



## Robert J.C. Deane

### Partner

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Rob is recognized nationally and internationally as a leading counsel in commercial litigation, international and domestic commercial arbitration, and intellectual property litigation, among other areas.

As litigation counsel, Rob has litigated complex cases throughout Canada and at all levels of Court, including to the Supreme Court of Canada, in diverse areas including contractual disputes, arbitration-related litigation including appeals, mining disputes, construction and infrastructure disputes, life sciences and other intellectual property disputes, consumer class actions, sponsorship and advertising disputes, shareholder disputes, securities regulation, information and privacy law, and administrative law.

As arbitration counsel, Rob has appeared in significant arbitration proceedings in North America, Asia and Europe, under almost all major institutional sets of rules, in a wide array of industry sectors including construction and infrastructure, manufacturing, technology, distribution, pharmaceuticals, energy, and mining as well as investor-State disputes.

As arbitrator, Rob has either chaired or been sole arbitrator in international and domestic proceedings involving parties throughout the world engaged in disputes arising in, among others, the distribution, intellectual property licensing and resource sectors.

Rob is the National Leader of BLG's International Trade and Arbitration Group. He is an elected member of the Partnership Board, the Firm's governing body.

After graduating from the Faculty of Law at the University of Victoria as the Law Society of British Columbia Gold Medallist in 1998, Rob served as a Law Clerk to the Honourable Madam Justice Beverley McLachlin of the Supreme Court of Canada (formerly the Rt. Honourable Beverley McLachlin, P.C., Chief Justice of Canada) in 1998-1999.

## Experience

- **Litigation Experience**

- Representative recent cases on which Rob has been counsel include the following:
  - *Surespan Structures Ltd. v. Lloyds Underwriters* – counsel to a successful contractor in obtaining a declaration that no policy limit applied to mitigation of loss coverage in a professional liability policy, in the context of a major public infrastructure project.
  - *Appleton & Associates v. Branch MacMaster LLP* – counsel to a successful party in a challenge to an arbitrator’s costs award, in a case clarifying the Court’s role where arbitral error has been established.
  - *South Coast British Columbia Transportation Authority formerly known as Greater Vancouver Transportation Authority dba TransLink, et al. v. BMT Fleet Technology Ltd., et al.* – counsel to a successful party in a jurisdictional challenge arising in a commercial arbitration arising from a public transportation project.
  - *Fortinet Technologies (Canada) ULC v. Bell Canada* – counsel to the successful appellant in parallel litigation to a commercial arbitration in the telecommunications infrastructure sector.
  - *Centura Building Systems (2013) Ltd. v. 601 Main Partnership* – counsel to the successful appellant in a significant case concerning the law of builders’ liens.
  - *Re Hecla Mining Company* – counsel to the successful target in the first contested take-over bid proceedings heard jointly by the British Columbia Securities Commission and the Ontario Securities Commission.
  - *Acuitas Therapeutics Inc. v. Arbutus Biopharma Corporation* – counsel to a successful applicant for an interlocutory injunction in a patent licensing dispute.
  - *British Columbia Hydro and Power Authority v. British Columbia (Information and Privacy Commissioner)* – counsel to a public body in judicial review proceedings.
  - *Drover v BCE Inc.* – counsel to a defendant in a successful application to dismiss a putative consumer class action.
  - *Weyerhaeuser Company Limited v. Hayes Forest Services Limited* – counsel to the successful respondent in a contract dispute in the forestry sector.
  - *Bell Mobility Inc. v. TELUS Communications Company* – counsel in a series of advertising disputes, including claims for injunctive relief, in the telecommunications sector.
  - *BCE Inc. v. Gillis* – counsel to a successful defendant in proceedings brought to challenge a putative consumer class action as an abuse of process.
  - *Nordural Helguvik ehf v. Alterra Power Corp.* – counsel in a contract dispute related to an international arbitration.
  - *Garford Pty Ltd. v. Dywidag Systems International, Canada, Ltd.* – counsel to a successful party in patent licensing litigation.
  - *Powerex Corp. v. Alcan Inc.* – counsel to a party to proceedings arising from an international arbitration award in the energy sector.
  - *Wires Jolley LLP v. Wong* – counsel to the successful petitioner for enforcement of an international arbitration award in the services sector.

