

# VIAC – Questionnaire for Arbitrators

**1. Name: Todd Weiler**

**2. Citizenship: Canadian**

**3. Contact information:**

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LinkedIn: <https://www.linkedin.com/company/arbitra-international>

**4. Current position:**

Arbitrator

**5. Education:**

- In Progress ("ABD"): Ph.D. in History, University of Western Ontario, 2015-2020
- S.J.D. in Public International Law, University of Michigan, 2011
- LL.M. in International Investment Law, University of Michigan, 2002
- LL.M. in International Trade Law, University of Ottawa, 1998
- LL.B., University of Western Ontario, 1996
- M.A. in Public Policy & Foreign Relations, University of Western Ontario, 1993
- Hons. B.A. in Political Science (History Minor), University of Waterloo, 1992

**6. Practiced experience in arbitration**

- How many arbitrations have you participated in (domestic/international); under which Rules?

50 – NAFTA, ICSID, AdHoc, UNCITRAL, ICC, SCC

- How often have you acted as Chairman?

0

- How often have you acted as Sole Arbitrator?

0

- How often have you acted as Co-Arbitrator?

1

- How often have you acted as Counsel?

50+

- How often have you acted in a different function (e.g. Administrative Secretary)?

0

## **7. Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):**

Recent publications from the last 3 years:-

- Investment Treaty Arbitration and International Law, vol. XIV, with Meriam Al Rashid, Kabir Duggal, Miriam Harwood, and Rekha Rangachari (New York: Juris, 2021).
- Investment Treaty Arbitration and International Law, vol. XIII, with Meriam Al Rashid, Kabir Duggal, Miriam Harwood, and Rekha Rangachari (New York: Juris, 2021).
- Investment Treaty Arbitration and International Law, vol. XII, with Meriam Al Rashid, Kabir Duggal, and Miriam Harwood (New York: Juris, 2019).
- “Combatting Protectionism and State Failures,” in: Thomas Cottier & Krista Nadakavukaren, eds., Encyclopaedia of International Economic Law (Edward Elgar: Cheltenham, U.K., 2017).
- “WTO Dispute Settlement, Investor-State Arbitration and Investment Courts: Exploring Themes of State Power, Adjudication & Legitimacy,” with Elizabeth Whitsitt, 2 (2019) Dispute Resolution International 105.

## **8. Membership in arbitral institutions / functions in arbitral institutions/organizations:**

- Law Society of Upper Canada, Member, 1999 to Present
- Canadian Bar Association, Member, 1995 to Present, Ontario General Council Representative, 1997 to 1998, Executive Committee Member, International Law Section, 1998 to 2006. National Executive Committee Member, International Law Section, 2006 to 2007
- American Bar Association, International Law Section Member, 1999 to Present, Committee on International Trade Law Committee Vice Chair, 2004 to 2006, Committee on International Arbitration Executive Member, 2021 to Present
- American Society of International Law, Member, 2000 to Present, International Economic Law Section Executive Committee Member, 2003 to 2005, Annual Meeting Program Committee Member, 2012 to 2013
- International Law Association, Member, 2003 to Present and Member, Special Working Group on Foreign Investment, 2004 to 2006
- International Chamber of Commerce, Arbitration Committee, Member, 2003 to 2011, Named to Canadian Roster of Arbitrators in 2005, Taskforce on Investor-State Arbitration Member, 2010 to 2011, Taskforce on Disability and Inclusion in International Arbitration Co-Chair, 2022 to Present
- Young Canadian Arbitration Practitioners Organization, Founding Member, 2004 to 2008, Board of Directors, 2004 to 2007
- International Bar Association, Member, 2005 to Present
- British Institute of International and Comparative Law, Sponsoring Member of the Investment Treaty Forum, 2005 to 2011
- Society of International Economic Law, Founding Member, 2007 to Present, Corporate Director, 2007 to 2012 and 2022 to Present

- Institute for Transnational Arbitration, Member, 2009 to Present, Academic Council Member, 2012 to 2016
- Chartered Institute of Arbitrators, Member, 2020 to Present
- Member of Singapore Institute of Arbitrators
- Panel member of the International Centre for Appropriate Dispute Resolution and Prevention (Private) Limited (ICADRP).

