



Rachel A. Howie

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Rachel is a partner in the [Litigation and Dispute Resolution](#) Group and co-leader for Dentons Canada's national ADR and Arbitration group. Her clients are primarily in the energy and natural resources industries, where she advises on complex matters that have an international or multi-jurisdictional aspect. Rachel also advises domestic and international clients on the drafting of dispute resolution clauses in transactional documents and she is a frequent speaker and author on matters of international and domestic arbitration.

In her arbitration practice, Rachel has acted on matters involving issues across Canada and in South America, Central Asia and South-East Asia. She has experience under several institutional rules, including ICC and ICSID, along with *ad hoc* proceedings, and is a listed arbitrator on the International Centre for Dispute Resolution (ICDR) Canada roster. She is highly regarded for her attention to detail and ability to also take a "big-picture" view, and she focuses on practical solutions that work for her clients. In her commercial litigation practice, Rachel has appeared before all levels of Court in Alberta.

Rachel works with clients to resolve disputes involving industry relationships and agreements including joint venture agreements, farmout agreements, ownership and operating agreements, offtake agreements, gas purchase and sale agreements, electricity purchase and sale agreements, oil and gas asset purchase and sale agreements, royalty agreements, services agreements, seismic licensing agreements, confidentiality agreements, and operating agreements. She also acts in matters involving environmental issues, such as claims for contribution to remediation and issues relating to water and soil contamination, accounting and audit rights, claims of *force majeure*, disputes arising from production on aboriginal lands, shareholder disputes, product liability claims, distribution agreements, and professional negligence.

Rachel is a volunteer with the Pro Bono Duty Counsel project at the Provincial Court (Civil) and with the Pro Bono Amicus project at Alberta Court of Queen's Bench. She is also the former Chair of Dentons Calgary's Diversity Committee.

Select Experience

- **Confidential client:** Advising in an ICC Arbitration on a \$50 million claim involving

mining industry agreements.

- Confidential client: Advising in an arbitration under the ADRIC rules on a \$1 billion dollar claim for environmental remediation between energy industry participants.
- Confidential client: Advising on an ICSID arbitration with respect to the improper expropriation of oil and gas interests.
- Confidential client: Advising in respect of a multi-million dollar claim involving industry operating standards under the LCIA Rules.
- Confidential client: Advising on an ICSID arbitration with respect to a gas purchase and sale agreement.
- Confidential client: Advising in an *ad hoc* arbitration claiming in excess of \$100 million under allegations of professional negligence.
- Confidential client: Advising in an investor-state claim in the transportation sector involving, amongst other claims, a breach of the minimum standard of treatment.
- Confidential client: Advising in several related *ad hoc* arbitrations regarding the sale of oil and gas interests in Central Asia.
- Confidential client: Advising in an *ad hoc* arbitration claiming damages for wrongful termination of a distribution agreement.
- Confidential client: Advising in an arbitration under the UNCITRAL Rules relating to the exploration and production of oil and gas resources in South America.
- Confidential client: Advising a supplier of electricity in respect of proceedings to challenge a regulatory decision impacting transmission.
- Confidential client: Advising in respect of claims under a subscription agreement on a foreign stock exchange.
- Confidential client: Advising international exploration and production companies in multi-million dollar claims relating to seismic data.
- Confidential client: Advising a multinational resources company in relation to claims for environmental remediation for historic well-sites.
- Confidential client: Advising in an arbitration relating to audit rights and obligations under *force majeure* in the electrical generation and transmission industry.

Recognition

- Recognized by the Global Arbitration Review's Who's Who Legal 2020 and 2021 as a [Future Leader in Arbitration](#)
- Graduate Fellow, Institute of Advanced Policy Research, University of Calgary, 2008
- Canadian Petroleum Law Foundation Graduate Scholarship, 2007-2008

In the Media

- Mentioned in the [Lexpert Special Edition: Mining 2020 “Operating in Uncertainty”](#)
- Mentioned in "Litigation funding: CETA’s disclosure requirements", *National Magazine*, July 2017
- Mentioned in "[Dentons welcomes four new partners in its Calgary office](#)", *Lexpert*, March 2016
- Mentioned in “Dentons promotes new partners in Warsaw and beyond” by Ali Khan, *Global Arbitration Review*, February 16, 2016

