

**JSS BARRISTERS**

Jensen Shawa Solomon Duguid Hawkes LLP

中文


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SABRI M. SHAWA QC, FCI Arb

## CONTACT INFORMATION

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- [Download vCard](#)

## PRINCIPAL PRACTICE

## AREAS

- Arbitration, Mediation, and Negotiation
- General Commercial Litigation with an emphasis on Energy, Engineering, and the Environment
- Employment and Business Relationships

## BIOGRAPHY

## EDUCATION

- LLM (Major in Dispute Resolution) 2006 University of Technology, Sydney, Australia
- LLB 1990 University of Alberta
- BSc (Chemical Engineering) 1987 University of Calgary

## PROFESSIONAL EXPERIENCE

- Jensen Shawa Solomon Duguid Hawkes LLP 1995 - present:
  - Firm Chairman 2008 - 2014
  - Managing Partner 1997 - 2004
  - Founding Partner
- MacKimmie Matthews 1990 - 1995
  - Articling Student and Associate, Litigation Department:

In the nearly three decades I have practiced law in Calgary I have represented and advised thousands of parties in matters before the courts, a wide variety of administrative and regulatory boards



and tribunals, at arbitrations, and in mediations. I am also an arbitrator, mediator and negotiator.

In 2012, I was appointed Queen's Counsel and in 2014, I was admitted as a Fellow of the Chartered Institute of Arbitrators.

I am listed in Best Lawyers for Alternative Dispute Resolution. I am also listed as a Litigation Star by Benchmark Canada for arbitration as well as employment law, among other things.



## PRACTICE FOCUS

My current practice is comprised primarily of:

### ARBITRATION, MEDIATION, AND NEGOTIATION

The broad scope of my litigation practice over the years has allowed me to develop a good understanding of many businesses, industries and endeavours. That familiarity, coupled with my training in dispute resolution techniques and practices, equips me to serve as an independent arbitrator and mediator in a wide variety of disputes.

I have been retained as arbitrator many times, including through the International Court of Arbitration of the International Chamber of Commerce, with respect to:

- construction and project management
- shareholders, franchise, and partnership agreements, and a variety of commercial contracts
- insurance claims and coverage
- lease renewal rates
- labour relations

In addition, I have been appointed as an umpire under s. 519 of the Alberta Insurance Act.

I have been retained to mediate hundreds of disputes and represented parties in many others, including with respect to:

- personal injury
- insurance claims

- shareholder and partner relationships
- plant and facilities disasters
- construction and project management
- professional negligence
- employment
- medical malpractice

I have also been hired to negotiate a variety of professional services agreements and related arrangements.

#### GENERAL COMMERCIAL LITIGATION WITH AN EMPHASIS ON ENERGY, ENGINEERING, AND THE ENVIRONMENT

I am regularly retained to provide advice and representation in respect of claims (in both litigation and arbitration) concerning:

- engineering and design faults and failures
- construction deficiencies and delays
- oil and gas operating and royalty agreements, as well as ownership and rights issues
- misappropriation of proprietary technology and data
- environmental contamination, nuisance, and remediation and reclamation
- electrical transmission and generation
- pipelines
- contractual disputes and negligence claims involving industrial parties
- insurance, including coverage

I have also been retained to mediate hundreds of disputes and represented parties in many others, including with respect to:

- personal injury
- insurance claims
- professional negligence
- employment
- medical malpractice

#### EMPLOYMENT AND BUSINESS RELATIONSHIPS

As counsel in litigation, and as an advisor to employers and employees, I provide representation in employment matters, particularly with respect to officers and senior management, involving:

- wrongful and constructive dismissals
- employment issues in restructurings and succession planning

- employee misfeasance and misconduct
- breaches of confidentiality as well as non-competition and non-solicitation obligations
- breaches of fiduciary duties
- injunctions
- admission to professional associations

I negotiate, draft, and provide advice with respect to:

- employment, executive compensation, and independent contractor agreements
- services and partnership agreements
- employment policies

In addition, I investigate, report, and advise, on complaints against directors, officers, and employees.