## 9. Languages

Mother tongue: English

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct arbitral proceedings in this language): **In which legal systems have you trained?**

- |                                       |  |  |
|---------------------------------------|--|--|
| <input type="checkbox"/> Civil Law    | <input checked="" type="checkbox"/> Common Law |  |
| <input type="checkbox"/> Austrian Law | <input type="checkbox"/> Hungarian Law         | <input type="checkbox"/> Swiss Law     |
| <input type="checkbox"/> Czech Law    | <input type="checkbox"/> Polish Law            | <input type="checkbox"/> Ukrainian Law |
| <input type="checkbox"/> German Law   | <input type="checkbox"/> Slovakian Law         | <input type="checkbox"/> European Law  |

Other \_\_\_\_\_

## 10. What is your main jurisdiction of practice?

Canada, Ontario

## 11. In which jurisdictions are you admitted to the bar?

Canada, Ontario

## 12. Special expertise or specializations (please list a maximum of five):

- |  |  |  |   |
|--|--|--|---|
| <input type="checkbox"/> Antitrust/Unfair competition    | <input type="checkbox"/> Damages                 | <input type="checkbox"/> Insolvency                          | <input checked="" type="checkbox"/> Natural resources |
| <input type="checkbox"/> Aviation                        | <input type="checkbox"/> Distribution            | <input type="checkbox"/> Insurance                           | <input type="checkbox"/> Power plants                 |
| <input type="checkbox"/> Banking & Finance               | <input type="checkbox"/> Domain name disputes    | <input checked="" type="checkbox"/> Intellect. property (IP) | <input type="checkbox"/> Private Intern. Law          |
| <input type="checkbox"/> Capital markets                 | <input type="checkbox"/> Employment              | <input checked="" type="checkbox"/> Investment arbitration   | <input type="checkbox"/> Public Intern. Law           |
| <input type="checkbox"/> CISG                            | <input checked="" type="checkbox"/> Energy       | <input checked="" type="checkbox"/> ISDS/Foreign inves.      | <input type="checkbox"/> Real estate                  |
| <input type="checkbox"/> Civil fraud disputes            | <input type="checkbox"/> Engineering             | <input type="checkbox"/> Joint ventures                      | <input type="checkbox"/> Shipping                     |
| <input type="checkbox"/> Commercial disp. / transactions | <input type="checkbox"/> Entertainment           | <input type="checkbox"/> Licensing                           | <input type="checkbox"/> Sports                       |
| <input type="checkbox"/> Commodity market                | <input type="checkbox"/> Healthcare & Pharmac.   | <input type="checkbox"/> Life sciences                       | <input type="checkbox"/> State/Public contracts       |
| <input type="checkbox"/> Company/Corporate/M&A           | <input type="checkbox"/> Hotel/Gastro./Tour.     | <input type="checkbox"/> Maritime arbitration                | <input type="checkbox"/> Technology                   |
| <input type="checkbox"/> Construction                    | <input type="checkbox"/> Inform. technology (IT) | <input type="checkbox"/> Media                               | <input type="checkbox"/> Telecommunication            |
| <input type="checkbox"/> Contract law                    | <input type="checkbox"/> Infrastructure          | <input type="checkbox"/> Mining                              | <input type="checkbox"/> Transport                    |
| <input type="checkbox"/> Other _____                     |  |  |   |

## 13. Date of birth: 08/05/1968

VIAC offers arbitration practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate an arbitrator of their choice and so is the VIAC Board when appointing an arbitrator. These

presentations do not constitute recommendations but may assist the parties in choosing an arbitrator willing to conduct proceedings according to the Vienna Rules. The fact that an arbitration practitioner appears on this list, does not authorize this person to use the title "VIAC-arbitrator".

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

I hereby consent that the data provided in this questionnaire may be processed for the appointment of arbitrators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to [office@viac.eu](mailto:office@viac.eu). The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information, see our privacy statement at <http://www.viac.eu>.

