

William G. Horton

Barrister · Arbitrator · Mediator

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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
- Chartered Arbitrator: ADR Institute of Canada, 2009
- ICC Institute Master Class for Arbitrators, Paris, June, 2009
- Controlled Goods Program registration with the Canadian Controlled Goods Directorate, August 2010

Law Firms

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

General Practice Description

Bill Horton practices as an arbitrator and mediator of Canadian and international business disputes. Has been appointed tribunal chair, sole arbitrator and party nominee in numerous substantial cases, including disputes involving nuclear facilities, telecom, satellite and wireless industry disputes, government privatization contracts, cross border distribution agreements, 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 action and injunctive remedies.

Professional Associations

- International Bar Association (past chair of the International Litigation Committee of the Section on Business Law)

- ICC (Member Canadian Exec. Comm., Member ICC Commission)
- ICDR (Panel Member)
- CIETAC (China International Economic Trade and Arbitration Commission) (Member: Panel of Arbitrators)
- ADR Institute of Canada (arbitration member, past editor in chief ADRIC Journal)
- Chartered Institute of Arbitrators (Fellow)
- ADR Chambers (Former member and former Co-Chair ADR Chambers Commercial and International Panels)
- Public Accountants Council (Former Part-time Council Member)
- Arbitration Roundtable of Toronto (Founding Member)
- Toronto Commercial Arbitration Society (Founding Member)
- The Advocates' Society (former director)
- The Law Society of Upper Canada (member, former counsel to Complaints Review Committee)
- International Law Association (former Director, Canadian Branch; Program Co-Chair 2006 Biennial Conference)
- Osgoode Hall Law School (former lecturer in civil procedure, assistant instructor in LLM program)
- NAFTA 2022 Committee (Canadian member)
- British Columbia International Commercial Arbitration Centre (member of the international panel)
- Vis Moot (memorial judge and adjudicator)
- Canadian Bar Association (member)
- Ontario Bar Association (member, former member editorial board "Briefly Speaking")
- American Bar Association (member)
- University Club of Toronto

Professional Recognitions

- Best Lawyers' 2012 Toronto International Arbitration Lawyer of the Year
- Lionel J. McGowan Award for Excellence in Dispute Resolution presented by the ADR Institute of Canada, September 23, 2010
- Euromoney 2008- 2011 Guide to the World's Leading Experts in Commercial Arbitration
- 2008-2011 Canadian Legal Lexpert Directory: International Commercial Arbitration (Most Frequently Recommended), Also Repeatedly Recommended for Corporate Commercial Litigation , Directors and Officers Liability, Securities Litigation.
- Best Lawyers in Canada 2008-2011: International Arbitration, Alternative Dispute Resolution, Corporate and Commercial Litigation, Class Action Litigation and Director and Officer Liability.
- 2007-2011 Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada (International Arbitration)
- 2009 Who's Who Legal: Commercial Litigation.
- Lexpert Guide to Leading US/Canada Cross Border Lawyers (2007 -2011) (International Arbitration)
- The International Who's Who of Business Lawyers Commercial Litigation 2008, published by Law Business Research
- The International Who's Who of Business Lawyers 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."

- The International Who's Who of Business Lawyers 2006, - Ten Most Highly Regarded Individuals (Global) in the field of commercial litigation, "most highly nominated" and "a very well known litigator with a tremendously strong reputation."
- Chambers Global: The World's Leading Lawyers for Business 2006 - Rank 3 (Dispute Resolution: Ontario), "won praise as an 'incredibly capable, superb lawyer' with an 'excellent courtroom presence' to boot."
- Chambers Global: The World's Leading Lawyers for Business 2007 - Rank 3 "recommended as a go-to lawyer for arbitration"
- Martindale-Hubbell - AV Peer Review Rating (Very High to Pre-eminent), "shows that a lawyer has reached the height of professional excellence, has usually practiced law for many years, and is recognized for the highest levels of skill and integrity"

Practice Highlights

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

- sale of a business (travel industry, forest products industry, food industry)
- dispute re agreement relating to licensing of wireless technology
- termination of a telecom interconnect agreement
- investor/state dispute regarding a telecom investment
- executive termination
- auditors liability
- termination of government contract
- commercial lease dispute
- shareholder dispute
- patent dispute (agricultural product)
- disputes relating to termination of international distribution and licensing agreements (clothing industry, auto parts, health foods)
- professional partnerships (medical and accounting)
- insurance coverage disputes (D & O insurance, telecommunications outage)
- dispute re privatization of a government business
- dispute re lease of a nuclear facility
- software license disputes

