

DAVID BENNETT LL.B., C.Med.
Mediation & Dispute Resolution Services

PROFESSIONAL PROFILE

Since 1997 I have had a bilingual mediation and dispute resolution practice specializing in mediating, investigating and adjudicating human rights, sports, aboriginal issues, employment, workplace, commercial and civil disputes.

PROFESSIONAL EDUCATION

- 1983** LL.B. University of Ottawa (cum laude)
- 1985** Called to the Ontario Bar
- 2002** Certified as a Chartered Mediator by the ADR Institute of Canada

PROFESSIONAL EXPERIENCE

June 2018 – December 2018

Independent Review of Coaching Culture for Wrestling Canada Lutte

- Conducted a review of the coaching culture within the Canadian Olympic Wrestling team. The report examines issues of coaching styles, sexual relationships, conflicts of interests, concussions and injuries, disordered eating, drinking culture, issues particular to women, governance issues and a complaint process. The report includes 52 recommendations. <https://wrestling.ca/wp-content/uploads/2018/12/FINAL-WCL-Report-for-Release-December-2-2018.pdf>

2016 – Present

Mediator

Court of Arbitration for Sport (Lausanne)

- Appointed as Roster Mediator for CAS International Olympic Sports disputes.

2011 – 2020

Adjudicator

Independent Assessment Process

- Adjudicator for the Independent Assessment Process. This process involves determining whether Claimants are entitled to compensation for abuse from when they were students in Indian Residential Schools. I have conducted more than one hundred hearings in most Canadian provinces and Nunavut.

December 2011 – Present

Mediator

Indian and Northern Affairs Canada Standing Offer List for Mediation Services – Ontario Region

- Competitively selected as a Mediator on the Standing Offer List for mediation of aboriginal land claims, self-government issues, and other aboriginal negotiations since 2011. Appointed for Province of Ontario and available for mediations in Canada generally. (won a second competitive process in 2017)

2007 – Present

Roster Mediator/Arbitrator**Sports Dispute Resolution Centre of Canada**

- Mediate/arbitrate issues concerning team selection, funding of athletes, doping, and governance for Canada's Olympic and National Teams.

2005 – 2017***Alternate Discrimination and Harassment Counsel*****Law Society of Upper Canada**

- This is a quasi-ombudsman role. In this role I assisted Complainants with their complaints about lawyers and paralegals in determining their options and assisting with resolution. This varied from informal resolution up to formal mediation. To be eligible for assistance a Claimant must have experienced discrimination or harassment as defined under the Human Rights Code or the Charter of Rights. Many of the cases involved workplace issues.

1999 – Present***Roster Mediator******Ontario Superior Court of Justice Mandatory Mediation Program*****Ottawa and Toronto**

- Successfully resolved claims involving employment, insurance, personal injury, motor vehicle accidents, disability insurance, life insurance, professional misconduct, medical malpractice, wrongful dismissal, breach of contract, commercial law, human rights, harassment, libel banking, estate issues, environmental issues, collective agreements public policy.

2007 – 2009***Counsel*****The Cornwall Public Inquiry**

- Counsel for the Men's Project at The Cornwall Public Inquiry into historical sexual abuse.

1988 – 1997***Professor*****University of Ottawa, Faculty of Law**

- Professor for nine years at the University of Ottawa, Faculty of Law with responsibility for directing the bilingual legal aid clinical program. Under my direction, the clinic developed new initiatives to deliver legal services to people living with HIV/AIDS, the aboriginal community and women who were living in abusive relationships.

1985 - 1987***Counsel*****Tungavik Federation of Nunavut**

- Counsel to the Tungavik Federation of Nunavut, which represented the Inuit in Canada's largest land claim. Acted as one of the lead negotiators for this land claims negotiation. Precedent setting agreements were concluded concerning wildlife management, eligibility and enrolment, employment, resource sharing, water rights, and the first draft agreement to divide the Northwest Territories in two, to create Nunavut. Met with representatives of government, including cabinet ministers, to obtain changes in government policy. Participated in the First Ministers Conferences to obtain amendments to the Canadian Constitution concerning the aboriginal right of self-government. Provided legal advice to the TFN Board of Directors.

OTHER PROFESSIONAL EXPERIENCE

Roster Mediator

- Past Roster Mediator for The Canadian Human Rights Commission, the Ministry of Natural Resources Resource Stewardship Agreement ADR Program, the Professional Engineers of Ontario and Independent Complaint Facilitator for Community Care Access Centres.

Instructor

- Taught the alternative dispute resolution and negotiation courses for the Law Society of Upper Canada Bar Admissions Course. Taught the negotiation and the advanced alternative dispute resolution courses for the Canadian International Institute of Applied Negotiations. Provided dispute resolution training for law students, public school students, a public service union and community groups. Taught "Introduction to Technical and Legal Aspects of Conflict Resolution" at St. Paul University.

Facilitator

- Facilitated meetings concerning public policy for various government departments, unions and environmental groups.

Trainer

- Trained the Information Commissioners for the Cayman Islands and Bermuda in mediation techniques in 2016.

PUBLICATIONS

May 14, 2021 Mediating Workplace Complaints Prior To Investigations

<https://cba.org/Sections/Dispute-Resolution/Member-Articles/Mediating-workplace-complaints-prior-to-investigations>

December 2, 2018

Bennett, David. Independent Review of Coaching Culture for Wrestling Canada Lutte.

<https://wrestling.ca/wp-content/uploads/2018/12/FINAL-WCL-Report-for-Release-December-2-2018.pdf>

April 29, 2008

Bennett, David. "An Ombudsman for Survivors of Sexual Abuse. "(How would it work)" Cornwall Pubic Inquiry, Phase 2 Research and Policy Paper.

http://cornwallinquiry.ca/en/healing/research/pdf/Ombudsman_FinalReport.pdf

October 2007

Bennett, David. "Representation in Mediation" In the Neutral Zone. Sports Dispute Resolution Centre of Canada.

http://www.crdsc-sdrcc.ca/documents/eng/newsletter08_e.pdf

COMPREHENSIVE TRAINING

Mediation and dispute resolution training from Harvard Law School.

OTHER RELATED EXPERIENCE

- Member of Regional Committee to determine who receives designation of Chartered Mediator for the ADR Institute of Canada.
- Drafted legal opinion and provided advice to the World Council of Indigenous People for proposed changes to their international charter, which was written in Spanish.
- Experience working in multicultural settings, including position as a Community Legal Worker at the Centre for Spanish-Speaking Peoples in Toronto, and volunteering at the Centro De Investigacion Y Educacion Popular in Bogota, Colombia.