



Canadian Arbitration Report 2024





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1. Introduction

This inaugural **Canadian Arbitration Report** presents data obtained in the Canadian Arbitration Survey from arbitration practitioners – arbitrators, counsel, and experts – based in Canada, for the three-year period from January 2020 – December 2022. We hope that this profile of commercial arbitration in Canada will be useful to law firms and their arbitration practice groups, arbitrators, and expert firms, as well as to corporate counsel, academics, service providers to arbitration practitioners, and others.

More specifically, we hope that this Report will help:

- Arbitration practitioners (counsel, arbitrators, tribunal assistants) in advancing their practices and in pursuing and obtaining work, and in providing better service to their clients / disputing parties,
- Corporate counsel in planning and contracting for their clients' dispute resolution needs, and in managing their disputes more effectively,
- Experts in supporting arbitration practitioners and arbitrations, pursuing and obtaining work, and in advancing their practices and businesses,
- Other service providers including arbitral institutions and hearing centres,
- Academics in studying and teaching in the field, and in gaining support and funding for their work and for arbitration mootings, and,
- Arbitration organizations in Canada in promoting the use of arbitration in Canada.

There are many conclusions that can be drawn from the data. This Report presents some of the significant conclusions that the Chairs have observed. We invite you to look for insights of your own in the charts and graphs, and we hope that you will find them useful for your work in arbitration.

You may notice that the data from the Counsel and the Arbitrator Surveys does not always align perfectly, which understandably appears to result from the two groups not focusing on identical pools of cases. Two or more people may have responded about a case, in which event data on that case will have been duplicated. Also, it is possible that two or more people did not provide identical information about a case. You may also perceive imperfections in the Survey questions and the methodology. We welcome your suggestions for a future survey.¹

As Chairs of the Survey and Report, we express our sincere appreciation to all those who assisted in formulating the direction of the Survey, to those who gathered firm-wide data from the larger arbitration counsel practices in Canada, and encouraged others, in their firms and beyond, to complete the Survey, and of course to all those who responded to the Survey.

We are deeply indebted to [FTI Consulting](#), and to its experts who assisted us, [Tara Singh](#), [Natalie Quinn](#) and [Ali Al-Ahmad](#). Their excellent administration of the Survey and confidential handling of the results was one of the great strengths of the project. The effort and time, from Survey preparation, to Survey management, to development of the Report, far exceeded what they or we might have imagined. We are truly indebted to Tara, Natalie and Ali for their extraordinary patience, and their willingness to see the project through.



Professor Janet Walker CM, C Arb



The Honourable Barry Leon, FCI Arb

May 2024

¹ Please note that percentages in some charts in this Report may not total to 100% due to rounding.



2. Profile of Survey Respondents

This section provides a snapshot of the arbitration practitioners based in Canada who participated in the Survey, and we expect provides an overall profile of all arbitration practitioners based in Canada. First, we look at **arbitrators'** professional backgrounds, formal qualifications and other training, years of experience, and location in Canada. Gender of respondents is discussed in [Section 3. Diversity in Canadian Arbitration](#).

Then we look at arbitrators' practices. As few of them work only as arbitrator, we also look at their other roles. Concerning their work as arbitrators, we look at the balance between their international and domestic cases, and the balance between their appointments as sole, presiding and co-arbitrator.

Turning to **counsel** based in Canada, we look at the many firms in which they practice, the number of offices their firms have across Canada and abroad, the overall size of their firms, and the number of lawyers engaged in arbitration-related work in those firms. We also note the strong indication of growth in their practices through the survey period despite the pandemic.

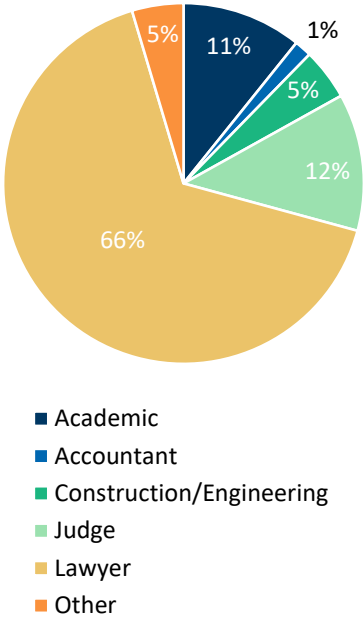
Third, we turn to **experts** based in Canada, who are engaged in arbitration-related work in firms with offices across Canada, almost two-thirds of which have offices outside Canada as well.

Arbitrators

Professional Background

About two-thirds of arbitrators' professional backgrounds were as lawyers, with the remainder being judges, academics, accountants, and construction and engineering professionals.

Fig. 1: Arbitrator Survey – What is your professional background?



Formal Qualifications

Almost one-half of the arbitrators are Fellows of the Chartered Institute of Arbitrators (FCI Arb) and almost one-quarter are designated by the ADR Institute of Canada (ADRIC) as Qualified Arbitrators (Q.Arb/IMAQ Accredited Arbitrator).

A number hold the higher credential of Chartered Arbitrator from Ciarb or ADRIC.

Other formal arbitrator qualifications include KHI Arb, C Med (ADRIC), MCI Arb, and completion of the Toronto Commercial Arbitration Society (“TCAS”) Gold Standard Course in Commercial Arbitration which, in turn, meets the “Gold Standard” requirements of ADRIC and satisfies the requirements for the Qualified Arbitrator (Q.Arb) designation conferred by ADRIC.

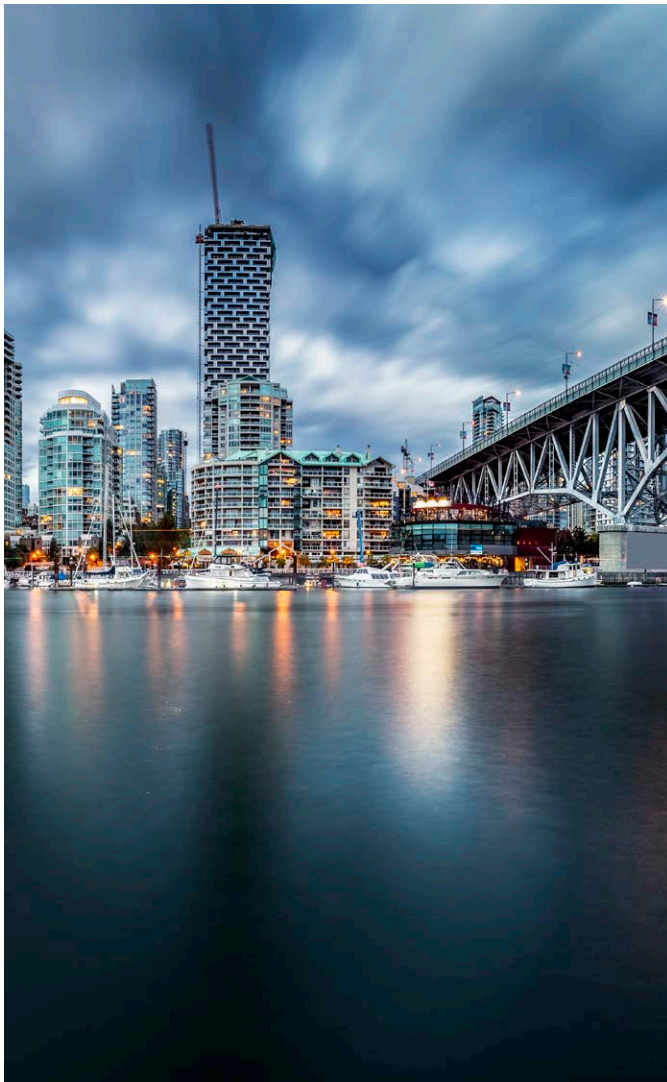
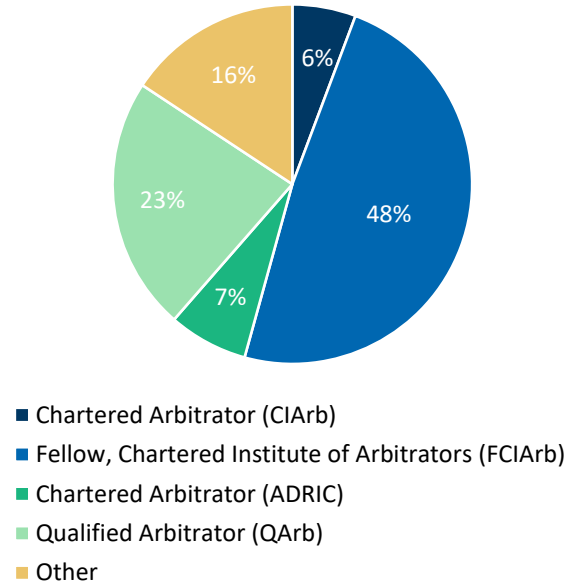


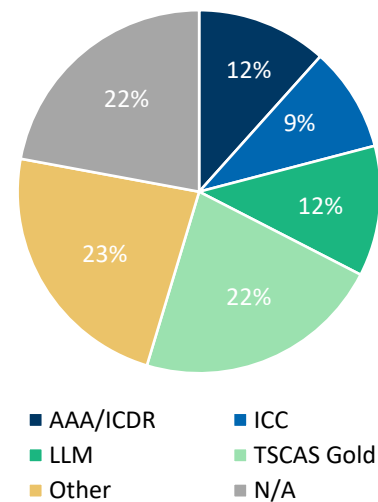
Fig. 2: Arbitrator Survey – What are your formal arbitration qualifications?



Other Training

Over two-thirds of arbitrators have formal arbitration training. The TCAS Gold Standard Course is the most common. Other formal training is by arbitral institutions and organizations, including the ICC International Court of Arbitration (ICC), International Centre for Dispute Resolution (ICDR), Singapore International Arbitration Centre (SIAC), and Judicial Arbitration and Mediation Services, Inc (JAMS), as well as LLM courses at universities.

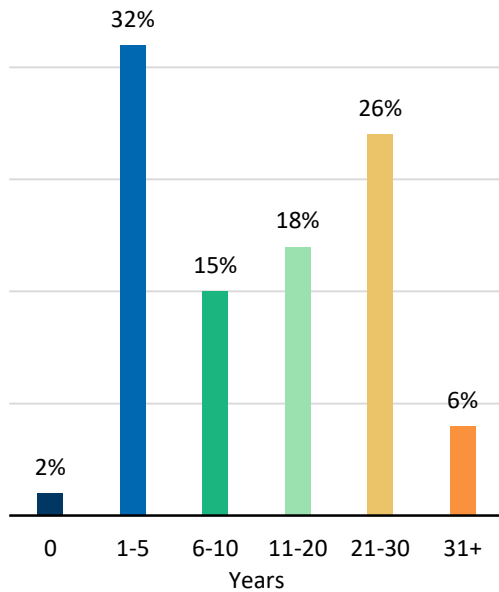
Fig. 3: Arbitrator Survey – What other arbitration training have you undertaken?



Years of Experience

About one-third of arbitrators have five years or less experience in arbitration and about one-third have 20 or more years' experience.

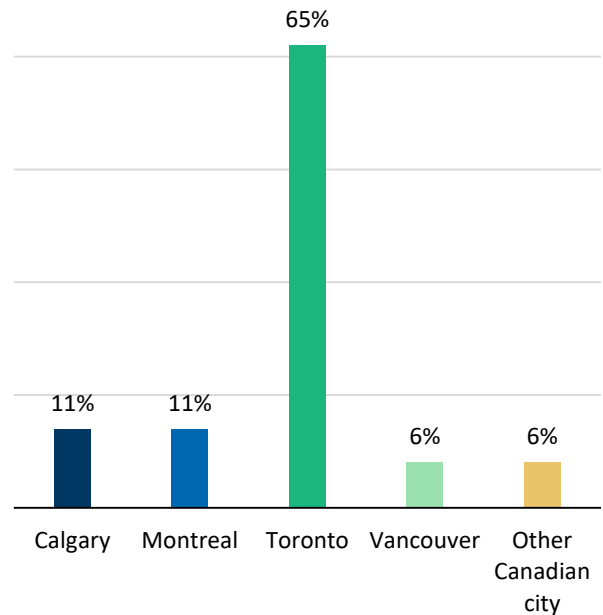
Fig. 4: Arbitrator Survey – How many years have you practiced as an arbitration practitioner?



Location

Almost two-thirds of arbitrators responding to the Survey were based in Toronto. Approximately 11% were based in each of Calgary and Montreal, 6% were based in Vancouver, and 6% were based in other Canadian cities.

Fig. 5: Arbitrator Survey – In which city are you based?

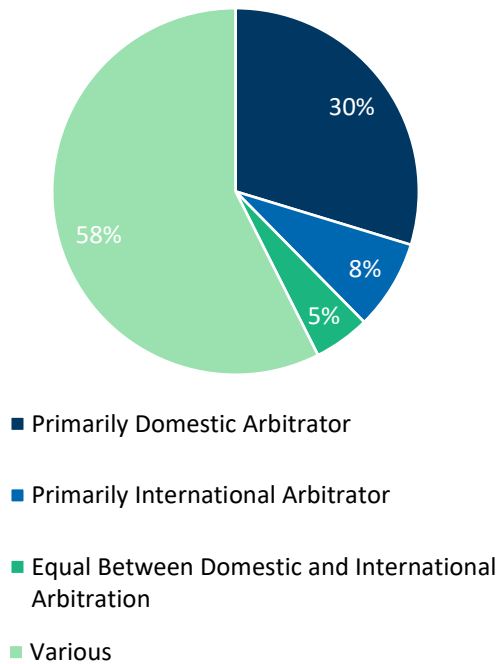


Arbitrators' Practices

Most arbitrator respondents have mixed practices, with almost one-half of them also working as litigation counsel and one-third as arbitration counsel. Only 22% had practices devoted solely to arbitration.

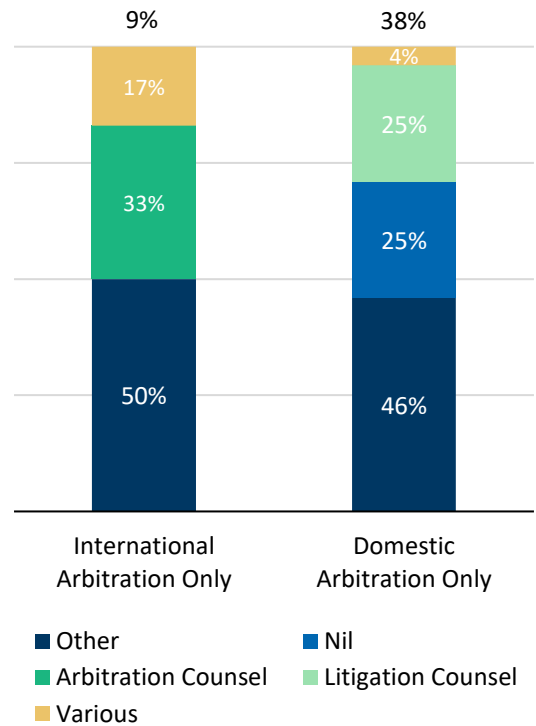
Most arbitrators served in both international and domestic cases. While only a small proportion of arbitrators served only in international cases (9%), 38% of arbitrators served only in domestic cases.

Fig. 6: Arbitrator Survey – How do you currently spend your professional time?²



However, the mixed practices of international and domestic arbitrators were comprised differently.

Fig. 7: Arbitrator Survey – Percentage of arbitrators who served in either international or domestic arbitrations only, and how they primarily spend their remaining time.³

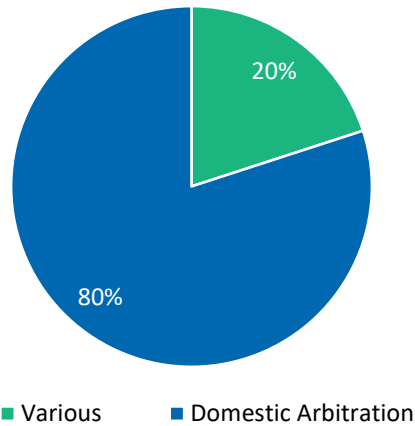


² 'Various' refers to time spent as arbitration counsel, litigation counsel or other unspecified roles.

³ 'Various' refers to arbitrators that spent their remaining time in an even mix of roles.

Of the arbitrators who serve primarily in international cases, 80% spent most of their remaining time in domestic cases, and the other 20% divided their time across various activities.

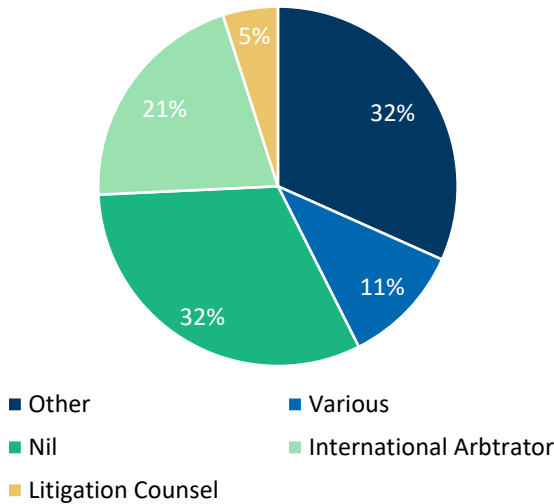
Fig. 8: Arbitrator Survey – Alternate majority of time spent by those that expended most of their time as international arbitrators.⁴



Of the arbitrators who serve primarily in domestic cases, 32% spent all their time in that role, 21% spent most of their time in international cases, 5% spent most of their time as litigation counsel, and 11% divided their time across various activities.

About 20% of those who work as arbitrators have served as an Emergency Arbitrator at least once during the survey period.

Fig. 9: Arbitrator Survey – Alternate majority of time spent by those that expended most of their time as domestic arbitrators.⁵

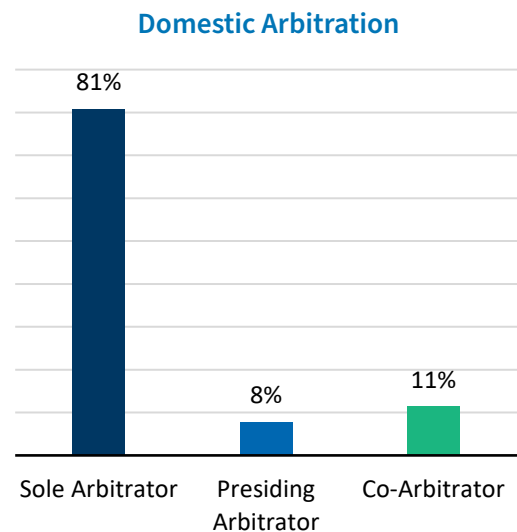
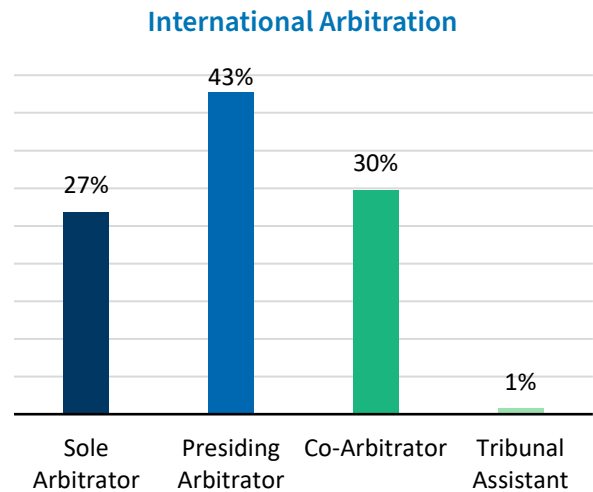


Tribunal Roles

In domestic arbitrations, most arbitrators serve as sole arbitrators.

In international arbitrations, the largest proportion of arbitrators serve as presiding arbitrators (tribunal chairs) with just under 30% serving as sole arbitrators, and about 30% as co-arbitrators. In domestic arbitrations, 81% serve as sole arbitrators, 8% as presiding arbitrators, and 11% as co-arbitrators.

Fig. 10: Arbitrator Survey – How much of your time is spent in the following roles?



⁴ 'Various' refers to time spent spread across roles such as arbitration counsel, litigation counsel or other unspecified roles.

⁵ 'Various' refers to time spent spread across roles such as arbitration counsel, litigation counsel or other unspecified roles.

Counsel

Law Firms

Counsel respondents practice in more than 14 different law firms, several of which have offices in cities across Canada, and about one-half of which have offices outside Canada.

Firms practicing in arbitration in Canada vary from small firms to firms with over 1,000 lawyers in Canada and elsewhere.

Fig. 11: Counsel Survey – Survey respondent law firms

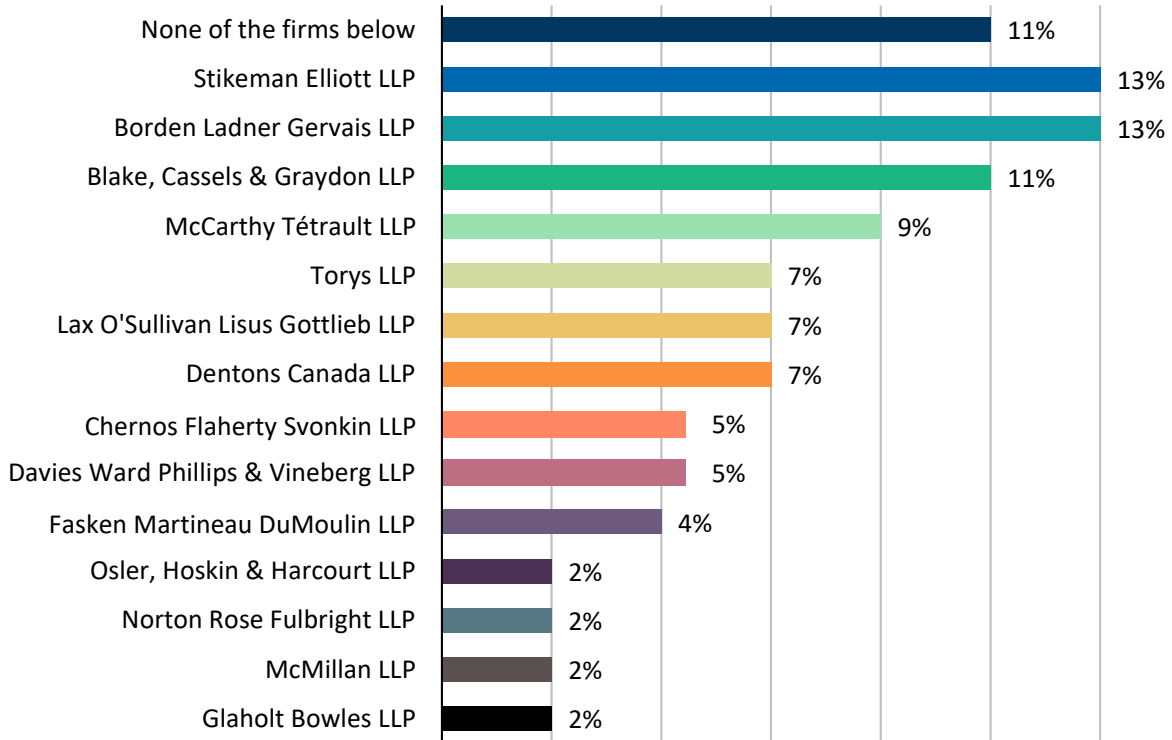
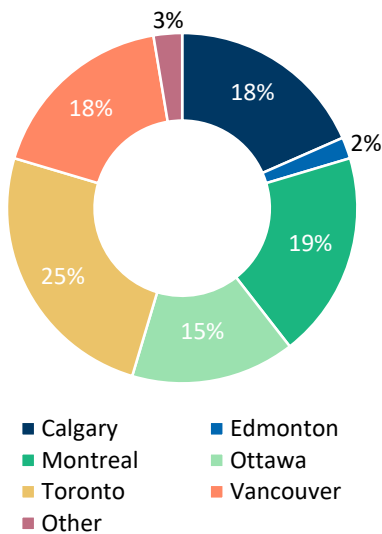


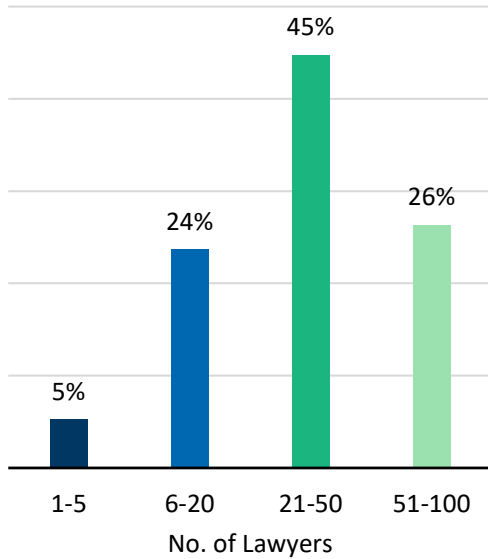
Fig. 12: Counsel Survey – In which Canadian cities does your firm currently have offices?



Lawyers Doing Arbitration-Related Work

In many of the large law firms, 21-50 lawyers did arbitration-related work.

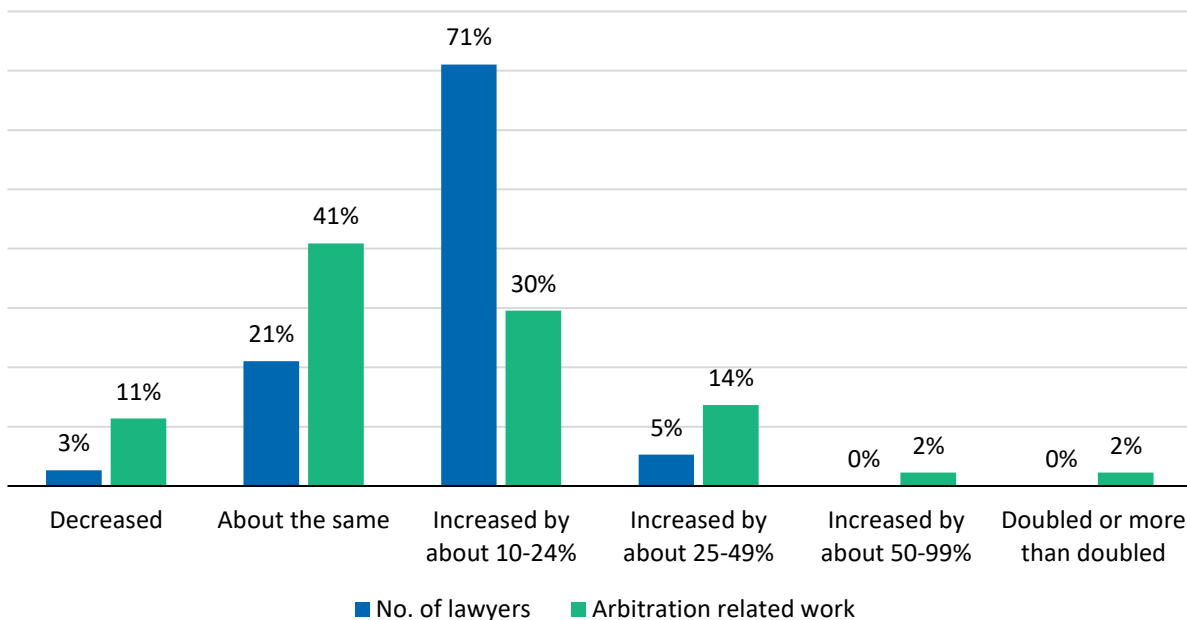
Fig. 13: Counsel Survey – How many lawyers in your firm in Canada currently are engaged in arbitration-related work (as counsel or arbitrator)?



There is a strong indication of an upward trend in both law firms' arbitration work and the number of practitioners involved in arbitration-related work. Despite the pandemic, most firms report some growth in arbitration-related work, and a sizable minority report significant growth.



Fig. 14: Counsel Survey – How has (i) the number of lawyers engaged in arbitration-related work in your firm and (ii) percentage of arbitration-related work in your practice in Canada changed in the 3-year period since January 2020?



Experts

Experts engaged in arbitration-related work in firms have offices in major Canadian cities, and almost two-thirds of those firms have offices outside Canada.

Fig. 15: Expert Survey – In what Canadian city(ies) does your firm currently have offices?

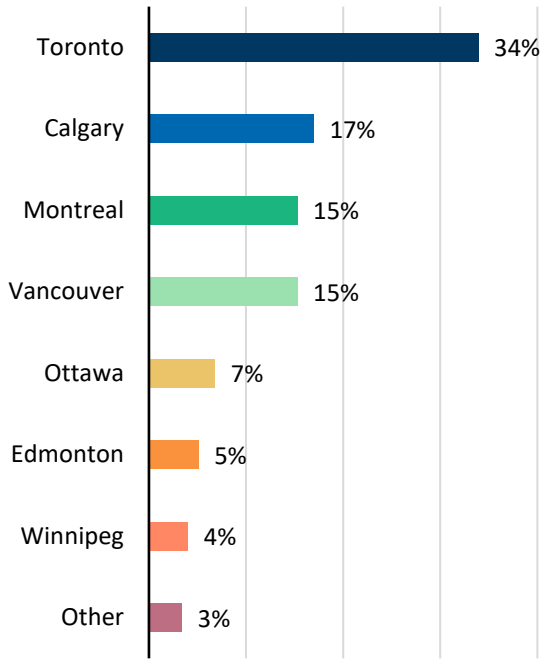
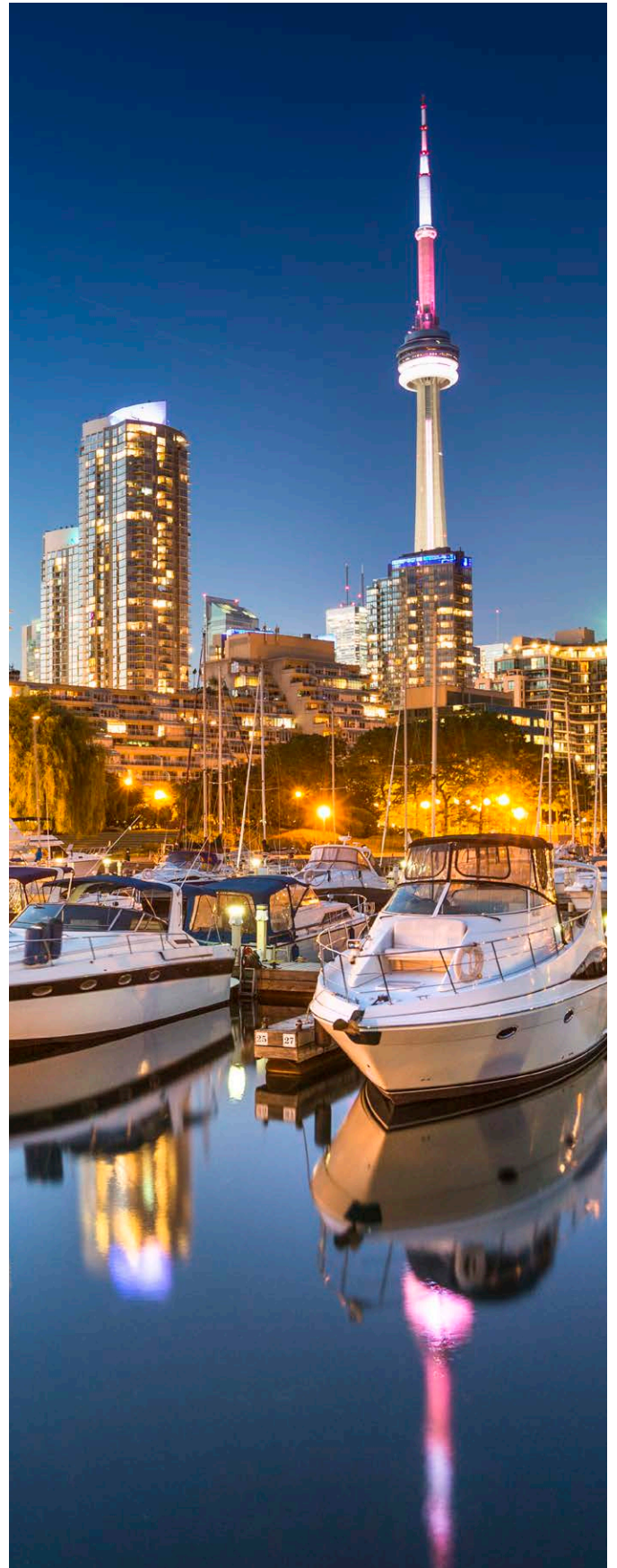
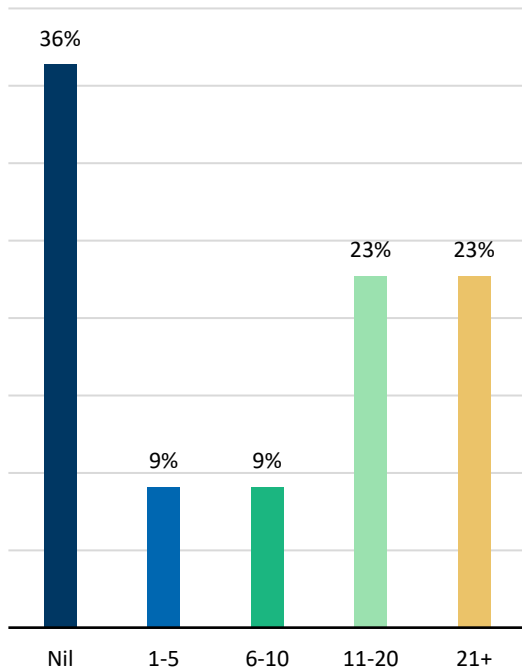


Fig. 16: Expert Survey – If your firm currently has offices outside of Canada, in how many countries?



3. Diversity in Canadian Arbitration

The results in this section capture baseline data of **arbitrators** and **counsel**. The data shows that both arbitrators and arbitration counsel are predominantly male, and few are from other historically underrepresented groups (*i.e.* other than related to gender).

To the extent that many counsel ultimately transition to serving as arbitrators, often part-time initially and later full-time, the somewhat greater gender balance among counsel than among arbitrators suggests a greater balance will be seen in the future among arbitrators. In the future, it is likely there will be more instances of counsel teams led by women and others from historically underrepresented groups.

The diversity of backgrounds of **experts** based in Canada and their experience of diversity in experts' teams in the cases in which they work is encouraging.

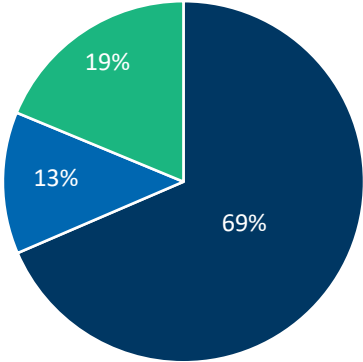


Diversity in Tribunals

Arbitral tribunals are predominantly male in both international cases (69%) and domestic cases (70%). In international and domestic arbitrations, fewer than 10% of tribunals included members from other historically underrepresented groups.

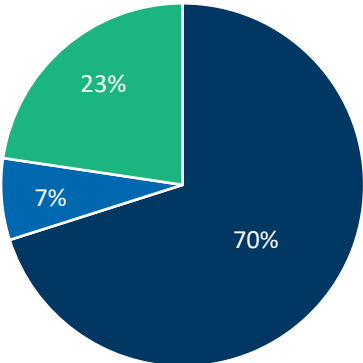
Fig. 17: Arbitrator Survey – Of the arbitrators with whom you have sat, what percentage were each of the following?

International Arbitration



■ Male ■ Female ■ Other/Can't recall

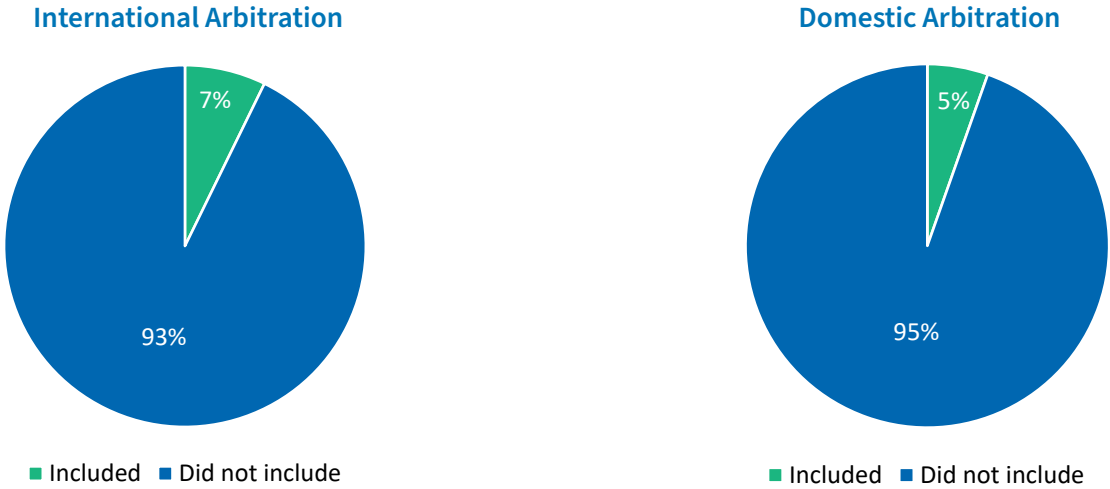
Domestic Arbitration



■ Male ■ Female ■ Other/Can't recall

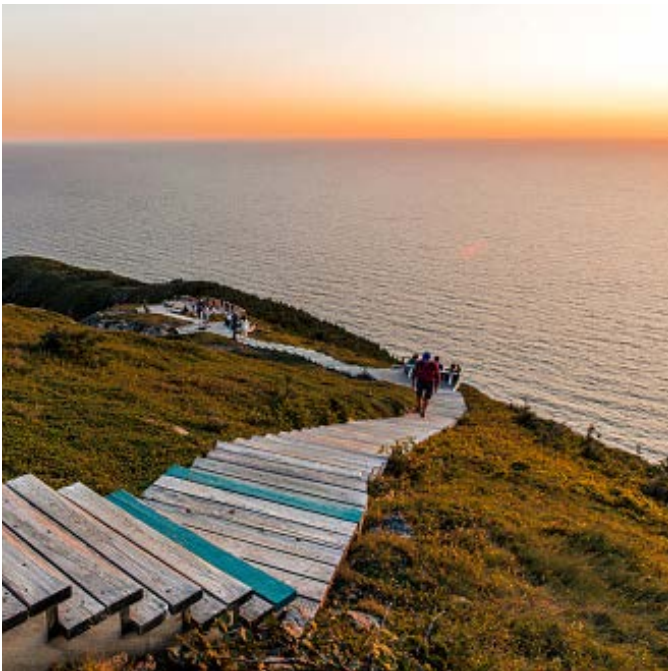
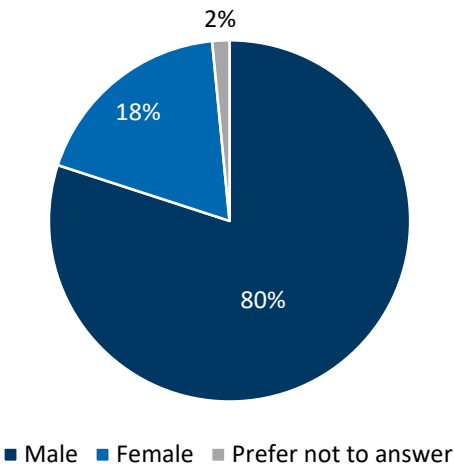


Fig. 18: Arbitrator Survey – Of the arbitration cases in which you were a Tribunal member, how many included Tribunal members from historically underrepresented groups (other than related to gender)?



The composition of Arbitrator Survey respondents was 80% male.

Fig. 19: Arbitrator Survey – With which gender do you most identify?



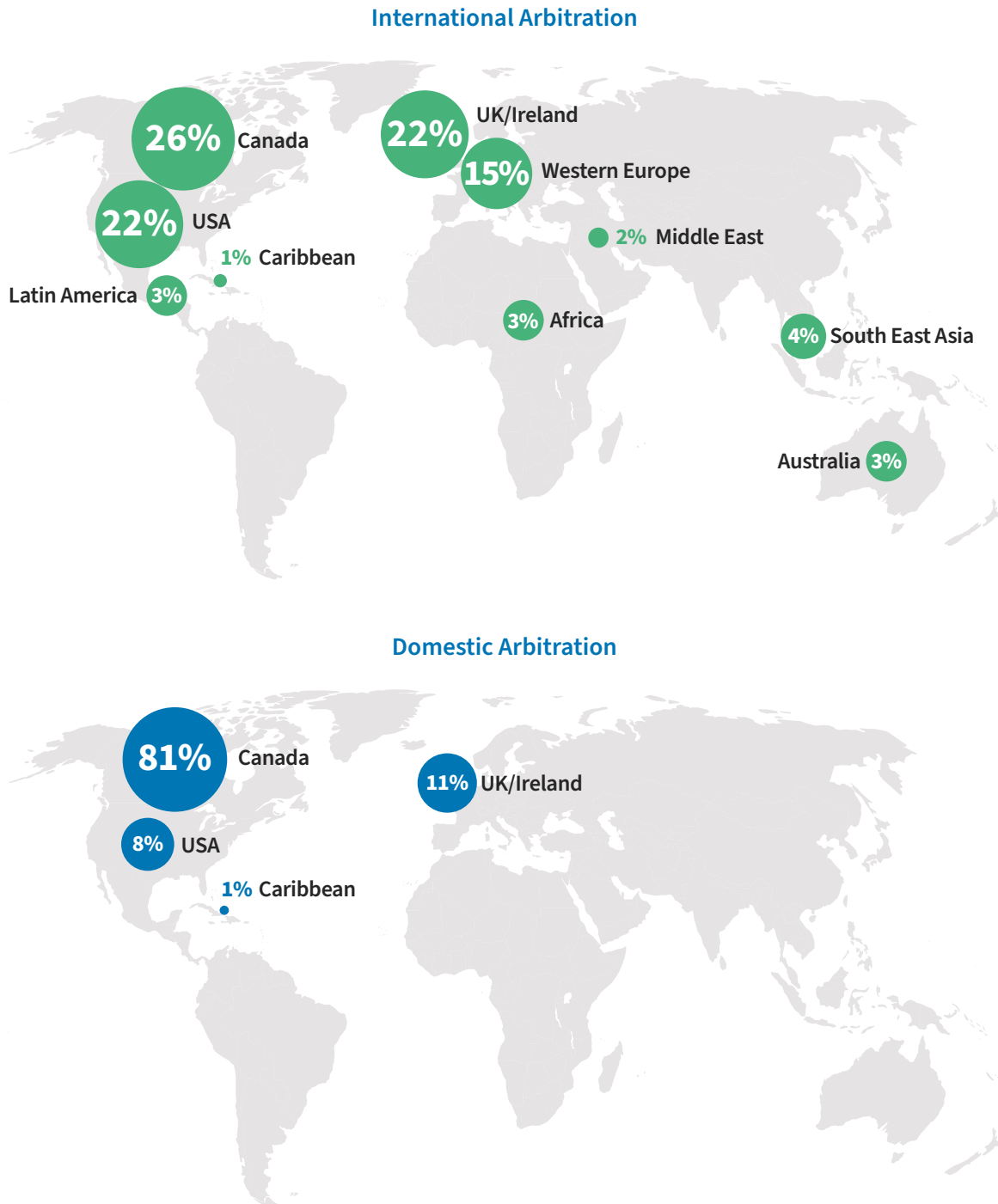
Nationality

In international cases, Canadian-based arbitrators served on tribunals with arbitrators of a wide-variety of nationalities including more than 20% from each of the US and UK, and 15% from Western Europe.

Counsel reported similar nationality profiles for arbitrators in their cases, except for the UK, which was approximately 13%.

Unsurprisingly, in domestic cases, arbitrator respondents served primarily with other Canadian-based arbitrators. The remaining arbitrators were mostly from the UK/Ireland or the US, each of which constituted approximately 10% or less. Refer to [Fig A35 in Annexure 1](#).

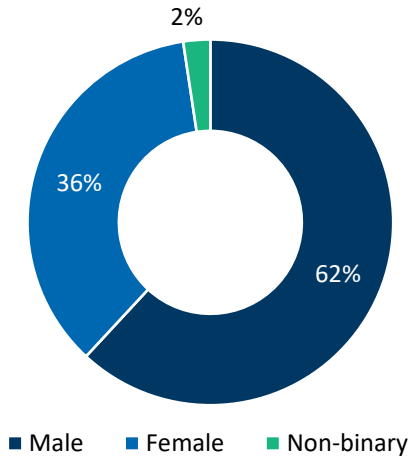
Fig. 20: Arbitrator Survey – In the international arbitration cases in which you were a Tribunal member, in aggregate how many of the other Tribunal members were based in each of the following?



Diversity in Counsel

Of counsel who responded to the question about gender, almost two-thirds identified as male (62%), and just over one-third identified as female (36%).

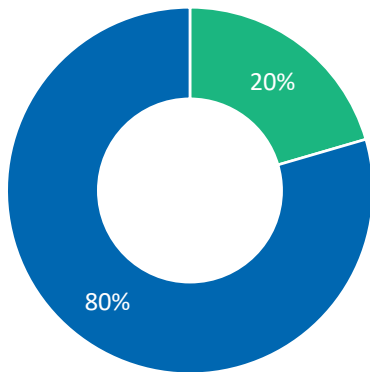
Fig. 21: Counsel Survey – With which gender do you most identify?



Less than one-third of counsel have experienced a counsel team led by a woman or a person from a historically underrepresented group (other than by gender) in international cases, and still fewer in domestic cases.

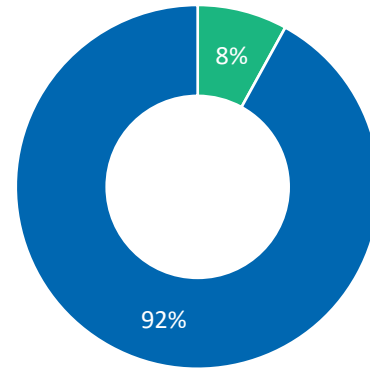
Fig. 22: Counsel Survey – Of the international and domestic arbitration cases in which you were involved, how many counsel teams were led by women or historically underrepresented groups (other than by gender)?

International Arbitration



- Led by Women/Underrepresented Groups
- Not Led by Women/Underrepresented Groups

Domestic Arbitration

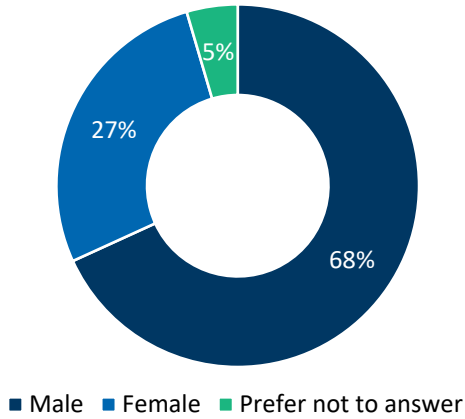


- Led by Women/Underrepresented Groups
- Not Led by Women/Underrepresented Groups

Diversity in Experts

Of experts who responded to the question about gender, more than two-thirds identified as male (68%) and just over one-quarter identified as female (27%).

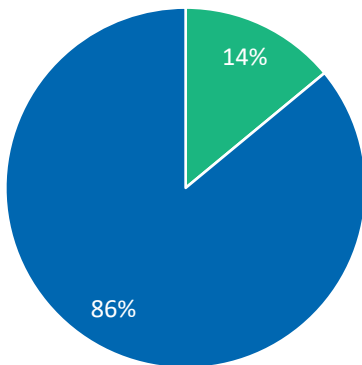
Fig. 23: Expert Survey – With which gender do you most identify?



In 14% of their international cases and 21% of their domestic cases at least one female expert testified.

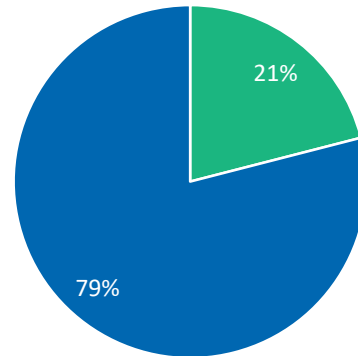
Fig. 24: Expert Survey – Of the arbitration cases in which you were appointed as an Expert Witness, how many included testifying Experts who were women?

International Arbitration



■ Included Women ■ Did not include Women

Domestic Arbitration



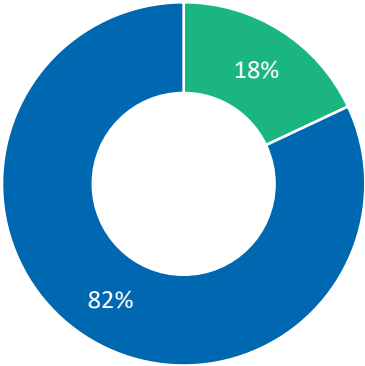
■ Included Women ■ Did not include Women



Experts reported that there were testifying experts from groups who are historically underrepresented other than by gender in at least 18% of their international cases and in at least 9% of their domestic cases.

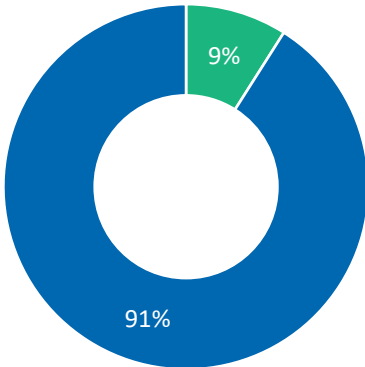
Fig. 25: Expert Survey – Of the arbitration cases in which you were appointed as an Expert Witness, how many included testifying Experts who were from historically underrepresented groups?

International Arbitration



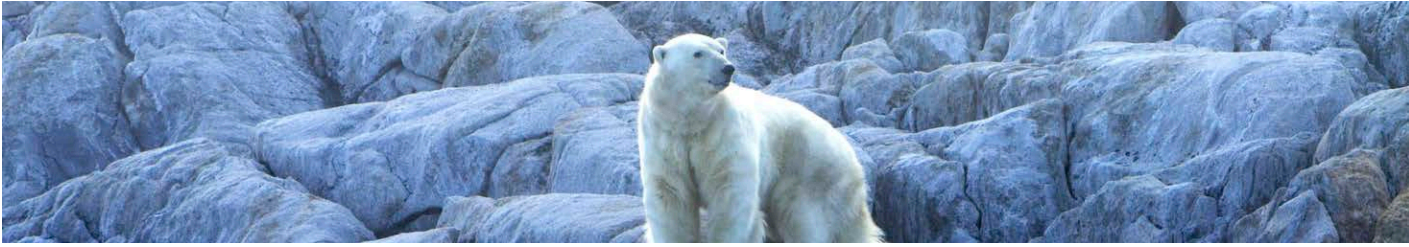
- Included Underrepresented Groups
- Did not include Underrepresented Groups

Domestic Arbitration



- Included Underrepresented Groups
- Did not include Underrepresented Groups



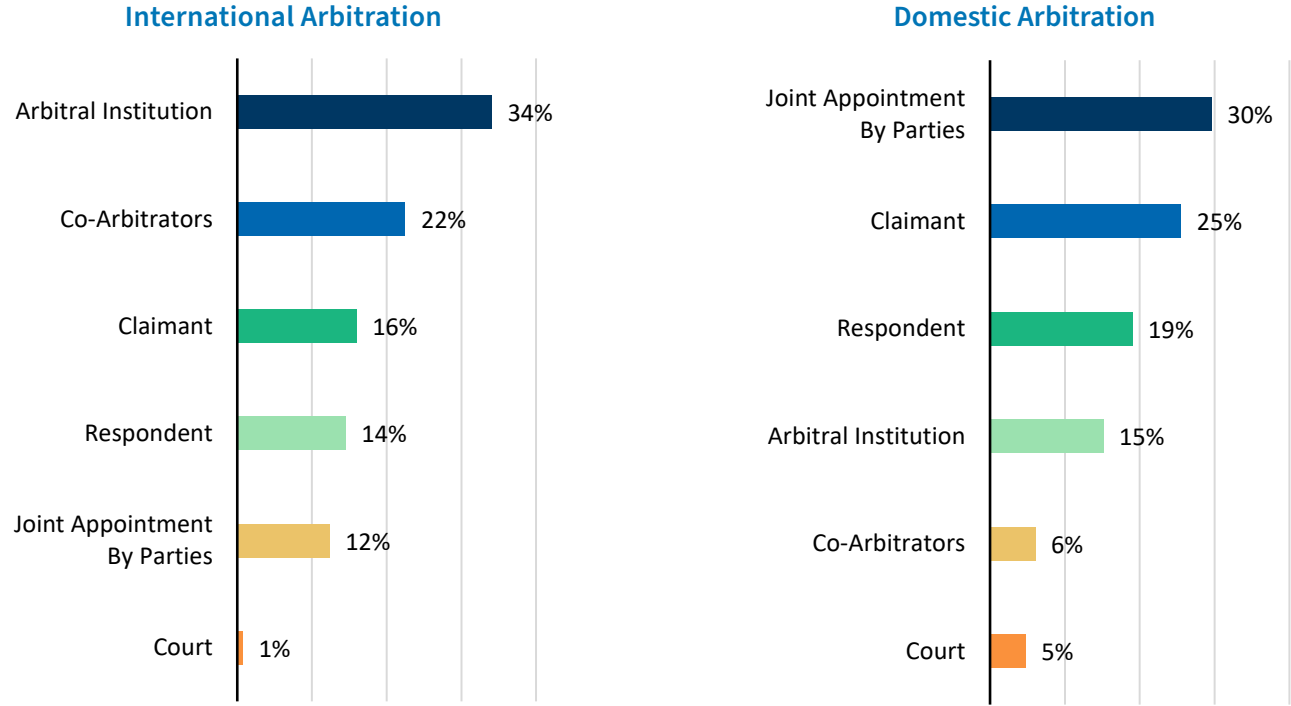


4. Appointment of Tribunals

In this section, we hone in on the appointment of arbitrators – by parties, co-arbitrators, and institutions – and where the appointment is being done with the involvement of in-house counsel, how often they recommend for appointment of former judges and Canadians.

