



## J. Brian Casey

**Nationality:** Canadian

**Languages:** English

J. Brian Casey is a highly experienced international arbitrator with a distinguished career spanning over forty years. For the past decade, he has served exclusively as an arbitrator, bringing his wealth of expertise to a wide range of high-value and complex commercial disputes. Formerly, Brian held esteemed positions as Principal of Baker & McKenzie International and Chair of the Firm's North American Disputes Group.

Throughout his career, Brian has been entrusted as a sole arbitrator, tribunal chairman, or co-arbitrator in numerous commercial arbitrations, both ad hoc and under prestigious institutions such as the LCIA, ICC, ICDR, VanIAC, and ICSID. Many of these cases involved intricate technical or scientific matters. Brian also has extensive experience in US Law which has been the applicable law in many of his cases.

Recognized as a leading authority in the field, Brian holds tier 1 rankings in Chambers Global, is acknowledged as a Thought Leader in Who's Who Legal and is listed in Euromoney's Guide to the World's Leading Experts in Commercial Arbitration.

Beyond his role as an arbitrator, Brian has also contributed significantly to the arbitration community. He has served as an adjunct professor at the University of Toronto Law School, sits on the Council of the American Arbitration Association, and acts as Chair of the Canadian Advisory Committee to the ICDR.

Brian's expertise extends to legal scholarship, as evidenced by his authoritative publication, "Arbitration Law of Canada: Practice and Procedure", now in its fourth edition. This highly regarded text is frequently cited by Canadian courts, including the Supreme Court of Canada.

With his vast experience, excellent international reputation, and influential contributions, J. Brian Casey is a valuable asset to any arbitration proceeding.

## Sector Expertise

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- Commercial Dispute Resolution
- Technology & Telecommunications

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- Energy, Oil & Gas and Mining
- Joint Ventures, Shareholder & M&A Disputes
- Investment Treaty Disputes

## Commercial Dispute Resolution

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- Shareholder, joint venture, and partnership disputes
- Distribution and licensing
- Share purchase and M&A disputes
- International sale of goods

## Technology & Telecommunications

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- Software design and installation
- Computer hardware, semiconductor and integrated circuit design and manufacture
- Satellite performance
- Technology licensing
- Internet sales contracts
- Technology and IP licensing

## Energy, Oil & Gas, and Mining

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- Pipeline construction
- Power Purchase Agreements
- Royalty disputes
- Joint venture disputes
- Production and supply agreements
- Mining equipment performance
- Electrical generation equipment performance
- Pulp & paper equipment performance
- Energy pricing
- Wind farm leasing
- Solar energy equipment

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## Investment Treaty Disputes

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- BIT and ICSID breach of infrastructure contract disputes

## Joint Ventures, Shareholder and M&A Disputes

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- M&A misrepresentation
- Share purchase and buy/sell partnership disputes
- Joint venture performance disputes

## Experience

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### Examples of representative arbitrations as arbitrator:

- Co-arbitrator in a joint venture contract dispute between oil companies (LCIA)
- Sole arbitrator in international license dispute regarding IP rights (ICDR)
- Chair of the tribunal in a gas pipeline dispute (ICC)
- Co-arbitrator in an investor-state dispute regarding road construction (ICSID)
- Sole arbitrator in a computer software installation and warranty dispute. (ICDR)
- Co-arbitrator in a satellite contract dispute (LCIA)
- Chair in a power purchase dispute (ad hoc)
- Chair in a web-based internet advertising dispute (ICDR)
- Chair in a semiconductor design and manufacturing dispute (ICC)
- Co-arbitrator in a right of first refusal contract case regarding merchandising rights (ICDR)
- Sole arbitrator in a law partnership dissolution dispute (ad hoc)
- Co-arbitrator in a mining equipment dispute (ad hoc)
- Chair of the tribunal in a marine docking dispute (ICC)
- Emergency Arbitrator regarding a franchise agreement in the entertainment field (ICDR)
- Chair in a share purchase dispute involving a government-owned mining company (LCIA)
- Co-arbitrator in an investor/state construction dispute (ICC)
- Chair in a technology license dispute (LCIA)
- Chair of the tribunal in a dispute involving representations and warranties in a share purchase agreement regarding an international hotel chain. (ad hoc)
- Chair of the tribunal in a U.S. government procurement dispute (ICC)