- *Reference re: Criminal Code of Canada (B.C.)* – pro bono counsel to an intervener in a constitutional reference case.

- **Arbitration Experience**

- Rob's practice has provided him with opportunities to work with most major sets of institutional rules in the world, including the *LCIA Rules*, the *ICSID (Additional Facility) Rules*, the *ICC Arbitration Rules*, the *UNCITRAL Arbitration Rules*, the *Arbitration Rules* of the Hong Kong International Arbitration Centre, the American Arbitration Association's *International Arbitration Rules (ICDR)*, the *Arbitration Rules* of the Arbitration Institute of the Stockholm Chamber of Commerce, the *Domestic and International Arbitration Rules* of the Vancouver International Arbitration Centre, and the *National Arbitration Rules* of the ADR Institute of Canada, among others.
- Representative commercial arbitration matters on which Rob has been counsel include:
  - Counsel to a Provincial Crown Corporation in a series of construction-related claims arising from a major public infrastructure project (VanIAC).
  - Counsel in multiple claims arising from declarations of *force majeure* arising from the COVID-19 pandemic in the hydroelectric energy sector (VanIAC).
  - Counsel to an energy purchaser in a dispute relating to the construction of a run-of-river hydroelectric project (VanIAC).
  - Counsel to a Mexican beverage supply franchisee in a dispute with a Canadian franchisor (UNCITRAL).
  - Counsel to a Canadian technology company in a dispute with an Asian mobile phone supplier (HKICAC).
  - Counsel to a Canadian metal refining company in an investor-State dispute with an Asian state (UNCITRAL).
  - Counsel to a Provincial Crown Corporation in a dispute with a sports team relating to sponsorship rights (BCICAC).
  - Counsel to an Icelandic power producer in a series of disputes with an American-owned Icelandic aluminum smelter operator concerning a 25 year contract with an estimated value of between US\$1 billion and US\$3 billion (SCC).
  - Counsel to a Canadian airline in a dispute with its former CEO (BCICAC).
  - Counsel to one of the parties in the dissolution of a law firm partnership (BCICAC).
  - Counsel to a Canadian biopharmaceutical developer in a dispute with a Canadian licensor (BCICAC).
  - Counsel to a Canadian partner in a dispute with an American partnership relating to a large casino project (BCICAC).
  - Counsel to a United States supplier of large aircraft landing gear systems in a dispute with a Canadian sub-supplier (ICC).
  - Counsel to a Canadian pharmaceutical company in a dispute with a South Korean company arising out of a license and revenue sharing contract (ICC).
  - Counsel to a Canadian software development company in a dispute with American licensees arising out of a license and development contract (BCICAC).
  - Counsel to a British Columbia energy utility in a dispute with a contractor in relation to a major infrastructure project (BCICAC).
  - Counsel to a British Columbia energy utility in a dispute with a major forestry company under a clean energy purchase agreement (BCICAC).
  - Counsel to a major North American forestry company in a series of arbitrations relating to a revenue-sharing agreement with its primary forestry services-provider (BCICAC).
  - Counsel to a Canadian heavy equipment supplier in a dispute with a Texas distributor (ICDR).