We also look at the mix of one and three-member tribunals recommended by counsel and, when counsel recommend a sole arbitrator, why they do so. Finally, we see the range in arbitrators’ hourly rates, and the effect arbitrators’ rates appear to have on appointments.

Fig. 26: Arbitrator Survey – Of the arbitration cases in which you have been an arbitrator, in how many were you appointed/selected by each of the following?



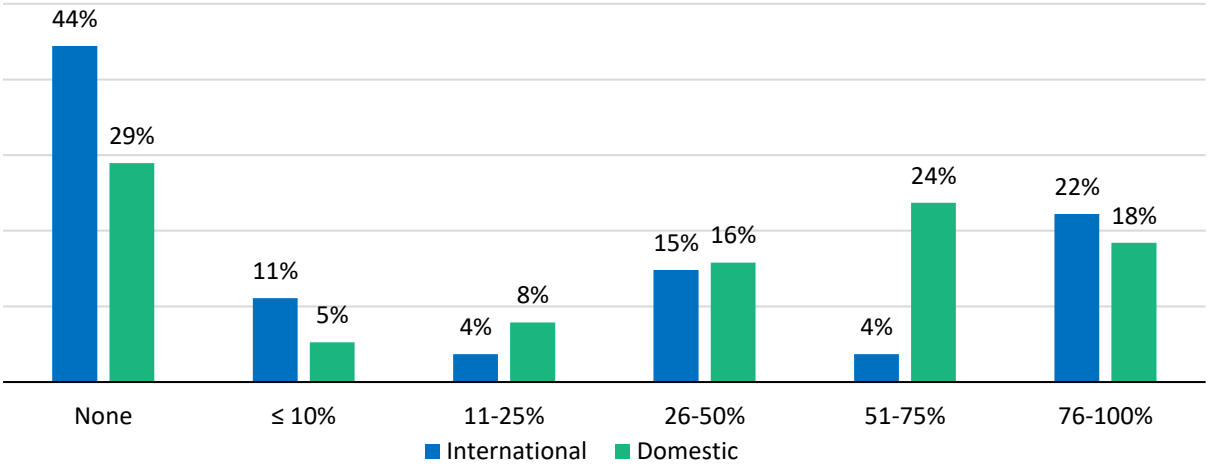
In international arbitrations, about one-third of appointments were made by arbitral institutions, about 30% by one of the parties, and just over 20% by co-arbitrators, but only about 12% were appointed jointly by the parties.

In domestic arbitrations, about 45% of arbitrators were appointed by one of the parties and about 30% were appointed jointly by the parties.

Institutions appointed about 15% of arbitrators and only a small percentage of arbitrators were appointed by a court or by the co-arbitrators.

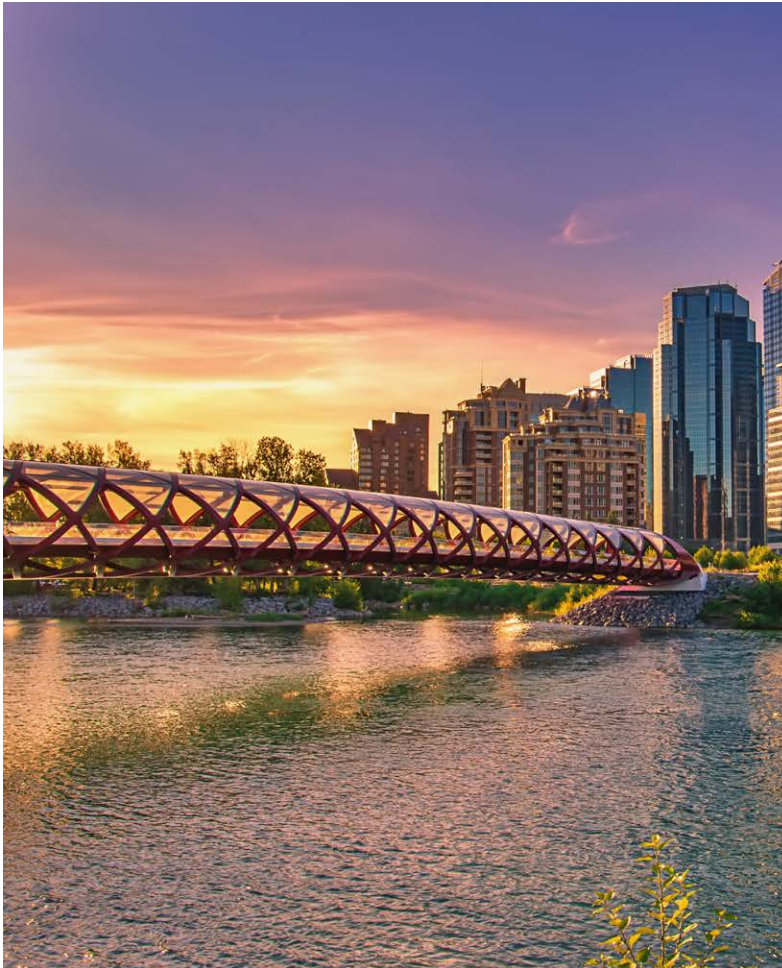
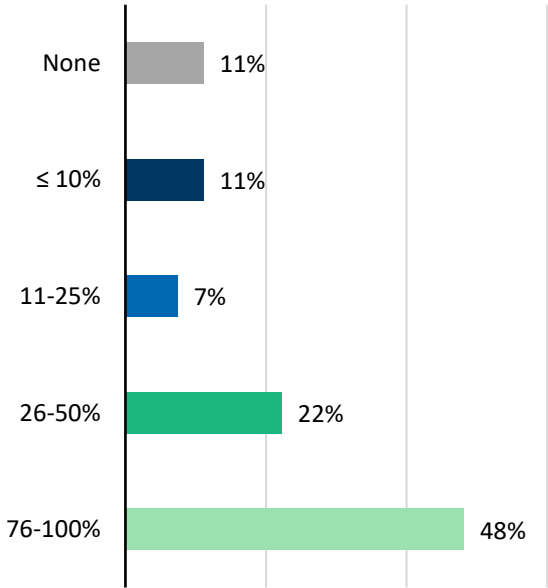
Respondents to the Counsel Survey reported involvement in the selection of at least one arbitrator in about 75% of domestic and international cases. When this occurred, a former judge was recommended in a majority of both domestic and international cases.

Fig. 27: Counsel Survey – Of the arbitration cases in which you participated in the selection/choice of one or more of the arbitrators, what percentage did you recommend a former judge?



In international cases, almost one-half of counsel surveyed recommended a Canadian arbitrator over 50% of the time.

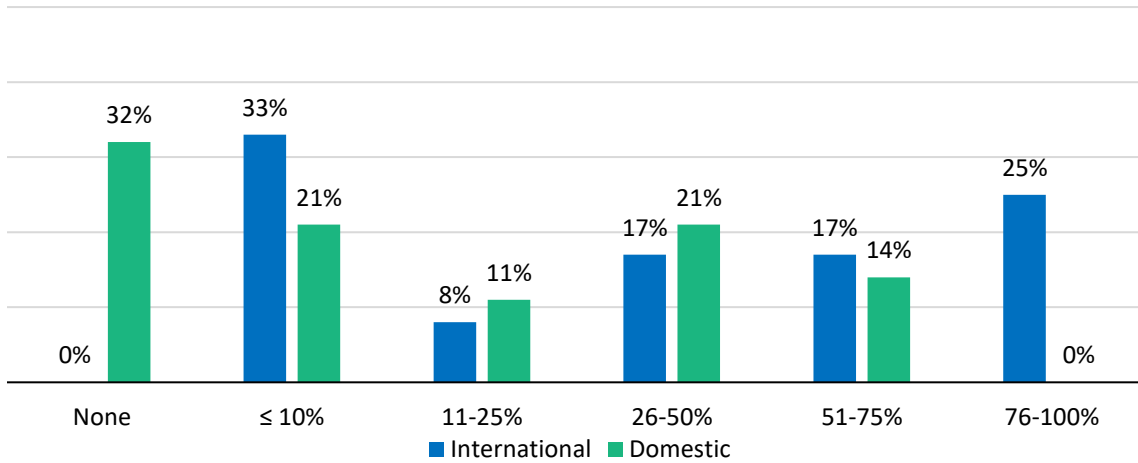
Fig. 28: Counsel Survey – Of the international arbitration cases in which you participated in the selection/choice of one or more of the arbitrators, what percentage of the cases did you recommend a Canadian to be an arbitrator?



Size of Tribunals

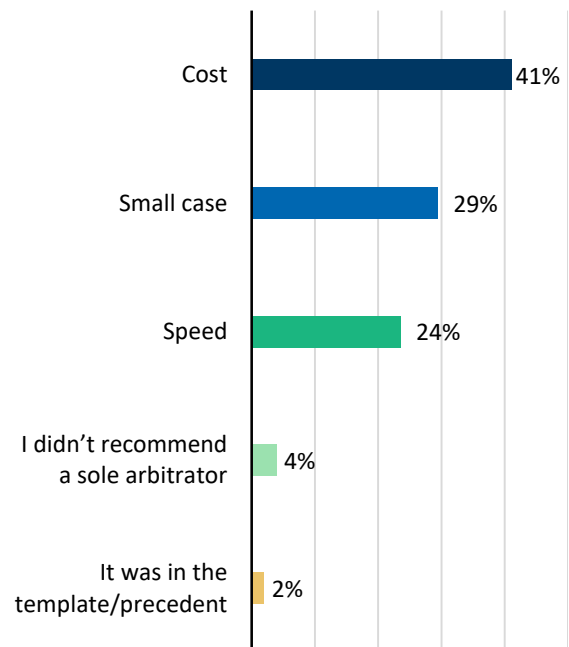
For international contracts, counsel recommended a three-person tribunal at least once, but 32% never recommended a three-person tribunal for a domestic commercial arbitration contract.

Fig. 29: Counsel Survey – Over the 3-year period from 2020 to 2022, in what percentage of the contracts in which an arbitration clause was included, was a tribunal of 3 arbitrators recommended?



When counsel recommended a sole arbitrator for arbitration agreements in international contracts, the most important reason for doing so was cost, followed by speed and the size of the case.

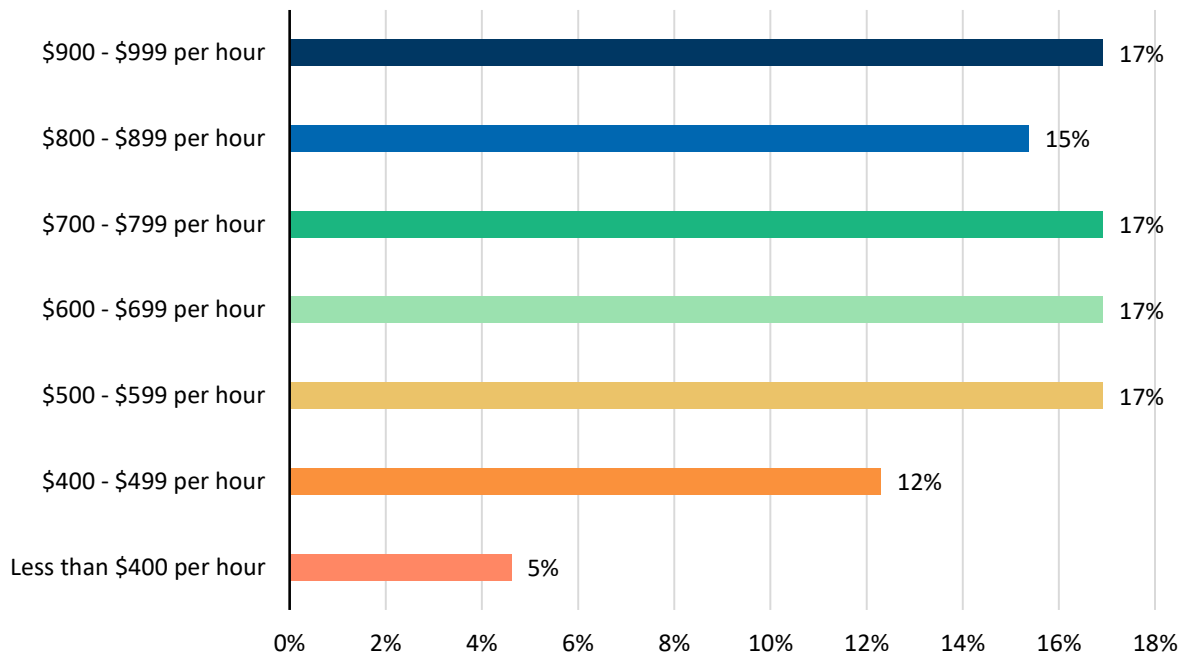
Fig. 30: Counsel Survey – If you recommended a sole arbitrator in an international arbitration agreement, what were your reasons?



Arbitrator Hourly Rates

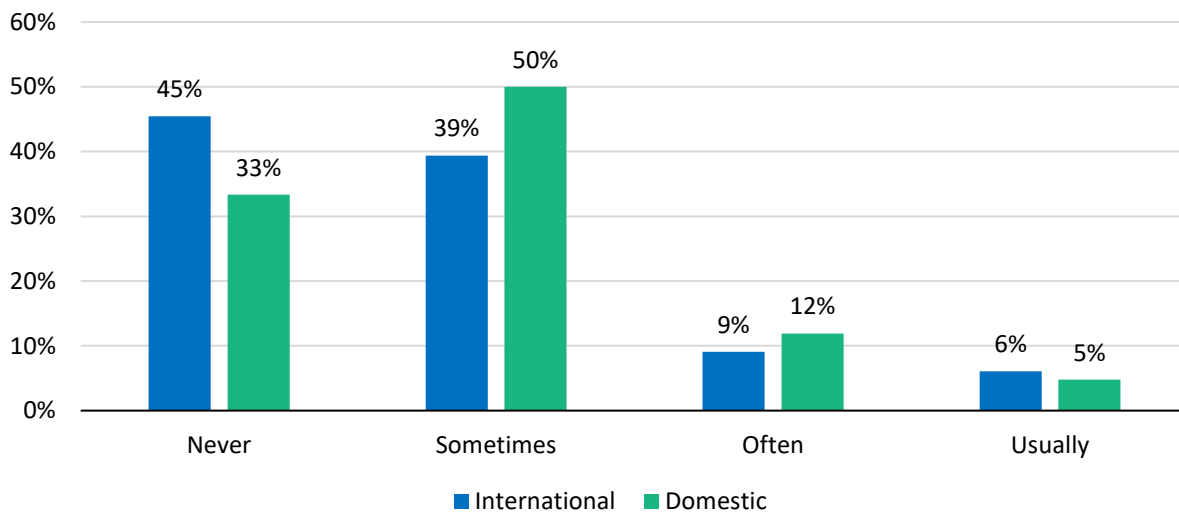
The hourly rates for arbitrators were evenly spread among those who charged from C\$500 up to C\$999 per hour.

Fig. 31: Arbitrator Survey – In your hourly rate arbitrations as arbitrator, what is your typical current hourly rate when not capped by an institution?



Many counsel reported that arbitrators' hourly rates sometimes affect their choice of arbitrator in both international and domestic cases, but the rate did not affect their choice in 45% of international cases and in 33% of domestic cases. Very few counsel reported that the arbitrators' hourly rates often or usually affect their choice.

Fig. 32: Counsel Survey – If the arbitrators were to be remunerated on an hourly-rate basis, how often did the arbitrators' rate affect your choice of arbitrator?





5. Arbitration Agreements

In this section we look at counsel’s opportunities to advise on dispute resolution clauses and the extent to which they recommend arbitration. We also consider the degree of acceptance of their recommendations and the reasons why parties sometimes do not choose arbitration. We see that, in choosing arbitration, they often include other forms of dispute resolution.

We examine counsel’s recommendations for arbitral seats: how often they recommend a seat, and when they do, whether they have a preferred seat in Canada. We find out why their clients prefer one Canadian city or another. We also look at the occasions in which they recommend seats outside of Canada and their reasons for doing so.

Turning to the arbitral process, we look at the balance between institutional and ad hoc arbitration, which institutions are most prevalent, and the reasons for choosing ad hoc arbitration.



During the survey period, many arbitration counsel were asked five or fewer times each year by a commercial lawyer in their firm for advice on dispute resolution clauses, but roughly one-quarter were asked 6-10 or more times.

When asked for assistance or advice, they recommended arbitration clauses in a majority of instances, whether the contract was international or domestic.

Fig. 33: Counsel Survey – How often each year since January 2020 did a commercial lawyer in your firm ask your advice on dispute resolution clauses?

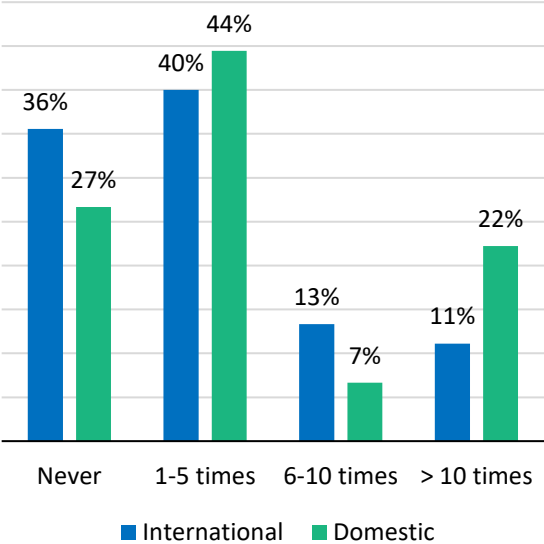
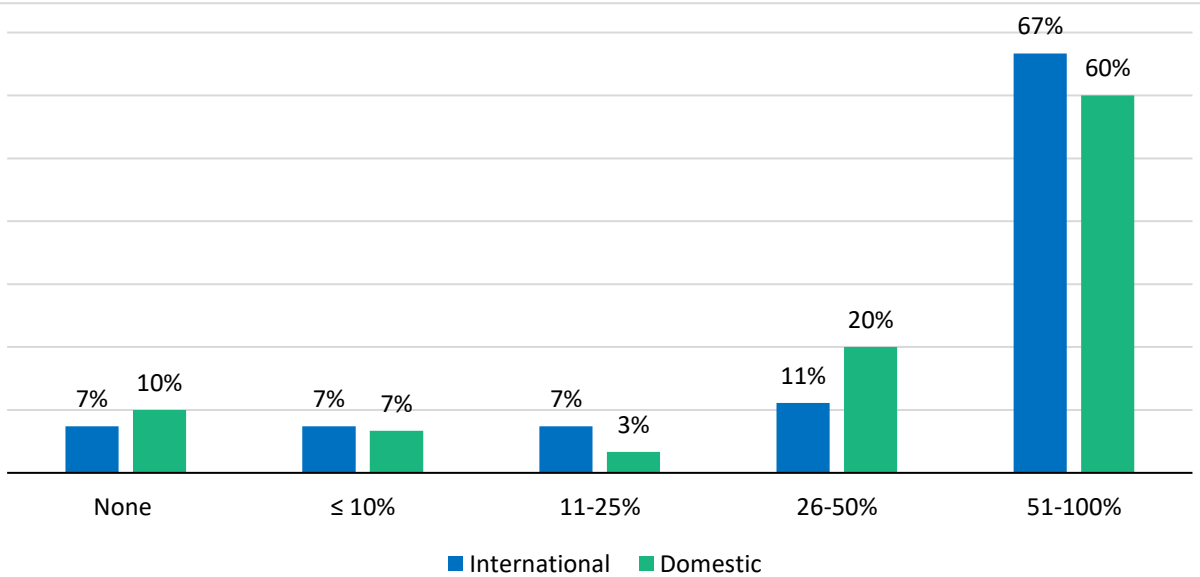
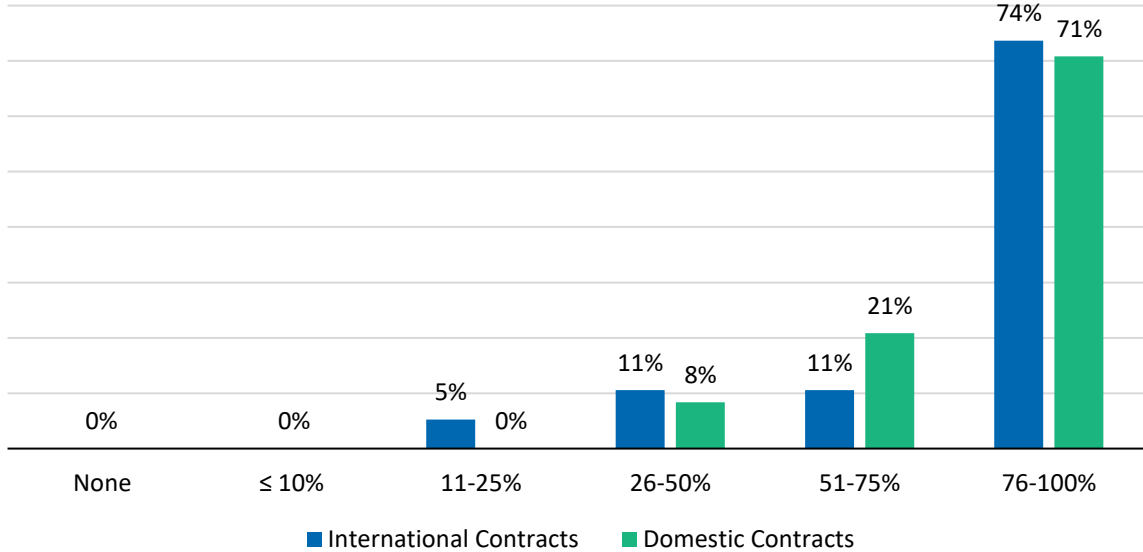


Fig. 34: Counsel Survey – In what percentage of contracts in which you were consulted to assist with or advise on drafting the dispute resolution clause in a commercial contract, was an arbitration clause recommended to the firm’s client?



When counsel recommended including an arbitration clause, an arbitration clause was included in the contract approximately three-quarters of the time.

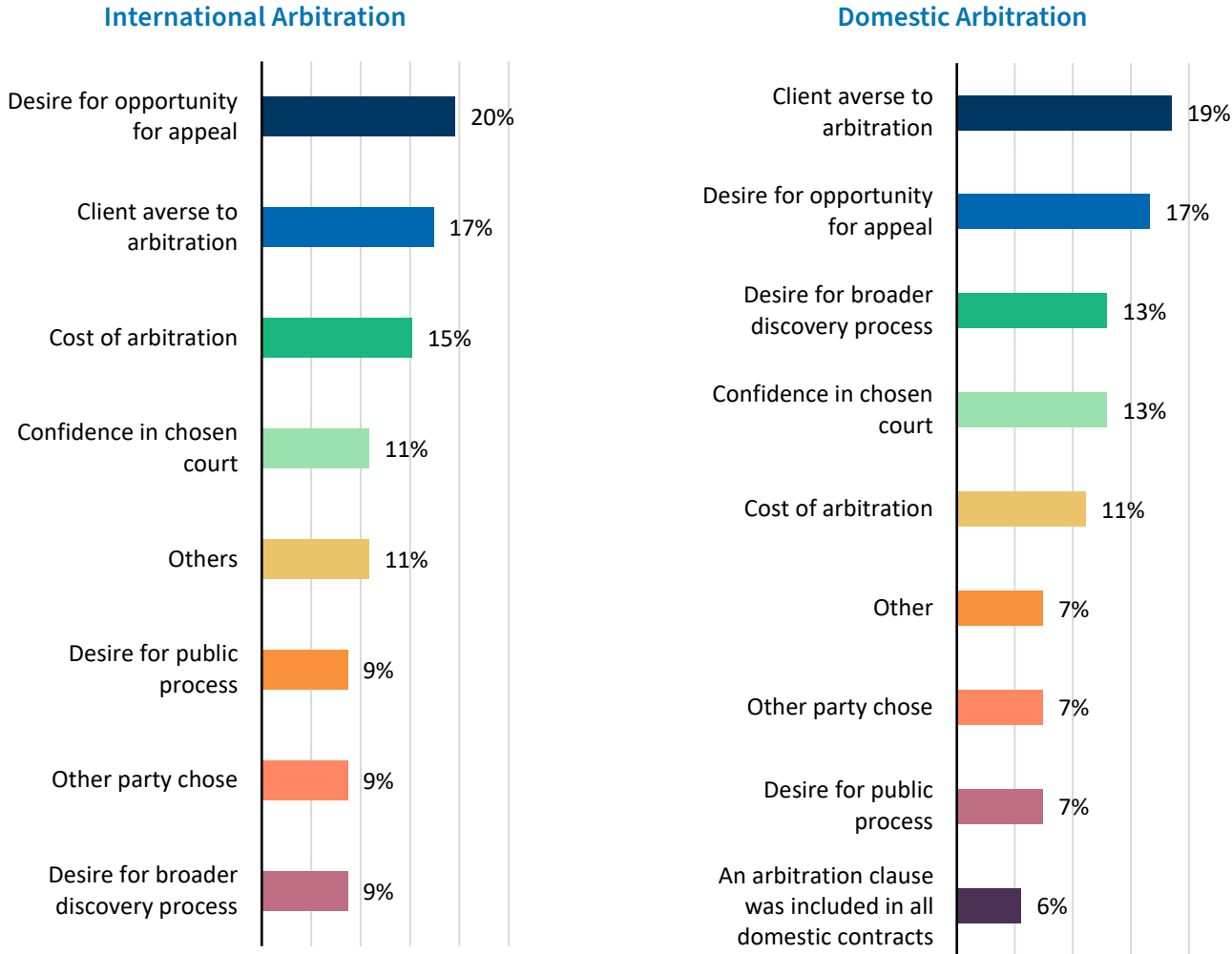
Fig. 35: Counsel Survey – Over the 3-year period from 2020 to 2022, in what percentage of contracts for which an arbitration clause was recommended to the firm’s client was an arbitration clause in fact included in the contract?





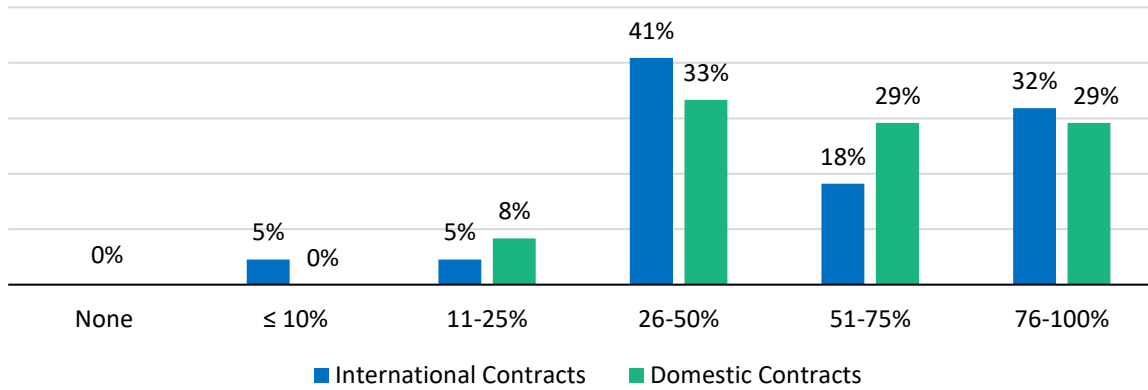
When arbitration was not chosen (in both international and domestic), the reasons varied considerably with no reason prevailing significantly over others. However, the desire for the opportunity to appeal the result, as well as the client being averse to arbitration, were the two most common reasons. The next most common reasons were a concern about the cost of arbitration, confidence in the chosen court and desire for a broader discovery process.

Fig. 36: Counsel Survey – Of the contracts in which an arbitration clause was not included in the contract, what were the main reasons for the decision?



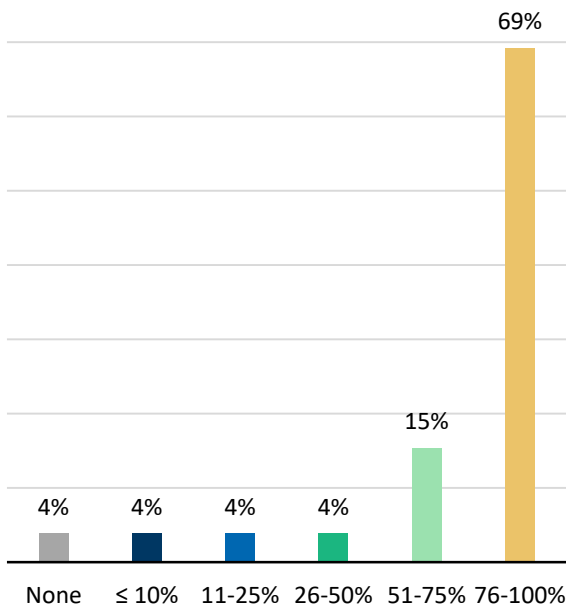
Most of the time, when an arbitration clause was included in a contract, other forms of dispute resolution, such as negotiation and/or mediation, were also included as part of the dispute resolution process.

Fig. 37: Counsel Survey – Over the 3-year period from 2020 to 2022, in what percentage of the contracts in which an arbitration clause was in fact included in the contract, were other (non-adjudicative) forms of dispute resolution (e.g., negotiation and/or mediation) also recommended as part of the dispute resolution process?



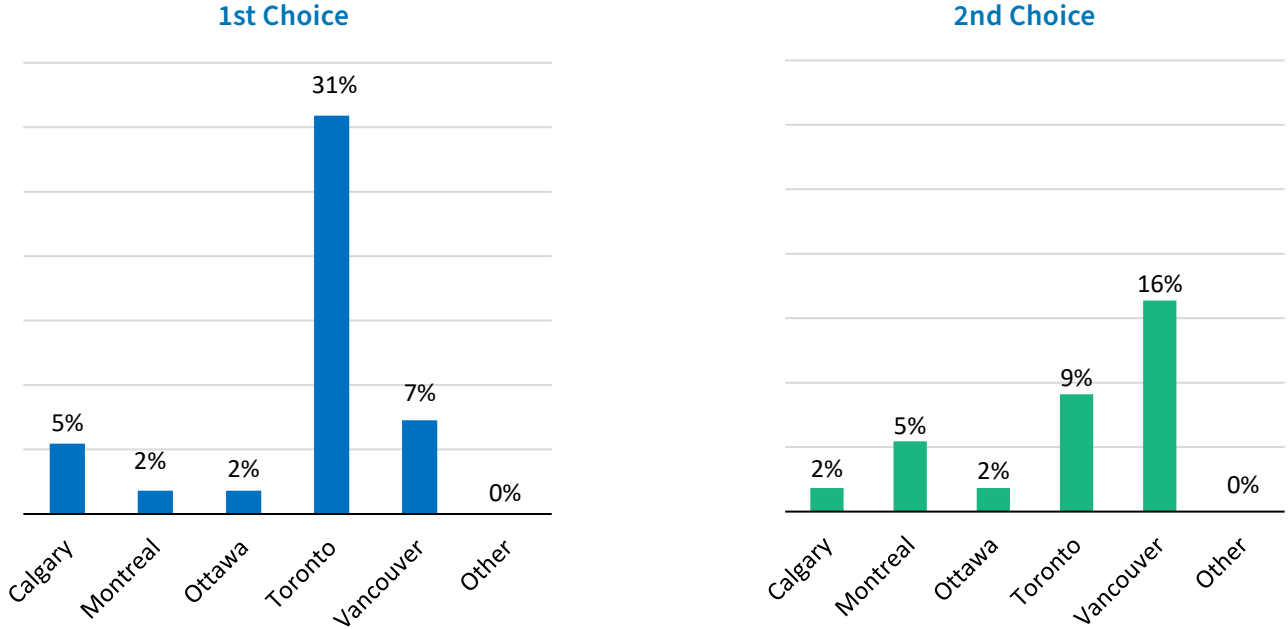
84% of counsel respondents recommended the seat for the arbitration in international agreements most of the time.

Fig. 38: Counsel Survey – Over the 3-year period from 2020 to 2022, in what percentage of the international contracts in which an arbitration clause was in fact included in the contract, did you recommend a seat?



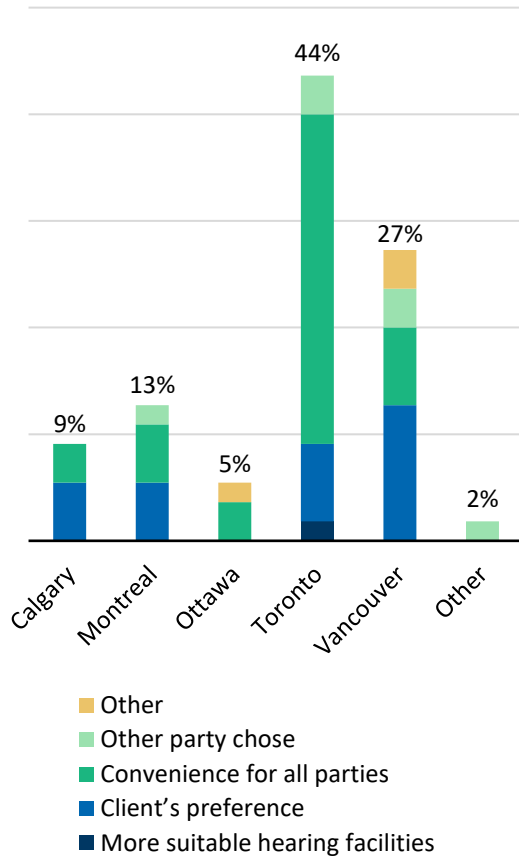
Where counsel respondents recommend a Canadian city as the seat in an arbitration agreement, they most often recommend Toronto, with Vancouver being the second most often recommended.

Fig. 39: Counsel Survey – If you recommended a seat in Canada, which city did you most commonly recommend?



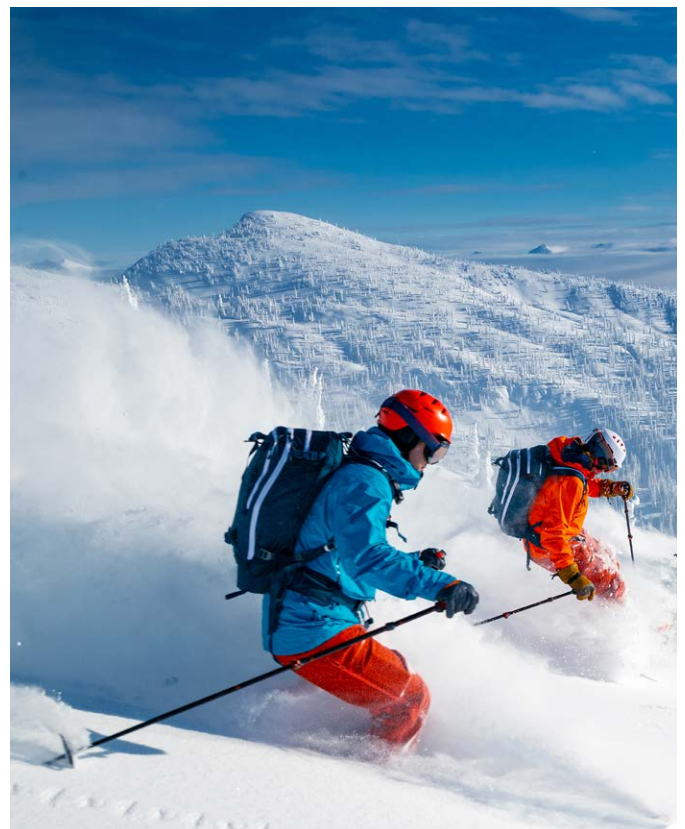
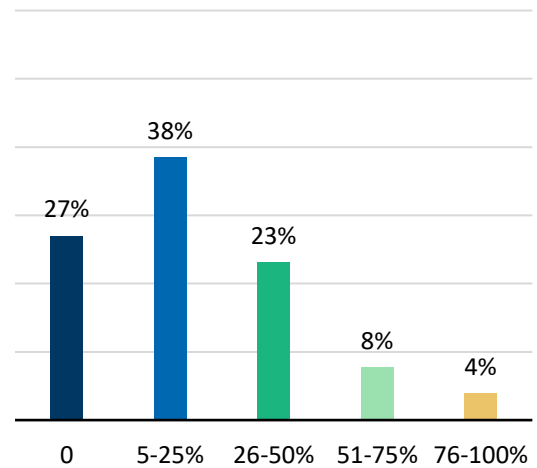
The most important reasons overall for the choice of the seat were the parties' convenience and the clients' preference. When Vancouver and Calgary were recommended, client preference was the most common reason. When Toronto and Ottawa were recommended, the most common reason was convenience for all parties.

Fig. 40: Counsel Survey – What was the most important reason for recommending each city?



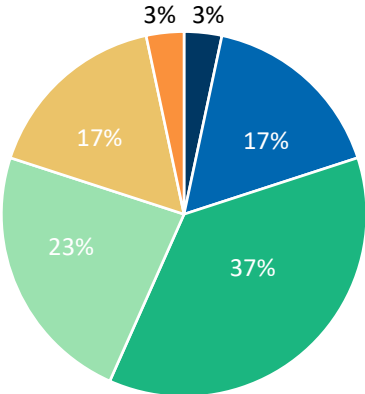
When an arbitration clause was included in an international contract, 12% of counsel recommended a seat outside of Canada more than half the time, but 27% never did so.

Fig. 41: Counsel Survey – Over the 3-year period from 2020 to 2022, in what percentage of the international contracts in which an arbitration clause was included in the contract and you recommended a seat, was the seat outside of Canada?



Where counsel recommended a seat outside of Canada, the most common reason was that the parties were based outside of Canada, making the foreign seat more convenient for hearings. Other reasons included that the arbitral institution was “based” in that place, the client preferred hearings in that place, and the other party made the choice.

Fig. 42: Counsel Survey – What were the reasons you recommended a seat that was not in Canada?

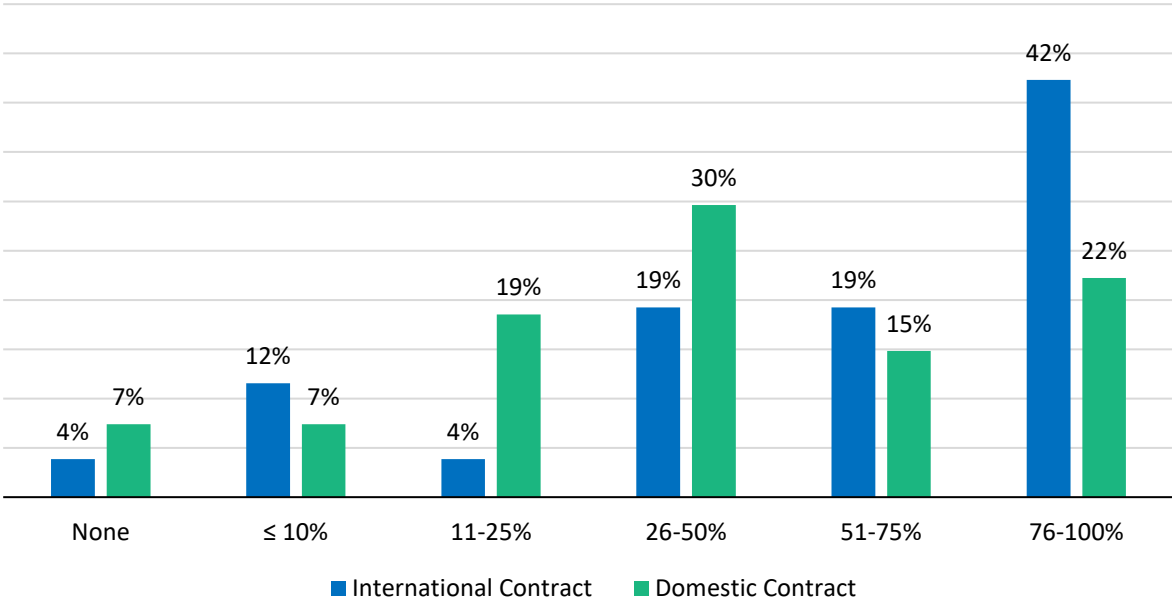


- Law of chosen seat had one or more advantages over Canadian seats
- Client had preference for arbitration hearings in (and travel to) that seat
- Multiple parties outside Canada so chosen seat more convenient overall for hearings
- Institution used “based” in that seat
- Other party chose
- Other



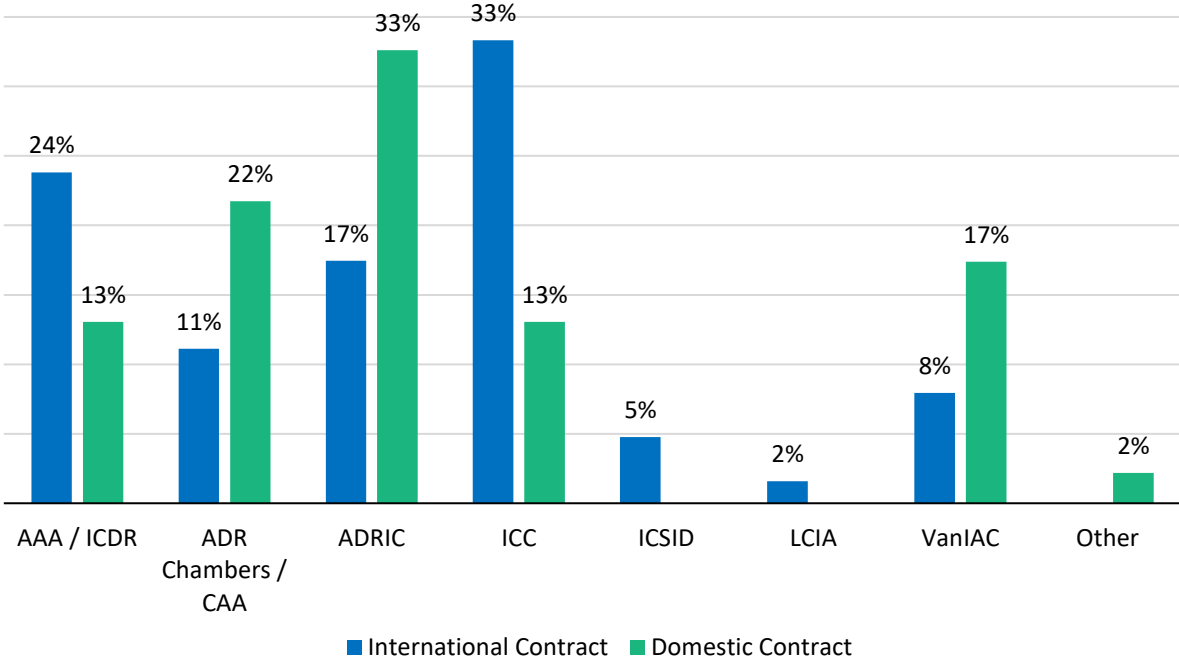
For international contracts, 61% of parties chose to have the arbitration administered by an institution more than one-half of the time. For domestic contracts, 63% of parties chose ad hoc arbitration more than one-half of the time.

Fig. 43: Counsel Survey – Over the 3-year period from 2020 to 2022, in what percentage of the international and domestic contracts in which an arbitration clause was in fact included in the contract, was an institution chosen to administer the arbitration?



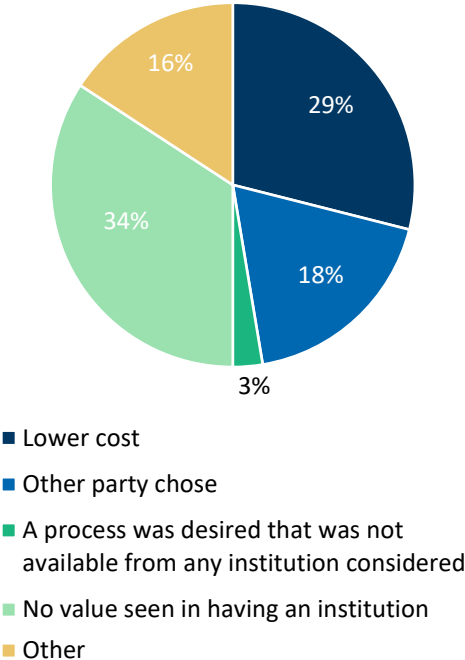
The most common choice for an institution in international contracts was the ICC, followed by ADRIC and AAA/ICDR. The most common choice for an institution in domestic contracts was ADRIC, followed by ADR Chambers and VanIAC.

Fig. 44: Counsel Survey – Of the arbitration contracts in which an institution was chosen to administer the arbitration, which institutions administered most cases?



The most common reasons for parties choosing ad hoc arbitration for domestic contracts was the perceived lack of value from institutional administration and the lower cost of ad hoc arbitrations. Another notable reason was that the other party made the decision.

Fig. 45: Counsel Survey – In those instances where ad hoc arbitration was chosen, what were the reasons?



6. Profile of Disputes

In this section, we learn about the cases in which Canadian-based arbitrators serve. We see the contrast between the increasing volume of cases involving administered three-member tribunals and those involving ad hoc sole arbitrator matters; and we see that the experts' mandates are also very much on the rise. We note the wide range of amounts in dispute, with concentrations in the C\$20-100 million range in international cases and smaller amounts in domestic cases. We also see the regularity with which Canadian-based experts are retained in larger domestic matters.

Turning to the connections between the cases and Canada, we see that despite the wide range of connections, many Canadian-based arbitrators are regularly chosen in cases that have no connection to Canada. We also see the extent to which Canadian-based counsel are chosen by Canadian parties to

represent them in matters internationally. Finally, we see that many Canadian-based experts in international matters are retained by Canadian parties and, like Canadian-based arbitrators, many are retained by parties internationally to assist in cases with no connection to Canada.

We also look at the co-counsel practices of Canadian-based counsel with international firms and their cases with firms from other countries as opposing counsel, and at the practices of Canadian-based experts working with colleagues in other countries.

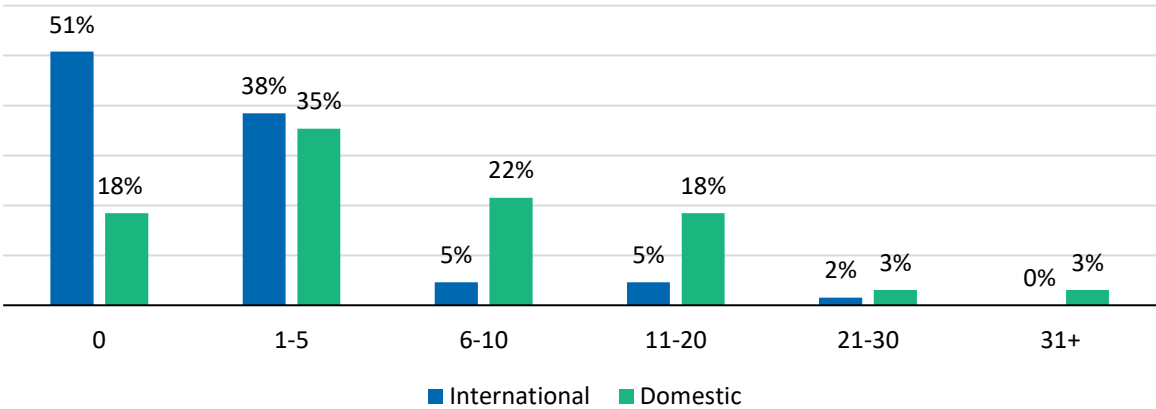
Finally, we see the wide variety of types of disputes in which Canadian-based arbitration practitioners are involved, with the most common being construction and infrastructure, and corporate and shareholder disputes, which appears consistent with global trends.

Number of Cases in Which Survey Respondents Were Involved

Arbitrators

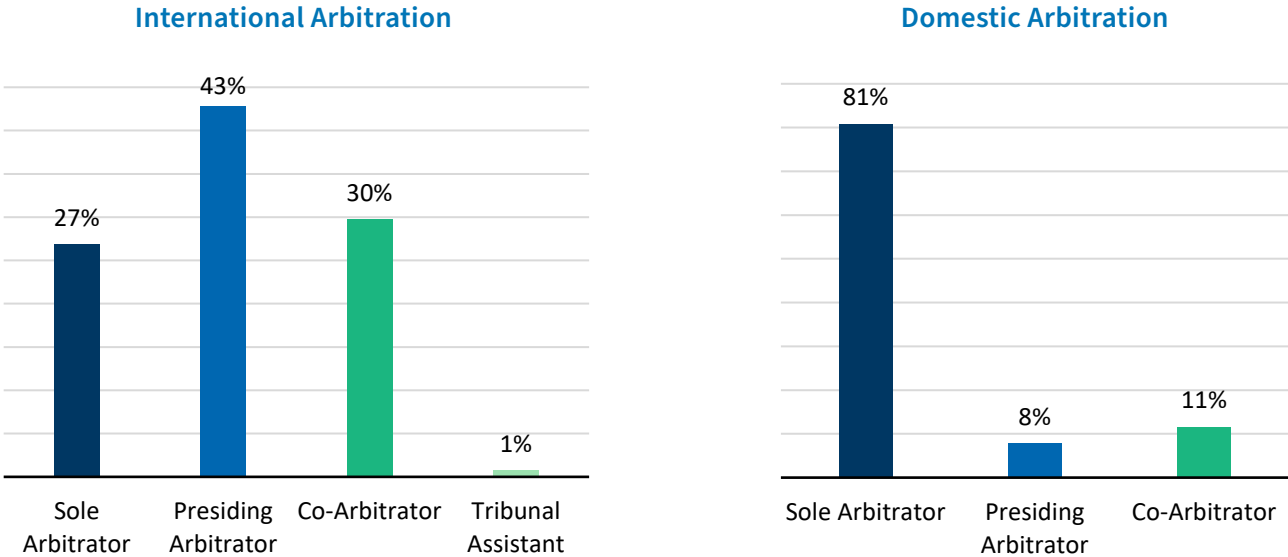
In aggregate, the arbitrators who responded to the Survey, reported serving on a total of 138 international arbitrations and 463 domestic arbitrations in the three-year survey period, but some may have served with others in the same arbitration, reducing the total number of arbitrations that occurred. However, they also reported that a substantial proportion of appointments to be as sole arbitrator. The Survey's objective was to capture the experience of arbitrators based in Canada over the three-year period, not the total number of arbitrations that took place. More than one-half of the arbitrators served only in domestic cases, and 18% of them served only in international cases. Of those who served in international cases, only 12% reported serving in six or more cases.

Fig. 46: Arbitrator Survey – Over the 3-year period from 2020 to 2022, in how many arbitration cases have you been an arbitrator?



In international arbitrations, 27% of appointments were as sole arbitrator and 43% as presiding arbitrator, in combination likely reflecting, in part, the role of institutions in appointing arbitrators. In domestic arbitrations, 81% of appointments were as sole arbitrator.

Fig. 47: Arbitrator Survey – Of the arbitration cases in which you have been an arbitrator, in how many have you served in the following roles?



Counsel

In aggregate, all counsel who responded to the Survey were involved in a total of 122 international arbitrations and 266 domestic arbitrations in the three-year survey period, but some may have worked together with others in the same arbitration, reducing the total number of arbitrations that occurred. The Survey’s objective was to capture the experience of counsel based in Canada over the three-year period, not the total number of arbitrations that took place. Over the period, 48% of counsel had an increase in arbitration related work and only 11% saw a decrease. 43% of them had an increase in the number of international cases in which they served, and 24% had a decrease.

Noting the pandemic disruption during two of the three years, this represents an upward trend in cases. In fact, a small number of counsel had a significant increase in their cases.

Fig. 48: Counsel Survey – Over the 3-year period from 2020 to 2022, how many international arbitration cases have you been involved in?