Date: 06/06/2022



## Dr. Todd Weiler

**Nationality:** Canadian

**Languages:** English

Dr Todd Weiler is an independent Arbitrator with over 23 years of unparalleled experience in the settlement of complex, high-value disputes between foreign investors and states.

Todd's practice has involved a broad range of economic sectors and a wide array of national jurisdictions. Industries with which he has worked include environmental and climate change regulation, waste disposal, natural resources extraction and transportation, internet regulation, intellectual property, pharmaceuticals, hospitality & gaming, automotive manufacturing, transportation infrastructure, primary industries, agriculture, aviation, tobacco regulation, retail sales, financial regulation, telecommunications, government procurement, and commercial & residential real estate development.

The list of countries with which Todd has been involved in international disputes includes Canada, the United States, Mexico, Costa Rica, Peru, Venezuela, the Dominican Republic, Barbados, the People's Republic of China, Russia, Mongolia, Laos, Singapore, Kazakhstan, Moldova, Ukraine, Czech Republic, Croatia, Belgium, Egypt, Kenya, and Saudi Arabia. He has also represented sovereign indigenous nations in North America.

International dispute settlement has been the singular focus of Todd's practice since being called to the Bar of Ontario in 1999. He has substantial experience with the administration of ad hoc disputes, particularly under the UNCITRAL Rules and ICSID(AF) rules, in addition to the ICSID, and the ICC and SCC Courts of Arbitration.

In addition to his arbitrator practice, Todd continues to research and publish on the history of international investment law and practice.

## Sector Expertise

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- Investment Treaty Disputes
- Public International Law
- Administrative & Regulatory Law
- Environment & Climate Change

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- Natural Resources & Land Development
- Hospitality & Gaming
- Internet & Communications Technology
- Commercial Dispute Resolution

## Investment Treaty Disputes

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Todd is widely recognized as a pioneer in the development of international investment law and dispute settlement.

With a background in international trade policy and public international law, Todd played a significant role as counsel in many early NAFTA cases.

For over two decades, Todd appeared as counsel and/or advised governments, investors, third-party funders, NGOs, and indigenous nations in many dozens of disputes, in addition to serving as arbitrator.

Todd has long been an ardent proponent of investor-state arbitration, property rights, and their contribution to the rule of law globally. He is a much sought-after speaker, media commentator, and academic reviewer, as well as a prolific author and editor.

Todd also continues to provide expert advice on the law of international investment, both as an expert witness and as a consultant to counsel involved in investment disputes.

## Environment & Climate Change

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Todd has acted as counsel in cases involving hazardous waste remediation services, the siting and construction of landfill and waste-transfer facilities, and the application of environmental regulations to real estate developments.

Todd is also currently serving as a consultant in the Government of Alberta's NAFTA Legacy Claim against the Government of the United States arising from the latter's cancellation of the Keystone XL Pipeline, ostensibly in the interests of climate change remediation.

## Natural Resources

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Todd has served as counsel and consultant in several disputes involving natural resources extraction rights, including minerals, and oil & gas. He has also recently served as an expert consultant in an investor-state treaty arbitration involving deep-water dredging for the recovery of a valuable mineral resource.

Todd also served as a non-resident teaching fellow at the University of Dundee's Centre for Energy Petroleum Law & Policy between 2001 and 2005 and as Stephen Dattels Fellow in Mining & Finance Law at the University of Western Ontario in 2007.

## Land Development, Hospitality & Gaming

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Todd has served as counsel and consultant in a variety of disputes involving the development of residential resort communities and of hospitality and gaming facilities across the globe, from Costa Rica to Egypt to Laos. In addition, Todd sat as arbitrator in a notorious case involving construction of the home of Russia's Supreme Court.

One of Todd's earliest cases, serving as counsel, involving gaming regulation in Mexico, which generated new law on detrimental reliance claims based on the principle of legitimate expectations.

## Experience

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### As Arbitrator:

- Appointed as co-arbitrator by the claimant in a treaty-based arbitration arising from non-payment by the Russian Federation on a contract for the construction of a new home for the Supreme Court of Russia.

