

# ***Professor Richard H. McLaren, O.C.***

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*Alternative Dispute Resolution*

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## **HONORARIUMS AND DISTINCTIONS**

Named as an Officer of the Order of Canada by appointment of the Governor General of Canada (2015).

**Recipient of:** Honorary D. Phil, The United States Sports Academy (2021); Sir William Osler Medal, Trinity College School (2019), Master of the Game Award, National Sports Law Institute, Marquette University Law School (2017); Honorary Doctor of Divinity Degree (HDD) Huron University College (2017); Ivan Rand Alumni Award, Western University Canada (2016); Board of Governors' Recognition of Achievement Award, Canada Awards for Excellence (2016); Joseph E. O'Neill Award, Marquette University Law School (2015); Huron University College Distinguished Alumni Award (2014); Lionel J. McGowan Award for Excellence in ADR in Canada (2010); Feeney Memorial Public Lecture, University of Ottawa (2010).

## **ACADEMIC TEACHING SUBJECTS**

Teaching duties have involved instructing in the following areas of Canadian and International Law: Business Law including Bankruptcy & Corporate Insolvency Restructuring; Commercial Law; Contracts; Corporate Finance & Governance; and, Secured Financing including real and personal property financings. Dispute Resolution including arbitration in labour law, sports and commercial matters. Labour Law including the basic courses in the subject area together with labour arbitration procedure and related dispute resolution techniques.

## **ACADEMIC PUBLICATIONS**

### **Major Books & treatises**

Catzman, McLaren et al *Personal Property Security Law in Ontario* Carswell (1976)

McLaren & Rayner *Falconbridge: The Law of Mortgages* (4<sup>th</sup> Ed.) Canada Law Book (1977)

*Secured Transactions in Personal Property Security in Canada* Carswell (1979) *A five volume loose leaf publication updated regularly throughout the year*

McLaren & Palmer *Commercial Arbitration Law* Carswell (1982)

McLaren & Sanderson *Innovative Dispute Resolution: The Alternative!* Carswell (1994), *Loose leaf publication updated regularly throughout the year*

*Canadian Commercial Reorganization: Preventing Bankruptcy* Canada Law Book (1994). *A two volume loose leaf publication updated regularly throughout the year*

*Annotated Ontario Personal Property Security Act* published annually since 1993 Carswell

*Alberta Personal Property Security* Thomson Canada Limited (2007), (2009)

*British Columbia Personal Property Security* Thomson Canada Limited (2007) (2<sup>nd</sup> Ed. 2009)

Editor of the Personal Property Security Act Cases, a law report service P.P.S.A.C. (4<sup>th</sup>) [template used to suit the needs of all the provinces registration of financing statements]

### **Law Journal Articles**

I have published over 70 law journal articles. A list can be supplied if required.

## **VISITING ACADEMIC APPOINTMENTS**

- Oxford University, UK (1978/79)
- Stanford University, USA, Visiting Scholar (1986/87 and 1997/98)
- London School of Economics & Political Science, Law Faculty Visiting Professor, (2003/2005)
- Melbourne University, Faculty of Law, Melbourne, Australia-Visiting Professor (2011, 2012, 2014, 2016 and 2018)
- Asian International Arbitration Centre (formerly known as KLRCA) – Sports Arbitration Certificate Program (2018, 2019)

## **ARBITRATION EXPERIENCE**

30 + Years of Domestic Labour and Commercial Arbitration Experience

### **Domestic Labour Arbitration**

- selected by mutual consent of employers and unions as chair or sole arbitrator
- a member of the permanent panel of arbitrators for employers and trade unions
- player agent arbitrator for NHLPA, its agents and players 2001- present
- arbitrator for Canadian Football League
- interest arbitrator in contract negotiations, disputes involving police, firefighters and essential health care workers

### **Domestic Commercial Arbitration**

1. **Panelist with Vancouver International Arbitration Centre**
2. Panelist ADR Institute of Ontario Inc.
3. Mutual Agreed Ad Hoc Appointments
  - sole arbitrator in a share purchase dispute about the assignment of rights and the exclusion of certain liability
  - sole arbitrator executed employment agreement terminated for good reason and related share purchase pricing options and rights of setoff
  - sole arbitrator shareholder dispute and representation agreement determination of legal rights and then a mediation of dispute
  - sole arbitrator technology company dispute involving unanimous shareholder agreement
4. Pipeline Arbitration Committee of Natural Resources Canada - appointed arbitrator under the *National Energy Board Act*

## **International Commercial & Sports Arbitration Experience**

5. **International Centre for Settlement of Investment Disputes**
  - party appointed arbitrator since 2016 – Decision issued Jan. 2020
6. **ICC International Court of Arbitration**
  - appointed Chairman of an Arbitral Tribunal

