

William G. Horton

INDEPENDENT ARBITRATOR



William G. Horton Corporation
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General Practice Description

Bill Horton practices as an arbitrator of Canadian and international business disputes. He has been appointed tribunal chair, sole arbitrator and party nominee in over one hundred substantial cases, involving, among other subjects, nuclear facilities, telecom, satellite and wireless industry disputes, government privatization contracts, aircraft engines, national advertising campaigns, cross border distribution agreements, energy sector rate renewals, oil and gas royalty disputes, alternative energy projects, software licensing and other intellectual property, sale of a business, professional associations and shareholder agreements. He has served in both ad hoc and institutional arbitrations.

Prior to establishing his current practice, Bill appeared as lead counsel before all levels of courts up to and including the Supreme Court of Canada. He successfully represented clients in significant cases involving business and corporate disputes, fraud, lender liability, international banking disputes, litigation arising from major insolvencies and reorganizations, fiduciary duty and good faith obligations, directors and officers liability, professional liability, insurance and reinsurance disputes, competition offences, defamation, shareholder disputes, class actions and injunctive remedies.

Professional Recognitions

Euromoney

- Guide to the World's Leading Experts in Commercial Arbitration
- 2014 Shortlist for Canadian Arbitrator of the Year

Chambers Global

- "Leaders in Their Field" for Arbitration (Canada)

Canadian Legal Lexpert Directory

- International Commercial Arbitration (Most Frequently Recommended)

Lexpert/American Lawyer

- Guide to the Leading 500 Lawyers in Canada (International Arbitration and, until 2013, Commercial Litigation)
- Guide to Leading US/Canada Cross Border Lawyers (International Arbitration)

Best Lawyers in Canada

- International Arbitration
- Alternative Dispute Resolution
- 2016 International Arbitration “Lawyer of the Year” for Toronto
- 2015 Toronto Alternative Dispute Resolution Lawyer of the Year
- 2014 Best Toronto ADR Lawyer
- 2012 Toronto International Arbitration Lawyer of the Year

Who’s Who Legal

- Listed as a leading expert for Arbitration in Canada

The International Who’s Who of Business Lawyers, 2006 and 2007

- Ten Most Highly Regarded Individuals (Global) in the field of commercial litigation: “As in previous years, William Horton is the country’s most highly nominated litigator. Academically strong and tremendous in the courtroom.”

ADR Institute of Canada, September 23, 2010

- Lionel J. McGowan Award for Excellence in Dispute Resolution

Practice Areas and Highlights

Representative Arbitration Appointments (as Chair of tribunal, sole arbitrator or party nominee)

- Oil and gas royalty dispute
- Transportation tariff dispute
- International pharmaceutical supply dispute
- Sale of a business (travel industry, forest products industry, food industry, energy project, insurance brokerage)
- Dispute re agreement relating to licensing of wireless technology
- Termination of a telecom interconnect agreement
- Investor/state dispute regarding a telecom investment
- Energy sector rate renewals (pipeline and marine terminal facilities)
- Dispute re geothermal energy supply agreement
- Wind farm dispute
- Termination of government contracts
- Dispute re privatization of government businesses (federal, provincial)
- Dispute re lease of a nuclear facility
- Dispute re production of nuclear medicines
- Disputes re national advertising campaigns
- Commercial lease disputes and ground lease rent renewals
- Shareholder disputes (disputed winding up, sale of a business, oppression remedy)
- Patent dispute (agricultural product)
- Termination of international distribution and licensing agreements (clothing industry, auto parts, health foods, construction products)
- Professional partnership disputes (medical and accounting)

- Insurance coverage disputes (D & O insurance, satellite outage)
- Software license disputes
- Sale of goods and services (jet engines, chemical agents, construction products, computer services, transportation of large objects)
- Valuation of real estate

Representative Mediation Appointments (Prior to current exclusive focus on arbitration)

