

J. Brian Casey

Nationality: Canadian

Languages: English



J. Brian Casey is a leading international arbitrator with more than forty years' experience in complex commercial disputes. For the past decade, he has practised exclusively as an arbitrator from Toronto and London, where he is regularly appointed as sole arbitrator, presiding arbitrator, or co-arbitrator in high-value cases. His practice spans ad hoc and institutional proceedings under the ICSID, LCIA, ICC, and ICDR Rules, with particular expertise in disputes involving technical, scientific, and complex construction issues, especially in the energy sector. He also brings significant knowledge of US, English, and international investment law.

Brian's professional background includes senior leadership roles as Principal of Baker & McKenzie International and Chair of the Firm's North American Disputes Group. His authority in the field is widely recognised: Chambers Global ranks him in Band 1, Who's Who Legal lists him as a Thought Leader, and Euromoney identifies him as one of the world's leading experts in commercial arbitration.

In addition to his arbitral practice, Brian has contributed to the development of arbitration as an adjunct professor at the University of Toronto Faculty of Law, as a member of the Council of the American Arbitration Association, and as Chair of the Canadian Advisory Committee to the ICDR. He is also the author of *Arbitration Law of Canada: Practice and Procedure*, now in its fourth edition, which is frequently cited by Canadian courts including the Supreme Court of Canada.

Respected for his independence, intellectual rigour, and command of complex cross-border issues, J. Brian Casey is a trusted choice for parties seeking an experienced and authoritative arbitrator in international commercial and investment disputes.

Sector Expertise

- Construction, Engineering & Infrastructure
- Energy, Oil & Gas and Mining

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- Commercial Dispute Resolution
- Technology & Telecommunications
- Joint Ventures, Shareholder & M&A Disputes
- Investment Treaty Disputes

Energy, Oil & Gas, and Mining

- Pipeline construction
- Power Purchase Agreements
- Royalty disputes
- Joint venture disputes
- Production and supply agreements
- Mining equipment performance
- Electrical generation equipment performance
- Pulp & paper equipment performance
- Energy pricing
- Wind farm leasing
- Solar energy equipment

Commercial Dispute Resolution

- Aerospace & Aviation
- Breach of contract disputes
- Shareholder, joint venture, and partnership disputes
- Distribution and licensing
- Share purchase and M&A disputes
- International sale of goods

Technology & Telecommunications

- Software design and installation
- Computer hardware, semiconductor and integrated circuit design and manufacture
- Satellite performance
- Technology licensing
- Internet sales contracts

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- Technology and IP licensing

Investment Treaty Disputes

- BIT and ICSID breach of infrastructure contract disputes

Joint Ventures, Shareholder and M&A Disputes

- M&A misrepresentation
- Breach of contract disputes
- Share purchase and buy/sell partnership disputes
- Joint venture performance disputes

Experience

Examples of representative arbitrations as arbitrator:

- Co-arbitrator in a joint venture contract dispute between oil companies (LCIA)
- Sole arbitrator in international license dispute regarding IP rights (ICDR)
- Chair of the tribunal in a gas pipeline dispute (ICC)
- Co-arbitrator in an investor-state dispute regarding road construction (ICSID)
- Sole arbitrator in a computer software installation and warranty dispute. (ICDR)
- Co-arbitrator in a satellite contract dispute (LCIA)
- Chair in a power purchase dispute (ad hoc)
- Chair in a web-based internet advertising dispute (ICDR)
- Chair in a semiconductor design and manufacturing dispute (ICC)
- Co-arbitrator in a right of first refusal contract case regarding merchandising rights (ICDR)
- Sole arbitrator in a law partnership dissolution dispute (ad hoc)
- Co-arbitrator in a mining equipment dispute (ad hoc)
- Chair of the tribunal in a marine docking dispute (ICC)
- Emergency Arbitrator regarding a franchise agreement in the entertainment field (ICDR)
- Chair in a share purchase dispute involving a government-owned mining company (LCIA)
- Co-arbitrator in an investor/state construction dispute (ICC)
- Chair in a technology license dispute (LCIA)