## OTHER EXPERIENCE

I also have significant experience with:

- professional negligence claims
- professional discipline proceedings
- regulatory hearings
- administrative law
- shareholders' disputes
- personal injury claims for both plaintiffs and defendants, including catastrophic injuries
- medical malpractice claims for plaintiffs and defendants, and other health care related litigation and proceedings

## PROFESSIONAL AND COMMUNITY ACTIVITIES AND PUBLICATIONS

- Alberta Energy Regulator 2003 - present  
Included on roster of mediators
- Legal Education Society of Alberta 2012 - present  
Member of Board of Directors
- Chartered Institute of Arbitrators, Canada Branch 2017 - present  
Member of Branch Executive Committee
- Chartered Institute of Arbitrators, Alberta Chapter 2017 - present  
Chair of the Chapter Executive Committee
- ADR Institute of Canada ADR to the Rescue of Justice Conference (Montréal) 2018  
Speaker: Limitation Periods of Arbitration
- Canadian Bar Association, Calgary Branch, ADR Subsection 2018  
Speaker: Limitation Periods in Arbitration

- University of Calgary 2018  
Guest lecturer: Faculty of Law, Civil Procedure (Arbitration)
- York University, Osgoode Hall Law School Professional Development 2016  
Speaker: Certificate in Construction Law, Western Canada Edition (Arbitrating the Construction Dispute)
- Canadian Bar Association, Calgary Branch, ADR Subsection 2015  
Speaker: Arbitration
- Alberta Civil Trial Lawyers Association 2015  
Speaker: Litigation Potpourri (Mediations: Games People Play)
- Central Alberta Bar Association 2015  
Speaker: Arbitration
- Chartered Institute of Arbitrators 2014  
Appointed Fellow
- Legal Education Society of Alberta 2014  
Speaker: Evidence law Refresher (the Rule in Browne v Dunn and Evidence not Called: the Adverse Inference)
- Canadian Bar Association 2014  
Panelist: How to Establish a Successful Litigation Practice, Alberta Law Conference
- University of Calgary, Faculty of Law 2014  
Panelist: Candid Conversations with Men in Law Round Table Discussion
- Mount Royal University Forensic Studies Program 1999 - 2013  
Ad hoc advisor (1999 - 2002), Community Advisory Board: member (2002 - 2006), Chairperson (2006 - 2013), and co-author of two Internet course units
- ADR Institute of Canada/International Chamber of Commerce Canada Gold Standard in ADR conference (Toronto) 2013  
Panelist: Thinking Outside the Box to Realize ALL Potential Benefits of Commercial Arbitration
- Canadian Centre for Professional Legal Education (CPLLED) 2012  
Instructor: Advocacy
- Province of Alberta 2012  
Appointed Queen's Counsel
- Legal Education Society of Alberta Intensive Trial Advocacy Workshop 2009 and 2011  
Guest instructor
- Halsbury's Laws of Canada First Edition 2011  
Co-author: Civil Procedure Update, Alberta Rules of Court, Cumulative Supplement Release 14, LexisNexis
- Canadian Bar Association Alberta 2011  
Author: Law Matters (Mandatory Mediation under the New Alberta Rules of Court - the First Year)
- Legal Education Society of Alberta Civil Advocacy Series: Evidence for Litigators Seminar 2011  
Panelist and workshop instructor
- ADR Institute of Canada Peak Performance in ADR Conference 2011  
Moderator: Financial Experts in ADR