- Shareholder disputes
- Partnership disputes
- Environmental disputes
- Resource company/First Nation negotiation
- International pharmaceutical supply dispute
- Family business (construction products, auction business, manufacturing)
- Goods and services (alternative energy systems, aircraft retrofit, power supply, transport, media/public relations)
- Construction projects (nuclear facility, major public health facility, infrastructure, condominium)
- Disputes re commercial leases
- Investment dispute (micro energy project)
- Supply agreement (securities industry)
- Insurance disputes (D & O insurance, commercial liability)
- Commercial debt
- Class actions (product liability, securities)
- Sale of land
- Professional liability (accounting, legal, investment advice)

Representative Counsel Work (Prior to current exclusive focus on arbitration)

- Strategized and ran Cayman Island proceedings in Government of Ontario litigation relating to Crown Trust and other trust companies involved in impugned mortgage transactions
- Served as outside counsel to the Security Intelligence Review Committee
- Represented one of the two major creditors in extensive litigation relating to and arising out of the insolvency and restructuring of Olympia & York
- Represented the Michigan Commissioner of Insurance in extensive litigation relating to the winding up of Confederation Life Insurance Company
- Represented the government of Trinidad and Tobago in successful proceedings to recover corrupt payments made under a former regime
- Represented land owners in a successful lawsuit against the Government of Ontario establishing the historic boundary between their land and a navigable body of water
- Represented the Federation of Law Societies of Canada in successful proceedings to challenge the constitutional validity of money laundering legislation related to the legal profession
- Represented key outside directors of Canadian Commercial Bank in proceedings arising from the insolvency of that Bank and co-operatively strategized global resolution of the litigation
- Represented both the Chairman and CEO of Leigh Instruments in litigation arising from the insolvency of that company resulting in the claim being withdrawn prior to a lengthy trial

- Represented a major concession company in recovering substantial damages from the Toronto Blue Jays Baseball Club and Sky Dome Corporation for wrongful termination of stadium concession contract
- Represented reinsurance captives of two major corporations in legal disputes arising from the insolvency of Cardinal Insurance
- Represented Chiefs of Ontario (the coordinating body for First Nations in Ontario) at the Public Inquiry into the shooting death of Dudley George
- Represented and advised the CFO of a major public corporation with respect to an Ontario Securities Commission investigation, resulting in the investigation and proceedings related thereto being dropped
- Represented an Italian telecom company in successfully enforcing an international arbitration award resulting in a leading court decision on the subject
- Represented defendant in the first class action trial in Ontario
- Successfully resisted certification of class action relating to marketing of mortgages by a major bank
- Represented a major accounting firm in obtaining the dismissal of a professional negligence action
- Successfully represented a major forest products company in a significant cost sharing dispute relating to environmental measures
- Advised various corporations with respect to the Foreign Extraterritorial Measures Act
- Defended class actions re credit card cash advances and pension rights on sale of a business
- Defended indemnity claim re sale of a national life insurance business
- Represented co-generation facility host against the operator of the facility regarding issues of force majeure and economic dispatch
- Represented and advised senior officers of public companies re claims and potential claims

Professional Qualifications

- Called to the Bar: Ontario, Canada 1976
- Other calls to the Bar (not current): Alberta, New Brunswick
- Bachelor of Laws (First Class Honours): Osgoode Hall Law School 1974
- Bachelor of Arts: Victoria College, University of Toronto 1971
- Chartered Institute of Arbitrators: Fellowship course, Berlin 1996
- FCI Arb: Chartered Institute of Arbitrators 1997
- University of Windsor: ADR Workshop 2001
- Harvard Law School/PIL: Mediation Workshop, 2004
- ICDR International Symposium in Advanced Case Management Issues, 2007
- Chartered Arbitrator: ADR Institute of Canada, 2009
- ICC Institute Master Class for Arbitrators, Paris, June, 2009
- ADR Institute Course on Practical Ethics for Mediators, December 2012
- Independent Electrical System Operator Arbitration Panel: Training and Orientation, Toronto Canada, April 28, 2015
- An Introduction to ICSID Process: Training by ICSID Secretary General and ICSID Staff, Ottawa, Canada, May 4, 2015
- Master Class Investment Arbitration Course, Association for International Arbitration, Brussels, September, 2015

