

**MURRAY A. CLEMENS, Q.C., FCI Arb**  
**Nathanson Schachter & Thompson LLP**

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Mr. Clemens has over 35 years experience in commercial litigation before the Supreme Court and Court of Appeal of British Columbia, Federal Court, Supreme Court of Canada and arbitration panels, involving shareholders' and partners' disputes, construction disputes, mining related claims, professional negligence claims, real estate, employment, securities, banking, insurance and maritime litigation.

In addition to commercial litigation, Mr. Clemens has experience in administrative hearings including proceedings before the Securities Commission and the disciplinary and credentials committees of various professional associations.

Mr. Clemens is also active in alternate dispute resolution including appointments as an arbitrator or mediator in commercial and interest-based disputes.

**Education:**

University of Toronto, B.A. (Political Economy), 1972  
Queen's University, LL.B., 1975  
Called to British Columbia Bar, 1976

**Memberships/Appointments:**

Canadian Bar Association (Past Member of Provincial Council)  
Vancouver Bar Association (Past Member of the Executive Committee)  
Chartered Institute of Arbitrators, Fellow  
British Columbia International Commercial Arbitration Centre, Trustee 1996 – 2002  
Canadian Transportation Agency Listed Arbitrator since 1987

**Peer and Industry Recognition:**

Appointed Queen's Counsel, December 22, 1993  
Martindale Hubbell Rating – “AV Preeminent” since 1997  
Fellow of the American College of Trial Lawyers, 2003  
Fellow – Litigation Counsel of America, 2011  
Who's Who Legal, Mediation 2014, recognized as one of 15 leaders in the field in Canada  
Listed in the 2014 edition of World's Leading Experts in Commercial Arbitration  
Benchmark Canada, 2015, Litigation Star–Arbitration, Commercial Disputes and Securities

Chambers Global 2015, ranked as a leader since 2009, Murray Clemens "... is an excellent litigator – he is very quick and practical and has a very effective way of getting through to people. He is also recognized for his focus on arbitration and mediation"

LEXPERT – Repeatedly recommended

### **Representative Publications and Presentations:**

*Anatomy of A Commercial Case*, CLE, 1987 and 2003

*Experts and Expert Reports*, CLE, 1988, 1993 and 1998

Author - "The Lawyer – Expert Relationship From Initial Consultation Through Post Trial" presented to the Continuing Education Association of the Institute of Chartered Accountants of British Columbia, 1991

*Evidence*, CLE, 1992, 1995, 1996 and 2012

*Civil Litigation Conference*, CLE, 1996

*Use and Exclusive Use Clauses in Commercial Leasing Disputes*, CLE, 1998

*Arbitrating Lease Disputes*, CLE, 1998 and 2011

The Advocate - *Jurisdiction to Grant Relief From Forfeiture in Commercial Arbitration*, September, 1999

*Treaty Negotiations and Alternative Dispute Resolution*, Pacific Business and Law Institute, 2000

*Remedies for Commercial Litigators*, CLE, 2003

*Western Canadian Securities Litigation Conference*, Insight, 2006

*Mining Law*, CLE, 2009 – Arbitrating Mining Disputes

*Commercial Leasing: Arbitration and Remedies*, CLE 2011

*Commercial Arbitration*, CLE 2012

*Construction Law – Arbitration and Mediation*, CLE 2013

### **Dispute Resolution – Sector Experience**

In addition to acting as counsel in hundreds of commercial disputes Mr. Clemens has been appointed the sole arbitrator, member or chair of an arbitration panel in more than 100 disputes arising in broad commercial context. Sector examples include:

**Construction** – Mines, Utilities, Commercial Buildings, Ships

**Corporate** – Private Resolution of Shareholders Disputes

**Employment** – Termination, Pension and Competition Disputes

**Estates** – Trust Issues

**Forestry** – Renewable Contract Disputes, Compensation Disputes

**Franchising** – Disputes between franchisors and franchisees

**Manufacturing** – Assembly Line, Automated Picking and Order Assembly Performance Disputes

**Mining** – Development and Construction, Joint Venture Disputes

***Partnership*** - Private Resolution of Partnership Disputes

***Medical Practitioners*** – Grant and Fee Allocations, Fee Disputes and Interest Disputes Among Members of Professional Associations over allocations of economic entitlements

***Real Estate*** – Development Disputes, Taxation Disputes, Joint Venture Disputes, Commercial Strata Disputes, Lease Disputes

***Transportation*** – Rate Disputes

