

CANADA

PROVINCE OF QUÉBEC  
DISTRICT OF MONTRÉAL

No.: 500-11-036133-094

SUPERIOR COURT

Commercial Division  
(Sitting as a court designated pursuant to the  
*Companies' Creditors Arrangement Act*,  
R.S.C., c. C-36, as amended)

IN THE MATTER OF THE PLAN OF  
COMPROMISE OR ARRANGEMENT OF:

ABITIBIBOWATER INC.

and

ABITIBI-CONSOLIDATED INC.

and

BOWATER CANADIAN HOLDINGS INC.

and

the other Petitioners listed herein

Petitioners

and

ERNST & YOUNG INC.

Monitor

**MOTION FOR THE APPOINTMENT OF CLAIMS  
OFFICERS AND GRIEVANCE CLAIMS OFFICERS**

TO JUSTICE GASCON OR ONE OF THE HONOURABLE JUDGES OF THE  
SUPERIOR COURT, SITTING IN COMMERCIAL DIVISION, IN AND FOR THE  
JUDICIAL DISTRICT OF MONTRÉAL, THE PETITIONERS RESPECTFULLY  
SUBMIT THE FOLLOWING:

**A. PREAMBLE**

1. On April 17, 2009, this Court issued an order (as subsequently amended and restated, the "Initial Order") pursuant to the *Companies' Creditors Arrangement Act* (the "CCAA" and the "CCAA Proceedings") in respect of (i) Abitibi-

Consolidated Inc. ("**ACT**") and subsidiaries thereof (the "**Abitibi Petitioners**")<sup>1</sup>; (ii) Bowater Canadian Holdings Inc. and affiliates and subsidiaries thereof (the "**Bowater Petitioners**")<sup>2</sup>, collectively with the Abitibi Petitioners, the "**Canadian Petitioners**") and (iii) certain partnerships (the "**Partnerships**")<sup>3</sup>.

2. Pursuant to the Initial Order, Ernst & Young Inc. (the "**Monitor**") was appointed as Monitor of the Canadian Petitioners and Partnerships under the CCAA and a stay of proceedings was granted in favour of the Canadian Petitioners and Partnerships which was extended most recently until March 15, 2010.
3. On April 16, 2009, AbitibiBowater Inc. ("**ABH**"), Bowater Inc. and certain of their U.S. and Canadian subsidiaries (excluding the Cross-Border Petitioners as defined below, the "**U.S. Debtors**")<sup>4</sup> filed voluntary petitions for relief under Chapter 11 of the *U.S. Bankruptcy Code* in the United States Bankruptcy Court for the District of Delaware (the "**U.S. Court**"). On April 17, 2009, ABH and certain of its subsidiaries (collectively with ABH, the "**18.6 Petitioners**")<sup>5</sup> obtained orders under s. 18.6 of the CCAA in respect of the Chapter 11 Proceedings.
4. In the context of the restructuring of the Petitioners' business, Bowater Canadian Forest Products Inc. and five other Bowater Petitioners filed for court protection in both the CCAA Proceedings and the Chapter 11 Proceedings (the "**Cross-Border Petitioners**").<sup>6</sup>

<sup>1</sup> The Abitibi Petitioners are Abitibi-Consolidated Inc., Abitibi-Consolidated Company of Canada, 3224112 Nova Scotia Limited, Marketing Donohue Inc., Abitibi-Consolidated Canadian Office Products Holdings Inc., 3834328 Canada Inc., 6169678 Canada Incorporated., 4042140 Canada Inc., Donohue Recycling Inc., 1508756 Ontario Inc., 3217925 Nova Scotia Company, La Tuque Forest Products Inc., Abitibi-Consolidated Nova Scotia Incorporated, Saguenay Forest Products Inc., Terra Nova Explorations Ltd., The Jonquière Pulp Company, The International Bridge and Terminal Company, Scramble Mining Ltd. and 9150-3383 Québec Inc. Abitibi-Consolidated (U.K.) Inc. was added to the Schedule of Abitibi Petitioner on November 10, 2009.

<sup>2</sup> The Bowater Petitioners are Bowater Canadian Holdings Incorporated., Bowater Canada Finance Corporation, Bowater Canadian Limited, 3231378 Nova Scotia Company, AbitibiBowater Canada Inc., Bowater Canada Treasury Corporation, Bowater Canadian Forest Products Inc., Bowater Shelburne Corporation, Bowater LaHave Corporation, St. Maurice River Drive Company Limited, Bowater Treated Wood Inc., Canexel Hardboard Inc., 9068-9050 Québec Inc., Alliance Forest Products (2001) Inc., Bowater Belledune Sawmill Inc., Bowater Maritimes Inc., Bowater Mitis Inc., Bowater Guérette Inc. and Bowater Couturier Inc.

<sup>3</sup> The Partnerships are Bowater Canada Finance Limited Partnership, Bowater Pulp and Paper Canada Holdings Limited Partnership and Abitibi-Consolidated Finance LP (Note: for the purposes of the order to be granted on the present Motion as well as the Cross-Border Protocol, Abitibi-Consolidated Finance LP, a U.S. entity, is excluded from the definition of "Partnerships" and is treated as a U.S. Debtor).

<sup>4</sup> The U.S. Debtors are AbitibiBowater Inc., AbitibiBowater US Holding LLC, Donohue Corp., Abitibi Consolidated Sales Corporation, Abitibi-Consolidated Alabama Corporation, Alabama River Newsprint Company, Abitibi-Consolidated Corporation, Augusta Woodlands, LLC, Tenex Data Inc., AbitibiBowater US Holding 1 Corp., Bowater Ventures Inc., Bowater Incorporated, Bowater Nuway Inc., Bowater Nuway Mid-States Inc., Catawba Property Holdings LLC, Bowater Finance Company Inc., Bowater South American Holdings Incorporated, Bowater America Inc., Lake Superior Forest Products Inc., Bowater Newsprint South LLC, Bowater Newsprint South Operations LLC, Bowater Finance II LLC, Bowater Alabama LLC, Coosa Pines Golf Club Holdings LLC and Abitibi-Consolidated Finance LP; provided that "U.S. Debtors" shall not include the Cross-Border Filers.

<sup>5</sup> The 18.6 Petitioners are AbitibiBowater Inc., AbitibiBowater US Holding 1 Corp., Bowater Ventures Inc., Bowater Incorporated, Bowater Nuway Inc., Bowater Nuway Mid-States Inc., Catawba Property Holdings LLC, Bowater Finance Company Inc., Bowater South American Holdings Incorporated, Bowater America Inc., Lake Superior Forest Products Inc., Bowater Newsprint South LLC, Bowater Newsprint South Operations LLC, Bowater Finance II, LLC, Bowater Alabama LLC and Coosa Pines Golf Club Holdings LLC.

<sup>6</sup> The Cross-Border Petitioners are Bowater Canadian Holdings Inc., Bowater Canada Finance Corporation, Bowater Canadian Limited, AbitibiBowater Canada Inc., BCFPI, Bowater LaHave Corporation and Bowater Maritimes Inc.

**B. ORDERS SOUGHT**

5. The present Motion seeks this Court's approval of the appointment of several Claims Officers and Grievance Claims Officers (both terms as defined in the Claims Procedure Orders as defined below) in the context of the claims process established by this Court.

**C. THE CLAIMS PROCEDURE ORDERS**

6. This Court has issued the following claims procedure orders in connection with the claims held by the creditors of the Canadian Petitioners and Partnerships (including the Cross-Border Petitioners) in the present file:

- (a) an order entitled *Claims Procedure Order* (the "**First Claims Procedure Order**") dated August 26, 2009;
- (b) an order entitled *Claims Procedure Order (Review and Determination of Claims)* (the "**Second Claims Procedure Order**") dated January 18, 2010;
- (c) an order entitled *Order - Solicitation, Review and Determination of Applicable Claims and Restructuring Claims* (the "**Third Claims Procedure Order**") dated February 23, 2010;

(the First Claims Procedure Order, the Second Claims Procedure Order and the Third Claims Procedure Order, collectively, the "**Claims Procedure Orders**"). All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Claims Procedure Orders.

7. Paragraph [9] of the Second Claims Procedure Order orders that "*the Canadian Petitioners or Partnerships shall have the power and authority to appoint from time to time one or more individuals to act as a Claims Officer for the purposes of this claim procedure, provided however that the Monitor and this Court shall have both approved such appointment*". By the present Motion, the Petitioners seek this Court's approval of the appointment of certain individuals to act as Claims Officers.
9. Paragraph [18] of the Second Claims Procedure Order orders that "*the Honourable Louise Otis is hereby appointed as Grievance Claims Officer(s) for the purposes of the present claims procedure and the Canadian Petitioners or Partnerships shall have the power and authority to appoint from time to time one or more additional individual(s) to act as Grievance Claims Officer for the purposes of this claims procedure, provided however that the Monitor and this Court shall have both approved such appointment*". By the present Motion, the Petitioners also seek this Court's approval of the appointment of certain individuals to act as Grievance Claims Officers.

D. APPOINTMENT OF CLAIMS OFFICERS AND GRIEVANCE CLAIMS OFFICERS

10. The Petitioners seek this Court's approval of the appointment of the following individuals to act as Claims Officers under the Claims Procedure Orders:
  - (a) Joseph R. Nuss from the Province of Quebec;
  - (b) Pierrette Rayle from the Province of Quebec;
  - (c) Louise Otis from the Province of Quebec; and
  - (d) John D. Ground from the Province of Ontario.
11. The Petitioners submit that these individuals have the experience and skills required to adequately assume the functions of Claims Officer. Copies of the *curriculum vitae* of these individuals are communicated hereto as Exhibits R-1 to R-4.
12. The Monitor has indicated that it supports these appointments.
13. The Petitioners also seek this Court's approval of the appointment of the following individuals to act as Grievance Claims Officers under the Claims Procedure Orders:
  - (a) Joseph R. Nuss from the Province of Quebec;
  - (b) Martin Teplitsky from the Province of Ontario;
  - (c) Michael G. Picher from the Province of Ontario; and
  - (d) S. Bruce Outhouse from the Province of Nova Scotia.
14. The Petitioners submit that these individuals have the experience and skills required to adequately assume the functions of Grievance Claims Officer. Copies of the *curriculum vitae* of these individuals are communicated hereto as Exhibits R-1 and R-5 to R-7.
15. The Monitor has indicated that it supports these appointments.
16. It is respectfully submitted that this Motion should be granted in accordance with its conclusions.

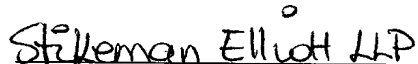
WHEREFORE, MAY THIS COURT:

- [1] **GRANT** this "*Motion for the appointment of Grievance Claims Officers and Claims Officers*" (the "**Motion**").

- [2] **EXEMPT**, if applicable, Petitioners from having to serve this Motion and from any notice or delay of presentation.
- [3] **APPROVE** the appointment of Joseph R. Nuss, Pierrette Rayle, Louise Otis and John D. Ground to act as Claims Officers under the claims procedure orders issued by this Court in the present file on August 26, 2009, January 18, 2010 and February 23, 2010 (collectively, the "**Claims Procedure Orders**").
- [4] **APPROVE** the appointment of Joseph R. Nuss, Martin Teplitsky, Michel G. Picher and S. Bruce Outhouse to act as Grievance Claims Officers under the Claims Procedure Orders.
- [5] **ORDER** the provisional execution of this Order notwithstanding appeal and without the necessity of furnishing any security.

**THE WHOLE WITHOUT COSTS**, save and exempt in case of contestation.

Montreal, March 10, 2010

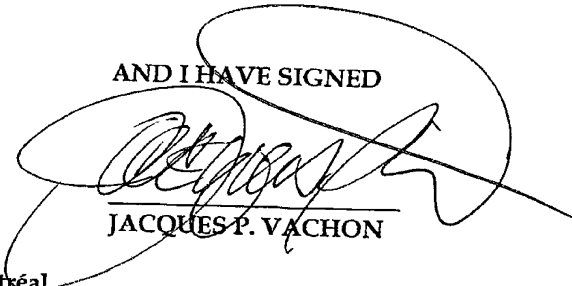
  
**STIKEMAN ELLIOTT LLP**  
Attorneys for Petitioners

**AFFIDAVIT**

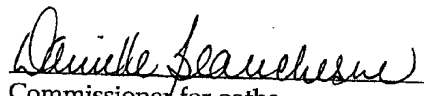
I, the undersigned, Jacques P. Vachon, having my principal place of business at Suite 800, 1155 Metcalfe Street, Montréal, Québec, H3B 5H2, solemnly declare the following:

1. I am the Senior Vice President, Corporate Affairs and Chief Legal Officer of AbitibiBowater Inc.;
2. All the facts alleged in the *Motion for the Appointment of Claims Officers and Grievance Claims Officers* are true.

AND I HAVE SIGNED

  
JACQUES P. VACHON

Solemnly declared before me at Montréal,  
on the 10<sup>th</sup> day of March 2010

  
Commissioner for oaths

Commissioner of Oaths  
Districts of Longueuil and Montréal  
# 142 518

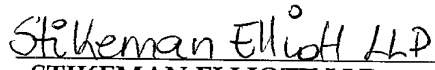
## NOTICE OF PRESENTATION

TO: SERVICE LIST

**TAKE NOTICE** that the *Motion for the Appointment of Claims Officers and Grievance Claims Officers* will be presented for adjudication before the Honourable Judge Clément Gascon of the Superior Court, sitting in commercial division, in and for the District of Montréal, at the **Montréal Courthouse, 1 Notre-Dame Street East, Montréal**, at a date, time and in a room to be determined by the Court and announced to this Service List.

