

## **The Honourable Russell Brown**

Arbitrator, Mediator, Associate Counsel  
Hunter Litigation Chambers  
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### **SHORT BIOGRAPHY**

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The Honourable Russell Brown is an arbitrator and mediator, and Associate Counsel at Hunter Litigation Chambers.

He serves as an arbitrator on complex commercial and insurance matters, and served as arbitral counsel in commercial, insurance, investor-state and sports discipline matters. As a mediator, he has achieved significant settlements and preserved ongoing commercial and institutional relationships in subject areas as diverse as estates, land development, insurance, construction & infrastructure and copyright.

He is a roster member of Arbitration Place, the Vancouver International Arbitration Centre and Western Arbitration Chambers.

He served on the Canadian judiciary for 10½ years, including eight years as a Justice of the Supreme Court of Canada, where he wrote over 100 judgments, including significant judgments in commercial/private and public law. Prior to his judicial career, he was Professor and Associate Dean (Graduate Studies) of Law at the University of Alberta, chair of the Health Law Institute, and counsel at the Bars of Alberta and British Columbia. He is the author of the leading Canadian treatise on tort claims for economic loss and the co-author of a textbook on government liability, in addition to over 40 published law review articles on private law, regulatory takings and civil justice.

### **CURRENT POSITION**

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Associate Counsel, Hunter Litigation Chambers

## **ARBITRATION APPOINTMENTS**

Party-nominated and HKIAC-appointed President of a three-member tribunal in an arbitration under the HKAIC Administered Arbitration Rules in a dispute regarding alleged auditor's liability.

Party-appointed arbitrator in three-member tribunals in two separate arbitrations under the VanIAC Rules in disputes arising from real-estate development projects.

Party-appointed sole arbitrator in arbitration under the ICC Rules in a dispute over the application of a share purchase agreement in a merger/acquisition.

Party-nominated and SIAC-appointed arbitrator in three-member tribunal under the SIAC Rules involving a dispute regarding the production and supply over metal concentrates.

Party-appointed sole arbitrator in arbitration under the VanIAC Rules in a dispute over an industrial lease agreement.

Party-appointed sole arbitrator in arbitration under the ICDR Rules in a dispute over the operation of a marine terminal facility.

Party-appointed sole arbitrator in arbitration under the VanIAC Rules in a dispute over inventors' benefits in patented technology.

Party-appointed sole arbitrator in arbitration under the Industry Canada Arbitration Rules and Procedures in a dispute over data roaming services.

Party-appointed arbitrator in three-member tribunal for an *ad hoc* arbitration involving a dispute regarding a hydro-electric power sale agreement.

Party-appointed sole arbitrator in an *ad hoc* arbitration involving supply of forest product.

## **CAREER OVERVIEW**

Since Oct 2023	<b>Arbitrator, Mediator</b>
2015-23	<b>Justice</b> , Supreme Court of Canada and Deputy of the Governor General
2014-15	<b>Justice</b> , Court of Appeal of Alberta
	<b>Judge</b> , Courts of Appeal of the Northwest Territories and Nunavut
2013-14	<b>Justice</b> , Court of Queen's Bench of Alberta (now King's Bench)
2008-13	<b>Associate Counsel</b> , Miller Thomson LLP (Alberta)

2004-13	<b>Professor of Law and Associate Dean (Graduate Studies)</b> , University of Alberta
1996-2004	<b>Associate Lawyer and Associate Counsel</b> , Carfra Lawton LLP, Victoria BC
1994-96	<b>Articled Student and Associate Lawyer</b> , Davis & Company (now DLA Piper), Vancouver BC.
1992	<b>Special Assistant to the Minister of State for National Defence (Canada)</b>
1990-91	<b>Executive Assistant to the Minister of Education (British Columbia)</b>
1990	<b>Teaching Assistant</b> , Junior State of America Summer School, Georgetown University, Washington DC.
1988-90	<b>Policy Analyst</b> , Ministry of Transportation and Highways, Victoria BC
1988	<b>Legislative Intern</b> , British Columbia Legislative Assembly, Victoria BC.