Insights

- Co-host, "[Arbitration from Dentons](#)" Podcast series
- Co-author, [The Impact of Vavilov on Commercial Arbitration](#), *ADR Institute of Canada*
- Co-author, [British Columbia’s new Arbitration Act and the VANIAC](#), *Dentons Client alert*, September 9, 2020
- Co-author, "[Structuring mining transactions for investment treaty protections](#)," *Mining Law Canada Blog*, July 23, 2020
- Co-author, "[Use of dispute financing in the mining sector](#)," *Commercial Litigation Blog*, July 6, 2020
- Co-author, "[Royalty Arrangements – Risk Mitigation Considerations for Operators](#)," *Mining Law Canada Blog*, June 17, 2020
- Co-author, "[Considerations for domestic arbitration: Recent changes in Canada](#)," *Commercial Litigation Blog*, April 28, 2020
- Co-author, "[Financing Disputes: Third-Party Funding in Litigation and Arbitration](#)" (2019) 47:2 *Alberta Law Review* 465
- "[Araya v Nevsun: Potential expansion of local liability for international actions](#)," *Mining Law Canada Blog*, July 31, 2019
- Co-Author, "[Investment court clears key legal hurdle with Court of Justice of the European Union \(CJEU\) Opinion 1/17](#)," *Dentons Client Alert*, May 13, 2019
- Co-Author, "[Future of investor-state dispute settlement mechanisms under the United States-Mexico-Canada Agreement](#)," *Dentons Client Alert*, November 30, 2018
- Co-author, "[Canada](#)" in James H Carter, ed, *The International Arbitration Review*, 9th ed (London: Law Business Research Ltd., 2018)
- Co-author, "[British Columbia amends its International Commercial Arbitration Act](#)," *Dentons Client Alert*, May 29, 2018
- Co-author, "[A closer look at round seven of the NAFTA negotiations](#)," *Dentons Client Alert*, March 19, 2018

- Co-author, "[A closer look at round five of the NAFTA negotiations](#)," *Dentons Client Alert*, December 4, 2017
- Co-author, "[A closer look at round four of the NAFTA negotiations](#)," *Dentons Client Alert*, October 25, 2017
- Co-author, "[A closer look at round three of the NAFTA negotiations](#)," *Dentons Client Alert*, October 4, 2017
- Co-author, "[Canada](#)" in James H Carter, ed, *The International Arbitration Review*, 8th ed (London: Law Business Research Ltd., 2017)
- Co-Author, "[Third Party Funding in Arbitration](#)" (2017) 26 *Canadian Arbitration and Mediation Journal* 1
- Co-Author, "[Finality in commercial arbitration further affirmed by the Supreme Court of Canada](#)," *Dentons Client Alert*, June 26, 2017
- Co-Author, "[Ontario's new International Commercial Arbitration Act, 2017](#)," *Dentons Client Alert*, March 27, 2017
- Co-Author, "[Amendments to the ICC Rules: new Expedited Procedure effective March 1, 2017](#)," *Dentons Client Alert*, March 1, 2017
- Co-Author, "[Security for Costs in Arbitration: Part One](#)" and "[Security for Costs in Arbitration: Part Two](#)" (2016) 3 *ADR Perspectives*
- Co-author, "[Canada](#)" in James H Carter, ed, *The International Arbitration Review*, 7th ed (London: Law Business Research Ltd., 2016)
- Co-authored, "[Canada](#)" in *The International Comparative Legal Guide to: International Arbitration* 2015, 12th ed, July 2015
- E. David D. Tavender, Q.C. and Rachel A. Howie, "[Payment of Arbitration Fees and Costs](#)" (2013) 22 *Canadian Arbitration and Mediation Journal* 25
- Co-author, "Recent Decisions on Arbitral Jurisdiction: Stay and Appeal Issues", *GAR Arbitration Review of the Americas 2014*, October 2013
- Co-author, "Canada" in James H Carter, ed, *The International Arbitration Review*, 4th ed (London: Law Business Research Ltd., 2013)
- "Fair and Equitable Treatment under NAFTA" (LCIA Young International Arbitration Group E-Newsletter January, 2013)
- Co-author, "Arbitral Jurisdiction in Canada: Recent Decisions", *GAR Arbitration Review of the Americas 2013*, November 2012
- Bernard J Roth and Rachel A Howie "Land-Use Planning and Natural Resource Rights: The Alberta Land Stewardship Act" (2011) 29 *Journal of Energy & Natural Resources Law* 471
- "Brave New World, Animal Farm and the Lorax: A Literary Analysis of the *Alberta Land Stewardship Act* from a Practitioner's Perspective", May 2010

