdrassociates.ca
Web site URL	www.mdrassociates.ca
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 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
Bachelor of Arts (BA)	Carleton University	1972
Bachelor of Laws (LLM)	Queen's University	1976

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

Courses	Institution attended	Year
Introduction to Economics		
Macro Economics		
Political Economy		



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

Courses	Institution attended	Year
Accounting for Lawyers- Admission Course for Law Society of Ontario		

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
Chartered Arbitrator (c. Arb.)	ADR Institute of Canada	2004

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
Correspondence Course in Arbitration	ADR Institute of Canada	2003
Running a Fair Hearing	The Canadian Institute	2007
Fundamentals of Arbitration	Delivered for the ADR Institute of Canada for CTA members	2007
Judicial Settlement Conferences	Faculty member for the National Judicial Institute of Canada (role is to educate judges across Canada)	2009
Judicial Settlement Conference Guidebook	Author of Judicial Conference Guidebook for the National Judicial Institute of Canada	2009
Arbitration Training for CTA	Co-delivered an arbitration training for the Canadian Transportation Agency	2011



Arbitration Training for CTA	Co-delivered an arbitration training for the Canadian Transportation Agency with Mr. Colm Brannigan	2016
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Commercial Litigation Experience

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

50

Please list range of years over which these cases occurred.

1978 - 2007

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

Firm name	Duration
Abell & Moore	1978-1994
Chenier Abell Lebel and Moore	1994-1998
Lebel and Moore	1998-2007

Did you typically represent plaintiff, respondent or both? Please provide your answer as a percentage.	Response
Plaintiff	100
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)



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	10		
Over what period of years	8		
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>	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.

In 2009 under a contract with the Agency I did extensive consultation regarding a proposal for a new process for handling section 36.2 arbitrations. This work involved extensive review of challenges to existing arbitration processes and a consideration of new rules and processes to develop more responsive arbitration processes. A recent provision of the Canada Transportation Act, section 36.2, provided that the Agency may mediate or arbitrate a dispute relating to any railway matter covered under Part III or IV, or to the application of any rate or charge for the movement of goods by railways or for the provision of incidental services, if requested to do so by all parties to the dispute. The section also provides that the Agency may establish a roster of persons to act as mediators or arbitrators. The Agency wished to review its options in terms of the design of a system of mediation and/or arbitration so as to allow it comply with the provisions of section 36.2 of the Act if and when it is called upon to mediate or arbitrate under section 36.2. As a result of this wish, I consulted with the Director of ADR of the Agency to provide expert advice on the various options for the design of a mediation and/or arbitration system to provide the Agency with a framework for decision making in choosing an overall dispute resolution mechanism to satisfy the requirements of section 36.2 of the Act. In consultation and collaboration with the Director of ADR, I met with various internal or external stakeholders or potential service providers, to investigate various options for the establishment and maintenance of the dispute resolution system being considered. More specifically, I worked with the Director ADR Services and the General Counsel, and others, to develop a comprehensive framework for the sec. 36.2 arbitration program addressing, among other things, the following areas:

- The overall dispute resolution process including governing law, time lines, document retention, process rules including appeal rights, and reporting
- Appropriate form preparation and usage including claim initiation, processing and completion forms, appointment of arbitrators/mediators forms, invoicing forms, reporting forms etc.
- Mediator/arbitrator roster qualification
- Roster administration
- Case by case mediator/arbitrator appointment
- Schedule of user fees
- Agency fees to ADRI
- Agency indemnification
- Areas identified as open for further negotiation and refinement

Additionally I assisted in the development of a decision-making framework regarding the assessment of the proposals, which included following elements for consideration:

- Options relating to the day to day administration of the system and the overall system design and direction
- The provision of consistency in terms of arbitration process guidelines
- The establishment and maintenance of a roster of mediators and arbitrators (internal and/or external) and the qualifications and training required of roster members
- Processes to insure for fair and efficient choosing of qualified mediators or arbitrators
- The role, if any, of Members and staff of the Agency in the provision of mediation or arbitration services
- The role, if any, of Agency staff in the provision of support for roster mediators and arbitrators

In 2007 under a contract with the Agency, I did a major consultation in regards to a potential Agency mediation/arbitration pilot program. This work included: a review of the Federal Arbitration Act and eleven provincial and territorial Arbitration Acts, the National Arbitration Rules of ADR Canada Inc., the CTA General Rules, the CTA Mediation Rules and Processes, the CTA Final Offer Arbitration Rules, Bill C-11 Canada Transportation Amendment Act, the CN Commercial Dispute Resolution (CDR) January 2007 Proposal and the preparation of a draft set of Hybrid Mediation Project rules, policies and processes including: Criteria to be Accepted for CTA Mediation/Arbitration Pilot Project, Pilot Project Process Overview, Request for Submission to



Mediation/Arbitration, Agreement to Participate in Mediation/Arbitration, Mediation Agreement, Full Minutes of Settlement, Partial Minutes of Settlement, Referral to Arbitration, and CTA Pilot Project Mediation/Arbitration Rules. I have provided arbitration training for CTA members and staff on three occasions – in 2007, 2011 and 2016. I have provided extensive mediation training and consulting services to the Agency in 2004, 2005, 2006, 2007, 2009, 2010, 2011 2013, 2014, 2015. Throughout these training and consultation assignments, I developed a sound working knowledge of the work that the Agency does and the process and substantive issues surrounding the disputes that it handles.