Law Firms

- Blakes LLP (partner 2000-2006)
- McMillan LLP (articling student and associate 1974-1978; partner 1982-2000)
- Laskin, Jack, Horton & Harris (partner 1978-1982)
- (Served terms as head of litigation at McMillan LLP and Blakes LLP)

Professional Associations

- Chartered Institute of Arbitrators (Fellow)
- CPR Institute for Dispute Prevention and Resolution (member Panel of Distinguished Neutrals)
- American Arbitration Association / International Center for Dispute Resolution (Panel Member)
- ICC (former member: ICC Commission, Canadian Nominating Committee and Canadian Executive Committee)
- NAFTA 2022 Committee (former member and Co-Chair of Task Force on Forms of Arbitration Agreement in the NAFTA Region)
- CIETAC (China International Economic Trade and Arbitration Commission) (Member: Panel of Arbitrators)
- SIETAC (Shanghai International Economic Trade and Arbitration Commission) (Member: Panel of Arbitrators)
- ADR Institute of Canada (Chartered Arbitrator, member Training Task Force, current Editor in Chief of the *Canadian Arbitration and Mediation Journal*)
- Arbitration Roundtable of Toronto (Founding Member)
- Toronto Commercial Arbitration Society (Founding Member, Course Director of the TCAS Gold Standard Commercial Arbitration Course, Chair: Arbitration Act Reform Committee)
- International Bar Association (past chair of the International Litigation Committee of the Section on Business Law)
- Osgoode Hall Law School (assistant instructor in LLM and JD programs, former lecturer in civil procedure)
- ADR Chambers (Former member and former Co-Chair ADR Chambers Commercial and International Panels)
- Uniform Law Conference of Canada (member Core Group Arbitration Legislation Advisory Board)
- The Law Society of Upper Canada (barrister and solicitor, former counsel to Complaints Review Committee, drafted by-law permitting foreign counsel to appear in international arbitrations in Ontario, currently non-practicing status)
- Public Accountants Council (Former Part-time Council Member)
- University of Toronto (Member of the first Advisory Board for the Diploma in Forensic Accounting, lecturer and evaluator for the Diploma in Forensic Accounting Program)
- The Advocates' Society (former director, speaker at numerous conferences)
- International Law Association (former Director, Canadian Branch; Program Co-Chair 2006 Biennial Conference)
- Ontario Bar Association (member, former member editorial board "Briefly Speaking"))
- American Bar Association (member)

- Association for International Arbitration (Member)
- Canada/US Detroit-Windsor Bridge Project (Arbitration Panel Member)
- Ontario Independent Electricity System Operator (Arbitration Panel Member)

Speaking Engagements

Panel Chair – “Emergency Arbitrators and the Courts: Where Should Parties Seek Interim Measures?”, Fordham International Arbitration and Mediation Conference, New York, October 14, 2016.

Panelist – “Appeals, Dissents and Judicial Reviews”, ADRIC Annual Conference, Toronto, Ontario October 13, 2016.

Panelist - "The International Arbitrator's Point of View", Conference on International Commercial Arbitration, Practising Law Institute, New York, June 10, 2016

Panelist: “Integrity of the Arbitration Process”, Conference on International Arbitration, Vancouver, October 22-23, 2015

Speaker: “Practical Tips on Written Advocacy and Cross-Examination Skills”, Young Canadian Arbitration Practitioners 2015 Fall Symposium, International Arbitration Advocacy Workshop, Vancouver, October 22, 2015

Panelist: “The View from the Arbitrators/Decision Makers”, Advocates’ Society, Toronto, October 7, 2015

Panelist: “Experiences on Enforcement of Judgments and Awards in the NAFTA Region”, NAFTA 2022 Conference of the Advisory Committee on Private Commercial Disputes, Mexico City, August 27-29, 2015

Speaker: “International Arbitration Basics: A Comparative View”, International Association of Defence Counsel, Annual Conference, Colorado Springs, July 9, 2015

Speaker: “International Arbitration Hearings”, Advocates’ Society, Civil Justice Symposium, Toronto, January 28, 2015

Panelist: “Meet the Canadian Arbitrators”, Western Law School, London, Ontario, January 20, 2014

Speaker: “Resolving Differences in Damages Claimed”, Canadian Institute of Chartered Business Valuators Annual Conference, Ottawa, June 20, 2013