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- Chair of the tribunal in a dispute involving representations and warranties in a share purchase agreement regarding an international hotel chain. (ad hoc)
- Chair of the tribunal in a U.S. government procurement dispute (ICC)
- Chair of the tribunal in a breach of warranty claim concerning the installation of pulp and paper manufacturing equipment. (ad hoc)
- Sole arbitrator in a publishing and merchandising license dispute. (ICDR)
- Chair in an M&A price adjustment dispute regarding retail stores (LCIA)
- Co-arbitrator in a construction delay claim. (ad hoc)
- Sole arbitrator in a joint venture land development dispute. (ad hoc)
- Co-arbitrator in an energy pricing dispute (ad hoc)
- Chair in an M&A Share purchase dispute (ICDR)
- Co-arbitrator in a breach of warranty claim concerning the installation of mining equipment. (ad hoc)
- Co-arbitrator in a royalty dispute respecting oil and gas deposits (ad hoc)
- Chair in a petrochemical producer and refiner dispute (ICC)
- Co-arbitrator in a wind farm lease dispute (ad hoc)
- Chair in a foreign investment consulting agreement dispute (ICC)
- Emergency Arbitrator regarding an international licensing dispute in the publishing field (ICDR)

Academic & Professional Qualifications

Academic

- Bachelor of Engineering degree, Carleton University
- Magna cum laude, LLB, University of Ottawa
- LL.M. in International Business Law, York University (focused on international commercial arbitration)

Professional

- Independent Arbitrator, and founder of Bay Street Chambers. 2012 – Present
- Principal and former Chair of North American Disputes Group, Baker & McKenzie

Bar Admissions

- Ontario, 1976

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Professional Associations & Recognitions

Memberships

- Fellow of the Chartered Institute of Arbitrators (FCIArb)
- Panel Member: ICC, LCIA, ICDR, JCAA, DIAC

Publications, Articles & Thought Leadership

Brian has participated in seminars and presented papers at numerous conferences throughout his career, including:

- *Post Covid case management techniques*- ITA-IEL-ICC Joint Conference on International Energy Arbitration- Houston
- *Virtual Arbitration Hearings When A Party Objects: Are There Enforcement Risks?* NY State Bar Dispute Resolution Journal
- *Setting Aside: Excess of jurisdiction or Error of Law?* – Canadian Journal of Commercial Arbitration
- *Third-party funding issues in arbitration*- Juris Leading Arbitrators Seminar, Vienna
- *Update on Foreign Investment Disputes* – University of Houston lecture
- *Non-Party intervention in Arbitration* – LCIA Seminar, London
- *International Multi-Party Arbitrations* – IBA Seminar, Melbourne
- *Drafting Inter-Cultural Arbitration Agreements* – The Center for American and International Law Seminar, Dallas
- *Drafting International Arbitration Clauses* – AAA/ICDR Seminar, Miami
- *The Implication of National Laws in the Application of the New York Convention* – ICC Seminar, Caracas
- *Managing Cultural Differences in International Arbitration* – Juris Leading Arbitrators Seminar, Vienna
- *Assessment of Damages in Investor-State Arbitrations*- the View from the Tribunal –Juris Damages Conference, Washington DC.
- *Recent developments in arbitrating disputes in Oil & Gas Production Sharing Contracts* – ICC Conference, Houston
- *Recent update of arbitration in the Americas* - ICDR Seminar, Miami
- *Expert evidence in Arbitrations and Court* – ADR Institute of Canada, Calgary
- *Arbitration Advocacy* – The Advocates Society, Toronto
- *Update on ICDR Canada Rules for Oil & Gas Dispute Resolution*- AIPN, Calgary
- *NAFTA Chapter 11: What's the Fuss* – Canadian Corporate Counsel Association article
- *Strategic Considerations in Arbitrations under NAFTA and Bilateral Investment Treaties* – McGill University lecture

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Publications

Brian is the author of *Arbitration Law of Canada: Practice and Procedure*, a leading text on arbitration and frequently quoted by the courts in Canada, including the Supreme Court of Canada.

He has been a contributor to:

- *International Arbitration Checklists* (Juris)
- *Alternative Dispute Resolution*, (Aspatore Books)
- *Arbitration World* 4th Ed. (Sweet & Maxwell)
- *The Ultimate Corporate Counsel Guide*, (CCH)
- *A Practitioner's Guide to Commercial Arbitration*, (Irwin)
- *Jura Novit Curia in International Arbitration*, (Juris)
- Canadian sections of *World Arbitration Reporter* and *Chambers International Arbitration Guide*.

Directories & Client Quotes

- Chambers Global – Tier 1
- Who's Who Legal – Thought Leader
- Euromoney's Guide to the World's Leading Experts in Commercial Arbitration
- Lexology – Global Elite Thought Leader in Arbitration

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