**DO GOVERN YOURSELVES ACCORDINGLY.**

Montréal, March 10, 2010

  
**STIKEMAN ELLIOTT LLP**  
Attorneys for Petitioners

**SUPERIOR COURT**  
Commercial Division  
(Sitting as a court designated pursuant to the *Companies'*  
*Creditors Arrangement Act*)

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N° . 500-11-036133-094

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CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF MONTRÉAL

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In the matter of Plan of Compromise or Arrangement  
of:

ABITIBIBOWATER INC. *et al*

Petitioners

- and -

ERNST & YOUNG INC.

Monitor

BS0350

n/dos.: 041053-1170

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**MOTION FOR THE APPOINTMENT OF  
CLAIMS OFFICERS AND GRIEVANCE  
CLAIMS OFFICERS**

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ORIGINAL

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Me Guy P. Martel

(514) 397-3163

Fax : (514) 397-3493

**STIKEMAN ELLIOTT**

Stikeman Elliott S.E.N.C.R.L., s.r.l. AVOCATS  
40<sup>e</sup> Étage

1155, boul. René-Lévesque Ouest  
Montréal, Canada H3B 3V2

CANADA

PROVINCE OF QUÉBEC  
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ERNST & YOUNG INC.

Monitor

|                  |
|------------------|
| LIST OF EXHIBITS |
|------------------|

- Exhibit R-1 : *Curriculum vitae* of Joseph R. Nuss;
- Exhibit R-2 : *Curriculum vitae* of Pierrette Rayle;
- Exhibit R-3 : *Curriculum vitae* of Louise Otis;
- Exhibit R-4 : *Curriculum vitae* of John D. Ground;
- Exhibit R-5 : *Curriculum vitae* of Martin Teplitsky;
- Exhibit R-6 : *Curriculum vitae* of Michel G. Picher;

Exhibit R-7: *Curriculum vitae* of S. Bruce Outhouse.

Montreal, March 10, 2010

Stikeman Elliott LLP.  
STIKEMAN ELLIOTT LLP  
Attorneys for Petitioners

CANADA

PROVINCE OF QUÉBEC  
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Exhibit R-3 : *Curriculum vitae* of Louise Otis;

Exhibit R-4 : *Curriculum vitae* of John D. Ground;

Exhibit R-5 : *Curriculum vitae* of Martin Teplitsky;

Exhibit R-6 : *Curriculum vitae* of Michel G. Picher;

**Exhibit R-7 :** *Curriculum vitae* of S. Bruce Outhouse.

Montreal, March 10, 2010

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**STIKEMAN ELLIOTT LLP**  
Attorneys for Petitioners

## **Exhibit R-1**

# **THE HONORABLE JOSEPH R. NUSS, Q.C.**

2000 McGill College Avenue, Suite 1700

Montreal, Québec H3A 3H3

Tel.: (514) 982-5010

Fax: (514) 284-2046

E-mail : [jnuss@woods.qc.ca](mailto:jnuss@woods.qc.ca)

## **CURRICULUM VITAE**

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|                     |                                            |
|---------------------|--------------------------------------------|
| <b>NATIONALITY:</b> | <b>Canadian</b>                            |
| <b>LANGUAGES:</b>   | <b>English, French, Italian, Hungarian</b> |

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Former Justice of the Quebec Court of Appeal. Joined Woods LLP as Senior Counsel, in December 2009 after retirement from the Court. Practice concentrated in the fields of domestic and international arbitration and mediation.

Prior to appointment as a judge, specialized in litigation, appearing as counsel in various areas of the law, before the Supreme Court of Canada, the Federal Court, all the Courts of Quebec as well before administrative tribunals. Was also counsel before a number of Federal Commissions of Inquiry. As a judge, was a mediator within the framework of the system of mediation established in the Quebec Court of Appeal. Was also a lecturer on mediation at national and international conferences.

### **ACADEMIC BACKGROUND**

|      |                                                                                                                                  |
|------|----------------------------------------------------------------------------------------------------------------------------------|
| 1960 | <b>INSTITUT UNIVERSITAIRE D'ÉTUDES EUROPÉENNES, TURIN, ITALY</b><br>Certificat d'Études Supérieures Européennes – On Scholarship |
| 1959 | <b>ADMITTED TO THE BAR OF QUEBEC</b>                                                                                             |
| 1958 | <b>McGILL UNIVERSITY, FACULTY OF LAW</b><br>Bachelor of Civil Law                                                                |
| 1955 | <b>McGILL UNIVERSITY, FACULTY OF ARTS AND SCIENCE</b><br>Bachelor of Arts                                                        |

### **PROFESSIONAL EXPERIENCE**

|                     |                                                                                                |
|---------------------|------------------------------------------------------------------------------------------------|
| Since December 2009 | <b>WOODS LLP, attorneys: Senior Counsel</b>                                                    |
| 1995-November 2009  | <b>QUEBEC COURT OF APPEAL, Judge</b>                                                           |
| 1961-1995           | <b>AHERN LALONDE NUSS DRYMER (successor of HYDE &amp; AHERN), attorneys:</b><br>Senior Partner |

### **TEACHING AND PROFESSIONAL ACTIVITIES**

|           |                                                                               |
|-----------|-------------------------------------------------------------------------------|
| 1976-1977 | Lecturer, Faculty of Law, McGill University, Civil procedure, Judicial Review |
| 1964-1965 | Tutor, Faculty of Law, McGill University                                      |

|            |                                                                                                                                                                   |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Since 1975 | Lectures on the Art of Advocacy before Trial Courts and Appeal Courts                                                                                             |
| 1988-1995  | Counsel <i>pro bono publico</i> of InterAmicus, an organization based at the Faculty of Law of McGill University for the protection and promotion of human rights |

Member of committees of the Canadian and Quebec Bar Associations which submitted reports on the following matters:

- a proposed Juvenile Delinquents Act
- the proposed Human Rights Legislation (Québec)
- The bill on the Public Inquiries Act (Quebec)

## CONFERENCES - LECTURES

The Cambridge Lectures, July 2009 – Moderator for the lecture by U.S. District Court Judge the Honourable Lee Rosenthal on “Class Actions : the need for reform”

The Lord Reading Law Society, September 2009 – lecture at the annual Alan B. Gold Memorial Advocacy Lecture on “The art of advocacy”

A Free Press and an Independent Judiciary, Conference in Halifax N.S., November 2008 – Panelist at session on “The media and the broadcast of Court hearings”

Judges’ Conference-Seminar, Quebec City, November 2008 on the occasion of the 400<sup>th</sup> year anniversary of the founding of Quebec City – member of organizing committee

The Cambridge Lectures, July 2007 – Moderator for the lecture by the Honourable Frank Iacobucci on “Class actions and the Indian residential school settlement”

International conference on mediation in Vilnius, Lithuania, May 2007 – lecture on “Mediation in the Quebec Court of Appeal”

Seminar on Civil Law Reform (Appeals and Special Proceedings) in Vilnius Lithuania, (project of CIDA) – lecture on “Functions and role of the Quebec Court of Appeal” and “Mediation before the Court of Appeal”

Professional Forum, November 1991 lecture on “The evaluation of a business”

Chosen by the Canadian Bar Association as lecturer for a conference in Budapest, Hungary, June 1991, entitled “The role and obligations of lawyers in a democratic and free market society”

The Canadian Institute, April 1990, lecture on “Shareholders agreements”

The René Cassin Lectureship in Human Rights at McGill University. A participant at each of the eleven lectures since 1988

## PROFESSIONAL ASSOCIATIONS AND DISTINCTIONS

Quebec Bar  
 Canadian Bar Association  
 Queen’s Counsel since 1976  
 Fellow of the American College of Trial Lawyers since 1986  
 Recipient of the distinction in 2002 Ufficiale dell’Ordine al Merito della Repubblica Italiana (Officer of the Order of Merit of the Italian Republic)

# **L'HONORABLE JOSEPH R. NUSS C.R.**

2000, avenue McGill College, bureau 1700

Montréal QC H3A 3H3

Tél.: (514) 982-5010

Télécopieur : (514) 284-2046

Courriel : jnuss@woods.qc.ca

## **CURRICULUM VITAE**

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|                     |                                             |
|---------------------|---------------------------------------------|
| <b>NATIONALITÉ:</b> | <b>Canadienne</b>                           |
| <b>LANGUES:</b>     | <b>Anglais, français, italien, hongrois</b> |

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Ancien juge à la Cour d'appel du Québec. Avocat-conseil chez Woods s.e.n.c.r.l. depuis décembre 2009. Pratique principalement dans les domaines de l'arbitrage national et international et de la médiation.

Avant ma nomination à la magistrature, j'étais avocat à la Cour, ayant plaidé dans plusieurs domaines du droit, devant la Cour suprême du Canada, la Cour fédérale, tous les tribunaux du Québec ainsi que divers tribunaux administratifs. J'ai également agi à titre de procureur devant plusieurs commissions d'enquête fédérales. Comme juge, j'étais médiateur dans le cadre du système de médiation établi à la Cour d'appel. J'étais également conférencier sur la médiation aux colloques nationaux et internationaux.

## **FORMATION ACADÉMIQUE**

|      |                                                                                                                                                         |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1960 | <b>INSTITUT UNIVERSITAIRE D'ÉTUDES EUROPÉENNES DE TURIN, ITALIE</b><br>Certificat d'Études Supérieures Européennes – Récipiendaire d'une bourse d'étude |
| 1959 | <b>ADMIS AU BARREAU DU QUÉBEC</b>                                                                                                                       |
| 1958 | <b>UNIVERSITÉ MCGILL – Faculté de droit</b><br>Baccalauréat en droit civil                                                                              |
| 1955 | <b>UNIVERSITÉ MCGILL – Faculté des arts et des sciences</b><br>Baccalauréat ès Arts                                                                     |

## **EXPÉRIENCE PROFESSIONNELLE**

|                      |                                                                                              |
|----------------------|----------------------------------------------------------------------------------------------|
| Depuis décembre 2009 | <b>WOODS s.e.n.c.r.l., Avocat-conseil</b>                                                    |
| 1995-novembre 2009   | <b>COUR D'APPEL DU QUÉBEC, Juge</b>                                                          |
| 1961-1995            | <b>AHERN LALONDE NUSS DRYMER (anciennement Hyde &amp; Ahern), avocats, Associé principal</b> |

## **ENSEIGNEMENT ET ACTIVITÉS PROFESSIONNELLES**

|           |                                                                                                                                                             |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1976-1977 | <b>UNIVERSITÉ MCGILL, Faculté de droit</b><br>Enseigne les recours extraordinaires et le <i>habeas corpus</i> prévus par le <i>Code de procédure civile</i> |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|

|             |                                                                                                                                                                          |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1964-1965   | <b>UNIVERSITÉ MCGILL</b> , Faculté de droit<br>Tuteur                                                                                                                    |
| Depuis 1975 | Conférencier sur l'art de la plaidoirie devant les cours de première instance et les cours d'appel                                                                       |
| 1988-1995   | Avocat <i>pro bono publico</i> de InterAmicus, organisme voué à la protection des droits de la personne, qui a ses origines à la Faculté de droit de l'Université McGill |

J'ai fait partie des comités du Barreau Canadien et du Barreau du Québec qui soumettaient des rapports sur:

- l'avant-projet de la *Loi sur les jeunes délinquants*
- l'avant-projet de la *Loi sur les droits de la personne* (Québec)
- le projet de *Loi sur les enquêtes publiques* (Québec)

## PUBLICATIONS – CONFÉRENCES

The Cambridge Lectures, juillet 2009 – animateur pour la conférence donnée par l'Honorable Lee Rosenthal, juge d'une U.S. District Court, portant sur « Class Actions : the need for reform »

L'association de droit Lord Reading, septembre 2009 – à l'occasion de The Alan B. Gold Advocacy Lecture – conférencier sur « the Art of advocacy »

Conférence à Halifax, N.-É., novembre 2008, « A Free Press and an Independent Judiciary », panéliste à la session « Les médias et la diffusion des auditions »

Congrès de la magistrature à Québec, novembre 2008, « Quel juge pour quelle société ? », à l'occasion du 400<sup>e</sup> anniversaire de la fondation de la ville de Québec, membre du Comité Directeur

The Cambridge Lectures, juillet 2007 – animateur à la conférence donnée par l'Honorable Frank Iacobucci portant sur « Class actions and the Indian residential school settlement »

Conférence internationale sur la médiation à Vilnius, Lituanie, mai 2007, conférencier sur la médiation à la Cour d'appel du Québec

Seminar on Civil Law Reform (Appeal and Special Proceedings) à Vilnius, Lituanie, décembre 2003 (projet de l'ACDI), conférencier sur « Functions and role of the Quebec Court of Appeal » et « Mediation before the Court of Appeal »

Le Forum professionnel, novembre 1991, conférencier sur « L'évaluation d'une entreprise »

L'Institut canadien, avril 1990, conférencier sur « Les conventions entre actionnaires »

Les conférences René Cassin sur les droits de l'homme à l'Université McGill, participant à chacune des onze (11) conférences depuis 1988

## ASSOCIATIONS PROFESSIONNELLES ET DISTINCTIONS

Barreau du Québec

Association du Barreau canadien

Intronisé à titre de Fellow of the American College of Trial Lawyers en 1986

Conseiller en loi de la Reine, nommé en 1976

Distinction Ufficiale dell'Ordine al Merito della Repubblica Italiana (Officier de l'Ordre du Mérite de la République italienne), décernée en 2002

## **Exhibit R-2**

## PIERRETTE RAYLE

### Professional Career

- 2009- Mediator, Arbitrator, and Counsel in litigation matters (commercial, and civil law); member of the Bar of the province of Quebec;
- 2002-2008 Justice of the Quebec Court of Appeal;
- 1995-2002 Justice of the Superior Court of Quebec;
- 1970-1995 First woman lawyer practicing with the law firm Martineau Walker (now Fasken Martineau) and invited to the partnership in 1978; specialized in litigation, family and personal law. Plead cases before courts and tribunals at all levels including the Supreme Court of Canada. Acted as an expert in family law for the Canadian and the provincial Departments of Justice as well as before the Court in California.