### **ASSOCIATIONS, MEMBERSHIPS**

**Roster, *Arbitration Place* (Toronto)**  
**Roster, *Western Arbitration Chambers* (Calgary)**  
**Roster, *Vancouver International Arbitration Centre***  
**Member, *London Court of International Arbitration***  
**Member, *ADRIC***  
**Member, *ICC Canada***

### **ACADEMIC QUALIFICATIONS**

2006	<b>Doctor of Juridical Science</b> , University of Toronto
2003	<b>Master of Laws</b> , University of Toronto
1994	<b>Bachelor of Laws (equivalent to J.D.)</b> , University of Victoria
1987	<b>Bachelor of Arts (First Class)</b> , University of British Columbia

### **PUBLICATIONS**

Author, *Pure Economic Loss in Canadian Negligence Law* (LexisNexis, 2011) [2d edition forthcoming, 2026].

Co-author, *Government Liability* (Canada Law Book, 2006)

Over 40 published peer-reviewed articles, book chapters on private law, regulatory takings and civil justice (as author or co-author).

## **PROFESSIONAL QUALIFICATIONS**

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2008                      Admitted to the Bar of Alberta

1995                      Admitted to the Bar of British Columbia

## **RECOGNITION**

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LL.D. (*Honoris Causa*) - University of Alberta

Honorary Fellow - American College of Trial Lawyers

Queen Elizabeth II Platinum Jubilee Medal (Alberta) “in recognition of significant contributions to the province”

Honorary Board Member, Canadian Forum for Civil Justice

Fellow, Royal Canadian Geographical Society

**AUTHORED AND CO-AUTHORED JUDGMENTS**

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**Supreme Court of Canada****2022**

*Des Groseillers v. Quebec (Agence du revenu)*, 2022 SCC 42 (co-written, by the Court).  
*R. v. Sharma*, 2022 SCC 39 (co-written).  
*R. v. Ndhlovu*, 2022 SCC 37 (dissent).  
*Annapolis Group Inc. v. Halifax Regional Municipality*, 2022 SCC 36 (co-written).  
*R. v. Tessier*, 2022 SCC 35 (co-written dissent).  
*R. v. Schneider*, 2022 SCC 34 (co-written dissent).  
*R. v. Kirkpatrick*, 2022 SCC 33 (co-written separate concurrence).  
*R. v. Lafrance*, 2022 SCC 32.  
*R. v. J.J.*, 2022 SCC 28 (dissent).  
*Canada (Attorney General) v. Collins Family Trust*, 2022 SCC 26.  
*R. v. Goforth*, 2022 SCC 25 (dissent).  
*R. v. Safdar*, 2022 SCC 21 (delivered from the bench).  
*R. v. Tim*, 2022 SCC 12 (dissent).  
*Anderson v. Alberta*, 2022 SCC 6 (co-written).

**2021**

*Montréal (Ville) v. Restructuration Deloitte Inc.*, 2021 SCC 53 (dissent).  
*Trial Lawyers Association of British Columbia v. Royal & Sun Alliance Insurance Company of Canada*, 2021 SCC 47 (co-written).  
*R. v. Parranto*, 2021 SCC 46 (co-written).  
*Northern Regional Health Authority v. Horrocks*, 2021 SCC 42.  
*Toronto (City) v. Ontario (Attorney General)*, 2021 SCC 34 (co-written).  
*Canada v. Canada North Group Inc.*, 2021 SCC 30 (co-written dissent).  
*R. v. Chouhan*, 2021 SCC 26 (co-written).  
*R. v. G.F.*, 2021 SCC 20 (co-written separate concurrence).  
*Reference re Greenhouse Gas Pollution Pricing Act*, 2021 SCC 11 (dissent).  
*R. v. R.V.*, 2021 SCC 10 (dissent).  
*R. v. Esseghaier*, 2021 SCC 9 (co-written).  
*Wastech Services Ltd. v. Greater Vancouver Sewerage and Drainage District*, 2021 SCC 7 (co-written dissent).  
*R. v. T.J.M.*, 2021 SCC 6.

**2020**

*C.M. Callow Inc. v. Zollinger*, 2020 SCC 45 (separate concurrence).  
*Ontario (Attorney General) v. G*, 2020 SCC 38 (co-written dissent).  
*1688782 Ontario Inc. v. Maple Leaf Foods Inc.*, 2020 SCC 35 (co-written).  
*Quebec (Attorney General) v. 9147-0732 Québec inc.*, 2020 SCC 32 (co-written).  
*Fraser v. Canada (Attorney General)*, 2020 SCC 28 (co-written dissent).  
*R. v. Reilly*, 2020 SCC 27 (delivered from the bench).  
*Michel v. Graydon*, 2020 SCC 24.

