



John A.M. Judge

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Law Practice

John Judge is a senior partner in litigation and has appeared as counsel before trial and appellate courts, including the Supreme Court of Canada, and also before administrative and arbitral tribunals. He is well versed in all forms of injunctions and pre-emptive interim remedies. As many of his cases involve international issues, he is adept in co-ordinating cross-border disputes and effectively dealing with jurisdictional issues. His experience includes shareholder and partnership disputes, corporate and commercial transactions, banking, insolvency, insurance and reinsurance claims, and civil fraud investigations and claims. He has a broad background in real estate and complex construction project disputes, product liability and professional negligence claims. He has handled a wide variety of technology disputes related to outsourcing, software development and Internet issues.

Mr. Judge is experienced in international commercial arbitration as counsel and as arbitrator. He has sat as an arbitrator and as chair on substantial international arbitrations through the International Chamber of Commerce, Paris, and the ICDR, as well as ad hoc arbitrations.

Mr. Judge has also acted as counsel in variety of human rights cases for the Ontario Human Rights Commission and has acted as lead counsel on Charter appeals for organizations representing persons with disabilities.

His expertise has been recognized nationally and internationally:

- > Chambers and Partners, 2011, ranked in Canada for both Arbitration and Dispute Resolution
- > Lexpert / American Lawyer 2011 Guide To The Leading 500 Lawyers in Canada, Most Frequently Recommended Arbitration (International)
- > International Who's Who of Commercial Arbitration 2012
- > The Canadian Legal Lexpert Directory 2011 as a leading practitioner most frequently recommended in International Commercial Arbitration
- > Who's Who Legal: Canada 2011 for arbitration and also for commercial litigation
- > The 2010 PLC Which Lawyer? for Dispute Resolution
- > The Best Lawyers in Canada 2011 for Alternative Dispute Resolution and International Arbitration
- > PLC's Cross-Border Dispute Resolution Handbook 2009/2010

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

Recent Arbitration Experience

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

As Counsel

- (i) Counsel to a Canadian public mining corporation with respect to the enforcement issues relating to an ICSID Award obtained by a Turkish company against an Asian country in which the client owns and operates a substantial mine.
- (ii) Counsel to a Canadian public mining corporation in connection with an investor-state dispute involving mining operations in a Central American country.
- (iii) Counsel to a French nuclear organization in a large contract dispute and arbitration with Atomic Energy of Canada Limited over development and installation of certain nuclear medical isotope waste facilities. The case involved difficult issues of contract interpretation and complex evidence regarding nuclear engineering and processes related to claims for fundamental breach of contract.
- (iv) Counsel to a large international software company in an ad hoc arbitration over alleged fundamental breach of contract for an enterprise business software license and implementation agreement.
- (v) Co-counsel in an LCIA arbitration seated in London for a Canadian investment corporation in an investment contract dispute with a Ukrainian corporation over a property development in the Ukraine.
- (vi) Counsel to a Dubai Engineering company in an *ad hoc* arbitration against an Ontario corporation for breach of contract in connection with a supply agreement.

As Arbitrator

- (vii) Appointed Chair of an ICDR arbitration seated in New York between a large American chemical manufacturer and a large French manufacturer relating to a supply swap agreement.
- (viii) Appointed as arbitrator in an insurance dispute involving insurers and a Caribbean state owned electric facility regarding a catastrophic loss.
- (ix) Appointed Chair of an *ad hoc* domestic arbitration in a mining dispute between two public mining companies regarding joint venture and custom milling agreements.
- (x) Appointed Chair of an *ad hoc* UNCITRAL arbitration in an oil and gas dispute between a large British based corporation and American oil companies over interests in a large oil and gas field in Kazakhstan.
- (xi) International Chamber of Commerce (“ICC”) Arbitration – appointed Chair of ICC Tribunal for a substantial joint venture dispute seated in New York and governed by English law between a large Venezuelan engineering firm and a large public German engineering and manufacturing group regarding a Venezuelan petrochemicals by-product facility.