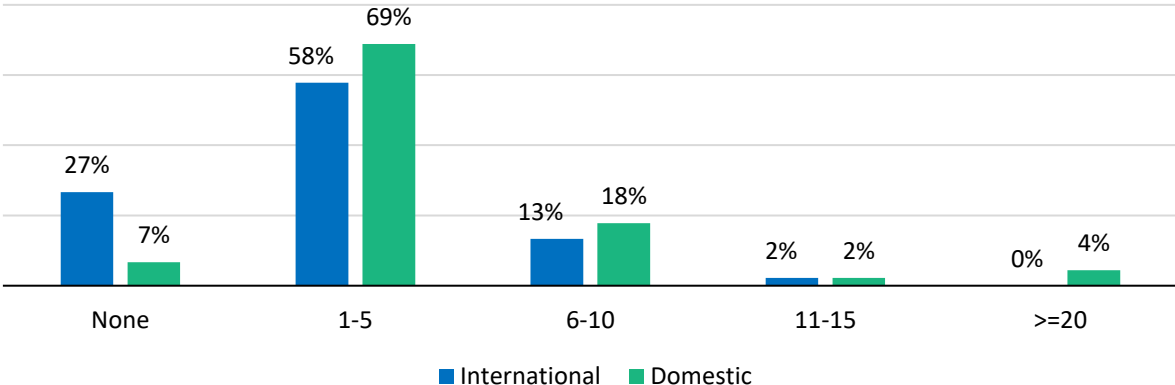
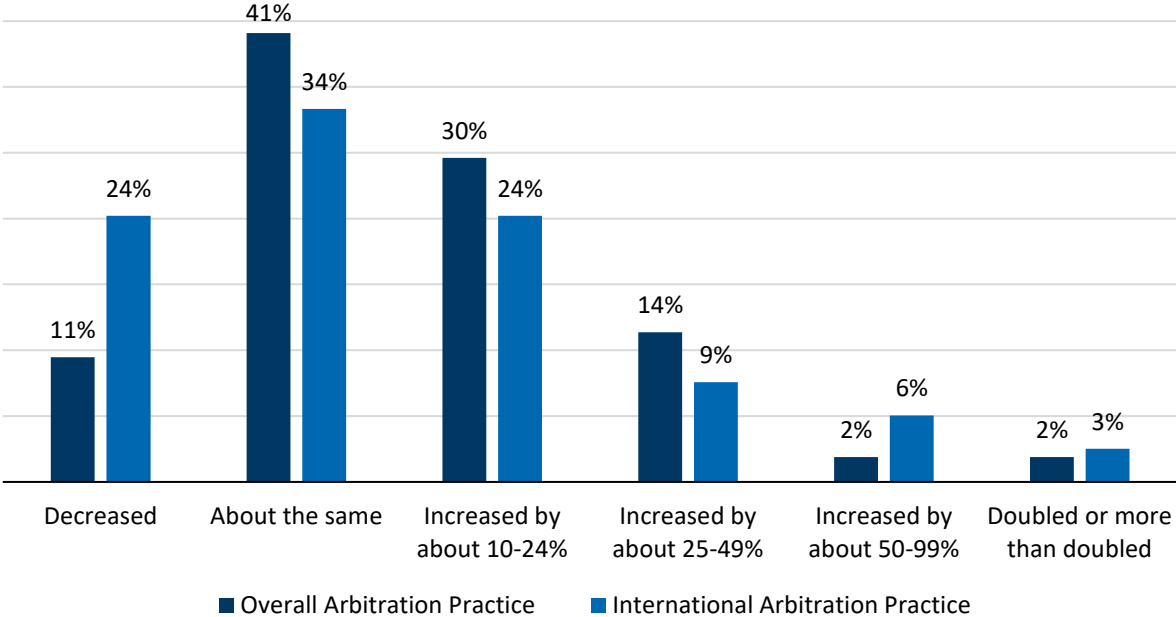


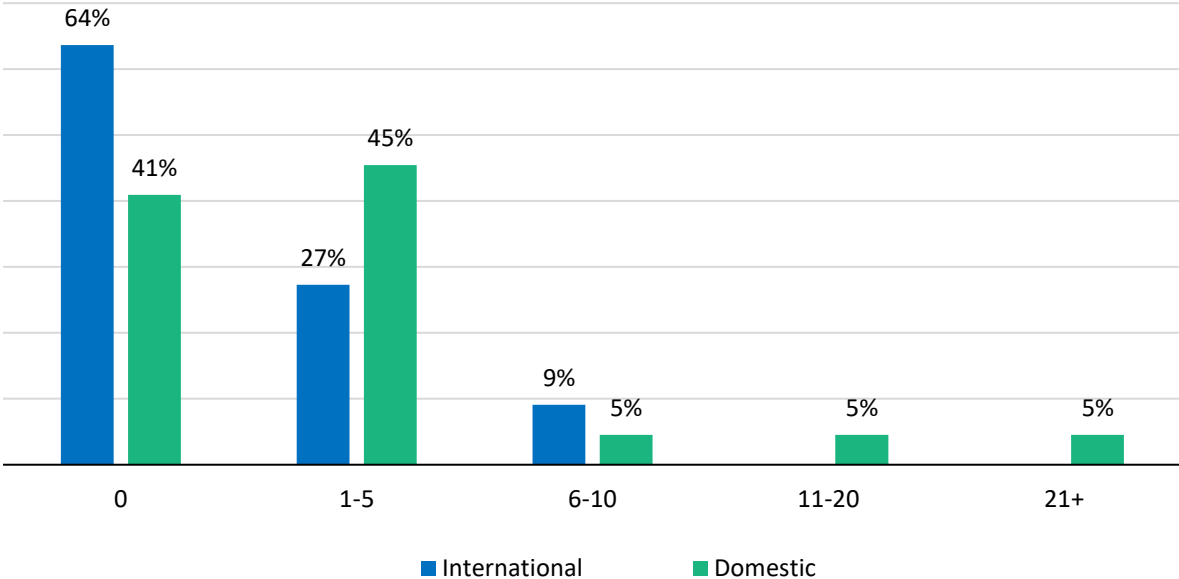
Fig. 49: Counsel Survey – To what extent has the number of commercial arbitration cases in which you are involved changed over the 3-year period since January 2020?



Experts

In aggregate, all experts who responded to the Survey were involved in a total of 22 international arbitrations and 67 domestic arbitrations in the three-year survey period, but some experts may have worked on the same arbitration, reducing the total number of arbitrations that occurred. The Survey’s objective was to capture the experience of experts based in Canada over the three-year period, not the total number of arbitrations that took place.

Fig. 50: Expert Survey – Over the 3-year period from 2020 to 2022, in how many arbitration cases have you been appointed as an Expert Witness?

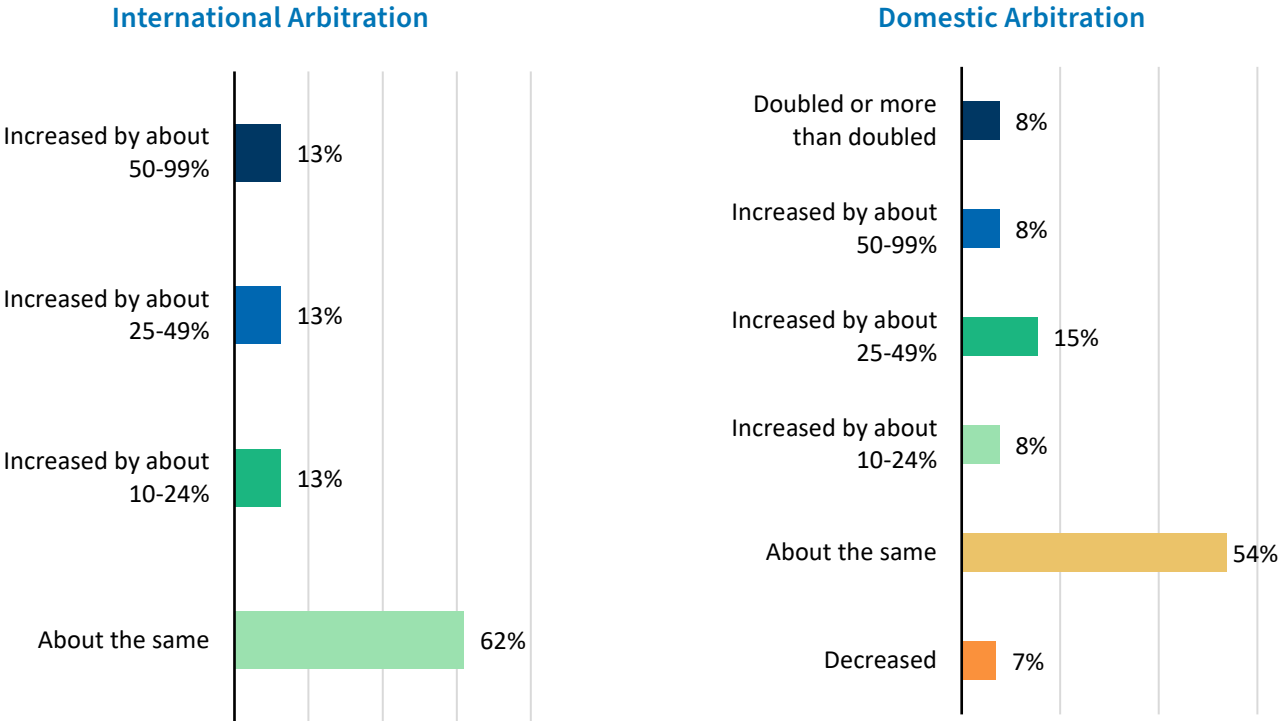


Many experts reported that the number of appointments they received remained steady over the 3-year survey period in international cases (62%) and domestic cases (54%).

However, a sizable minority of them had an increase in their appointments (38%/39%), and for some, that increase was significant. None had a decrease in their international cases and only 7% had a decrease in their domestic arbitrations.



Fig. 51: Expert Survey – To what extent has the number of international/domestic commercial arbitrations in which you were appointed as an Expert Witness changed over the 3-year period since January 2020?





Amounts in Dispute

Across all three Surveys, there was a wide variation in the value of respondents’ international arbitrations with the largest number of cases valued in the C\$20-\$100 million range.

Canadian-based counsel had an even larger proportion of international cases (28%) worth more than C\$100 million than Canadian-based arbitrators (15%).

Arbitrators’ domestic arbitrations ranged from less than C\$100,000 to over C\$100 million. The majority of arbitrators and counsel reported that most of their domestic cases were valued at less than C\$5 million.

Fig. 52: Arbitrator Survey – Of the arbitration cases in which you have been an arbitrator, how many of those have/had the following amounts (C\$) in dispute (aggregating claim(s) and any counterclaim(s))?

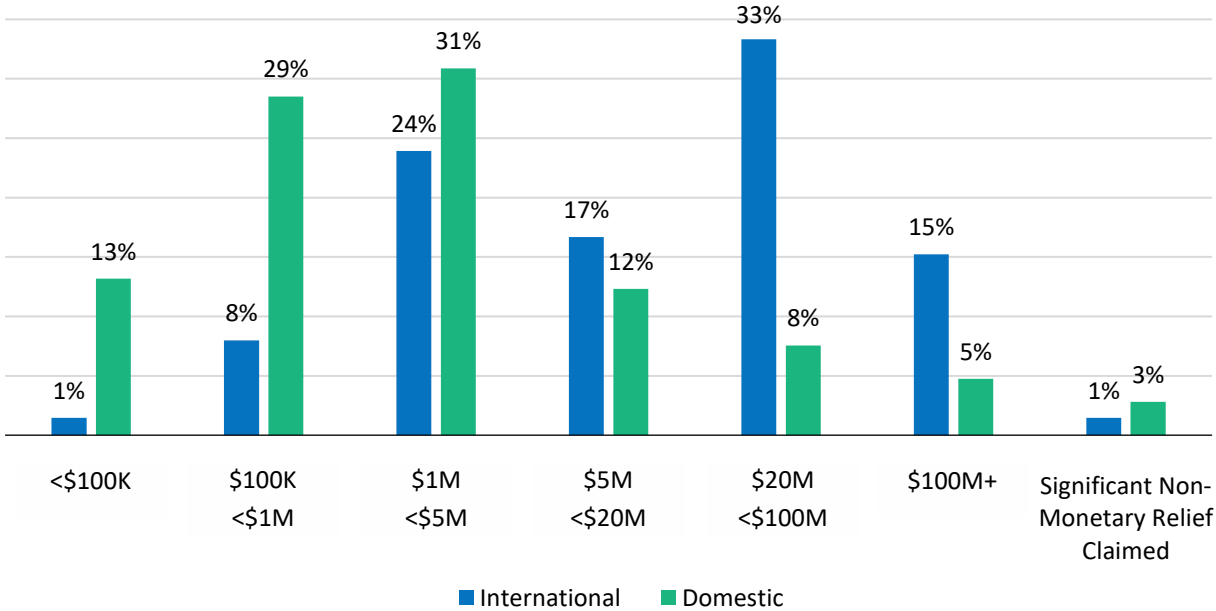
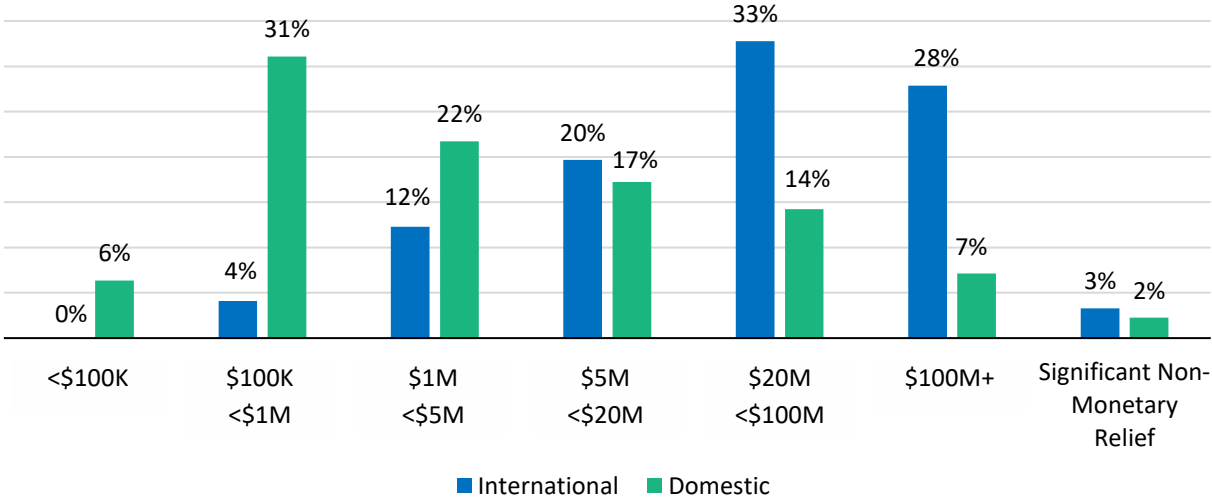
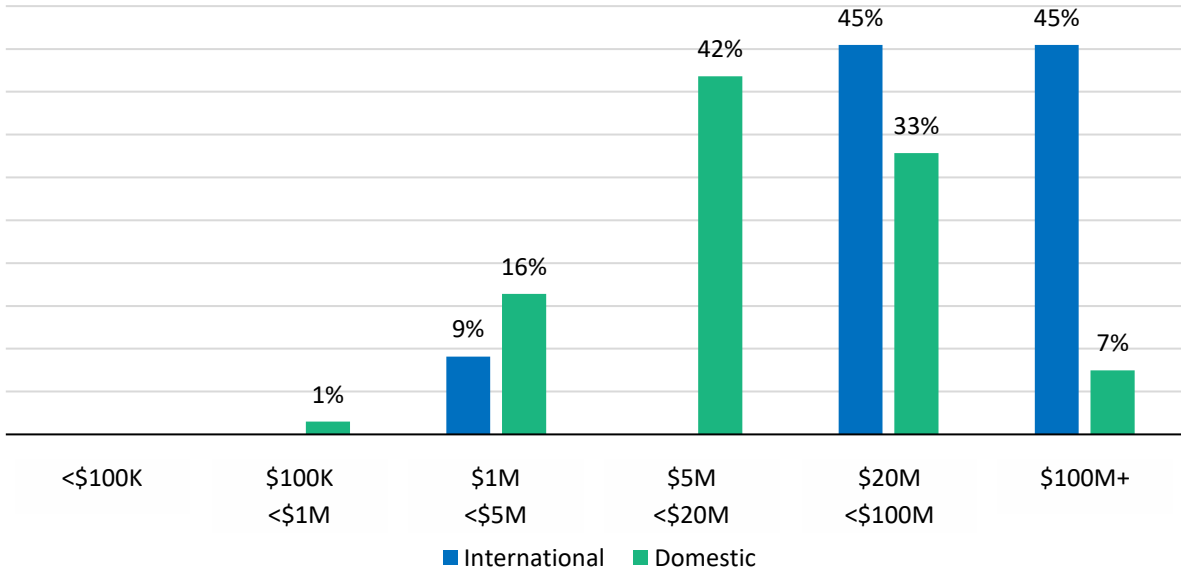


Fig. 53: Counsel Survey – Of the arbitration cases in which you were involved, how many have/had the following amounts (C\$) in dispute (aggregating claim(s) and any counterclaim(s))?



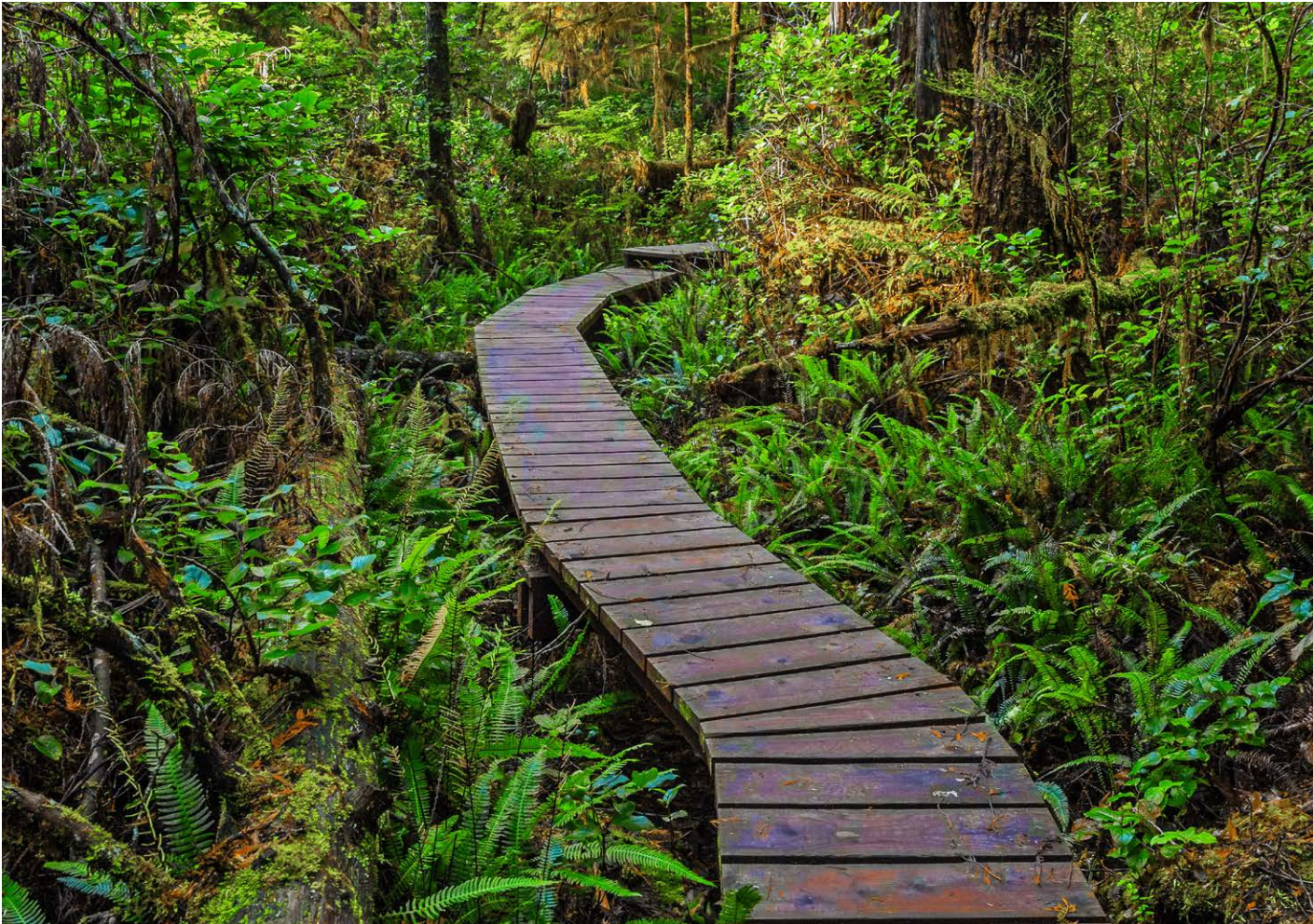
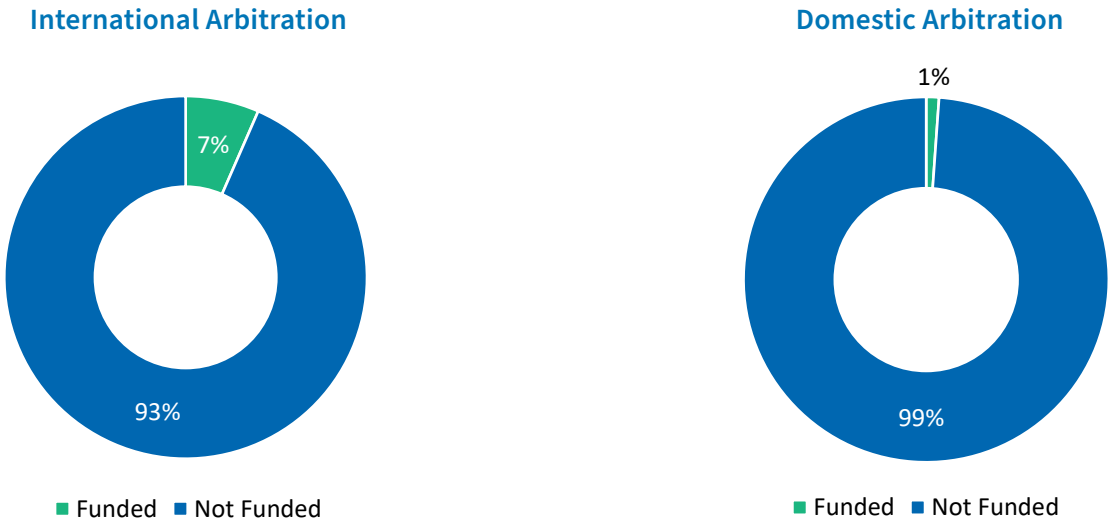
Experts reported a different trend: 90% of their international cases were valued at over C\$20 million and a majority of their domestic cases ranged from C\$5-\$100 million. This confirms that Canadian-based experts are engaged in high value matters.

Fig. 54: Expert Survey – Of the arbitration cases in which you were appointed as an Expert Witness, how many have/had the following amounts (C\$) in dispute (aggregating claim(s) and any counterclaim(s))?



Counsel reported litigation funding in 7% of their international arbitrations, and only 1% of their domestic arbitrations.

Fig. 55: Counsel Survey – Of the arbitration cases in which you were involved, to your knowledge, how many involved litigation/arbitration funding?



International Arbitration Connection with Canada

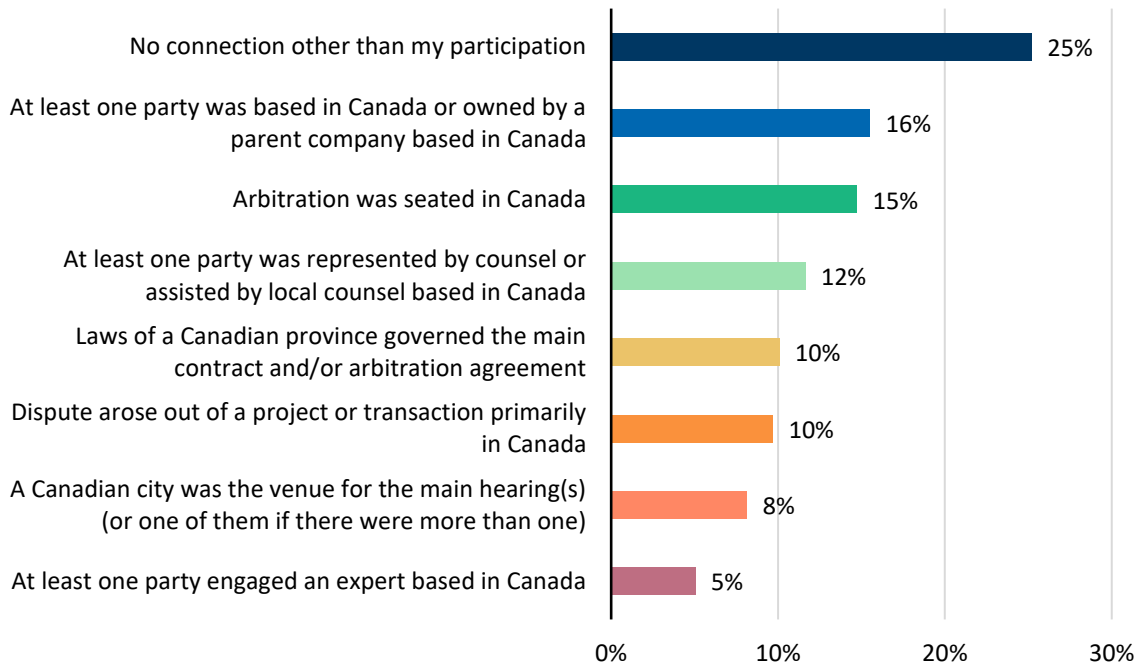
Arbitrators and counsel reported many different kinds of connections between their cases and Canada in international arbitrations.

Arbitrators

For arbitrators, the connections included Canadian counsel or experts (17%), a party or parent company in Canada (16%), an arbitral seat in Canada (15%), the application of the law of a Canadian province (10%), the case concerned a project or transaction in Canada (10%), and the hearing venue was in Canada (8%).



Fig. 56: Arbitrator Survey – Of the international arbitration cases in which you have been an arbitrator, how many had the following Canadian connection?



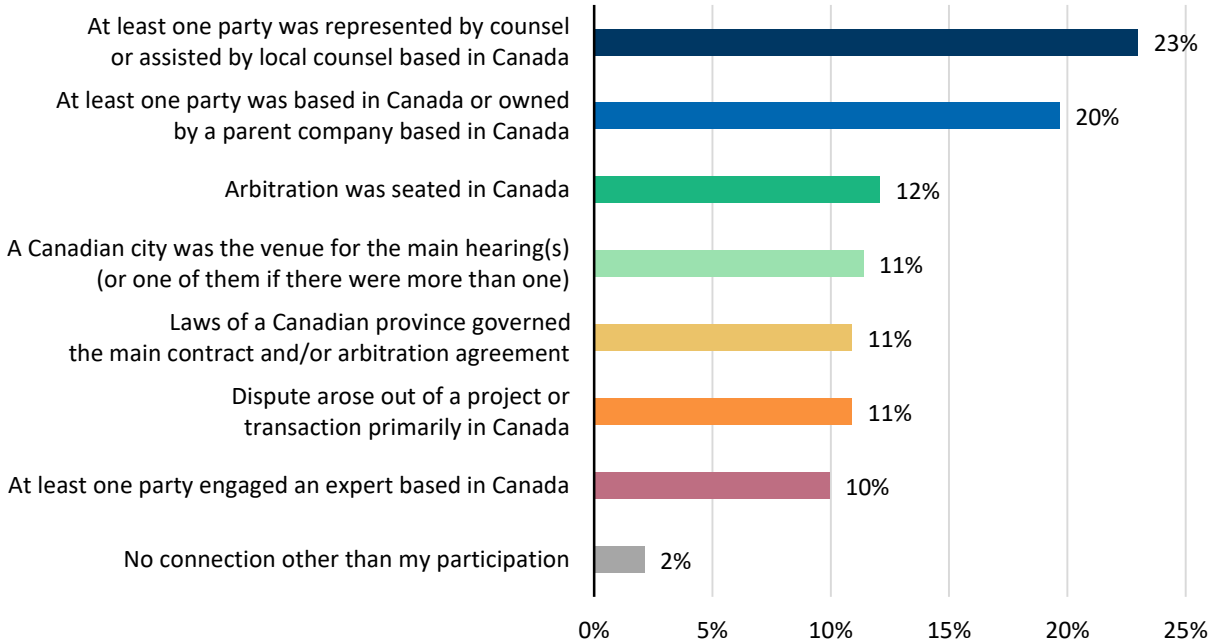


Counsel

For counsel, these connections between their cases and Canada included representation or assistance of at least one party by Canadian-based counsel (23%), the participation of at least one party based in Canada or owned by a parent company based in Canada (20%), or that the arbitral seat was in Canada (12%).

No connection with Canada – However, one-quarter of arbitrators’ cases had no connection with Canada other than their appointment. In contrast, for counsel only 2% of their cases had no connection to Canada other than their participation.

Fig. 57: Counsel Survey – Of the international arbitration cases in which you were involved, how many had the following Canadian connection?



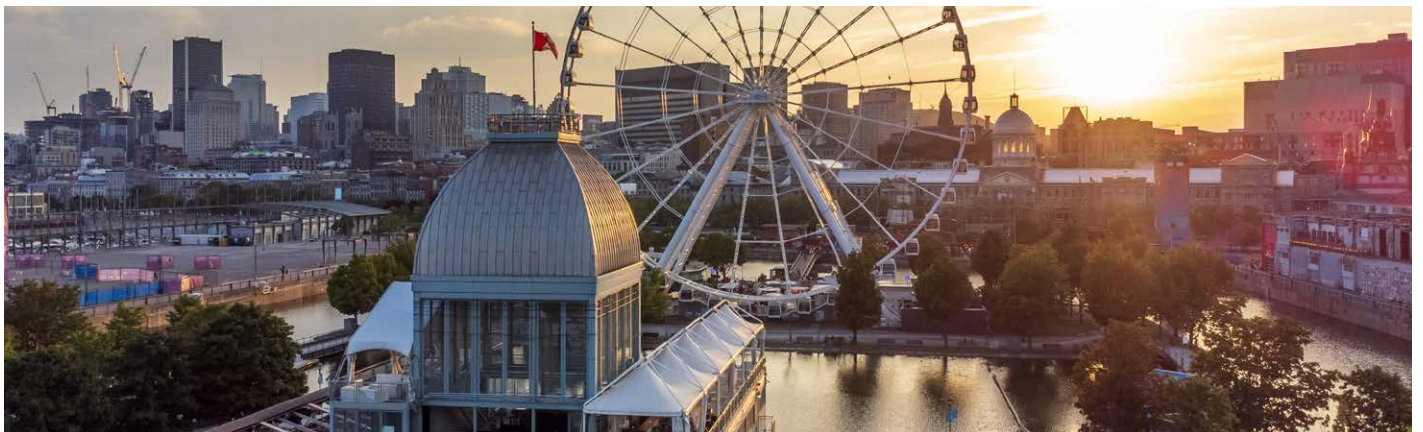
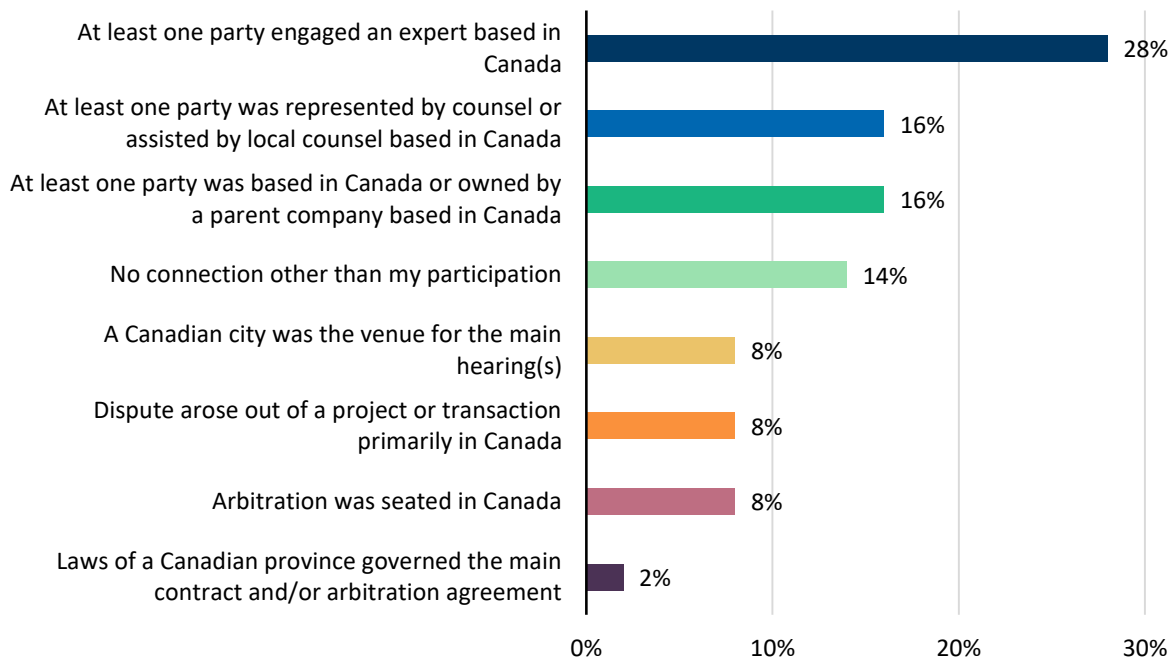
Experts

For experts, as with arbitrators, a small but significant proportion (14%) were engaged in cases with no connection to Canada other than their participation.

In the experts' remaining cases, there were a range of connections to Canada, the most common of which were that at least one party engaged an expert based in Canada (28%), at least one party was represented or assisted by counsel based in Canada (16%), and at least one party or its parent company were based in Canada (16%).



Fig. 58: Expert Survey – Of the international arbitration cases in which you were appointed as an Expert Witness, how many had the following Canadian connection?

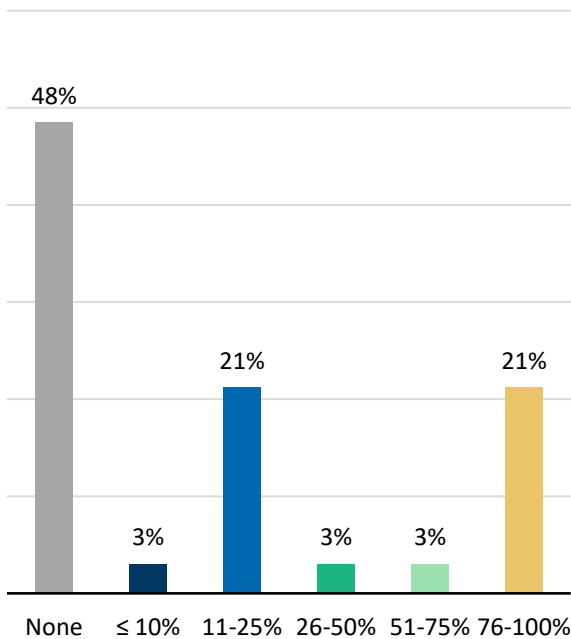




Counsel connections

About one-half of counsel worked as co-counsel on an international arbitration with another firm, or with a team from their own firm, based in another country. For those that had done so, the number of instances varied widely, with 21% doing so in 11-25% of their cases, and 21% doing so in 76-100% of their cases.

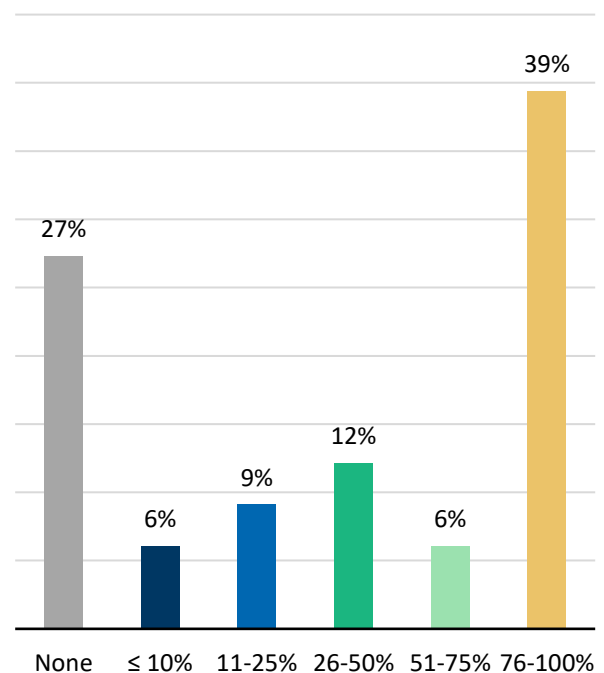
Fig. 59: Counsel Survey – Of the international arbitration cases in which you were involved, what percentage did you serve as Co-Counsel with a firm or a team from your firm based in another country?



73% of counsel had international arbitrations in which the main opposing counsel was also based in Canada. This included 39% that had at least three-quarters of their cases with main opposing counsel also based in Canada.

This means that for 27% of Canadian-based counsel, all their cases involved main opposing counsel based elsewhere.

Fig. 60: Counsel Survey – Of the international arbitrations in which you were involved, in what percentage was counsel for the main opposing party based in Canada?

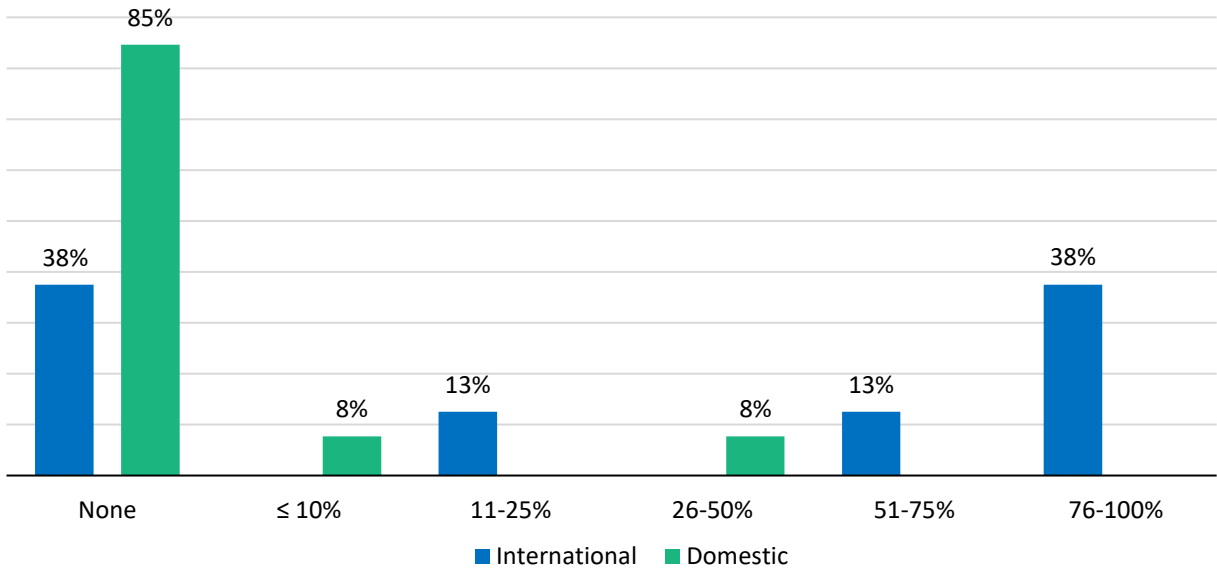


Expert connections

62% of experts' international cases and 15% of their domestic cases involved members from their firm based in another country. In international cases this included 38% who worked with members of their firm based in another country in more than three-quarters of their cases.



Fig. 61: Expert Survey – Of the arbitration cases in which you were appointed as an Expert Witness, what percentage did you serve with others from your firm based in another country?



Types of Cases

Arbitrators and counsel ranked the occurrences of specific types of disputes on a 1-5 scale, with 1 being the most common and 5 being the least common.

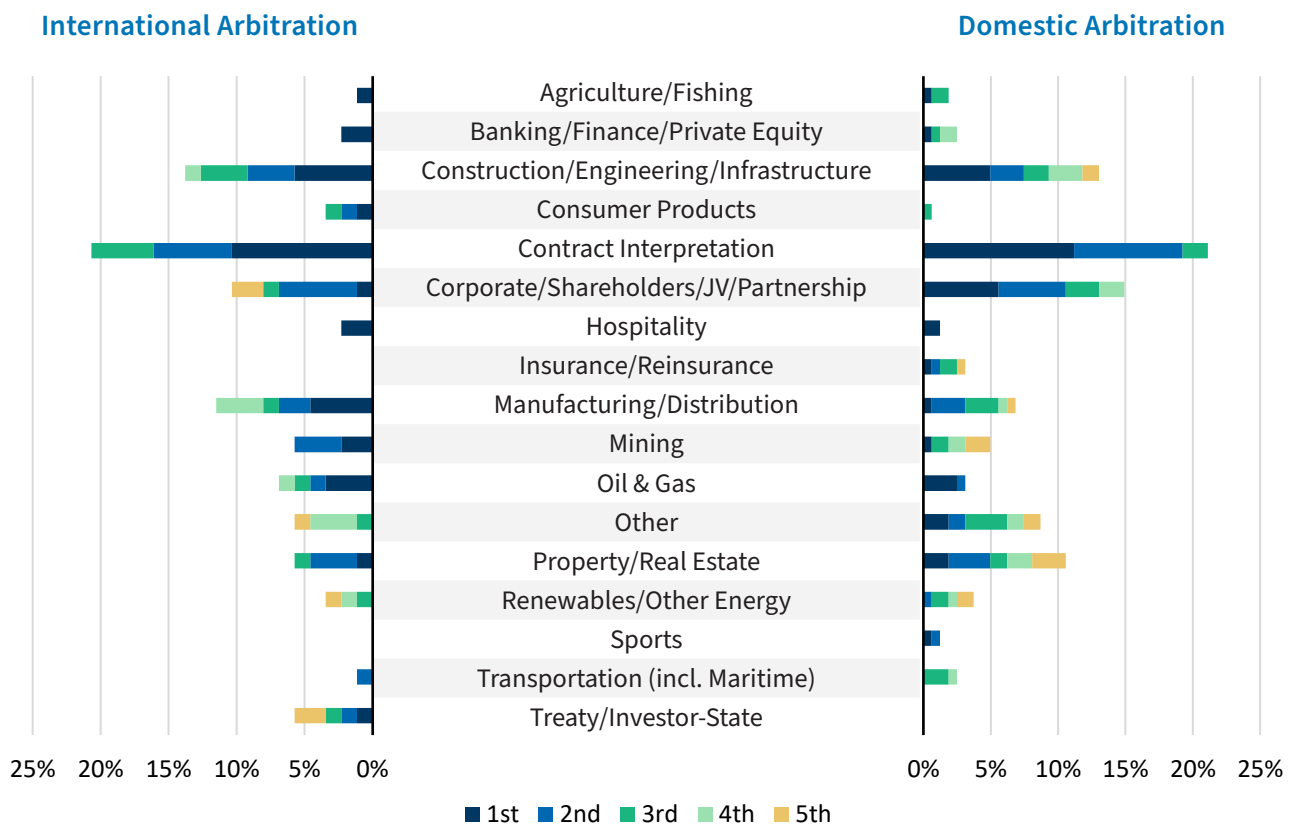
Arbitrators

For arbitrators, in both their international and domestic cases, contract interpretation was the most common type of dispute.

In their international cases, construction, engineering, and infrastructure were the next most common types of disputes, followed by manufacturing and distribution.

In their domestic cases, corporate, shareholder, joint venture, and partnership were the next most common type of dispute, followed by construction, engineering, and infrastructure.

Fig. 62: Arbitrator Survey – Of the arbitration cases in which you have been an arbitrator, which of the industries below were most common?

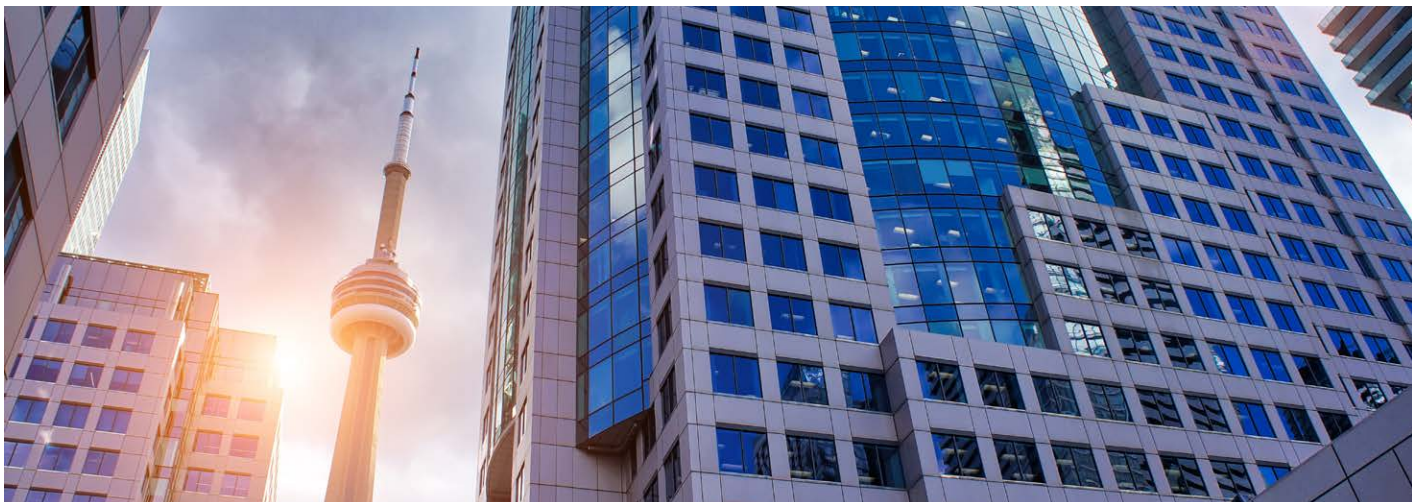
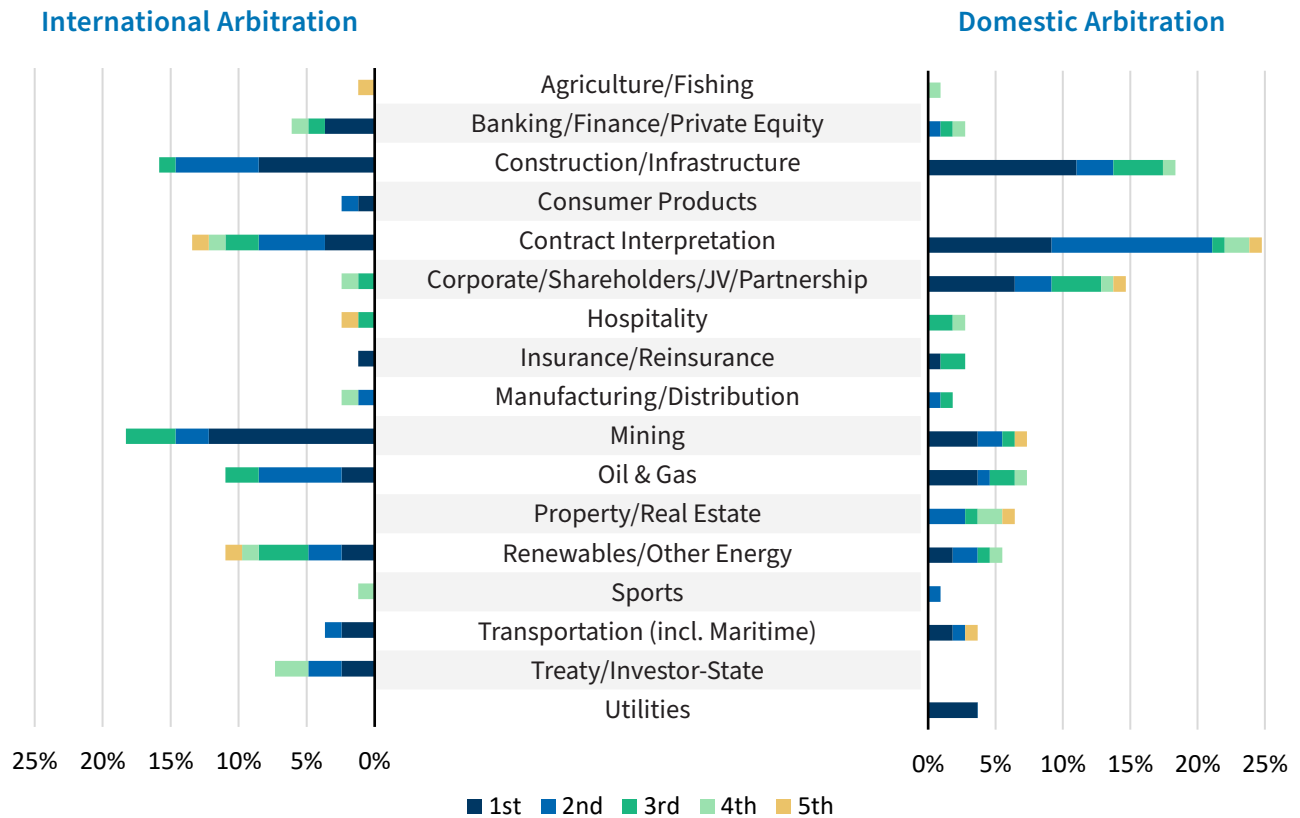


Counsel

For counsel, in both their domestic and international cases, contract interpretation; and construction, engineering, and infrastructure were among the most common types of disputes.

In their international cases, mining; oil and gas; and renewables and other energy types, were also common types of disputes. In their domestic cases, corporate, shareholder, joint venture and partnership disputes were also common types of disputes.

Fig. 63: Counsel Survey – Of the arbitration cases in which you were involved, which of the industries below were most common?



7. The Process

In this section, we look at various aspects of the arbitral process. First, we note the prevalence in institutional cases in which Canadian-based arbitration practitioners were involved of ICC, ICSID and AAA/ICDR in international cases and of VanIAC, ADRIAC and ADR Chambers/CAA in domestic cases.

Second, we note that there were varying lengths of hearings with a concentration on hearings of 3 days to 2 weeks in international cases, and 1 to 6 days in domestic cases.

Third, we look at the extent to which cases settle and at the limited use of mediation in connection with arbitration, and fourth, we look at the extent that partial awards are issued and the types of matters they most often determine.

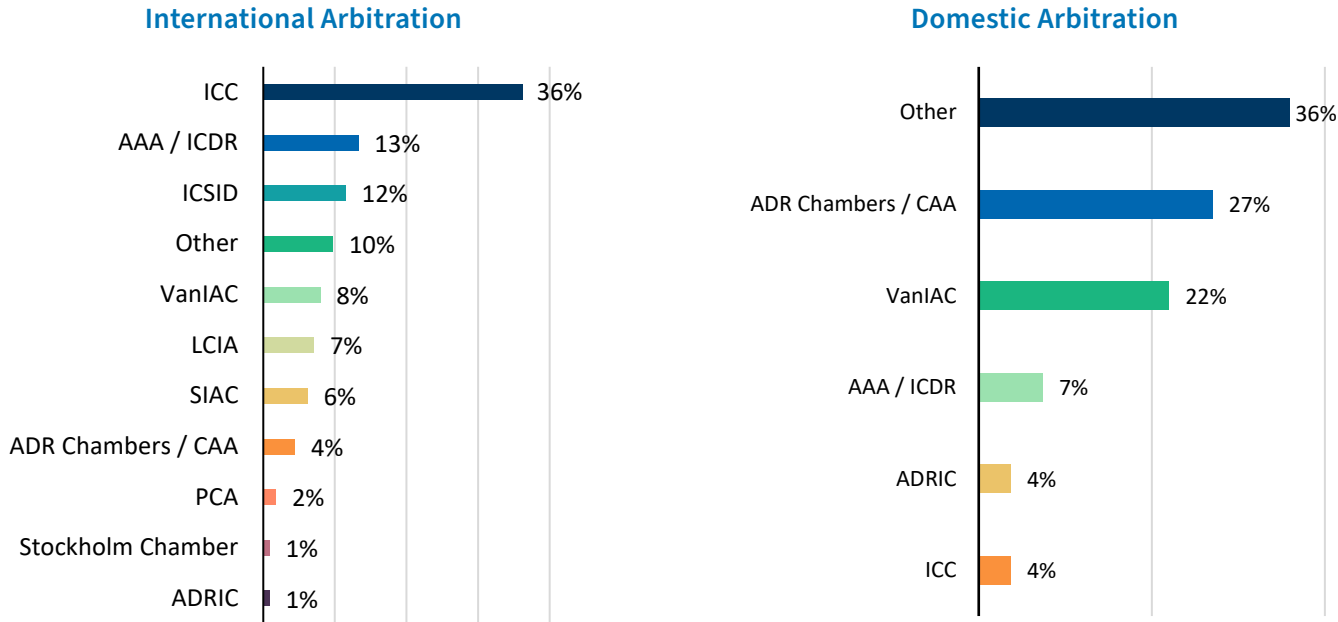
Finally, we look at expert evidence, including the extent that expert evidence was submitted in international and in domestic cases, the increasing role of Canadian-based experts in international cases, the stage in the process at which experts are retained, the use of joint expert reports and hot-tubbing, the subject matter of experts' reports in international and domestic cases, and the methodologies most used by different types of experts.

