



JOHN JUDGE (ONTARIO)

Year called 1977

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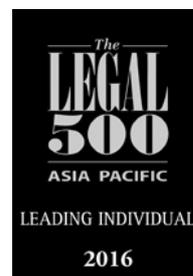
“A very competent, hardworking and approachable barrister.”

Legal 500 Asia Pacific 2016

‘regarded as a *“first-class lawyer”* and *“an excellent arbitrator.”* ‘

Chambers Global 2016

John Judge is an arbitrator and barrister specialising in international and Canadian domestic arbitration. He launched his independent practice as an arbitrator in 2013, after almost 35 years of counsel practice as a senior partner at Stikeman Elliott LLP in Toronto.



John has over fifteen years of experience in international commercial arbitration as counsel and as arbitrator. He has sat as an arbitrator and as chair on substantial international arbitrations through the International Chamber of Commerce, Paris, the London Court of International Arbitration and the International Centre for Dispute Resolution (the international arm of the American Arbitration Association), as well as ad hoc arbitrations. He has also sat as arbitrator on a wide variety of domestic arbitrations of commercial disputes including joint venture and shareholder disputes, construction disputes, gas royalty and lease rent rate disputes. John has also acted as a mediator to assist parties in settling their disputes in a wide variety of cases.

He has appeared as counsel before trial and appellate courts, including the Supreme Court of Canada, and also before domestic and international arbitral tribunals as well as administrative tribunals including human rights tribunals. He has acted for and against government entities. He is well versed in all forms of injunctions and pre-emptive interim remedies. As many of his cases have involved international issues, he is adept in coordinating cross-border disputes and effectively dealing with jurisdictional issues.

BARRISTERS · ARBITRATORS · MEDIATORS

His experience also includes shareholder and partnership disputes, corporate and commercial transactions, banking, insolvency, insurance and reinsurance claims, and civil fraud investigations and claims. He has handled a wide variety of technology disputes related to outsourcing, software development, licensing, software implementation and Internet and domain name issues.

He has a broad background in real estate and leasing disputes as well as complex construction project disputes including related product liability and professional negligence claims. This experience encompasses disputes over the purchase and sale of real estate, joint venture developments, mining properties, commercial and industrial projects, mortgage enforcement and loan work-outs, receiverships and CCAA restructurings.

PRACTICE AREAS

- Alternative Dispute Resolution
- Banking & Finance

SECTORS

- Energy
- Infrastructure

PRACTICE AREAS

ALTERNATIVE DISPUTE RESOLUTION

By reason of his experience as arbitrator and counsel, John is well versed in the accepted procedures and practices for the conduct of domestic and international commercial arbitrations to ensure the enforceability of an award.

As Arbitrator

- International Chamber of Commerce (“ICC”) Arbitration – appointed Chair of ICC Tribunal for a substantial joint venture dispute seated in New York and governed by English law between a large Venezuelan engineering firm and a large public German engineering and manufacturing group regarding a Venezuelan petrochemicals by-product facility (with co-arbitrators Benno Kimmelman and Andrew White Q.C.)
- Appointed as co-arbitrator in an ICC arbitration seated in Paris between a Middle Eastern state with its relevant ministry and private corporate entities from another Middle Eastern state regarding disputes arising from an oil and gas joint production and sharing agreement.
- Appointed as a co-arbitrator in an LCIA arbitration of a dispute arising between foreign owned Kazakh

entities in respect of the design and construction of a major oil rig for use in the Caspian Sea

