



## Pierre J. Dalphond, FCI Arb

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The Honourable Pierre Dalphond is a senior counsel in the Litigation & Dispute Resolution Group. He is a certified arbitrator, an accredited mediator, a visiting professor in law and a former senior judge of the Quebec Court of Appeal. His practice focuses on acting as a mediator and arbitrator and providing strategic advice in all areas of law. He conducts also internal investigations, provides neutral evaluations and acts as expert on Quebec Law in foreign proceedings.

He was mentioned in various publications as one of the best judges in Canada, including Lexpert's *Supreme Court of Canada Survey*.

### Accolades

- *The Best Lawyers in Canada 2018* in Corporate and Commercial Litigation and International Commercial Arbitration.
- *Who's Who Legal: Canada 2017* in Arbitration.
- *The Canadian Legal Lexpert Directory 2017* as a lawyer "repeatedly recommended" in international commercial arbitration.
- *Martindale-Hubbell Peer Review* Rated AV Preeminent®, the highest level of professional ranking.

### Representative Work since 2015

- Appointed sole arbitrator, co-arbitrator or chair in connection with over 30 domestic and international disputes in connection with complex construction projects, expropriation of a mining investment, demobilization of a nuclear plant, termination of electricity production contract, distribution agreements, franchise-franchisor disputes, airport operating agreements, shareholders' agreements, termination of partnership, etc.
- Presided successfully mediations in connection with M&A, shareholders' agreements and commercial and civil disputes ranging from \$1.5 M to \$400 M.
- Conducted internal investigations, including one that attracted media attention and lead to criminal proceedings.

### Publications (selection)

- "L'arbitrage" (a comprehensive review of the new legal provisions regarding domestic and international arbitration in Quebec and the enforcement of foreign awards), *Le Grand Collectif - code de procédure civile: commentaires et annotations*, Yvon Blais Ed., Montréal, October 2015, May 2017 (2<sup>nd</sup> ed.) and June 2018 (3<sup>rd</sup> ed.).

- "Québec's new Code of Civil Procedure: a major boost for private mediation and arbitration", *IBA Arbitration News*, vol. 20 no. 2, September 2015.
- "Obligations owed when assessing tenders & the power to vary the works: a Quebec civil law perspective", *Canadian College of Construction Lawyers*, Halifax, May 2010.

## Speaking Engagements

- "L'arbitrage menace-t-il le rôle des tribunaux et l'évolution du droit », conference at Université de Montréal, February 28, 2018;
- Speaker at the annual meeting of the Advocates Society, Nashville, November 4, 2017;
- "The Art of Judging: some tips from an arbitrator", conference to Canadian judges organized by the National Judicial Institute, Toronto, October 24, 2017;
- "L'autorisation d'une action collective : étape nécessaire? L'expérience australienne", Canadian Bar Association, Montréal, February 17, 2017.
- "L'arbitrage au Québec", Young Bar of Montréal, Montréal, February 1, 2017.
- "Suggestions pour une meilleure gestion de l'arbitrage", Conférence des arbitres du Québec Annual Meeting, Mont St-Hilaire, October 2016.
- "Évaluer la crédibilité", Conférence des arbitres du Québec Annual Meeting, Mont St-Hilaire, October 2016.
- "Use of Discretion in Arbitration", ICC-Canada Annual Meeting, Toronto, October 2016 (speaker and panelist).
- "Commissions d'enquête publique : cadre légal, mandats et risques inhérents", Université de Montréal Conference, November 2015.
- "Le nouveau droit de l'arbitrage au Québec" (the new provisions regarding arbitration in Quebec and enforcement of foreign awards), *Le grand collectif*, Éditions Yvon Blais, Montréal and Quebec City, November 2015.
- "Regard comparé sur le succès de l'action collective à travers le monde", Quebec Comparative Law Society Annual Meeting Conference, Montréal, May 2015.
- "Suggestions pour une meilleure gestion de l'arbitrage" and "Assessing Credibility", Annual Meeting of Conférence des arbitres du Québec Conferences, Montréal, October 2016.
- "Dispute Resolution: Managing Cross-Border M&A Disputes for Effective Resolution and Enforcement", The American Bar Association (ABA) Business Law Section's Spring Meeting Conference, Montréal, April 2016.
- "Future of class, collective and mass arbitrations", ICC Institute of World Business Law Annual Meeting, Paris, November 2015.
- "The *Magna Carta* and its impact here", IJC-Canada Conference, Montréal, November 2015.
- "Group Actions Around the World", IBA Annual Litigation Group Forum, Paris, April 2015.

- “La transformation de la profession : impact sur vous et moi”, Université de Sherbrooke speech, March 2015.
- “La lutte au blanchiment d’argent”, Université Laval Conference opening speech, May 2014.
- “Class action in Quebec”, Canadian Institute of Contemporary Jewish Law and Ethics Conference, Montréal, December 2013.
- “Sitting in Panels”, conference for judges sitting in panels on how to work successfully in collegiality, Montréal, December 2013.
- “Managing cases”, conference for Quebec trial judges, Magog, October 2013.
- “The Canadian Legal System”, conference for judges, academics and students, Florianopolis, Brazil, April 2013.

## **Professional Activities**

Pierre is a Fellow of the Chartered Institute of Arbitrators, a member of the Court of Arbitration for Sport, a NAFTA ch.19 arbitrator (appointed by Canada), a certified mediator by the Quebec Bar, an ICDR Canada/AAA mediator and arbitrator, a Member Arbitrator at Arbitration Place (Toronto) and an ICC Canada arbitrator.

He is also a member of the ICC Institute of World Business Law, the LCIA North American Users’ Council and the International Bar Association.

He is a Director of the Québec Society of Comparative Law and of the International Jurist Commission – Canada and a faculty member of the Philippe Kirsch Institute (an organization devoted to promoting international law).

He acts regularly as an arbitrator in arbitration moots, including the Vis Moot in Vienna.

## **Background**

Pierre was awarded the "Honourable" title for life in 2014. He was also awarded outstanding Graduate of the Université de Montréal in 2003, received the Queen Elizabeth II Golden Jubilee Medal in 2002, made the Dean's list in 1978, received the Carswell award in Constitutional Law in 1977, and received the Governor General Medal in 1972.

Very involved in legal education, he regularly gives conferences in Canada and abroad (over a hundred in the past ten years, in Canada, the United-States, China, Brazil, France, Rwanda and Kenya). He also organizes training programs for lawyers or judges and chairs many contests for students and young lawyers. He also teaches domestic and international commercial arbitration at the Faculty of Law of Université de Montréal.

On the bench, from 1995 to 2014, he wrote about 1,500 judgments in French or in English, including leading decisions in constitutional law, class actions, insurance, construction contracts, commercial law, corporate law, securities, banking and insolvency cases.

Before being named trial judge in 1995, at age 41, he was a partner in another Canada-wide law firm. His practice focused on investments in Canada, power supply contracts (electricity, gas, steam), oil and gas distribution, plant construction as well as private financing and complex joint ventures and acquisitions.

Prior to that, he served as a clerk for a Justice of the Supreme Court of Canada and worked as a Legislative Advisor at the Privy Council in Ottawa.

## **Education**

Chartered Institute of Arbitrators (Diploma in International Arbitration 2016)

Oxford University (M. Phil. in Philosophy, Law and Politics 1982)

Dalhousie University (Certificate in Common Law 1978)

Université de Montréal (LL.L., Minor in Chemistry 1978)

## **Bar Admission**

Québec, 1979