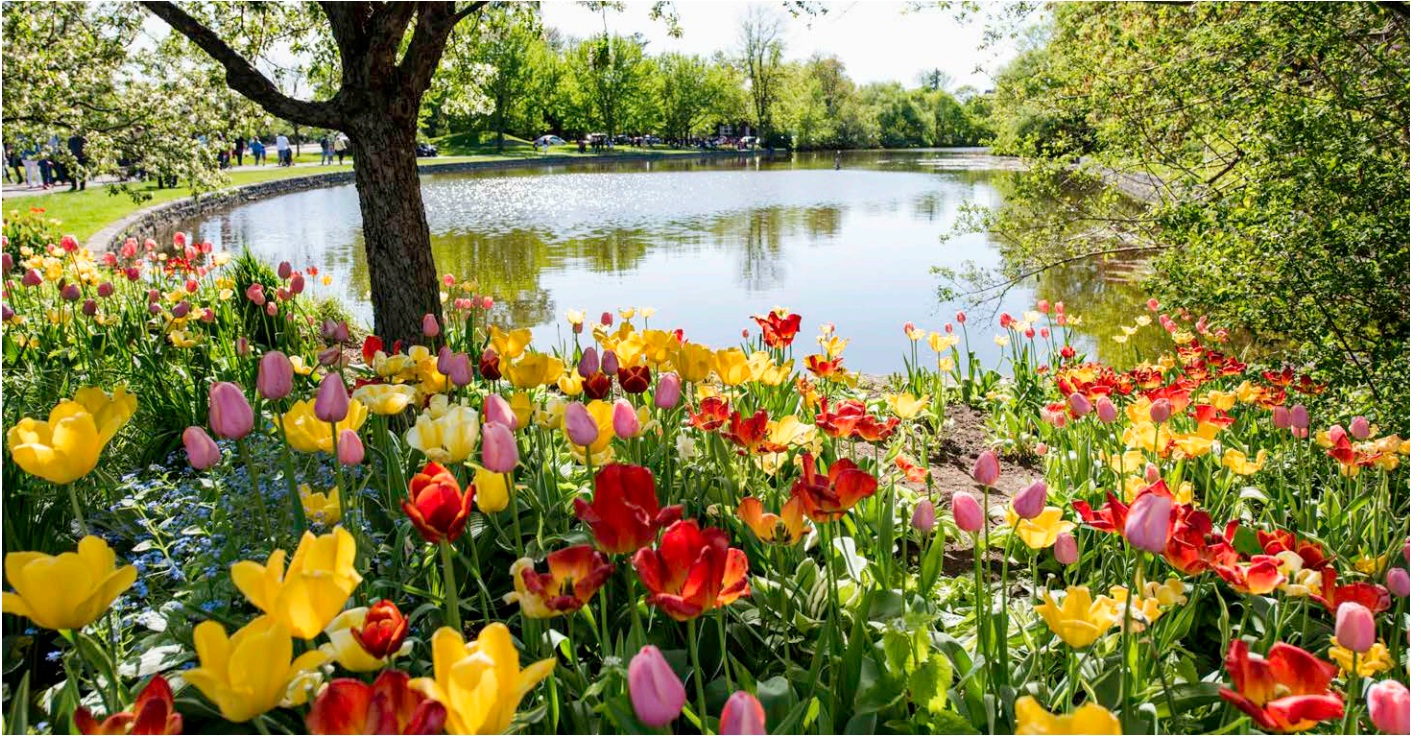
Arbitral Institutions and Rules

In their international arbitrations, arbitrators reported that the ICC was the most commonly used institution, and that ICSID and AAA/ICDR were also often used.

In their domestic arbitrations, ADR Chambers/CAA and VanIAC were the most commonly used institutions.

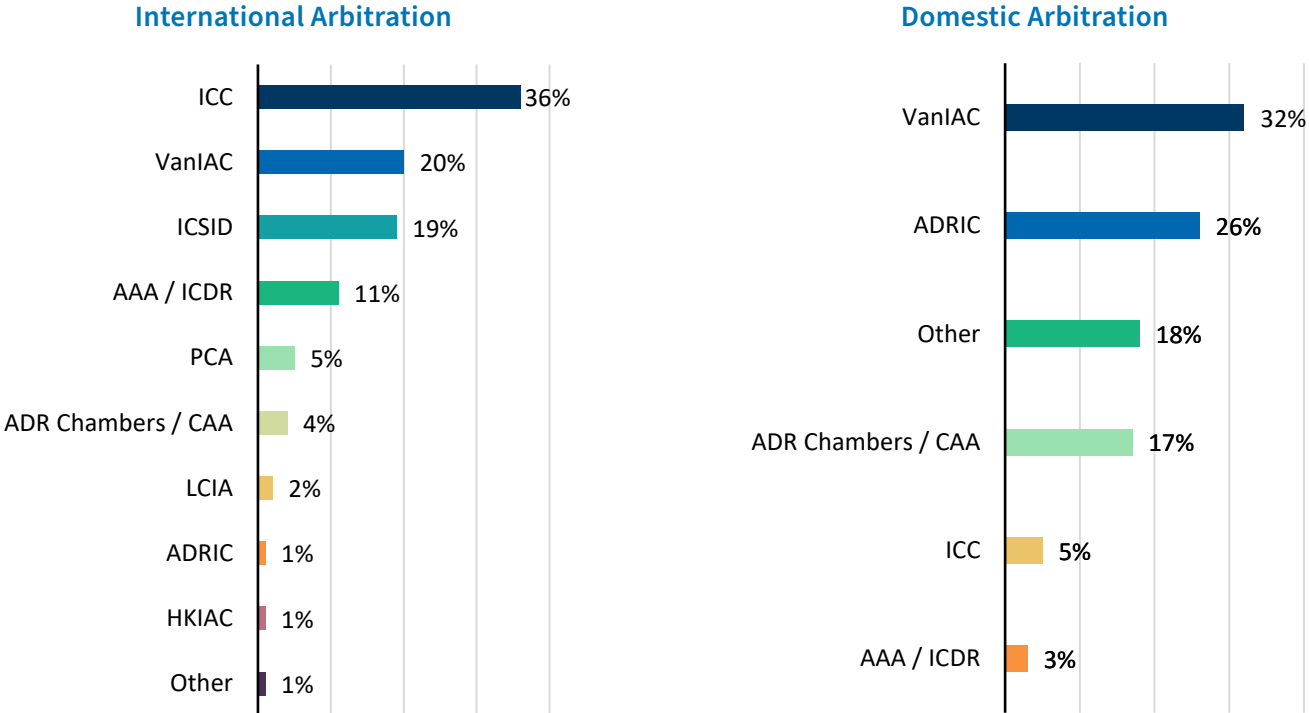
Fig. 64: Arbitrator Survey – Of the arbitration cases in which you have been an arbitrator, how many were administered by each of the following?





Counsel reported that in their international arbitrations, the ICC was the most commonly used institution, and VanIAC, ICSID and AAA/ICDR were also often used. In their domestic arbitrations, VanIAC, ADRIC, and ADR Chambers/CAA were the most commonly used institutions.

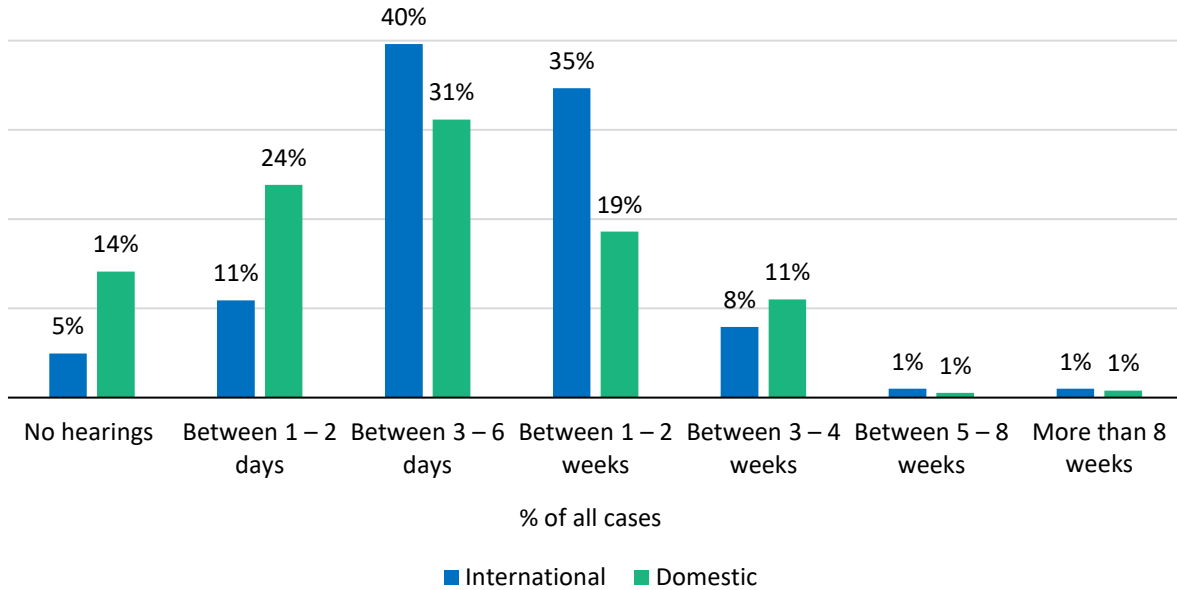
Fig. 65: Counsel Survey – Of the arbitration cases in which you were involved, how many were administered by each of the following?



Hearings

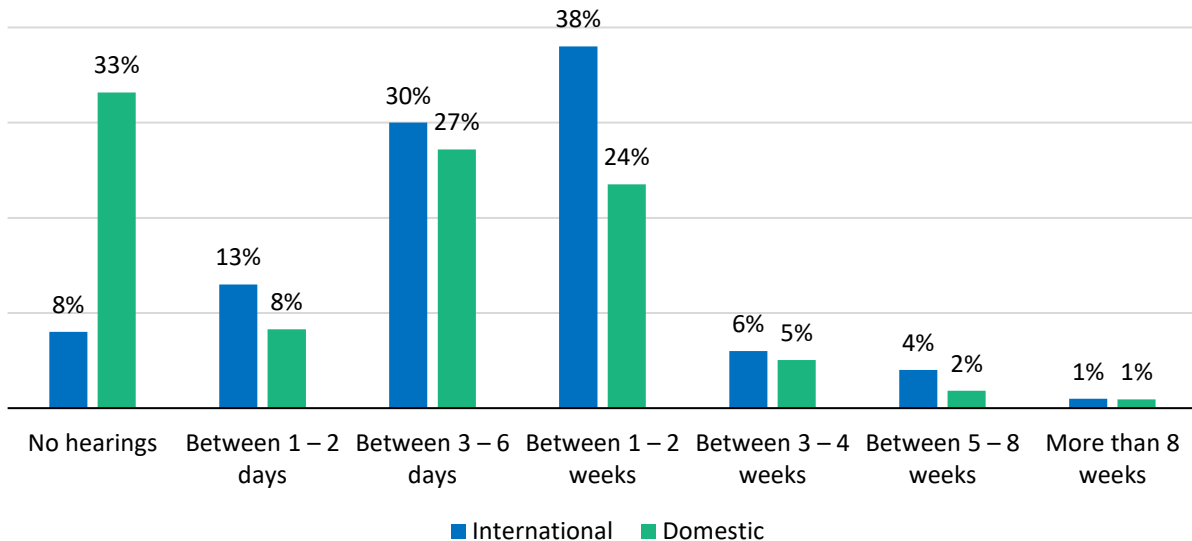
Arbitrators reported that the hearings in their international cases were most often between 3 days and 2 weeks in length, but the hearings in their domestic cases were most often 6 days or less.

Fig. 66: Arbitrator Survey – Of the arbitration cases that involved main evidentiary hearings, how many involved hearings of the following durations (exclude those that settled during the hearing)?



Counsel also reported that the hearings in their international arbitration cases were most often between 3 days and 2 weeks in length; and in domestic cases there were no hearings at all in approximately one third of the cases.

Fig. 67: Counsel Survey – Of the arbitration cases that involved main evidentiary hearings, how many involved hearings of the following durations (exclude those that settled during the hearing)?

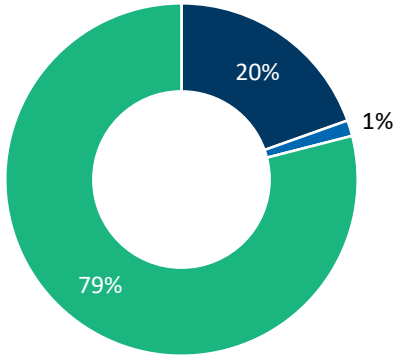


Settlement and Mediation

Arbitrators reported that 21% of their international cases and 30% of their domestic cases settled prior to an award. The cases that settled prior to an award did so most often before the hearing, rather than during or after the hearing.

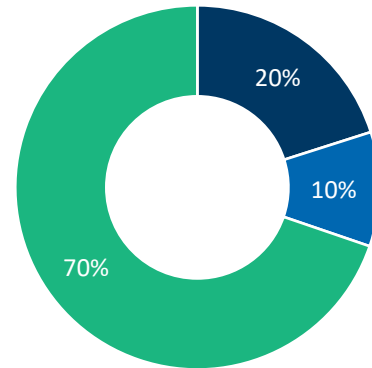
Fig. 68: Arbitrator Survey – Of the arbitration cases that have concluded, how many settled or were discontinued...?

International Arbitration



- Prior to the hearing
- During the hearing, or after the hearing but prior to an award
- Neither

Domestic Arbitration

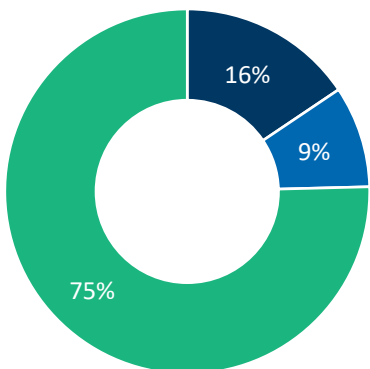


- Prior to the hearing
- During the hearing, or after the hearing but prior to an award
- Neither

Counsel reported that 25% of their international cases and 42% of their domestic cases settled prior to an award, again, most often before the hearing.

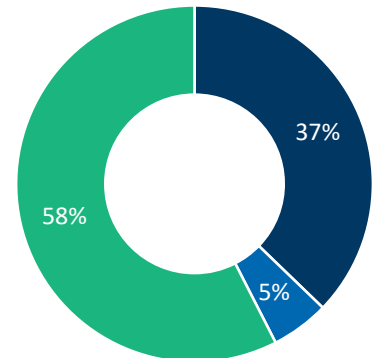
Fig. 69: Counsel Survey – Of the arbitration cases that have concluded, how many settled or were discontinued...?

International Arbitration



- Prior to the hearing
- During the hearing, or after the hearing but prior to an award
- Neither

Domestic Arbitration



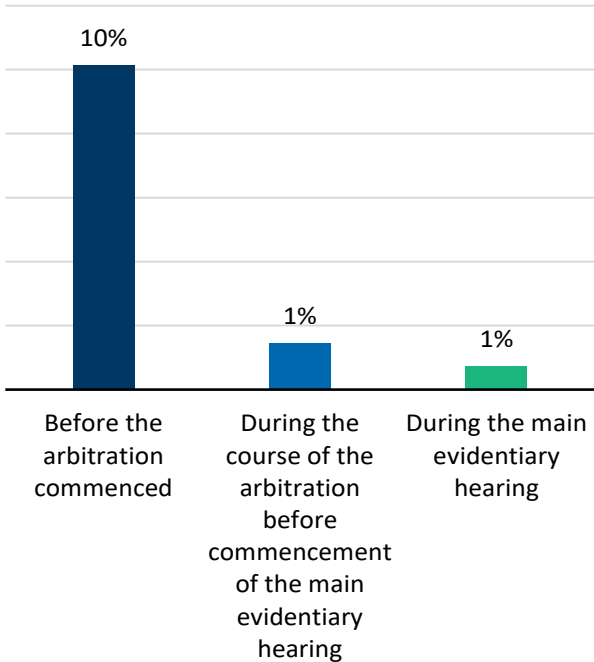
- Prior to the hearing
- During the hearing, or after the hearing but prior to an award
- Neither



Arbitrators and counsel reported that mediation was not often used in either their international cases or their domestic cases. However, when it was used, it occurred most often before the arbitration was commenced. This may be in contrast with the experience in litigation where mediation often occurs during the course of a case.

Fig. 70: Arbitrator Survey – Of the arbitration cases in which you have been an arbitrator, to your knowledge, in how many was there a formal mediation of the dispute?

International Arbitration



Domestic Arbitration

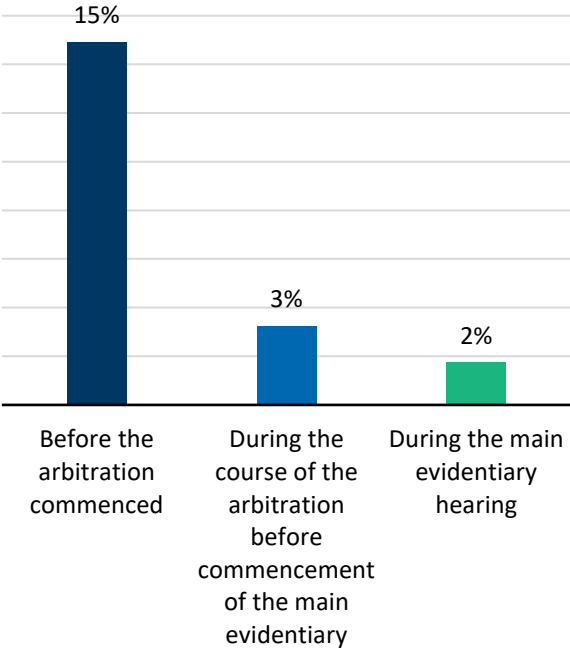
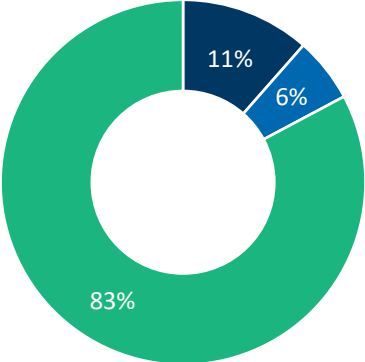


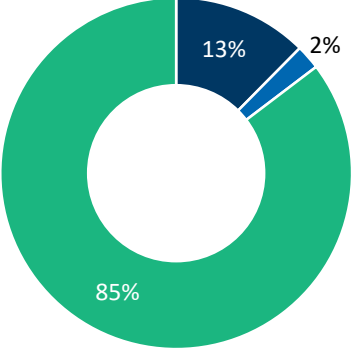
Fig. 71: Counsel Survey – Of the arbitration cases in which you were involved, in how many cases was there a formal mediation of the dispute?

International Arbitration



- Before the arbitration commenced
- During the course of the arbitration before commencement of the main evidentiary hearing
- No mediation

Domestic Arbitration



- Before the arbitration commenced
- During the course of the arbitration before commencement of the main evidentiary hearing
- No mediation





Arbitrators and counsel reported that when mediation was used in their international and domestic cases, it was successful 10-36% of the time.

Fig. 72: Arbitrator Survey – Of the arbitration cases in which there was a formal mediation of the dispute, how many settled during mediation?

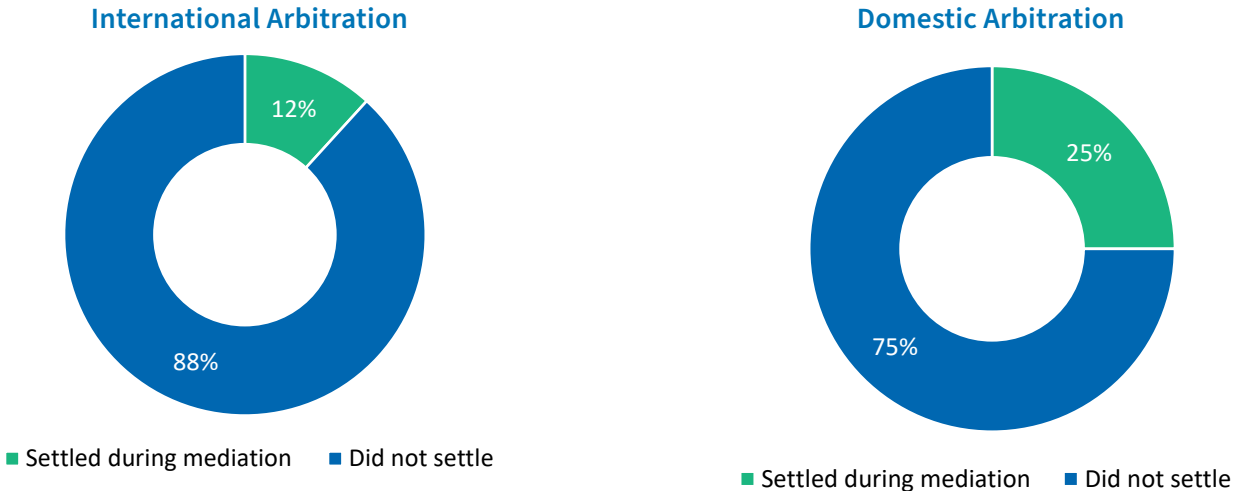
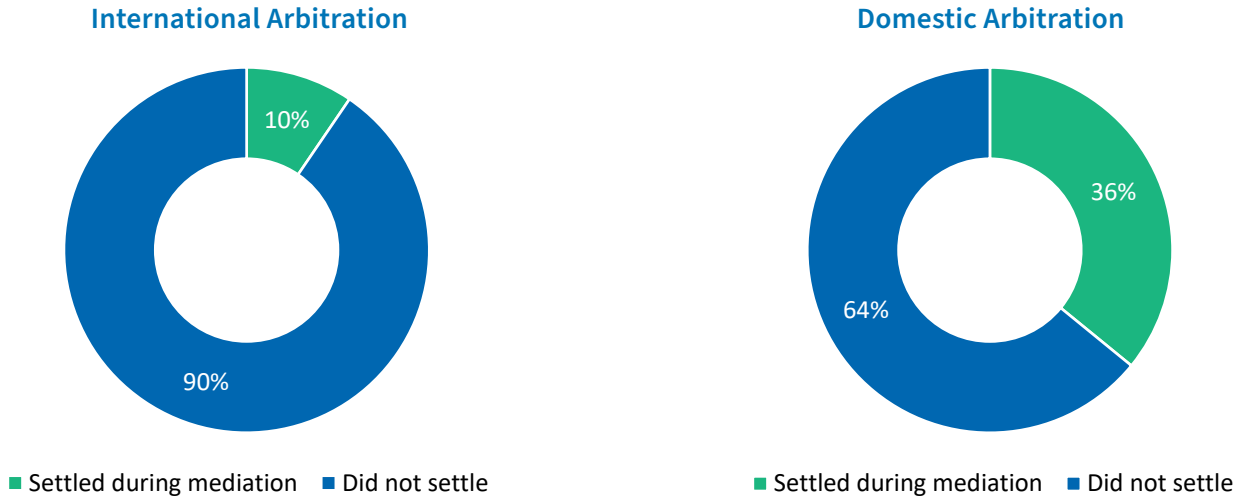


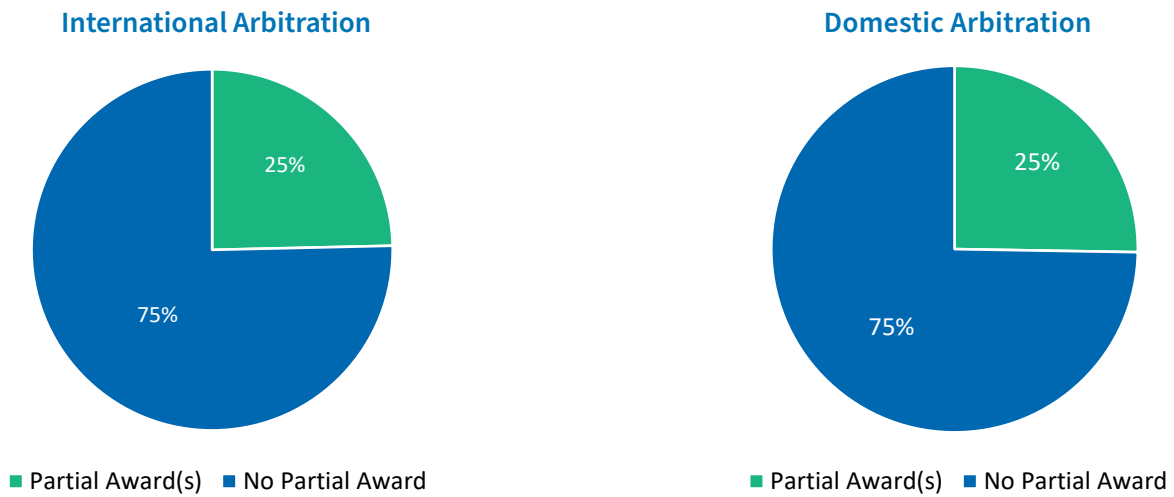
Fig. 73: Counsel Survey – Of the arbitration cases in which there was a formal mediation of the dispute, how many settled during mediation?



Partial Awards

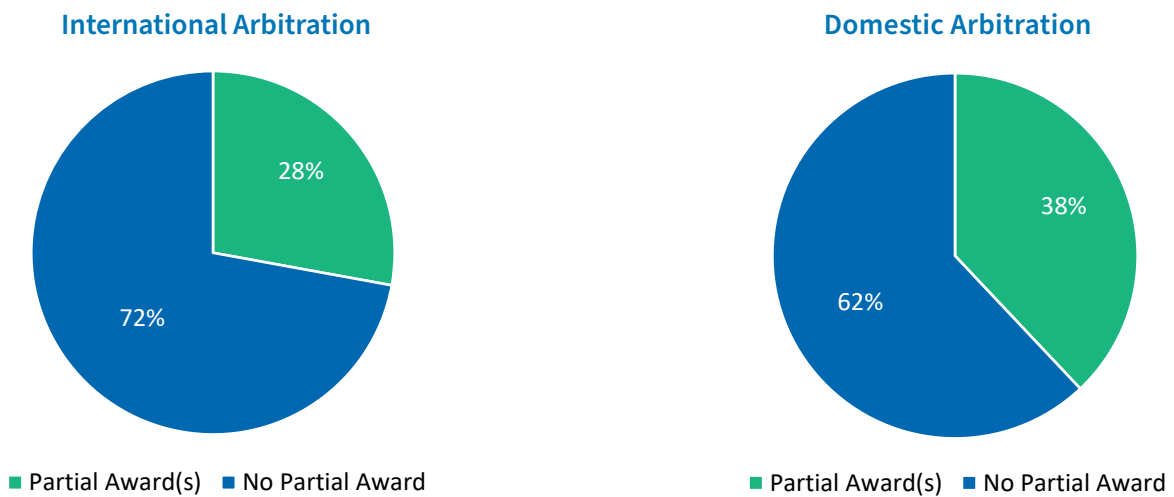
Arbitrators reported issuing one or more partial awards in 25% of both their international and domestic cases.

Fig. 74: Arbitrator Survey – Of the arbitration cases in which you have been an arbitrator, how many involved one or more partial awards?



Counsel reported receiving one or more partial awards in 28% of their international cases and 38% of their domestic cases.

Fig. 75: Counsel Survey – Of the arbitration cases in which you have been involved, how many involved one or more partial awards?



Arbitrators reported that the most common determinations in partial awards in their international cases were jurisdictional and dispositive motions (47%) followed by costs (23%); and counsel reported these determinations in 35% and 33% of cases respectively.

In their domestic cases, arbitrators reported that the most common determinations in partial awards were costs (39%) followed by jurisdictional and dispositive motions (26%); and counsel reported these determinations in 30% and 20% of cases respectively.

Fig. 76: Arbitrator Survey – Of the arbitration cases in which there were one or more partial awards, how many involved separate determinations on each of the following?

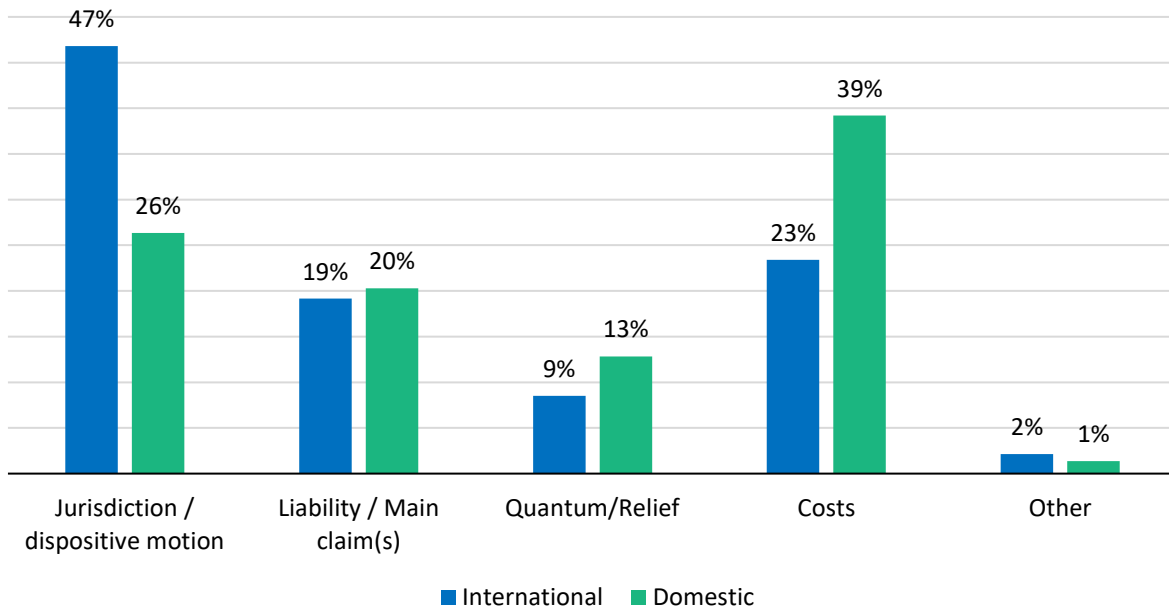
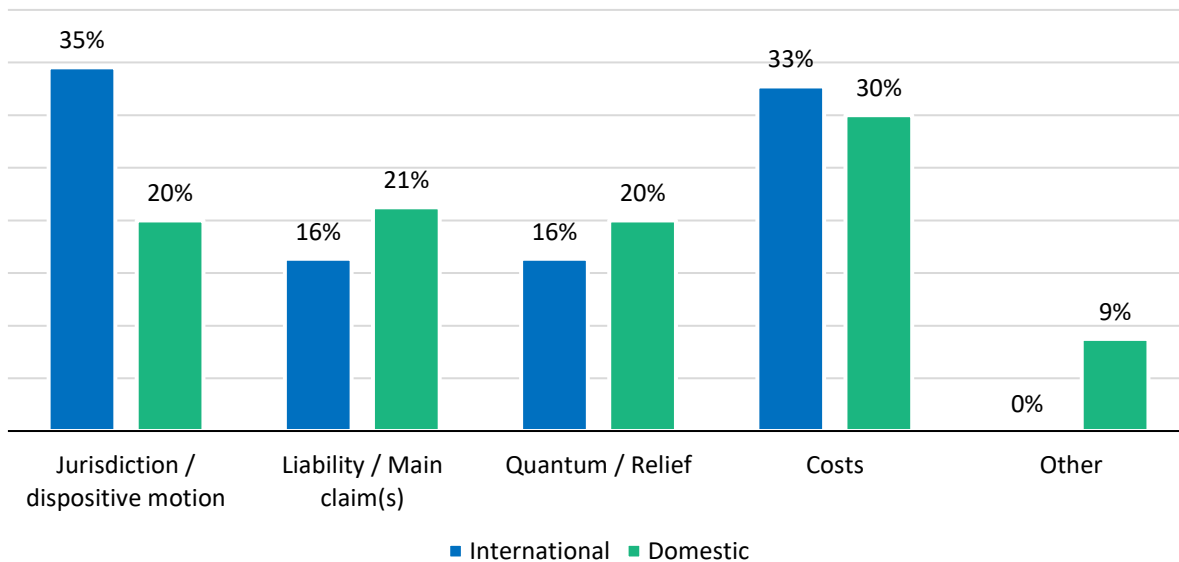


Fig. 77: Counsel Survey – Of the arbitration cases in which there were one or more partial awards, how many involved determinations on each of the following?



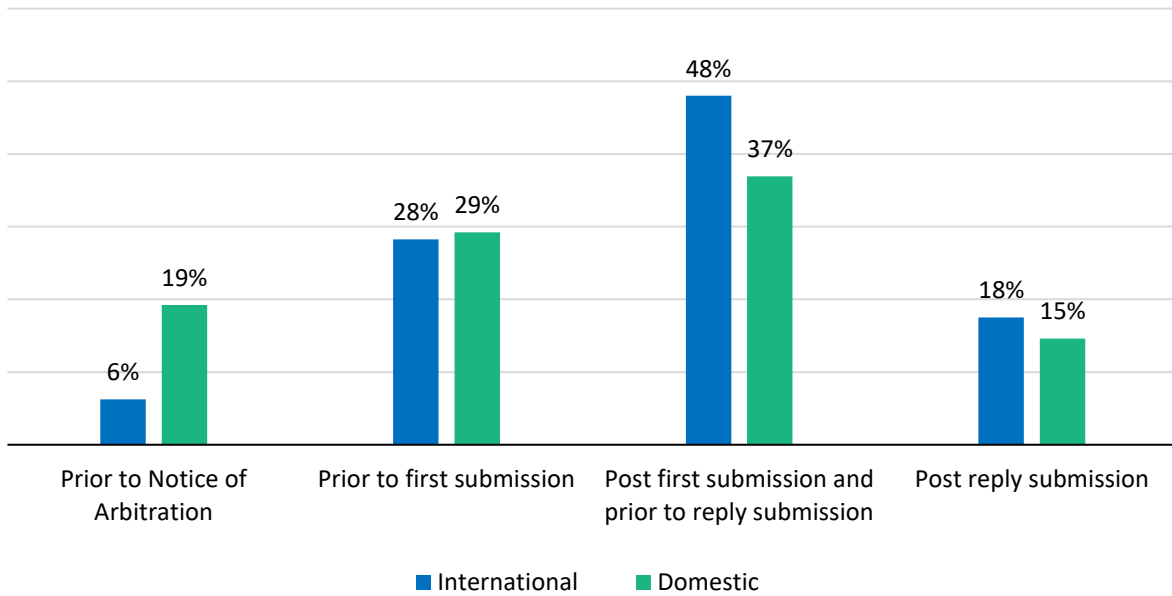
Use of Expert Evidence

Trends in the Appointment of Experts

Experts were most often retained after the first submissions and before reply submissions in their international cases (48%) and in their domestic cases (37%), but they were also often retained before the first submission (28%/29%). Overall, experts were retained earlier in domestic cases.



Fig. 78: Expert Survey – Of the arbitration cases in which you were appointed as an Expert Witness, what percentage of cases were you retained/engaged...?





Expert Evidence

Arbitrators and counsel reported that expert evidence was submitted in most of their international cases (72%/73%) and roughly half of their domestic cases (49%/59%).

Fig. 79: Arbitrator Survey – In how many arbitration cases was Expert Witness evidence submitted?

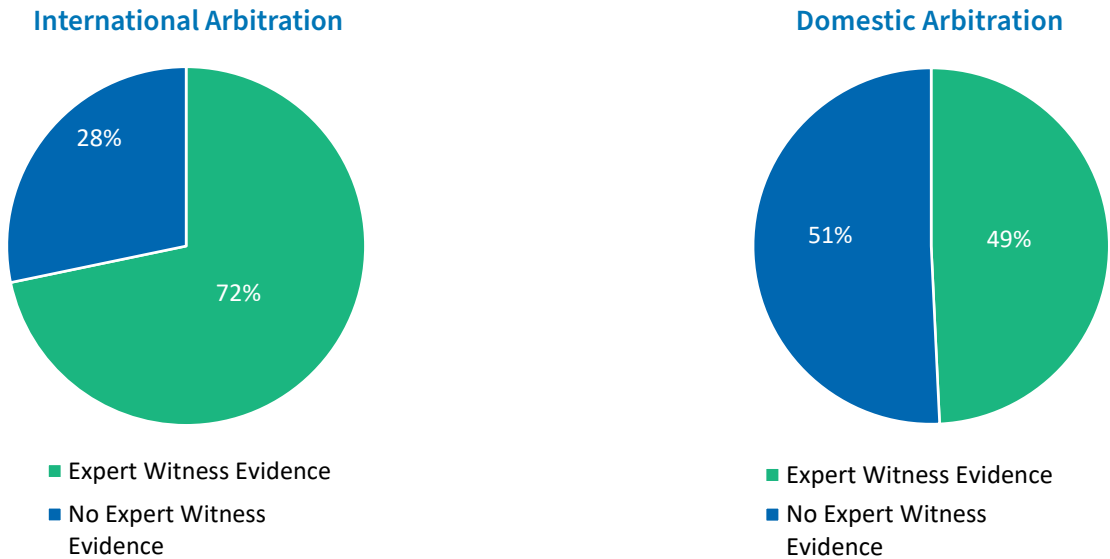
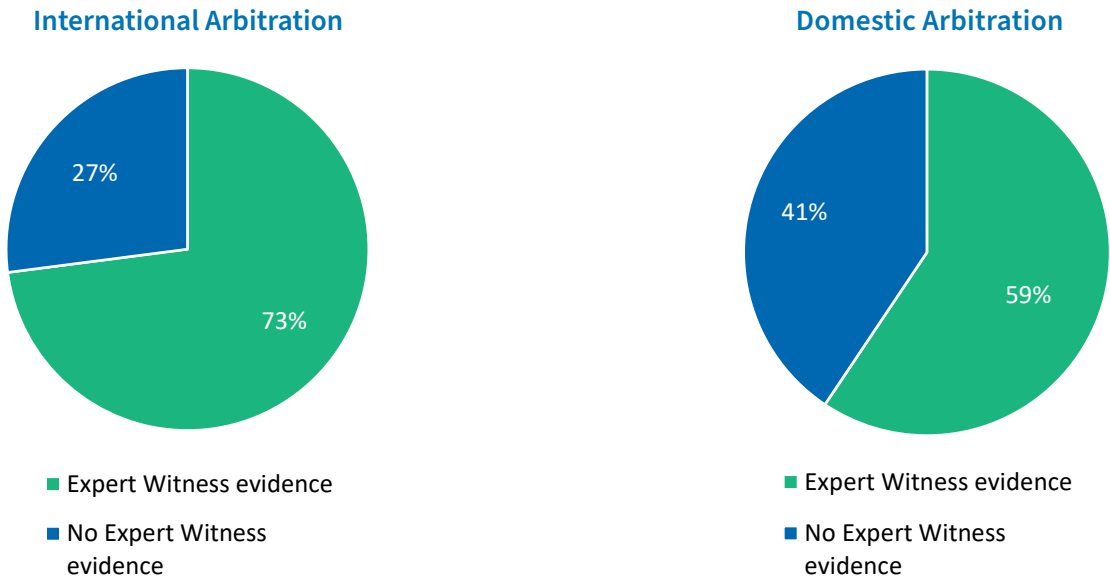
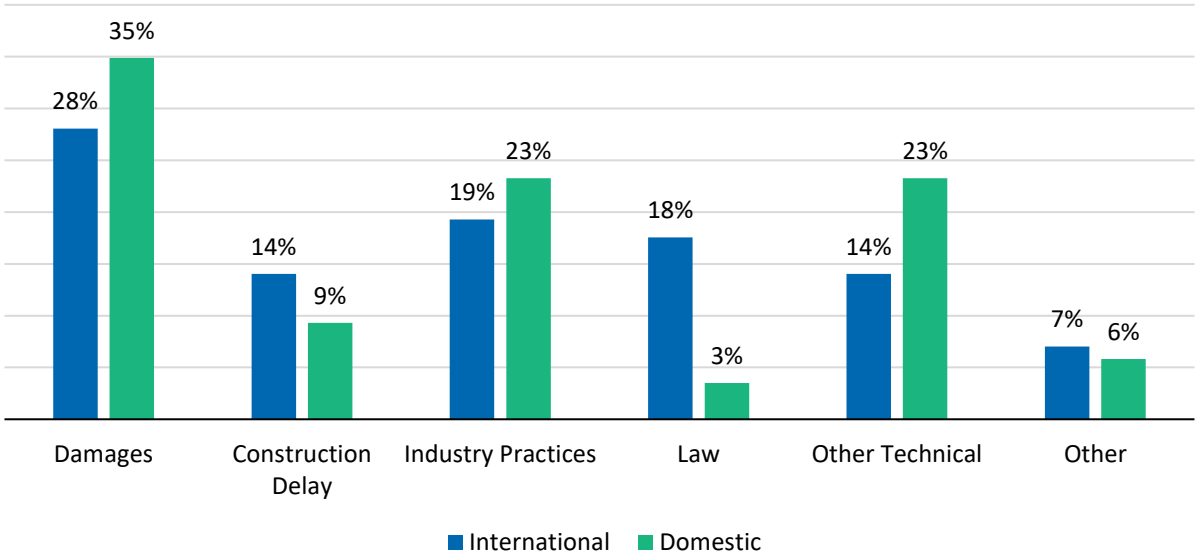


Fig. 80: Counsel Survey – In how many arbitration cases was Expert Witness evidence submitted?



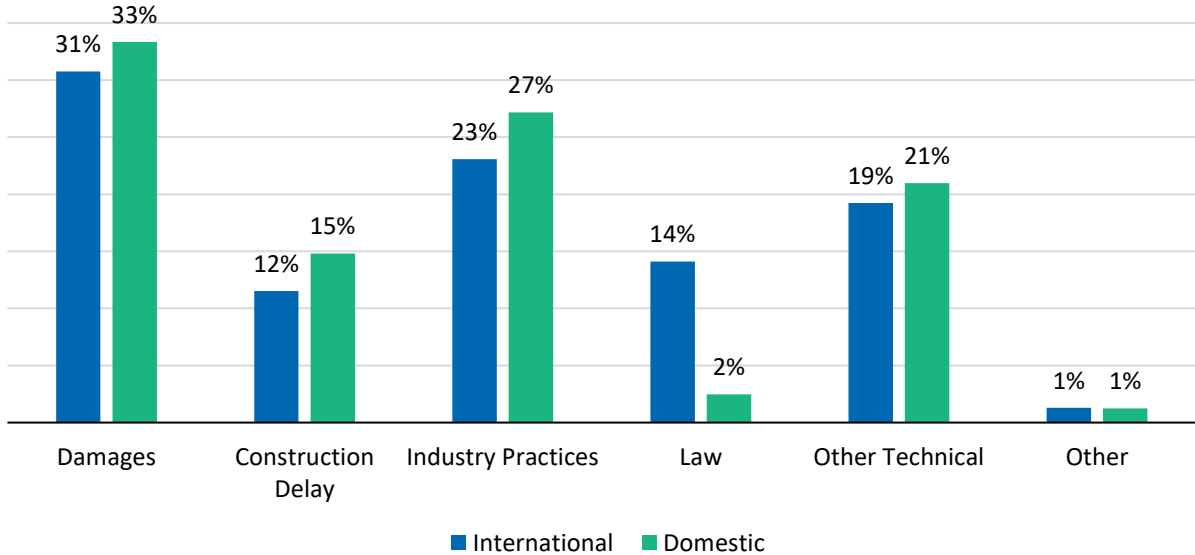
Arbitrators reported that damages evidence was the most common kind of expert evidence in their international cases (28%) and their domestic cases (35%). Industry practices (19%/23%) and other technical (14%/23%) evidence also featured significantly among the kinds of expert evidence submitted.

Fig. 81: Arbitrator Survey – Of the arbitration cases in which Expert Witness evidence was submitted, on what topic(s) did the experts opine?



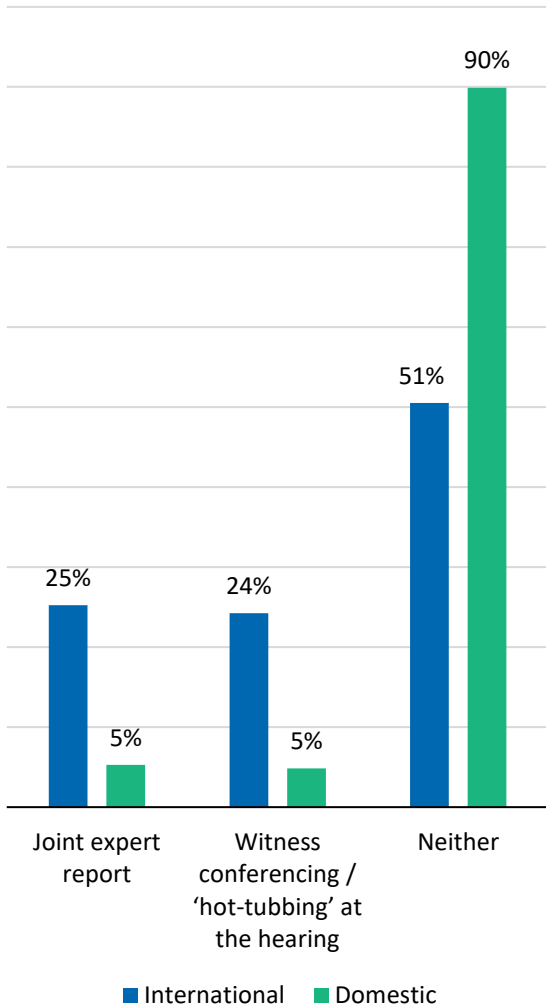
Counsel similarly reported that damages was the most common kind of expert evidence in their international cases (31%) and their domestic cases (33%). Industry practices (23%/27%) and other technical (19%/21%) evidence also featured significantly among the kinds of expert evidence submitted.

Fig. 82: Counsel Survey – Of the arbitration cases in which Expert Witness evidence was submitted, on what topic(s) did the experts opine?



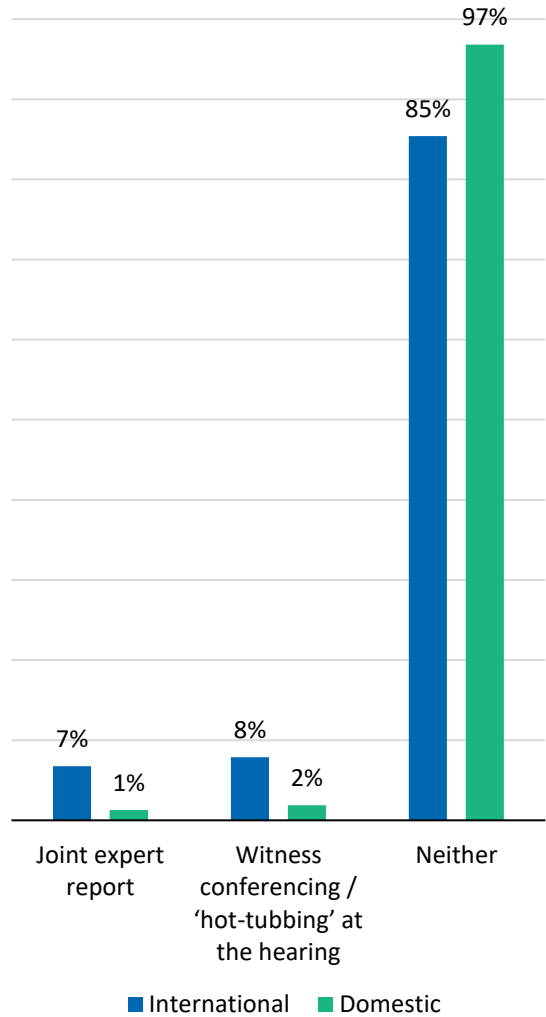
Arbitrators experienced the use of joint expert reports and witness conferencing/'hot-tubbing' at the hearing in about one-quarter of their international cases (25%/24%), but in only 5% of their domestic cases.

Fig. 83: Arbitrator Survey – Of the arbitration cases in which Expert Witness evidence was submitted, how many involved the following?



Counsel used joint expert reports and witness conferencing/'hot-tubbing' at the hearing infrequently in their international cases (7%/8%) and almost never in their domestic cases (1%/2%).

Fig. 84: Counsel Survey – Of the arbitration cases in which Expert Witness evidence was submitted, how many involved the following?



Methodologies Used by Expert Witnesses to Determine Opinions

In international arbitrations, Discounted Cash Flow (DCF) modeling, Delay and Damages analysis, and Lost Profits quantification were the most common methodologies used by expert witnesses in their opinions. Other assessments in domestic arbitrations included fact-delays, disruption, quantum, case-specific methodology, and market approach. Among the new methodologies and approaches used were Modern DCF, proportional hazard models, and real option valuation.

8. Satisfaction with Arbitration in Canada and Suggestions for Improvement

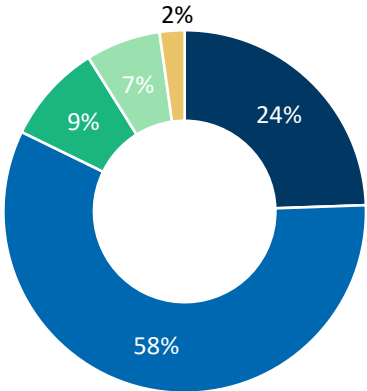
In this section we see the high degree of satisfaction that counsel report with their experience with both international and domestic arbitration, and their reasons for it.

Finally, we note a range of suggestions for the practice of arbitration submitted by Survey respondents.

Counsel reported overwhelmingly that they were satisfied (58%) or very satisfied (24%) with international and domestic arbitration cases in which they are involved during the survey period.

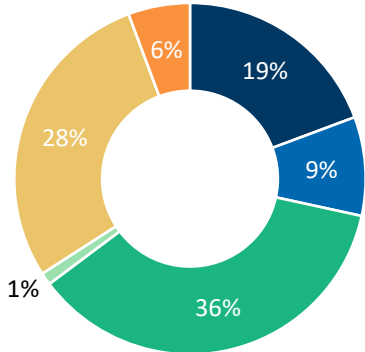
A large majority (83%) attributed their satisfaction to efficiency in time and cost and the quality of the hearing regardless of outcome.

Fig. 85: Counsel Survey – Overall, how satisfied were you with the international and domestic arbitrations in which you have been involved in the 3-year period from January 2020?



- Very satisfied
- Satisfied
- Neither satisfied nor dissatisfied
- Dissatisfied
- Very dissatisfied

Fig. 86: Counsel Survey – Which of the following are reasons for your level of satisfaction noted in the previous question?



- Cost effective
- Not cost effective
- Faster than other options
- Slower than other options
- Felt it was a fair hearing, irrespective of the outcome
- Felt it was not a fair hearing



Finally, we asked “What changes would most improve arbitration in Canada?”

The responses reflect a wealth of ideas and a strong interest in advancing arbitration in Canada.

Here is a summary for ongoing consideration by the Canadian arbitration community.

Institutions, Laws, and Rules:

- Canadian-based institution(s) should administer arbitrations, possibly in various Canadian centres
- There should be an independent appointing authority other than the courts
- Canadian arbitration rules adopting international best practices should be used
- Harmonized legislation for domestic commercial arbitration, possibly based on the TCAS Arbitration Act Reform Committee’s Recommendations, should be implemented

Relationship with the courts:

- Increased judicial appreciation of appropriate deference to arbitral awards should be encouraged
- Laws and rules should be introduced to limit or eliminate appeals in domestic arbitration

Education should be enhanced for:

- Corporate counsel and commercial parties on arbitration and its advantages
- Party representatives (*i.e.*, corporate counsel) on the benefits of greater engagement in the process
- Commercial lawyers on drafting arbitration clauses
- Arbitrators on techniques to improve efficiency
- Arbitrators on effective handling of quantum issues
- Arbitrators on the importance of transparency in costs awards
- Former judges on efficient arbitral procedures
- Newer arbitrators on business development

Increased awareness of the benefits of the following should be fostered:

- Choosing arbitration instead of litigation
- Choosing institutional arbitration
- Choosing a seat in Canada
- Choosing from the range of Canadian seats
- Using the excellent hearing facilities in Canada
- Retaining Canadian arbitration counsel in international matters
- Incorporating / “having regard to” international standards such as the IBA Rules on the Taking of Evidence
- Using expedited procedures
- Med-arb, particularly in domestic arbitrations in areas such as condominium, franchise, and commercial issues in family disputes
- Using fundholding services for ad hoc arbitrations

Increased opportunities for arbitral appointments

- For women and others of historically underrepresented backgrounds
- For subject matter experts
- For non-lawyers, and technical specialists
- For younger arbitrators

Other suggestions

- More arbitration conferences
- Affordable hearing management software for ad hoc arbitrations
- Publishing redacted awards



9. Survey Methodology

As Survey Chairs, we extend our heartfelt appreciation, on behalf of the entire Canadian arbitration community, to [FTI Consulting](#), under the leadership of [Tara Singh](#), [Natalie Quinn](#), and [Ali Al-Ahmad](#), for its considerable work assisting with the inaugural Canadian Arbitration Survey and this ground-breaking resulting report, the inaugural Canadian Arbitration Report. FTI Consulting's involvement included the Survey planning, deployment, and data collation and analysis phases. These phases are described briefly below.