### As Counsel:

- Counsel to U.S. claimants in a seminal, early NAFTA arbitration in which the Government of Canada was found in breach of national treatment and fair & equitable treatment standards for preventing the return of PCB wastes to the USA to require its treatment in Canada by a Canadian competitor.
- Counsel to a U.S. claimant in a seminal, early NAFTA arbitration in which the Government of Canada was found in breach of the fair & equitable treatment standard for its officials having pursued a legally dubious, unnecessary, and abusive audit.

- Lead Counsel to a Canadian claimant in a dispute with the Government of Barbados over a denial of justice claim arising from an earlier uncompensated expropriation, which was successfully resolved prior to arbitration.
- Co-Counsel to a Canadian forestry company in a NAFTA arbitration against the Government of the United States of America for its use of anti-dumping and CVD measures inconsistent with its other obligations under the NAFTA.
- Co-Lead Counsel to a Canadian company engaged in the gaming industry in Mexico, which resulted in a seminal NAFTA Award recognizing detrimental reliance as a legitimate basis for liability under the NAFTA standard of fair and equitable treatment.
- Co-Lead Counsel to U.S. claimants in an arbitration involving the de facto nationalization by the Government of Egypt of that country's cotton marketing industry.
- Co-Counsel to the first indigenous peoples to appear as claimant-investors in an investment treaty arbitration, which concerned the country-wide implementation of a settlement agreement between 46 U.S. state governments and four major tobacco companies, and which negatively impacted sales of indigenous tobacco products both on U.S. territory and on sovereign Indian lands.
- Lead Counsel in an arbitration against the Government of Mongolia involving a contract for administrative services concluded pursuant to a grant obtained from an international development bank.
- Co-Lead Counsel to a large group of cattle feed lot business owners in a NAFTA arbitration arising from the imposition of a border-ban by the United States Government after the discovery of a few discrete cases of BSE in Canada.
- Co-Counsel to a U.S. claimant in an arbitration against the Government of Ukraine involving allegations of corruption and indirect expropriation of a property development investment.
- Co-Lead Counsel to a U.S. claimant in a case involving a prohibition imposed by a Canadian provincial government on the use of an exhausted iron mine as the location for a waste treatment facility.
- Co-Lead Counsel to a Canadian claimant in a case involving a former joint-venture partner's use of Czech bankruptcy proceedings to avoid responsibility for fraud and unjust enrichment that destroyed the claimant's investment.
- Co-Lead Counsel to a U.S. company in a NAFTA dispute arising from the discriminatory application of tax rules by a Canadian provincial government to its property holdings, which was successfully resolved prior to arbitration.
- Co-counsel to the Quechan Indian Band for its seminal *amicus* intervention in the Glamis Gold v. U.S.A. NAFTA arbitration.
- Co-Lead Counsel to a group of U.S. claimants in a DR-CAFTA arbitration against the Government of Costa Rica for its failure to pay compensation for expropriations of land located in an area that had been effectively transformed by judicial decisions into an environmental preserve for the ostensible benefit of sea turtles.
- Co-Counsel to claimants engaged in the gaming sector in Laos whose investments were subjected to acts of indirect expropriation by the Government of Laos.



- Co-Counsel to claimants engaged in the gaming sector in Laos for measures occurring after the (then) settlement of their original investment treaty claims, which included failure to recognize an award rendered by a foreign tribunal in a related proceeding against a former Lao-based co-venturer.
- Co-Counsel to claimants who were frustrated in their attempts to develop land located in Costa Rica by a combination of alleged corrupt acts and the dubious official exercise of applicable environmental rules.
- Co-Counsel to a large group of claimants from Mexico, Peru, Chile, and Canada in a collection of treaty claims for the failure of U.S. Securities and Exchange Commission regulators to provide them with “protection and security” from the infamous Stanford Ponzi Scheme.
- Co-Lead Counsel to U.S. claimants in an arbitration against the Government of Egypt involving unique interpretative issues related to legal principles such as *res judicata* and jurisdiction *ratione temporis*.
- Co-Lead Counsel to a U.S. claimant in an arbitration against the Government of Mexico involving allegations of abuse of authority with respect to the administration of customs regulations in the automotive industry.

