



Joe McArthur, FCI Arb.

Partner | Vancouver

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Joe practises commercial litigation and arbitration. He has represented both public and private companies in a range of industries, including mining, infrastructure, utilities, financial services, and technology.

Joe is an experienced trial and appellate lawyer and has argued before all levels of court in Canada, including the Supreme Court of Canada.

He is Co-chair of the Firm's International Dispute Resolution group. He regularly advises on domestic and international arbitrations as counsel 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 BCICAC share valuation dispute
- Appointed to three member arbitration panel in agency dispute
- Appointed sole arbitrator in a number of ICDR commercial contract disputes
- Appointed to three member arbitration panel regarding dispute over South American mining concession
- Counsel in arbitration regarding public-private-partnership infrastructure financial arrangements
- Counsel in arbitration involving the operation of energy infrastructure
- Counsel in arbitration involving the construction of energy infrastructure
- 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

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 has been recognized as a leading lawyer by a number of publications including:

- Legal Media Group's *Guide to the World's Leading Commercial Arbitration Lawyers 2015* (Commercial Arbitration)
- *The Best Lawyers in Canada 2016* (Corporate and Commercial Litigation, Alternative Dispute Resolution, International Arbitration and Appellate Practice; named Best Lawyers' 2014 Vancouver Appellate Law "Lawyer of the Year").
- Joe is ranked in *Chambers Global: The World's Leading Lawyers for Business 2015* (Dispute Resolution: British Columbia)
- *Chambers Canada: Canada's Leading Lawyers for Business 2016* (Dispute Resolution: British Columbia – One client noted that 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.*").
- *Benchmark Canada: The Definitive Guide to Canada's Leading Litigation Firms and Attorneys –2015 Edition* (National Litigation Star: Arbitration, International Arbitration, Aboriginal and Securities Litigation; Provincial Litigation Star: 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 – "Still Can't Search This: B.C. Court of Appeal Affirms Global Restraining Order Against Google", *Internet and E-Commerce Law in Canada*, Volume 16, No. 4, August 2015.

Co-author – "Still Can't Search This: B.C. Court of Appeal Affirms Global Restraining Order Against Google", *Blakes Bulletin on Litigation & Dispute Resolution*, June 2015.

Co-author - "The Long Arm of the Law is Not That Long: Court Declines Jurisdiction over Document Production by Foreign Non-Party", *Blakes Bulletin on Litigation & Dispute Resolution*, June 2015.

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.

PROFESSIONAL APPEARANCES

Speaker: "An Update on Good Faith in the Performance of Contracts", Canadian Bar Association – BC Branch, Civil Litigation Section Meeting, Vancouver, British Columbia, April 13, 2016

Speaker: "Arbitration Workshop: Best Practices and Drafting Tips", Blakes Business Class Seminar, Toronto, Ontario, November 24, 2015

Speaker: "The Second Key to a Successful Arbitration – An Arbitrator with Appropriate Experience", Commercial Arbitration 2015: Taking Advantage of User Control Affinity Institute, Vancouver, British Columbia, June 5, 2015

Speaker: "Arbitrate, Mediate and Negotiate: the Law and Practice of Dispute Resolution Clauses", Association of Corporate Counsel (British Columbia), Vancouver, British Columbia, May 21, 2015

Speaker: "Dispute Resolution First Nation Impact Benefits Agreements", 9th Annual WCCAS Energy, Mining and Resources Arbitration Conference, Calgary, Alberta, May 12, 2015

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.

MEDIA APPEARANCES

Mentioned – "Canadian Big Suits", Article by Marlisse Silver Sweeney, The American Lawyer (Online), March 28, 2016

Mentioned – "Noteworthy decisions as selected by Lexpert in the March 2016 issue", Lexpert Magazine, March 15, 2016

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.