- "Thomas W. Wälde and Fair and Equitable Treatment" (2009) 27 Journal of Energy & Natural Resources Law 377 (as Rachel A. Hird)
- H. Treacy, J. Jantzi and R. Hird, "Secondary Market Civil Liability: a Sword for Investors or a Shield for Issuers and Other Market Participants?" (2009) Ann. Rev. Civ. Lit. 487

Activities and Affiliations

- Member of the CPR Task Force, CPR Annotated Model Procedural Order for Remote Video Arbitration Proceedings (April 2020)
- Co-Chair, Canadian Advisory Board, International Institute for Conflict Prevention and Resolution (Board member from 2017-2020)
- Global Advisory Board member, ICDR Young & International, (2017-2020)
- Former Co-Chair, ABA Section of International Law, International Investment and Development Committee (2015-2017) and former Vice-Chair (2013-2015)
- Member, International Bar Association
- Member, ICC Canada Arbitration Committee
- Member, Law Society of Alberta
- Member, Law Society of Ontario

Community Involvement and Pro Bono

Current Firm Activities

- Former Co-Chair of Dentons Calgary's Diversity Committee (2017-2018) and Chair (2015-2017)
- Volunteer with the Alberta Provincial Court (Civil) Duty Counsel Project
- Volunteer with the Pro Bono Amicus project at Alberta Court of Queen's Bench

Presentations

- Moderator, *Managing risk and disputes in the "new normal"*, International Institute for Conflict Prevention and Resolution Canada Conference, September 2020
- Panelist, *Developments in Energy Litigation*, 11th Annual Energy Law Fundamentals Seminar, Canada Energy Law Foundation, November 2019
- Presenter, *From litigation to arbitration what your business needs to know*, Dentons

CPD Bootcamp, November 2019

- Panelist, *Financing Disputes: Third-Party Funding in Litigation and Arbitration*, 58th Annual Jasper Research Seminar, Canadian Energy Law Foundation, June 2019
- Panelist, *Hot Topics Part 2*, 13th Annual WCCAS Energy, Mining and Resources Arbitration Conference, May 2019
- Panel moderator, *Users Speak: Is the Future Arbitration, Litigation, Neither or Both?*, ICC Canada's 2018 International Arbitration Conference, November 2018
- Panelist, *Practical Considerations in Multi-Party Arbitration*, Western Canada Commercial Arbitration Society Conference, May 2017
- Panelist, *Applications in Commercial Arbitration: Procedure, Strategy and Best Practices*, ADR Institute of Canada's National Conference, October 2016
- Panel moderator, *Damages Quantification* at the ADR Institute of Canada's National Conference, October 2015
- Panel Co-Chair, *Doing the Math: Understanding how to calculate damages in International Investment Treaty Disputes* at the American Bar Association Section of International Law Fall Meeting, October 2015
- Panel Co-Chair, *Trends and Developments in International Investment Agreements: Lessons Learned and Prospects for 2014 and Beyond* at the American Bar Association Section of International Law Spring Meeting, April 2014

Areas of Focus

Practices

- Aboriginal Law (Canada)
- Alternative Dispute Resolution (ADR)
- Arbitration
- Commercial Litigation
- Environment and Natural Resources
- Energy Litigation
- International Commercial Arbitration
- Litigation and Dispute Resolution
- Trade, WTO and Customs
- Investment Treaty Arbitration

Industry Sectors

- Energy
- Electricity
- Oil and Gas
- Mining

Education

University of Calgary, 2012, LL.M.

University of Ottawa, 2006, LLB, *cum laude*

University of Calgary, 2003, BA (History) and BA (International Relations)

Admissions and Qualifications

Alberta, 2009

Ontario, 2009

Languages

- English