**As Expert Consultant:**

- Advised claimant’s counsel in a NAFTA dispute that arose from a government procurement process for the provision of postal services facilities in Canada, which was successfully resolved prior to arbitration.
- As an independent expert appointed by claimant, provided opinions concerning governmental treatment of duty-free retail investments in Moldova.
- Advised claimant’s counsel in a NAFTA claim pursued by a major U.S. courier company against the Government of Canada for measures that unfairly favoured Canada Post over its competitors.
- Advised claimant’s counsel in a NAFTA claim pursued by a Canadian steel manufacturer arising from the application of federal “Buy America” rules to a Virginia State highway interchange project.
- Provided an independent, expert opinion to one of the parties in an insurance dispute on appeal to the Supreme Court of Canada concerning the use of third-party discovery in international commercial arbitrations held in Canada.
- Advised the owners of North America’s most successful border crossing on a variety of NAFTA disputes arising from treatment accorded to them by the Governments of Ontario and Canada.
- Advised claimants’ counsel in an ICSID annulment proceeding involving the financial sector and the Government of Peru.
- Acted for a Canadian anti-smoking NGO in successfully convincing the Government of Uruguay not to settle a treaty claim brought against it by a major tobacco company.
- Unnamed member of the counsel team that obtained the largest-ever award rendered by a treaty tribunal to an individual, which was obtained from the Government of Egypt under its bilateral investment treaty with Italy.

- Advised claimants' counsel in claims brought under a combination of bilateral investment treaty and local foreign investment protection law arising from the indirect expropriation of an energy production facility.
- Advised a national association representing thousands of individuals engaged in the cross-border transportation industry between Mexico and the United States involving a dispute arising from NAFTA breaches established in an earlier State-to-State arbitration.
- Over a period of two years, advised a national investment authority maintained by a government located in the Middle East on a series of disputes arising under a variety of investment treaties.
- Advised claimant's counsel in a NAFTA arbitration against Mexico involving the telecommunications industry.
- Provided an independent, expert opinion to claimant's counsel in an enforcement proceeding pursued before a DC Federal Circuit Court.
- Advised claimant's counsel in a NAFTA dispute against Mexico involving the withdrawal of State subsidies originally promised to attract the establishment of a multi-billion-dollar investment.
- Advised claimant's counsel in a NAFTA dispute involving the revocation of building permits for already-constructed facilities, to satisfy political rather than legitimate regulatory objectives.
- Advised claimant's counsel in a NAFTA arbitration arising from political interference in an environmental regulatory process involving permits to exploit offshore mineral resources.
- Advising claimant's counsel in a NAFTA legacy claim being pursued by an agency of the Government of Alberta against the Government of the United States for President Biden's sudden and arbitrary revocation of the federal permit required for the operation of the Keystone XL Pipeline.

## Academic & Professional Qualifications

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### Academic

Between 2000 and 2013 Todd held positions as visiting or adjunct professor at over a dozen US and Canadian law schools. He has lectured at many of the world's leading law schools and continues to act as an academic reviewer and referee upon request.

- In Progress ("ABD"): Ph.D. in History, University of Western Ontario, 2015-2020
- S.J.D. in Public International Law, University of Michigan, 2011
- LL.M. in International Investment Law, University of Michigan, 2002
- LL.M. in International Trade Law, University of Ottawa, 1998
- LL.B., University of Western Ontario, 1996
- M.A. in Public Policy & Foreign Relations, University of Western Ontario, 1993
- Hons. B.A. in Political Science (History Minor), University of Waterloo, 1992

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## Professional

- Barrister & Solicitor, Law Society of Upper Canada (Ontario), 1999-Present
- Government of Canada, Canadian Heritage Department, Trade Policy Unit, Policy Analyst, 1998-1999
- Federal Court of Canada, Clerk to Mr. Justice Howard Wetston, 1997-1998
- Ogilvy Renault LLP, Articled Law Clerk, 1996-1997
- Government of Canada, Treasury Board Secretariat, Policy Analyst and Consultant, 1994-1996
- Government of Canada, Seniors' Secretariat, Department of Health, Policy Analyst (Paid Co-op Placement), 1991
- Government of Canada, Customs and Revenue Agency, Tariff Administrator (Paid Co-op Placement), 1990 & 1991