- Counsel to a major British Columbia insurer in a series of disputes with brokers (BCICAC).
- Counsel to a Canadian-based electricity utility in a dispute concerning liability for and quantification of a termination payment under a long term power purchase and sale agreement consequent upon the Enron bankruptcies (AAA).
- Counsel for an Alberta energy utility in a dispute concerning representations and warranties given by the vendors of two run-of-river power plants in British Columbia (ADR Institute of Canada).
- Rob also has significant experience as counsel to a State Party to the *North American Free Trade Agreement* in court proceedings before the Supreme Court of British Columbia, the Ontario Superior Court of Justice, the Court of Appeal for Ontario and the Supreme Court of Canada relating to investor-State awards (*Metalclad Corp. v. United Mexican States*; *Feldman v. United Mexican States*; *Bayview Irrigation District v. United Mexican States*; *Corn Products International Inc. v. United Mexican States*; *Cargill Inc. v. United Mexican States*; and *B-Mex LLC et al. v. United Mexican States*).
- Illustrative commercial arbitration matters on which Rob has been appointed as arbitrator include:
  - Sole arbitrator hearing a dispute between Australian and American parties regarding patent assignment and licensing agreements (ICC).
  - President of a tribunal hearing a dispute among Irish, French, and American parties arising in the pharmaceutical distribution industry (ICC).
  - Sole arbitrator hearing a dispute between the seller and purchaser of an oil services business, in relation to a working capital adjustment (CAA).

## Insights & Events

- Co-author, "[The Arbitration Review of the Americas](#)", Global Arbitration Review (GAR), November 2023
- Quoted, "B.C. court grants leave to appeal dismissal of abuse of process stay application," Law360 Canada, October 2023
- Co-author, "[The Arbitration Review of the Americas.](#)" Global Arbitration Review (GAR), 2021
- Author, "International Chamber of Commerce to update Rules of Arbitration in January 2021", BLG Article, October 2020
- Author, "The Arbitration Review of the Americas 2021 - Canada Chapter", BLG Article, October 2020
- Author, "B.C.'s New Arbitration Legislation comes into force", BLG Article, September 2020
- Author, "Uber v. Heller: Supreme Court applies the law of unconscionability to arbitration agreements and identifies a new role for the Court", BLG Article, June 2020
- Panelist, "[ICDR and ICDR Hosting WCCAS's 2020 Canadian Arbitration Case Law Update](#)," *BIICL*, May 2020.
- COVID-19 Legal Perspectives
- Author, "Objections for Relevance" and "Parliamentary Privilege" in C. Marseille and J. McArthur (eds), *The Law of Objections in Canada: A Handbook*, (Toronto: LexisNexis, 2019).
- Panelist, "The New International Arbitration Act: Has Anything Changed One Year Later?" *2019 ADRBC Symposium* – Vancouver, British Columbia, June 2019
- Panelist, "Efficient Procedures in International Arbitration", *Judge Judith O. Hollinger ADR Program, Fourth Annual Symposium: Best Practices in International Arbitration*, University of Southern California, JAMS Arbitration Institute – Los Angeles, California, March 2019
- Panelist, "Connecting East and West: BC's Challenges and Opportunities in International Arbitration", *2018 ADRBC Symposium* – Vancouver, British Columbia, June 2018

- Panelist, “Hot Topics in Arbitration”, Western Canada Commercial Arbitration Society, *12th Annual Energy, Mining and Resources Arbitration Conference* - Calgary, Alberta, May 2018
- Co-Author, “The Arbitration Review of the Americas”, *Global Arbitration Review (GAR)*, 2015-present
- Co-Author, “Canada Chapter,” *Global Arbitration Review (GAR) Investment Treaty Arbitration Know-How*, November 2012-present.
- Panelist, “Case Law Update – International Arbitration”, Western Canada Commercial Arbitration Society, *11th Annual Energy, Mining and Resources Arbitration Conference* – Calgary, Alberta, May 2017
- Panelist, “BITs in the Background”, *Rocky Mountain Mineral Law Foundation – International Mining and Oil & Gas Law, Development and Investment Conference* – Quito, Ecuador, April 2017
- Co-Author, “Arbitral Proceedings in Canada,” *ADR Forum*, March 2017.
- Faculty, *Singapore International Arbitration Academy*, National University of Singapore – Centre for International Law, November 2015; Singapore
- Panelist, “Practical Issues Relating to Costs and Interest in International Arbitration”, *Dublin International Arbitration Day*, November 2015 – Dublin, Ireland
- Investment Arbitration Section Editor, *IBA Arbitration News*, International Bar Association - Investment Arbitration Section/Committee, 2011-present
- Co-Author/Presenter, “Telling Your Story Effectively”. *Commercial Arbitration 2015: Taking Advantage of User Control; Affinity Institute Conference* June 2015 (with Murray Clemens, QC) – Vancouver, British Columbia
- Co-Author, “Foreign Investment Protection Under Investment Treaties: Recent Developments Under Chapter 11 of the North American Free Trade Agreement”, *ICSID Review: Foreign Investment Law Journal*, 16:1 299 (with Patrick G. Foy, QC)
- Author, “Varying the Plaintiff’s Burden: An Efficient Approach to Interlocutory Injunctions to Preserve Future Money Judgments”, (1999), 49 *University of Toronto Law Journal* 1