Survey Planning and Deployment

The questions included in the Survey were adapted and then considerably expanded and refocused from those used for an arbitration survey conducted by FTI Consulting and the Australian Centre for International Commercial Arbitration (ACICA) for the 2020 Australian Arbitration Report.

We are grateful to our Steering Committee, including Artem Barsukov, Eric Bédard, Rachel Howie, Hugh Meighen, Alexandra Mitretodis and Donny Surtani for their ideas and feedback in the development of the Survey.

After several months of consultation, three question sets were developed, one for each of Canadian-based arbitrators, Canadian-based arbitration counsel, and Canadian-based experts, respectively. Each question set was designed to gather data on issues and themes that appeared to be the most relevant to the Canadian arbitration community and others interested.

The inaugural Canadian Arbitration Survey was launched in October 2022 at the 3rd annual Canadian Arbitration Week – CanArbWeek – held in Montreal, with the support of CanArbWeek.

The Survey was deployed to potential respondents through Canadian arbitration organizations, law firms and expert firms involved in arbitration, the Canadian Journal of Commercial Arbitration, and other channels. Considerable effort was made to achieve broad distribution of the Survey, and in turn, to encourage a strong response rate. As part of that effort, we enlisted point people in larger law firms and law firms with larger arbitration practices to obtain responses to the firm-wide questions (explained below), and to encourage members of their firms who practise arbitration to complete the Survey.

The point people included Christina Doria (Baker McKenzie), Alison FitzGerald (formerly of Norton Rose Fulbright) and Artem Barsukov (Bennett Jones), Laura Cundari (Blake, Cassels & Graydon), Hugh Meighen (BLG), Joanne Luu (Burnet, Duckworth and Palmer), Patrick Flaherty (Chernos Flaherty Svonkin), Luis Sarabia (Davies Ward Phillips & Vineberg), Michael Schafler and Rachel Howie (Dentons), Alexandra Mitretodis, Nabila Abdul Malik and Rahat Godil (Fasken), Andrea Lee (Glaholt Bowles), Sahil Shoor (Gowling WLG), Paul Michell (Lax O’Sullivan Lisus Gottlieb), Lisa Munro (Lerners), Larry Thacker, Monique Jilesen and Zachary Rosen (Lenczner Slaght), Tim Ellam and Junior Sirivar (McCarthy Tétrault), Robert Wisner (McMillan), Lauren Tomasich (Osler, Hoskin & Harcourt), Alexandra Urbanski, Eliot Kolers and Katherine Kay (Stikeman Elliott), Ryan Lax and Linda Plumpton (Torys), and Eric Bédard and Stephen Drymer (Woods). We are grateful to each of them, and to others in their firms who assisted them, for this significant contribution to the success of the Survey and to having as comprehensive and accurate data as possible for this Report.

Data Collation and Analysis

Responses to the Survey were collected from individual respondents over an approximate eight-month period. To preserve confidentiality, FTI Consulting’s survey group was responsible for receiving and processing responses through a double-blind system (*i.e.*, FTI Consulting practitioners involved in the data analysis and Report preparation had access to anonymized data only).

In addition to individual respondents, the point persons at law firms with larger arbitration practices / larger law firms were asked to provide responses to a subset of questions included in the ‘Counsel Survey’ which related to their firm’s respective arbitration practices as a whole. Using this approach, individual respondents in those firms were not left to individually estimate (or guess) this firm-wide information in their individual Survey responses. Our objective was to achieve firm-wide accuracy in the responses to those firm-wide questions for all respondents from those firms.

Preliminary results were discussed by FTI Consulting with us, which helped identify areas of interest for further data analysis and obtain clarification of aggregated responses to some questions which seemed unclear. Based on these discussions, FTI Consulting prepared and verified the final results, which form the basis for the analyses presented in this Report.



Professor Janet Walker CM, C Arb



The Honourable Barry Leon, FCI Arb

May 2024







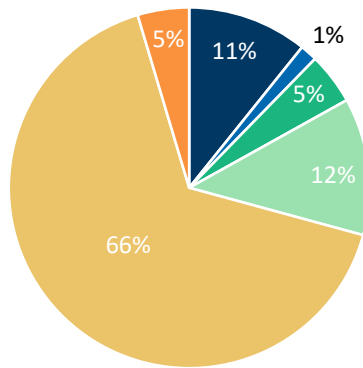
Annexure 1 – Arbitrator Survey Responses

Contains the data collected from each question posed to Arbitrator Survey respondents.

Arbitrator Survey Responses

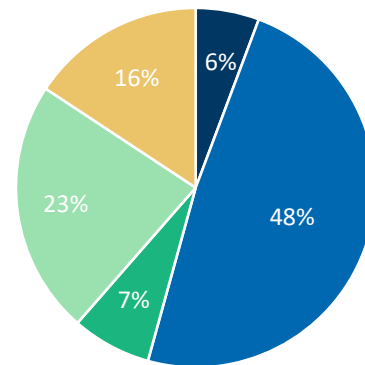
You and Your Practice

Fig. A1: What is your professional background?



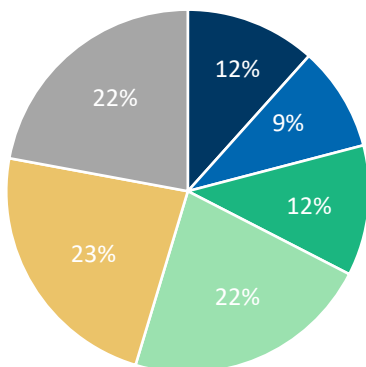
- Academic
- Accountant
- Construction/Engineering
- Judge
- Lawyer
- Other

Fig. A2: What are your formal arbitration qualifications?



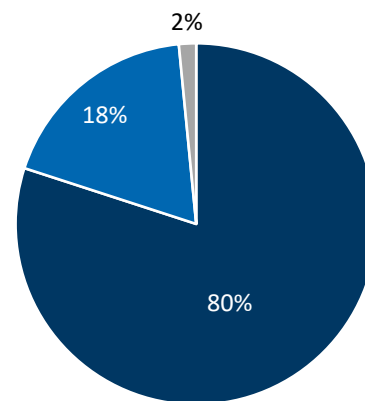
- Chartered Arbitrator (CI Arb)
- Fellow, Chartered Institute of Arbitrators (FCI Arb)
- Chartered Arbitrator (ADRIC)
- Qualified Arbitrator (Q Arb)
- Other

Fig. A3: What other arbitration training have you undertaken?



- AAA/ICDR
- ICC
- LLM
- TSCAS Gold
- Other
- N/A

Fig. A4: With which gender do you most identify?



- Male
- Female
- Prefer not to answer

Fig. A5: In which city are you based?

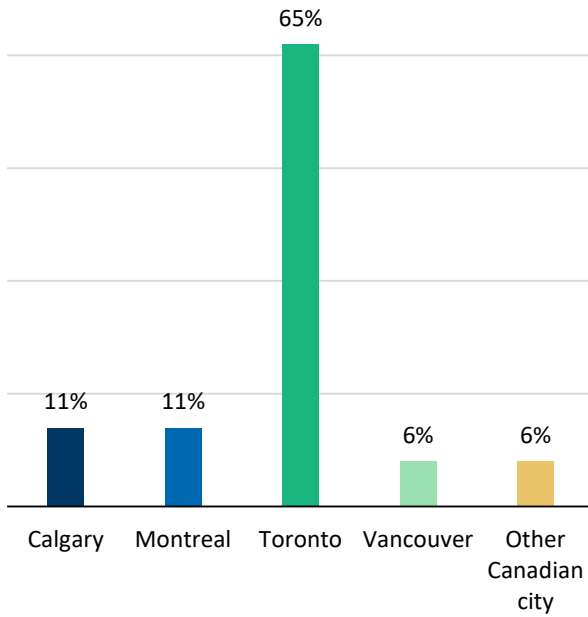


Fig. A6: How many years have you practiced as an arbitration practitioner?

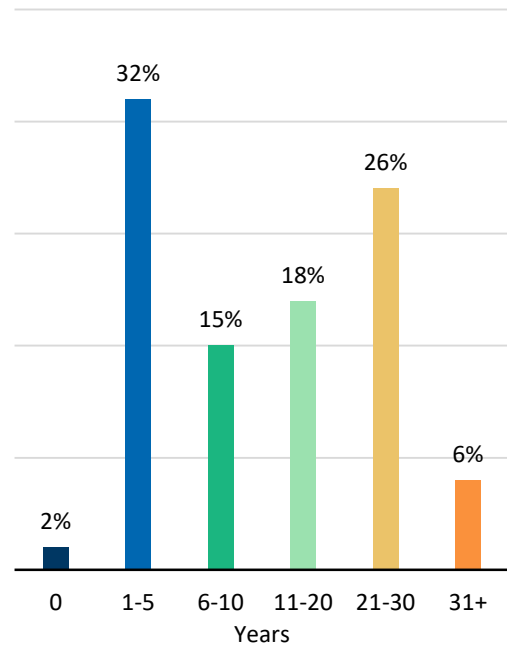


Fig. A7: How much of your professional time is currently spent as a ...?

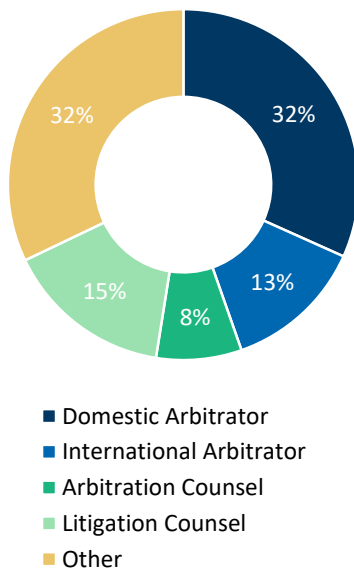


Fig. A8: In how many arbitrations in the 3-year period since January 2020 have you served as an Emergency Arbitrator?

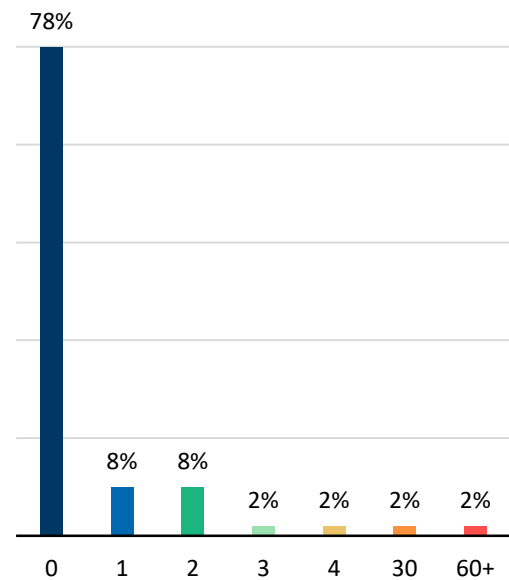
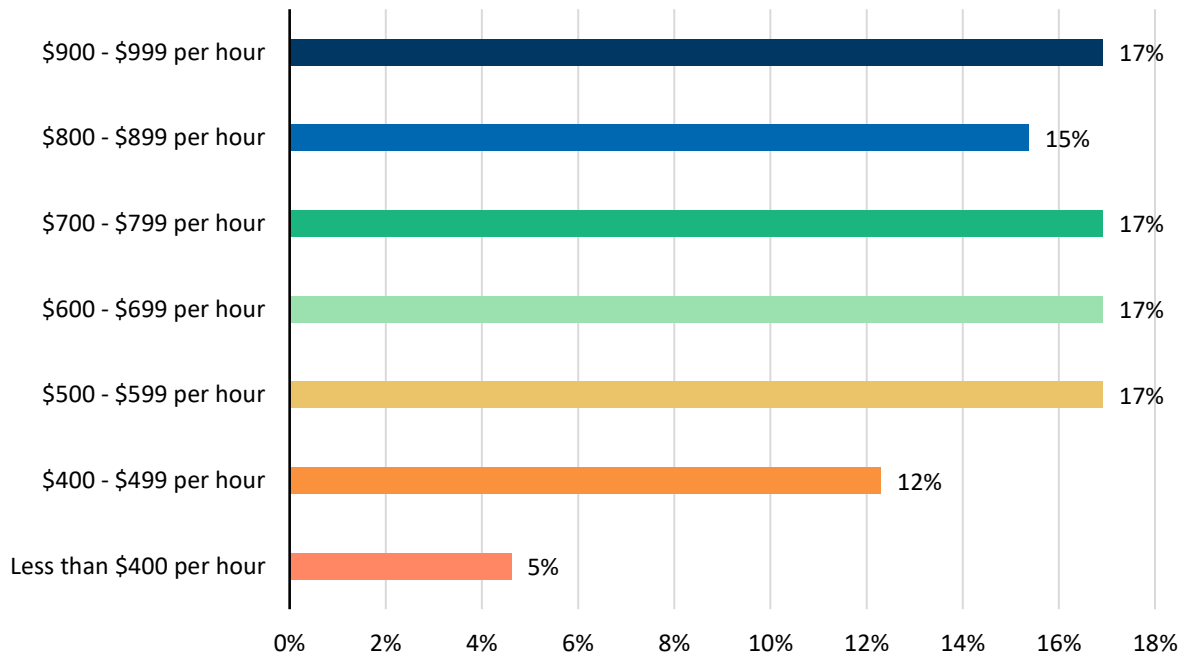


Fig. A9: In your hourly rate arbitrations as arbitrator, what is your typical current hourly rate when not capped by an institution?



Arbitration Cases

Fig. A10: Over the 3-year period, in how many international arbitration cases have you been an arbitrator (not including as an Emergency Arbitrator)?

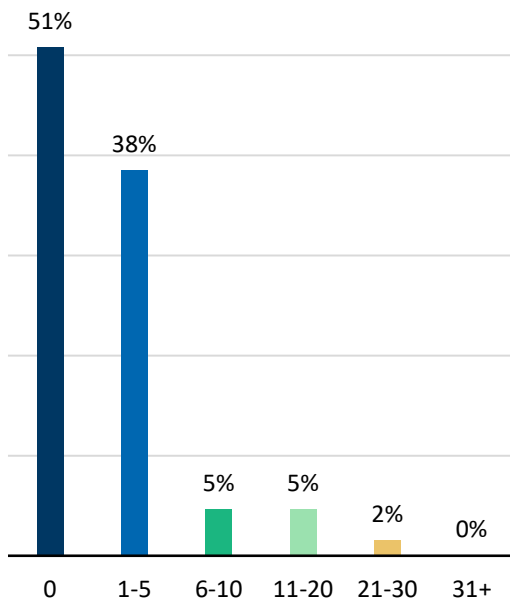
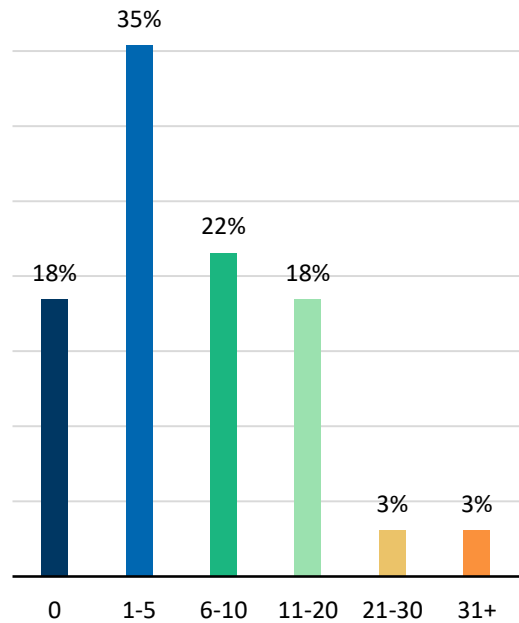


Fig. A11: Over the 3-year period, in how many domestic arbitration cases have you been an arbitrator (not including as an Emergency Arbitrator)?



International Arbitration

Fig. A12: Of the international arbitration cases in which you have been an arbitrator, in how many have you served in the following roles?

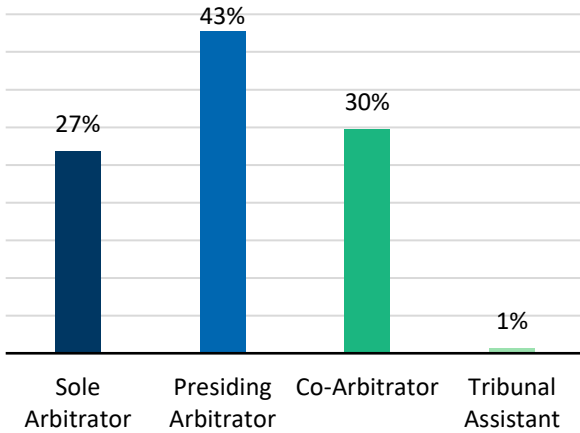


Fig. A13: Of the international arbitration cases in which you have been an arbitrator, in how many were you appointed/selected by each of the following?

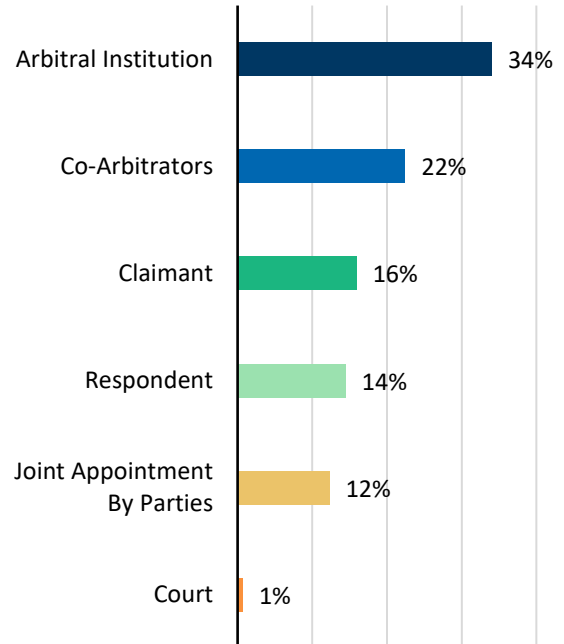


Fig. A14: Of the international arbitration cases in which you have been an arbitrator, how many had the following Canadian connection?

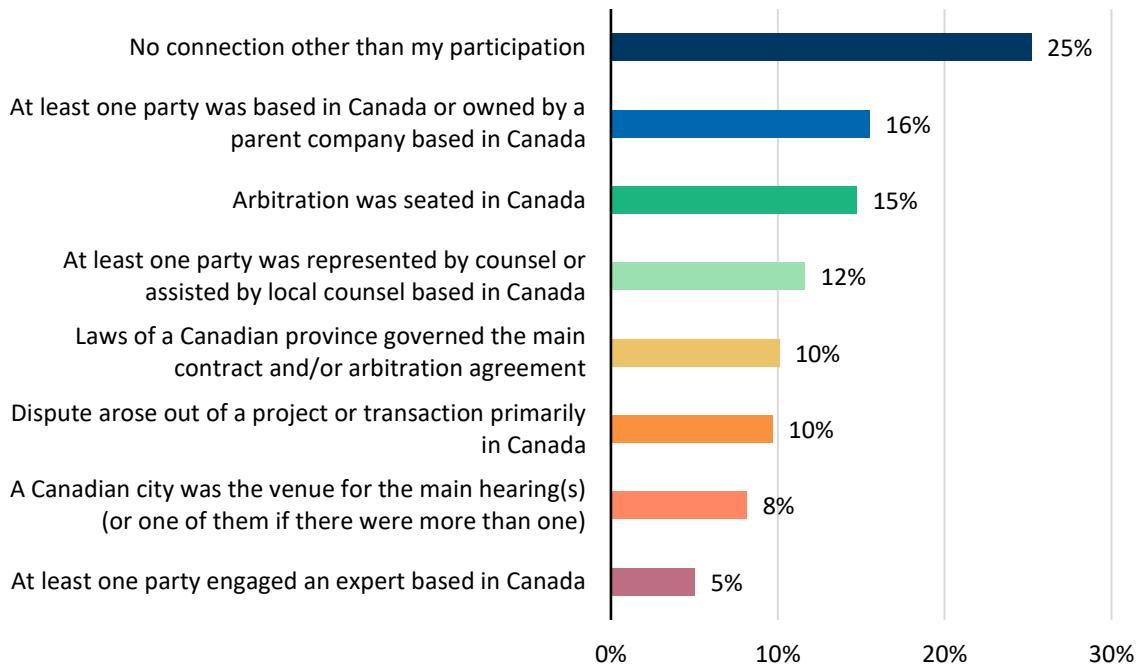


Fig. A15: Of the international arbitration cases in which you have been an arbitrator, how many were administered by each of the following?

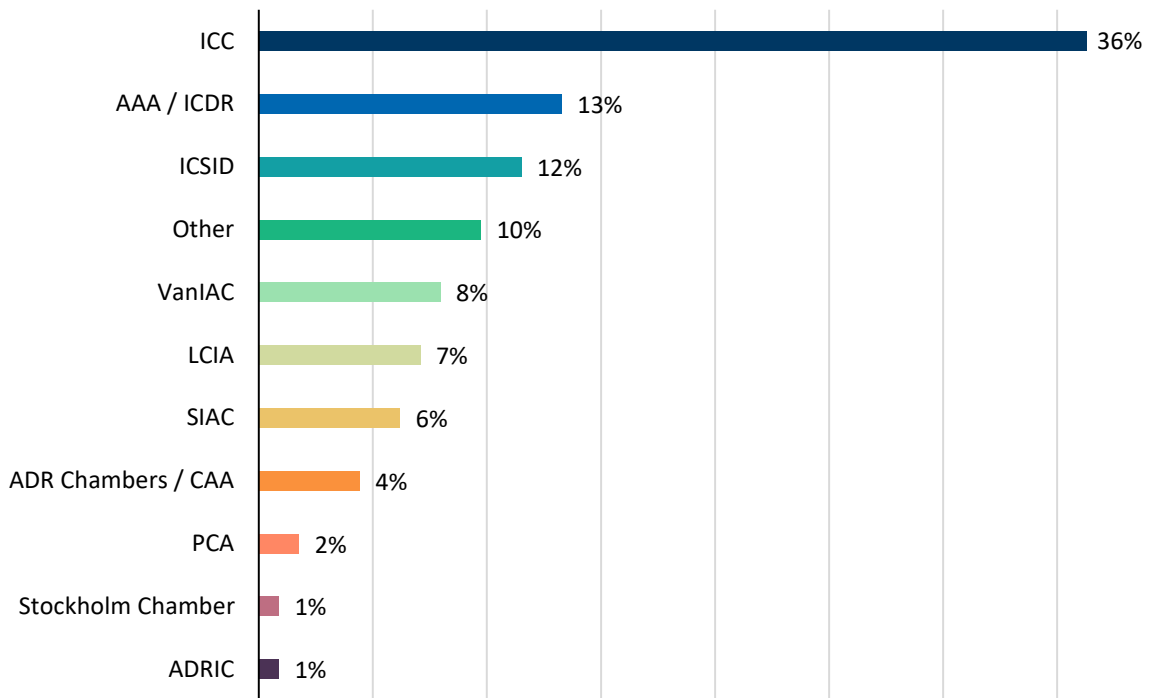


Fig. A16: Of the international arbitration cases in which you have been an arbitrator, which of the industries below were most common?

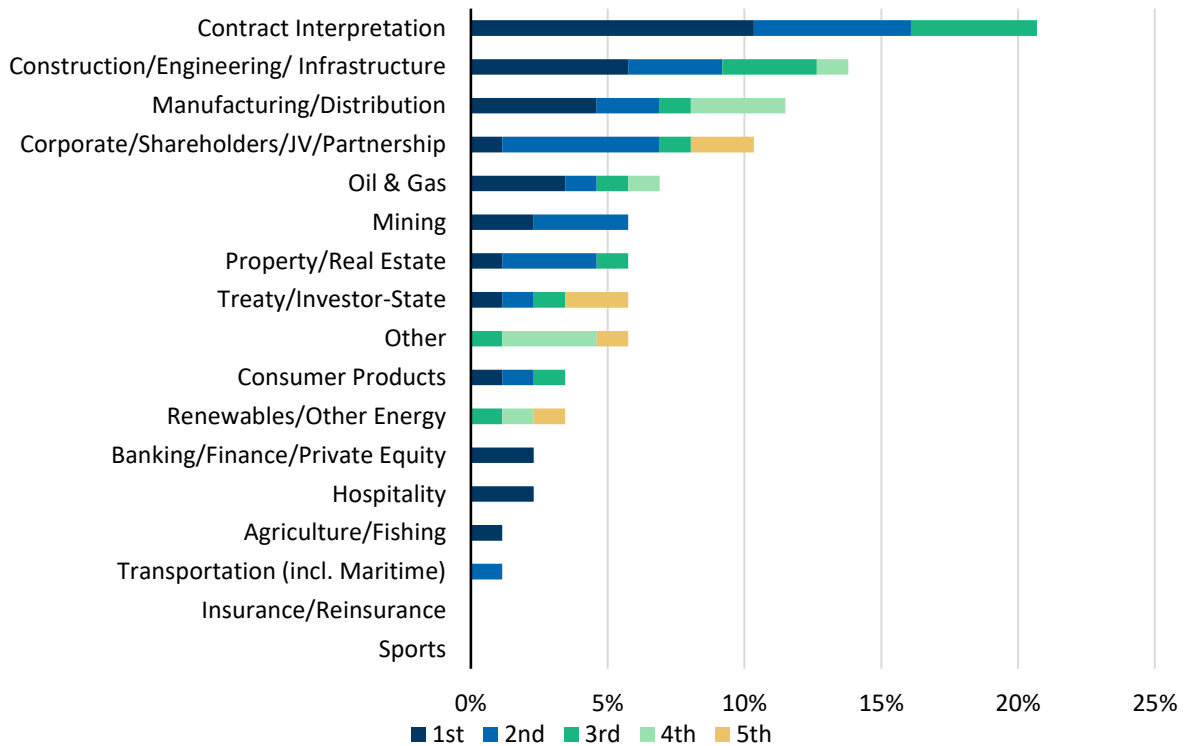


Fig. A17: In the international arbitration cases in which you were a Tribunal member, in aggregate how many of the other Tribunal members were based in each of the following?

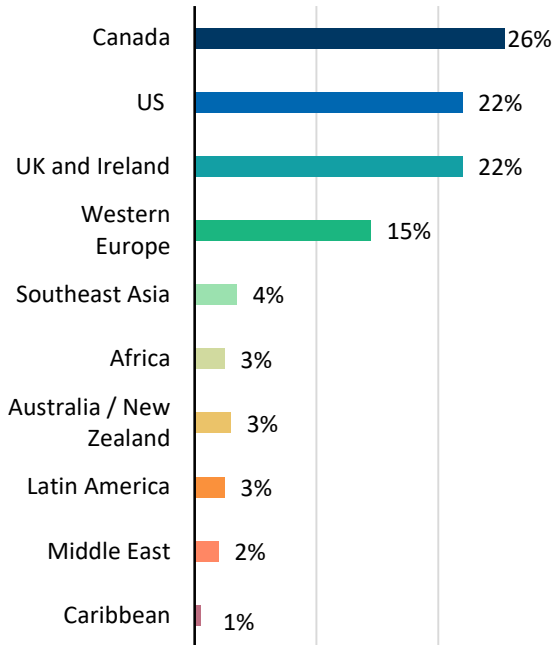


Fig. A18: In international arbitration cases in which you have been an arbitrator, how many have/had the following amounts (\$C) in dispute (aggregating claim(s) and any counterclaim(s))?

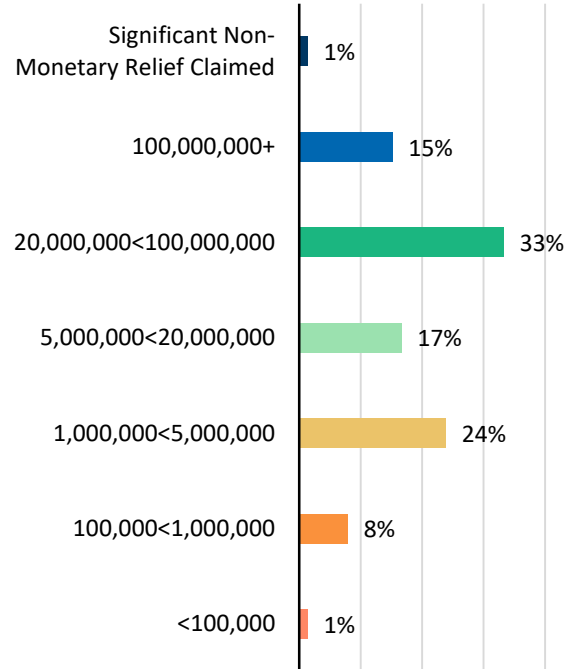


Fig. A19: Of the international arbitration cases in which you were involved, how many settled or were discontinued...?

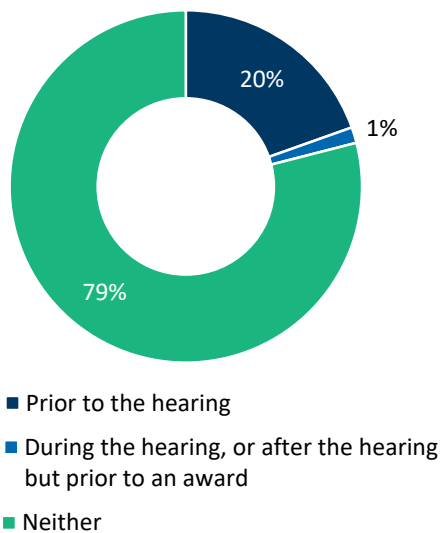


Fig. A20: Of the international arbitration cases that involved main evidentiary hearings, what were their durations (excluding those that settled during the hearing)?

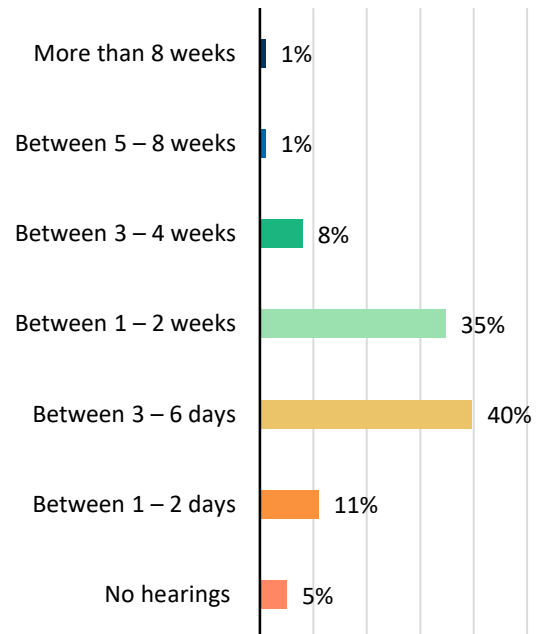


Fig. A21: Of the international arbitration cases in which you have been an arbitrator, in how many was there a formal mediation of the dispute?

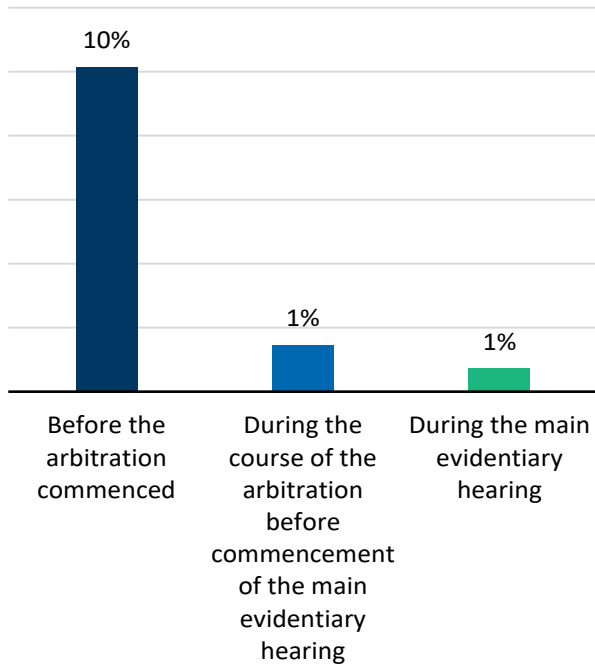


Fig. A22: Of the international arbitration cases in which there was a formal mediation of the dispute, how many settled during mediation?

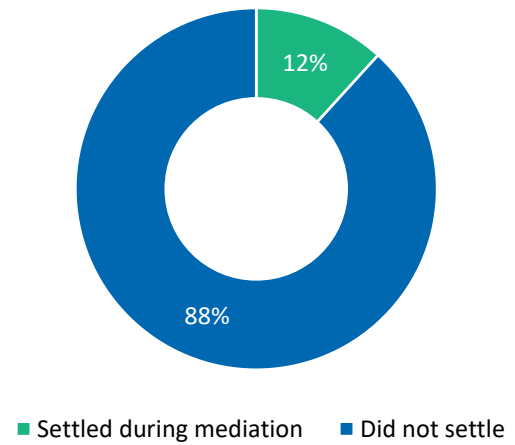


Fig. A23: Of the international arbitration cases in which you have been an arbitrator, how many involved one or more partial awards?

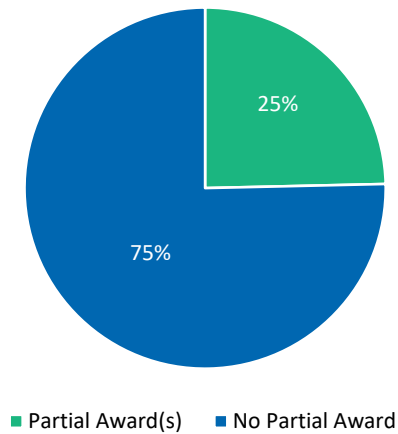


Fig. A24: Of the international arbitration cases in which there were one or more partial awards, how many involved separate determinations on each of the following?

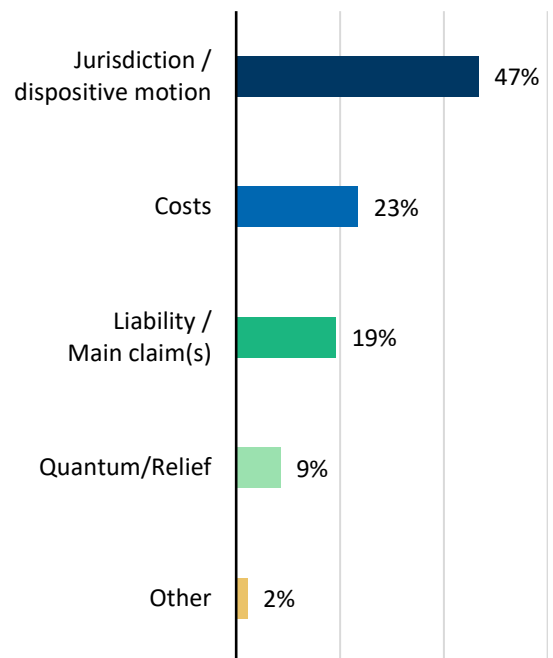


Fig. A25: Of the international arbitration cases, in how many was Expert Witness evidence submitted?

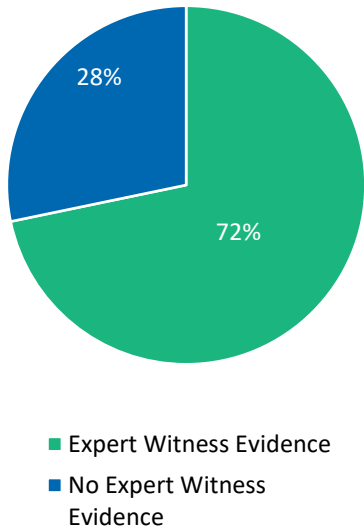


Fig. A26: Of the international arbitration cases in which Expert Witness evidence was submitted, on what topic(s) did the experts opine?

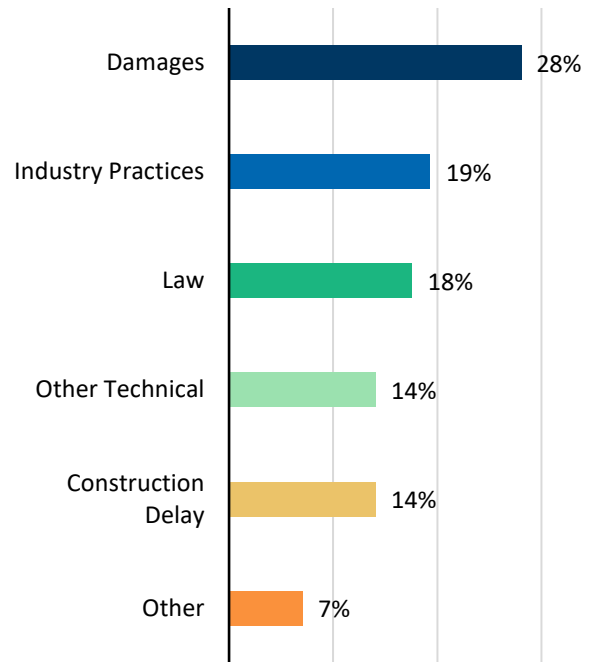


Fig. A27: Of the international arbitration cases in which Expert Witness evidence was submitted, how many involved the following?

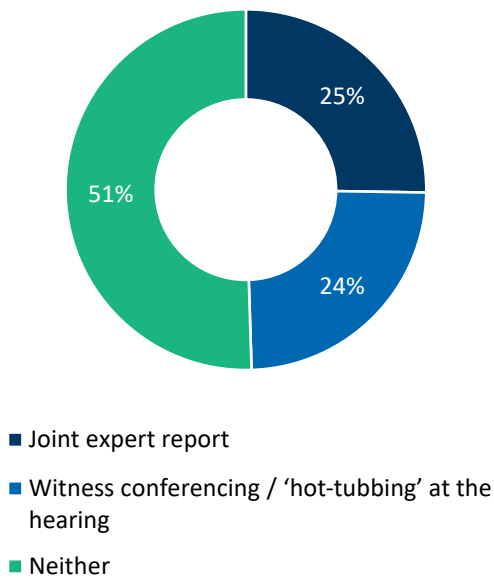


Fig. A28: Of the international arbitration cases in which you have been an arbitrator, to your knowledge, how many involved litigation/arbitration funding?

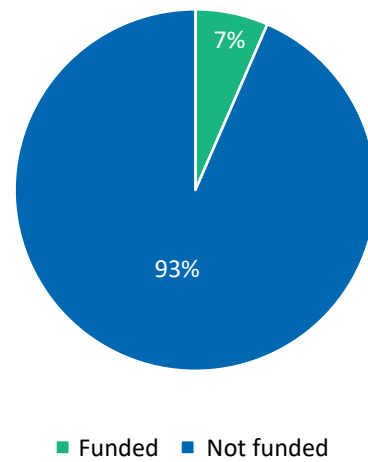


Fig. A29: Of the arbitrators with whom you have sat in an international arbitration, what percentage were each of the following?

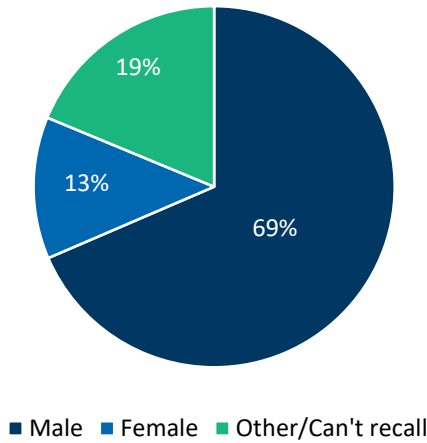
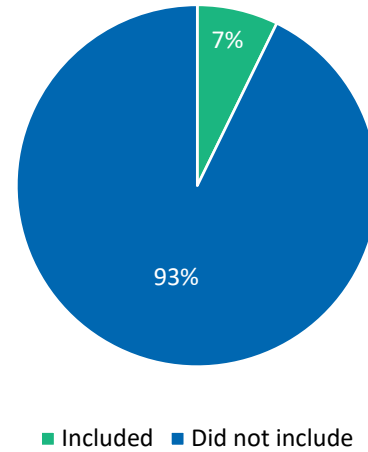


Fig. A30: Of the international arbitration cases in which you were a Tribunal member, how many included Tribunal members from historically underrepresented groups (other than by gender)?



Domestic Commercial Arbitrations

Fig. A31: Of the domestic arbitration cases in which you have been an arbitrator, in how many have you served in the following roles?

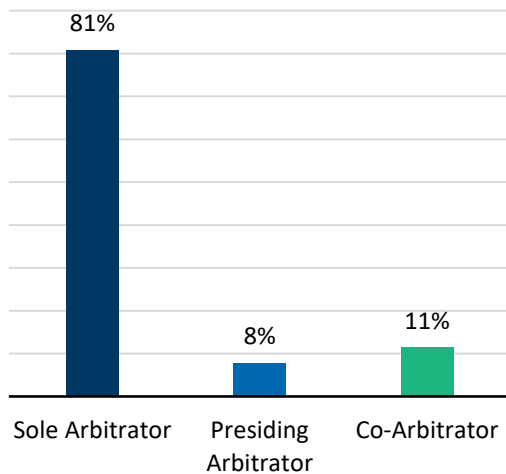


Fig. A32: Of the domestic arbitration cases in which you have been an arbitrator, in how many were you appointed/selected by each of the following?

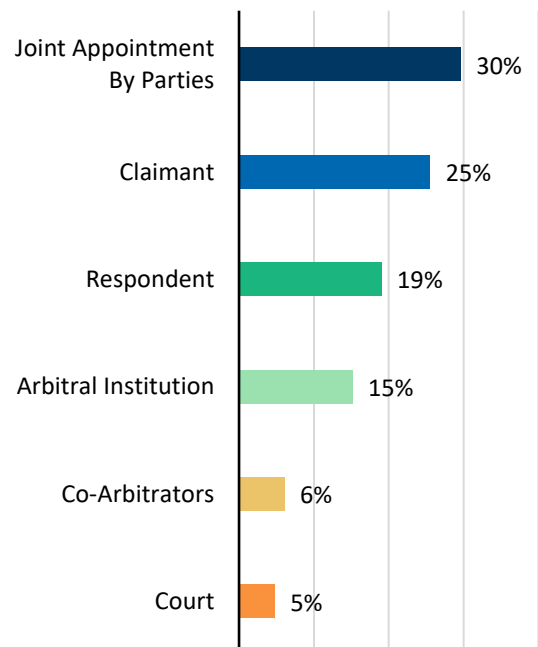


Fig. A33: Of the domestic commercial arbitration cases in which you have been an arbitrator, how many were administered by each of the following?

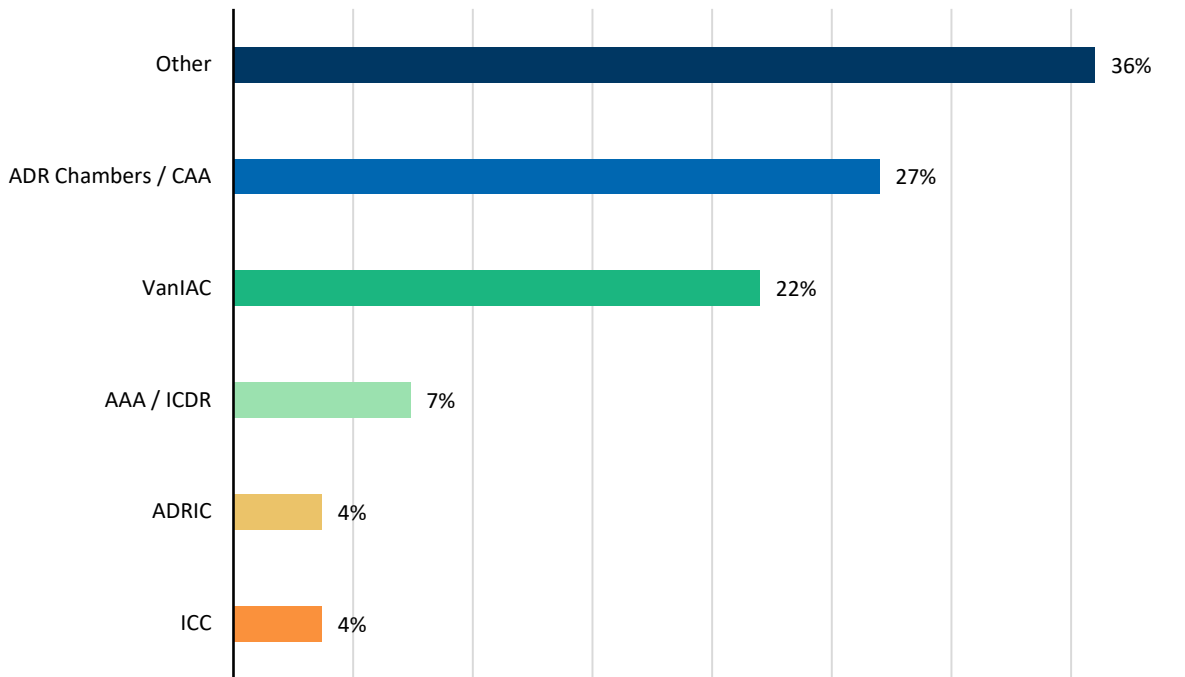


Fig. A34: Of the domestic arbitration cases in which you have been an arbitrator, which of the industries below were most common?

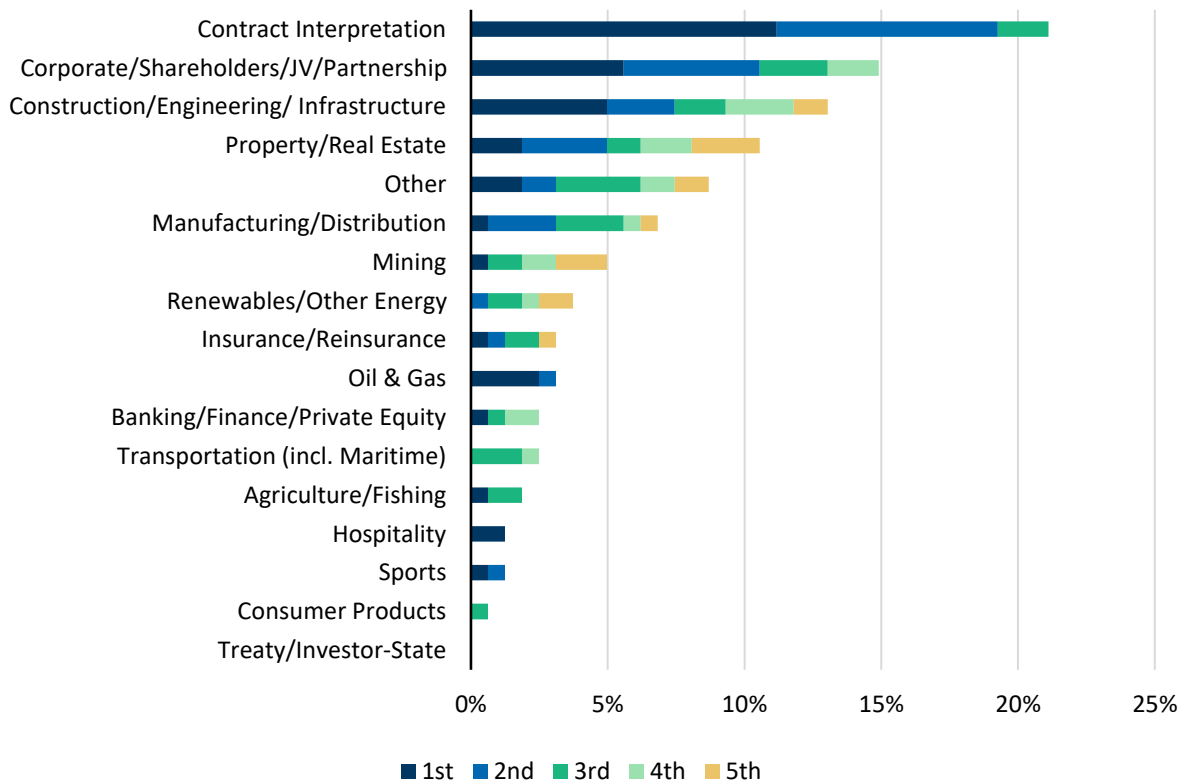


Fig. A35: In the domestic commercial arbitration cases in which you were a Tribunal member, in aggregate how many of the other Tribunal members were based in each of the following?

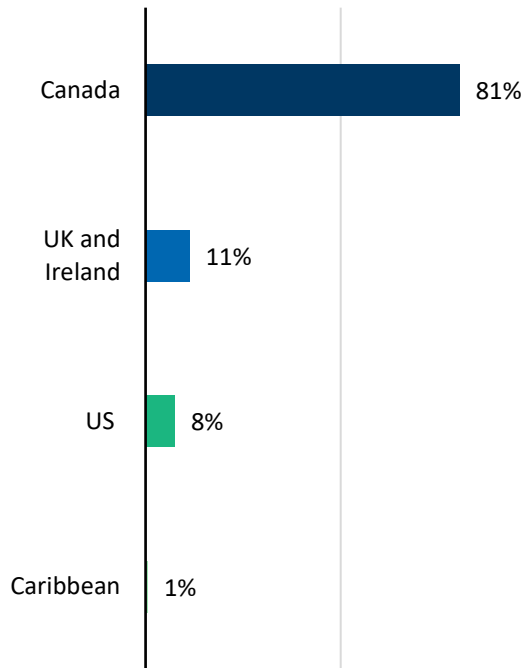


Fig. A36: Of the arbitrators with whom you have sat in a domestic arbitration, what percentage were each of the following?

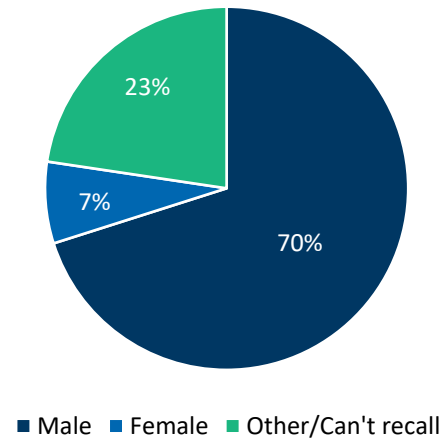


Fig. A37: Of the domestic arbitration cases in which you were a Tribunal member, how many included Tribunal members from historically underrepresented groups (other than by gender)?

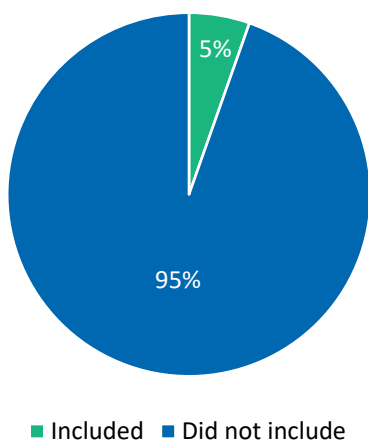


Fig. A38: In domestic arbitration cases in which you have been an arbitrator, how many have/had the following amounts (\$C) in dispute (aggregating claim(s) and any counterclaim(s))?

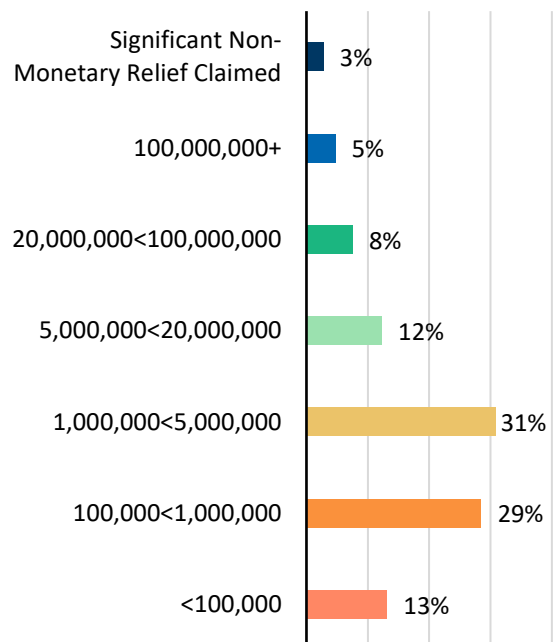
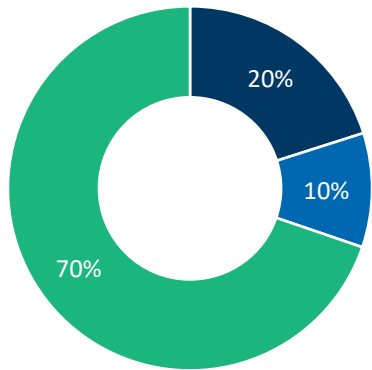


Fig. A39: Of the domestic arbitration cases that have concluded, how many settled or were discontinued...?



- Prior to the hearing
- During the hearing, or after the hearing but prior to an award
- Neither

Fig. A40: Of the domestic arbitration cases that involved main evidentiary hearings, how many involved hearings of the following durations (excluding those that settled during the hearing)?