## 7. **American Arbitration Association**

- appointed foreign national arbitrator, whose nationality is not that of any disputants on three large complex commercial arbitrations involving an: (1) American automotive diagnostics company and its Swiss and other European distributors, award was in excess of two million U.S. dollars, based on breach of contract and piracy of technology and intellectual property; (2) involving an American trustee in bankruptcy and a Dutch wholesale grocery company, for breach of an agreement to sell real estate and grocery business; claim in excess of ten million U.S. dollars, during the hearings the matter was settled; (3) arbitrator of a dispute involving an American medical equipment manufacturer alleging breach of contract with a Canadian medical technology company to supply and distribute its products in Eastern Canada
- party appointed arbitrator for a Canadian pulp and paper company in a dispute with the Republic of China as a joint venture partner, involving alleged event of default of the joint venture agreement; employment severance agreement involving a key executive officer of a company
- appointed arbitrator of Franchise Disputes - three cases involving different franchises. All cases involved alleged breaches of franchise agreement and damages claims or franchise was terminated

## 8. **United States Anti-Doping Agency (USADA)**

- selected as one of twenty-nine arbitrators to hear cases for the USADA, cases being administered by the AAA sports arbitration administrator in Atlanta, Georgia (completed 15 cases)
- Arbitrator in Floyd Landis case (winner of Tour de France 06)

## 9. **Court Appointment Arbitrator**

- Ontario General Court as a sole arbitrator in a dispute involving a Canadian Company and Netherlands Company engaged in the business of thermal insulation, roofing and distribution of insulation, claim in excess of three million dollars

## 10. **Court of Arbitration for Sport, Lausanne, Switzerland**

Since 1993 - Member of the Court of Arbitration for Sport (International Adjudication Body of the International Olympic Committee based in Lausanne, Switzerland)

- Arbitrator on the Panel in:
  - WADA v Swimming Australia, Sport Integrity Australia and Shayna Jack (2021)
  - Tonga National Rugby League v International Rugby League (2020)
  - CCES v Dominika Jamnicky (2019)
  - Lawson v IAAF (2019)
  - Bird v Union Cycliste International (2018)
  - Chand v IAAF and AFI (2014-15)
  - Thomas v. World Aquatics (2023)
  - Italia v. Turchi (2023)
  - Bartholot & Della Marta v. World Rowing & Nikolaj Pimevov (2024)
  - Bacueti v. FIG & Olfati (2024)
- President of the Panel in BOA v WADA Bye-Law case (2012)
- President of the Panel in USOC v IOC case (the "Osaka" Rule) (2011)
- done a number of international sports doping arbitration cases including tennis star Peter Korda and the International Tennis Federation; chair of the panel involving an American cyclist and the cycling union; member of three neutral arbitration panels involving alleged doping cases with Spanish and Yugoslavian long distance swimming athletes
- member of the CAS Ad Hoc Arbitrator Panel for Winter Olympic Games in 1998 in Nagano,

Japan and in 2006 Turino, Italy; for the Summer Olympic Games in 2000 in Sydney, Australia; in Athens, Greece in 2004 and in 2008 Beijing, China. Appointed as an ad hoc arbitrator for the 2002 Commonwealth Games, Manchester, England

### **International Commission Holocaust Era Insurance Claims (ICHEIC)**

- selected to serve as an arbitrator for the International Commission on Holocaust Era Insurance Claims Appeal Tribunal
- did 70 cases with awards under the English Arbitration Act
- appointed to Appeals Panel, did 6 cases under Swiss Arbitration Act

### **Professional Sport**

Anti-Corruption Officer – International Tennis Integrity Agency (ITIA) – 2007 to present

Chair of the Anti-Corruption Hearing Panel - International Tennis Integrity Agency – 2023 to present

Integrity Officer appointed by FIBA - engaged in 2021 to investigate sexual harassment in women's basketball in Mali – 2020 to present

McLaren Global Sport Solutions Inc. (“MGSS”), has been engaged by: Own the Podium and the Canadian Olympic Committee; Zwift, Inc. and U Sports. In 2021 MGSS was retained by International Boxing Association to investigate refereeing and judging governance and financial irregularities at the 2016 Rio Olympic Games. In 2020 MGSS was appointed to prepare a Report to the Oversight and Integrity Commission on the International Weightlifting Federation on financial fraud and doping irregularities and a Report on Independent Approaches to Administer the Universal Code of Conduct to Prevent and address Maltreatment in Sport in Canada on behalf of SIRC and UCCMS. In 2018 MGSS conducted a program review of the European Tour Anti-Doping Policy

Anti-Doping Arbitrator – Canadian Football League (CFL) (2012 – present)

Independent Person appointed by WADA to conduct an investigation and review of the allegations made in relation to the 2014 Sochi Olympic Games (2016)

Chief Arbitrator for the Ultimate Fighting Championship (UFC), under USADA as the results management and prosecuting body (2015 – present)