- Legal Education Society of Alberta Arbitration Seminar 2011  
Speaker: selection, appointment and jurisdiction of the arbitrator, scope and composition of the award, and enforcement of domestic and international awards
- University of Calgary 2003 - 2010  
Sessional instructor, Faculty of Law, Civil Procedure
- University of Calgary Intensive Trial Advocacy Course 2003, 2004, 2008 and 2009  
Guest instructor
- Legal Education Society of Alberta New Lawyer Experience Seminar 2009  
Co-chairperson
- Howard Tidswell Memorial Award for Teaching Excellence (University of Calgary Faculty of Law) 2009  
Nominee
- Certus Strategies and Canadian Dispute Resolution Corporation 1997 - 2004, 2006 - 2008  
Included on roster of mediators
- Calgary Medical Legal Society 2008  
Speaker: Medical Care for the Gravely Ill - Who Calls the Shots?
- CBC TV (The National News at Six) and CBC Radio (Calgary Eye-opener) 2007  
Interviewed about an injunction obtained in respect of a comatose patient
- Cochrane High School 1989 and 2004  
Graduation ceremony guest speaker
- Law Society of Alberta 2004  
Insurance Committee Member
- Insight Information Co. Obstetric Malpractice and Risk Management Conference (Vancouver) 2004  
Speaker: Elective C-Sections - Latest Challenges and Complications
- Alberta Civil Trial Lawyers Association Sexual Torts Workshop 2004  
Moderator
- Resicare Society of Calgary 1994 - 2003  
Member of Board of Directors (including several terms as President)
- Law Society of Alberta 2000 - 2003  
Conduct Committee member
- Calgary Inc. Magazine 2003  
Profiled as one of its Top 40 under 40 Calgarians
- Alberta Civil Trial Lawyers Association Section B Auto Insurance Workshop 2003  
Speaker
- The Canadian Institute Litigating Traumatic Brain and Spinal Cord Injuries Conference (Toronto) 2003  
Speaker: Building the Plaintiff's Case
- University of Calgary 1997 - 2002  
Regular Guest Speaker in the Faculties of Nursing and Continuing Education: Nursing and Healthcare in Forensic Populations

- Canadian Institute Auto Insurance Claims Litigation Conference 2002  
Speaker: Use of Experts in Accident Reconstruction
- University of Calgary 2002  
Guest Lecturer: Faculty of Law, Civil Procedure
- Volunteer Calgary 1997 - 2000  
Regular Speaker: Legal Liability, Insurance and Screening Practices for Not-for-Profit Organizations
- Essential Talk Network 2000  
Internet radio interview about suing politicians
- University of Calgary 2000  
Guest lecturer: Faculty of Law, Remedies
- Conflict Solutions 2000 Conference 2000  
Panelist: National Dispute Resolution Conference
- Theatre Junction 1996 - 1999  
Member of Board of Directors
- Alberta Justice Provincial Court 1998 - 1999  
Included on roster of mediators, Civil Claims Mediation Program
- Better Business Bureau 1996 - 1998  
Included on roster of mediators, Mediation Program
- Lexpert Medical Negligence Conference 1998  
Speaker: Standard of Care, Consent and Limitation Period Issues
- The Lawyers Weekly 1998  
Author: Informed Consent Most Difficult Medical Negligence Issue, 1998
- Canadian Bar Association Health Law Subsection 1998  
Speaker: Informed Consent

#### CURRENT PROFESSIONAL ASSOCIATION MEMBERSHIPS

- ADR Institute of Alberta
- ADR Institute of Canada
- Calgary Bar Association
- Canadian Bar Association
- Chartered Institute of Arbitrators
- Law Society of Alberta

#### PRESENTATIONS & PUBLICATIONS

Please contact Sabri M. Shawa QC, FCIArb at [shawas@jssbarristers.ca](mailto:shawas@jssbarristers.ca) if you are interested in receiving a copy of any of the following:

- ADR Institute of Canada ADR to the Rescue of Justice Conference (Montréal) 2018  
Speaker: Limitation Periods of Arbitration
- Canadian Bar Association, Calgary Branch, ADR Subsection 2018  
Speaker: Limitation Periods of Arbitration