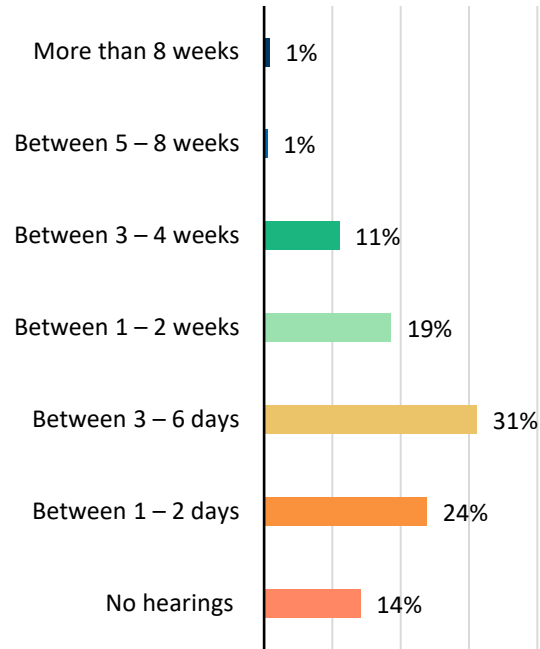


Fig. A41: Of the domestic arbitration cases in which you have been an arbitrator, to your knowledge, in how many was there a formal mediation of the dispute?

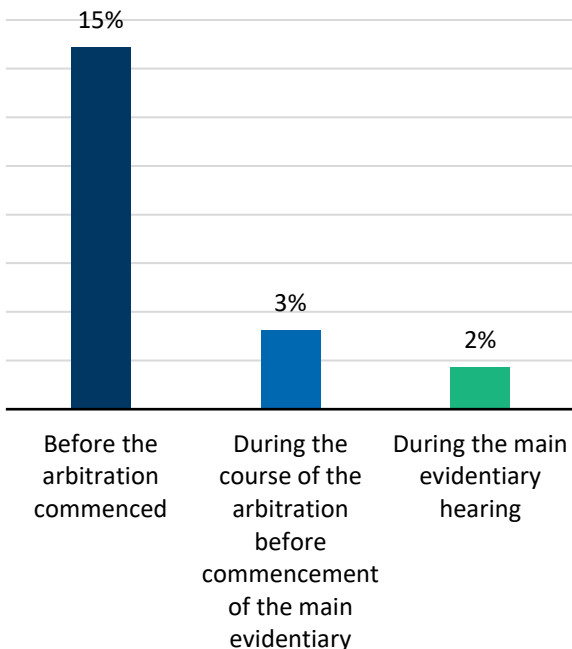
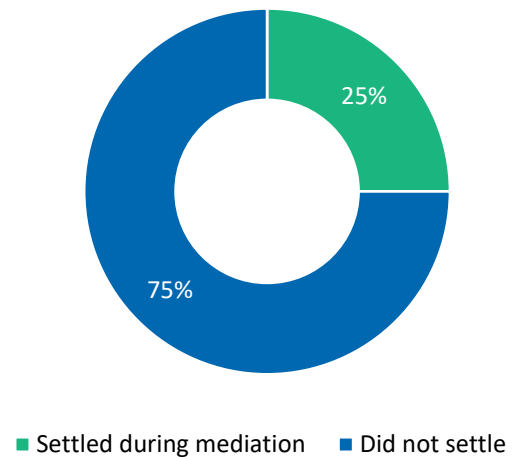


Fig. A42: Of the domestic arbitration cases in which there was a formal mediation of the dispute, how many settled during mediation?



- Settled during mediation
- Did not settle

Fig. A43: Of the domestic arbitration cases in which you have been an arbitrator, how many involved one or more partial awards?

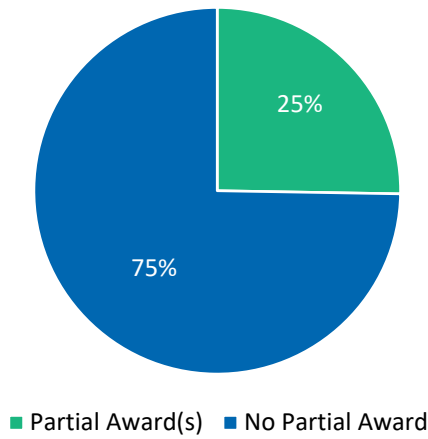


Fig. A44: Of the domestic arbitration cases in which there were one or more partial awards, how many involved separate determinations on each of the following?

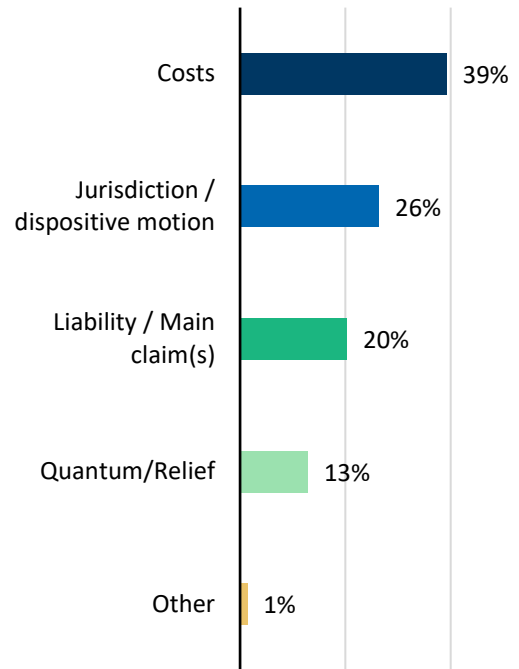


Fig. A45: Of the domestic arbitration cases, in how many was Expert Witness evidence submitted?

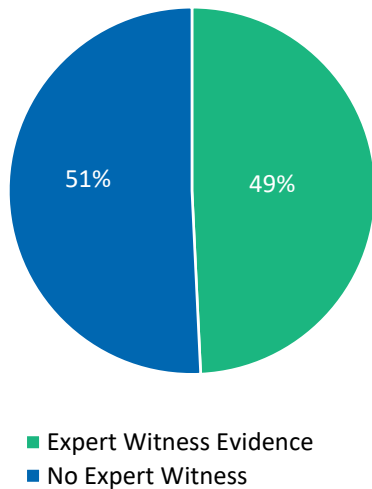


Fig. A46: Of the domestic arbitration cases in which Expert Witness evidence was submitted, on what topic(s) did the experts opine?

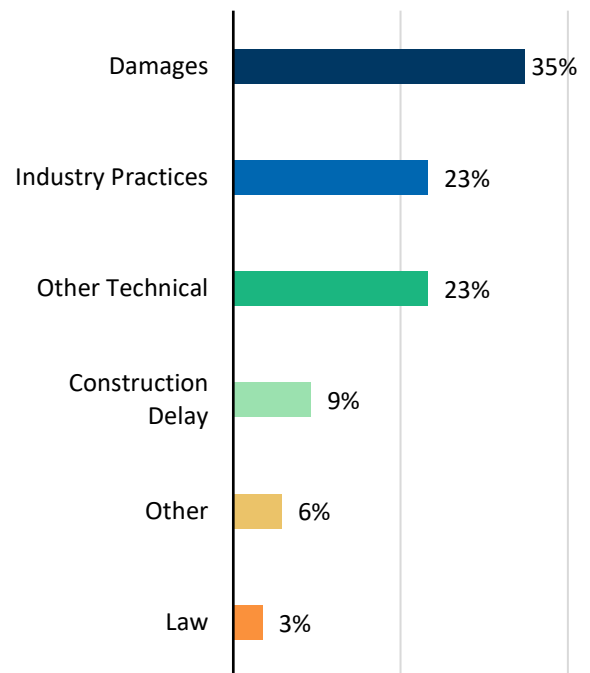
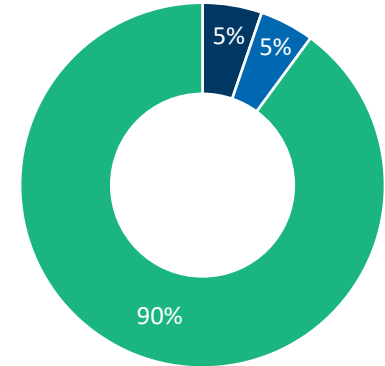
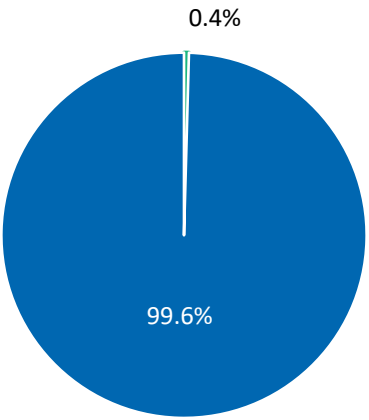


Fig. A47: Of the domestic commercial arbitration cases in which Expert Witness evidence was submitted, how many involved the following?



- Joint expert report
- Witness conferencing / 'hot-tubbing' at the hearing
- Neither

Fig. A48: Of the domestic arbitration cases in which you have been an arbitrator, to your knowledge, how many involved litigation/arbitration funding?



- Funded
- Not Funded



Annexure 2 – Counsel Survey Responses

Contains the data collected from each question posed to Counsel Survey respondents.

Counsel Survey Responses

Your Firm

Fig. A49: In which Canadian cities does your firm currently have offices?

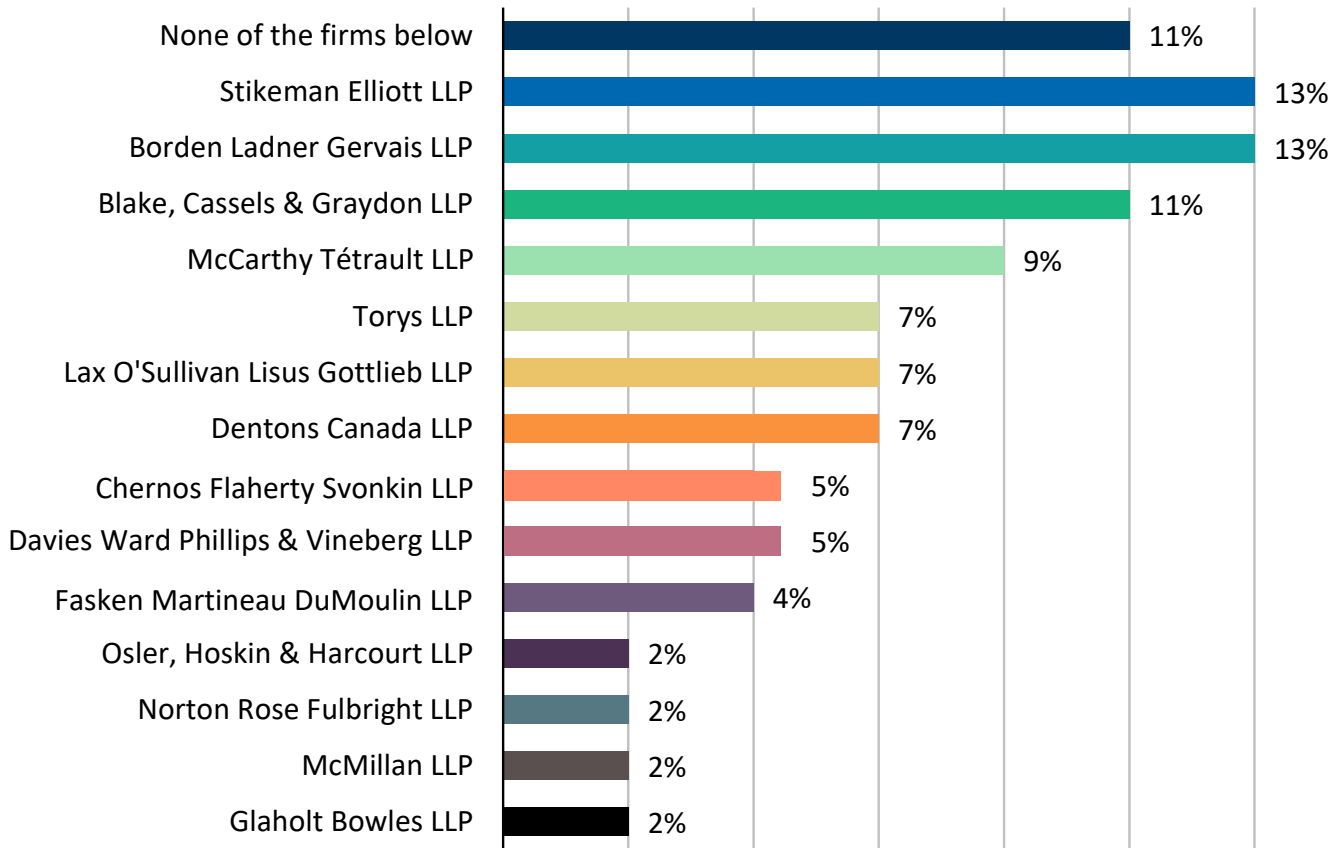


Fig. A50: In which Canadian cities does your firm currently have offices?

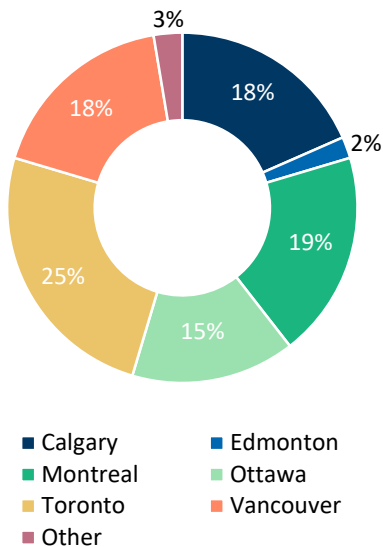


Fig. A51: If your firm currently has offices outside of Canada, in how many countries?

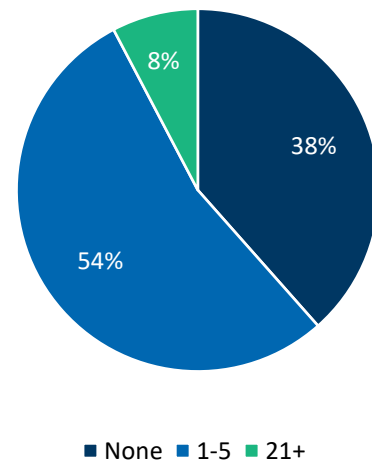


Fig. A52: Approximately how many lawyers are in your firm worldwide currently?

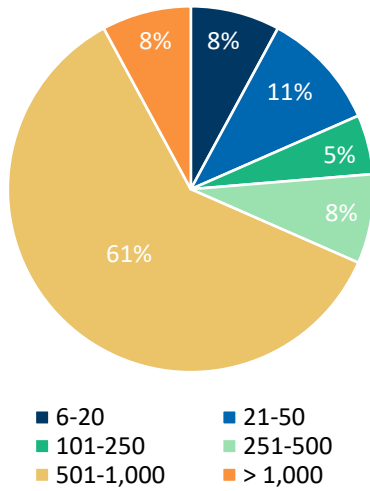


Fig. A53: Approximately how many lawyers are in your firm in Canada currently?

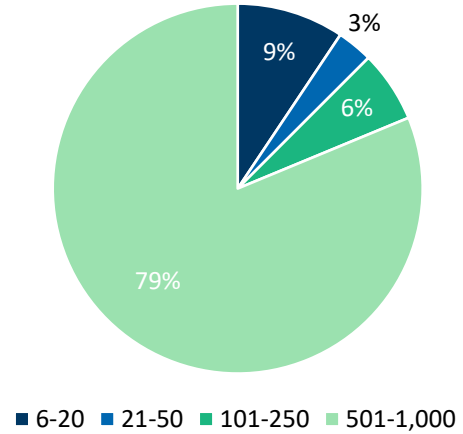


Fig. A54: Approximately what percentage of lawyers in your firm worldwide currently are primarily commercial disputes lawyers?

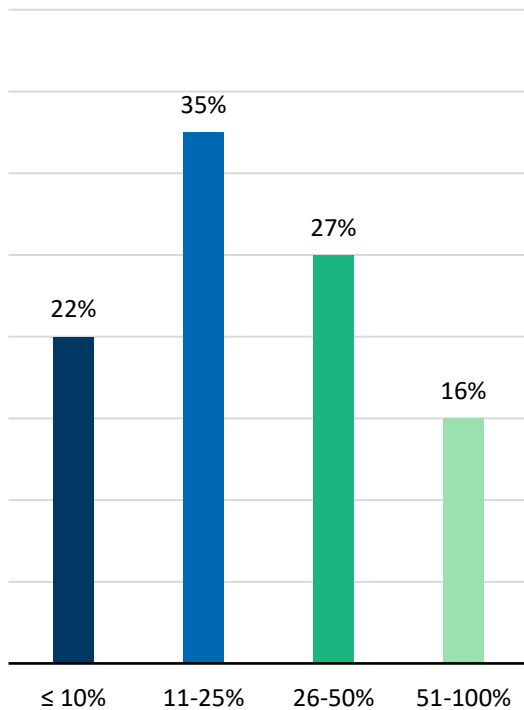


Fig. A55: Approximately how many lawyers in your firm in Canada currently are primarily commercial disputes lawyers (i.e., not primarily involved in non-commercial disputes or transactional work)?

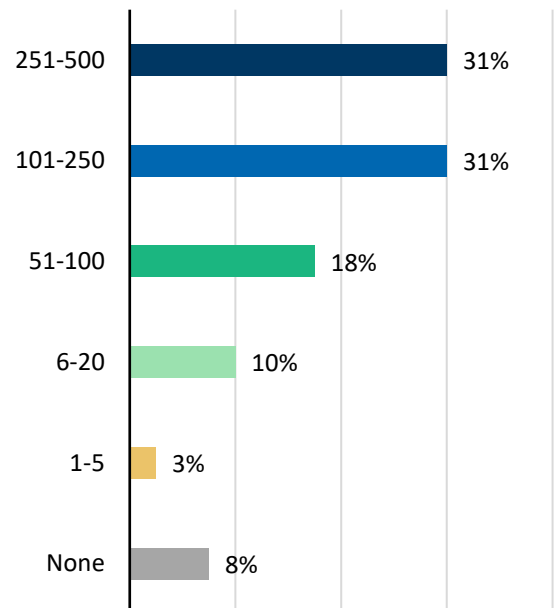


Fig. A56: How many lawyers in your firm in Canada currently are engaged in arbitration-related work (as counsel or arbitrator)?

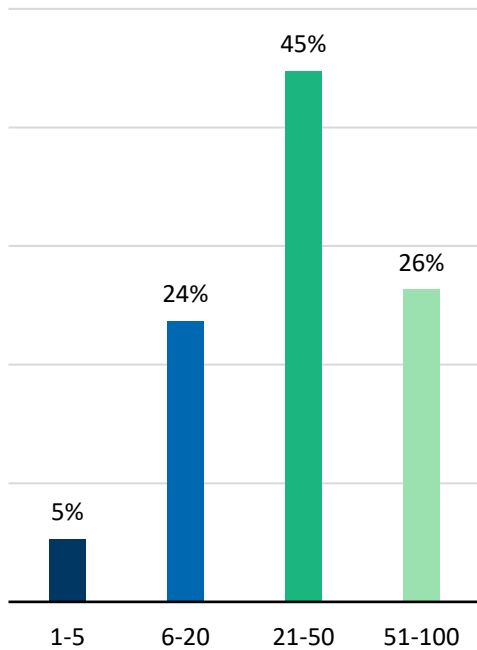
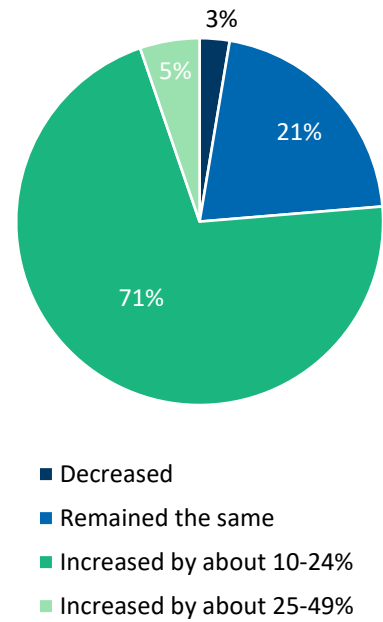


Fig. A57: How has the number of lawyers engaged in arbitration-related work in your firm in Canada changed in the 3-year period since January 2020?



You and Your Practice

Fig. A58: With which gender do you most identify?

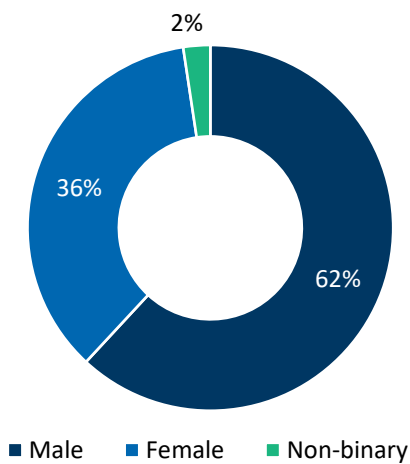


Fig. A59: What percentage of your own practice currently is arbitration-related work (as counsel or arbitrator)?

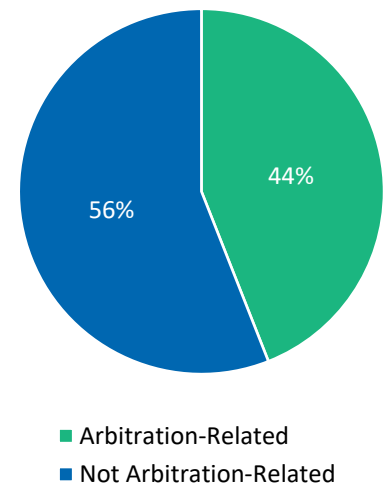
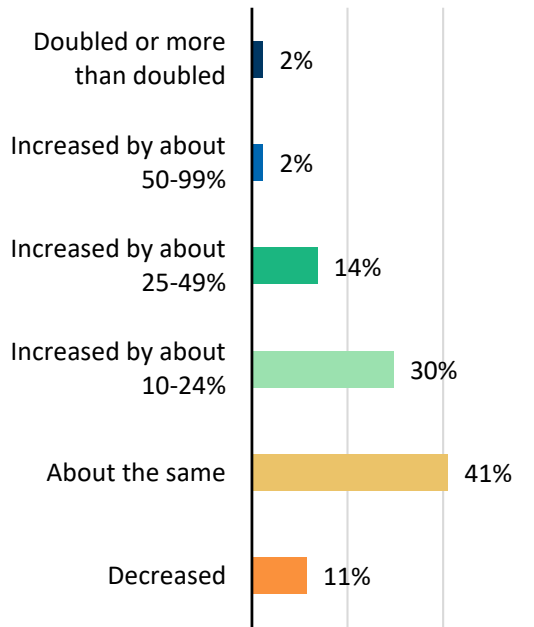


Fig. A60: How has the percentage of arbitration-related work in your practice changed in the 3-year period since January 2020?



Arbitration Agreements

International Contracts

Fig. A61: How often each year since January 2020 did a commercial lawyer in your firm ask your advice on international dispute resolution clauses?

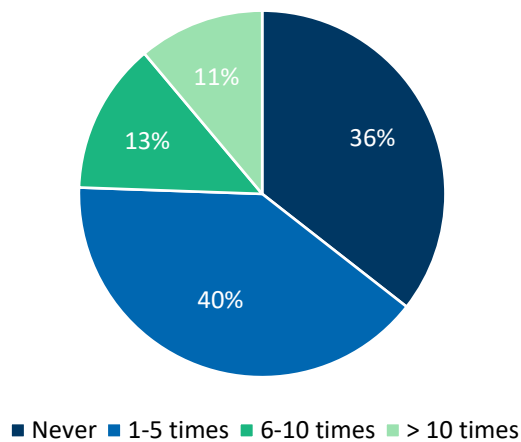


Fig. A62: In what percentage of international contracts in which you were consulted to assist with the dispute resolution clause in a commercial contract, was an arbitration clause recommended to the firm's client?

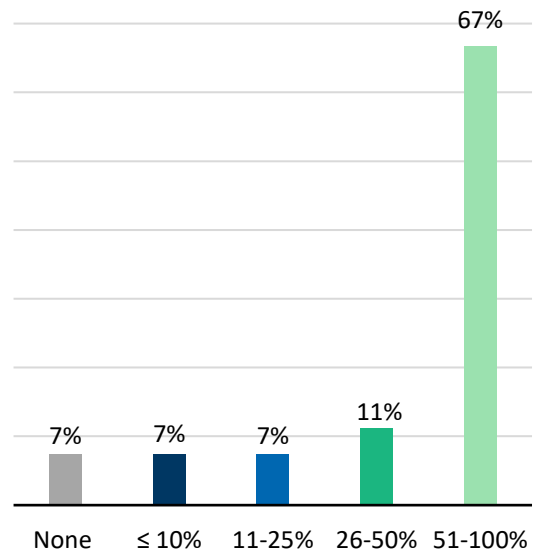


Fig. A63: Over the 3-year period, in what percentage of the international contracts for which an arbitration clause was recommended to the firm's client was an arbitration clause in fact included in the contract?

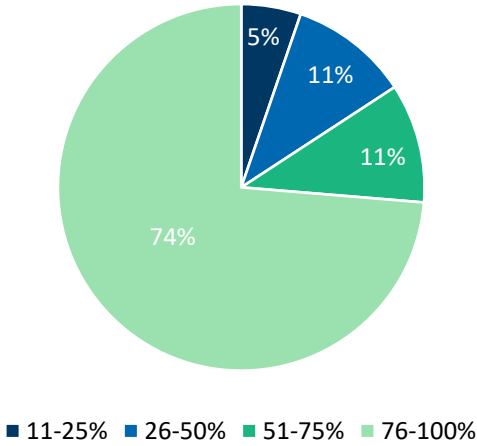


Fig. A64: Of the international contracts in which an arbitration clause was not included in the contract, what were the main reasons for the decision?

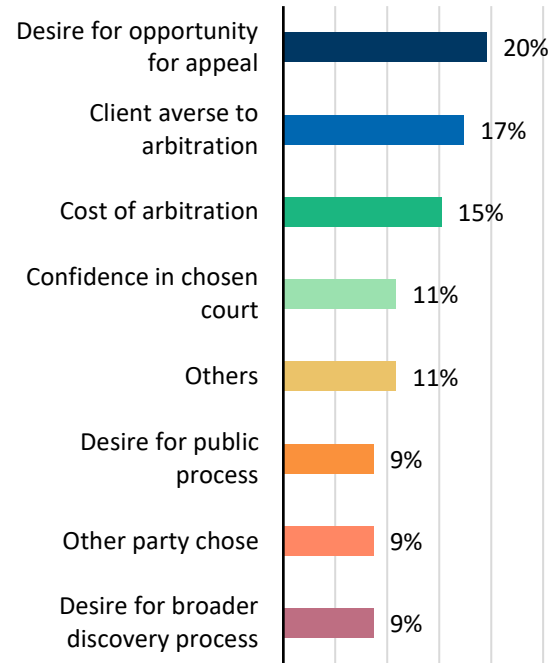


Fig. A65: Over the 3-year period, in what percentage of the international contracts in which an arbitration clause was in fact included in the contract, were other (non-adjudicative) forms of dispute resolution also recommended as part of the dispute resolution process?

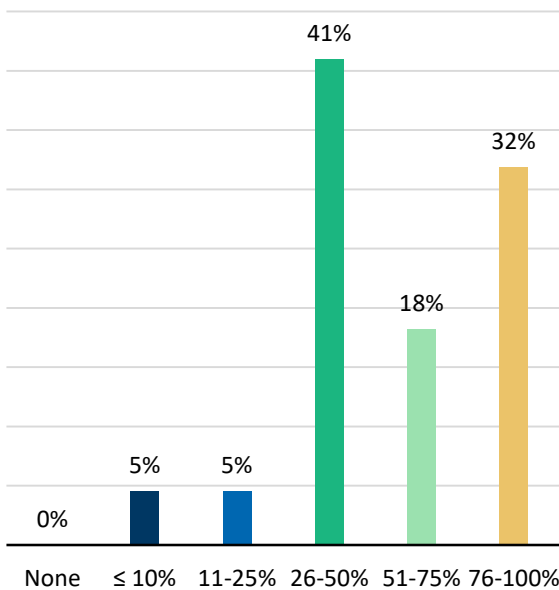


Fig. A66: Over the 3-year period, in what percentage of the international contracts in which an arbitration clause was in fact included in the contract, was a tribunal of 3 arbitrators recommended?

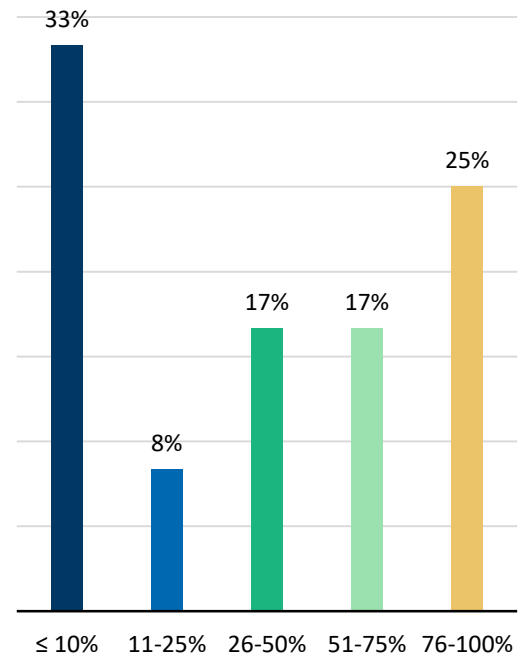


Fig. A67: If you recommended a sole arbitrator, what were your reasons?

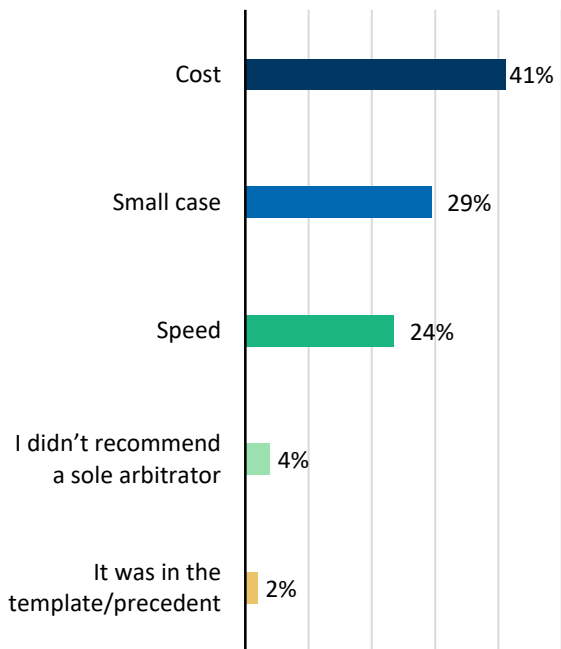


Fig. A68: Over the 3-year period, in what percentage of the international contracts in which an arbitration clause was in fact included in the contract, did you recommend a seat?

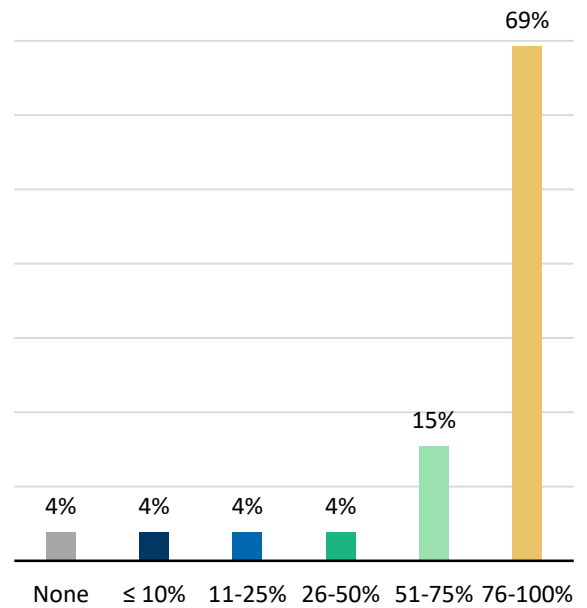


Fig. A69: If you recommended a seat in Canada, what cities were your most commonly recommended?

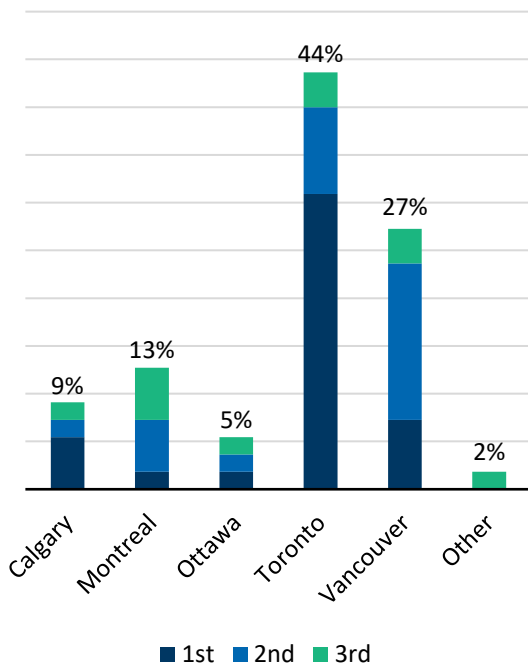


Fig. A70: What was the most important reason for recommending each city?

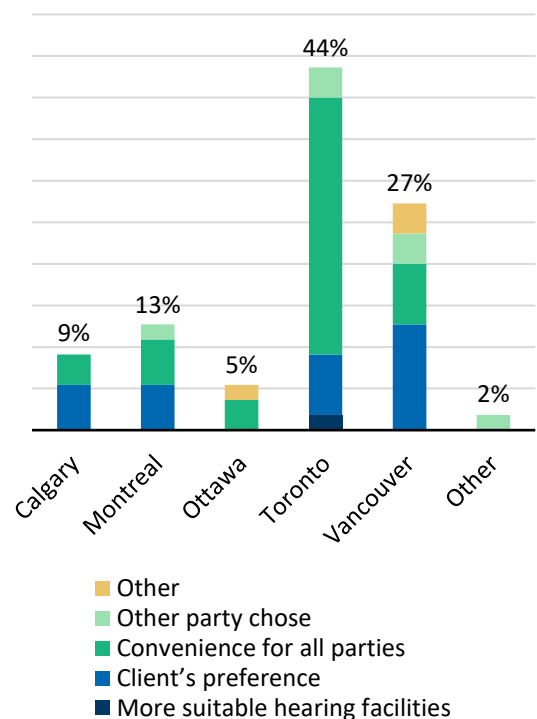


Fig. A71: Over the 3-year period, in what percentage of the international contracts in which an arbitration clause was included in the contract and you recommended a seat, was the seat outside of Canada?

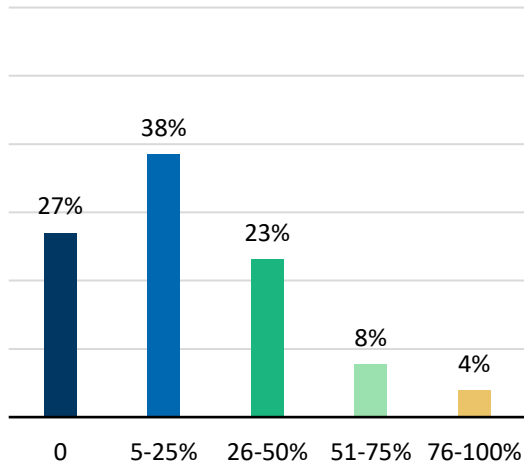


Fig. A73: Over the 3-year period, in what percentage of the international contracts in which an arbitration clause was in fact included in the contract, was an institution chosen to administer the arbitration?

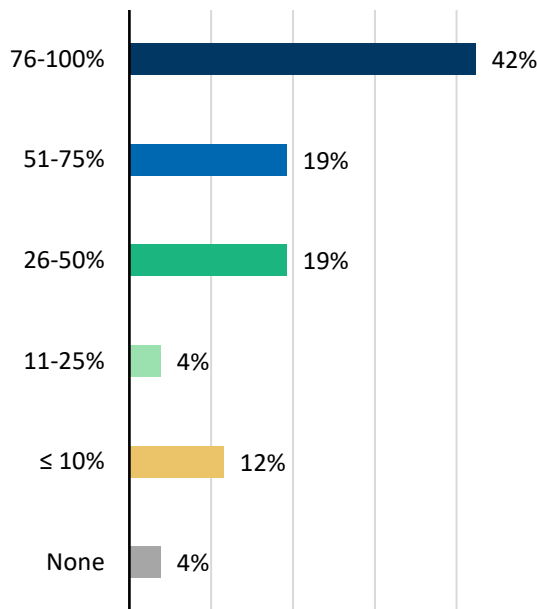


Fig. A72: What were the reasons you recommended a seat that was not in Canada?

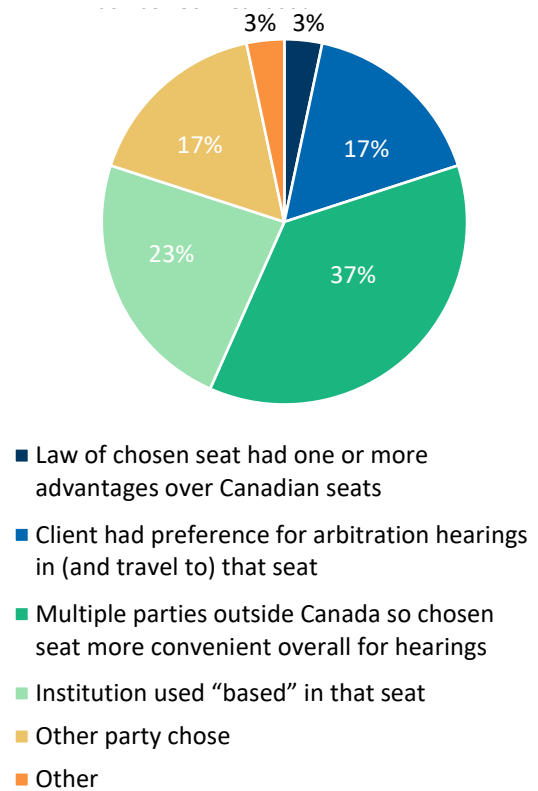
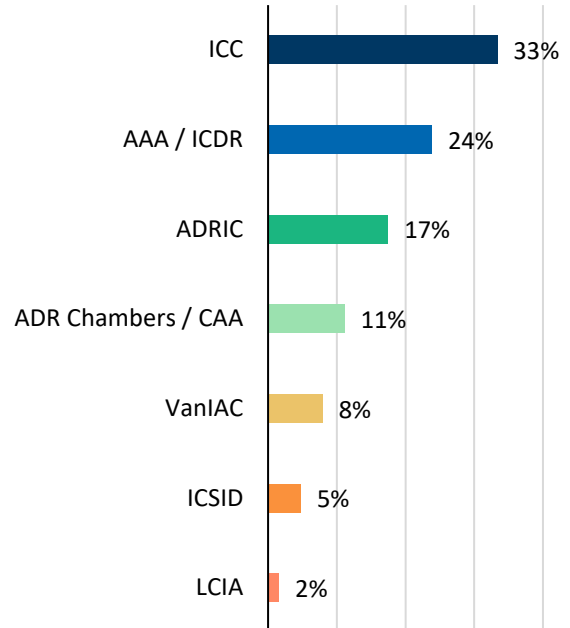


Fig. A74: Further to the previous question, of the international arbitration contracts in which an institution was chosen to administer the arbitration, which institutions administered most cases?



Domestic Contracts

Fig. A75: How often each year since January 2020 did a commercial lawyer in your firm ask your advice on domestic dispute resolution clauses?

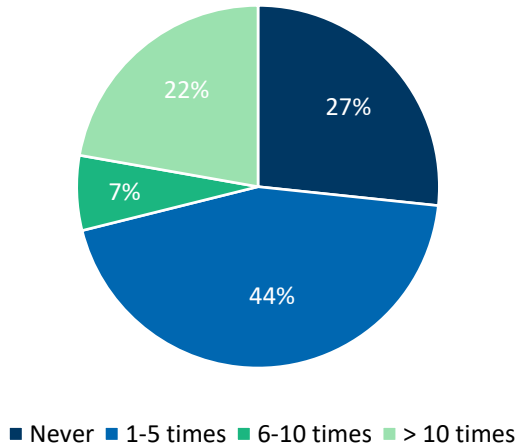


Fig. A76: In what percentage of domestic contracts in which you were consulted to assist with or advise on drafting the dispute resolution clause in a commercial contract, was an arbitration clause recommended to the firm's client?

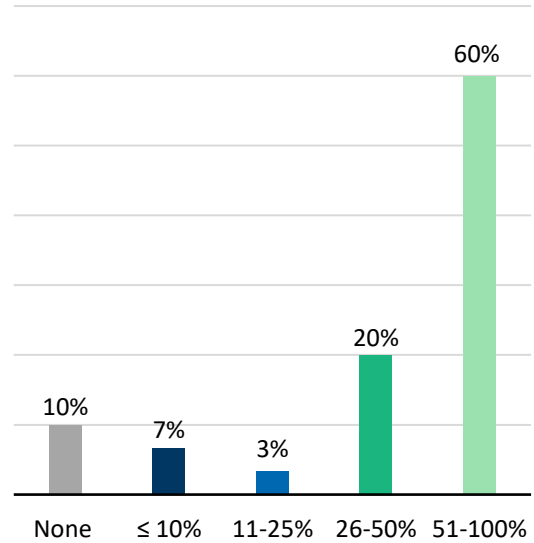


Fig. A77: Over the 3-year period, in what percentage of the domestic commercial contracts for which an arbitration clause was recommended to the client, was an arbitration clause in fact included in the contract?

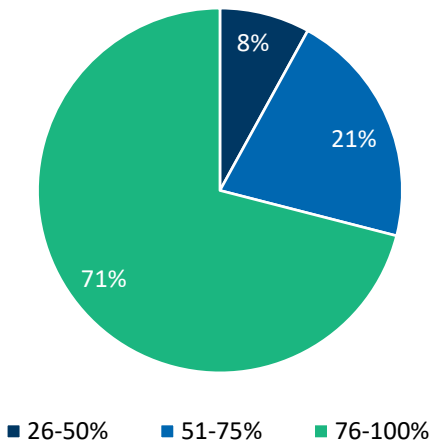


Fig. A78: Of the domestic commercial contracts in which an arbitration clause was not included in the contract, what were the main reasons for the decision?

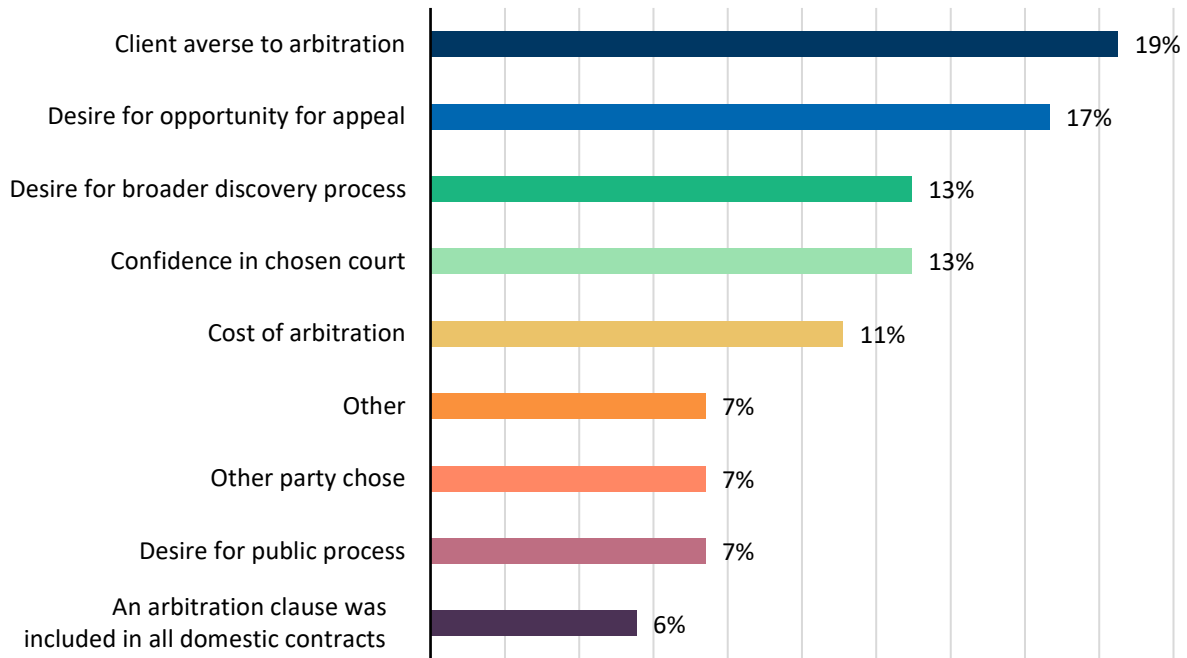


Fig. A79: Over the 3-year period, in what percentage of the domestic commercial contracts in which an arbitration clause was in fact included in the contract, were other (non-adjudicative) forms of dispute resolution also recommended as part of the dispute resolution process?

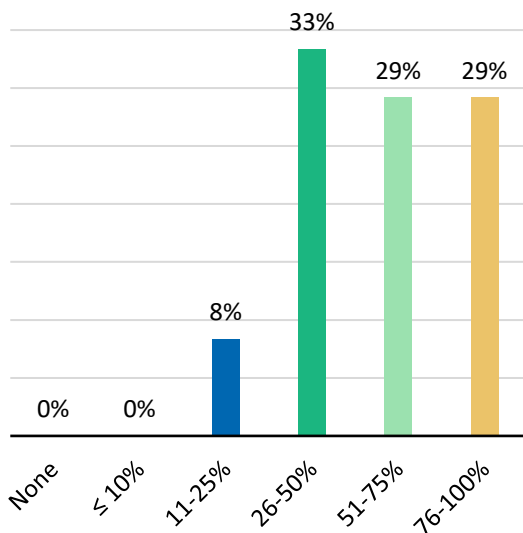


Fig. A80: Over the 3-year period, in what percentage of the domestic commercial contracts in which an arbitration clause was in fact included in the contract, was an institution chosen to administer the arbitration?

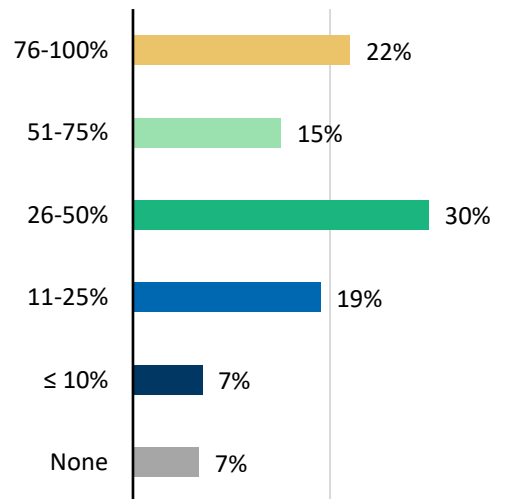


Fig. A81: Further to the previous question, of the domestic commercial arbitrations in which an institution was chosen to administer the arbitration, which organizations administered most cases?

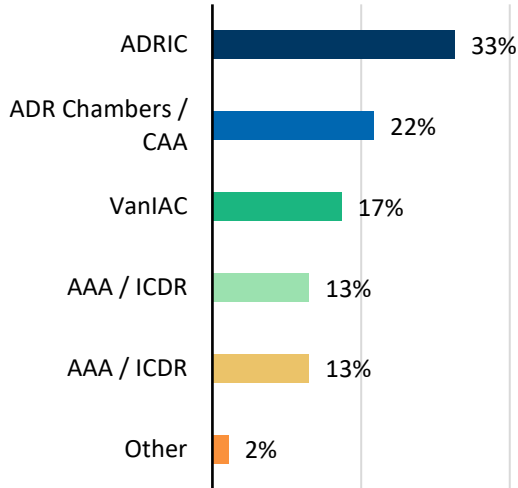


Fig. A82: In those instances where ad hoc arbitration was chosen in a domestic commercial contract, what were the reasons?

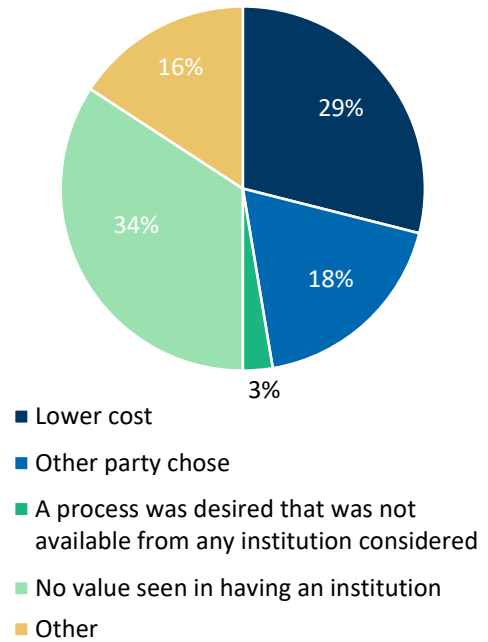
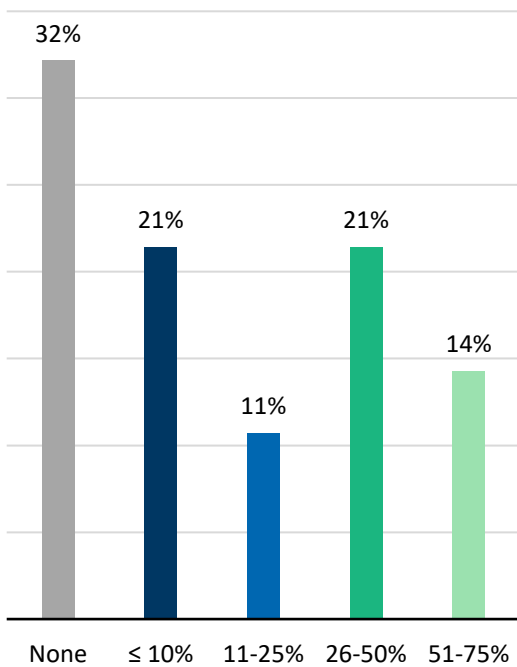


Fig. A83: Over the 3-year period, in what percentage of the domestic commercial contracts in which you recommended arbitration did you recommend a tribunal of 3 arbitrators?



Arbitration Cases

Fig. A84: Over the 3-year period, how many international arbitration cases have you been involved in?

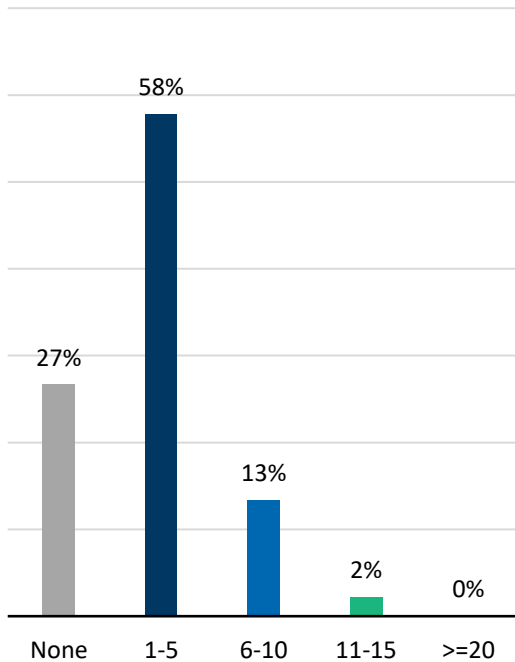
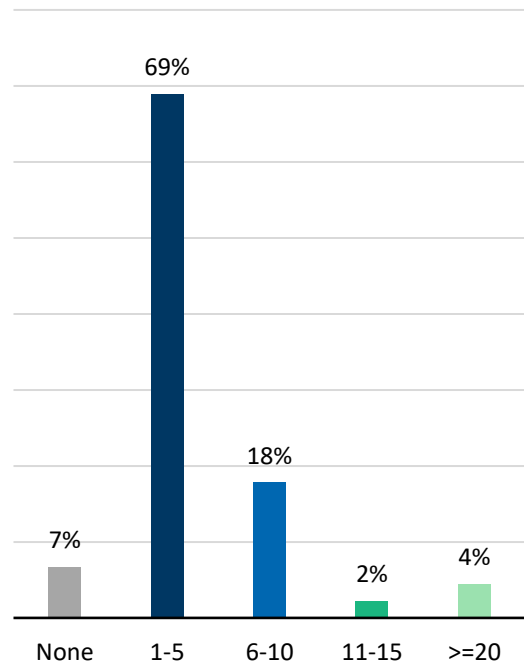


Fig. A85: Over the 3-year period, how many domestic commercial arbitration cases have you been involved in?



International Arbitration

Fig. A86: To what extent has the number of international arbitration cases in which you are involved changed over the 3-year period since January 2020?

