

The Honourable Barry Leon



Barry Leon, a Canadian, is an independent arbitrator and mediator.

Barry is a Fellow of the Chartered Institute of Arbitrators (FCIArb), an International Mediation Institute (IMI) Certified Mediator, and a Fellow of the International Academy of Trial Lawyers.

He is experienced in arbitrating and mediating corporate and commercial, contract, shareholder and business breakup, joint venture, insurance, intellectual property, technology, expropriation, natural resources, construction, and executive employment disputes.

Also, Barry is an independent consultant and professional services provider (independent corporate director; independent corporate meeting chairman) providing consulting services to professional services firms in senior supporting roles and providing strategic and tactical advice and assistance including on disputes.

Barry was the Presiding Judge (Commercial Division), Eastern Caribbean Supreme Court, in the Territory of the Virgin Islands, known as the BVI Commercial Court, from 2015 to 2018. In that capacity he presided over a range of international commercial disputes involving parties from around the world, including shareholder and corporate disputes, insolvency matters, contractual disputes, fraud and asset recovery proceedings, judgment enforcement and arbitration assistance and arbitral award enforcement. Many of those cases involved business damages and loss quantification of various types. A number of his written judgments can be found at <https://www.eccourts.org/search-results/?q=Leon%20J>.

While serving on the BVI Commercial Court he was a founding member of the Judicial Insolvency Network, a group of judges from leading international commercial courts that established the *Guidelines for Communication and Cooperation Between Courts in Cross-border Insolvency Matters*, with protocols for communication and cooperation between courts in different jurisdictions. He also served on the Chief Justice's Insolvency Committee in BVI.

Prior to his appointment to the Court for a 3-year term, from 2009 – 2015 Barry was a Partner and Head of the International Arbitration Group at Perley-Robertson, Hill & McDougall LLP, a Canadian regional business law firm with a boutique international arbitration practice, based in Ottawa, Canada.

Until 2009 he was a Partner with Torys LLP, a leading Canadian law firm, in its Litigation and Dispute Resolution Practice in Toronto, Canada, and for many years served as Coordinator of the Practice.

He has more than 35 years of experience as counsel in litigation, arbitration and mediation, acting on many complex and significant cases for a wide variety of clients and involving many different industries including financial services, natural resources, energy, insurance (property and casualty; life and disability) and reinsurance, air transportation, technology, intellectual property, manufacturing and construction.

Barry also served as an arbitrator and mediator for several years prior to his appointment to the BVI

Commercial Court. He continued to do so occasionally while serving on the Court.

He is an Arbitrator with Arbitration Place in Canada, Arbitrators@33BedfordRow at 33 Bedford Row Chambers in London (and a Deputy Chair of Arbitrators@33BedfordRow) and Caribbean Arbitrators in the British Virgin Islands. Also, Barry is an Arbitrator on the American Arbitration Association National Roster of Arbitrators.

Barry is past Chair of the Arbitration Committee of the Canadian Chamber of Commerce, ICC Canada (Canadian National Committee of the International Chamber of Commerce's International Court of Arbitration).

He Chair of Arbitration Place's Advisory Board and is on the Organizing Committee Executive for the inaugural Canadian Arbitration Week, CanArbWeek 2020, to be held virtually in September 2020. Barry is a founding member of the BVI Arbitration Group, and of the governing Committee responsible for achieving the objectives of the Group. Also, he is a member of the Arbitration Act Review Committee of the Toronto Commercial Arbitration Society, which is conducting a complete review of the Ontario, Canada domestic and international arbitration laws, and is assisting in The Bahamas with the drafting of its international arbitration, mediation and adjudication laws.

Barry has received numerous professional recognitions in international arbitration and other related areas. Global Arbitration Review's GAR 100 called him "one of Canada's most high-profile arbitration practitioners," and Chambers Global referred to him as "an accommodating, instructive and personable practitioner who provides clear advice and opinions." His recognitions include Global Arbitration Review's GAR 100; Chambers Global; Lexpert/American Lawyer's Guide to the Leading 500 Lawyers in Canada; PLC Which Lawyer?; The International Who's Who of Commercial Arbitration; The Best Lawyers in Canada; Canadian Legal Lexpert Directory; Guide to the World's Leading Experts in Commercial Arbitration; Guide to the Leading US/Canada Cross-Border Litigation Lawyers in Canada; and Who's Who Legal – Canada.