### Education

- 1969 Law degree (*magna cum laude*) from the Université de Montréal;
- 1966 Bachelor of Arts (*magna cum laude*) from the Collège Jésus-Marie d'Outremont.

### Special awards

- 1967-1969 Recipient of various awards given by the Law Faculty of the Université de Montréal for academic excellence;
- 1969 Recipient of the Governor-General's Gold Medal for achieving the best overall performance as a law student;
- 2008 Co-recipient with her husband, the Honorable John H. Gomery, of the F.R. Scott Prize awarded by the Law Faculty of McGill University for Distinguished Contribution to the Law.

### **Professional Associations**

- 1991-1993 Member of the Administrative Committee of the Bar of the Province of Quebec and of the General Council; previously a member of the Discipline Committee;
- 1992-1993 Bâtonnier of the Bar of Montreal (first woman elected to the office);
- 1989-1993 Member of the Council and First Councilor (1991-1992)
- 1988-1993 Member of various committees (Law Day, Library, Accessibility to Justice in the English Language, Liaison Committee with the Court of Appeal);
- 1981-1989 Vice-President and President of the Family Law Section (Quebec) of the Canadian Bar Association.

### **Other Professional Activities**

- 2006- Guest lecturer at the Dobson Center of the Desautels Management Faculty of McGill University;
- 2005 Guest lecturer at the Law Faculty of McGill University on mediation;
- 2002-2008 Member of the Court of Appeal Mediation Service;
- 2000-2002 Member of the sub-committee of the Superior Court on the reform of the Code of Civil Procedure;
- 1991-2001 Member of the Canadian Taskforce for the revision of the Bankruptcy Act;
- 1995-2002 Member of the Rules of Practice Committee of the Superior Court and Member of the Liaison Committee of the Superior Court with the Bar of Montreal;
- 1998-1999 Lecturer at the Law Faculty of McGill University in family law;
- 1995-1999 Lecturer at the Law Faculty of the Université de Montréal on matrimonial regimes;
- 1978-1988 Member of the Committee of the Bar of Quebec on Family Law and Delegate to the Parliamentary Commission on Family Law in Quebec;

Speaker at conferences held by legal associations such as the Bar and the Chamber of Notaries, and before other professional organizations such as the Order of Chartered Accountants of Quebec, the Canadian Association of Financial Planners, the Order of Certified general accountants, CCH, the Canadian Institute, the Institute of Life Assurers of Quebec, Wilson & Lafleur, the People's Law Conference (Department of Justice of Canada ), l'École de formation professionnelle du Barreau, etc.

### **Publications**

- 1989 «La Cour d'appel », collection Aide-Mémoire, les éditions Wilson & Lafleur;
- 1989 «La prestation compensatoire : les derniers jugements de la Cour d'appel », les Éditions Yvon Blais inc. Nouveaux développements en droit familial-Les aspects économiques d'une rupture;
- 1988 «La prestation compensatoire et la Cour d'appel : cinq ans plus tard », La Revue du Barreau (vol.48, no.2).

### **Community Activities**

- 1989-2002 Member of the Board of Directors and of the Executive Committee (as of 1993) of the Montreal Symphony Orchestra;
- 1985-1995 Member of the Board of Directors of the Régie de l'Assurance-maladie du Québec;
- 1994-2000 Member of the Advisory Board of the Law Faculty of the Université de Montréal and member of the Board of Directors of the Graduates' Association (ADDUM);
- 1983-1984 Member of the Board of Directors of St-George's School of Montreal;
- 1982-1984 Member of the Board of Directors of the Joint Hospital Institute of Montreal;
- 1977-1984 Member of the Board of Directors, Vice-President (1980-1982) and President (1982-1984) of the Montreal Children's Hospital;

1975-1995 Participant in numerous fund raising activities for St-George's School, the Montreal Museum of Fine Arts, the University of Montreal, the Foundation of the Quebec Bar, the McGill University Friends of Library, the Montreal Children's Hospital and the Montreal Symphony Orchestra.

### **Personal data**

Born in Montreal in 1946, Ms Rayle is married to John H. Gomery, also a retired judge. Her daughter, Elizabeth, and her three stepchildren have given her eight grand children. She lives and keeps an office both in Havelock and in Montreal.

September 2009.

## **Exhibit R-3**

## *L'HONORABLE LOUISE OTIS*

Courriel: [email@louiseotis.com](mailto:email@louiseotis.com)

Web site: [www.louiseotis.com](http://www.louiseotis.com)

Téléphone : 514-887-0778

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Louise Otis exerce la profession de médiatrice et d'arbitre, au niveau national et international, en matière commerciale et civile. Elle est *Distinguished fellow* de l'International Academy of Mediators.

Depuis 2008, Louise Otis est membre du Tribunal Administratif de l'*Organisation de coopération et de développement économiques* (OCDE).

Elle participe régulièrement à des missions internationales de gouvernance et de réforme de la justice.

Louise Otis est chercheure associée au Centre d'Études et de Recherches de l'Université de Montréal (CÉRIUM).

Louise Otis a exercé la profession d'avocate de 1975 à 1990. En 1990, elle a été nommée juge à la Cour supérieure du Québec. Puis, de 1993 à 2009, elle a été juge à la Cour d'appel du Québec, cour de plus haute instance de la province de Québec ayant compétence tant en regard du Code civil que de la Common Law. Elle a participé à plus de 3 000 jugements en droit commercial, civil et criminel.

### *EXPÉRIENCE PROFESSIONNELLE*

Louise Otis est diplômée de la Faculté de droit de l'Université Laval et fut admise au Barreau du Québec en 1975.

Avant 1990, Louise Otis a pratiqué le droit pendant 15 ans, se spécialisant dans le droit du travail et le droit administratif.

À partir de 1983, en raison de l'incidence de la *Charte canadienne des droits et libertés* en droit du travail, elle a orienté sa pratique vers le droit public, le droit du travail et le droit constitutionnel notamment en plaçant d'importants dossiers devant les tribunaux de première instance, la Cour d'appel du Québec et la Cour suprême du Canada.

Parallèlement à la pratique du droit, Louise Otis a enseigné le *Droit Judiciaire* à la Faculté de Droit de l'Université Laval (1984-1987). Elle a également été professeure à l'École de formation professionnelle du Barreau du Québec pendant 10 ans.

Elle a siégé au comité de la *Formation professionnelle du Barreau du Québec* et, à titre de conceptrice, a contribué à développer le programme d'enseignement « *Rédaction des écrits juridiques* » à l'École du Barreau du Québec (1984-1987).

Elle a également occupé des charges publiques à vocation juridique. Ainsi de 1981 à 1985, elle a été membre du *Conseil consultatif de la Justice du Québec* qui avait pour mission de conseiller le ministre sur toutes questions relatives à la justice au Québec et, plus particulièrement, sur les réformes législatives. Elle a également été membre du conseil d'administration de la *Société québécoise d'exploitation minière (SOQUEM)* (1985-1987).

En 1997, Louise Otis a instauré l'un des premiers programmes de médiation judiciaire intégré dans un système de droit. Au Québec, toutes les cours et tous les tribunaux ont un système de médiation par juges, intégré à leur système traditionnel de justice. Ce programme offre aux personnes qui le désirent la possibilité de rencontrer un juge de la Cour dans le cadre d'une séance de médiation afin de chercher une solution définitive à leur litige civil, commercial, administratif ou familial. Depuis 2004, un programme de facilitation pénale a également été mis en place au Québec.

Depuis 1997, Louise Otis a présidé plus de 450 séances de médiation civiles et commerciales.

Tout au long de sa carrière, Louise Otis a agi comme membre de jury, dans plusieurs concours de plaidoiries. Depuis 2005, elle est membre du jury de sélection du prix *Bora Laskin* visant à reconnaître une contribution exceptionnelle en Droit du travail.

Depuis 2005, elle est également membre du Conseil d'administration du Centre International d'Éducation aux droits humains (*EQUITAS*).

Depuis 2007, elle est *Distinguished fellow* de l'*International Academy of Mediators*.

Depuis janvier 2009, elle siège au Comité consultatif de la *Chaire de droit et de gouvernance de la Santé* de l'Université de Sherbrooke.

En avril 2009, Louise Otis a fondé la *Conférence canadienne de médiation judiciaire* ayant pour objet de favoriser l'émergence, l'implantation et la promotion de la médiation judiciaire au Canada.

En octobre 2009, elle est devenue présidente de la *Conférence Internationale de la Médiation pour la justice (CIMJ)*.

## EXPÉRIENCE INTERNATIONALE

En septembre 2009, à *Haiti*, Louise Otis a participé, de concert avec les représentants d'Avocats Sans Frontières(ASF) et du Ministère des Affaires étrangères et Commerce international du Canada (MAECI), à une mission diagnostique sur la détention provisoire et l'instauration d'un projet pilote à la prison de Croix des Bouquets.

En juin 2009, Louise Otis a été invitée par le Ministère des Affaires étrangères et Commerce international du Canada (*MAECI*) à joindre un groupe de 25 experts en médiation internationale dans une table ronde visant à définir et à renforcer la contribution canadienne à la résolution internationale des conflits par la médiation.

En mai 2009, elle a présenté des conférences à la faculté de droit de l'université d'Auckland en *Nouvelle-Zélande* et aux juges de la High Court en regard de la résolution des conflits commerciaux et civils.

En avril 2009, à l'invitation de l'honorable Rob Hulls, Attorney General de l'État de Victoria, en *Australie*, elle a donné une série de douze conférences sur la médiation commerciale et civile et offert des cours de formation aux juges d'appel et de première instance de Melbourne.

En février 2009, les juges des cours d'appel du *Brésil* ont assisté à une formation spécialisée en médiation judiciaire à l'Université McGill à Montréal. La mission d'enseignement et de formation a été conçue et dirigée en collaboration par Louise Otis et l'Université de Sherbrooke.

En février 2008, Louise Otis a réalisé une mission d'enseignement et d'information à la demande du Consulat de Sao Paulo et de Rio de Janeiro afin de présenter le modèle de médiation judiciaire du Québec. Au terme de cette mission, une entente est intervenue afin d'offrir un programme de formation en médiation judiciaire aux juges des Cours fédérales et des Cours d'appel du *Brésil*.

En novembre 2006, la juge Louise Otis, en collaboration avec le représentant des Pays-Bas, a préparé le rapport prospectif destiné à déterminer les champs d'intervention du Canada et des Pays-Bas dans le cadre du Projet d'appui canadien à la mise en oeuvre du Programme décennal de développement de la justice au *Mali* (PACMO-PRODEJ).

En janvier 2006, Louise Otis a été choisie comme spécialiste des procédures non contentieuses de règlement des litiges par le Secrétaire général des *Nations Unies*, M.Kofi Annan, pour une période de six mois, soit du 1<sup>er</sup> février au 31 juillet 2006. Elle a fait partie d'un groupe de cinq experts externes indépendants ayant pour mission de réviser et proposer un nouveau système d'administration de la justice des Nations-Unis incluant la création d'un système de médiation. L'essentiel des recommandations du Groupe de refonte ont été acceptées par le Secrétaire-Général Ban Ki-Moon ainsi que l'Assemblée générale des Nations-Unies.

À la demande du Gouvernement canadien, la juge Louise Otis a agi comme expert pour l'élaboration du cadre intérimaire de coopération pour la réforme de la justice à *Haïti* (2004-2005). Elle a également conçu le programme de réforme judiciaire actuellement mis en oeuvre par *OIF* pour le compte du *Canada* et de l'*Union Européenne*. En avril 2007, elle a été mandatée par *OIF* pour réaliser une étude de faisabilité sur le

modèle *Justice de Première ligne* à Haïti. Il s'agit d'un programme de justice transitionnelle destiné à rejoindre les besoins immédiats de justice de la population haïtienne. Ce modèle a été conçu par Louise Otis, en 2006.

En 2005, Louise Otis a été invitée par l'*Australie* à présenter le modèle québécois de médiation pénale aux ministres de la justice des états composant l'Australie de même qu'au ministre fédéral de la Justice. En septembre 2008, elle a participé à la mission conseil de l'Honorable Rob Hulls pour la mise en œuvre du premier programme de médiation judiciaire civile en Australie.

En octobre 2005, Louise Otis a fait partie d'une mission diagnostique sur la gestion globale des dossiers judiciaires en *Chine* (Institut national de la magistrature et ACDI).

En mai 2005, à la demande du *Conseil de l'Europe*, Louise Otis a offert un programme d'enseignement de cinq jours sur la négociation et médiation aux représentants de 19 pays européens.