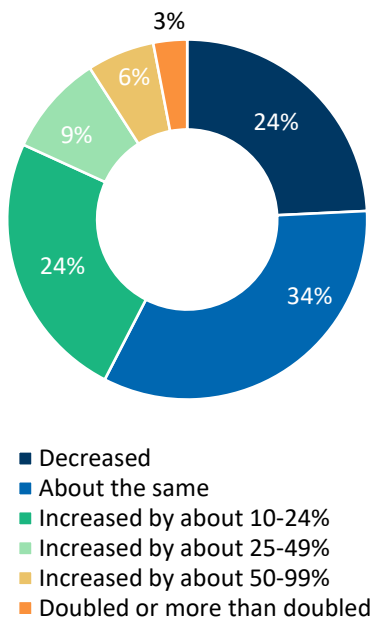


Fig. A87: Of the international arbitration cases in which you were involved, what percentage did you serve as Co-Counsel with a firm or a team from your firm based in another country?

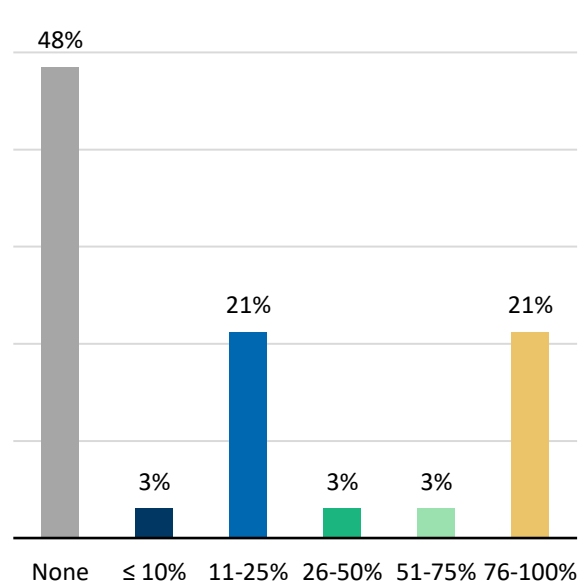


Fig. A88: Of the international arbitration cases in which you were involved, what percentage was counsel for the main opposing party based in Canada?

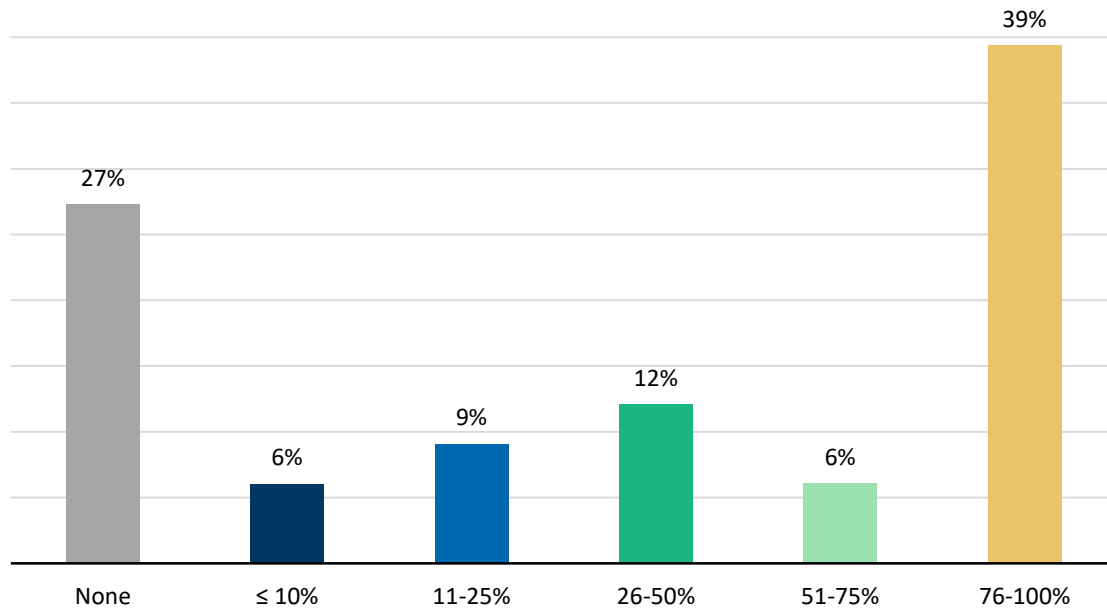


Fig. A89: Of the international arbitration cases in which you were involved, how many had the following Canadian connection?

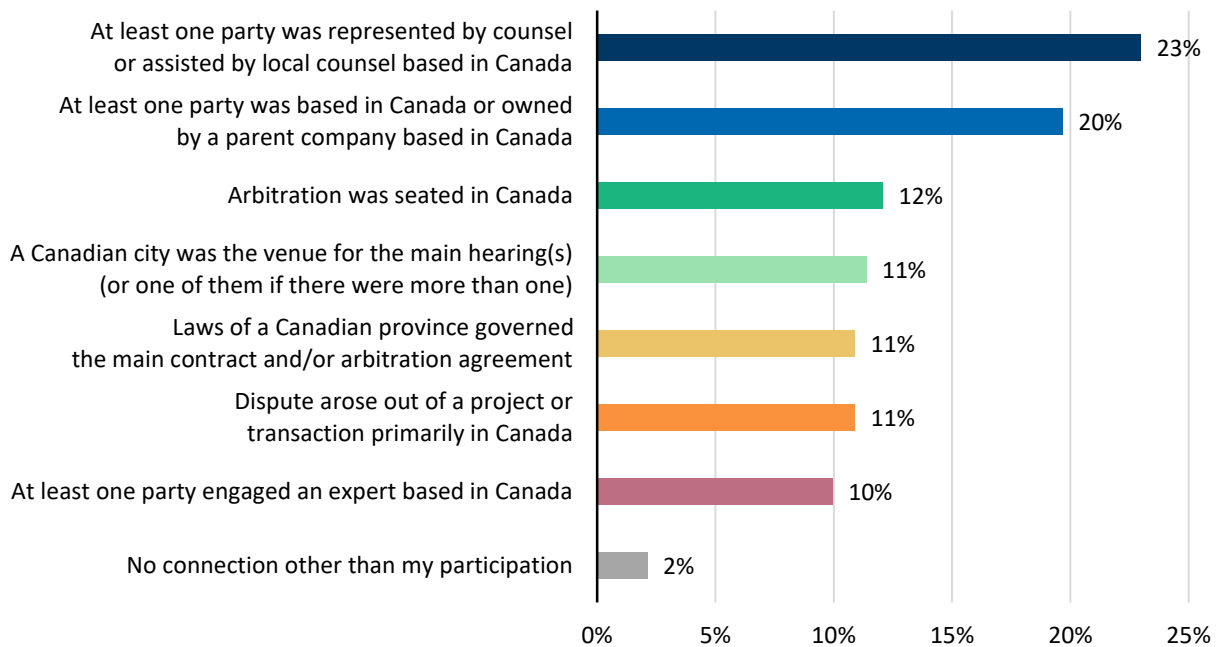


Fig. A90: Of the international arbitration cases in which you were involved, how many were administered by each of the following?

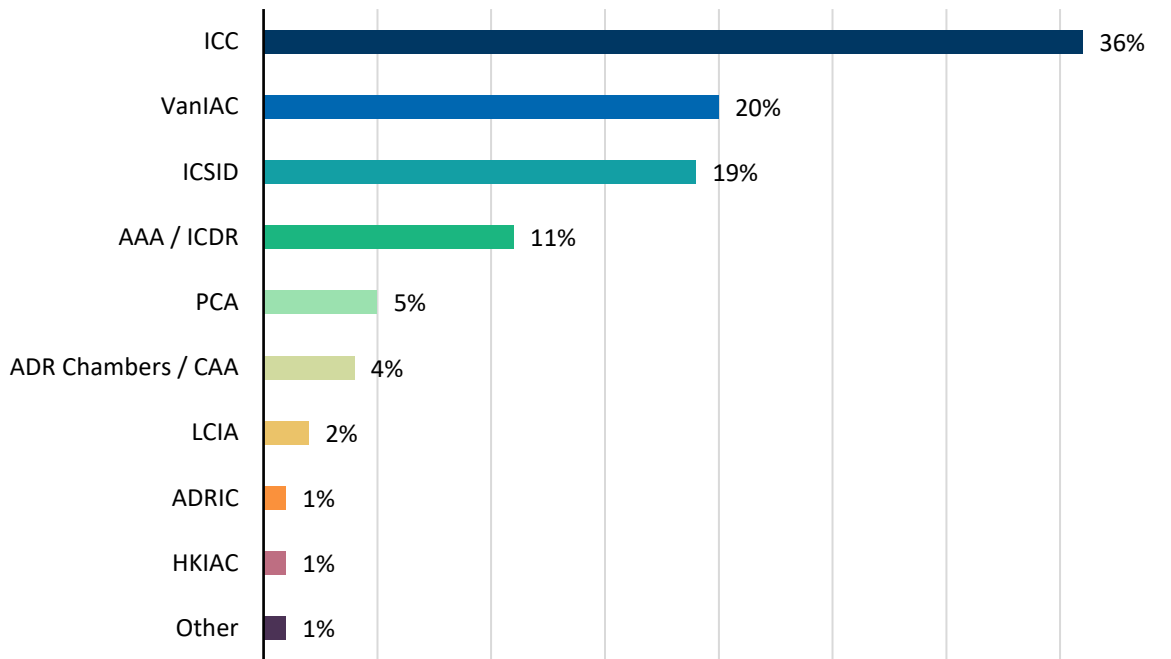


Fig. A91: Of the international arbitration cases in which you were involved, which of the industries below were most common?

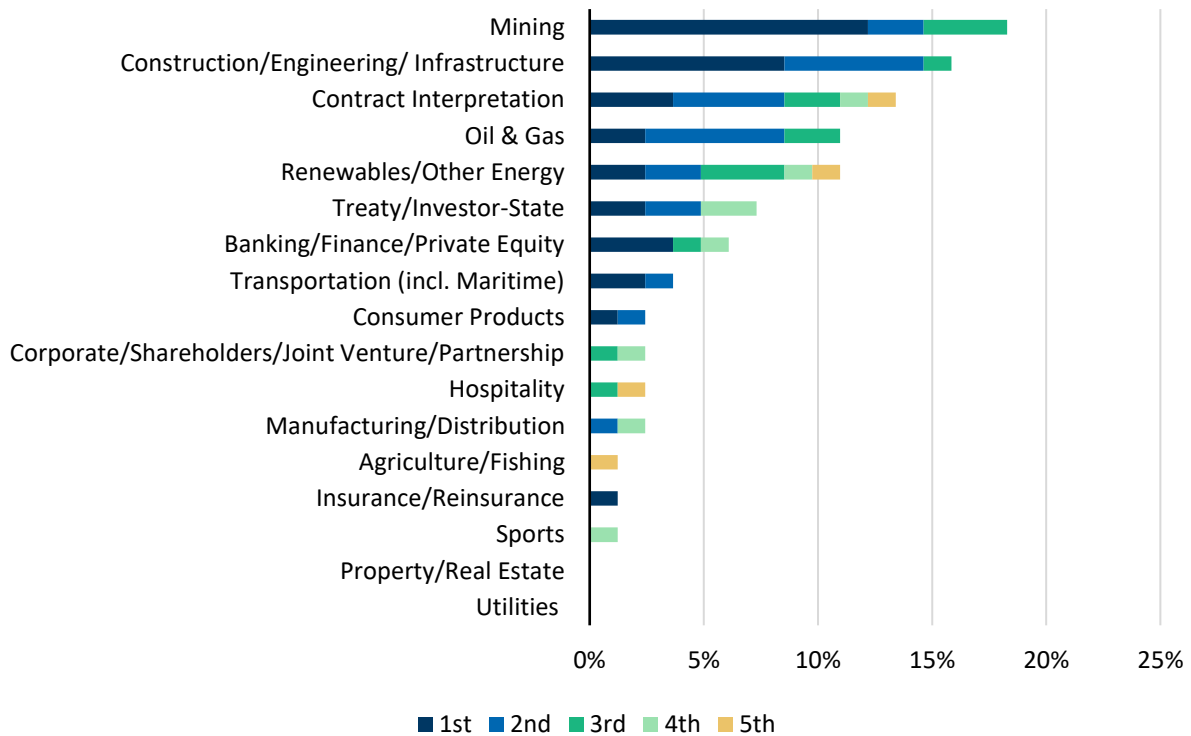


Fig. A92: Of the international arbitration cases in which you were involved, in aggregate how many arbitrators were based in each of the following?

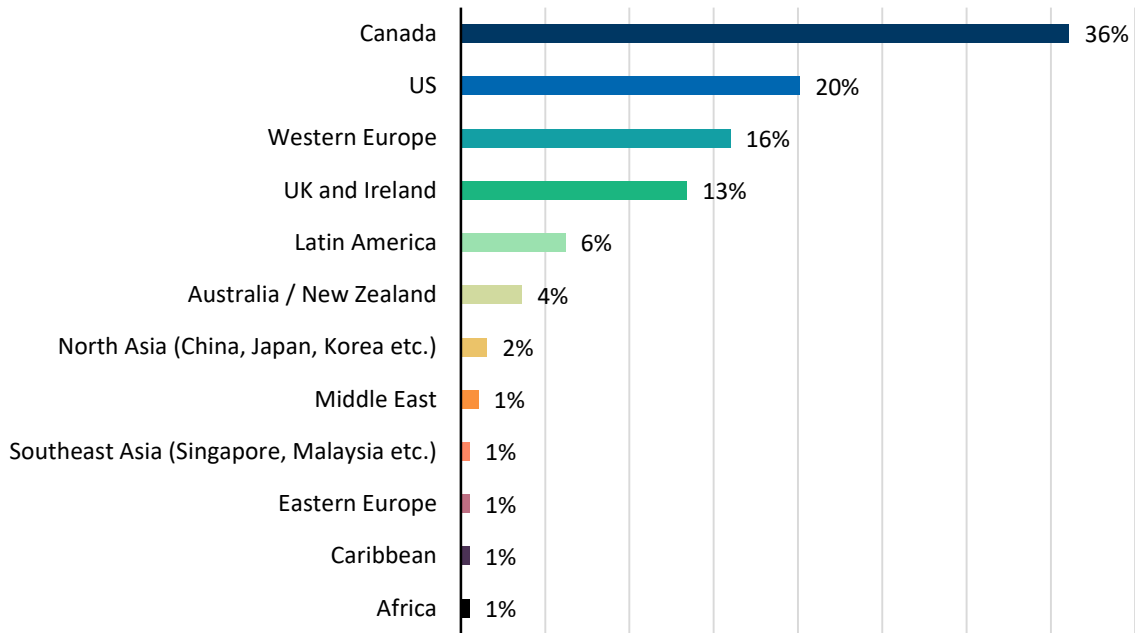


Fig. A93: Of the international arbitration cases in which you were involved, approximately what percentage of the Tribunals included women?

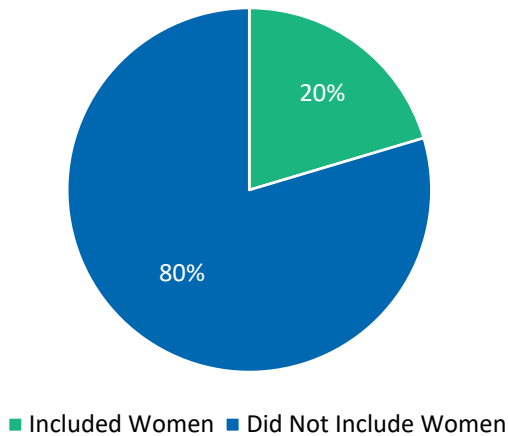


Fig. A94: Of the international arbitration cases in which you were involved, how many included Tribunal members from historically underrepresented groups (other than by gender)?

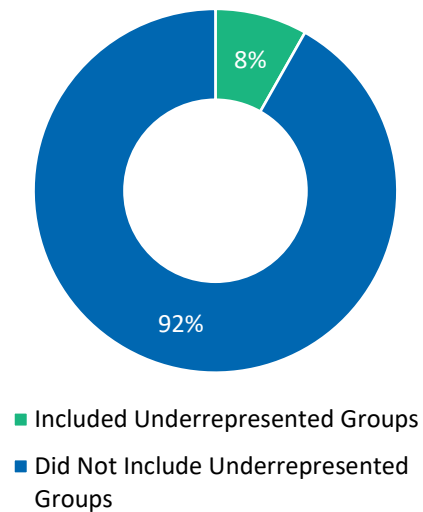


Fig. A95: Of the international arbitration cases in which you were involved, how many counsel teams were led by women or historically underrepresented groups (other than by gender)?

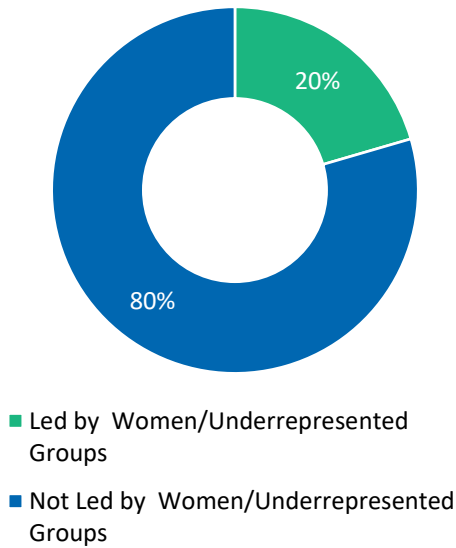


Fig. A96: Of the international arbitration cases in which you were involved, in how many have you participated in the selection/choice of one or more of the arbitrators?

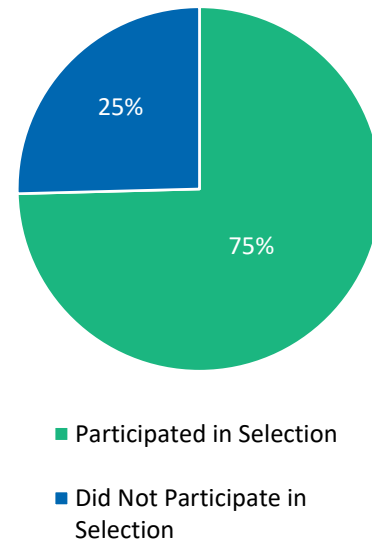


Fig. A97: Of the international arbitration cases in which you participated in the selection/choice of one or more of the arbitrators, what percentage did you recommend a former judge?

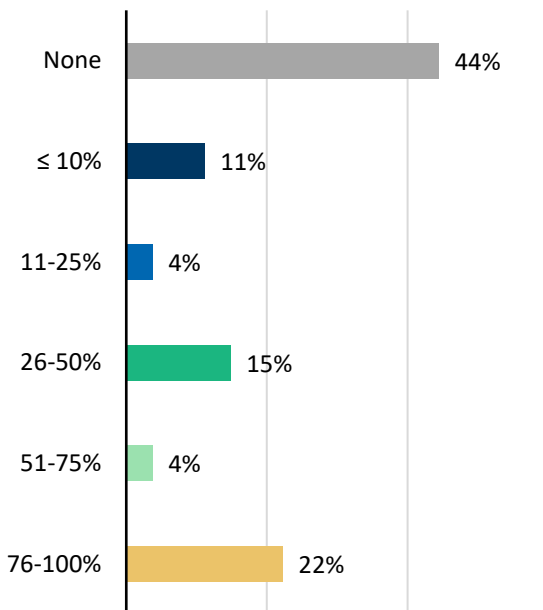


Fig. A98: Of the international arbitration cases in which you participated in the selection/choice of one or more of the arbitrators, what percentage of the cases did you recommend a Canadian (or more than one Canadian) to be an arbitrator?

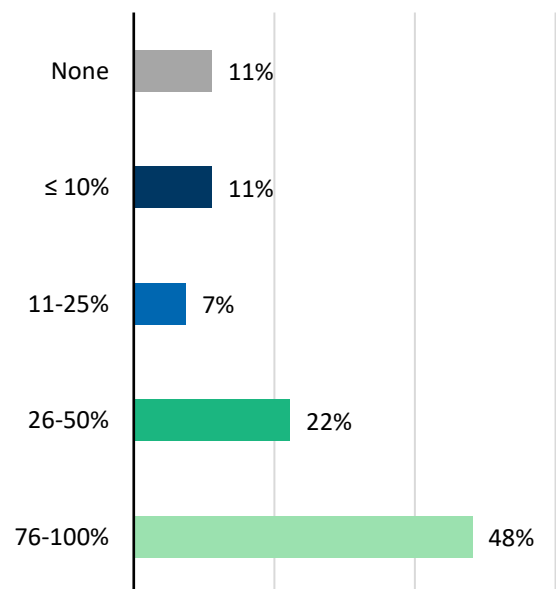


Fig. A99: If the arbitrators were to be remunerated on an hourly-rate basis, how often did the arbitrators' rate affect your choice of arbitrator?

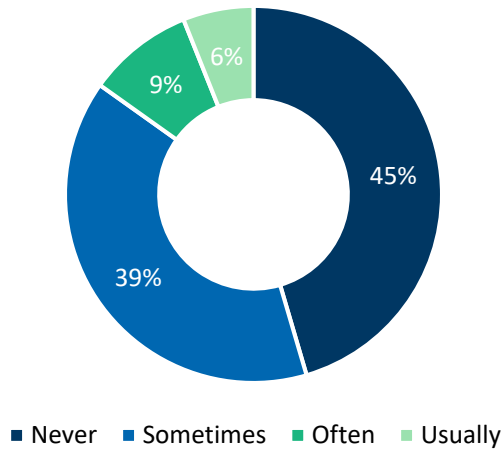


Fig. A100: Of the international arbitration cases in which you were involved, how many have/had the following amounts (\$C) in dispute (aggregating claim(s) and any counterclaim(s))?

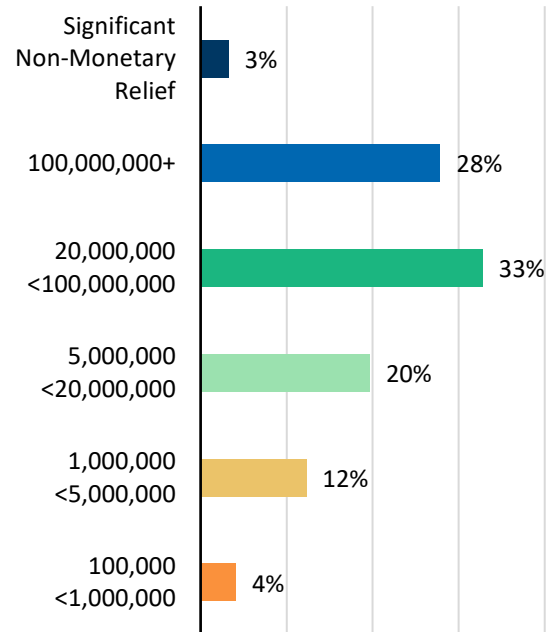


Fig. A101: Of the international arbitration cases in which you were involved that have concluded, how many settled or were discontinued...?

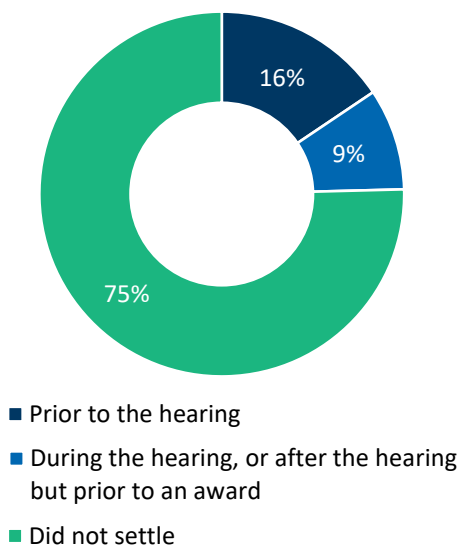


Fig. A102: Of the international arbitration cases that involved main evidentiary hearings, how many involved hearings of the following durations (exclude those that settled during the hearing)?

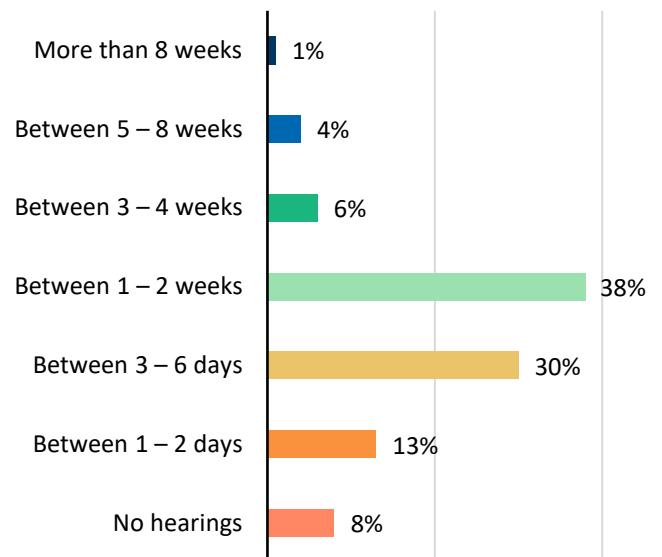
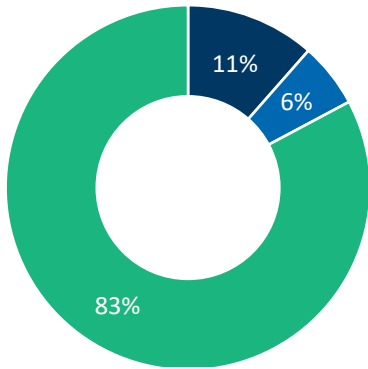
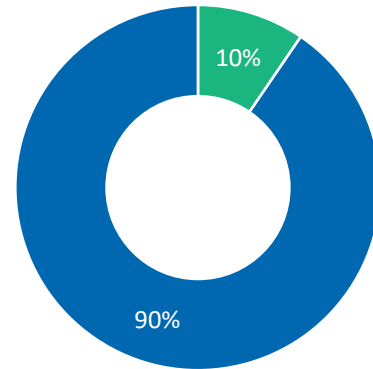


Fig. A103: Of the international arbitration cases in which you were involved, in how many cases was there a formal mediation of the dispute?



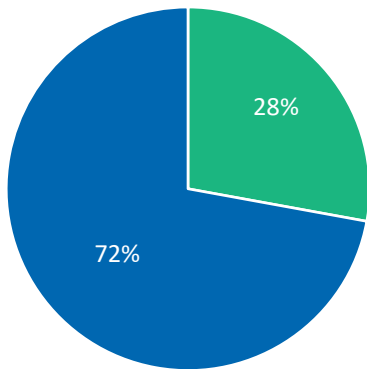
- Before the arbitration commenced
- During the course of the arbitration before commencement of the main evidentiary hearing
- No mediation

Fig. A104: Of the international arbitration cases in which there was a formal mediation of the dispute, how many settled during mediation?



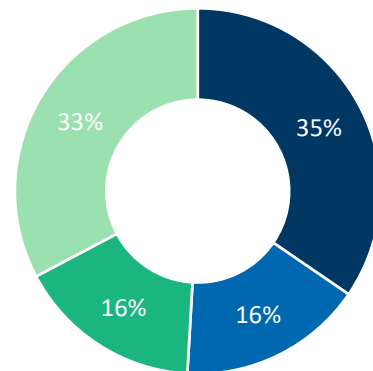
- Settled during mediation
- Did not settle

Fig. A105: Of the international arbitration cases in which you were involved, how many involved one or more partial awards?



- Partial Award(s)
- No Partial Award

Fig. A106: Of the international arbitration cases in which there were one or more partial awards, how many involved determinations on each of the following?



- Jurisdiction / dispositive motion
- Liability / Main claim(s)
- Quantum / Relief
- Costs

Fig. A107: Of the international arbitration cases in which you were involved, in how many was Expert Witness evidence submitted?



Fig. A108: Of the international arbitration cases in which you were involved and in which Expert Witness evidence was submitted, on what topic(s) did the expert opine?

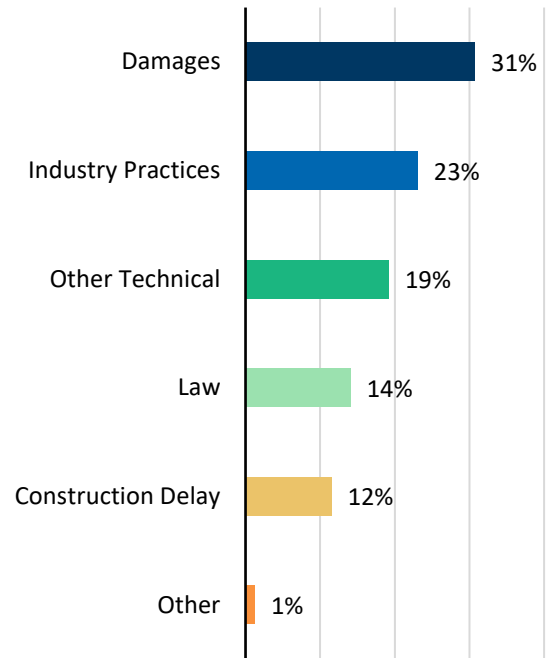


Fig. A109: Of the international arbitration cases in which Expert Witness evidence was submitted, how many involved the following?

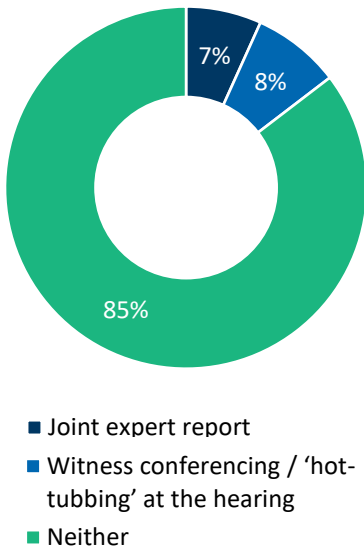
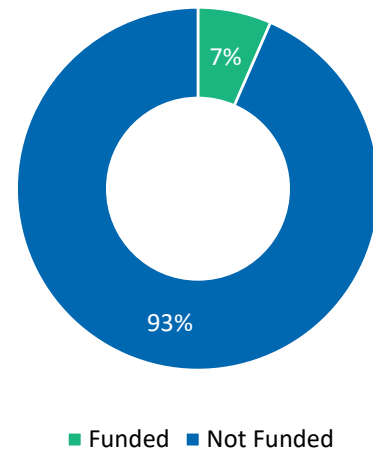


Fig. A110: Of the international arbitration cases in which you were involved, to your knowledge, how many involved litigation/arbitration funding?



Domestic Cases

Fig. A111: Of the institutional domestic commercial arbitration cases in which you were involved, how many were administered by each of the following?

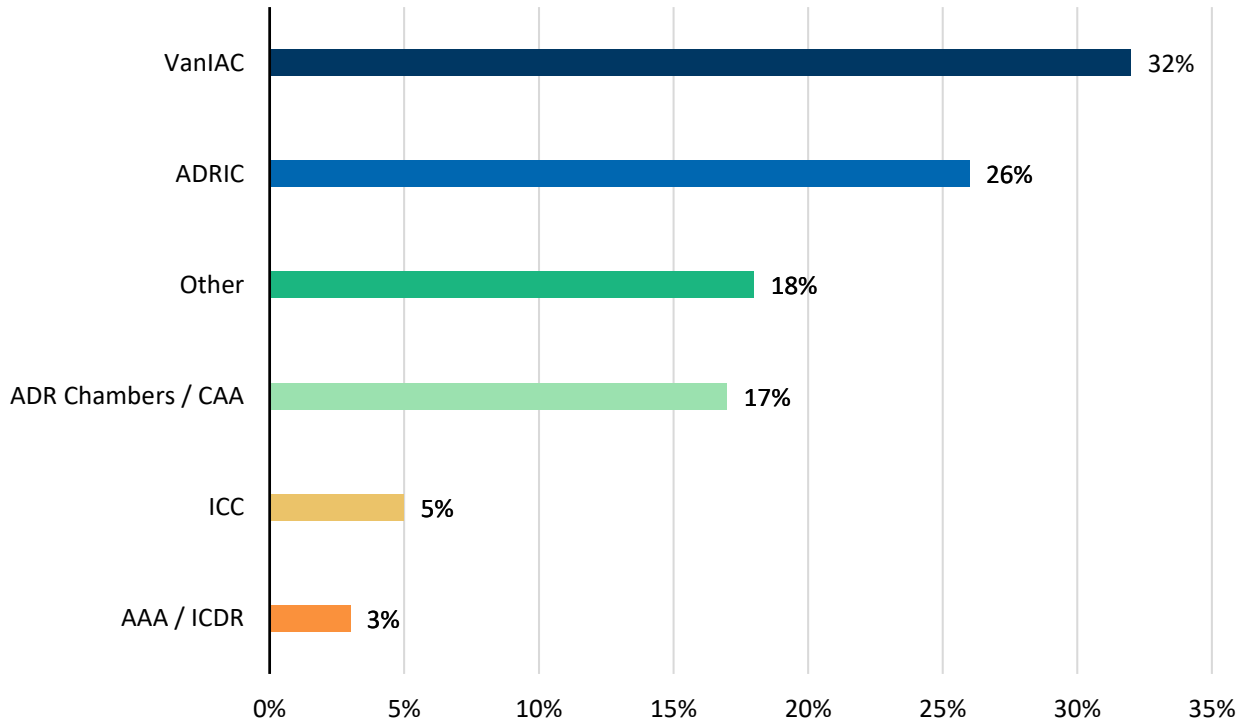


Fig. A112: Of the domestic commercial arbitration cases in which you were involved, which of the industries below were most common?

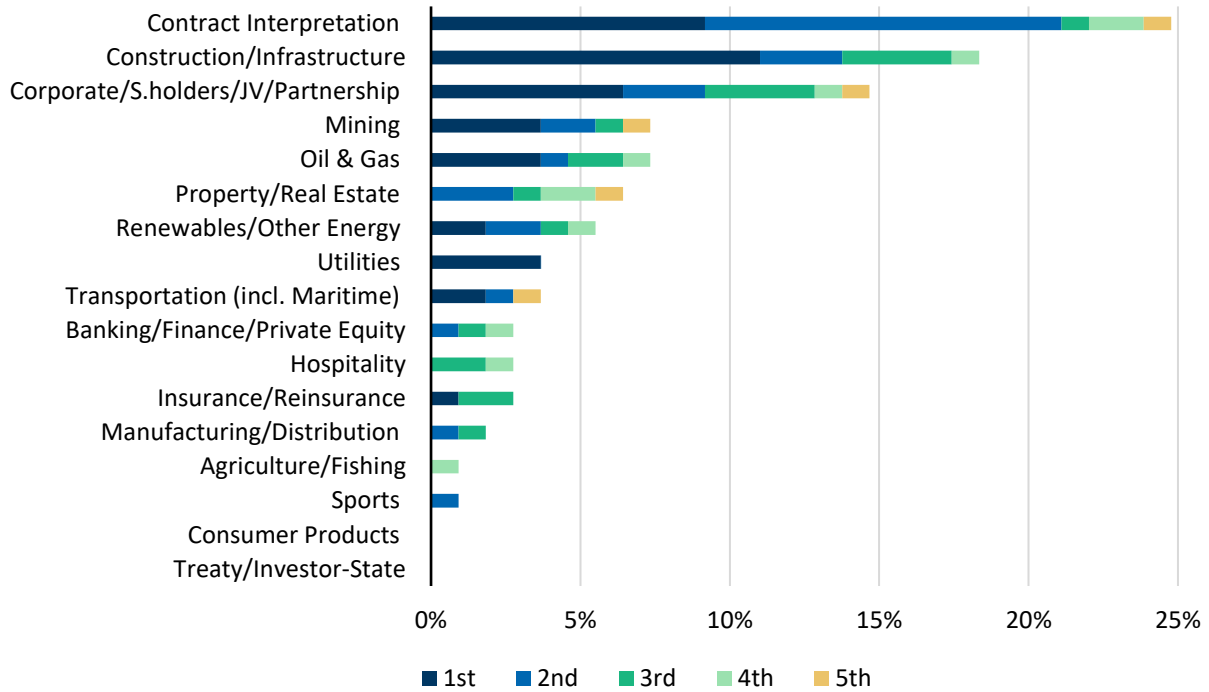


Fig. A113: Of the domestic commercial arbitration cases in which you were involved, approximately what percentage of the Tribunals included women?

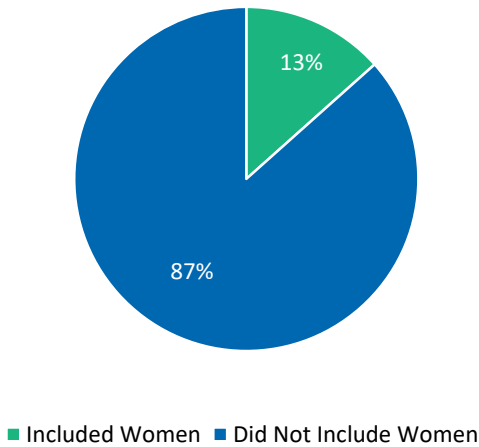


Fig. A114: Of the domestic commercial arbitration cases in which you were involved, how many included Tribunal members from historically underrepresented groups (other than by gender)?

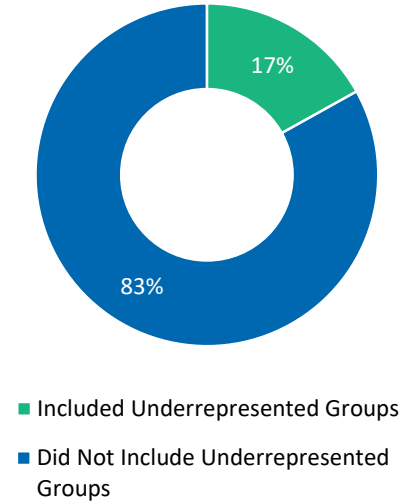


Fig. A115: Of the domestic commercial arbitration cases in which you were involved, how many counsel teams were led by women or historically underrepresented groups (other than by gender)?

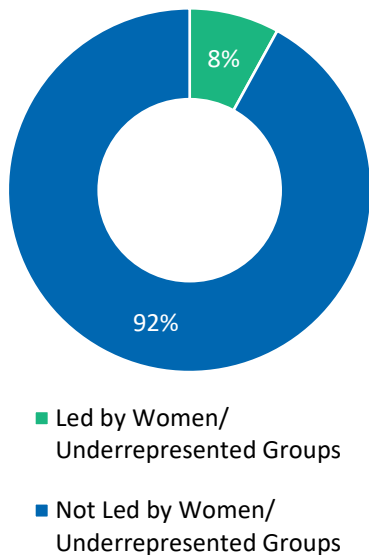


Fig. A116: Of the domestic commercial arbitration cases in which you were involved, in how many have you participated in the selection/choice of one or more of the arbitrators?

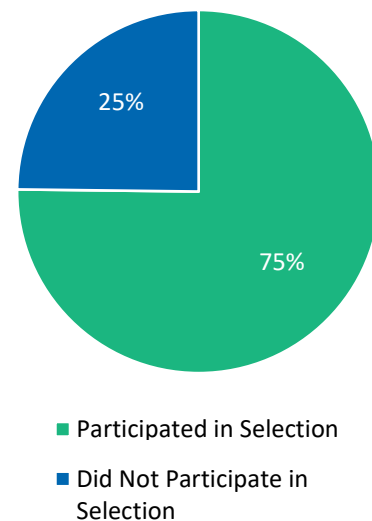


Fig. A117: If the arbitrators were to be remunerated on an hourly-rate basis, how often did the arbitrators' rate affect your choice of arbitrator?

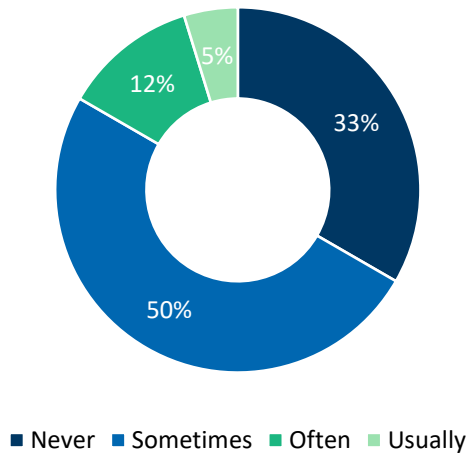


Fig. A118: Of the domestic commercial arbitration cases in which you participated in the selection/choice of one or more of the arbitrators, what percentage did you recommend a former judge?

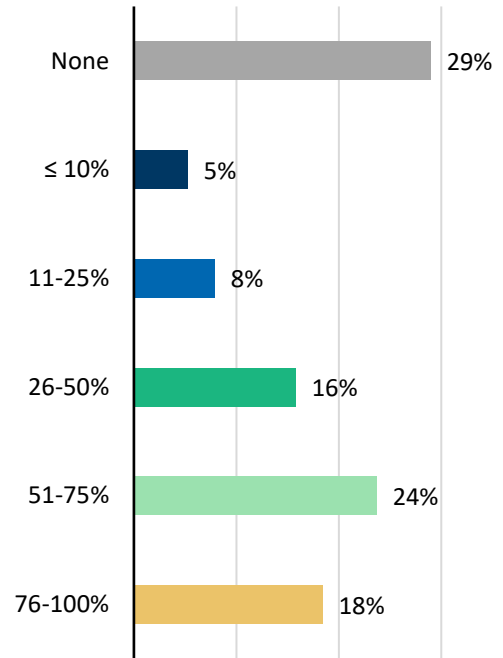


Fig. A119: Of the domestic commercial arbitration cases in which you were involved, how many have/had the following amounts (\$C) in dispute (aggregating claim(s) and any counterclaim(s))?

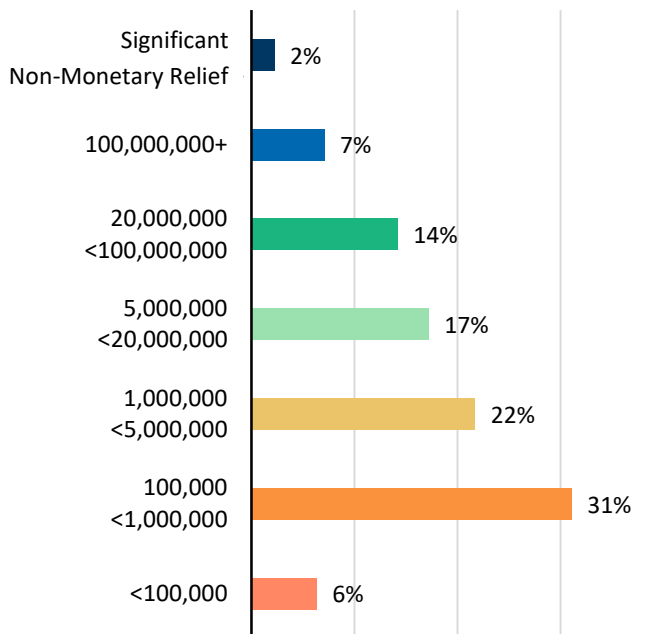


Fig. A120: Of the domestic commercial arbitration cases in which you were involved that have concluded, how many settled or were discontinued...?

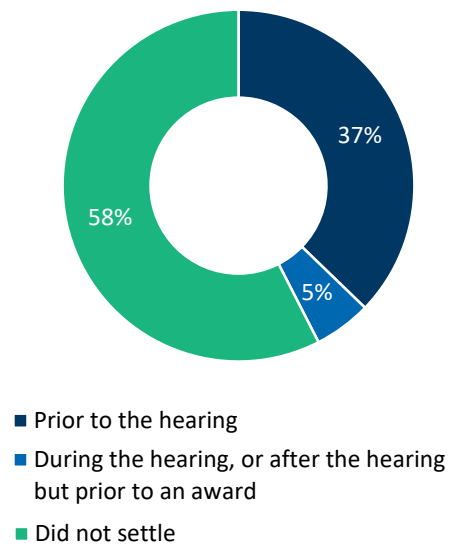


Fig. A121: Of the domestic commercial arbitration cases in which you were involved that involved main evidentiary hearings, how many involved hearings of the following durations (exclude those that settled during the hearing)?

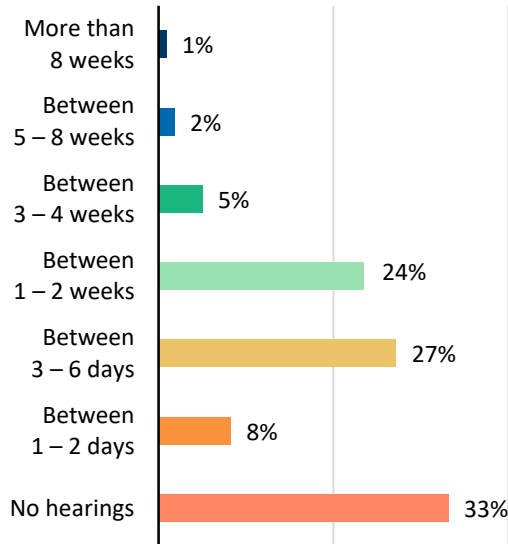


Fig. A122: Of the domestic commercial arbitration cases in which you were involved, in how many cases was there a formal mediation of the dispute?

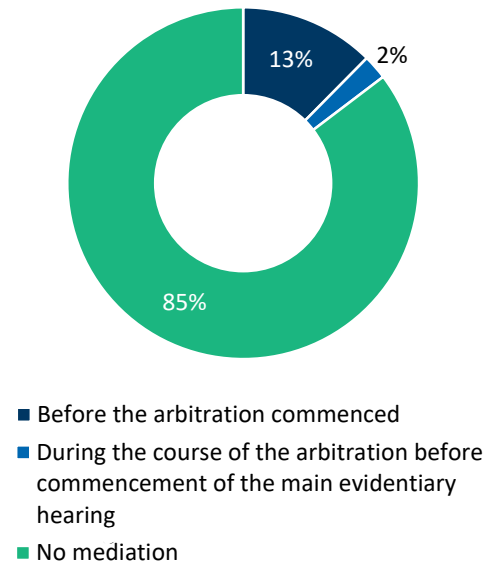


Fig. A123: Of the domestic commercial arbitration cases in which there was a formal mediation of the dispute, how many settled during mediation?

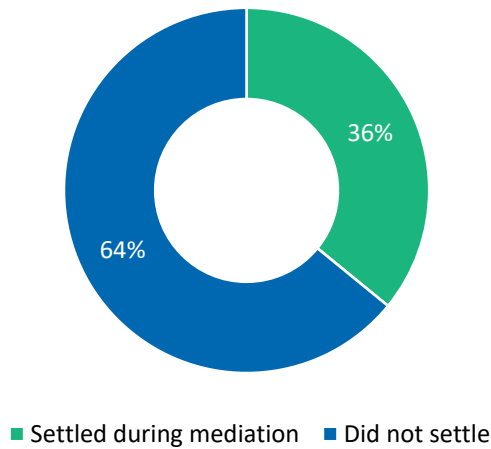


Fig. A124: Of the domestic commercial arbitration cases in which you were involved, how many involved one or more partial awards?

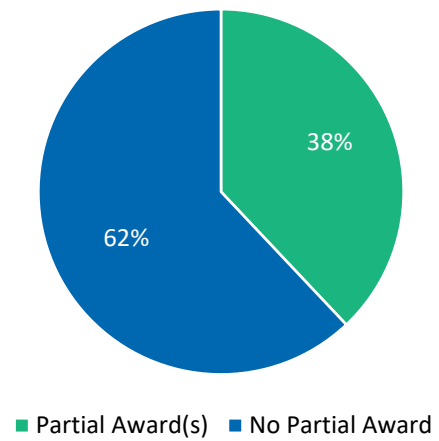


Fig. A125: Of the domestic commercial arbitration cases in which there were one or more partial awards, how many involved separate determinations on each of the following?

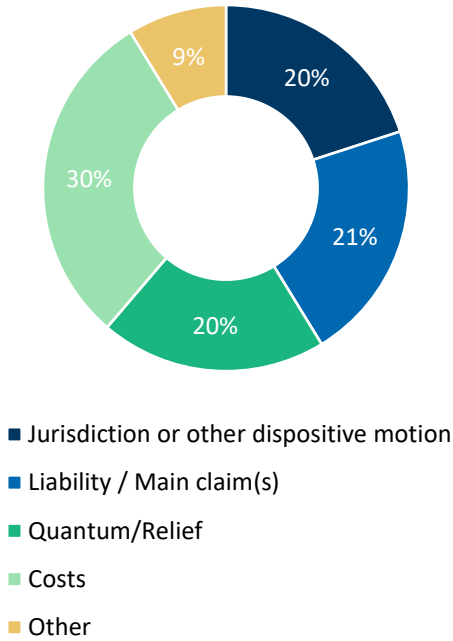


Fig. A126: Of the domestic arbitration cases in which you were involved, in how many was Expert Witness evidence submitted?



Fig. A127: Of the domestic commercial arbitration cases in which you were involved and in which Expert Witness evidence was submitted, on what topic(s) did the expert opine?

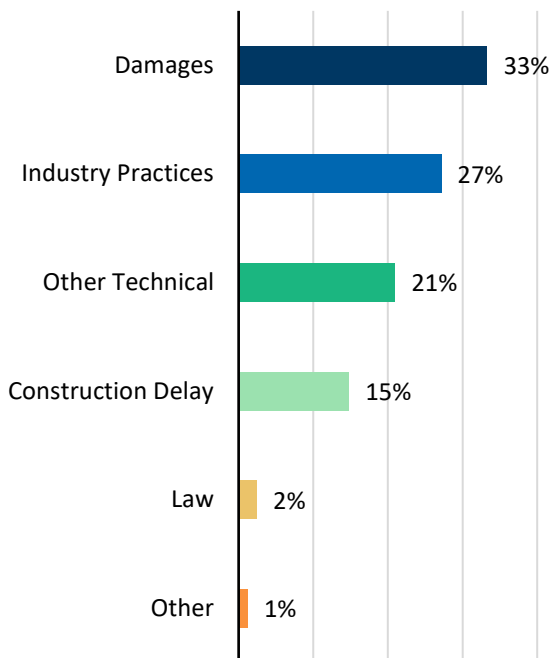


Fig. A128: Of the domestic commercial arbitration cases in which Expert Witness evidence was submitted, how many involved the following?

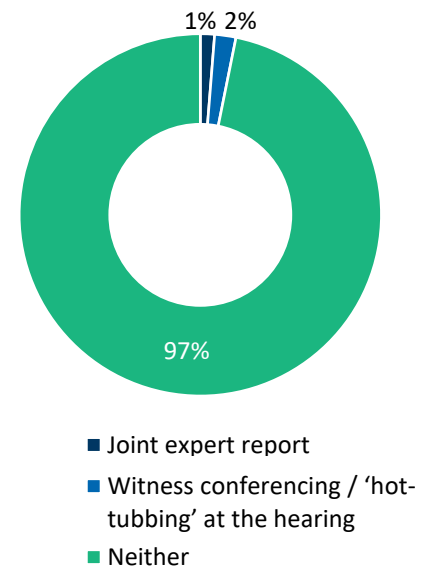
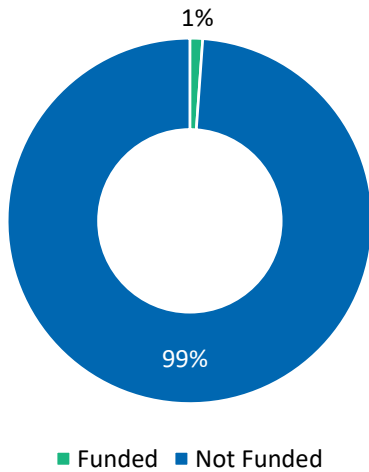


Fig. A129: Of the domestic commercial arbitration cases in which you were involved, to your knowledge, how many involved litigation/ arbitration funding?



Other

Fig. A130: Overall, how satisfied were you with the arbitration cases (domestic and international) in which you have been involved in the 3-year period from January 2020?

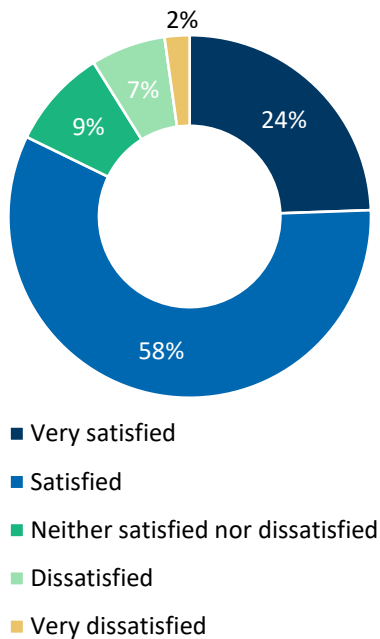
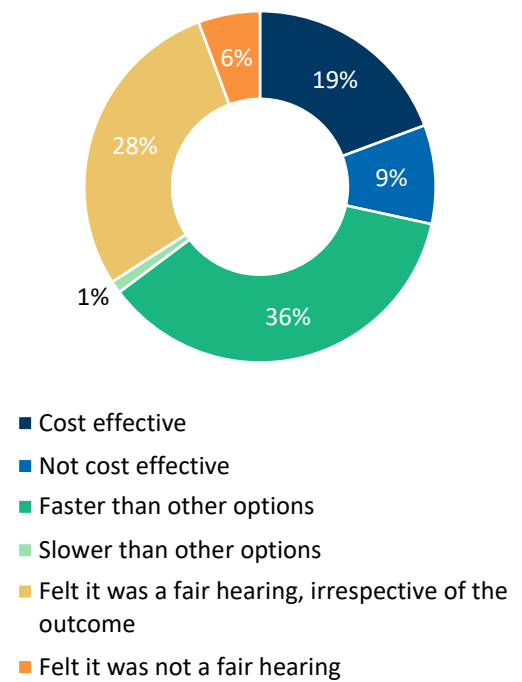


Fig. A131: Which of the following are reasons for your level of satisfaction noted in the previous question?