Panel Chair and Speaker: “Ethics in Arbitration”, Western Canadian Arbitration Society Annual Conference, Calgary, May 14, 2013

Lecture: “Ad Hoc Arbitration”, Osgoode Hall Law School course on International Arbitration, Toronto, January 25, 2013

Panelist: “The Use of ADR Mechanisms in the NAFTA Region,”. NAFTA 2022 Committee Conference, Puebla, Mexico, October 30, 2012

Speaker: "Report on the *Cargill v Mexico* decision of the Ontario Court of Appeal", NAFTA 2022 Committee Conference, Puebla, Mexico, October 29, 2012

Chair: Panel Discussion on "International Dispute Resolution – Trends and Developments", ADR Institute National Conference, Halifax, October 25, 2012

Organizer of International Speakers Dinner with Kathy Bryan, CEO of CPR Institute for Dispute Prevention and Resolution, hosted by the University Club of Toronto on October 2, 2012

Panelist: "Settlement Negotiation 360", Canadian Institute Class Action Forum, Toronto, September 21, 2012

Organizer and Co-Chair: Arbitration Ethics Conference simultaneously and interactively conducted in Vancouver, Calgary, Toronto, Ottawa and Montreal on June 7, 2012. Chaired panel discussion on "Financial Issues in Arbitration"

Organizer of International Speakers Series Dinner with Peter Rees QC, global Legal Director of Shell Oil, hosted by University Club of Toronto and Ranchmen's Club of Calgary, May 8 and 9, 2012

Speaker: "Using Arbitration and Mediation to Settle Class Actions", Canadian Institute Class Actions Boot Camp, Toronto, April 19, 2012

Speaker: "Tribute to Brian Wheatley and Glenn MacPherson", Roger Fisher Lifetime Award, Toronto, April 4, 2012

Panelist: "The View from the Arbitrators", Advocates' Society, Toronto, March 27, 2012

Speaker: "Mediation and Arbitration in Commercial Disputes", Certified General Accountants Conference, Toronto, March 20, 2012

Speaker: "*Ad Hoc* Arbitration: Thoughts Tips and Trial Balloons", Canadian Centre for Environmental Arbitration and Mediation, Toronto, January 20, 2012

Speaker: "*Ad hoc* arbitration: should you commit yourself to an institution?", Osgoode Hall Law School Intensive Arbitration Program, Toronto, December 7, 2011

Panelist: "Effective Mediation Briefs and Tactics", Federation of Asian Canadian Lawyers Annual Conference, Toronto, November 12, 2011

Panelist: "Strategies and Best Practices for the Early Resolution of Insurance Coverage Disputes", Osgoode Hall Law School Professional Development Program on Commercial Insurance Law and Coverage Disputes, Toronto, November 3, 2011

Moderator and Panelist: "New Procedural Rules for International Commercial Arbitrations", ADR Institute of Canada Annual Conference, Vancouver, October 27, 2011

Organizer of International Speakers Dinner with Lord Collins of the UK Supreme Court hosted by the University Club of Toronto, October 20, 2011

Moderator: "The Public Interest and Investor State Arbitration", ICC Canada Conference, Ottawa, October 14, 2011

Panelist: "Settlement Think Tank: Planning, Negotiating and Structuring Complex Class Action Settlements", Canadian Institute Conference on Class Actions Litigation, Toronto, September 21, 2011

Speaker: "Arbitration Town Hall on ad hoc Commercial Arbitration", ASAP Arbitrator of the Month Series, Toronto, September 20, 2011

Panel Chair: "The Art (& Science) of Arbitration", Annual Conference of the ADR Institute of Ontario, Toronto, June 16, 2011

Panelist: "The New Battlefield: How Settlement is Transforming the Practice of Law", Toronto Lawyers Association 125th Anniversary Conference, Toronto, May 6, 2010

Panelist: "Regulating Attorney Conduct in Arbitration: The Search for Transnational Ethical Standards", American Bar Association Spring Meeting, New York City, April 16, 2010

Panelist: "Practical Tips from Leading International Arbitrators", International Arbitration 2010 Conference of the Practising Law Institute, New York City, March 23, 2010