- (xii) Acting as co-arbitrator in an international ad hoc arbitration regarding a private equity investment dispute governed by El Salvador law between a Canadian investment firm and an El Salvador manufacturing business which had moved from Ontario. Issues relate to fundamental breach of agreements and repudiation in the context of certain put rights.
- (xiii) ICC Arbitration – co-arbitrator in fundamental breach of contract claim between Canadian and English corporations for large industrial machinery manufactured in Canada for installation at a U.K. plant.
- (xiv) ICC Arbitration – acted as a co-arbitrator in a substantial ICC arbitration claim between a public Canadian forestry company and a large German corporation for breach of contract in the supply of large industrial machinery by the German supplier for a plant in Northern Ontario, which allegedly caused a catastrophic fire and damages of \$60 million.
- (xv) Appointed sole arbitrator in an *ad hoc* arbitration for a joint venture contract dispute between the Canadian subsidiaries of a foreign based developer and an American financial institution which involved a high profile development property in the heart of Toronto.

Professional Activities

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

As an arbitrator, Mr. Judge is a Fellow of the Chartered Institute of Arbitrators (FCI Arb), member of London Court of International Arbitration (LCIA) and Vice-President of its North American Users Council., also a member of the Institute for Trans-National Arbitration, Dallas (Advisory Board Member), member of ICC Canada and Executive Committee member, and a Panel Member for the International Centre for Dispute Resolution, New York. He is a founding member of the Arbitration Roundtable of Toronto and the Toronto Commercial Arbitration Society and has become a member by invitation of the London International Arbitration Club, England.

Publications & Speaking Engagements

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

- > ICC Canada Conference Program, *It's Time For a Fresh Look at Canadian Arbitration Legislation*, speaker on Interim Measures, Ottawa, October 2011
- > Speaker, Toronto Commercial Arbitration Society, Conference for General Counsel, *Cost Effective Dispute Resolution, Arbitrate or Litigate*, Toronto, September 2011
- > The Anatomy of an International Mining Dispute, speaker and moderator, Toronto, March 2011
- > Toronto Commercial Arbitration Society, Inaugural Conference, Chair and speaker, Toronto, October 2010
- > Co-author of Canadian chapter in *Getting the Deal Through – Arbitration 2010*

- > Speaker at the ICC Canadian National Committee Workshop on Parallel Proceedings in International Commercial Arbitration, October 2008.
- > Speaker on Enforcement of International Commercial Arbitration Awards, Arbitration Roundtable of Toronto Conference on Arbitration: A Primer for Corporate Counsel, October 2008.
- > Moderator and speaker at LCIA North American Users' Council Symposium in Toronto, September 2007; Washington 2009, and Vancouver 2010.
- > Moderator and speaker on "Foresight: Strategies in Resolving Technology Industry Disputes in North America", ADR After NAFTA Conference with The International Centre for Dispute Resolution, Toronto, September 2007.
- > Speaker on "Developments in Discovery and Taking Evidence for Use in Arbitration", Conference on Current Issues in Canada – U.S. Arbitration Practice: A Canadian Perspective with the New York City Bar Association, New York, June 2007.
- > Speaker on "Recent Developments on Discovery in Arbitration", Conference with the Ontario Bar Association and ADR Institute of Canada, May 2007.
- > Speaker on "Preparation for Arbitration", Conference on Advanced Commercial Arbitration through the Law Society of Upper Canada and The Advocates' Society, April 2007.
- > Speaker on "The Charter of Rights in Regulatory Proceedings", Conference: Regulators at the Gates, October 2006.
- > Chair and speaker for a Conference by Arbitration Roundtable of Toronto, Arbitration for the In-House Counsel, Toronto Board of Trade, September 2006.
- > Chair and speaker for a Conference by the Arbitration Roundtable of Toronto, Arbitration for the Corporate Lawyer: Essentials for an Effective Arbitration Clause, Toronto Board of Trade, October 2005.

Education

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

Bar Admission

Ontario, 1977.