Annexure 3 – Expert Witness Survey Responses

Contains the data collected from each question posed to Expert Witness Survey respondents.

Expert Witness Survey Responses

You and Your Firm

Fig. A132: In what Canadian city(ies) does your firm currently have offices?

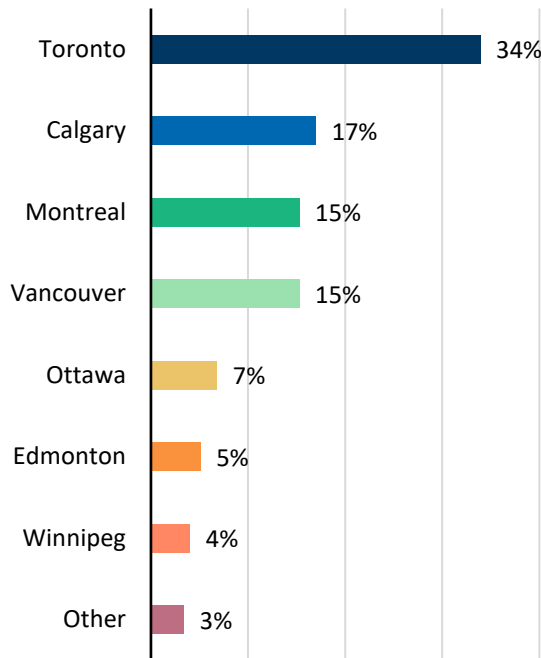


Fig. A133: If your firm currently has offices outside of Canada, in how many countries?

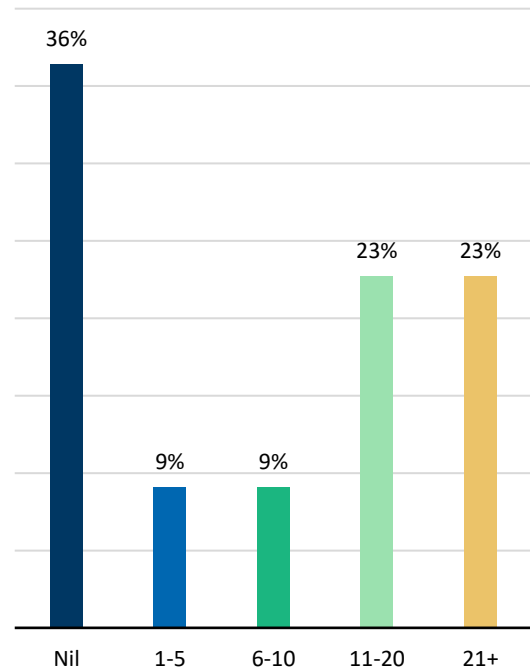
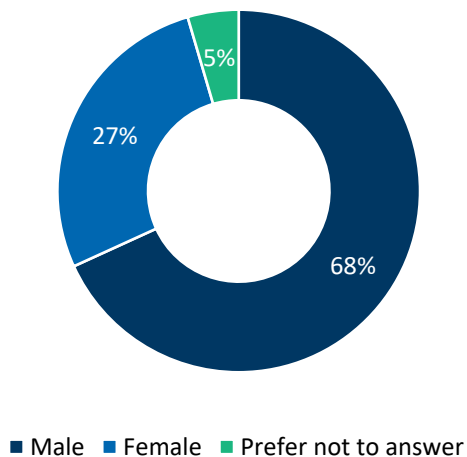


Fig. A134: With which gender do you most identify?



Arbitration Cases

Fig. A135: Over the 3-year period, in how many international arbitration cases have you been appointed as an Expert Witness?

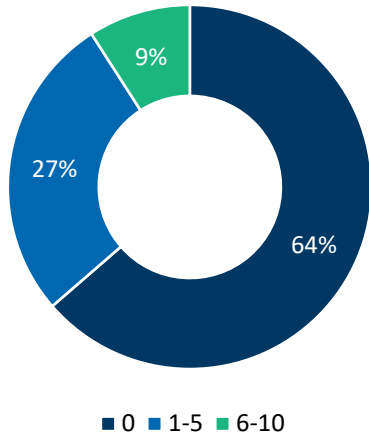
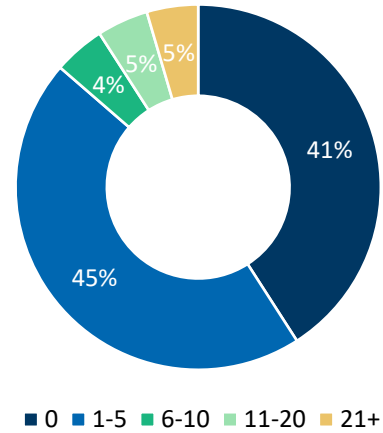


Fig. A136: Over the 3-year period, in how many domestic commercial arbitration cases have you been appointed as an Expert Witness?



International Arbitration

Fig. A137: To what extent has the number of international arbitrations in which you were appointed as an Expert Witness changed over the 3-year period since January 2020?

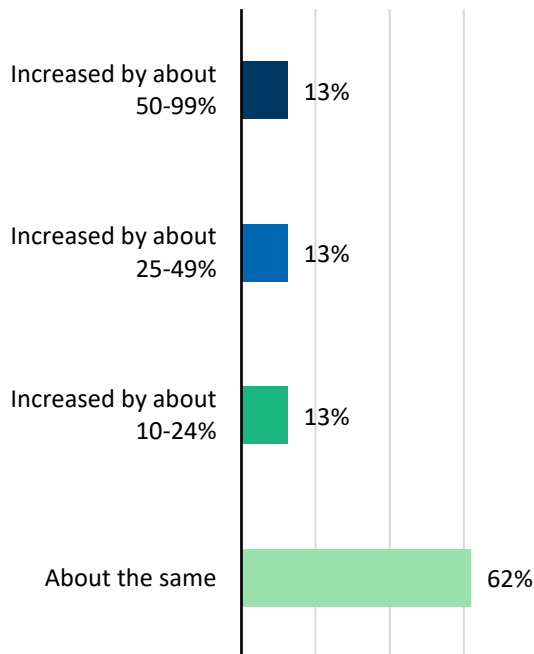


Fig. A138: How much would you say that the number of international arbitration cases involving Canadian-based Expert Witnesses has changed in the 3-year period since January 2020?

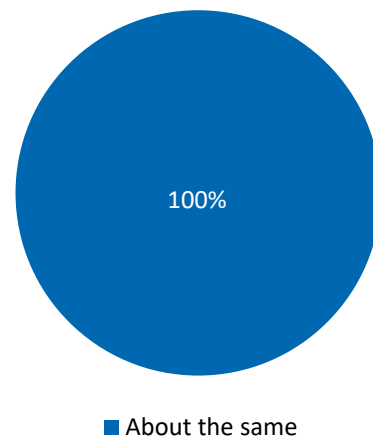


Fig. A139: Of the international arbitration cases in which you were appointed as an Expert Witness, how many had the following Canadian connection?

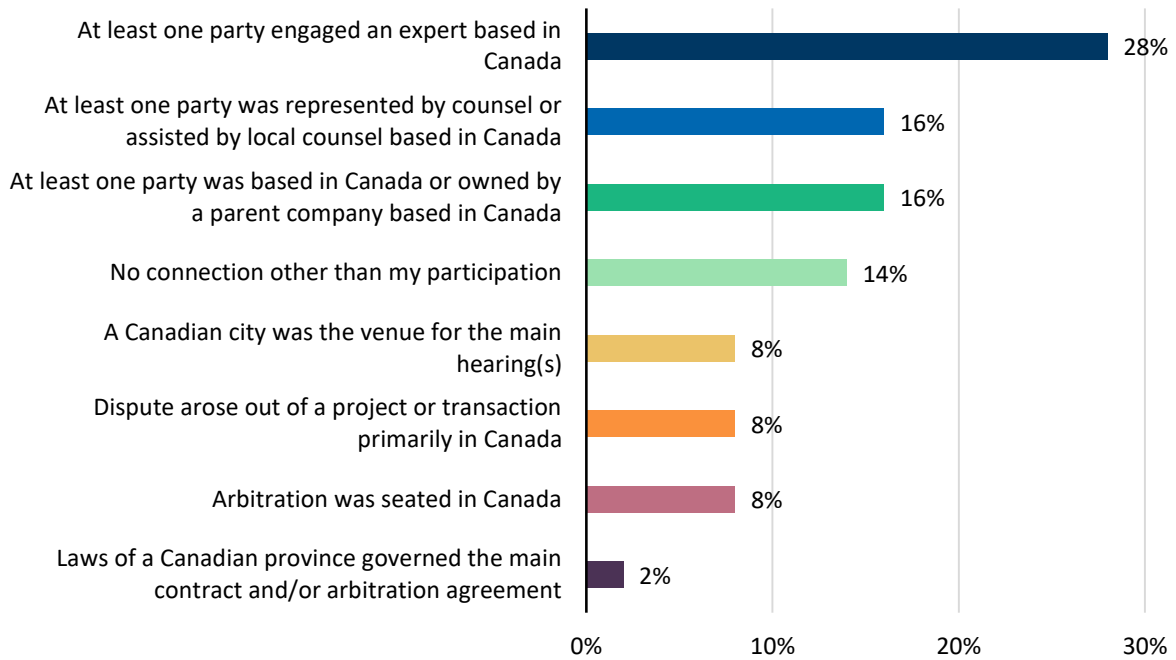


Fig. A140: Of the international arbitration cases in which you were appointed as an Expert Witness, what percentage were you engaged as each of the following?

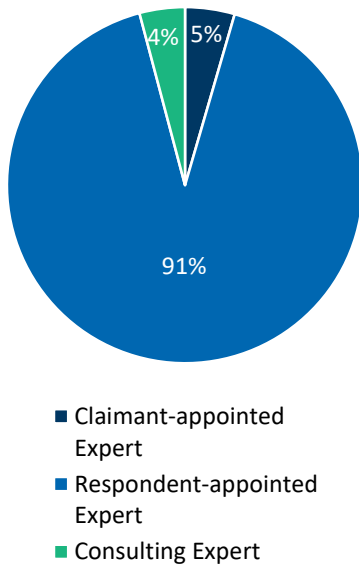


Fig. A141: Of the international arbitration cases in which you were appointed as an Expert Witness, what percentage of cases were you retained/engaged...?

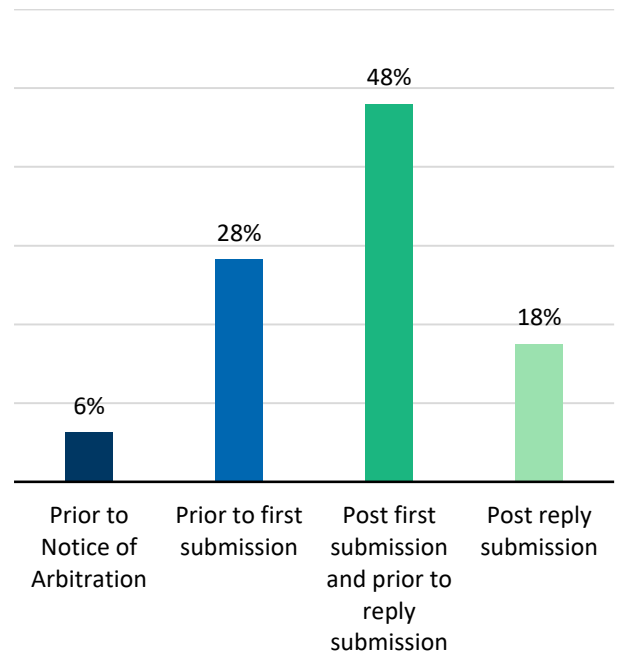


Fig. A142: Of the international arbitration cases in which you were appointed as an Expert Witness, how many were administered by each of the following?

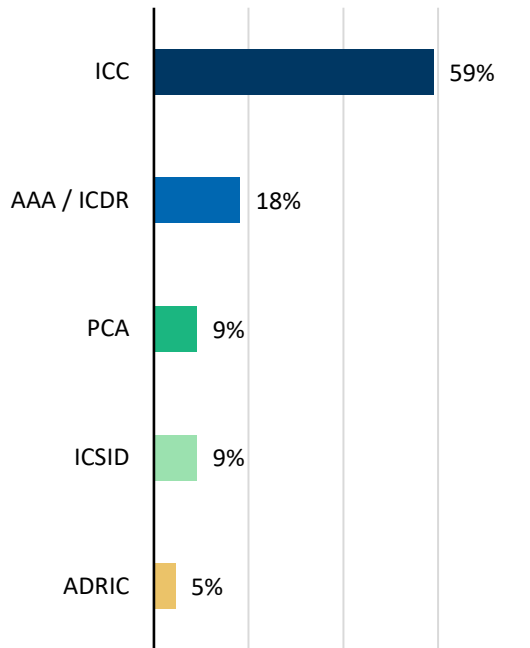


Fig. A143: Of the international arbitration cases in which you were appointed as an Expert Witness, on what topic(s) did you opine?

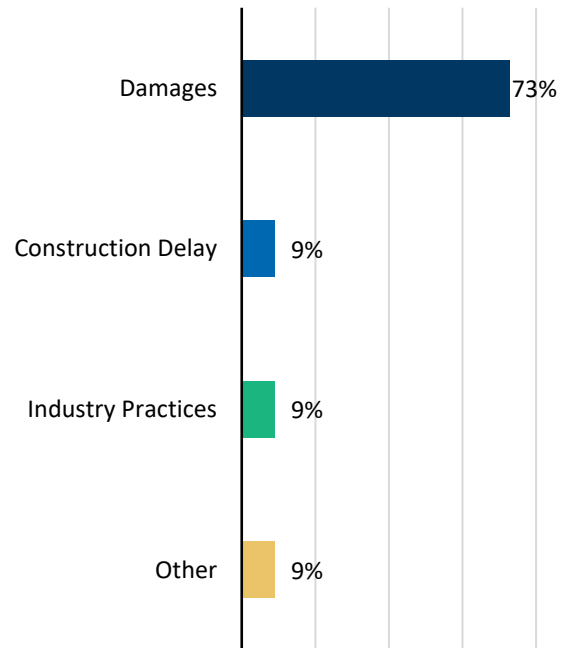


Fig. A144: Of the international arbitration cases in which you were appointed as an Expert Witness, how many disputes primarily concerned the following industries or dealings?

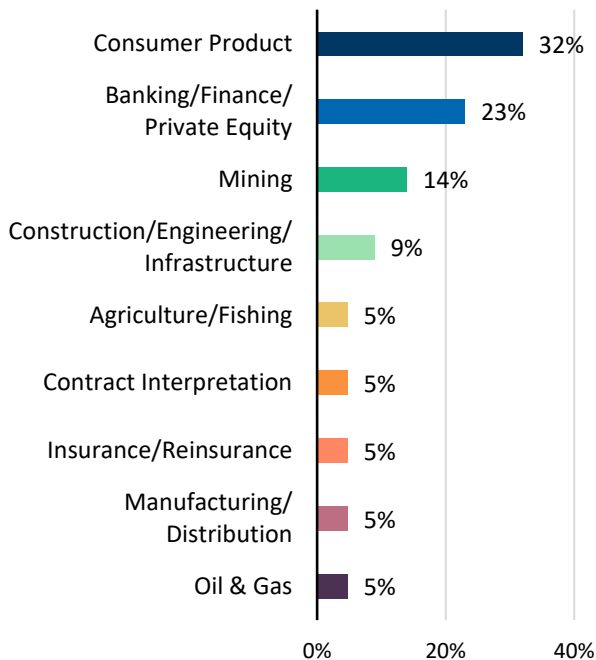


Fig. A145: Of the international arbitration cases in which you were appointed as an Expert Witness, how many Tribunals included women?

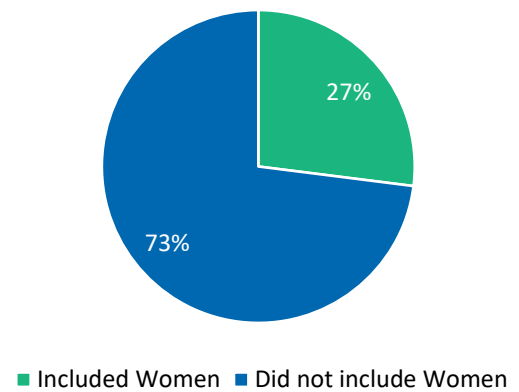


Fig. A146: Of the international arbitration cases in which you were appointed as an Expert Witness, how many included testifying Experts who were women?

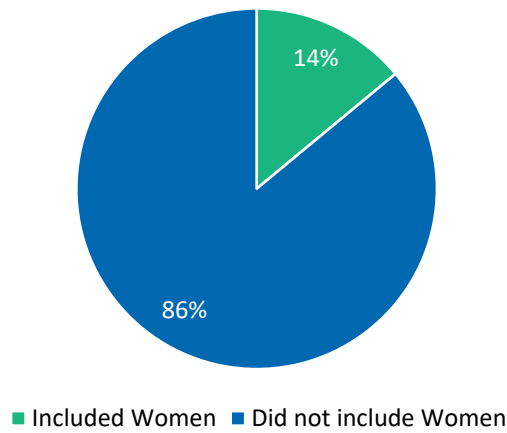


Fig. A147: Of the international arbitration cases in which you were appointed as an Expert Witness, how many included Tribunal members from historically underrepresented groups (other than by gender)?

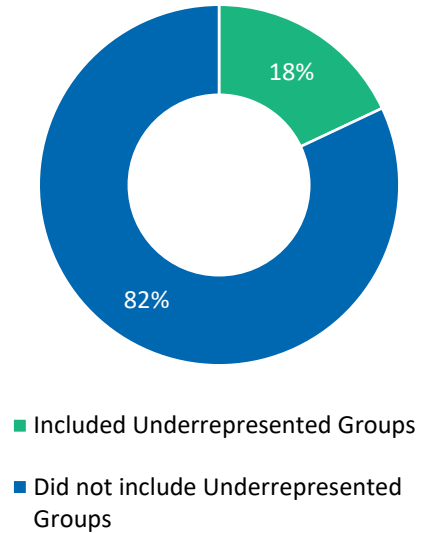


Fig. A148: Of the international arbitration cases in which you were appointed as an Expert Witness, how many included testifying Experts who were from historically underrepresented groups (other than by gender)?

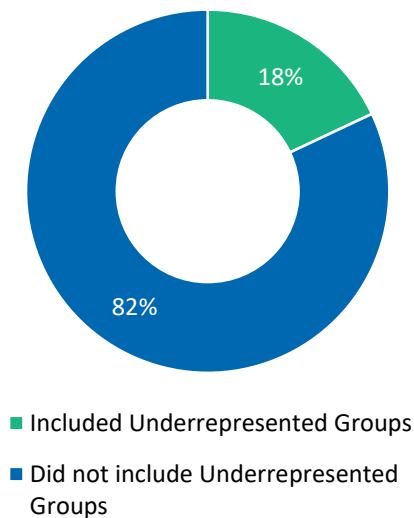


Fig. A149: Of the international arbitration cases in which you were appointed as an Expert Witness, how many have/had the following amounts (\$C) in dispute (aggregating claim(s) and any counterclaim(s))?

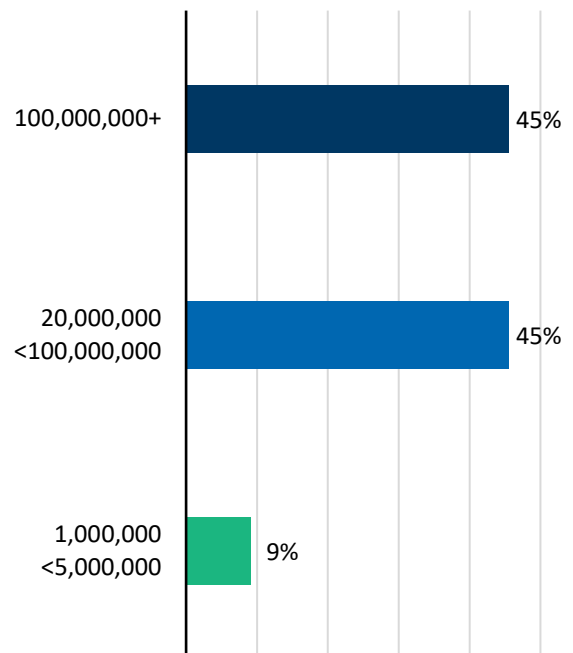


Fig. A150: Of the international arbitration cases in which you were appointed as an Expert Witness, what percentage did you serve with others from your firm based in another country?

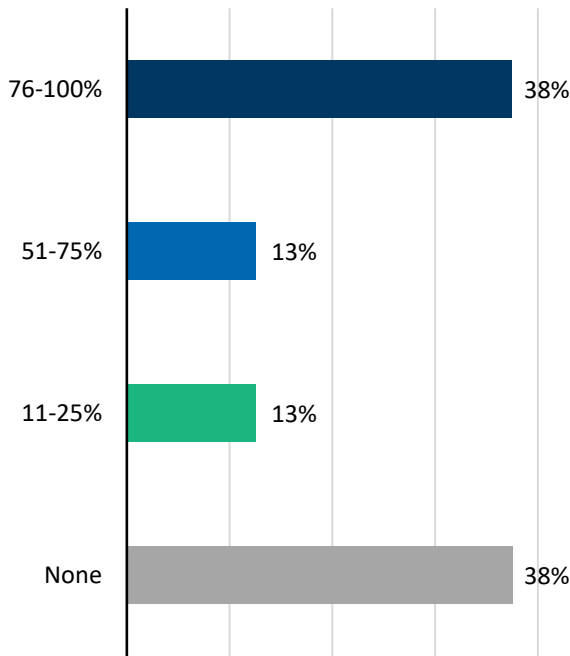


Fig. A151: Of the international arbitration cases in which you were appointed as an Expert Witness, what percentage of counsel for your client was based in Canada?

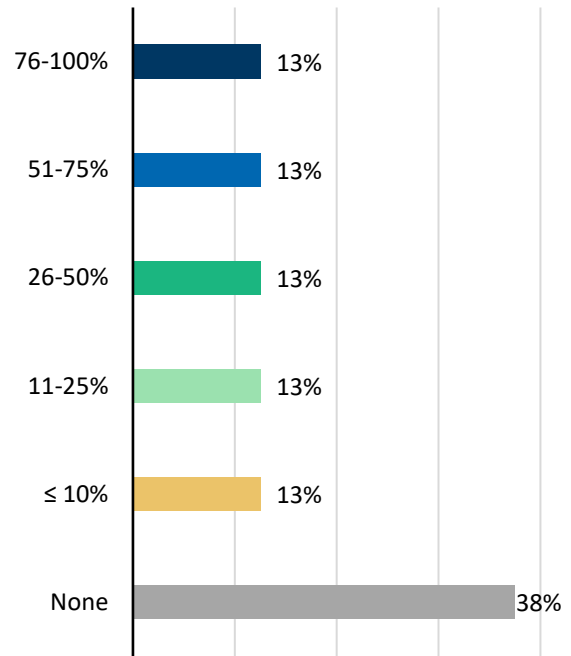


Fig. A152: Of the international arbitration cases in which you were appointed as an Expert Witness, what were the 2 methodologies you most regularly used to determine your opinion?

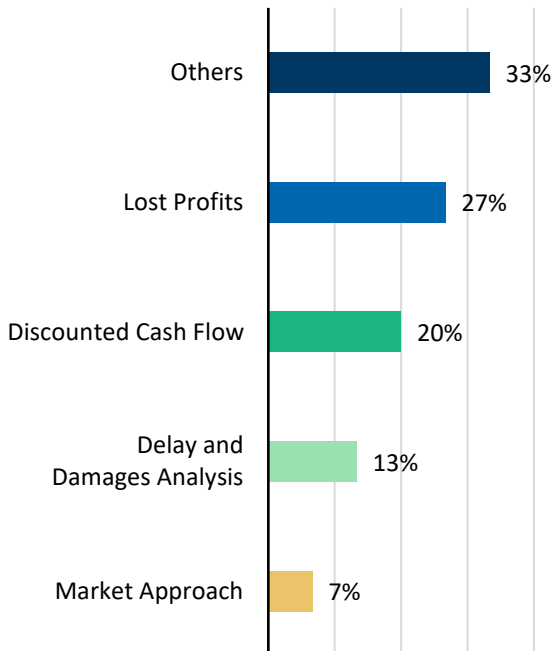


Fig. A153: Describe the most prominent new methodology that has been used by Experts in your field in international arbitrations to determine their opinion in the 3-year period since January 2020.

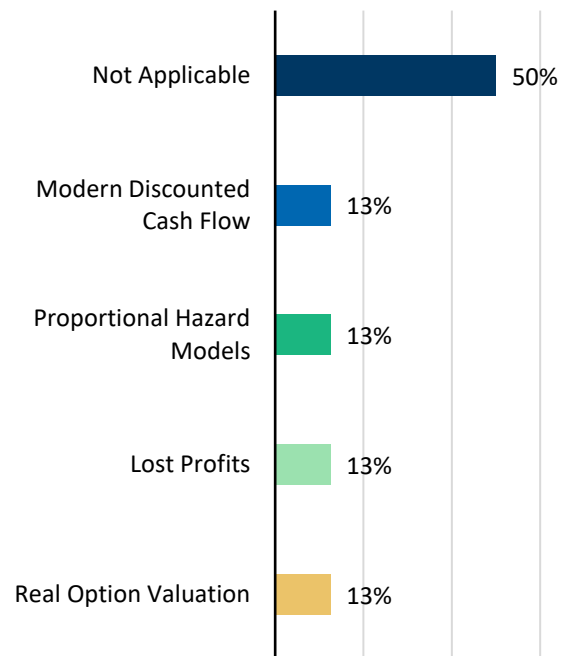


Fig. A154: Of the international arbitration cases in which you were appointed as an Expert Witness and that have concluded, how many settled or were discontinued...?

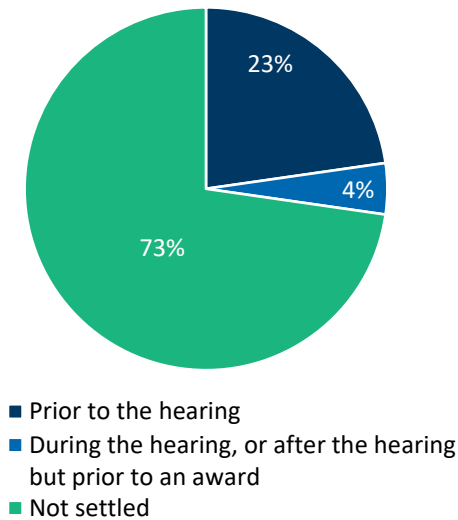


Fig. A155: Of the international arbitration cases in which you were appointed as an Expert Witness, in how many cases was there a formal mediation of the dispute?

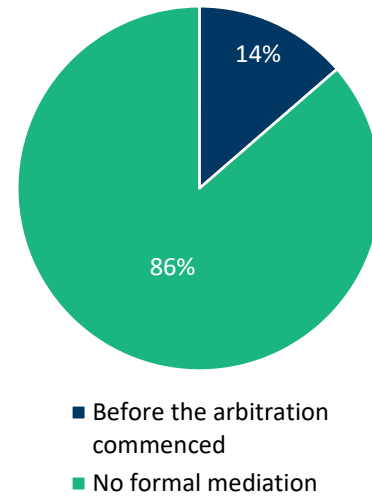


Fig. A156: Of the international arbitration cases in which there was a formal mediation of the dispute, how many settled during mediation?

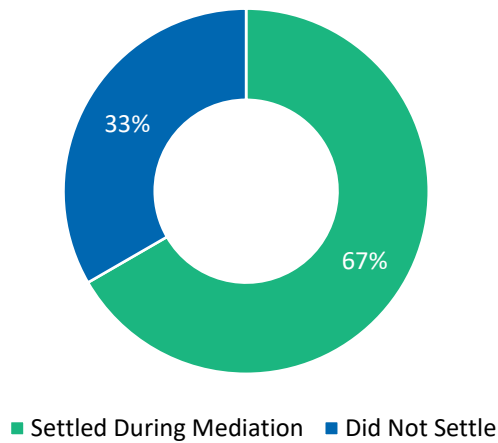


Fig. A157: Of the international arbitration cases in which you were appointed as an Expert Witness, what percentage did the Tribunal call for a joint expert report?

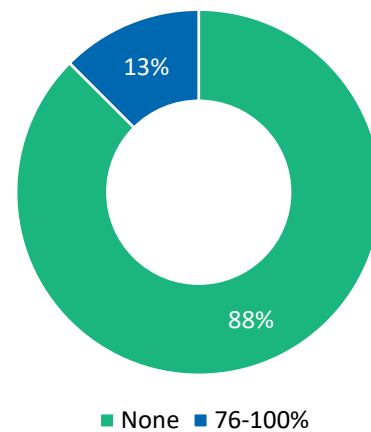


Fig. A158: Of the international arbitration cases in which you were appointed as an Expert Witness, what percentage did the Tribunal call for witness conferencing/‘hot-tubbing’ at the hearing?

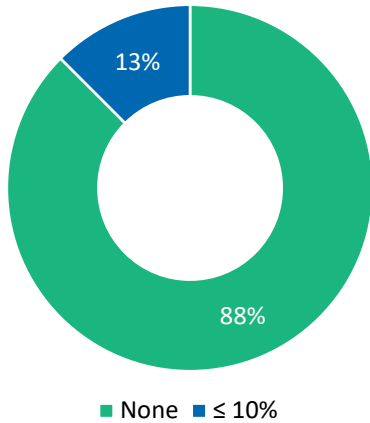
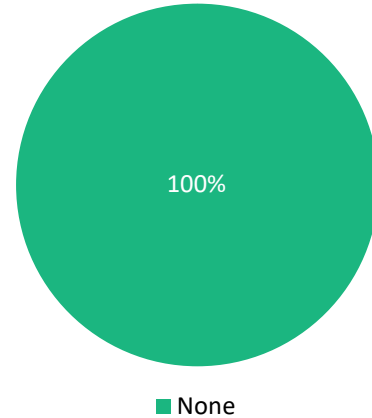


Fig. A159: Of the international arbitration cases in which you were appointed as an Expert Witness, what percentage did the Tribunal call for assistance from the experts for their deliberations?



Domestic Arbitrations

Fig. A160: To what extent has the number of domestic arbitration cases in which you were appointed as an Expert Witness changed over the 3-year period since January 2020?

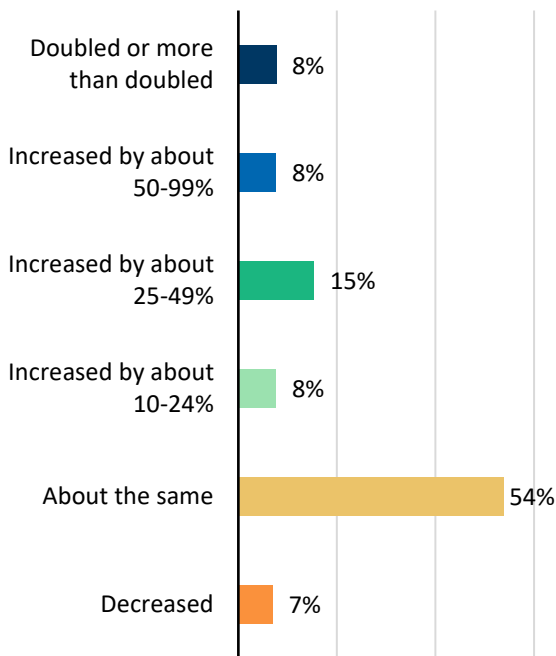


Fig. A161: How much would you say that the number of domestic commercial arbitration cases involving Canadian-based Expert Witnesses has changed in the 3-year period since January 2020?

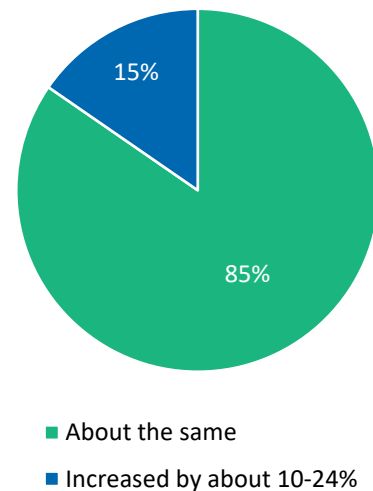


Fig. A162: Of the domestic commercial arbitration cases in which you were appointed as an Expert Witness, what percentage were you engaged as each of the following?

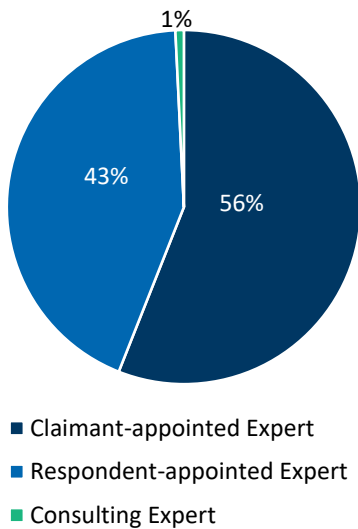


Fig. A163: Of the domestic commercial arbitration cases in which you were appointed as an Expert Witness, what percentage of cases were you retained/engaged...?

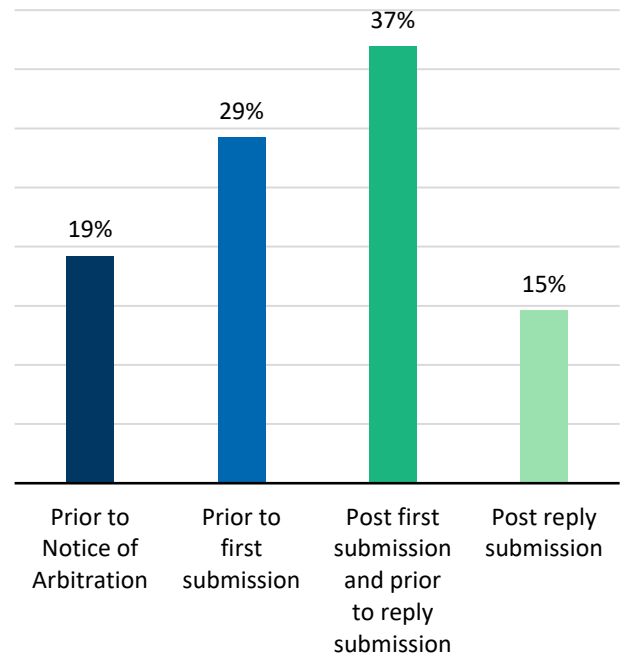


Fig. A164: Of the institutional domestic commercial arbitration cases in which you were appointed as an Expert Witness, how many were administered by each of the following?

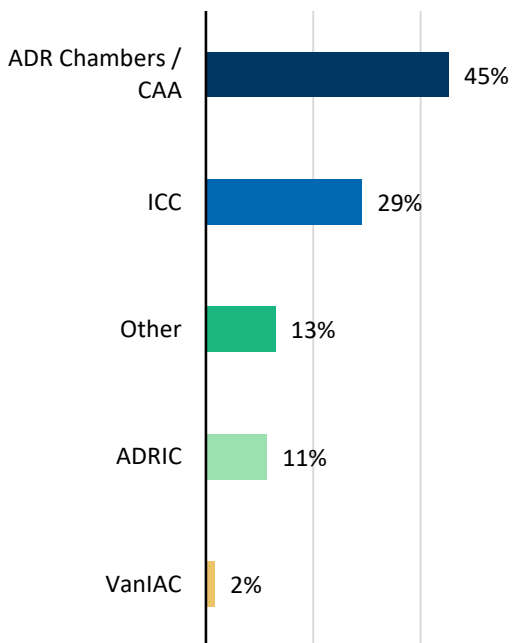


Fig. A165: Of the domestic commercial arbitration cases in which you were appointed as an Expert Witness, on what topic(s) did you opine?

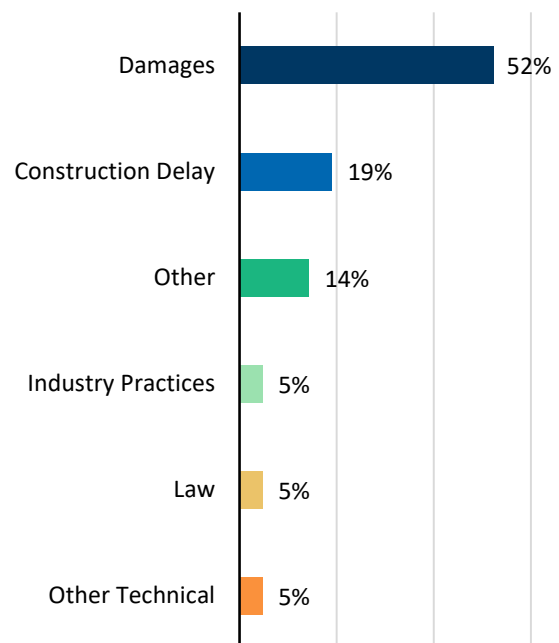


Fig. A166: Of the domestic commercial arbitration cases in which you were appointed as an Expert Witness, how many disputes primarily concerned the following industries or dealings?

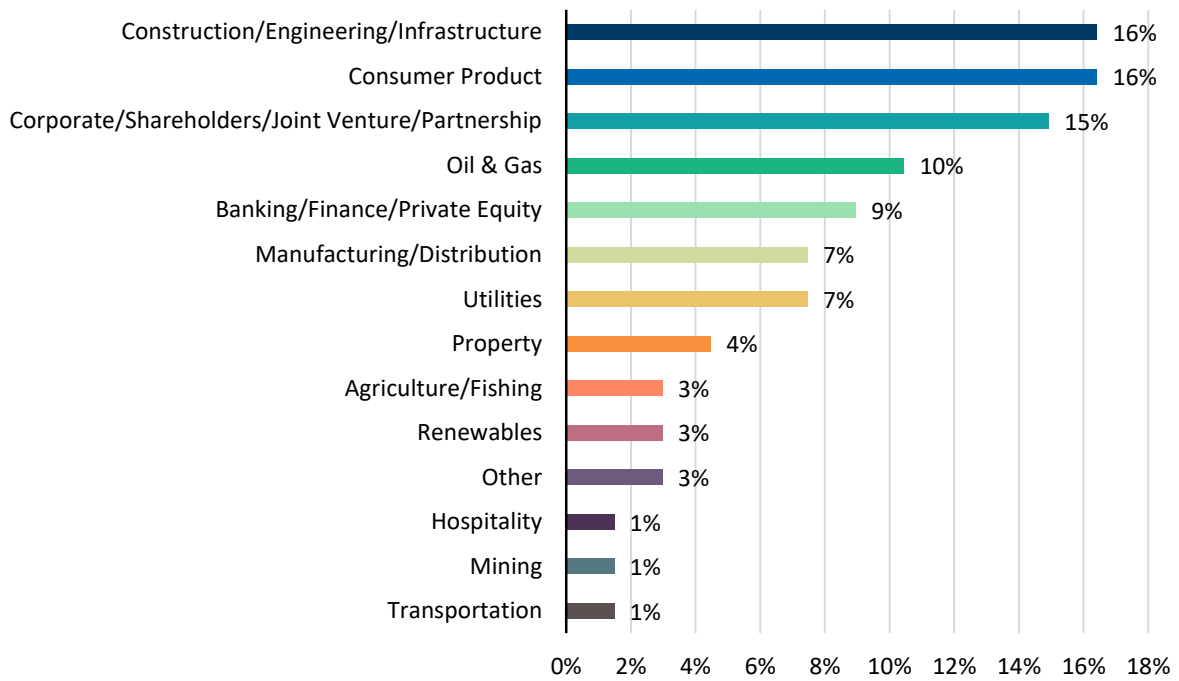


Fig. A167: Of the domestic commercial arbitration cases in which you were appointed as an Expert Witness, how many Tribunals included women?

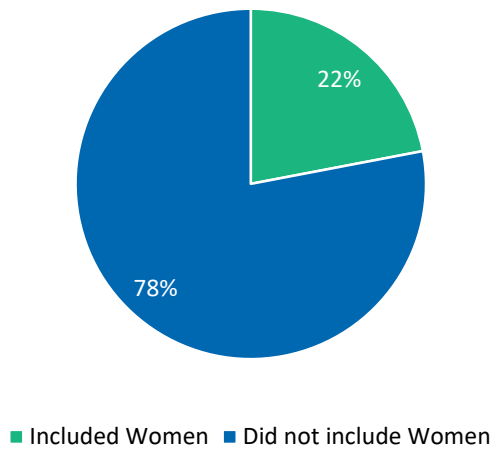


Fig. A168: Of the domestic commercial arbitration cases in which you were appointed as an Expert Witness, how many included testifying Experts who were women?

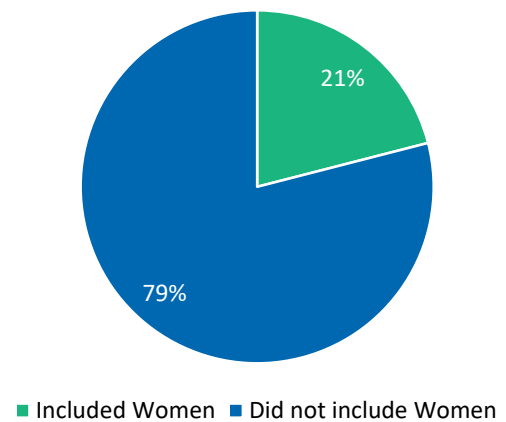


Fig. A169: Of the domestic commercial arbitration cases in which you were appointed as an Expert Witness, how many included Tribunal members from historically underrepresented groups (other than by gender)?

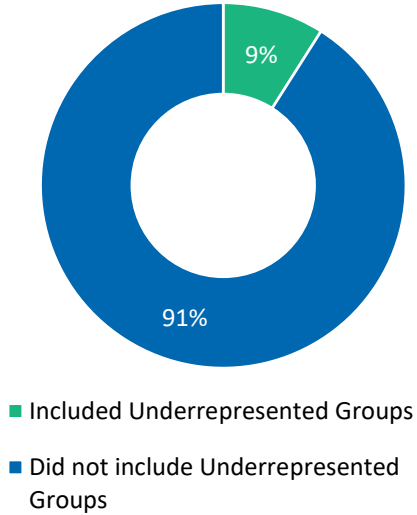


Fig. A170: Of the domestic commercial arbitration cases in which you were appointed as an Expert Witness, how many included testifying Experts who were from historically underrepresented groups (other than by gender)?

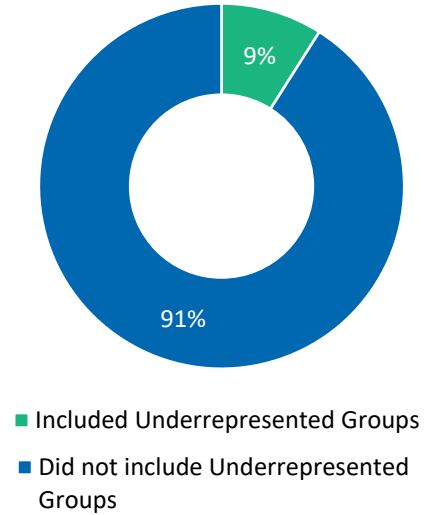


Fig. A171: Of the domestic commercial arbitration cases in which you were appointed as an Expert Witness, how many have/had the following amounts (\$C) in dispute (aggregating claim(s) and any counterclaim(s))?

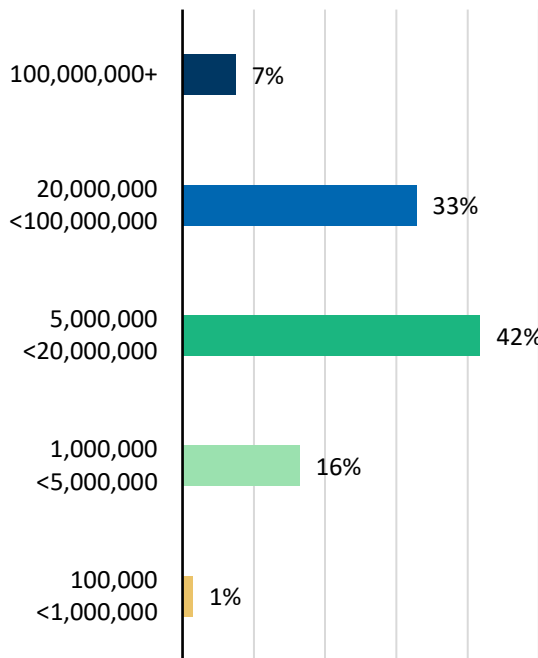


Fig. A172: Of the domestic commercial arbitration cases in which you were appointed as an Expert Witness, what percentage did you serve with a team from your firm based in another country?

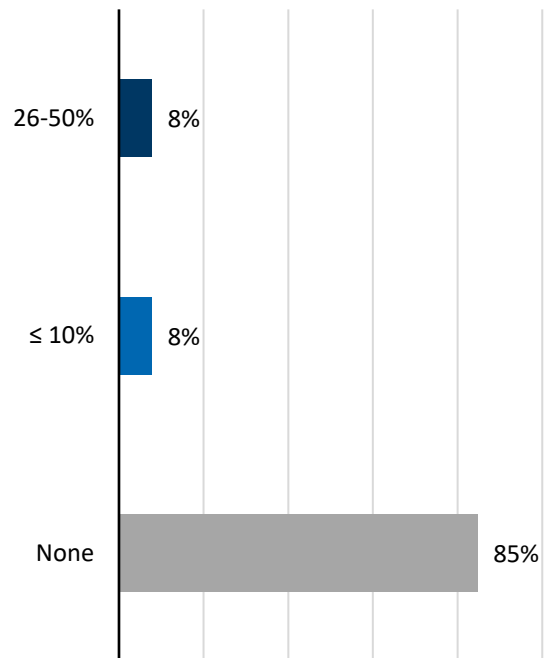


Fig. A173: Of the domestic commercial arbitration cases in which you were appointed as an Expert Witness, what were the 2 methodologies you most regularly used to determine your opinion?

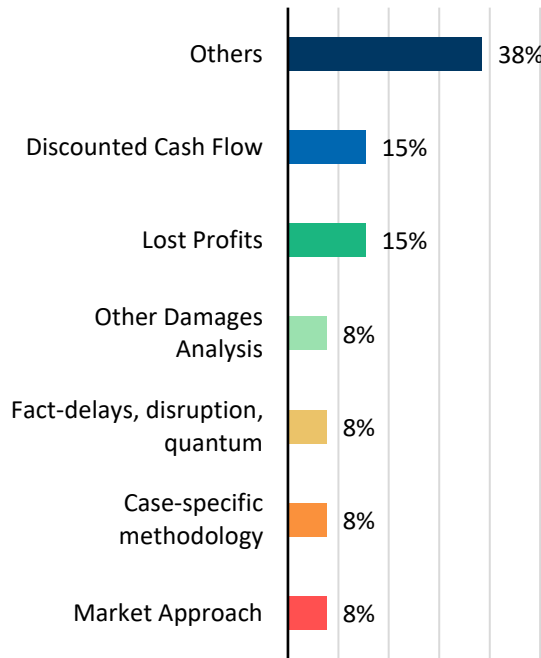


Fig. A174: Describe the most prominent new methodology that has been used by Experts in your field in domestic commercial arbitrations to determine their opinion in the 3-year period since January 2020.

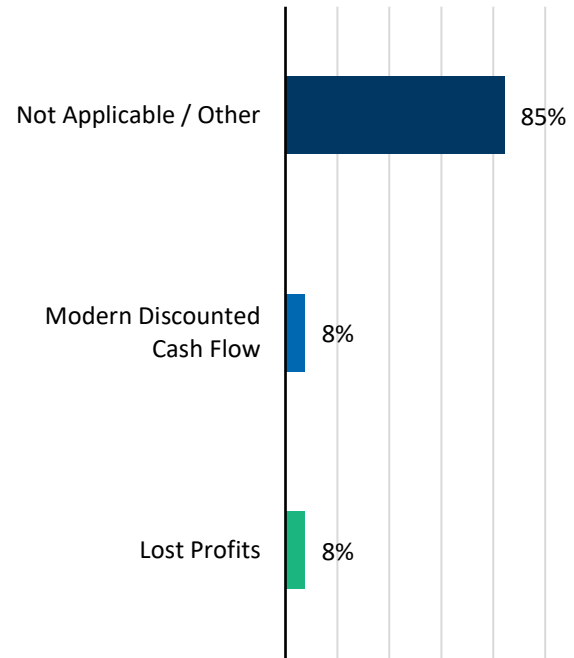
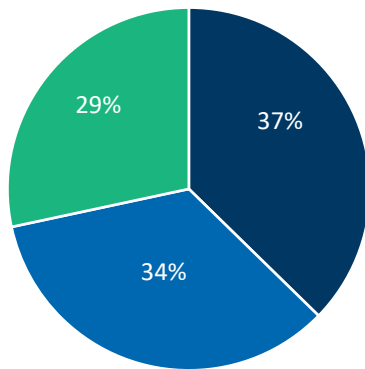
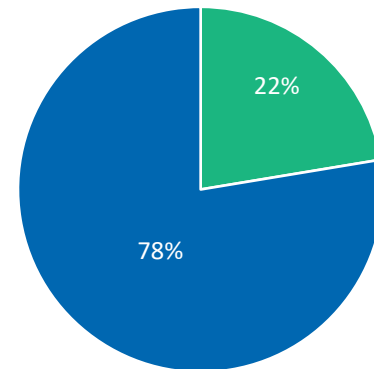


Fig. A175: Of the domestic commercial arbitration cases in which you were appointed as an Expert Witness and that have concluded, how many settled or were discontinued...?



- Prior to the hearing
- During the hearing, or after the hearing but prior to an award
- Not settled

Fig. A176: Of the domestic commercial arbitration cases in which you were appointed as an Expert Witness, in how many cases was there a formal mediation of the dispute?



- Before the arbitration commenced
- No formal mediation

Fig. A177: Of the domestic commercial arbitration cases in which there was a formal mediation of the dispute, how many settled during mediation?

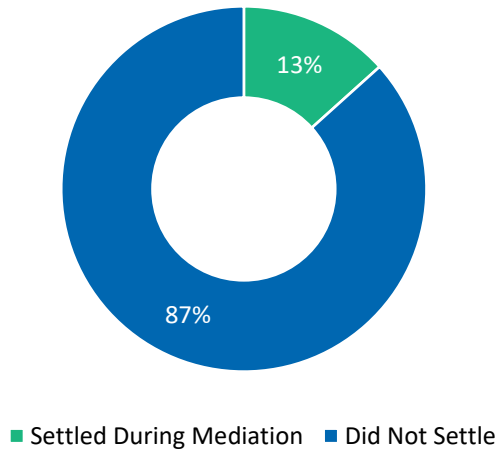


Fig. A178: Of the domestic commercial arbitration cases in which you were appointed as an Expert Witness, what percentage did the Tribunal call for a joint expert report?

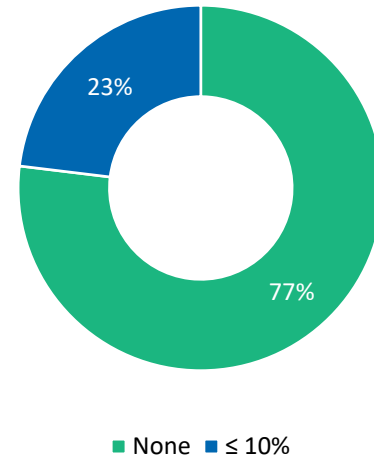
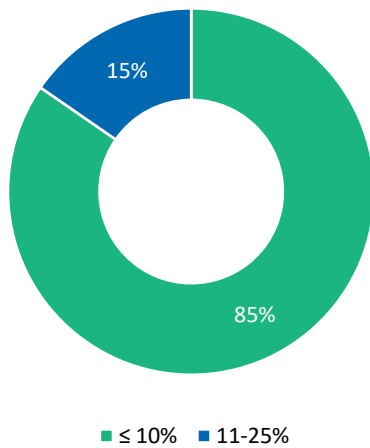


Fig. A179: Of the domestic commercial arbitration cases in which you were appointed as an Expert Witness, what percentage did the Tribunal call for witness conferencing/'hot-tubbing' at the hearing?



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