- University of Calgary 2018  
Guest lecturer: Faculty of Law, Civil Procedure (Arbitration)
- York University, Osgoode Hall Law School Professional Development 2016  
Speaker: Certificate of Construction Law, Western Canada Edition (Arbitrating the Construction Dispute)
- Canadian Bar Association, Calgary Branch, ADR Subseciton 2015  
Speaker: Arbitration
- Alberta Civil Trial Lawyers Association 2015  
Speaker: Litigation Potpourri (Mediations: Games People Play)
- Central Alberta Bar Association 2015  
Speaker: Arbitration
- Legal Education Society of Alberta 2014  
Speaker: Evidence law Refresher (the Rule in Browne v Dunn and Evidence not Called: the Adverse Inference)
- Canadian Bar Association 2014  
Panelist: How to Establish a Successful Litigation Practice, Alberta Law Conference
- University of Calgary 2014  
Panelist: Candid Conversations with Men in Law Round Table Discussion
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Panelist: Thinking Outside the Box to Realize ALL Potential Benefits of Commercial Arbitration
- Mount Royal University Forensic Studies Program 1999 - 2013  
Ad hoc advisor (1999 - 2002), Community Advisory Board: member (2002 - 2006), Chairperson (2006 - 2013), and co-author of two Internet course units
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Appointed Queen's Counsel
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Guest instructor
- Halsbury's Laws of Canada First Edition 2011  
Co-author: Civil Procedure Update, Alberta Rules of Court, Cumulative Supplement Release 14, LexisNexis
- Canadian Bar Association Alberta 2011  
Author: Law Matters (Mandatory Mediation under the New Alberta Rules of Court - the First Year)
- Legal Education Society of Alberta Intensive Trial Advocacy Workshop 2009, 2011  
Guest instructor
- Legal Education Society of Alberta Civil Advocacy Series: Evidence for Litigators Seminar 2011  
Panelist and workshop instructor



- ADR Institute of Canada Peak Performance in ADR Conference (Vancouver) 2011  
Moderator: Financial Experts in ADR
- Legal Education Society of Alberta Arbitration Seminar 2011  
Speaker
- University of Calgary 2003 - 2010  
Sessional instructor, Faculty of Law, Civil Procedure
- University of Calgary Intensive Trial Advocacy Course 2003, 2004, 2008 and 2009  
Guest instructor
- Legal Education Society of Alberta New Lawyer Experience Seminar 2009  
Co-chairperson
- Calgary Medical Legal Society 2008  
Speaker: Medical Care for the Gravely Ill - Who Calls the Shots?
- CBC TV (The National News at Six) and CBC Radio (Calgary Eyeopener) 2007  
Interviewed about an injunction I obtained in respect of a comatose patient in respect of whom a do-not-resuscitate order had been made
- Insight Information Co. Obstetric Malpractice and Risk Management Conference (Vancouver) 2004  
Speaker: Elective C-Sections - Latest Challenges and Complications
- Alberta Civil Trial Lawyers Association Sexual Torts Workshop 2004  
Moderator
- Cochrane High School 1989 and 2004  
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- Alberta Civil Trial Lawyers Association Section B Auto Insurance Workshop 2003  
Speaker
- The Canadian Institute Litigating Traumatic Brain and Spinal Cord Injuries Conference (Toronto) 2003  
Speaker: Building the Plaintiff's Case
- University of Calgary 1997 - 2002  
Regular Guest Speaker: Faculties of Nursing and Continuing Education, Nursing and Healthcare in Forensic Populations
- Canadian Institute Auto Insurance Claims Litigation Conference 2002  
Speaker: Use of Experts in Accident Reconstruction
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Guest Lecturer: Faculty of Law, Civil Procedure
- Volunteer Calgary 1997 - 2000  
Regular Speaker: Legal Liability, Insurance and Screening Practices for Not-for-Profit Organizations
- Essential Talk Network 2000  
Internet radio interview about suing politicians
- University of Calgary 2000  
Guest lecturer: Faculty of Law, Remedies
- Conflict Solutions 2000 Conference 2000  
Panelist: National Dispute Resolution Conference

- Lexpert Medical Negligence Conference 1998  
Speaker: Standard of Care, Consent and Limitation Period Issues
- Lawyers Weekly 1998  
Author: "Informed Consent Most Difficult Medical Negligence Issue", 1998
- Canadian Bar Association Health Law Subsection 1998  
Speaker: Informed Consent

23 December 2014

## ARBITRATIONS

I have been retained as an arbitrator many times and written several awards, and dozens of procedural orders, with respect to a variety of matters including:

- construction and project management
- 
- shareholders, franchise, and partnership agreements, and a variety of commercial contracts
- 
- insurance claims and coverage
- 
- lease renewal rates
- 
- labour relations
- 

Those arbitrations have been both ad hoc and administered, including with the International Court of Arbitration of the International Chamber of Commerce.