En mars 2004, à la demande du commissaire à la Magistrature fédérale, Louise Otis a réalisé une mission d'information sur la médiation commerciale en *Russie*.

À la demande de l'ambassadeur du Canada au Mali et de l'Association canadienne de développement international (ACDI), Louise Otis et Jacques Frémont, doyen de la Faculté de droit de l'Université de Montréal, ont coprésidé la Mission canadienne d'examen des priorités pour le développement de la justice au *Mali* et produit un rapport et des recommandations visant à orienter la réforme judiciaire (juillet – décembre 2000).

## CONFÉRENCES

Lorsqu'elle était avocate, Louise Otis a conçu et donné des cours de formation auprès de plusieurs associations. De plus, elle a participé, à titre de conférencière, à des colloques organisés par le Service de la formation permanente du Barreau du Québec, notamment en droit du travail et en droit administratif.

Après son accession à la magistrature en 1990, Louise Otis a participé à plusieurs colloques de formation et conférences nationales et internationales. Notamment, elle a prononcé des conférences sur les modes de résolution des conflits et des litiges de même que sur les droits fondamentaux :

- *Commercial and Civil Mediation*  
Cour d'Appel de la Nouvelle-Ecosse  
Halifax, 15 décembre 2009
- *The Place of Commercial Mediation*

Vietnamese Mission to Canada  
Montréal, University McGill, 30 novembre 2009

- *Ethical dilemmas in Mediation : Judging Skills Program (NJI)*  
Supreme Court of British Columbia  
Vancouver, 11-12 novembre 2009
- *La Justice administrative dans le système des Nations-Unies*  
École Nationale d'Administration Publique(ENAP)  
Montréal, 7 octobre 2009
- *La réforme de la Justice administrative à l'ONU*  
Association des étudiants en droit international de McGill  
Université McGill  
Montréal, 4 mars 2009
- *Explorer les bénéfices de l'arbitrage et de la médiation*  
ADR Institute of Canada, Inc.  
Montréal, 17 octobre 2008
- *Judicial Dispute Resolution : Ethical Principles*  
Programme de formation en éthique judiciaire sous la direction de la juge  
Georgina Jackson, Cour d'appel de la Saskatchewan  
Institut national de la magistrature  
Montréal, 11 septembre 2008
- *Médiation et principes éthiques dans le contexte du droit brésilien*  
Série de conférences données à Sao Paulo et Rio De Janeiro sur la création de  
systèmes intégrés de médiation judiciaire dans le contexte du Brésil auprès  
des Cours d'appel et des Cours fédérales d'appel de Sao Paulo et de Rio de  
Janeiro et des universités d'état.  
Ministère des Affaires étrangères et du Commerce international  
Sao Paulo, 17-20 février 2008 et Rio de Janeiro, 20-25 février 2008
- *The protection of individual rights in the context of International Justice*  
American society of International Law  
World Bank Administrative Tribunal, ASIL Colloquium on International  
Administrative Tribunals and the Rule of Law  
Washington, 27 mars 2007
- *Justice du 21<sup>e</sup> siècle*  
Conférence inaugurale de l'Assemblée générale annuelle de la Cour du  
Québec  
Québec, 9 novembre 2006
- *Renforcement de la justice dans les États fragiles*

Table ronde organisée par les Ministères  
des Affaires étrangères et du Commerce international  
et de la Justice du Canada  
Ottawa, 28 et 29 juin 2006

- *Front-Line Justice*  
Harvard University, Harvard fellows  
Foreign Visitors Program (BCP)  
Ministère des relations internationales  
Québec, 1<sup>er</sup> septembre 2005
- *Commercial Mediation and Negotiation*  
International Academy of Mediators  
Montréal, 12 mai 2005
- *Mediation in Canada*  
Supreme Court of Sydney (Appeal Court and Trial Division)  
État de New South Wales  
Sydney, Australie, 7 avril 2005
- *Front Line Justice : a New Model for International Justice*  
Conférence internationale «*Peace Justice and Reconciliation  
in the Asia Pacific Region*»  
The Australian Centre for Peace and Conflict Studies  
University of Queensland  
État de Queensland  
Brisbane, Australie, 2 avril 2005
- *Judicial Mediation*  
Supreme Court of Brisbane (Appeal and Trial Division)  
État de Queensland  
Brisbane, Australie, 28 mars au 3 avril 2005
- *Teaching Legal Ethics*  
The Law Association for Asia and the Pacific  
État de Queensland  
Gold Coast, Australie, 22 mars 2005
- *Judicial Mediation*  
Court of Appeal and Supreme Court of Perth  
État de Western Australia  
Perth, Australie, 18 mars 2005
- *Mediation and Access to Justice*  
District Court of Perth  
État de Western Australia  
Perth, Australie, 17 mars 2005

- *Case Management in Criminal Law*  
Supreme Court (Appeal and Trial Division) of Melbourne  
État de Victoria  
Melbourne, Australie, 10 au 16 mars 2005
- *La transformation de notre rapport au droit par la médiation judiciaire*  
Conférence Albert-Mayrand  
Faculté de droit, Université de Montréal  
Montréal, 11 novembre 2004
- *La conciliation judiciaire à la Cour d'appel du Québec – Dire le droit ou ne pas dire le droit : voilà la question – La médiation judiciaire et ses règles*  
Colloque « Dire le Droit »  
Faculté de science politique et de droit  
Université du Québec à Montréal  
Montréal, 4 novembre 2004
- *The new way to render civil and commercial justice in the Province of Quebec*  
Harvard University, Harvard fellows  
Foreign Visitors Program (BCP)  
Ministère des affaires étrangères  
Québec, 2 septembre 2004
- *New Trends in commercial mediation : Worldwide overview*  
Conference on Recent developments in International Commercial Dispute Resolution  
Canadian Bar Association ADR Section/United Nations Commission on International Law and the Continuing Legal Education Committee  
Ottawa, 11 juin 2004.
- *Judicial Mediation in Canada : When judges act as mediators for the benefit of citizens and lawyers*  
American Bar Association, Section of Dispute Resolution 2004  
Sixth Annual Conference  
New York, 17 avril 2004
- *Making Justice Accessible and Increasing the Efficiency of the Judicial System*  
Cour suprême d'arbitrage de la Fédération de la Russie  
Moscou, 19 mars 2004
- *Le règlement précoce des litiges et le rôle des juges*  
Conseil de l'Europe, Palais de l'Europe  
Strasbourg, France, 25 novembre 2003
- *How to Establish a System of Commercial Mediation?*  
2003 Master's Forum

The Straus Institute for Dispute Resolution  
 Pepperdine University School of Law  
 Malibu, Californie, 17 et 18 octobre 2003

- *L'instauration et la gestion d'un programme de Médiation judiciaire*  
 Cour d'appel de la Colombie-Britannique  
 Vancouver, C.-B., 10 octobre 2003
  
- *Judicial Mediation in Canada*  
 The American Bar Association Section of Dispute Resolution  
 V Annual Spring Conference  
 San Antonio, Texas, 20 au 22 mars 2003
  
- *Le service de médiation judiciaire à la Cour d'appel du Québec*  
 Congrès de l'Institut international de droit d'expression  
 et d'inspiration françaises (IDEF)  
 Palais du Luxembourg  
 Paris, 6 au 8 mars 2003
  
- *La médiation judiciaire en Belgique*  
 Palais d'Egmont  
 Bruxelles, 9 octobre 2002
  
- *La médiation commerciale*  
 Centre national sur le franchisage et le partenariat  
 Montréal, 5 septembre 2002
  
- *La philosophie conciliatoire : oser rendre justice d'une autre manière*  
 Discours inaugural de la rentrée académique  
 Faculté de droit, Université de Montréal  
 Montréal, 27 août 2002
  
- *Des accommodements judiciaires visant l'égalité des parties dans la salle d'audience*  
 Programme de formation, Nouveau-Brunswick  
 Présidence de la Table ronde sur l'Accès aux tribunaux des personnes handicapées  
 St-Andrews-by-the-Sea, Nouveau-Brunswick, 26-27 juin 2002
  
- *Commentaires sur les conditions et fondements de la transformation des modes de régulation sociale*  
 Séminaire international sur la justice réparatrice et la médiation pénale  
 L'Estérel, Montréal, 22 mai 2002
  
- *La médiation familiale*

Semaine du Barreau de Montréal  
Montréal, 3 mai 2002

- *Médiation, perspectives juridiques pour l'arbitre et le médiateur*  
Conférence des arbitres du Québec  
Montréal, 27 avril 2002
- *Problèmes particuliers au rôle de juge-médiateur*  
Masters Forum, The Straus Institute for Dispute Resolution  
Pepperdine University School of Law  
Malibu, Californie, 15 et 16 mars 2002
- *La médiation en droit des Assurances*  
Journée de gestion des risques  
Association des gestionnaires de risques et d'assurances du Québec  
(AGRAQ)  
Montréal, 20 février 2002
- *Apprivoiser les différences*  
12<sup>e</sup> colloque annuel de l'Institut québécois de la déficience intellectuelle  
Longueuil, 3 novembre 2001
- *Les nouveaux modes de règlement des conflits judiciaires*  
The Lord Reading Law Society  
Montréal, 1<sup>er</sup> novembre 2001
- *L'utilisation des techniques de vidéo-conférence et de communication électronique*  
Colloque sur *Les outils nouveaux pour la justice du XXI<sup>ème</sup> siècle*  
Cour d'appel de Versailles  
Versailles, France, 26 octobre 2001
- *L'implantation d'un programme de conciliation judiciaire à la Cour d'appel du Québec*  
Tulane University's Lecture, Université McGill  
Montréal, 10 juillet 2001
- *Les changements législatifs au Code de procédure civile*  
Colloque de la Cour d'appel, Barreau du Québec  
Montréal, 14 juin 2001
- Commentatrice invitée à la *Table ronde sur les rapports sociaux en transition*  
Commission de droit du Canada  
Ottawa, 1<sup>er</sup> mai 2001
- *La mission moderne du juge*  
Université de Sherbrooke, Collation des grades

Longueuil, 30 mars 2001

- *Une autre manière de rendre justice dans une société diversifiée*  
Université de Sherbrooke, Faculté de droit  
Sherbrooke, 10 novembre 2000
- *Le rôle du juge dans l'administration de la Cour et la gestion globale des dossiers*  
Commission internationale de juristes  
Colloque des juges Croates sur l'indépendance judiciaire  
Montréal, 7 novembre 2000
- *L'implantation d'un système de règlement extrajudiciaire des conflits*  
Conférence des juges de la Cour du Québec  
Montréal, 2 novembre 2000
- *The Quebec Charter is Twenty-Five Years Old*  
Barreau du Québec  
Montréal, 27 octobre, 2000
- *L'accessibilité à la justice : se rapprocher des justiciables*  
Comité consultatif sur la formation de la Cour du Québec  
Montréal, 16 juin 2000
- *Le système de conciliation judiciaire à la Cour d'appel du Québec*  
Colloque des Cours d'appel « *Le nouveau millénaire et l'accomplissement de notre travail - la conciliation, la médiation et la gestion de causes* » organisé par l'Institut national de la magistrature  
Ottawa, 11 avril 2000
- *Le devoir de réserve et la liberté d'expression des magistrats*  
Colloque de formation « *Démocratie – Média* »  
Bamako, Mali, 11 février 2000
- *La justice conciliationnelle à la Cour d'appel du Québec*  
Université de Sherbrooke, Faculté de droit  
Sherbrooke, 27 janvier 2000
- *Le système de conciliation judiciaire à la Cour d'appel du Québec*  
Sessions de formation à la Cour d'appel de l'Ontario  
Toronto, 21 janvier 2000
- *Les modes de résolution des conflits et la justice conciliationnelle*  
Association des assureurs du Québec  
Montréal, 8 décembre 1999
- *Une alternative à la justice processuelle*

Conférence annuelle, Régie du logement du Québec  
Montréal, octobre 1999

- *Le traitement équitable des minorités lors de la détermination de la peine*  
Conférence de l'Institut national de la magistrature ayant pour thème  
« *Rendre justice dans une société diversifiée* »  
Montréal, octobre 1999
- *La conciliation judiciaire à la Cour d'appel du Québec*  
Association du Barreau canadien  
Montréal, 15 octobre 1999
- *The Conciliation Service Program of the Court of Appeal of Quebec*  
ALENA – Alternative dispute resolution in the NAFTA region  
Comité consultatif des différends commerciaux privés  
Mexico, 3 et 4 juin 1999
- *La justice conciliatoire et la justice processuelle*  
Conférence sur les modes judiciaires et extrajudiciaires de règlement des conflits  
Barreau de Laval  
Laval, 16 avril 1999
- *Le système de conciliation à la Cour d'appel du Québec*  
Congrès MEDEL (Magistrats Européens pour la Démocratie et les Libertés)  
Colloque intitulé « *Pour une nouvelle justice civile, la crise d'efficacité de la justice en Europe* »  
Paris, janvier 1999
- *L'ordre public dans les relations de travail*  
Congrès Henri Capitant sur l'ORDRE PUBLIC  
Beyrouth, mai 1998
- *Portrait du système de justice civile*  
Université Laval, Faculté de droit  
Ste-Foy, septembre 1997
- *La conciliation en Cour d'appel*  
Barreau du Québec, Comité sur la Cour d'appel  
Québec, avril 1997
- *L'égalité des sexes dans la profession juridique*  
Jeune Barreau de Québec  
Québec, 1993
- *L'avenir de la profession juridique*

Université Laval, Faculté de droit  
Ste-Foy, 1993

- *Les préjugés eu égard au sexe ont-ils libre cours dans le monde juridique*  
Conférence des cours supérieures du Québec  
Québec et Montréal, 1991

#### PUBLICATIONS

« A conciliação judicial no Tribunal de Segunda instância do Québec » dans Fernanda Maria Dias de Araújo Lima, Rosane Maria Silva Vaz Fagundes et Vânia Maria Vaz Leite Pinto, dir., *Manual de Mediação: Teoria e Prática*, Belo Horizonte, New Hampton Press, 2007, 137.

