



## Robert J.C. Deane

### Associé

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Rob is the National Leader of the Firm's Arbitration Group. He is also an elected member of the Firm's Partnership Board (2013-2020, and 2022-present) and Chair of the International Committee.

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, set-aside applications and enforcement applications; 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 real estate development, distribution, intellectual property licensing and resource sectors.

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

## Experience

- **Arbitration and Arbitration-Related Litigation Experience**

- Rob's practice has provided him with opportunities to work with most major sets of institutional rules in the world, including *LCIA*, *ICSID (Additional Facility)*, *ICC*, *UNCITRAL*, *HKIAC*, *ICDR*, *SCC*, *VIAC*, and the *ADR Institute of Canada*, among others.
- Rob has also represented the States in NAFTA Chapter Eleven arbitral proceedings and related 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 (*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*; *B-Mex v. United Mexican States*).
- Rob also appeared for States in *Waste Management Inc. v. United Mexican States*, and has provided advice on numerous other NAFTA Chapter Eleven and other investment treaty arbitral proceedings.
- Representative commercial arbitration matters on which Rob has been counsel include:
  - Counsel to a commercial sponsor in a dispute with a professional sports team (ad hoc).
  - Counsel to a Canadian biopharmaceutical developer in a royalty dispute (VanIAC).
  - Counsel to a resource company in a joint venture dispute arising in relation to a major mine in an Asian state (UNCITRAL).
  - Counsel to a major real estate development company in a dispute relating to the assignment of density in respect of a significant office tower project (VanIAC).
  - Counsel to a Provincial health authority in a dispute relating to the supply of personal protective equipment in the context of the COVID-19 pandemic (VanIAC).
  - Counsel to a law firm in a dispute among the members of a counsel consortium (ICDR Canada).
  - 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 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 (HKIAC).

- 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 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 is also regularly appointed to act as arbitrator. Recent cases include:
  - Sole arbitrator of a dispute arising from a mining transaction between a Canadian company and an Australian company (VanIAC).
  - President of a tribunal hearing a dispute arising in connection with a purchase and sale transaction in the energy sector (ADRIC).
  - Sole arbitrator of a dispute arising from a shotgun clause in a shareholders agreement in the private education institutional sector (VanIAC).
  - Sole arbitrator in a dispute arising from a joint development agreement in the real estate sector (Vania).
  - Sole arbitrator of a dispute arising under a share purchase agreement in the military and law enforcement supply sector (ad hoc).
  - Sole arbitrator of a dispute arising from a purchase and sale agreement in the clean energy sector (VanIAC).
  - Sole arbitrator of a dispute in the real estate development sector (VanIAC).
  - Sole arbitrator of a dispute between Australian and American parties regarding a patent assignment agreement (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).
- **Litigation Matters**
  - Rob is a leading litigation counsel in British Columbia, and across Canada. A few of the many cases on which he has been counsel include the following:
    - *Pirani v. Pirani* – counsel to the successful appellants in an appeal from a judgment holding them liable for breach of trust in the administration and reorganization of a series of family trusts, created in connection with a significant family hotel and resort business. Selected as a “National Impact Case of the Year” by Benchmark Canada.
    - *Morabito v. British Columbia (Securities Commission)* – counsel to the appellant in a case establishing the burden of proof on a party seeking to set aside an investigation order under the *Securities Act*.
    - *Bollhorn v. Lakehouse Custom Homes Ltd.* – counsel to the Vancouver International Arbitration Centre, as intervener, in an appeal raising issues concerning VanIAC’s Expedited Arbitration Rules.
    - *Clemina Hydro Power Limited Partnership v. British Columbia Hydro and Power Authority* – counsel to the successful respondent on an application for leave to appeal from an arbitration award issued by the Honourable Ian Binnie.
    - *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 Helguvirk 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.