Representative Mediation Appointments

- Supply agreement (securities industry)
- Investment dispute (micro energy project)
- Insurance coverage dispute (D & O insurance)
- Commercial debt
- Family business (construction products)
- Construction project (nuclear facility)
- Dispute re investment advice
- Dispute re commercial lease
- Product liability class action
- Shareholder dispute
- Partnership dispute

- Environmental dispute
- Sale of land
- Professional liability (accounting, legal)

Med/Arb Appointments

- Sale of a business under Court order

Representative Counsel Work

- Served as outside counsel to the Security Intelligence Review Committee.
- Strategized and ran Cayman Island proceedings in Government of Ontario litigation relating to Crown Trust and other trust companies involved in impugned mortgage transactions
- 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
- Defending class actions re credit card cash advances and pension rights on sale of a business
- Defending indemnity claim re sale of a national life insurance business

- Representing co-generation facility host against the operator of the facility regarding issues of force majeure and economic dispatch
- Representing and advising senior officers of public companies re claims and potential claims

Speaking Engagements

- 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
- 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, April 16, 2010.
- Panelist: "Practical Tips from Leading International Arbitrators", International Arbitration 2010 Conference of the Practising Law Institute, New York, 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 RoundTable, 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 Quebec, October 17, 2008.

- Speaker: “Enforcement of Arbitration Awards”, Arbitration Roundtable of Toronto Seminar: An Arbitration Primer for Corporate Counsel and Business Lawyers, 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.
- Arbitrator and Memoranda Evaluator, 2008 Vis Moot (Chicago Mini-Vis February 9; Leuven Mini-Vis March 10; Vienna March 17-19, Quarter-Final Panel Member)
- Lecturer: “Canadian Legal Culture and the Common Law”, University of Notre Dame de la Paix, Namur, Belgium, March 11, 2008
- Moderator: “International Commercial Arbitration in China: CIETAC Practice and Procedure”, Conference presented by China International Economic Trade and Arbitration Commission, Toronto December 11, 2007.
- Speaker: “Dispute Resolution for International Transactions” and Participant in panel discussion on: “Best practices for negotiating and drafting international business agreements.” : Federated Press Conference on “Negotiating and Drafting International Business Agreements”, November 2007.
- Speaker: "The Decision of the Supreme Court of Canada in the Dell Computer case: Is it good for arbitration? Is it good for consumers", ADR Institute of Canada Conference, Charlottetown, P.E.I., September 24, 2007.
- Conference Co-Chair and Speaker: Fourth Annual Conference on Evidence Law, Osgoode Hall Law School, Toronto, September 19-20; presented paper: "Expert Witness Evidence in Civil Cases"
- Panel Chair – “How Class Actions Really Work in Practice”: IBA/ABA Conference on Class Actions at the Crossroads, Rome May 24-25, 2007.
- Speaker – “Experts: a View from the Trenches”: Law Society of Upper Canada Conference on Advanced Commercial Arbitration, April 30, 2007.

Publications

*(Last 5 years - Papers with * may be viewed full text on website)*

- * Author - [**"Discovery in International Arbitration"**](#), Canadian Arbitration and Mediation Journal, Spring 2011[PDF]
- * Author - [**"Enforcing Arbitration Agreements Against Non-signatory Parties"**](#), The Lawyers Weekly, February 11, 2011 [PDF]
- * Author - [**"The Dark Art of Cross-Examination"**](#), The Lawyers Weekly, Sept 17, 2010 [PDF]
- *Author - [**"Neutrality of Party-Appointed Arbitrators: Myth or Reality?"**](#), The Lawyers Weekly, April 2, 2010[PDF]
- *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 [PDF]
- *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). [PDF]
- *Author – [**"Litigation or Arbitration: Alternative Routes to Justice"**](#), The Lawyers Weekly, March 28, 2008[PDF]

- *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 **[PDF]**
- ***“Low Threshold Set for Court Appeals of Arbitration Awards”**, The Lawyers Weekly, September 14, 2007**[PDF]**
- ***“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). **[DOC]**
- *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. **[PDF]**
- *Author: **“How to Draft Effective Arbitration Clauses”**, the Lawyers Weekly, March 30, 2007. **[PDF]**

Further details may be obtained at www.wghlaw.com