Speaker: "Ontario Model of Contingency Fees", Herbert Smith Seminar on "Civil Litigation Costs: the final report of Lord Justice Jackson", London, England, February 11, 2010

Speaker: "Improving Efficiency in Arbitration", Annual Conference of ADR Institute of Canada, Gatineau, Quebec, October 23, 2009

Co-Chair: "Managing International Risk Through Commercial and Investment Treaty Arbitration", Conference of the Arbitration Committee of the Canadian Chamber of Commerce, Toronto, October 16, 2009

Panel Chair: "Canada and the United States: A Comparison of Trends in Arbitration Practice", Conference of the Arbitration Committee of the Canadian Chamber of Commerce, Toronto, October 16, 2009

Speaker: "International Dispute Resolution Mechanisms", Federated Press Conference on International Joint Ventures, Toronto, December 2008

Panelist: "Recent Jurisprudence Affecting Domestic/International Arbitration", Western Canada Arbitrators Round Table, Calgary, May 13, 2009

Counsel in Mock Arbitration: "Lessons from International Commercial Arbitration", International Association of Procedure Law Conference 2009, Toronto, June, 2009

Speaker: "Resolution of Commercial Disputes", Insight Conference: 3rd Annual In-House Counsel Forum, Toronto, February 26-27, 2009

Speaker: "Dispute Resolution for International Transactions", Federated Press Conference on International Joint Ventures, Toronto, December 9, 2008

Speaker: "Judicial Contributions to Arbitration and Mediation – An Analysis of Cases", ADR Institute of Canada Annual Conference, Montreal, October 17, 2008

Speaker: "Enforcement of Arbitration Awards", Arbitration Roundtable of Toronto Seminar: An Arbitration Primer for Corporate Counsel and Business Lawyers, Toronto, October 8, 2008

Panel Chair: "Building Effective Business Relationships", a discussion examining business relationships through the lens of culture, sustainability and indigenous relations, NAFTA 2022 Committee Conference, Vancouver, April 2008

Lecturer: "Canadian Legal Culture and the Common Law", University of Notre Dame de la Paix, Namur, Belgium, March 11, 2008

Publications

(Papers with * may be viewed full text and downloaded on website)

* Author – “Arbitration at the Crossroads: the Supreme Court of Canada will choose the way”, The Lawyers Weekly, October 28, 2016

* Author - "Ontario Court of Appeal Supports Sattva", The Lawyers Weekly, June 17, 2016

* Author - "Arbitration Appointments Made Easy" ADR Perspectives, ADR Institute of Canada, December 2015

* Author: “Emergency Relief in Arbitration” The Lawyer’s Weekly, October 30, 2015

* Author: "To Achieve Equity, Apply the Law" The Lawyer's Weekly, June 19, 2015

* Author: "International Arbitrations: Short and Sweet" The Lawyers Weekly, February 13, 2015

* Author: "On Appeals, The Provinces Differ" The Lawyers Weekly, December 12, 2014

* Co-Author: "Case Comment on Sattva Capital v. Creston Moly Corp [2014] S.C.J. No 53" Lawyers Weekly, September 19, 2014

* Author: "The Jurisdiction of Tribunals to Control Counsel Conduct" Canadian Mediation and Arbitration Journal, Vol 22, No 1, Summer 2013

* Author: "Correctness and deference in the review of arbitral jurisdiction: Mexico v. Cargill" The Advocates’ Journal, Summer 2013

* Author: "Paring Back Procedural Wrangling – an alternative to meta-disputes" Lawyers Weekly, June 14, 2013

* Author: "Arbitration and the Rules of Evidence" Lawyers Weekly, March 29, 2013

* Author: [“Oral Advocacy in International Arbitration”](#), Lawyers Weekly, June 15, 2012

* Author: [“Arbitration and the Development of the Law”](#), Lawyers Weekly, September 14, 2012

* Author: [“Confidentiality in Canadian Litigation”](#), Chapter 4, *Privilege and Confidentiality: An International Handbook (2nd ed.)*, Greenwald and Russenberger (eds), International Bar Association, 2012

