



**The Toronto Commercial Arbitration Society
Gold Standard© Course in Commercial Arbitration**

Faculty Members:

Douglas Harrison, FCIArb, Course Director
Prof. Joshua Karton, Q.Arb.
Megan Keenberg, C.S., C. Arb., Q.Med.
Lisa Munro, FCIArb, Q.Arb.

**2025-2026 COURSE OUTLINE
(With Faculty as of July 22, 2025)**

The course will be taught via Zoom in 2025-26.

Additional faculty may be added. Changes to faculty may be made based on availability.

Curriculum is subject to modifications prior to and during the course.

Gold Standard© is a course in commercial arbitration that meets, or – as with this course – exceeds, the requirements established by the ADR Institute of Canada for the Q.Arb designation.

SESSION 1	INTRODUCTORY SESSION (Harrison, Karton, Keenberg, Munro) Saturday, September 27, 2025, 11:00 a.m. to 3 p.m. Note: 4-hour class
	<ul style="list-style-type: none"> • Course structure, primary and guest faculty, topics that will and will not be covered, assignments and evaluation • The idea of arbitration • Historical development of arbitration • How commercial arbitration differs from other forms of dispute resolution and other forms of arbitration • Core concepts of arbitration law and practice • When and why parties choose arbitration • The Canadian legislative regime respecting arbitration • Important international instruments relating to arbitration • Institutional and <i>ad hoc</i> arbitration and the role of procedural rules

Video Supplement: “Arbitration the Quiet Triumph” (Stockholm Chamber of Commerce)

SESSION 2	ARBITRATION AGREEMENTS (Keenberg, Karton, Harrison) Wednesday, October 8, 2025, 6:15 p.m. to 8:30 p.m.
	<ul style="list-style-type: none"> • Fundamental elements of arbitration agreements (who, what, where, when) • Tailored features of arbitration agreements (how)

Video Supplement: “Investor-State Arbitration: Agreement by Treaty” (Prof. J. Karton)

Arbitration clause drafting exercise will be distributed on October 8. Due Wednesday, October 22, 2025. Exercise will be discussed at Session 5.

SESSION 3	TRIBUNAL FORMATION & ITS ETHICS (Harrison) Wednesday, October 15, 2025, 6:15 p.m. to 8:30 p.m.
	<ul style="list-style-type: none">• The importance of arbitrator selection• Arbitrator qualifications and qualities• Options and issues in <i>ad hoc</i> arbitration• Institutions and appointing authorities• Provisions of the arbitration agreement• Considerations for sole arbitrators and tribunal panels• Practical considerations when tribunals are formed (e.g., availability, financial arrangements, immunity)

SESSION 4	ARBITRATION ETHICS (Pt. 1) (Munro, Keenberg, Karton, Harrison) Wednesday, October 29, 2025, 6:15 p.m. to 8:30 p.m.
	<ul style="list-style-type: none">• Arbitrator interviews• Conflicts of interest• Disclosure• Small group discussions: Ethics scenarios

SESSION 5	ARBITRATION PROCEDURE (Pt. 1) (Keenberg) Wednesday, November 12, 2025, 6:15 p.m. to 8:30 p.m.
	<ul style="list-style-type: none">• Feedback and discussion of arbitration clause drafting exercise• Tailoring the procedure to the dispute: Procedural rules, options and preferences• The First Procedural Meeting Order #1

Materials for Mock First Procedural Meeting exercise will be distributed on November 12.

SESSION 6	ARBITRATION PROCEDURE (Pt. 2) (Keenberg, Harrison, Munro) Wednesday, November 19, 2025, 6:15 p.m. to 8:30 p.m.
	<ul style="list-style-type: none">• In-class Exercise: Mock First Procedural Meeting• Small group discussion of exercise• Demonstration: Master Class on First Procedural Meeting• Class discussion of demonstration

SESSION 7	JURISDICTION (Pt. 1) (Munro) Wednesday, December 3, 2025, 6:15 p.m. to 8:30 p.m.
	<ul style="list-style-type: none">• Jurisdictional challenges and grounds• Preliminary motions to determine jurisdiction• Overview of award writing

Materials for jurisdiction exercise will be distributed on December 3. Due Friday, December 19, 2025. Exercise will be discussed at Session 9.