## Insights & Events

- Auteur, « Court of Appeal finds the British Columbia Securities Commission treated the appellants unfairly: No sheltering behind deference », article de BLG, novembre 2024
- Co-Auteur, "[Canada: Rulings demonstrate judicial deference to arbitration.](#)" Global Arbitration Review, July 19, 2024
- Co-auteur, "[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-auteur, "[The Arbitration Review of the Americas.](#)" Global Arbitration Review (GAR), 2021
- Auteur, « International Chamber of Commerce to update Rules of Arbitration in January 2021 », article de BLG, octobre 2020
- Auteur, « The Arbitration Review of the Americas 2021 - Canada Chapter », article de BLG, octobre 2020
- Auteur, « B.C.'s New Arbitration Legislation comes into force », article de BLG, septembre 2020
- Auteur, « Uber v. Heller: Supreme Court applies the law of unconscionability to arbitration agreements and identifies a new role for the Court », article de BLG, juin 2020
- Panelist, "[ICDR and ICDR Hosting WCCAS's 2020 Canadian Arbitration Case Law Update](#)," *BIICL*, May 2020.
- 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
- Co-Auteur, "The Arbitration Review of the Americas", *Global Arbitration Review (GAR)*, 2015-present
- Co-Auteur, "Canada Chapter," *Global Arbitration Review (GAR) Investment Treaty Arbitration Know-How*, November 2012-present.
- Panelist, "BITs in the Background", *Rocky Mountain Mineral Law Foundation – International Mining and Oil & Gas Law, Development and Investment Conference* – Quito, Ecuador, April 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, “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, Law Society Tribunal
- 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, Litigation Counsel of America
- Member, Advisory Board, ADRIC Rules Modernization Project
- Member, Canada Advisory Board, Institute for Transnational Arbitration
- Member, Canadian Bar Association – British Columbia Branch
- Member, American Bar Association
- Faculty Member, CLEBC Winning Advocacy Skills Course
- Most Prolific Volunteers, CLEBC (1996-2016)
- 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
- International speaking engagements: invited to speak at seminars and conferences around the world, including National University of Singapore, Ireland, and the U.S.
- Extensive publications, presentations and faculty service concerning arbitration, electronic discovery, litigation practice, intellectual property, privacy, and competition law



## Community Involvement

- Vice-Chair, Cystic Fibrosis Canada (Member, Governance Committee), 2019 to present
- President, Cystic Fibrosis Canada - Vancouver Chapter, 2013-2019

## Awards & Recognition

- Fellow of the Litigation Counsel of America
- Martindale-Hubbell AV Preeminent Peer Review Rated
- Recognized by *Best Lawyers in Canada* as the 2025 'Lawyer of the Year' for Appellate Practice and as the 2022 and 2023 'Lawyer of the Year' in Vancouver for Bet-the-Company Litigation
- Recognized in the 2025 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 both 2017 and 2018 as the "Vancouver Privacy and Data Security Law Lawyer of the Year" by *The Best Lawyers in Canada*
- Recognized as the 2017 "Vancouver International Arbitration Lawyer of the Year" by *The Best Lawyers in Canada*
- Recognized in the 2025 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 at the 2024, 2023, 2022, 2016, 2014, and 2013 *Benchmark Canada Awards* as "Arbitration Lawyer of the Year."
- Recognized in the 2025 edition (and since 2011) of *Chambers Global — The World's Leading Lawyers for Business* (Dispute Resolution – Arbitration) and in the 2022-2025 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 2025 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." "He is an excellent all-around counsel. He's very thoughtful and very precise in his submissions."*
  - 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 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 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 2024 edition (and since 2015) of *Who's Who Legal: Canada* (Arbitration): Robert Deane is recognized 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 2021 edition (and since 2015) of *Who's Who Legal* (Global) (Arbitration; E-Discovery)
- 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 2025 edition (and since 2024) of *Lexpert Special Edition: Technology*
- Recognized in the 2024 edition of *Lexpert Special Edition: Health Sciences*
- 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 2023 edition (and since 2020) of *Lexpert Special Edition: Litigation*
- Recognized in the 2025 edition (and since 2022) of *The Canadian Legal Lexpert Directory* (Litigation - Regulatory & Public Law) and the 2023 (and since 2015) editions (Commercial Arbitration, Litigation – Corporate Commercial, Litigation – Intellectual Property) and the 2024 edition (Computer & IT Law)
- Recognized in the 2019 edition (and since 2014) of the *Lexpert Report on Business Litigation Special Edition* as a leading litigator
- Honoured with a 2014 *Lexpert Zenith Award* (International 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 as a 2023 *Thomson Reuters Stand-out Lawyer*
- Recognized in 2017 and 2018 as an Acritas Star

## Bar Admission & Education

- Colombie-Britannique, 2000
- LLB, Université de Victoria, 1998, (Law Society of BC Gold Medallist)
- BA, Simon Fraser University, 1995

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## BLG | Vos avocats au Canada

Borden Ladner Gervais S.E.N.C.R.L., S.R.L. (BLG) est le plus grand cabinet d'avocats canadien véritablement multiservices. À ce titre, il offre des conseils juridiques pratiques à des clients d'ici et d'ailleurs dans plus de domaines et de secteurs que tout autre cabinet canadien. Comptant plus de 725 avocats, agents de propriété intellectuelle et autres professionnels, BLG répond aux besoins juridiques d'entreprises et d'institutions au pays comme à l'étranger pour ce qui touche les fusions et acquisitions, les marchés financiers, les différends et le financement ou encore l'enregistrement de brevets et de marques de commerce.

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