*Atlantic Lottery Corp. Inc. v. Babstock*, 2020 SCC 19.  
*R. v. Thanabalasingham*, 2020 SCC 18 (co-written, by the Court).  
*Uber Technologies Inc. v. Heller*, 2020 SCC 16 (separate concurrence).  
*Conseil scolaire francophone de la Colombie-Britannique v. British Columbia*, 2020 SCC 13 (co-written dissent).  
*R. v. Ahmad*, 2020 SCC 11 (co-written).  
*Newfoundland and Labrador (Attorney General) v. Uashaunnuat (Innu of Uashat and of Mani-Utenam)*, 2020 SCC 4 (co-written dissent).  
*Nevsun Resources Ltd. v. Araya*, 2020 SCC 5 (co-written dissent).

## 2019

*Bell Canada v. Canada (Attorney General)*, 2019 SCC 66 (co-written).  
*Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 (co-written).  
*R. v. Resolute FP Canada Inc.*, 2019 SCC 60 (co-written dissent).  
*Desgagnés Transport Inc. v. Wärtsilä Canada Inc.*, 2019 SCC 58 (co-written separate concurrence).  
*Montréal (Ville) v. Octane Stratégie inc.*, 2019 SCC 57 (co-written dissent).  
*R. v. K.J.M.*, 2019 SCC 55 (co-written dissent).  
*Threlfall v. Carleton University*, 2019 SCC 50 (co-written dissent).  
*R.S. v. P.R.*, 2019 SCC 49 (dissent).  
*Keatley Surveying Ltd. v. Teranet Inc.*, 2019 SCC 43 (co-written dissent).  
*Pioneer Corp. v. Godfrey*, 2019 SCC 42.  
*R. v. R.V.*, 2019 SCC 41 (co-written dissent).  
*R. v. Stillman*, 2019 SCC (40) (co-written).  
*R. v. Goldfinch*, 2019 SCC 38 (dissent).  
*L'Oratoire Saint-Joseph du Mont-Royal v. J.J.*, 2019 SCC 35.  
*R. v. Le*, 2019 SCC 34 (co-written).  
*R. v. Omar*, 2019 SCC 32 (dissent, delivered from the bench).  
*Christine DeJong Medical Professional Corporation v. DBDC Spadina Ltd.*, 2019 SCC 30 (delivered from the bench).  
*Modern Cleaning Concept Inc. v. Comité paritaire de l'entretien d'édifices publics de la région de Québec*, 2019 SCC 28 (co-written dissent).  
*R v. Mills*, 2019 SCC 22.  
*J.W. v. Canada (Attorney General)*, 2019 SCC 20 (dissent).  
*Barer v. Knight Brothers LLC*, 2019 SCC 13 (separate concurrence).  
*R v. Blanchard*, 2019 SCC 9 (delivered from the bench).  
*Frank v. Canada (Attorney General)*, 2019 SCC 1 (co-written dissent).

## 2018

*R v. Quartey*, 2018 SCC 59 (delivered from the bench).  
*Reference re Pan-Canadian Securities Regulation*, 2018 SCC 48 (co-written, by the Court).  
*Mikisew Cree First Nation v. Canada (Governor General in Council)*, 2018 SCC 40 (separate concurrence).  
*Chagnon v. Syndicat de la fonction publique et parapublique du Québec*, 2018 SCC 39 (co-written dissent).  
*Rogers Communications Inc. v. Voltage Pictures, LLC*, 2018 SCC 38.

