



Joe McArthur, FCI Arb.

Partner | Vancouver

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Joe practises civil litigation and arbitration, including matters involving contractual disputes, shareholder dissent and oppression, corporate governance, breach of trust, breach of fiduciary duty, First Nations, civil fraud and other complex corporate/commercial litigation issues. He has represented both public and private companies in a range of industries, including financial services, technology, real estate development, mining and aviation.

Joe is an experienced trial and appellate lawyer and has argued before all levels of courts in Canada.

Joe is Co-chair of the Firm's International Dispute Resolution group. He regularly advises on domestic and international arbitrations and is available for appointment as arbitrator. He is a member of the American Arbitration Association's International Centre Dispute Resolution (ICDR) Panel of Arbitrators and the Domestic and International Arbitration Panels of the British Columbia International Commercial Arbitration Centre (BCICAC).

SELECT EXPERIENCE

Recent representative matters include:

- Appointed sole arbitrator in an ICDR commercial contract dispute
- Appointed to three member arbitration panel regarding dispute over South American mining concession
- Counsel to Suncor Energy Marketing Inc. in a dispute with Suncor's terminal operator in Prince Rupert over the operator's obligations to receive, store and ship Suncor's petroleum coke
- Counsel to CHC Helicopters in an arbitration over the purported termination by VIH Helicopters of CHC's participation in a Hibernia helicopter contract
- Counsel to Envirogold Holdings Ltd., an Australian mining firm listed on the Australian Securities Exchange, in an international arbitration
- Counsel to FinancialCAD Corporation in a dispute regarding the inadvertent triggering of shareholder dissent rights in FinancialCAD as a result of an error by FinancialCAD's corporate solicitors
- Counsel to NovaGold Resources Inc. in the appraisal of dissenting shareholder's shares in the first reported case to consider B.C. Business Corporation Act dissent provisions
- Counsel to Ermineskin Cree Nation in a lengthy Federal Court trial and before the Supreme Court of Canada alleging breach of a trustee's duty to prudently invest over C\$1-billion in trust funds and to prudently manage oil and gas resources

Representative clients include Suncor Energy Marketing Inc.; Univar Canada Ltd.; KGHM International Inc.; CHC Helicopters LLC; Lindt & Sprüngli (Canada), Inc.; and Georgia Pacific Canada LP.

PROFESSIONAL ACTIVITIES

Joe regularly acts as a guest instructor on advocacy and British Columbia Supreme Court practice as part of The British Columbia Law Society's professional legal training course.

He is a fellow of the Chartered Institute of Arbitrators, a member of the LCIA North America Users Council and an invited member of the Western Canada Commercial Arbitration Society.

AWARDS AND RECOGNITION

Joe is ranked in *Chambers Global: The World's Leading Lawyers for Business* – 2015 (Dispute Resolution: British Columbia). From a client cited in the review: Joe "*is a great counsel; he works very well with evidence and is good at presenting a complicated matter in a short period of time.*"

Joe has also been recognized as one of the leading lawyers in Corporate Commercial Litigation and Appellate law in Canada in a peer-review survey performed by the publication *The Best Lawyers in Canada*. In the 2014 edition Joe was named Best Lawyers' Vancouver Lawyer of the Year (Appellate Law). In *Benchmark Canada: The Definitive Guide to Canada's Leading Litigation Firms and Attorneys – 2013 - 2015 Editions*, Joe has been recognized as a Litigation Star in the national specialty areas of Arbitration, International Arbitration, Aboriginal and Securities Litigation, as well as a Local Litigation Star for British Columbia.

EDUCATION

Admitted to the British Columbia Bar - 1995
LL.B., University of Toronto - 1994
B.A. (Political Science), Carleton University - 1991

PUBLICATIONS

Co-author - "Investor-State Arbitration: Permanent Court of Arbitration Grants Largest Arbitral Award in History", *Alternative Dispute Resolution Committee Newsletter*, International Association of Defense Counsel, September 2014.

Co-author - "Un-Appealing: Supreme Court of Canada Limits Appeals from Arbitrators", *Blakes Bulletin on Litigation & Dispute Resolution*, August 2014.