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	Fair
<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.

Under the terms of a previous contract with the Agency (2011-2012) involving the Agency Knowledge Transfer Program concerning air complaint investigations, I reviewed the following legislation, regulations and related material:• Agency organization charts• Canada Transportation Act, the Air Transportation Regulations, and the Civil Air Navigation Services Commercialization Act, international conventions (Montreal & Warsaw)• Canadian Transportation Agency General Rules• Canadian Transportation Agency Strategic Plan 2008-2011• Website information related to air investigation and air industry matters• Consumer, industry and staff guidance materials relating to initiating and processing complaints, appeals and informational requests in general• Existing air tariff staff manuals such as Tariffs Division Internal Procedures for Case Officers and Procedures for AppInfo TCED – Tariffs Division• Historical air investigation documentsIn addition under this contract I reviewed previously compiled Marine specialization knowledge transfer documents dealing with the Canada Marine Act, Coasting Trade Act, Pilotage Act and Shipping Conferences Exemption Act.In 2007 under a contract with the Agency, I did a major consultation in regards to a potential Agency mediation/arbitration pilot program. This work included:a review of the Federal Arbitration Act and eleven provincial and territorial Arbitration Acts, the National Arbitration Rules of ADR Canada Inc., the CTA General Rules, the CTA Mediation Rules and Processes, the CTA Final Offer Arbitration Rules, Bill C-11 Canada Transportation Amendment Act, the CN Commercial Dispute Resolution (CDR) January 2007 Proposal and the preparation of a draft set of Hybrid Mediation Project rules, policies and processes including: Criteria to be Accepted for CTA Mediation/Arbitration Pilot Project, Pilot Project Process Overview, Request for Submission to Mediation/Arbitration, Agreement to Participate in Mediation/Arbitration, Mediation Agreement, Full Minutes of Settlement, Partial Minutes of Settlement, Referral to Arbitration, and CTA Pilot Project Mediation/Arbitration Rules. I have provided arbitration training for CTA members and staff on two occasions – in 2007 and 2011. I have provided extensive mediation training and consulting services to the Agency in 2004, 2005, 2006, 2007, 2009, 2010, and 2011. Throughout



these training and consultation assignments, I developed a sound working knowledge of the work that the Agency does and the process and substantive issues surrounding the disputes that it handles.

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.

Under the terms of a contract with the Agency (2011-2012) involving the Agency Knowledge Transfer Program concerning air complaint investigations, I reviewed the following legislation, regulations and related material:

- Agency organization charts
- Canada Transportation Act, the Air Transportation Regulations, and the Civil Air Navigation Services Commercialization Act, international conventions (Montreal & Warsaw)
- Canadian Transportation Agency General Rules
- Canadian Transportation Agency Strategic Plan 2008-2011
- Website information related to air investigation and air industry matters
- Consumer, industry and staff guidance materials relating to initiating and processing complaints, appeals and informational requests in general
- Existing air tariff staff manuals such as Tariffs Division Internal Procedures for Case Officers and Procedures for ApplInfo TCED – Tariffs Division
- Historical air investigation documents

In 2007 under a contract with the Agency, I did a major consultation in regards to a potential Agency mediation/arbitration pilot program. This work included:

- a review of the Federal Arbitration Act and eleven provincial and territorial Arbitration Acts, the National Arbitration Rules of ADR Canada Inc., the CTA General Rules, the CTA Mediation Rules and Processes, the CTA Final Offer Arbitration Rules, Bill C-11 Canada Transportation Amendment Act, the CN Commercial Dispute Resolution (CDR) January 2007 Proposal and the preparation of a draft set of Hybrid Mediation Project rules, policies and processes including: Criteria to be Accepted for CTA Mediation/Arbitration Pilot Project, Pilot Project Process Overview, Request for Submission to Mediation/Arbitration, Agreement to Participate in Mediation/Arbitration, Mediation Agreement, Full Minutes of Settlement, Partial Minutes of Settlement, Referral to Arbitration, and CTA Pilot Project Mediation/Arbitration Rules.

I have provided arbitration training for CTA members and staff on two occasions – in 2007 and 2011. I have provided extensive mediation training and consulting services to the Agency in 2004, 2005, 2006, 2007, 2009, 2010, and 2011. Throughout these training and consultation assignments, I developed a sound working knowledge of the work that the Agency does and the process and substantive issues surrounding the disputes that it handles.

Familiarity with Transportation and Transportation Law

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

Please review my previous responses regarding transportation specific legislation. Those responses generally summarize my transportation industry and law involvement.

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 not ever worked for or been associated with, or have an interest in a transportation carrier or shipper in rail, marine or air.

Conflict

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

I no longer practice as a lawyer and do only third party neutral work and therefore do not represent a carrier. Additionally, I have never represented a carrier during my years of law practice.

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	\$3500
Hourly	\$450

Availability

How many months in advance are you booked for?

1

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 #	MCL 1966-8 Certificate #ADR10353
Issuer	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