*R. v. Philip Morris International, Inc.*, 2018 SCC 36.  
*Trinity Western University v. Law Society of Upper Canada*, 2018 SCC 33 (co-written dissent).  
*Law Society of British Columbia v. Trinity Western University*, 2018 SCC 32 (co-written dissent).  
*Canada (Canadian Human Rights Commission) v. Canada (Attorney General)*, 2018 SCC 31  
 (separate concurrence).  
*R. v. Wong*, 2018 SCC 25 (co-written).  
*West Fraser Mills Ltd. v. British Columbia (Workers' Compensation Appeal Tribunal)*, 2018  
 SCC 22 (dissent).  
*Rankin (Rankin's Garage & Sales) v. J.J.*, 2018 SCC 19 (dissent).  
*Quebec (Attorney General) v. Alliance du personnel professionnel et technique de la santé et des  
 services sociaux*, 2018 SCC 17 (co-written dissent).  
*R. v. Comeau*, 2018 SCC 15 (co-written, by the Court).  
*International Brotherhood of Electrical Workers (IBEW) Local 773 v. Lawrence*, 2018 SCC 11  
 (delivered from the bench).  
*Valard Construction Ltd. v. Bird Construction Company*, 2018 SCC 8.  
*R. v. G.T.D.*, 2018 SCC 7 (delivered from the bench).  
*R. v. Canadian Broadcasting Corporation*, 2018 SCC 5 (co-written).  
*Williams Lake Indian Band v. Canada*, 2018 SCC 4 (dissent).

## 2017

*Deloitte & Touche v. Livent Inc.*, 2017 SCC 63 (co-written).  
*Cowper-Smith v. Morgan*, 2017 SCC 61 (separate concurrence).  
*Barreau du Québec v. Québec (Attorney General)*, 2017 SCC 56.  
*Montreal (City) v. Dorval*, 2017 SCC 48 (co-written dissent).  
*Canada (Attorney General) v. Fontaine*, 2017 SCC 47 (co-written).  
*Canada (Attorney General) v. Thouin*, 2017 SCC 46 (co-written).  
*Québec (Attorney General) v. Guerin*, 2017 SCC 42 (co-written separate concurrence).  
*Chippewas of the Thames First Nations v. Enbridge Pipelines Inc.*, 2017 SCC 41 (co-written).  
*Clyde River (Hamlet) v. Petroleum Geo-Services Inc.*, 2017 SCC 40 (co-written).  
*R. v. Cody*, 2017 SCC 31 (co-written, by the Court).  
*Saadati v. Moorhead*, 2017 SCC 28.  
*R. v. Paterson*, 2017 SCC 15.  
*Nelson (City) v. Mowatt*, 2017 SCC 8.  
*Ernst v. Alberta Energy Regulator*, 2017 SCC 1 (co-written dissent).

## 2016

*Canada (Attorney General) v. Fairmont Hotels Inc.*, 2016 SCC 56.  
*Windsor (City) v. Canadian Transit Company*, 2016 SCC 54 (co-written dissent).  
*Edmonton (City) v. Edmonton East (Capilano) Shopping Centres Ltd.*, 2016 SCC 47 (co-written  
 dissent).  
*Canada (Attorney General) v. Igloo Vikski Inc.*, 2016 SCC 38.  
*Musqueam Indian Band v. Musqueam Indian Band (Board of Review)*, 2016 SCC 36.  
*R. v. K.R.J.*, 2016 SCC 31 (dissent).  
*Wilson v. Atomic Energy of Canada*, 2016 SCC 29 (co-written dissent).  
*R. v. Williamson*, 2016 SCC 28 (co-written).  
*R. v. Jordan*, 2016 SCC 27 (co-written).

*British Columbia (Workers' Compensation Appeal Tribunal) v. Fraser Health Authority*, 2016 SCC 25.  
*Krayzel Corp. v. Equitable Trust Co.*, 2016 SCC 18.  
*R. v. Lloyd*, 2016 SCC 13 (co-written dissent).  
*Carter v. Canada (Attorney General)*, 2016 SCC 5 (co-written dissent).