Co-author - "Canada's British Columbia Supreme Court Breaks New Ground Granting Global Restraining Order Against Google", *World Data Protection Report*, Bloomberg BNA, Vol. 14, No. 7, July 2014.

Co-author - "Can't Search This: B.C. Court Grants Global Restraining Order Against Google", *Blakes Bulletins on Litigation & Dispute Resolution*, June 2014.

Co-author - "(Don't) Let it Go: B.C. Court Sets Test for Freezing Assets in International Arbitration", *Blakes Bulletin on International Dispute Resolution*, June 2014.

Author - "Agreeing (How) to Disagree: Dispute Resolution Clauses in Impact Benefit Agreements with First Nations", Blakes Bulletin on Aboriginal Law, March 2014.

Co-author - "Supreme Court of Canada Clarifies Tort of 'Causing Loss by Unlawful Means'", Blakes Bulletin on Litigation and Dispute Resolution, February 5, 2014.

Co-author - "Canada Ratifies the ICSID Convention", Blakes Bulletin on Litigation and Dispute Resolution, November 2013.

Co-author - "Justice in a Hurry: Interim Relief in International Arbitration", Blakes Bulletin on International Dispute Resolution, October 17, 2013.

Co-author - "A Case of Interest: SCC Rules on Arbitrators' Ability to Award Interest in British Columbia", Blakes Bulletin on International Dispute Resolution, October 4, 2013.

Co-author - "Expert Determination", Blakes Bulletin on International Dispute Resolution, March 2013.

Co-author - "Indian Courts Change Approach Towards International Arbitration", Blakes Bulletin on International Dispute Resolution, September 2012.

Co-author - "International Arbitration Involving Mainland Chinese Parties", Blakes Bulletin on International Dispute Resolution, May 2012.

PROFESSIONAL APPEARANCES

Speaker - "ADR and Shareholders' Disputes: Arbitrating Oppression", Shareholders' Disputes 2015, Continuing Legal Education Society of British Columbia, Vancouver, British Columbia, April 22, 2015.

Panellist - "Hot Topics in Energy and Mining Arbitration", Eighth Annual Energy, Mining and Resources Arbitration Conference, Western Canada Commercial Arbitration Society, Calgary, Alberta, May 13th, 2014.

Co-speaker - "Let's Agree (how) to Disagree: Arbitration and Dispute Resolution Clauses in Commercial Agreements", Blakes Business Class Seminar, Vancouver, British Columbia, March 26, 2014.

Panellist - "Pitfalls of International Arbitration", Association of Corporate Counsel America, 32nd Annual Corporate Counsel Institute, St. Louis, Missouri, May 23, 2013.

Co-speaker - "Perspectives on Arbitration, International and Otherwise", Blakes Business Class Seminar, November 19, 2012.

Speaker - "Injunctions and Urgent Relief", Commercial Litigation 2012, CLE BC, Vancouver, British Columbia, September 27, 2012.

Co-speaker - "Getting the Most out of Mediation & Arbitration", Hot Topics in Litigation, Blakes Business Class Seminar, May 31, 2012.

Panellist - "Stories from the Front Lines: Recent Experiences with Process Design and Arbitration of

Energy and Mining Disputes", Western Canada Arbitrators Roundtable, Sixth Annual Energy, Mining and Resources Arbitration Conference, Calgary, Alberta, May 15th, 2012.

Speaker - "Arbitrator Selection, Appointment, and Challenges", CLE BC, Commercial Arbitration 2012, Vancouver, British Columbia, March 1, 2012.

MEDIA APPEARANCES

Quoted - "B.C. court flexes its cross-border muscle", Article by Julius Melnitzer, Financial Post, June 26, 2014.

Quoted - "B.C. Court of Appeal relaxes standards for granting Mareva injunctions", Article by Julius Melnitzer, Financial Post, June 17, 2014.

Quoted - "Enforcing arbitral awards 'not guaranteed' in China, India, Russia", Article by David Dias, Lexpert Magazine Blog, November 26, 2012.

Quoted - "The Problem is Enforcement", Canadian Lawyer Magazine, September 3, 2012.

Quoted - "Resolution Revolution: Arbitration In Focus", China Business Law Journal, Vol. 3, Issue 8, September 2012.

Quoted - "Tug of War Over Dispute Resolution", Lawyers Weekly, March 9, 2012.