Chief Arbitrator for World Triathlon Corporation o/a IRONMAN (2015 – present)

One of three Commissioners on the WADA Independent International Commission that examined allegations of systemic doping and cover-ups in Russian Athletics (2014 – 2016)

Mediator for PGA Tour

Past Court Judge, International Court of Appeal of the Fédération Internationale de l'Automobile (FIA) (2012 – 2021)

Past-President of the European Basketball Arbitral Tribunal (BAT) dealing with professional basketball monetary issues in Europe (2009 – 2020)

World Chairman of the **ATP Tour Anti-Doping Tribunal**, 25 Cases

Co-chief arbitrator for the ADRsportRED/Sports Dispute Resolution Centre for Canada, Canadian national sports arbitration program, a sports alternative dispute resolution system for amateur sport

Assisted Senator Mitchell in the Major League Baseball inquiry into the use of performance enhancing steroids in professional baseball. Report December 2007

By special appointment by the United States Olympic Committee - USA Track & Field - I chaired the Independent International Review Commission on Doping Control - USA Track & Field from October, 2000 to July, 2001, report was made in July, 2001. Counsel to the Commission - Bob Bennett (Skadden, Arps (Washington, D.C.))

Selected as arbitrator/mediator on the Domain Name Dispute Resolution panel for eResolution (dispute resolution service provider) governed by ICANN.

## **MEDIATION EXPERIENCE**

My training has been of a practical nature born out of my work as an arbitrator. In the course of doing labour and commercial arbitration, I have found over the years the need to engage more and more frequently in mediation. I have also had specific assignments as a mediator.

- mediation of engineering specification in a specially designed product for use in the Persian Gulf War
- mediator Bankruptcy and insolvency dispute involving defaulted sale of Business (\$6 million involved)
- sale of a business purchase shares (\$5 million)
- co-authored a book *Innovative Dispute Resolution: The Alternative!* published by Carswell in December of 1994
- numerous mediation/arbitrations assignments in labour law area

## **LEGAL EXPERIENCE**

- taught bankruptcy and insolvency law; banking and commercial law; contracts and secured transactions and corporate finance at Western University Canada - Faculty of Law
- counsel McKenzie Lake Lawyers LLP, London Law firm 2005-present
- law firm of MacKewn Winder Kirwin where I did appellate litigation and consultative trial work, as well as legal opinions in the fields in which I teach and have written books (1984 2005)
- litigation and commercial law experience as a practicing lawyer for the past 30 years; was full time lawyer 1983/84 with London law firm of Harrison, Elwood
- worked on the consultative group for the drafting of the revised and original Personal Property Security Acts in Ontario; currently a member of the Federal government's Bankruptcy & Insolvency Committee making recommendations on the revision of the Bankruptcy & Insolvency Act and the Companies Creditors Arrangement Act
- Canadian co-reporter and special consultant on the transnational insolvency project, through the American Law Institute, involving the bankruptcy and insolvency laws of Canada, Mexico and the United States. The aim of this project is to develop cooperative procedures for use in business insolvency cases involving companies with assets or creditors in more than one of the three NAFTA countries

## **EDUCATION**

Trinity College School (1964)

Ivey School of Business (UWO), H.B.A. (1968)

University of Western Ontario, LL.B. (1971)

University of London, LL.M. (1972)

Barrister and Solicitor Law Society of Upper Canada (1974)

National Academy of Arbitrators (N.A.A.) (U.S.A.) (1980)  
Arbitrator's Institute of Canada Inc. - Chartered Arbitrator (C.Arb.) (1989)

## **MEMBERSHIPS**

The Canadian Academy of Distinguished Neutrals, The Arbitrator's Institute of Canada; The National Academy of Arbitrators (United States); The London Court of International Arbitration (North American Council); ICC Canada Arbitration Committee (The Canadian Chamber of Commerce); Law Society of Ontario; Canadian Bar Association/Ontario Bar Association; Ontario Labour-Management Arbitrator's Association; Former Director, ADR Institute of Canada and Ontario; founder, creator and member of ADR program for amateur sport (ADRsportRED), Past Co-Chief Arbitrator for the Sports Dispute Resolution Centre for Canada; Member of Court of Arbitration for Sport panel of arbitrators, based in Lausanne, Switzerland; Sport Lawyers Association; International Council for Commercial Arbitration (Netherlands); Arbitrator – Asian Institute of Alternative Dispute Resolution (AIADR); on the panel of arbitrators, for the Beijing Arbitration Commission (BAC); on the panel of arbitrators for the Dubai International Arbitration Centre; Fédération Equestre Internationale (FEI) Commission- Anti Doping & Medication - Legal Group; Chairman Emeritus of the Advisory Board National Sports Law Institute at Marquette University Faculty of Law and Special Advisor to Straus Institute, Council of Distinguished Advisors for Dispute Resolution, Pepperdine University and the Canadian Association of Law Teachers (CALT).