

ARBITRATOR/MEDIATOR SPOTLIGHT

Niels Ortved, Q.Arb



ARBITRATION PLACE

An all-encompassing approach

CAREER & BACKGROUND

I am a Member Arbitrator and Mediator with Arbitration Place focused on the resolution of complex disputes. I bring a wealth of traditional and alternative dispute resolution experience to my arbitration and mediation practice. I was a senior litigation counsel at McCarthy Tetrault LLP for almost 40 years, providing advice, strategic analysis and advocacy in connection with a broad range of matters including commercial disputes, tort allegations, fraud claims and insolvency proceedings. I appeared at all levels of the courts, including the Supreme Court of Canada, and before many at administrative tribunals and public inquiries. My practice also included arbitrations and appointments as Chair of Boards of Inquiry, as well as extensive mediation experience.

In 1997, I was elected a Fellow of the American College of Trial Lawyers. I was consistently recognized as a leading practitioner in the fields of litigation and dispute resolution in rankings by legal rating publications including *Chambers Global*, *Lexpert* and *Best Lawyers in Canada*. I have been awarded the Q.Arb designation by the ADR Institute of Canada. I am particularly well-suited to assist parties in the resolution of disputed matters by arbitration or mediation.

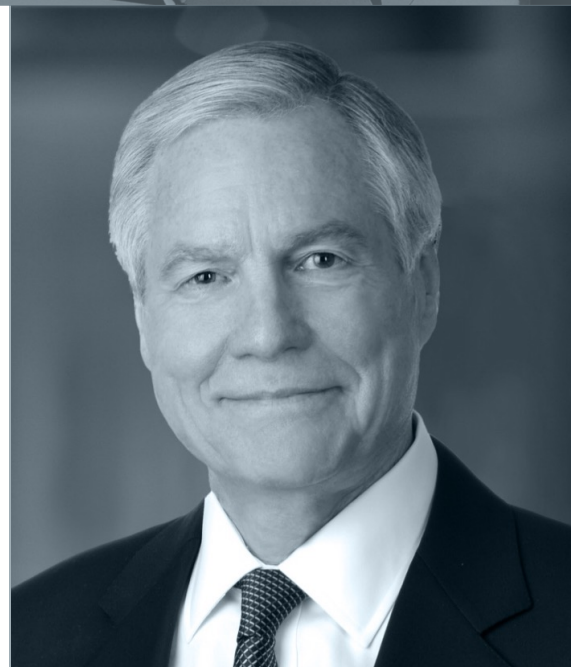
ARBITRATOR/MEDIATOR PRACTICE

I am an experienced arbitrator and have been appointed as presiding Chair, co-arbitrator and sole arbitrator in both domestic and international disputes. I have also served as a Claims Officer appointed by the Ontario Superior Court of Justice. My arbitration experience extends to a broad range of matters including allegations of breach of contract, breach of trust, negligence, intellectual property claims, rent reset liability, wrongful dismissal and professional misconduct, as well as the assessment of damages in consequence of those varied claims. In my capacity as an arbitrator, I prepare assiduously, digest the evidence and submissions attentively, and undertake an informed assessment of any matter that I hear.

I am also an experienced mediator. When appointed as a mediator, I bring a patient but persistent mindset to my role and work diligently with the parties to assist them to arrive at an outcome that serves their interests. When meeting with the parties individually, I am willing to provide neutral evaluative input to assist them to appreciate both the strengths and potential vulnerabilities of their respective positions. I never lose sight, however, of the ultimate objective of achieving a pragmatic resolution.

BENEFITS OF ARBITRATION/MEDIATION

Based on my long experience, I understand the challenges and pitfalls associated with the uncertainties, delays, and costs that are an inevitable feature of the current civil litigation process. I also appreciate that the principal priority of most parties is to achieve a timely and cost-effective determination of their dispute. I have no reservations about the benefits that can be realized as a result of an arbitrated or mediated resolution.



TIPS FOR COUNSEL TO BE MORE EFFECTIVE IN ARBITRATION/MEDIATION

A principal feature of the arbitration process is to bring the issues in dispute into sharp focus. Thus, if a matter is to be arbitrated, it may be suggested that counsel can optimally serve their client by marshalling the evidence and the applicable law to highlight that party's best case with a minimum of distraction.

In the circumstances of a mediation, counsel's role should be oriented differently. The goal of the mediation process is to reach an agreed resolution. Thus, the emphasis is not necessarily on why the party in question should win, but rather on the factors favouring a resolution viewed from the perspective of both the claimant(s) and the respondent(s).