### **Court of Appeal of Alberta**

*Money v. Bonnyville (Municipal District No. 87)*, 2015 ABCA 254.  
*R. v. Bulldog*, 2015 ABCA 251.  
*R. v. Sirianni*, 2015 ABCA 241.  
*Solis v. Workers' Compensation Board (Millard Health)*, 2015 ABCA 227.  
*R. v. Toews*, 2015 ABCA 204.  
*Alberta Residential Corporation v. Certain Lloyd's Underwriters*, 2015 ABCA 195.  
*R. v. Seruhungo*, 2015 ABCA 189.  
*Isbister v. Metis Settlements Appeal Tribunal*, 2015 ABCA 164.  
*R. v. Hatfield*, 2015 ABCA 124.  
*University of Calgary v. JR*, 2015 ABCA 118.  
*R. v. CAG*, 2015 ABCA 113.  
*Site Energy Services Ltd. v. Wood Buffalo (Regional Municipality)*, 2015 ABCA 106.  
*R. v. Remple*, 2015 ABCA 96.  
*R. v. Idris*, 2015 ABCA 91.  
*Tait v. Tait*, 2015 ABCA 84.  
*R. v. Bezanson*, 2015 ABCA 50.  
*R. v. Keresztes*, 2015 ABCA 48.  
*Modry v. Alberta Health Services*, 2015 ABCA 31.  
*Thomas v. Edmonton (City)*, 2015 ABCA 30.  
*R. v. Figiel*, 2015 ABCA 19.  
*Isbister v. Metis Settlements Appeal Tribunal*, 2015 ABCA 18.  
*Keef v. Peters*, 2015 ABCA 16.  
*R. v. Schmaltz*, 2015 ABCA 4.  
*R. v. Elliott*, 2015 ABCA 431.  
*Wagner v. Wagner*, 2014 ABCA 428.  
*Warrington v. Kozak*, 2014 ABCA 419.  
*WP v. Alberta*, 2014 ABCA 404.  
*R. v. Lee*, 2014 ABCA 400.  
*World Health Inc. v. Edmonton (City)*, 2014 ABCA 332.  
*Alberta v. AUPE*, 2014 ABCA 326.  
*R. v. Heng*, 2014 ABCA 325.  
*Sherwood Steel Ltd. v. Odyssey Construction Inc.*, 2014 ABCA 320.  
*R. v. Hilsen*, 2014 ABCA 310.  
*R. v. Valk*, 2014 ABCA 309.  
*R. v. Napesis*, 2014 ABCA 308.  
*Carleo Investments Ltd. v. Strathcona (County)*, 2014 ABCA 302.  
*Adderley v. 1400467 Alberta Ltd.*, 2014 ABCA 291.  
*United States v. Muhammad 'Isa*, 2014 ABCA 256.  
*Carbone v. McMahon*, 2014 ABCA 252.

*R. v. Savard*, 2014 ABCA 219.  
*Alberta (Minister of Justice and Attorney General) v. Kouch*, 2014 ABCA 215.  
*R. v. Black*, 2014 ABCA 214.  
*Blue Steel Investments LLC v. Hegco Canada Inc.*, 2014 ABCA 198.  
*R. v. Jacobs*, 2014 ABCA 172.  
*Letourneau v. Letourneau*, 2014 ABCA 156.  
*A.R. v. Alberta (Child, Youth and Family Enhancement Act, Director)*, 2014 ABCA 148.  
*R. v. R.M.F.*, 2014 ABCA 139.

### **Nunavut Court of Appeal**

*Kucera v Qulliq Energy Corporation*, 2015 NUCA 2.

### **Court of Queen's Bench of Alberta**

*Graymar Equipment (2008) Inc v. Canada (Attorney General)*, 2014 ABQB 154.  
*Nipshank v. Trimble*, 2014 ABQB 120.  
*Orr v. Fort McKay First Nation*, 2014 ABQB 111.  
*Holzbauer v. Holzbauer*, 2014 ABQB 96.  
*R. v. Kristensen*, 2014 ABQB 46.  
*Lewis Estates Communities Inc. v. Brownlee LLP*, 2013 ABQB 731.  
*Desjardins v. Bouey*, 2013 ABQB 714.  
*Alberta (Director of Assured Income for the Severely Handicapped) v. Januario*, 2013 ABQB 677.  
*Niyonkuru v. Alberta (Director of Assured Income for the Severely Handicapped)*, 2013 ABQB 542.  
*Lewis Estates Communities Inc. v. Brownlee LLP*, 2013 ABQB 508.  
*Deguire v. Burnett*, 2013 ABQB 488.  
*R. v. Klassen*, 2013 ABQB 475.  
*R. v. Shrumm*, 2013 ABQB 448.  
*Alberta (Justice and Attorney General) v. Echert*, 2013 ABQB 314.  
*1092369 Alberta Ltd. v. Joben Investments Ltd.*, 2013 ABQB 310.  
*Hur v. 726913 Alberta Ltd.*, 2013 ABQB 208.

### **PERSONAL**

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Canadian citizen.  
 Bilingual (English, French).