## Professional Associations

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- Law Society of Upper Canada, Member, 1999 to Present
- Canadian Bar Association, Member, 1995 to Present, Ontario General Council Representative, 1997 to 1998, Executive Committee Member, International Law Section, 1998 to 2006. National Executive Committee Member, International Law Section, 2006 to 2007
- American Bar Association, International Law Section Member, 1999 to Present, Committee on International Trade Law Committee Vice Chair, 2004 to 2006, Committee on International Arbitration Executive Member, 2021 to Present
- American Society of International Law, Member, 2000 to Present, International Economic Law Section Executive Committee Member, 2003 to 2005, Annual Meeting Program Committee Member, 2012 to 2013
- International Law Association, Member, 2003 to Present and Member, Special Working Group on Foreign Investment, 2004 to 2006
- International Chamber of Commerce, Arbitration Committee, Member, 2003 to 2011, Named to Canadian Roster of Arbitrators in 2005, Taskforce on Investor-State Arbitration Member, 2010 to 2011, Taskforce on Disability and Inclusion in International Arbitration Co-Chair, 2022 to Present
- Young Canadian Arbitration Practitioners Organization, Founding Member, 2004 to 2008, Board of Directors, 2004 to 2007
- International Bar Association, Member, 2005 to Present
- British Institute of International and Comparative Law, Sponsoring Member of the Investment Treaty Forum, 2005 to 2011
- Society of International Economic Law, Founding Member, 2007 to Present, Corporate Director, 2007 to 2012 and 2022 to Present
- Institute for Transnational Arbitration, Member, 2009 to Present, Academic Council Member, 2012 to 2016
- Chartered Institute of Arbitrators, Member, 2020 to Present
- Member of the Singapore Institute of Arbitrators

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- Panel member of the International Centre for Appropriate Dispute Resolution and Prevention (Private) Limited (ICADRP).

## Articles, Publications & Thought Leadership

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### Monograph

The Interpretation of International Investment Law: Equality, Discrimination and Minimum Standards of Treatment in Historical Context (Martinus Nijhoff: The Hague, 2013).

### Volumes Published as Editor

- Investment Treaty Arbitration and International Law, vol. XIV, with Meriam Al Rashid, Kabir Duggal, Miriam Harwood, and Rekha Rangachari (New York: Juris, 2021).
- Investment Treaty Arbitration and International Law, vol. XIII, with Meriam Al Rashid, Kabir Duggal, Miriam Harwood, and Rekha Rangachari (New York: Juris, 2021).
- Investment Treaty Arbitration and International Law, vol. XII, with Meriam Al Rashid, Kabir Duggal, and Miriam Harwood (New York: Juris, 2019).
- Investment Treaty Arbitration and International Law, vol. XI, with Ian Laird, Borzu Sabahi, and Frédéric G. Sourgens (New York: Juris, 2018).
- Investment Treaty Arbitration and International Law, vol. X, with Ian Laird, Borzu Sabahi, and Frédéric G. Sourgens (New York: Juris, 2017).
- Investment Treaty Arbitration and International Law, vol. IX, with Ian Laird, Borzu Sabahi, and Frédéric G. Sourgens (New York: Juris, 2016).
- Investment Treaty Arbitration and International Law, vol. VIII, with Ian Laird, Borzu Sabahi, and Frédéric G. Sourgens (New York: Juris, 2015).
- Investment Treaty Arbitration and International Law, vol. VII, with Ian Laird, Borzu Sabahi, and Frédéric G. Sourgens (New York: Juris, 2014).
- Investment Treaty Arbitration and International Law, vol. VI, with Ian Laird, Borzu Sabahi, and Frédéric G. Sourgens (New York: Juris, 2013).
- Investment Treaty Arbitration and International Law, vol. V, with Ian Laird (New York: Juris, 2012).
- New Directions in International Economic Law: in Memoriam Thomas Wälde, with Freya Baetens (Martinus Nijhoff: The Hague, 2011).
- Investment Treaty Arbitration and International Law, vol. IV, with Ian Laird (New York: Juris, 2011).
- Investment Treaty Arbitration and International Law, vol. III, with Ian Laird (New York: Juris, 2010).
- Investment Treaty Arbitration and International Law, vol. II, with Ian Laird (New York: Juris, 2009).
- Investment Treaty Arbitration and International Law, vol. I (New York: Juris, 2008).