« Judicial Mediation in Quebec » dans Nadjia Alexander, dir., *Global Trends in Mediation*, 2<sup>e</sup> éd., Alphen aan den Rijn, Kluwer Law International BV, 2006, 107 (avec Eric H. Reiter).

« Mediation by Judges : A New Phenomenon in the Transformation of Justice » (2006) 6 Pepperdine Dispute Resolution Law Journal 351 (avec Eric H. Reiter).

« Front-Line Justice » (2006) 46 Va. J. Int'l. L. 677 (avec Eric H. Reiter).

« La médiation judiciaire à la Cour d'appel du Québec » dans André Riendeau, dir., *Dire le droit: pour qui et à quel prix?*, Montréal, Wilson & Lafleur, 2005, 57.

*La transformation de notre rapport au droit par la médiation judiciaire. 8<sup>e</sup> Conférence Albert-Mayrand 2004*, Montréal, Éditions Thémis, 2005.

« Modes alternatifs de règlement des litiges : la médiation judiciaire » dans *Le règlement précoce des litiges et le rôle des juges. Actes de la 1<sup>e</sup> conférence européenne des juges 2003 tenue du 24 au 25 novembre 2003 à Strasbourg*, Strasbourg, Éditions du Conseil de l'Europe, 2005, 71.

« Judicial Mediation in Canada: When Judges Act as Mediators for the Benefit of Citizens and Lawyers », Allocution, 6<sup>th</sup> Annual Conference of the American Bar Association Section of Dispute Resolution : Resolution and Resilience, New York City, 17 avril 2004 [non publiée].

« La conciliation judiciaire à la Cour d'appel du Québec », (2003) 1 : 2 R.P.R.D. 1.

« La justice conciliationnelle : l'envers du lent droit » (2001) 3 : 2 Éthique publique 63.

« The Conciliation Service Program of the Court of Appeal of Quebec » (2000) 11 World Arb. & Mediation Rep. 80.

« L'ordre public dans les relations de travail » (1999) 40 C. de D. 379.

« Éthique au travail: Un défi vers l'égalité » dans *L'éthique au quotidien*, Montréal, Les Éditions Québec/Amérique, 1990, 51.

### CONCEPTION DE PROGRAMMES ET FORMATION

Mettant à profit son expérience en médiation judiciaire, Louise Otis a conçu des programmes de formation destinés aux juges ainsi qu'aux juristes et aux non-juristes. Ces programmes visent ces objectifs de formation suivants :

- comprendre la nature et le développement des conflits
- comprendre le rôle du juge conciliateur, du médiateur et du négociateur
- acquérir des connaissances et des habilités à titre de négociateur
- développer une compréhension de la dynamique des négociations et des stratégies d'intervention possibles
- acquérir les habilités visant à dénouer l'impasse en négociation
- connaître les règles éthiques qui gouvernent le juge conciliateur, le médiateur et le négociateur (déontologie et immunité)
- maîtriser le processus de négociation
- concevoir un système de médiation judiciaire

Louise Otis a dirigé des séances intensives de formation destinées aux juristes et aux non juristes du Canada, de France, de Belgique, du Maroc, du Mali, de la Suisse, de l'Australie, de la Russie, de la Serbie, de la Norvège, du Danemark, de la Finlande, de l'Ukraine, de la Roumanie, du Brésil ainsi qu'aux pays membres de *CARICOM*.

Notamment, Louise Otis a offert un cours intensif de formation en médiation judiciaire à Anvers, les 22 et 23 avril 2003, aux magistrats de Belgique, soit de la Cour d'appel de Bruxelles, Cour d'appel d'Anvers, Cour d'appel de Mons, Cour d'appel de Liège, Tribunal de première instance et juridictions spécialisées, ainsi que de la Cour d'appel de Grenoble, France.

En mars 2004, à l'instigation des Juges Louise Otis et Michel Proulx, la Cour d'appel du Québec, la Cour supérieure du Québec et la Cour du Québec unissaient leur politique judiciaire pour l'instauration d'un programme-pilote visant « *Les conférences pénales de gestion et de facilitation* ». Louise Otis a conçu le premier programme de formation avec la collaboration de l'Université de Sherbrooke.

### RECONNAISSANCE PROFESSIONNELLE

Le 17 juin 2000, Louise Otis recevait un *doctorat honoris causa* de l'Université de Sherbrooke pour l'implantation du premier programme de médiation judiciaire au niveau des tribunaux d'appel en Amérique du Nord.

En 2002, elle se voyait décerner *The distinguished service award* par, Pepperdine University School of Law (The Straus Institute for Dispute Resolution) en Californie, pour sa contribution au développement et à la promotion des modes judiciaires de résolution des conflits.

Le 28 octobre 2003, elle devient récipiendaire du titre d'*Officier de l'Ordre National du Québec* pour la conception et l'implantation de l'un des premiers systèmes de médiation judiciaire du monde.

En novembre 2008, *CNMAC* (Canadian National Mediation Advocacy Competition) créait le prix *Louise Otis Award for excellence in ADR* afin de reconnaître l'excellence de l'enseignement universitaire des modes extra-judiciaires de règlement des conflits.

### *ASSOCIATIONS*

Louise Otis est membre des associations suivantes :

- International Academy of Mediators (Fellow)
- Conférence Internationale de Médiation pour la Justice(CIMJ)
- Commission internationale de juristes, section canadienne (CIJ)
- Centre international d'éducation aux droits humains (EQUITAS)
- Conférence canadienne de Médiation Judiciaire.

\* \* \*

***THE HONOURABLE LOUISE OTIS***

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[sito7852@yahoo.com](mailto:sito7852@yahoo.com)  
Web site [www.louiseotis.com](http://www.louiseotis.com)  
Telephone : (514) 887-0778

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Louise Otis works as a civil and commercial mediator and arbitrator at the Canadian and international levels. She is a Distinguished Fellow of the Internal Academy of Mediators.

Since 2008, she has been a member of the OECD's Administrative Tribunal.

Louise Otis regularly participates in international governance and justice reform missions. Louise has created a system of transitional justice for countries affected by armed conflicts and/or environmental disasters.

Louise Otis is guest researcher at the University of Montreal Center for International Studies and Research (CÉRIUM).

Louise Otis worked as a lawyer between 1975 and 1990. In 1990, she was appointed as a Judge to the Quebec Superior Court. Between 1993 and 2009, she was a Judge at the Quebec Court of Appeal, participating in over 3000 judgements. The Quebec Court of Appeal has general appellate jurisdiction over all courts in Quebec and also performs a judicial review function in relation to all administrative tribunals. It is one of the two largest appellate courts in Canada, and hears matters governed by both civil law and common law principles.

***LEGAL CAREER PROFILE***

Louise Otis is a graduate of Laval University and was called to the Quebec Bar in 1975. Prior to 1990, Louise Otis practiced law for fifteen years, specializing in Public Law, Labour Law and Administrative Law.

From 1983 onwards, she specialized in public, labour and constitutional law, pleading cases before the courts of first instance, Quebec Court of Appeal, and the Supreme Court of Canada.

In the course of her career, Louise Otis taught Civil Procedure at the Laval University Faculty of Law in Quebec City (1984-1987). She also lectured in Civil

Procedure, Criminal Law, Administrative Law and Labour Law at the Quebec Bar School (1978-1988).

She was a member of the Professional Training Committee of the Quebec Bar where she initiated and participated actively in developing a course entitled *The Drafting of Legal Texts* at Quebec Bar School (1984-1987).

She was also involved in several professional activities directly related to the practice of law. From 1981 to 1985, she was a member of the Quebec Justice Advisory Council, advising the Quebec Minister of Justice on all matters relating to the administration of justice, particularly with regards to legislative reforms. She was also a member of the Board of Directors of *SOQUEM* (*Société québécoise d'exploitation minière*) (1985-1987).

In 1997, Louise Otis instituted one of the world's first programs of integrated judicial mediation. In Quebec, all the courts and tribunals have since developed a judicial mediation program, integrated to the traditional system of justice. This program offers citizens the chance to meet with a judge in a mediation session in order to seek a final resolution to their commercial, civil, administrative, or family disputes. Since 2004, a program of facilitation in criminal matters has also been launched at the Quebec Court of Appeal.

Since 1997, Louise Otis has presided over 450 mediation sessions in commercial and civil law.

Throughout her career, Louise Otis has acted as a member of the jury in several moot court competitions. Since 2005, she has been a member of the Award Committee of the *Bora Laskin Award* established to recognize outstanding contributions to Labour Law.

Since 2005, she is a member of the Board of Directors of *Equitas –International Centre for Human Rights Education*.

Since 2007, she is a fellow of the *International Academy of Mediators*.

Since January 2009, she is on the Advisory Board of the *Chaire de droit et gouvernance de la Santé* of the University of Sherbrooke.

In March 2009, Louise Otis founded the *Canadian Conference for Judicial Mediation* intended to encourage the emergence, establishment and the advancement of judicial mediation in Canada.

Since October 2009, she is president of the *International Conference on Mediation for Justice* (ICMJ).

## INTERNATIONAL CAREER PROFILE

In September 2009, Louise Otis participated in an assessment mission on prisoners' detention in *Haiti*. The goal of the mission was to conduct a pilot project on release from custody according to the Haitian Law. This assessment mission was monitored by the Canadian Department of Foreign Affairs and International Trade (DFAIT) and Lawyers Without Borders, Canada.

In June 2009, she was invited by DFAIT to join a 25-person panel of experts on International mediation, and to participate in a Mediation Policy Forum on the resolution of international conflicts.

In May 2009, she was invited by The Honourable Rob Hulls, Attorney General of the State of Victoria, *Australia*, to deliver a series of twelve Conferences and training courses on Commercial and civil mediation to members of the Judiciary and the Bar.

In May 2009, she lectured on Commercial mediation at the University of *New Zealand's* Faculty of Law and at the High Court of Auckland.

In February 2009, Justices from Appellate Courts of *Brazil* attended a specialized judicial mediation training course at McGill University in Montreal. The training was organized and directed by Louise Otis and the University of Sherbrooke.

In February 2008, Louise Otis carried out an information and training mission at the request of the Consulate in Sao Paulo and in Rio de Janeiro to present the model of Quebec judicial mediation. This mission resulted in an agreement to offer a training course in judicial mediation to justices from Federal and Appellate Courts of *Brazil*.

In November 2006, Louise Otis, in collaboration with a representative from the Netherlands, prepared a report intended to establish the scope of intervention of Canada and the Netherlands as part of the Canadian Support Project to implement the Ten-Year Justice Development Program in *Mali* (PACMO-PRODEJ).

In January 2006, Louise Otis was appointed as an expert in alternative dispute resolution, by the *United Nations* Secretary-General Kofi Annan for a period of 6 months from February 1 to July 31, 2006. She was part of a 5-member panel of independent international experts in charge of redesigning the United Nations system of administration of Justice, including the creation of a mediation system. On April 2007, Secretary-General Ban Ki-Moon and a resolution of the General Assembly of the United Nations approved the essence of the recommendations of the Redesign Panel.

At the request of the Canadian Government, Louise Otis served as an expert consultant in the development of an interim cooperation framework for the reform of

justice in *Haiti* (2004-2005). She also participated in the drafting of the judicial reform plan currently implemented by *International Organisation of La Francophonie (OIF)* on behalf of *Canada* and the *European Union*. In April 2007, she was mandated by OIF to implement a frontline justice plan in Haiti, a transitional justice programme designed to meet the immediate legal needs of the people of Haiti.

In 2005, Louise Otis was invited to *Australia* to present the Quebec system of criminal mediation and facilitation to the Ministers of Justice of Australian States as well as the Federal Minister of Justice. In September 2008, Rob Hulls, Deputy Premier of the State of Victoria, came to Montreal for a training program with Louise Otis for the implementation of the first judicial mediation program in civil matters in Australia.

In October 2005, Louise Otis served as an expert consultant on case management in the *Canada-China Judicial Linkages Project* (National Judicial Institute and CIDA).

In May 2005, at the request of the *Council of Europe*, Louise Otis prepared and facilitated a 5-day seminar on negotiation and mediation to the representatives of 19 European countries.

In March 2004, at the request of the Commissioner for Federal Judicial Affairs, Louise Otis gave lectures on commercial mediation at the Supreme Arbitration Court of the Russian Federation in *Russia*.

In 2000, at the request of the Canadian Ambassador to Mali and of the Canadian International Development Agency (CIDA), Louise Otis and Jacques Frémont, Dean of the Faculty of Law at the University of Montreal, co-chaired a Canadian Mission to set priorities for the development of justice in *Mali* and produced a report and recommendations aimed at guiding judicial reform (July-December 2000).

#### *PAPERS PRESENTED*

As a practicing lawyer, Louise Otis was involved in training and education initiatives for numerous associations and was frequently invited as a guest lecturer to seminars on labour and administrative law organized by the Continuing Education Service of the Quebec Bar.