* Author: [“Advocacy in Arbitration”](#), Canadian Arbitration and Mediation Journal, December 20, 2012

* Author: [“Discovery in International Arbitration”](#), Canadian Arbitration and Mediation Journal, Spring 2011

* Author: [“Enforcing Arbitration Agreements Against Non-signatory Parties”](#), The Lawyers Weekly, February 11, 2011

* Author: [“The Dark Art of Cross-Examination”](#), The Lawyers Weekly, Sept 17, 2010

* Author: [“Neutrality of Party-Appointed Arbitrators: Myth or Reality?”](#) The Lawyers Weekly, April 2, 2010

* Co-Rapporteur with Guido Cravetto: [“International Dispute Resolution and Enforcement – A Comparative Analysis of WTO, VIT, ICC and Domestic Dispute Resolution”](#), International Bar Association, International Litigation Newsletter, April, 2009

- *Author: [“Arbitration: Don’t Think of it as an Alternative to Litigation”](#), The Lawyers Weekly, April 3, 2009
- *Author: [“The Enforcement of Dispute Resolution Clauses”](#), Arbitration Committee Newsletter, International Bar Association, March 2008 (Report on Opening Session of the Arbitration Committee in Singapore, October 15, 2007)
- *Author: [“Litigation or Arbitration: Alternative Routes to Justice”](#), The Lawyers Weekly, March 28, 2008
- *Co-Author: [“Liability of Directors and Officers in Canada”](#) by William G. Horton, Martha Cook and Dera J. Nevin, published by Yorkhill Law Publishing, 2007
- * Author: [“Low Threshold Set for Court Appeals of Arbitration Awards”](#), The Lawyers Weekly, September 14, 2007
- * Co-Author: [“Expert Witness Evidence in Civil Cases”](#), presented at the Fourth Annual Conference on Evidence Law, Osgoode Hall Law School, Toronto, September 19-20, 2007 (updated version of paper previously published in the Advocates Quarterly, 2004, v. 29 p. 153)
- *Author: [“Experts: a View from the Trenches”](#), presented at the Law Society of Upper Canada Conference on Advanced Commercial Arbitration, April 30, 2007. Subsequently published in the IBA Academics and Professional Development Newsletter, September 2007
- *Author: [“How to Draft Effective Arbitration Clauses”](#), The Lawyers Weekly, March 30, 2007
- *Author: [“The Admissibility of Evidence Based on Novel Science”](#), The Advocates’ Quarterly, Vol. 31. p. 469, 2006
- *Author: [“Directors’ liability and the individual assessment of fault”](#) (formerly titled: “Differential Liability: What is a Director to Do?”), The Advocates’ Society Journal, December 2006. Presented at conference on Threats and Opportunities: Litigating under the OBCA/CBCA, Ontario Bar Association, Toronto, May 1, 2006
- *Author: [“Canadian Arbitration Jurisprudence: An Update”](#), IBA Legal Practice Division Arbitration Committee Newsletter, Vol.11, No. 2, p.7, September 2006
- Co-author: “Canada Chapter, The International Comparative Legal Guide to: International Arbitration 2006” (this article first appeared in the 2006 edition of The International Comparative Legal Guide to: International Arbitration, published and reproduced with kind permission by Global Legal Group Ltd., London), p. 79-85, 2006
- *Author: [“The Freedom to Draft your own Procedures in Arbitration has Limits”](#), The Lawyers Weekly, Vol. 25, No. 44, p. 11, March 31, 2006
- Author: “Computer-Based Forensic Investigations”, Blakes Bulletin on Litigation, May 2005
- Co-author: “Confidentiality in Canadian Litigation”, The Advocates’ Quarterly, Vol. 29, No. 4, p. 381, March 2005
- Co-author: “The Use of Expert Witness Evidence in Civil Cases”, The Advocates’ Quarterly, Vol. 29, No. 2, p. 153, October 2004
- *Author: [“Scalability in Arbitration: Make the Rules Fit the Ruckus”](#), The Lawyers Weekly, September 10, 2004

*Author: "[What I Want From the Court of Appeal](#)", The Advocates' Society Journal, p. 3, September 2004