- Appointed as a chair of an ICDR arbitration seated in Houston involving a dispute between American subsidiary corporations of large South Korean and Chinese corporations involving amounts claimed and counterclaimed in excess of US \$ 55 million regarding the design and manufacture of oil rigs and platforms for use in the Gulf of Mexico under contracts governed by Texas law.
- Appointed as a party nominated arbitrator by large multinational oil companies in an *ad hoc* arbitration involving a Canadian provincial government relating to a gas royalty dispute with claims estimated in excess of CAD \$ 500 million.(with V.V.Veeder QC, chair).
- Appointed as Emergency Arbitrator by the ICDR regarding an application for emergency interim measures in a dispute between certain Middle Eastern States and ICANN regarding the proposed delegation of generic top level domain name, which dispute is governed by California law.
- Appointed as co-arbitrator in a BCICAC arbitration between a Hong Kong based mining company and a Canadian mining company regarding the acquisition of a gold mine located in Ecuador. (with chair Jean Kalicki)
- Appointed Sole Arbitrator in an ICC arbitration seated in New York governed by New York law for a dispute between a Spanish company and an American subsidiary of a Chinese corporation regarding the purchase and sale of shares and assets of a Chinese silicon manufacturing company.
- Appointed Sole Arbitrator in an ICC arbitration seated in New York between a well-known American plane manufacturer and Dubai based parties regarding a jet plane lease dispute governed by Kansas law.
- Appointed Chair of an ICDR arbitration seated in New York between a large American chemical manufacturer and a large French manufacturer relating to a supply swap agreement governed by New York law.(with co-arbitrator John Townsend)
- ICC Arbitration – acted as a co-arbitrator in a substantial ICC arbitration claim between a public Canadian forestry company and a large German corporation for breach of contract in the supply of large industrial machinery by the German supplier for a plant in Northern Ontario, which allegedly caused a catastrophic fire and damages of \$60 million. (with chair VVVeeder QC)
- ICC Arbitration – co-arbitrator in fundamental breach of contract claim between Canadian and English corporations for large industrial machinery manufactured in Canada for installation at a U.K. plant.
- Appointed Sole Arbitrator in a substantial *ad hoc* arbitration in excess of \$100 million in a joint venture mining dispute between American and Chinese owned Canadian subsidiary corporations regarding the development and operation of a substantial iron ore mine in Quebec.
- Appointed as a Sole Arbitrator in an *ad hoc* arbitration between an Ontario municipality and an alternative energy company regarding a claim for force majeure in connection with the construction of wind turbines pursuant to a lease of lands in Northern Ontario.
- Appointed Chair of an *ad hoc* domestic arbitration in a mining dispute between two public mining companies regarding joint venture and custom milling agreements.
- Appointed Sole Arbitrator in an *ad hoc* domestic arbitration between a junior mining company and the Canadian subsidiary of an Australian mining company with respect to an option and development agreement for an Ontario mining property.

- Appointed by the ICDR as Sole Arbitrator for a franchise arbitration seated in Toronto between a Canadian subsidiary of a large international corporation and a Toronto based franchise holder.
- Appointed an Expert by the ICDR for an Expert Determination in an ICANN gTLD String Confusion Objection Dispute between two large American technology companies with respect to a determination in respect of alleged confusion between two new applied for generic top level domains to be issued by ICANN.
- Appointed Chair of an *ad hoc* UNCITRAL arbitration in an oil and gas dispute between a large British based gas corporation and American oil companies over interests in a large oil and gas field in Kazakhstan.
- Appointed as a co-arbitrator in a Dubai arbitration under the rules of the Dubai International Arbitration Centre for a project management dispute between two prominent companies for a major high profile project in Dubai.
- Appointed by LCIA Court as an arbitrator in a dispute amongst an owner, contractor and subcontractor in respect of the design and construction of a liquefied natural gas terminal in Canada.
- Appointed as party nominated arbitrator in an insurance dispute involving insurers and a Caribbean state owned electric facility regarding a catastrophic loss.
- Appointed as Sole Arbitrator in an *ad hoc* arbitration involving a software development and implementation dispute between a Canadian software company and an American radio broadcasting company
- Appointed Sole Arbitrator in connection with an *ad hoc* domestic arbitration pursuant to a commercial lease regarding the determination of rent for a lease extension involving a major Toronto property developer and a commercial tenant.
- Acted as co-arbitrator in an international *ad hoc* arbitration regarding a private equity investment dispute governed by El Salvador law between a Canadian investment firm and an El Salvador manufacturing business which had moved from Ontario. Issues related to fundamental breach of agreements and repudiation in the context of certain put rights
- Appointed sole arbitrator in an *ad hoc* arbitration for a joint venture contract dispute between the Canadian subsidiaries of a foreign based developer and an American financial institution which involved a high profile development property at Bloor and Yonge Street in the heart of Toronto.

As Counsel

- Counsel to Korean companies in responding to an application in the Superior Court of Ontario to set aside an international commercial arbitration award delivered in Toronto regarding an African mining project involving a joint venture company in which a Canadian public mining company has an interest.
- Counsel to American investors in connection with a Canadian Federal Court application by the Government of Canada to set aside a NAFTA award on jurisdiction and liability in favour of the American investors.
- Counsel to a Canadian corporation in a London Maritime Arbitrators Association arbitration against an Italian yacht manufacturer regarding breaches of a contract with respect to the design and build of a super yacht.