The International Mediation Institute (IMI) reports that the lawyers who used Barry as a mediator were satisfied with his work. They said that he is open and approachable; skilled; well prepared; able to understand legal issues quickly; deals well with parties' animosities; and listens to both sides' concerns to try to assist them to resolve their disputes. All lawyers were satisfied with the work Barry did, would likely use him again and would recommend him to others.

In 2013 Barry received the "Award for Outstanding Contribution to Diversity in ADR" from the CPR International Institute for Conflict Prevention & Resolution (CPR).

Barry writes and speaks extensively on arbitration, mediation, negotiation and other dispute resolution topics, including in Canada and in the Caribbean in Jamaica, The Bahamas and Barbados, including conducting arbitration workshops for judges in the Caribbean. He has taught regularly on an *ad hoc* basis in international arbitration courses (including at the International Law Institute, Advanced Arbitration and Mediation Course (Washington), Foundation for International Arbitration Advocacy, Osgoode Hall Law School at York University (Toronto), University of Montreal, and McGill University (Montreal)). He also speaks on topics relating to fraud and asset recovery, construction and insolvency.

He chaired a panel at the 2017 Offshore Alert Miami Conference on "Cross-Border Clashes and Cooperation Among Courts", and spoke and wrote on appeals in arbitration (Fordham Conference on International Arbitration 2015 and "Merit Appeals in International Arbitration: Undermining Arbitration or Facilitating True Party Autonomy" in *Contemporary Issues in International Arbitration*

and Mediation: The Fordham Papers 2015, 2016: Koninklijke Brill NV). Barry's paper on "Arbitration of Cross-Border Insolvency Disputes" for the Judicial Insolvency Network Conference was nominated by Global Restructuring Review for its 2017 Award for "Innovation in Cross-Border Insolvency and Restructuring".

He is an Executive Editor of the new Canadian Journal of Commercial Arbitration, a member of the Board of Editors of the Commercial Litigation and Arbitration Review, and currently is involved in co-editing a book on arbitration in the Caribbean.

Barry has been an active member of numerous organizations involved in international arbitration, serving in executive positions and on task forces and commissions, and organizing and chairing conferences and events, including:

- *International Court of Arbitration of the International Chamber of Commerce (ICC)*: Chair of the Arbitration Committee of the Canadian Chamber of Commerce, ICC Canada (Canadian National Committee of the ICC);
- *International Bar Association*: Member, IBA Rules for Investor-State Mediation Subcommittee; Member, Arbitration, Mediation and Litigation Committees; Co-Chair, IBA International Arbitration Conference, "First Principles, Current Practices, Latest Trends", Toronto, 2014;
- *International Law Association*: Director and Vice-President, Canadian Branch; Member, International Commercial Arbitration Committee;
- *Arbitration Place*: Member, Advisory Board;
- *The Advocates' Society*: Co-Chair, Arbitration and Mediation Advocacy Practice Group; Member, Practice Group Standing Committee; Chair, The Roger Fisher Lifetime Achievement Award in Alternative Dispute Resolution Dinner Committee and Chair of the Dinner (Lifetime Achievement Award to L. Yves Fortier, CC, OQ, QC, Ad. E., LLD);
- *Canadian Bar Association*: Chair, Working Group on ICSID; Executive, Dispute Resolution Committee of International Law Section;
- *CPR Institute for Conflict Prevention & Resolution*: Member, Task Force on Diversity in ADR; Member, Arbitration Committee;
- *Rocky Mountain Mineral Law Foundation*: Program Committee Member – "International Energy and Minerals Arbitration" Conference (Toronto); and
- *Centre for Effective Dispute Resolution (CEDR)*: Member, Commission on Settlement in International Arbitration.

Barry was admitted to Bar in Ontario, Canada (now a non-practicing member of the Law Society of Ontario). He holds a law degree from the University of Toronto, an MBA degree from the Richard Ivey School of Business at The University of Western Ontario, and a BA (Political Science; Economics) from the University of Alberta.