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- International Investment Law and Arbitration: Leading Cases from the ICSID, NAFTA, Bilateral Treaties and Customary International Law (London: Cameron May, 2005).
- Investment Law and Arbitration: Past Issues, Current Practice, Future Prospects (New York: Transnational, 2004).

### Editorial Positions

- Transnational Dispute Management Online, Maris Publishers, Associate Editor, 2004 to 2007, Transition Committee Member, 2008 to 2009, Deputy Editor, 2009 to 2010, Articles Editor, 2010 to Present
- Investmentclaims.com, Oxford University Press, Special Editorial Advisor and Board Member, 2007 to Present
- Global Arbitration Review, LBR Ltd, Editorial Board Member, 2005 to Present
- International Legal Materials, American Society of International Law, Corresponding Editor, 2003 to Present
- Brill Research Perspectives in International Investment Law and Arbitration, Editorial Board Member, 2017 to Present
- Asper Review of International Trade & Business Law, Editorial Board Member, 2002 to 2005

### Book Contributions

- "Combatting Protectionism and State Failures," in: Thomas Cottier & Krista Nadakavukaren, eds., Encyclopaedia of International Economic Law (Edward Elgar: Cheltenham, U.K., 2017).
- "Sovereign Wealth Funds and Bilateral Investment Treaties' New Models: Issues, New Trends and State Practice," with Elizabeth Whitsitt, in: Fabio Bassan ed., Research Handbook on Sovereign Wealth Funds and International Investment Law (Edward Elgar: Cheltenham, U.K., 2015).
- "Reflections on the First Time the United States of America Was Found Liable under NAFTA Chapter 11" in: B. Sabahi, N.J. Birch, I.A. Laird and J.A. Rivas, eds., Revolution in the International Rule of Law: Essays in Honor of Don Wallace, Jr. (Juris: New York, 2014) 369-398.
- "Who, Then, Shall Judge? The Interpretation of International Investment Agreements and the Rule of International Law" in: A. Rovine, ed., Contemporary Issues in International Arbitration and Mediation: The Fordham Papers, 2013, (Martinus Nijhoff: The Hague, 2014) 299-236.
- "A Historical Analysis of the Function of the Minimum Standard of Treatment in International Investment Law" in T. Weiler & F. Baetens, eds., New Directions in International Economic Law: in Memoriam Thomas Wälde (Martinus Nijhoff: The Hague, 2011) 335-382.
- "Standards of Treatment," with Ian Laird, in: P. Muchlinski, F. Ortino & C. Schreuer et al, eds., The Oxford Handbook of International Investment Law (Oxford: Oxford University Press, 2008) 259-304.

- "Expropriation" in P. Cane and J. Conaghan, *The New Oxford Companion to Law* (Oxford: Oxford University Press, 2008) 437-438.
- "Good Faith and Regulatory Transparency" in T. Weiler, ed., *International Investment Law and Arbitration: Leading Cases from the ICSID, NAFTA, Bilateral Treaties and Customary International Law* (London: Cameron May, 2005) 701-746.
- "Saving Oscar Chin" in T. Weiler, ed., *International Investment Law and Arbitration: Leading Cases from the ICSID, NAFTA, Bilateral Treaties and Customary International Law* (London: Cameron May, 2005) 557-598.
- "The Significance of NAFTA Chapter 11 for the Development of International Economic Law" in T. Weiler, ed., *NAFTA Investment Law and Arbitration: Past Issues, Current Practice, Future Prospects* (New York: Transnational, 2004).
- "Prohibitions on Discrimination in NAFTA Chapter 11" in T. Weiler, ed., *NAFTA Investment Law and Arbitration: Past Issues, Current Practice, Future Prospects* (New York: Transnational, 2004).
- "Interpreting Substantive Obligations in Relation to Health and Safety Issues" in T. Weiler, ed., *NAFTA Investment Law and Arbitration: Past Issues, Current Practice, Future Prospects* (New York: Transnational, 2004).
- "The Potential for Overlap in NAFTA Chapter 11 Obligations" in: K.C. Kennedy, ed., *The First Decade of NAFTA: The Future of Free Trade in North America* (New York: Transnational, 2004).
- "Causation and Damages in NAFTA Investor-State Arbitration," with Luis Miguel Diaz, in T. Weiler, ed., *NAFTA Investment Law and Arbitration: Past Issues, Current Practice, Future Prospects* (New York: Transnational, 2004).
- "Investment Arbitration under the Energy Charter Treaty in the light of new NAFTA Precedents: Towards a Global Code of Conduct for Economic Regulation," with Thomas Wälde, in: *Investment Treaties and Arbitration*, G. Kaufmann-Kohler, ed. (Geneva: Swiss Arbitration Association, 2002).