- Counsel to a Canadian public mining corporation, Centerra Gold, with respect to the enforcement issues in Ontario for an ICSID Award obtained by a Turkish company against the Kyrgyz Republic in which the client owns and operates a substantial gold mine with Centerra shares owned by a state-owned entity.
- Counsel to a Canadian public mining corporation in connection with an investor-state dispute involving mining operations in a Central American country.
- Counsel to a French nuclear organization in a large contract dispute and arbitration with Atomic Energy of Canada Limited over development and installation of certain nuclear medical isotope waste facilities. The case involved difficult issues of contract interpretation and complex evidence regarding nuclear engineering and processes related to claims for fundamental breach of contract.
- Counsel for a Canadian Olympic athlete when her selection to Canada's summer Olympic Team was challenged in an arbitration under the SDRCC, successfully resisting the challenge.
- Counsel to a large international software company in an ad hoc arbitration over alleged fundamental breach of contract for an enterprise business software license and implementation agreement.
- Co-counsel in an LCIA arbitration seated in London for a Canadian investment corporation in an investment contract dispute with a Ukrainian corporation over a property development in the Ukraine.
- Counsel to a Dubai Engineering company in an *ad hoc* arbitration against an Ontario corporation for breach of contract in connection with a supply agreement

BANKING & FINANCE

Banking, Investment, M&A – a wide variety of banking, finance and private equity disputes in sophisticated transactions; disputes arising from mergers and acquisition; corporate, shareholder, partnership and joint venture disputes.

Insurance & Reinsurance – commercial insurance disputes (including property, D&O, energy, professional liability, product liability, environmental) and excess coverage disputes, including Bermuda form policies. Also acted in reinsurance disputes and brokerage disputes.

SECTORS

ENERGY

Mining, Oil & Gas, Energy – disputes involving mining properties (gold, copper, iron ore), mining and milling operations and off take agreements, commercial investment and joint venture agreements involving major and junior mining companies regarding substantial mining projects in Canada, the United States, Latin and South America, Africa and Australia. Commercial oil and gas disputes involving joint ventures and other commercial agreements including supply, pricing and swap agreements, leases, well operating, facility processing and transportation agreements. Also disputes in relation to power purchase agreements within co-generation projects.

INFRASTRUCTURE

Construction, Engineering, Infrastructure, Real Estate – a wide variety of construction and engineering disputes in relation to complex industrial plants including sophisticated cogeneration and hydro-electric facilities,

petro-chemical plants and facilities, nuclear facilities, mines and gold milling plants, iron ore mills, paper mills and air separation plants, as well as design and construction of commercial, government and residential buildings and complexes. Project finance disputes in relation to power generation facilities and real estate development. Acted in a wide variety of real estate development disputes, including joint ventures and partnerships, financing and contractor disputes, leasing disputes including rent rates determinations on lease extensions and has continued to act as counsel for a major Toronto development, construction and property management company.

Technology & Telecommunications – disputes in relation to software development, licensing, and enterprise implementation; outsourcing; business disputes involving technology and telecommunication companies, shareholders, joint ventures, partnerships, strategic alliances as well as matters relating to privacy, confidentiality, licensing and commercialization of IP, electronic commerce and the internet, including domain name disputes.

Transportation – disputes involving airplane leases, cargo losses with carriers by air, truck and ship, maritime accidents; engineering, design and manufacture of rail and subway cars.

RECOMMENDATIONS

John's expertise has been recognized nationally and internationally:

- 'A very competent, hardworking and approachable barrister.' – Legal 500 Asia Pacific 2016

Chambers and Partners, 2012 to 2016 ranked in Canada for Dispute Resolution: Arbitration (Band One), with the following comments:

- "First class lawyer" and "an excellent arbitrator." (2016)
- "The highly respected John Judge of Arbitration Place is '*right at the very top*' for international arbitration. He is involved in a wide variety of disputes, including arbitrations involving the mining, oil and gas and technology sectors". (2014)
- "highlighted for his dedication and '*thoughtful and practical*' approach. He acts both as arbitrator and as counsel in international and domestic arbitrations, and clients say: '*He provides options which enable us to make the best choices for our business.*'" (2013)
- "lauded for his dedication and experience. '*He's fabulous – he's very active internationally and is very active in promoting international arbitration and promoting Canada as a venue*'". (2012)
- International Who's Who of Commercial Arbitration 2012, 2013, 2014 and 2015
- The Canadian Legal Expert Directory 2012, 2013 and 2015 as a leading practitioner most frequently recommended in International Commercial Arbitration
- Who's Who Legal: Canada 2012 and 2013 for three areas of specialty, Arbitration, Commercial Litigation and finally Insurance and Reinsurance, and in 2014 and 2015 for Arbitration
- Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada (2012 and 2013) for International Arbitration
- The 2012 PLC Which Lawyer? for Dispute Resolution

- The Best Lawyers in Canada 2013, 2014 and 2015 for Alternative Dispute Resolution and International Arbitration

Mr. Judge is AV® Peer Review Rated according to Martindale-Hubbell (Very High to Pre-eminent), its highest level of professional ranking.

QUALIFICATIONS

FCI Arb (2006), University of Toronto (LL.B. 1975, BA 1972).