I have also been appointed as an umpire under s. 519 of the Alberta Insurance Act.

As counsel, I have represented parties in a wide variety of arbitrations involving claims relating to construction and project management, commercial relationships, insurance claims and coverage, lease rate renewals, and labour relations.

In the more than 25 years I have practiced in Calgary, I have developed a wealth of knowledge with respect to a variety of businesses, industries and kinds of conflicts. That, coupled with my training in dispute resolution techniques, practices and theory, has equipped me to serve as an independent arbitrator in a wide variety of disputes.

In addition to Bachelor's degrees in engineering and law, I have a Master of Laws degree with a major in dispute resolution. My LLM program included the study of arbitration, international commercial dispute resolution, and international trade law.

In 2014, I became a Fellow of the Chartered Institute of Arbitrators in London, an internationally-recognized dispute resolution organization. I am a member of the Institute's Canadian branch executive and Chair of the Alberta chapter. I am also a member of ADR Canada and the ADR Institute of Alberta. I am listed in Best Lawyers for Alternative Dispute Resolution and as a Canadian Litigation Star by Benchmark Litigation for, among other things, arbitration.

I have drafted arbitration agreements and clauses. I have also provided advice and opinions on enforceability of arbitration provisions and the appeal of arbitration awards.

I have spoken on various arbitration issues at a number of conferences and courses, including:

- Canadian Bar Association, Calgary Branch, ADR Subsection, Limitation Periods in Arbitration - 2018
- University of Calgary, Faculty of Law, Civil Procedure, Guest Lecturer, Arbitration - 2018
- York University, Osgoode Hall Law School Professional Development, Certificate in Construction Law, Western Canada Edition, Arbitrating the Construction Dispute - 2016
- Canadian Bar Association, Calgary Branch, ADR Subsection, Arbitration - 2015
- Central Alberta Bar Association, Arbitration - 2015
- ADR Institute of Canada / International Chamber of Commerce, Canada Gold Standard in ADR Conference (Toronto), Thinking Outside the Box to Realize ALL Potential Benefits of Commercial Arbitration - 2013
- ADR Institute of Canada, Peak Performance in ADR Conference, Financial Experts in ADR - 2011
- Legal Education Society of Alberta, Arbitration (selection, appointment and jurisdiction of the arbitrator, scope and composition of the award, and enforcement of domestic and international awards) - 2011

At JSS Barristers we have a purpose-built arbitration hearing room, capable of facilitating electronic hearings, including audio and video recording capabilities. Our facilities can accommodate hearings of virtually any size. They are available at no charge.

I have practiced as a litigation lawyer in Calgary for nearly three decades. In 1996, I undertook my first training in alternative dispute resolution. In 2006 I earned a Master of Laws degree, with a major in dispute resolution. I also have Bachelor's degrees in law and engineering. I have been hired to mediate hundreds of disputes.

I am a member of ADR Canada and the ADR Institute of Alberta. I have also been listed in Best Lawyers, for Alternative Dispute Resolution, since 2013.

The mediations I typically conduct involve disputes relating to matters involving:

- personal injury
- insurance claims

- shareholder and partner relationships
- plant and facilities disasters
- construction and project management
- professional negligence
- employment
- medical malpractice

I am able to provide whatever degree of mediator involvement parties seek, ranging from very active engagement on the facts and legal issues to strictly facilitative mediation. I am also able to structure mediations that include as much, or as little, direct party contact as the participants desire.

Since 2013, I have been included on the Alberta Energy Regulator's roster of mediators. I have also been a volunteer mediator in both the Better Business Bureau and Alberta Justice Provincial Court mediation programs.

In 2015, I spoke at an Alberta Civil Trial Lawyers Association seminar on mediation. I also spoke at the Conflict Solutions 2000 national dispute resolution conference in Calgary in 2000, on mediation issues.

In 2011, I wrote an article entitled Mandatory Mediation under the New Rules of Court – the First Year, published in the Canadian Bar Association's Law Matters.

At JSS Barristers, we have purpose-built mediation rooms available at no charge.