## Beyond Our Walls

### Professional Involvement

- Member, Attorney General’s Advisory Committee on Commercial Arbitration
- Member, The Advocates’ Society - British Columbia Regional Advisory Committee (and the Advocacy, Justice Reform & Diversity Sub-Committee)
- Member, The Advocates’ Society - Arbitration and Mediation Advocacy Practice Group
- Member, Roster of Advocacy Advisors, Supreme Court Advocacy Institute
- Member, International Arbitration Committee of the Canadian Chamber of Commerce (ICC Canada)
- Member, Western Canada Commercial Arbitration Society
- Member, Toronto Commercial Arbitration Society
- Member of the Advisory Board, The Institute for Transnational Arbitration
- Member, Singapore International Arbitration Centre Users Council
- Member, Diversity Law Institute
- Member, Trial Law Institute
- Member, Litigation Counsel of America
- Editor (Investment Arbitration Section), *IBA Arbitration News* (International Bar Association – Arbitration Committee)
- Roster Member – BC Bid Protest Mechanism, New West Partnership Trade Agreement, and the Canadian Free Trade Agreement
- Roster Member, International Centre for Dispute Resolution (ICDR), International Division of the American Arbitration Association

- Roster Member, ICDR Canada, International Division of the American Arbitration Association
- Roster Member, Vancouver International Commercial Arbitration Centre
- Roster Member, Canadian International Internet Dispute Resolution Centre
- Regional Representative for North America (Canada), Young International Arbitration Group – London Court of International Arbitration (2010 – 2013)
- Co-Chair, Working Group on Best Practices for Electronic Document Discovery and Production in Canada (Sedona Canada) (2010-2014); Member of Steering Committee and Editorial Board, Sedona Canada, 2005-2010
- Member, Canadian Bar Association – British Columbia Branch
- Member, American Bar Association

## Community Involvement

- Director, Cystic Fibrosis Canada (Member, Governance Committee and Human Resources Committee), 2019 to present
- President, Cystic Fibrosis Canada - Vancouver Chapter, 2013-2019

## Awards & Recognitions

- Recognized by *Best Lawyers in Canada* as the 2024 'Lawyer of the Year' for International Arbitration' and as the 2022 and 2023 'Lawyer of the Year' in Vancouver for Bet-the-Company Litigation
- Recognized in the 2024 edition (and since 2011) of *Chambers Global — The World's Leading Lawyers for Business* (Dispute Resolution – Arbitration) and in the 2022-2023 editions (Dispute Resolution - Litigation). Rob was recognized in *Chambers Global* as an "an excellent all-around counsel. He's very thoughtful and very precise in his submissions."
- Recognized in the 2024 edition (and since 2016) of *Chambers Canada — Canada's Leading Lawyers for Business* (Litigation: General Commercial Litigation, British Columbia; Dispute Resolution: Arbitration - Nationwide).
  - **Dispute Resolution: Arbitration** - *Robert Deane heads the international trade and arbitration team at Borden Ladner Gervais. Based in Vancouver, he operates a robust arbitration practice with experience acting on commercial disputes and investor-state proceedings. "Rob Deane is an excellent lawyer."*
  - Litigation: General Commercial (British Columbia) - *Robert Deane represents clients before provincial and federal courts across the nation, including the Supreme Court of Canada. He is lauded for his expertise in international arbitration as well as cross-border and domestic commercial litigation.*
- Recognized in the 2024 edition (and since 2012) of *The Best Lawyers in Canada* (International Arbitration, Corporate and Commercial Litigation, Class Action Litigation, Privacy and Data Security Law and Advertising and Marketing Law), in the 2024 and 2022 edition (Bet-the-Company Litigation and Appellate Practice).
- Recognized in the 2024 edition (and since 2016) of *Who's Who Legal: Arbitration*: "Rob is the best in Canada in the field of international arbitration." "Mr. Deane offers his clients smart and effective advocacy paired with strategic and measured advice." "He has a great business sense and is easy to work with."
- Recognized in the 2024 (and previous editions) of the *Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada* (Commercial Arbitration)
- Recognized in the 2024 edition (and since 2017) of the *Legal 500 Canada* as a "Leading individual: British Columbia" (Dispute Resolution). Rob is recommended in The Legal 500 for "his broad expertise, which spans commercial litigation, arbitration, privacy and IP Disputes."