Since her appointment to the judiciary in 1990, she has participated in many professional workshops and international conferences, notably on dispute resolution and human rights:

- *Commercial and Civil Mediation*  
Nova Scotia Court of Appeal  
Halifax, December 15, 2009

- *The Place of Commercial Mediation*  
Vietnamese Mission to Canada  
Montreal, University McGill, November 30, 2009
- *Ethical dilemmas in Mediation : Judging Skills Program (NJI)*  
Supreme Court of British Columbia  
Vancouver, November 11-12, 2009
- *The United Nations' Administrative System of Justice*  
École Nationale d'Administration Publique(ENAP)  
Montreal, October 7, 2009
- *The Panel to redesign Justice at the United Nations*  
Association des étudiants en droit international de McGill  
Université McGill  
Montreal, March 4, 2009
- *Administrative Justice Reform at the United Nations*  
McGill International Law Society  
McGill University  
Montreal, March 4, 2009
- *Explore the Benefits of Commercial Arbitration and Mediation*  
ADR Institute of Canada, Inc.  
Montreal, October 17, 2008
- *Dispute Resolution: Ethical Principles*  
Training Program in Judicial Ethics under the direction of Madam Justice  
Georgina Jackson, Saskatchewan Court of Appeal  
National Judicial Institute  
Montreal, September 11, 2008
- *Mediation and Ethical Principles in Brazilian Law*  
Creating Integrated Systems of Judicial Mediation in Brazil  
Conference Series at State and Federal Appellate Courts of Sao Paulo and of  
Rio de Janeiro and State Universities  
Department of Foreign Affairs and International Trade  
Sao Paulo, Brazil, February 17-20, 2008  
Rio de Janeiro, Brazil, February 20-25, 2008
- *The Protection of Individual Rights in the Context of International Justice*  
American Society of International Law  
World Bank Administrative Tribunal, ASIL Colloquium on International  
Administrative Tribunals and the Rule of Law

Washington, U.S.A., March 27, 2007

- *Justice in the 21<sup>st</sup> Century*  
Inaugural Conference at the Annual General Assembly of the Court of  
Quebec  
Quebec City, QC, November 9, 2006
- *Building Justice in Fragile States*  
Roundtable hosted by the Department of Foreign Affairs and International  
Trade and the Department of Justice Canada  
Ottawa, June 28-29, 2006
- *Front-Line Justice*  
Harvard University, Harvard Fellows  
Foreign Visitors Program (BCP)  
Minister of International Relations  
Quebec City, QC, September 1, 2005
- *Mediation and Negotiation*  
International Academy of Mediators  
Montreal, May 12, 2005
- *Judicial Mediation in Canada*  
Supreme Court of Sydney (Appeal Court and Trial Division)  
State of New South Wales  
Sydney, Australia, April 7, 2005
- *Front Line Justice: A New Model for International Justice*  
International conference on  
"Peace, Justice and Reconciliation in the Asia Pacific Region"  
The Australian Centre for Peace and Conflict Studies  
University of Queensland  
State of Queensland  
Brisbane, Australia, April 2, 2005
- *Judges and Mediation*  
Supreme Court of Brisbane (Appeal and Trial Division)  
State of Queensland  
Brisbane, Australia, March 28-April 3, 2005
- *Teaching Legal Ethics*  
LawAsia Conference 2005  
The Law Association for Asia and the Pacific  
State of Queensland  
Gold Coast, Australia, March 22, 2005

- *Judicial Mediation*  
Court of Appeal and Supreme Court of Perth  
State of Western Australia  
Perth, Australia, March 18, 2005
- *Access to Justice*  
District Court of Perth  
State of Western Australia  
Perth, Australia, March 17, 2005
- *Case Management in Criminal Law*  
Supreme Court of Melbourne (Appeal and Trial Division)  
State of Victoria  
Melbourne, Australia, March 10-16, 2005
- *The Transformation of How We Relate to the Law by Judicial Mediation*  
Albert-Mayrand Conference  
Faculty of Law, University of Montreal  
Montreal, November 11, 2004
- *Judicial Mediation at the Quebec Court of Appeal – To State or Not to State the Law: That is the Question – Judicial Mediation and its Rules*  
Seminar entitled *Stating the Law*  
Faculty of Law and Political Science  
University of Quebec at Montreal  
Montreal, November 4, 2004
- *The New Way to Render Civil, Commercial and Criminal Justice in the Province of Quebec*  
Harvard University, Harvard Fellows  
Foreign Visitors Program (BCP)  
Minister of International Relations  
Quebec City, QC, September 2, 2004
- *New Trends in Commercial Mediation: Worldwide Overview*  
Conference on Recent Developments in International Commercial Dispute Resolution  
Canadian Bar Association ADR Section/United Nations Commission on International Law and the Continuing Legal Education Committee  
Ottawa, June 11, 2004
- *Judicial Mediation in Canada: When Judges Act as Mediators for the Benefit of Citizens and Lawyers*  
American Bar Association, Dispute Resolution Section  
Sixth Annual Conference

New York, U.S.A., April 17, 2004

- *Making Justice Accessible and Increasing the Efficiency of the Judicial System*  
Lecture and Workshop on Commercial Mediation  
Supreme Arbitration Court of the Russian Federation  
Moscow, Russia, March 19, 2004
- *Early Settlement of Disputes and the Role of Judges*  
Council of Europe  
Palais de l'Europe  
Strasbourg, France, November 25, 2003
- *How to Establish a System of Mediation*  
2003 Masters Forum  
The Straus Institute for Dispute Resolution  
Pepperdine University School of Law  
Malibu, California, October 17-18, 2003
- *Implementation and Administration of a Judicial Mediation Program*  
Court of Appeal of British Columbia  
Vancouver, B.C., October 10, 2003
- *Judicial Mediation in Canada*  
American Bar Association, Dispute Resolution Section  
Fifth Annual Spring Conference  
San Antonio, Texas, March 20-22, 2003
- *Judicial Mediation Service of the Quebec Court of Appeal*  
Conference of the *Institut international de droit d'expression  
et d'inspiration françaises (IDEF)*  
Luxembourg Palace  
Paris, France, March 6-8, 2003
- *Judicial Mediation in Belgium*  
Egmont Palace  
Brussels, Belgium, October 9, 2002
- *Commercial Mediation*  
Quebec Franchise Council  
Montreal, September 5, 2002
- *Philosophy of Conciliation: Daring to Render Justice in a Different Manner*  
Commencement Speech  
University of Montreal, Faculty of Law  
Montreal, August 27, 2002

- *Beyond Accommodation to Equality in the Courtroom – Gatekeepers, Advocates or Referees?*  
New Brunswick Education Program  
Chair of the Roundtable “Access to the Courts for Peoples With Disabilities” (Case Studies and Law)  
St-Andrews-by-the-Sea, New Brunswick, June 26-27, 2002
- *Comments on the Conditions and Foundations of the Transformation of Modes of Social Regulation*  
International Seminar on Reparatory Justice and Criminal Mediation  
L'Estérel, Montreal, May 22, 2002
- *Family Mediation*  
Montreal Bar Association Week  
Montreal, May 3, 2002
- *Mediation: Legal Perspectives for Arbitrators and Mediators*  
*Conférence des Arbitres du Québec*  
Montreal, April 27, 2002
- *Special Issues for Sitting Judge Mediators*  
Masters Forum, Straus Institute for Dispute Resolution  
Pepperdine University School of Law  
Malibu, California, March 15-16, 2002
- *Mediation in Insurance Law*  
Risk Management Day  
Quebec Risk & Insurance Management Association (QRIMA)  
Montreal, February 20, 2002
- *Taming the Differences*  
12<sup>th</sup> Annual Conference of the *Institut québécois de la déficience intellectuelle*  
Longueuil, QC, November 3, 2001
- *Alternative Forms of Dispute Resolution*  
Lord Reading Law Society  
Montreal, November 1, 2001
- *New Tools for Justice in the 21<sup>st</sup> Century: The Use of Videoconferencing and Electronic Communication Technologies*  
Court of Appeal of Versailles  
Paris, France, October 26, 2001

- *Judicial Conciliation*  
Tulane University's Lecture, McGill University  
Montreal, July 10, 2001
- *Legislative Changes to the Code of Civil Procedure*  
Seminar - Appellate Courts, Quebec Bar Association  
Montreal, June 14, 2001
- Commentator at the *Roundtable on Social Relationships in Transition*  
Law Commission of Canada  
Ottawa, May 1, 2001
- *Role of the modern judiciary*  
University of Sherbrooke, Convocation address  
Longueuil, QC, March 30, 2001
- *A Different Way of Rendering Justice in a Diverse Society*  
University of Sherbrooke, Faculty of Law  
Sherbrooke, QC, November 10, 2000
- *Role of Judges in Managing the Court and Case Management*  
International Commission of Jurists Seminar  
*Conference of Croatian Judges on Judicial Independence*  
Montreal, November 7, 2000
- *Setting up an Extrajudicial Conflict Resolution Program*  
Conference for Judges of the Court of Quebec  
Montreal, November 2, 2000
- *The Quebec Charter is Twenty-Five Years Old*  
Seminar organized by the Quebec Bar Association  
Montreal, October 27, 2000
- *Access to justice: Getting closer to the litigants*  
Training Advisory Committee: Court of Quebec  
Montreal, June 16, 2000
- *The Conciliation Service Program of the Court of Appeal of Quebec*  
Appellate Courts Seminar/National Judicial Institute:  
*How Will We Do Our Work in the Millennium - Conciliation, Mediation, Management*  
Ottawa, April 11, 2000
- *The Duty to Act in a Reserved Manner and the Freedom of Expression of the Magistrate*

Workshop entitled *Democracy – Media*  
Bamako, Mali, February 11, 2000

- *The Conciliation Service Program of the Court of Appeal of Quebec*  
Faculty of Law, University of Sherbrooke  
Sherbrooke, QC, January 27, 2000
- *The Conciliation Service Program of the Court of Appeal of Quebec*  
Court of Appeal of Ontario  
Toronto, January 21, 2000
- *Methods of Conflict Resolution and Judicial Conciliation*  
Quebec Association of Insurers  
Montreal, December 8, 1999
- *An Alternative to the Trial System*  
Quebec Rental Board Annual Conference  
Montreal, October 1999
- *Sentencing and The Fair Treatment of Minorities*  
National Judicial Institute Conference entitled "*Rendering Justice in a Diverse Society*"  
Montreal, October 1999
- *Judicial Conciliation at the Quebec Court of Appeal*  
Canadian Bar Association  
Montreal, October 15, 1999
- *The Conciliation Service Program of the Court of Appeal of Quebec*  
International Symposium on Alternative Dispute Resolution sponsored by  
the Advisory Committee on Private Commercial Disputes of the North  
American Free Trade Agreement (NAFTA)  
Mexico City, Mexico, June 3-4, 1999
- *Judicial Conciliation and the Trial System*  
Conference on Judicial and Extrajudicial Modes of Conflict Resolution  
Bar Association of Laval  
Laval, QC, April 16, 1999
- *Conciliation Methods at the Quebec Court of Appeal*  
Colloquium for a New Civil Justice: The Crisis of Efficiency for European  
Justice - European Judges and Public Prosecutors for Democracy and  
Fundamental Rights (MEDEL)  
Paris, France, January 1999

- *Labour Relations and Public Order*  
Conference of the Association Henri Capitant on Public Order  
Beirut, Lebanon, May 1998
- *Portrait of the Civil Justice System*  
Laval University, Faculty of Law  
Ste-Foy, QC, September 1997
- *Conciliation at the Court of Appeal*  
Court of Appeal Committee: Quebec Bar Association  
Quebec City, QC, April 1997
- *Sexual Equality in the Legal Profession*  
Quebec Junior Bar Association  
Quebec City, QC, 1993
- *The Future of the Legal Profession*  
Laval University, Faculty of Law  
Ste-Foy, QC, 1993
- *Does Sexual Prejudice Have Free Reign in the World of Law?*  
Conference of Superior Courts of Quebec  
Quebec City and Montreal, 1991

## PUBLICATIONS

“A conciliação judicial no Tribunal de Segunda instância do Québec” in Fernanda Maria Dias de Araújo Lima, Rosane Maria Silva Vaz Fagundes & Vânia Maria Vaz Leite Pinto, eds., *Manual de Mediação: Teoria e Prática* (Belo Horizonte: New Hampton Press, 2007) 137.

“Judicial Mediation in Quebec” in Nadja Alexander, ed., *Global Trends in Mediation*, 2<sup>nd</sup> ed. (Alphen aan den Rijn: Kluwer Law International BV, 2006) 107 (with Eric H. Reiter).

“Mediation by Judges: A New Phenomenon in the Transformation of Justice” (2006) 6 Pepperdine Dispute Resolution Law Journal 351 (with Eric H. Reiter).

“Front-Line Justice” (2006) 46 Va. J. Int’l. L. 677 (with Eric H. Reiter).

“La médiation judiciaire à la Cour d'appel du Québec” in André Riendeau, ed., *Dire le droit: pour qui et à quel prix?* (Montréal: Wilson & Lafleur, 2005) 57.

*La transformation de notre rapport au droit par la médiation judiciaire. 8<sup>th</sup> Albert-Mayrand Conference 2004* (Montréal: Éditions Thémis, 2005).

"Alternative Dispute Resolution: Judicial Mediation" in *The Early Settlement of Disputes and the Role of Judges. Proceedings of the 1<sup>st</sup> European Conference of Judges, Strasbourg, 2003* (Strasbourg: Council of Europe publishing, 2005) 67.