SESSION 8	PRACTICAL ASPECTS OF ARBITRATION & CYBERSECURITY & DATA PROTECTION (Harrison, Keenberg, Munro, Karton) Wednesday, December 10, 2025, 6:15 p.m. to 8:30 p.m.
	<ul style="list-style-type: none">• Managing the process• Managing your practice• Insurance• Managing cybersecurity and data protection

SESSION 9	JURISDICTION (Pt. 2) (Munro) Wednesday, January 14, 2026, 6:15 p.m. to 8:30 p.m.
	<ul style="list-style-type: none">• Feedback and discussion on jurisdiction exercise• Motions to stay litigation in favour of arbitration• Court intervention in arbitrations

SESSION 10	MOTIONS FOR EMERGENCY & INTERIM RELIEF (Harrison) Wednesday, January 21, 2026, 6:15 p.m. to 8:30 p.m.
	<ul style="list-style-type: none">• Interim relief from the courts• Interim relief from the tribunal• Interim relief from an emergency arbitrator• Procedures and standards for the granting of interim relief• Drafting tips for interim relief awards

Materials for interim relief exercise will be distributed on January 20. Due Friday, January 30, 2026. Exercise will be discussed at Session 12.

SESSION 11	ARBITRATION ETHICS (Pt. 2) (Munro) Wednesday, February 4, 2026, 6:15 p.m. to 8:30 p.m.
	<ul style="list-style-type: none">• Right to appear as counsel in arbitrations• Right to practice as arbitrator• Legal culture and arbitration ethics in international arbitration• Right of the tribunal to control counsel conduct• Arbitrator authority to impose cost sanctions for misconduct• Cultural competency• Small group discussions: Ethics scenarios

SESSION 12	MOTIONS & AWARD WRITING (Munro, Keenberg, Karton, Harrison) Wednesday, February 18, 2026, 6:15 p.m. to 8:30 p.m.
	<ul style="list-style-type: none">• Feedback and Discussion of Interim Relief Exercise• Award writing

Final exam (open book, multiple choice) will be distributed on February 18 and must be submitted no later than 11 am ET on Saturday, April 25, 2026.

SESSION 13	THE HEARING (Harrison) Wednesday, March 4, 2026, 6:15 p.m. to 8:30 p.m.
	<ul style="list-style-type: none">• Material for the hearing• Schedule and time allocations (equality vs fairness)• Due process issues (adjournments, new evidence)• Rules of evidence (relevance, materiality, <i>Browne v Dunn</i>)• Privilege (applicable law issues)• Tribunal interactions and etiquette• Pre- and post-hearing submissions

Initial materials for the Final Award writing exercise will be distributed on March 4.

Video Supplement: Advocacy in International Arbitration (Jones, Webster, Rees, Horton)

SESSION 14	ARBITRAL AWARDS (Harrison) Wednesday, March 11, 2026, 6:15 p.m. to 8:30 p.m.
	<ul style="list-style-type: none">• Types of awards and decisions• Formal requirements of an award• Substantive requirements• Fairness issues• Dealing with costs and interest• Drafting an award

Second set of materials for the Final Award writing exercise will be distributed on March 11 and the final set soon after. Award due 5 pm ET, Friday, April 17, 2026.

SESSION 15	TRIBUNAL DYNAMICS (Harrison) Wednesday, March 25, 2026, 6:15 p.m. to 8:30 p.m.
	<ul style="list-style-type: none">• Role of the chair• Role of the party-appointed tribunal members• Allocation of responsibilities• Coordinating fees• In the hearing room• Deliberations and drafting• Dissenting reasons

SESSION 16	APPEALS, SETTING ASIDE & ENFORCEMENT OF AWARDS (Harrison) Wednesday, April 8, 2026, 6:15 p.m. to 8:30 p.m.
	<ul style="list-style-type: none">• Availability of an appeal• Leave to appeal (where applicable)• Standard of review on appeal• Grounds for setting aside an award• Enforcement of an award

SESSION 17	CONCLUDING SESSION (Harrison, Karton, Keenberg, Munro) Saturday, April 25, 2026, 11:00 a.m. to 3:00 p.m. Note: 4-hour class
	<ul style="list-style-type: none">• Cultural competencies• Discussion of award writing exercise• The arbitration marketplace• Development of an arbitration career