- Recognized at the 2023 and 2022 *Benchmark Canada Awards* as "Arbitration Lawyer of the Year"
- Recognized as a 2023 *Thomson Reuters* Stand-out Lawyer
- Fellow of the Litigation Counsel of America
- Martindale-Hubbell AV Preeminent Peer Review Rated
- Recognized in the 2023 edition (and since 2016) of *Who's Who Legal: Commercial Litigation*: Robert Deane garners plaudits as "an extremely bright litigator" who excels in intellectual property disputes.
- Recognized in the 2023 edition (and since 2015) of *Who's Who Legal: Canada (Arbitration)*: Robert Deane is recognised as one of the leading names in the Canadian market when it comes to arbitration and is described by sources as "highly competent in local and international disputes".
- Recognized in the 2023 edition (and since 2020) of *Lexpert Special Edition: Litigation*.
- Recognized in the 2024 edition (and since 2022) of *The Canadian Legal Lexpert Directory* (Litigation - Regulatory & Public Law) and the 2024 (and since 2015) editions (Commercial Arbitration, Litigation – Corporate Commercial, Litigation – Intellectual Property) and the 2024 edition (Computer & IT Law)
- Recognized in the 2024 edition (and since 2015) of *Benchmark Canada – The Definitive Guide to Canada's Leading Litigation Firms & Attorneys* as a "Local Litigation Star: British Columbia" and a "Litigation Star: Arbitration, General Commercial Litigation, Competition, Intellectual Property" *Praised for building a substantial international arbitration practice, and is said to be "one of the few in Canada, and certainly in the province, to have done this"*.
- Recognized in the 2023 edition (and since 2020) of *Lexpert Special Edition: Infrastructure*.
- Recognized in the 2023 edition (and since 2020) of *Lexpert Special Edition: Energy*
- Recognized in the 2021 edition (and since 2015) of *Who's Who Legal (Global) (Arbitration; E-Discovery)*
- Recognized in the 2019 edition (and since 2014) of the *Lexpert Guide to the Leading US/Canada Cross-Border Litigation Lawyers in Canada*
- Recognized in the 2019 edition (and since 2014) of the *Lexpert Report on Business Litigation Special Edition* as a leading litigator
- Recognized as the 2017 "Vancouver International Arbitration Lawyer of the Year" by *The Best Lawyers in Canada*
- Recognized as the Arbitration Lawyer of the Year (2016) and Arbitration Counsel of the Year (2014 and 2013) by *Benchmark Canada — The Definitive Guide to Canada's Leading Litigation Firms & Attorneys*
- Recognized in 2017 and 2018 as an Acritas Star
- Recognized in both 2017 and 2018 as the "Vancouver Privacy and Data Security Law Lawyer of the Year" by *The Best Lawyers in Canada*
- Honoured with a 2014 *Lexpert Zenith Award* (International Commercial Arbitration)

## Bar Admission & Education

- British Columbia, 2000
- LLB, University of Victoria, 1998, (Law Society of BC Gold Medallist)
- BA, Simon Fraser University, 1995

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## BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers,



intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

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