Toronto Commercial Arbitration Society  
Gold Standard© Course in Commercial Arbitration  
2017/2018 Course Outline  
Toronto: Arbitration Place, 333 Bay Street, Suite 900  
Ottawa: Arbitration Place, World Exchange Plaza, 100 Queen Street, Suite 940

* Suggested attendance in Toronto for those registered in Ottawa  
# Video Only Session – attendance not required

*SESSION 1. INTRODUCTORY SESSION, (Bill Horton, Brian Casey, David McCutcheon)  
Saturday, September 16, 2017, 9 a.m. to 1 p.m.

- The Idea of Arbitration  
- How it Differs from Other Forms of Dispute Resolution  
- Benefits and Objectives of Arbitration  
- Contexts in Which Arbitration is Used  
- Ontario Legislation Relating to Arbitration  
- Important International Instruments relating to Arbitration  
- Introduction to Institutional Rules  
- (Video Supplement: “Arbitration the Quiet Triumph”, Stockholm Chamber of Commerce)

SESSION 2. ARBITRATION AGREEMENTS (Bill Horton, Joel Richler)  
Wednesday, September 27, 2017, 7 p.m. to 9 p.m.

- The Agreement to Arbitrate  
- Key Elements in Arbitration Agreements  
- Institutional Clauses  
- Ad Hoc Clauses

SESSION 3. TRIBUNAL FORMATION (Joel Richler, Duncan Glaholt)  
Wednesday, October 11, 2017, 7 p.m. to 9 p.m.

- Tribunal Formation  
- Arbitrator Qualifications
Options and issues in *ad hoc* arbitration
Provisions of the Arbitration Agreement
Practical Considerations when Tribunals are Formed
Financial arrangements
Arbitrator Interviews
Institutions and Appointing Authorities

**SESSION 4. DRAFTING AN ARBITRATION CLAUSE**  
Wednesday, October 25, 2017, 7 p.m. to 9 p.m.
- Exercise: Drafting an Arbitration clause

**SESSION 5. ARBITRATION ETHICS PART 1 (Louise Barrington/ Marc Goldstein/Bill Horton)**  
Wednesday, November 8, 2017, 7 p.m. to 9 p.m.
- Arbitrator Interviews
- Conflicts of Interest
- Disclosure Obligations
- Discussion of Scenarios

**SESSION 6. ARBITRATION PROCEDURE (PART 1) (Janet Walker/ Bill Horton/ Stephen Morrison)**  
Wednesday, November 22, 2017, 7 p.m. to 9 p.m.
- Sources of Procedural Rules
- International vs non-international procedure
- Procedural Options and Preferences
- First Procedural Meeting
- Procedural Order #1

*SESSION 7. ARBITRATION PROCEDURE (PART 2 Bill Horton/Joel Richler/Steve Morrison)*  
Wednesday, December 6, 2017, 7 p.m. to 9 p.m.
- Exercise: Mock First Procedural Meeting with the Tribunal
• Discussion of Mock Exercise

• (Video Supplement: Focus on International Arbitration: John Terry and John Judge)

SESSION 8. JURISDICTION (PART 1) (Earl Cherniak/Tom Heintzman)
Wednesday, December 13, 2017, 7 p.m. to 9 p.m.

• Jurisdictional Challenges
• Preliminary Motions to Determine Jurisdiction
• Motions to Stay Litigation in Favour of Arbitration

SESSION 9. JURISDICTION (PART 2)
Wednesday, January 10, 2018, 7 p.m. to 9 p.m.

• Exercise: Writing a Decision on Jurisdiction

SESSION 10. MOTIONS FOR EMERGENCY AND INTERIM RELIEF (JL McDougall/Stephanie Cohen)
Wednesday, January 24, 2018, 7 p.m. to 9 p.m.

• Interim Relief from the Courts
• Interim Relief from the tribunal
• Interim Relief from Emergency Arbitrator
• Procedures and Standards for the Granting of Interim Relief

SESSION 11. MOCK HEARING OF MOTION FOR PRELIMINARY RELIEF,
Wednesday, February 7, 2018, 7 p.m. to 9 p.m.

• Exercise: Arguing and Deciding a Motion for Interim Relief

SESSION 12. ARBITRATION ETHICS Part 2 (Sonia Bjorquist, Joel Richler and Bill Horton)
Wednesday, February 21, 2018, 7 p.m. to 9 p.m.

• Right to Practice as Counsel in Arbitrations
• Right to Practice as Arbitrator
• Legal Culture and Arbitration Ethics
• Right of the Tribunal to Control Counsel Conduct
• Cost sanctions for misconduct
• Insurance for Arbitration Practice
• Ethical Issues re Arbitrator Compensation

SESSION 13. ARBITRAL AWARDS (Brad Hanna and Bill Horton)
Wednesday, March 7, 2018, 7 p.m. to 9 p.m.
• Types of Awards and Decisions
• Formal Requirements of an award
• Substantive Requirements
• Fairness issues
• Dealing with Costs and Interest
• Tribunal Dynamics (Video Supplement: Hon. Ian Binnie, Stephen Morrison, Bill Horton)

SESSION 14. APPEALS FROM THE AWARD (Joel Richler/Alex Gay)
Wednesday, March 21, 2018, 7 p.m. to 9 p.m.
• Availability of an Appeal
• Scope of Appeal
• The Leave to Appeal Process (where applicable)
• Standard of Review on Appeal
• Appeal Outcomes
• Reform of Arbitration Appeals: a Broader Perspective

#SESSION 15. SETTING ASIDE AND ENFORCEMENT OF AWARDS (Bradley Berg and John Terry)
Wednesday, April 4, 2018, 7 p.m. to 9 p.m.
• International vs Non-International Awards
• Setting aside awards
• International Enforcement of Awards
• Enforcement of Awards within Canada

*Note: Initial materials for the Final Award Writing Exercise will be distributed on this date.*

#SESSION 16. **ADVOCACY IN INTERNATIONAL ARBITRATION** (Doug Jones, Peter Rees, Tom Webster, Bill Horton)
Wednesday, April 18, 2018, 7 p.m. to 9 p.m.

• How does effective advocacy differ in international and non-international arbitration
• Dealing with differences in legal culture
• Presentation of Evidence
• Cross-examination
• Proof of applicable law

*Note: Second set of materials for the Final Award Writing Exercise will be delivered on this date.*

#SESSION 17. **INVESTMENT ARBITRATION** (Matt Kronby/Robert Wisner)
Wednesday, May 2, 2018, 7 p.m. to 9 p.m.

• Introduction to Investor State Arbitration
• Key Obligations in Investment Treaties
• Criticism and Calls for Change

*Note: Final Material for the Final Award Writing Exercise will be delivered on this date and final awards will be due at 9 am on May 9, 2018.*

*SESSION 18. **CONCLUDING SESSION** (Bill Horton and Joel Richler)
Saturday, May 12, 2018, 9 a.m. to 1 p.m.

• Discussion of award writing exercise
• The Arbitration marketplace
• Development of an arbitration career