"Judicial Mediation in Canada: When Judges Act as Mediators for the Benefit of Citizens and Lawyers", (Address delivered at the 6<sup>th</sup> Annual Conference of the American Bar Association Section of Dispute Resolution: Resolution and Resilience, New York City, 17 April 2004) [unpublished].

"La conciliation judiciaire à la Cour d'appel du Québec" (2003) 1:2 R.P.R.D. 1.

"La justice conciliatoire: l'envers du lent droit" (2001) 3:2 Éthique publique 63.

"The Conciliation Service Program of the Court of Appeal of Quebec" (2000) 11 World Arb. & Mediation Rep. 80.

"L'ordre public dans les relations de travail" (1999) 40 C. de D. 379.

"Éthique au travail: Un défi vers l'égalité" in *L'éthique au quotidien* (Montréal: Les Éditions Québec/Amérique, 1990) 51.

#### TRAINING AND PROGRAM DESIGN

Drawing on her extensive experience as a mediator, Louise Otis designed an elaborate training program in mediation for judges, jurists and non-jurists. The program pursues many objectives, namely:

- to understand the nature and development of conflicts
- to understand the role of the judge-mediator, the mediator, and the negotiator
- to acquire the knowledge and skills of a negotiator
- to develop an understanding of the dynamics of negotiation and possible intervention strategies
- to acquire the skills for moving past an impasse in negotiations
- to understand the ethical rules that govern the judge-mediator, the mediator and the negotiator (ethics and immunity)
- to master the process of negotiation
- to design a system of mediation

Louise Otis has directed intensive training sessions for jurists and non-jurists from Canada, France, Belgium, Morocco, Mali, Switzerland, Australia, Russia, Serbia, Norway, Denmark, Finland, Ukraine, Romania, Brazil and CARICOM member states.

On April 22 and 23, 2003, Louise Otis offered an intensive training program in judicial mediation in Antwerp to magistrates of Belgium from the Courts of Appeal

of Brussels, Antwerp, Mons, and Liège, from the Courts of First Instance and Specialized Jurisdictions and from the Court of Appeal of Grenoble, France.

In March 2004, at the initiative of Justices Louise Otis and Michel Proulx, the Court of Appeal of Quebec, the Superior Court of Quebec and the Court of Quebec adopted a common judicial policy establishing a pilot program in criminal mediation for *"Pre-trial management conferences and facilitation conferences in criminal matters"*. Louise Otis has designed the first training program in collaboration with the University of Sherbrooke.

### *CITATIONS*

On June 17, 2000, Louise Otis received a *Doctorate "honoris causa"* from the University of Sherbrooke in recognition for her work in implementing the first appellate level judicial mediation program in North America.

In 2002, she received the *"Distinguished Service Award"* from The Straus Institute for Dispute Resolution (Pepperdine University School of Law) for her contribution to the development and advancement of judicial methods of conflict resolution.

On October 28, 2003, Louise Otis received the title of *Officer* of the *"Ordre National du Québec"* in recognition for conceiving and implementing one of the first appellate level judicial mediation programs in the world.

In November 2008, *CNMAC* (Canadian National Mediation Advocacy Competition) created *Louise Otis Award for Excellence in ADR* in order to recognize the excellence of a law school in Alternative Dispute Resolution education.

### *PROFESSIONAL MEMBERSHIPS*

Louise Otis is a member of the following associations:

- International Academy of Mediators (Fellow)
- International Commission of Jurists, Canadian Section (ICJ)
- International Centre for Human Rights Education (EQUITAS)
- Canadian Conference of Judicial Mediation
- International Conference on Mediation for Justice(ICMJ)

## **Exhibit R-4**

**CURRICULUM VITAE**  
**OF**  
**JOHN DAWSON GROUND**

**RESIDENCE**

21 Dale Avenue  
Apartment 502  
Toronto, Ontario  
M4W 1K3

416-922-2310

**BUSINESS**

ADR Chambers  
112 Adelaide Street East, Suite 200  
Toronto, Ontario  
M5C 1K9

416-362-8555, ext. 1228

**EDUCATION**

B.A. [Honours] Political Science  
University of Toronto, 1954

LL.B.  
University of Toronto  
Faculty of Law, 1957

Called to Ontario Bar with Honours, 1959

**LAW PRACTICE**

Osler, Hoskin & Harcourt, Toronto, engaged primarily in corporate and commercial law

- Associate, 1959 to 1964
- Partner, 1965 to 1991

Appointed Queen's Counsel, 1973

Appointed to Ontario Court of Justice (General Division), now Superior Court of Justice,  
November 1991 - June 2007

ADR Chambers, engaged primarily in commercial arbitrations and mediations

- June 2007 -

## **LEGAL POSITIONS HELD**

### **THE LAW SOCIETY OF UPPER CANADA**

Benchler, 1975 to 1991

Vice Chair, Legal Education Committee, 1975 to 1977

Chair, Admissions Committee, 1977 to 1978

Chair, Professional Conduct Committee, 1979 to 1982

Chair, Legal Education Committee, 1982 to 1985

Chair, Finance Committee, 1985 to 1991

### **FEDERATION OF LAW SOCIETIES OF CANADA**

Director - 1977 to 1978

Vice President - 1978 to 1979

President - 1979 to 1980

### **CANADIAN BAR ASSOCIATION**

Member Executive, Canadian Bar Association - Ontario  
1969 to 1976

Member, Ontario Council, 1969 to 1991

Member, National Council, 1970 to 1983

## **TEACHING POSITIONS**

Group Instructor, Corporate Commercial Law Section, Bar Admission Course, 1963 to 1968

Head of Corporate Commercial Law Section, Bar Admission Course, 1969 to 1973

Lecturer in Corporation Finance, University of Toronto, Faculty of Law, 1969 to 1975

**POSITIONS HELD IN COMMUNITY AND CHARITABLE ORGANIZATIONS**

Member of the Board of Governors, Stratford Shakespearean Festival, 1985 to 1988

Member of Senate, Stratford Shakespearean Festival 1988 to present

Member, Commodity Futures Advisory Board, Ontario Securities Commission, 1979 to 1983

Member, Ontario Law Reform Commission Advisory Board, 1989 to 1994

Member, Enforcement Advisory Committee, Ontario Securities Commission, 2007 to present

Toronto, Ontario  
March 2010

## **Exhibit R-5**

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**MARTIN TEPLITSKY**

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**Address:** 70 Bond Street,  
Suite 200,  
Toronto, ON M5B 1X3

**Date of Birth:** 7/7/41

**Tel:** (416) 365-9320

**Fax:** (416) 365-7702

**EDUCATIONAL BACKGROUND**

|           |                                                                           |
|-----------|---------------------------------------------------------------------------|
| 1958      | Graduate of Bloor Collegiate Institute (Ontario Scholar)                  |
| 1959-1961 | English language and literature - University College (scholarship winner) |
| 1961-1964 | LL.B. - University of Toronto (with Honours)                              |
| 1966      | Called to the Bar                                                         |

**SPECIAL AWARDS**

|      |                                                                |
|------|----------------------------------------------------------------|
| 1980 | Queen's Counsel                                                |
| 1998 | Law Society Medal                                              |
| 2000 | Lubavitch "Man of the Year"                                    |
| 2001 | Award of Distinction- Metropolitan Toronto Lawyers Association |
| 2006 | Guthrie Award - Law Foundation of Ontario                      |
| 2007 | LL.D. – Assumption University of Windsor                       |

**PROFESSIONAL ORGANIZATIONS**

National Academy of Arbitration  
Metropolitan Toronto Lawyer's Association  
Advocates Society

## Canadian Bar Association

**COMMUNITY SERVICE**

|                 |                                                                                              |
|-----------------|----------------------------------------------------------------------------------------------|
| 1978-1979       | Chairman of Committee reviewing operations of Community Legal Aid Students Programme         |
| 1983 to present | Legal Counsel to Canadian Foundation for Compulsive Gamblers                                 |
| 1983-1985       | Project Director, Canada Law Reform Commission " <b>Pleadings</b> " in <b>Criminal Law</b>   |
| 1987            | Member Attorney General's Committee on Commercial Arbitration                                |
| 1997            | Founder and Director of the Lawyers Feed the Hungry Program<br>- Law Society of Upper Canada |

**PROFESSIONAL EXPERIENCE**

|                 |                                                                                                                                                                                                                |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1966-1975       | Associate and partner in Feigman & Chernos. Practice confined to civil and criminal litigation.                                                                                                                |
| 1972-1974       | Instructor in the Bar Admission Course- Civil Procedure                                                                                                                                                        |
| 1975-1978       | Associate Professor of Law, Osgoode Hall Law School - taught Civil Procedure, Torts and Criminal Procedure                                                                                                     |
| 1975-1978       | Part-time consulting practice as counsel at offices of Shiff, Gross                                                                                                                                            |
| 1975            | Arbitrator and/or mediator in numerous public and private sector disputes in health care, police and firefighters, education (elementary, secondary, community college and university), aeronautics and others |
| 1978 to present | Full-time counsel practice civil litigation particularly commercial cases                                                                                                                                      |
| 1979-1980       | Part-time Professor, Osgoode Hall Law School, teaching introductory and advanced civil procedure                                                                                                               |
| 1981-1986       | Vice-Chairman, Grievance Settlement Board                                                                                                                                                                      |

1996 Chief Arbitrator, Ontario Hydro

2004 Chief Arbitrator-Air Canada

Numerous mediations and arbitrations in corporate, commercial, real estate and family law and labour law.

### **PUBLICATIONS AND ADDRESSES**

Western Editor of the Criminal Reports, 1973 and 1974

Author of numerous annotations on criminal procedure which have appeared in the Criminal Reports

Contribution to a volume on Law and Psychiatry, Editor, D. N. Weisstub, published by Peramon Press

Delivered paper to the Canadian Bar Association on Products Liability, December 11, 1978

Delivered paper to Ontario English Catholic Teachers Association, May 12, 1979  
**"A Comparison Between Bargaining in the Hospital and Educational Sectors"**

Key-note speaker, Ontario Public School Trustees Association, October 26, 1979  
**"The Role of Trustees in Negotiations"**

Address to Women Teachers' Federation on Grievance Arbitration, November 10, 1979

Director of Seminar on Arbitration in the Educational Sector, November 23 and 24, 1979

Speaker at the Niagara Region Ontario Separate School Headmasters Seminar, May 12, 1981

Speaker on **"Dispute Resolution"** conference for the Ontario Labour Relations Board, June 18, 1981

Seminar Director - University of Toronto Centre of Industrial Relations - Interest Disputes - October 22, 23 and 24, 1981

Address to Fire Chiefs of Ontario, May, 1982

- 1983 Paper for Canadian Bar Association - Continuing Education on Family Law - Disclosure of Financial Information
- Speaker - PAT Conference - Inflation Restraint Legislation
- Seminar Director - University of Toronto, Centre of Industrial Relations  
**"Collective Bargaining Under Bill 111"**, April 13, 1983
- Canadian Labour View Conference
- 1985 Canadian Bar Association - **Arbitrate or Litigate?**
- Community Colleges Administrators - Seminar
- 1987 Seneca College of Applied Arts & Technology - Human Resources Management Symposium
- Law Society Continuing Legal Education Program **"Family Law Mediation: How To Use It/When To Do It"**
- 1988 Law Society Continuing Education "Labour Law Review for the General Practitioner"
- Law Society Programme in Family Law **"The Ties That Bind"**
- Case Comment - Advocates' Quarterly - Solicitors' Duty of Care in carrying out clients' Instructions: *Hallmark Financial Insurance Brokers v. Fraser & Beatty*
- Law Society Continuing Education "Shareholder Disputes"
- Richard DeBoo Publishers "Critical Employment Issues" (Conference)
- Canadian Bar Association Continuing Education Labour Law Hot Spots
- 1990 Ontario English Catholic Teachers "Bargaining Skills" (Seminar)
- 1991 University of Toronto and Bell Canada, Centre for Industrial Relations - Labour Relations Conference
- Making Arbitration Work: A Program for the 1990s
- 1992 **"Making A Deal: The Art of Negotiating"** - published by Lancaster House

- 1994 OLRB Seminar - Seniority Rights
- 1996 CBAO Labour Law Section - Bill 26
- 1998 Paper - "A Lawyer and a Technicality Are Not Soon Parted, Advocate's Quarterly  
The Law Society of Upper Canada (Department of Continuing Legal Education - The Art of Cross-Examination  
"Imagination in Cross-Examination" - September 24, 1998  
Association of Law Officers of the Crown (ALOC) Panel  
- 1998 Educational Conference - October 27, 1998  
Law Society of Upper Canada - Continuing Legal Education  
- December 15, 1998 - "Suing or Defending Professionals"  
Paper - "Ability to Pay, Nominees, and the Independence of Arbitration"
- 1999 Canadian Bar Association - Ontario Annual Institute - Labour Law Program  
- January 28, 1999  
Canadian Bar Association - Halifax - Labour Section - March 29, 1999  
Advocates' Society - Fall Convention - Las Vegas - November 25-28, 1999  
Mediation in Commercial Disputes
- 2000 University of Toronto Special Lectures - January 27, 2000  
Faculty of Law - 50<sup>th</sup> Anniversary Celebration
- 2000 Advocates' Society Journal Fall edition "Excessive Costs and Delay: Is there a Solution?"
- 2001 Advocates Society Journal - "Universal Mandatory Mediation: A Critical Analysis of the Evaluations of the Ontario Mandatory Mediation Program"  
Advocates Quarterly - Claims for No-Fault Benefits - Jury or Non-Jury, Pg. 373, Vol. 24  
Advocates Quarterly - Extending "Abuse of Process": Canam Enterprises Inc. v. Coles, Pg. 250, Vol. 25  
Law Society of Upper Canada - Continuing Legal Education - The Six-Minute Family Lawyer (December 3, 2001) - "Civility Issues in Family Law"