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- Chair of the tribunal in a breach of warranty claim concerning the installation of pulp and paper manufacturing equipment. (ad hoc)
- Sole arbitrator in a publishing and merchandising license dispute. (ICDR)
- Chair in an M&A price adjustment dispute regarding retail stores (LCIA)
- Co-arbitrator in a construction delay claim. (ad hoc)
- Sole arbitrator in a joint venture land development dispute. (ad hoc)
- Co-arbitrator in an energy pricing dispute (ad hoc)
- Chair in an M&A Share purchase dispute (ICDR)
- Co-arbitrator in a breach of warranty claim concerning the installation of mining equipment. (ad hoc)
- Co-arbitrator in a royalty dispute respecting oil and gas deposits (ad hoc)
- Chair in a petrochemical producer and refiner dispute (ICC)
- Co-arbitrator in a wind farm lease dispute (ad hoc)
- Chair in a foreign investment consulting agreement dispute (ICC)
- Emergency Arbitrator regarding an international licensing dispute in the publishing field (ICDR)

## Academic & Professional Qualifications

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### Academic

- Bachelor of Engineering degree, Carleton University
- Magna cum laude, LLB, University of Ottawa
- LL.M. in International Business Law, York University (focused on international commercial arbitration)

### Professional

- Independent Arbitrator, and founder of Bay Street Chambers. 2012 – Present
- Principal and former Chair of North American Disputes Group, Baker & McKenzie

### Bar Admissions

- Ontario, 1976

## Professional Associations & Recognitions

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### Memberships

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- Fellow of the Chartered Institute of Arbitrators (FCIArb)
- Panel Member: ICC, LCIA, ICDR

## Publications, Articles & Thought Leadership

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Brian has participated in seminars and presented papers at numerous conferences throughout his career, including:

- *Post Covid case management techniques*- ITA-IEL-ICC Joint Conference on International Energy Arbitration- Houston
- *Virtual Arbitration Hearings When A Party Objects: Are There Enforcement Risks?* NY State Bar Dispute Resolution Journal
- *Setting Aside: Excess of jurisdiction or Error of Law?* – Canadian Journal of Commercial Arbitration
- *Third-party funding issues in arbitration*- Juris Leading Arbitrators Seminar, Vienna
- *Update on Foreign Investment Disputes* – University of Houston lecture
- *Non-Party intervention in Arbitration* – LCIA Seminar, London
- *International Multi-Party Arbitrations* – IBA Seminar, Melbourne
- *Drafting Inter-Cultural Arbitration Agreements* – The Center for American and International Law Seminar, Dallas
- *Drafting International Arbitration Clauses* – AAA/ICDR Seminar, Miami
- *The Implication of National Laws in the Application of the New York Convention* – ICC Seminar, Caracas
- *Managing Cultural Differences in International Arbitration* – Juris Leading Arbitrators Seminar, Vienna
- *Assessment of Damages in Investor-State Arbitrations*- the View from the Tribunal –Juris Damages Conference, Washington DC.
- *Recent developments in arbitrating disputes in Oil & Gas Production Sharing Contracts* – ICC Conference, Houston
- *Recent update of arbitration in the Americas* - ICDR Seminar, Miami
- *Expert evidence in Arbitrations and Court* – ADR Institute of Canada, Calgary
- *Arbitration Advocacy* – The Advocates Society, Toronto
- *Update on ICDR Canada Rules for Oil & Gas Dispute Resolution*- AIPN, Calgary
- *NAFTA Chapter 11: What’s the Fuss* – Canadian Corporate Counsel Association article
- *Strategic Considerations in Arbitrations under NAFTA and Bilateral Investment Treaties* – McGill University lecture

### Publications

Brian is the author of *Arbitration Law of Canada: Practice and Procedure*, a leading text on arbitration and frequently quoted by the courts in Canada, including the Supreme Court of Canada.

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He has been a contributor to:

- *International Arbitration Checklists* (Juris)
- *Alternative Dispute Resolution*, (Aspatore Books)
- *Arbitration World* 4<sup>th</sup> Ed. (Sweet & Maxwell)
- *The Ultimate Corporate Counsel Guide*, (CCH)
- *A Practitioner's Guide to Commercial Arbitration*, (Irwin)
- *Jura Novit Curia in International Arbitration*, (Juris)
- Canadian sections of *World Arbitration Reporter* and *Chambers International Arbitration Guide*.

## Directories & Client Quotes

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- Chambers Global – Tier 1
- Who's Who Legal – Thought Leader
- Euromoney's Guide to the World's Leading Experts in Commercial Arbitration

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