ADDITIONAL INFORMATION

As an arbitrator, Mr. Judge is a Fellow of the Chartered Institute of Arbitrators (FCIArb); member of London Court of International Arbitration (LCIA); past Vice-President of its North American Users Council(2007-2013); ICC Canada, past member of the Executive; member of the Institute for Trans-National Arbitration, Dallas (Advisory Board Member) and member of the Canadian Panel of Arbitrators for the International Chamber of Commerce; Panel Member for the International Centre for Dispute Resolution (international arm of the AAA); Panel Member of the Singapore International Arbitration Centre and also for the Kuala Lumpur Regional Arbitration Centre. He is a Member of ICCA, the International Council for Commercial Arbitration, The Hague. He is a founding member of the Arbitration Roundtable of Toronto and the Toronto Commercial Arbitration Society, for which he is the immediate Past Chair. He has become a member by invitation of the London International Arbitration Club. He is also a founding Member of Arbitration Place in Toronto.

Mr. Judge is a member of The Advocates' Society (past director 1987-89, 1992); Canadian Bar Association; American Bar Association; International Bar Association. He was a director for fourteen years and past president (2006-2007) of The Sopinka Cup Society, sponsor of the Canadian National Trial Advocacy Moot Competition for law schools; past instructor at the annual Osgoode Hall Intensive Trial Advocacy Program, Toronto.

Publications & Speaking Engagements

Mr. Judge has written many articles and spoken on a wide variety of legal and advisory issues, including:

- The Advocates Society Program on Arbitral Advocacy, Guest Speaker on Advocacy from the Perspective of the Arbitrator, Toronto, November 2014.
- Osgoode Professional Development Certificate Program in Construction Law (5 day program), lecturer on arbitration of construction disputes, Toronto, November 2014.
- Foundation for International Arbitration Advocacy, guest lecturer\arbitrator in arbitral advocacy program for associate lawyers in international arbitration, London, November 2014
- Atlanta International Arbitration Society conference on Africa Related International Arbitrations, speaker on International Arbitration in Mining and the Extractive Industries, November 2014
- Moderator and Speaker on Current International Commercial Arbitration Issues, Conference with Kuala

Lumpur Regional Centre for Arbitration and Thirty Nine Essex Street Chambers, Kuala Lumpur, September 2014

- Practising Law Institute, International Arbitration 2013 Conference, speaker on Arbitrator Deliberations, New York, June 2013
- The Eighth Annual Fordham Law School Conference on International Arbitration and Mediation, speaker on The Impact of Technology on the Nature of Substantive Claims Asserted in International Arbitration, New York, April 2013.
- Keynote Speaker, Commercial Arbitration in Toronto: *The Past, The Present, and The Future Challenges*, ASAP Arbitration Place, Toronto, January 2012
- ICC Canada Conference Program, *It's Time For a Fresh Look at Canadian Arbitration Legislation*, speaker on Interim Measures, Ottawa, October 2011
- Speaker, Toronto Commercial Arbitration Society, Conference for General Counsel, *Cost Effective Dispute Resolution, Arbitrate or Litigate*, Toronto, September 2011
- The Anatomy of an International Mining Dispute, conference chair, speaker and moderator, Toronto, March 2011
- Toronto Commercial Arbitration Society, Inaugural Conference, Chair and speaker, Toronto, October 2010
- Co-author of Canadian chapter in *Getting the Deal Through – Arbitration 2010, 2011, 2012 and 2013*.
- Speaker at the ICC Canadian National Committee Workshop on Parallel Proceedings in International Commercial Arbitration, October 2008.
- Speaker on Enforcement of International Commercial Arbitration Awards, Arbitration Roundtable of Toronto Conference on Arbitration: A Primer for Corporate Counsel, October 2008.
- Moderator and speaker at LCIA North American Users' Council Symposium in Toronto, September 2007; Washington 2009, and Vancouver 2010, Toronto 2013.
- Moderator and speaker on "Foresight: Strategies in Resolving Technology Industry Disputes in North America", ADR After NAFTA Conference with The International Centre for Dispute Resolution, Toronto, September 2007.
- Speaker on "Developments in Discovery and Taking Evidence for Use in Arbitration", Conference on Current Issues in Canada – U.S. Arbitration Practice: A Canadian Perspective with the New York City Bar Association, New York, June 2007.
- Speaker on "Recent Developments on Discovery in Arbitration", Conference with the Ontario Bar Association and ADR Institute of Canada, May 2007.
- Speaker on "Preparation for Arbitration", Conference on Advanced Commercial Arbitration through the Law Society of Upper Canada and The Advocates' Society, April 2007.
- Speaker on "The Charter of Rights in Regulatory Proceedings", Conference: Regulators at the Gates, October 2006.
- Chair and speaker for a Conference by Arbitration Roundtable of Toronto, Arbitration for the In-House Counsel, Toronto Board of Trade, September 2006.

- Chair and speaker for a Conference by the Arbitration Roundtable of Toronto, Arbitration for the Corporate Lawyer: Essentials for an Effective Arbitration Clause, Toronto Board of Trade, October 2005.

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