- 2002 Labour Arbitration Yearbook (2001-2002) Pg. 7 - Failure to Account for a Benefit: Sec. 29 of the Partnership Act. What is the Remedy?  
National Academy of Arbitrators - 2002 Fall Education Conference  
Vancouver, B.C. (Oct. 25 - 27, 2002) - "Reinstating the Undeserving"
- 2003 "Issue Estoppel and Abuse of Process: The Difficulties Continue"
- 2004 "Pre-Trials: Cost Effective or a Waste of Judicial Resources and Litigant's Money?"
- 2005 New Practice Direction Panel  
University of Ottawa - Course Study  
A Trial from A - Z (LSUC)  
Panel Discussion - Case Management in Toronto (Advocates' Society)  
Sharpening the Sword - "Tactics and Strategies for Lock n' Load Litigations"(OBA)
- 2006 Streamlining the Ontario Civil Justice System (Advocates' Society)  
Pre-trials and Mediation in Judicial Setting
- 2008 Making Civil Justice Work: A New Vision

## **LAW SOCIETY OF UPPER CANADA SPECIAL LECTURES**

- 1985 Commercial Arbitration
- 1993 Ethical Issues in Family Law

## **Exhibit R-6**

## **MICHEL G. PICHER**

### **Office**

Adjudication Services  
130 Slater Street, suite 200  
Ottawa, Ontario K1P 6E2  
613 236-0485

### **Home**

151 Tour de la Montagne  
Cantley, Quebec J8V 3H4  
819 827-1063

### **EDUCATION**

|      |                                                      |
|------|------------------------------------------------------|
| 1967 | B.A., Colby College, Waterville, Maine               |
| 1972 | LL.B, Queen's University, Kingston, Ontario          |
| 1974 | LL.M, Harvard Law School, Cambridge, Massachusetts   |
| 1977 | Barrister and Solicitor, Law Society of Upper Canada |

### **EMPLOYMENT**

|              |                                                                        |
|--------------|------------------------------------------------------------------------|
| 1967-1969    | Volunteer Teacher, CUSO<br>Tarkwa Secondary School, Tarkwa, Ghana      |
| 1974-1976    | Law Professor, Faculty of Law<br>University of Ottawa, Ottawa, Ontario |
| 1976-1983    | Vice-Chair<br>Ontario Labour Relations Board                           |
| 1983-present | Full-time Arbitrator and Mediator                                      |

### **LANGUAGES**

Fluent in English and French

## **ACTIVITIES AND EXPERIENCE**

Member, Law Society of Upper Canada

Member, National Academy of Arbitrators ( *President 2008-09*)

Fellow, The College of Labor and Employment Lawyers

Member and Past Vice-President, Ontario Labour-Management Arbitrators' Association

Member, Conférence des Arbitres du Québec

Approved arbitrator, Governments of Canada, Ontario and Québec

Vice-Chair, Ontario Labour Relations Board (1976-1983)

Permanent chief arbitrator to Canadian Railway Office of Arbitration (1986 to present)

Salary arbitrator, Major League Baseball, 1991-1993

Salary arbitrator, National Hockey League and National Hockey League Players' Association (1993 to present)

Compensation Compliance Arbitrator, Canadian Football League, 2008

Permanent panel arbitrator to Canada Post Corporation, Ontario Power Generating, CN and CP Rail shopcrafts, Ontario Northland Railway shopcrafts, Police Arbitration Commission of Ontario, Air Canada, CBC, Radio Canada, NAV Canada, Crown Packaging Ltd. and their respective unions

Appeared in Supreme Court of Canada as Counsel in successful intervention by National Academy of Arbitrators in *Minister of Labour for Ontario v. C.U.P.E.*, decision May 16, 2003

Appointed by Law Society of Upper Canada to chair discipline tribunals (francophone)

Interest arbitrator under the Crown Employees' Collective Bargaining Act of Ontario, The Police Act, Fire Departments Act and the Hospital Labour Disputes Arbitration Act

Interest Arbitrator between the Government of New Brunswick and New Brunswick Medical Society, 2001

Arbitrator, Ontario Council of Regents for Colleges of Applied Arts and Technology and OPSEU

Arbitrator, mediator and fact finder for Queen's University, University of Toronto, University of Western Ontario, Guelph University, University of Ottawa, Mount Allison University, Memorial University and their faculty associations

Member of Consultative Committee, Project on the Adjudication of Workplace Disputes, 1991, Law Reform Commission of Ontario

Member of Consultative Committee, Project on Drug Testing in the Workplace, 1992, Law Reform Commission of Ontario

Chair, Committee on Issues in Employment-Related Dispute Resolution, National Academy of Arbitrators (1997-2000)

Vice-Chair - Ontario Crown Employees' Grievance Settlement Board (1983-1990)

Chair, Boards of Inquiry under Ontario Human Rights Code (1995-1998)

Referee under Employment Standards Act of Ontario (1976-1990)

Fact finder and mediator for the Education Relations Commission of Ontario

Environmental mediator and fact finder appointed by the Environmental Assessment Board of Ontario

Special mediator on separation of assets for English and French sections of Ottawa and Carleton Roman Catholic Separate School Boards

Occasional lecturer and instructor in collective bargaining, labour arbitration as well as alternative dispute resolution in public and private conflicts

## **INVOLVEMENT IN SPORTS**

### **Hockey**

Player, Colby College, Waterville, Maine, U.S.A. 1963-67  
E.C.A.C. Div.II Champions 1966

Recipient, Colby C Club Carl Nelson Award for career achievement in athletics, 2006

Coach, Leaside Hockey School, Toronto 1977-83  
North Toronto Hockey Association 1992-94

Arbitrator, National Hockey League and National Hockey League Players' Association:  
(Randy Wood and Buffalo Sabres; Bob Essensa and Winnipeg Jets; Ray  
Leblanc and Chicago Blackhawks; Ray Sheppard and Detroit Red Wings;  
Robert Reichel and Calgary Flames; Steve Staios and Vancouver Canucks;  
Tommy Salo and Edmonton Oilers; Pat Faloon and Edmonton Oilers; Marty  
McInnis and Calgary Flames; John Leclair and Philadelphia Flyers; Martin  
Straka and Pittsburgh Penguins; Petr Sykora and New Jersey Devils; Cale  
Hulse and Nashville Predators; Denis Gauthier and Calgary Flames; Scott  
Gomez and New Jersey Devils; Adrian Aucoin and New York Islanders; Ruslan  
Fedotenko and Tampa Bay Lightning)

### **Baseball**

Arbitrator, Major League Baseball and Major League Baseball Players'  
Association 1991-93 (salary arbitration players assigned included John Smoltz,  
Dante Bichette, Gary Sheffield, Randy Johnson.)

### **Football**

Compensation Compliance Arbitrator (Salary Cap)  
Canadian Football League 2008  
Ruled in CFL v Montreal Alouettes (Charbonneau) April 28, 2008

### **Panel mediator and arbitrator, Sport Dispute Resolution Centre of Canada 2001 to present**

### **National Team Selection Decisions**

Dominic Gagnon et al. and Cross Country Canada (Salt Lake Olympics)  
Decision December 13, 2001 (with Yves Fortier and J.G. Clément)

Pierse, Veldman, Wake and Swimming Canada (Commonwealth Games)  
Decision June 23, 2002  
Supplementary decision, June 26, 2002

Canadian Amateur Boxing Association and Canadian Olympic Committee  
Re B. Gaudet, J. Pascal, T. Stewardson (Athens Olympic Games)  
Decision July 10, 2004

Charles Dionne and Canadian Cycling Association (Athens Olympic Games)  
Decision July 16, 2004

Brian Cowie and Canadian Cycling Association (World Para-Cycle Championship)  
Decision August 10, 2007

Megan Poss and Synchro Canada (Beijing Olympics)  
Decision February 26, 2008

### **Athletic Doping Decisions**

Appeal, re Application of National Team wrestling Coach Andrzej  
Kulesza for reinstatement to Sport Canada funding. Decision dated July 22,  
1992

Steve Claveau and Canadian Centre for Ethics in Sport, (Bobsleigh Canada Skeleton)  
Appeal of suspension – July 24, 2002

Jean-David Côté and Canadian Centre for Ethics in Sport, (Collegiate football)  
Appeal of suspension – July 29, 2003

Christopher Jarvis and Rowing Canada Aviron  
Appeal of Suspension – December 19, 2007

### **Carding Decisions**

Raymond Mourade and Taekwondo Association of Canada WTF  
Decision August 14, 2002

Andrew Willows and Sport Canada (Canoeing Canada)  
Procedural and Notice Rulings June 2004 (adjourned sine die)

Gymnastics Canada, Sport Canada and Carly Orava (Rhythmic Gymnastics)  
Decision January 15, 2007

France Gagné and Athletics Canada  
Decision February 2007

Joseph Radmore and Athletics Canada  
Decision February 2007

Dominique Perras and Canadian Cycling Association  
Decision March 10, 2008

## **PUBLICATIONS**

"The Separation Agreement as an Unconscionable Transaction: A Study in Equitable Fraud" (Queen's Law Journal, 1973)

"Alternatives Under NEPA: The Function of Objectives in an Environmental Impact Statement" (Harvard Journal on Legislation, 1974)

"Adjudicator, Administrator or Advocate? The Role of the Labour Board in Judicial Review Proceedings" (The Canadian Bar Review, March 1984)

"The North Simcoe Landfill Dispute: An Initiative in Environmental Mediation", Spring 1986 (Proceedings of the Symposium on Environmental Mediation, Ontario Society for Environmental Management, Toronto, March 1985)

"The Mediator's Perspective, Canadian Environmental Mediation Newsletter, January 1986

"The Canadian Railway office of Arbitration: Keeping Grievance Hearings on the Rails" in Labour Arbitration Yearbook 1991, Vol I, Kaplan, Sack and Gunderson, eds. (Toronto, 1991)

"Un aperçu de l'oeuvre de la Commission des relations de travail de l'Ontario, 1980 à 1991," Actes du colloque du Droit social et du travail, Université du Québec à Montréal, juin 1991

"The Problem of Delay at Arbitration: Myth and Reality" (with Ellen E. Mole), in Labour Arbitration Yearbook, 1993, Vol. IV, Kaplan, Sack and Gunderson, eds. (Toronto, 1993)

"Truth, Lies and Videotape: Employee Surveillance at Arbitration", in Canadian Labour & Employment Law Journal, 1998, Vol. 6, No. 3.

**The Arbitration Profession in Transition: A Survey of the National Academy of Arbitrators** (with Ronald L. Seeber and David B. Lipsky) Cornell Studies in Conflict Resolution, Spring 2000 (for the National Academy of Arbitrators and Cornell/PERC Institute on Conflict Resolution)

"Defining the Scope of Arbitration: The Impact of Weber: An Arbitrator's Perspective", Labour Arbitration Yearbook, 1999 – 2000, Vol.I (Toronto, 2000)

## **Exhibit R-7**

## **CURRICULUM VITAE**

**NAME:** S. BRUCE OUTHOUSE, Q.C.

**BUSINESS ADDRESS:** Suite 500, 1568 Hollis Street  
P.O. Box 2147  
Halifax, Nova Scotia  
B3J 3B7

**DEGREES HELD:** B.A. Dalhousie, 1969  
LL.B. Dalhousie, 1971

**PROFESSIONAL:** Admitted to the Nova Scotia Barristers' Society in November, 1971; practised with the law firm Blois, Nickerson & Bryson as an associate from 1971 until 1975 and as a partner from 1975 to date; areas of specialization include arbitration, mediation, civil litigation, administrative law and public utilities regulation.

**MEMBERSHIPS:** Canadian Bar Association  
Nova Scotia Barristers' Society  
Atlantic Arbitration and Mediation Institute  
ADR Institute of Canada, Inc.  
Fellow – American College of Trial Lawyers  
Member – National Academy of Arbitrators

### **POSITIONS HELD IN PROFESSIONAL ASSOCIATIONS:**

Elected member of Council of the Nova Scotia Barristers' Society from 1984 to 1989; served as Chair of the Alternate Dispute Resolution Committee of the Bench, Bar and Department of Justice; and Chair of the Qualifications Committee and the Advertising Committee of the Nova Scotia Barristers' Society; and served as a member of the Ethics Committee and the Race Relations Committee of the Nova Scotia Barristers' Society. Served as a member of the Public Accountants Board of Nova Scotia from 1982 to 1997, holding the office of President from 1988 to 1997.

### **SUPPLEMENTARY INFORMATION:**

Very active as an arbitrator and mediator since 1978. Heard and decided more than 1,200 labour and commercial arbitrations in the Atlantic Provinces. Involved as a mediator in the successful settlement of several major labour disputes including Sydney Steel, Dalhousie University, Mount Saint Vincent University, Acadian Lines Limited, Cape Breton Hospitals, Devco, Air Canada and Nav Canada.

Extensive experience in administrative law and public utility regulation. Acted as outside counsel to the Nova Scotia Utility and Review Board (formerly the Board of Commissioners of Public Utilities) since 1976.