

ARBITRATOR/MEDIATOR SPOTLIGHT

The Honourable Robert J. Sharpe



CAREER & BACKGROUND

I served as an Ontario trial and appellate judge from 1995 to 2020. I heard cases and wrote hundreds of decisions in all areas of law including a long list of commercial cases.

Before I became a judge, I was a civil litigator, and then Professor and Dean at the Faculty of Law, University of Toronto and from 1987 to 1990, I served as Chief Justice Brian Dickson's Executive Legal Officer as the Supreme Court of Canada. I have written several award-winning books including a leading text on remedies, *Injunctions and Specific Performance* and a book on decision-making, *Good Judgment: Making Judicial decisions*. I am a regular speaker at continuing education programmes and was the President of the Canadian Institute for Advanced Legal Studies (the "Cambridge Lectures") from 2014 to 2020. In 2023, I was made an Officer of the Order of Canada.

ARBITRATOR/MEDIATOR PRACTICE

Since joining Arbitration Place in 2020, I have handled a wide range of arbitrations and mediations involving commercial, shareholder, franchise, mining, and Indigenous issues. I have also conducted mock hearings and been consulted for advice assessing the strengths and weaknesses of a case and how best to present arguments on forthcoming trials and appeals. I am committed to the fair and efficient resolution of disputes and take pride in rendering my awards in a timely fashion.

BENEFITS OF ARBITRATION/MEDIATION

1. ADR give parties the capacity to resolve disputes in a timely and efficient manner.
2. ADR ensures privacy and confidentiality.
3. ADR allows the parties to design a process that is tailor-made to meet the needs of their dispute.
4. ADR allows parties to select the adjudicator or mediator with the right approach and expertise.



TIPS FOR COUNSEL TO BE MORE EFFECTIVE IN ARBITRATION/MEDIATION

1. *Be ready for the initial case conference. Have a clear plan for each step of the proceeding with clear dates, preferably after discussing your plan with the other side.*
2. *Do not fall into the trap of assuming discovery will proceed as in ordinary litigation. Arbitration is meant to be an expeditious process with discovery limited to the essentials.*
3. *Take advantage of the opportunity afforded by arbitration that is not available in the courts, namely, the capacity to design a process that best suits the needs of your client.*
4. *Avoid an overly adversarial approach. Arbitration works best when counsel cooperate and focus their advocacy on the central issues in dispute.*