## Articles

- "WTO Dispute Settlement, Investor-State Arbitration and Investment Courts: Exploring Themes of State Power, Adjudication & Legitimacy," with Elizabeth Whitsitt, 2 (2019) *Dispute Resolution International* 105.
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- “Dodging Bullets: A First Look at the Final Award in Loewen & the Loewen Group v. USA” 4 (2003) Journal of World Investment 659.
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- “The Treatment of SPS Measures under NAFTA Chapter 11: Preliminary Answers to an Open-Ended Question” 26 (2003) Boston College International & Comparative Law Review 229.
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- “NAFTA Investment Law in 2001: As the Legal Order Starts to Settle, the Bureaucrats Strike Back” 36 (2002) International Lawyer 345.
- “Articulating New Standards of Regulatory Treatment in International Economic Law” 2 (2002) Business Law International 143.
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- “The Minimum Standard of Treatment in International Law: Some Old Cases, Some New” 3 (2000) Canadian International Lawyer 207.
- Identifying, Implementing and Enforcing International Regulatory Reform Obligations: the Canadian Experience, Occasional Paper (Ottawa: Centre for Trade Policy and Law, 1999).

- “Application of the Federal Regulatory Policy to Regulatory Decision-Making: The Curious Case of the 1995 PCB Waste Export Interim Order” 4 (1999) Canadian Journal of Environmental Law and Practice 181.
- An Assessment of the Prospects for Trade Liberalization in APEC, with Michael Hart (Ottawa: Senate of Canada / Centre for Trade Policy and Law, 1997).
- “Independence, Impartiality and the Ontario Social Assistance Review Board” 12 (1997) Journal of Law and Social Welfare 178.
- “Professional Self-Regulation & Federal Competition Policy: The Calarco Case” 2 (1997) Windsor Review of Legal & Social Issues 119.
- “Curial Deference & NAFTA Chapter 19: Is What Is Good for the Goose, Good for the Gander?” 1 (1995) Journal of International Legal Studies 83.
- “The Consultation Requirement in Regulatory Reform: Looking at the Regulatory Efficiency Bill” 8 (1995) Canadian Journal of Administrative Law & Practice 101.
- “Sure It Has Feathers, But Is It a Duck?” 42 (1994) Canadian Tax Journal 1168.

## Directories, Recognitions & Awards

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### Professional:

- Recognised by Who’s Who Legal as one of the world’s leading practitioners in international arbitration, 2007 to Present
- Solo practice included on the Global Arbitration Review’s “GAR 100” list of the world’s leading arbitration law firms, 2011-2021
- Named by the Global Arbitration Review to its inaugural list “45 Under 45” list, 2007

### Academic:

- Joyce C. Miller Memorial Ontario Graduate Scholarship, 2016
- Western University Ontario Graduate Scholarship, 2015
- University of Michigan Graduate Scholarship, 2002
- Ontario Bar Association National Trust Law Student Achievement Award, 1997
- J.S.D. Tory Legal Research and Writing Prize, 1996
- J.S.D. Tory Legal Research and Writing Prize, 1995
- Canadian Association of Programs in Public Administration National Undergraduate Essay Award, 1992