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HILL & McDOUGALL LLP/s.r.l.



## **Andrew de Lotbinière McDougall**

Special Counsel

Telephone: +1.613.355.7670

Email: amcdougall@perlaw.ca

Andrew de Lotbinière McDougall is Special Counsel to Perley-Robertson, Hill & McDougall and its International Arbitration Group. Previously a Partner with the firm and founder of its International Arbitration Group, Andrew has substantial oral advocacy experience in English and French and acts as counsel and arbitrator in cross-border disputes involving among other things joint ventures, oil & gas, construction, mergers & acquisitions, intellectual property, telecommunications, defence, power, mining, and other natural resources. He is trained and qualified in common law and civil law and has worked with the laws of numerous jurisdictions, representing clients from around the world in disputes of up to several billion dollars.

Ranked in 2011 among Global Arbitration Review's 45 Under 45 as one of the leading international arbitration lawyers in the world and selected as one of Lexpert's 2009 Rising Stars: Leading Lawyers Under 40, Andrew "is a seasoned international arbitrator" (Chambers Global, 2013) and "a leader in the new generation of stars" (Who's Who Legal, 2013). "Clients describe him as 'a very focused lawyer who leaves no stone unturned'" (Chambers Global, 2013). He is valued for his "clear and pragmatic advice" (Chambers Global, 2011), and clients are "impressed" by "his preparation and attention to detail" and "focused, credible and convincing arguments" (GAR 100, 2011). Andrew is recognized in leading legal directories such as Chambers Global, Who's Who Legal, the GAR 100, and the Guide to the World's Leading Commercial Arbitration Experts.

Andrew is a member of the International Chamber of Commerce's Institute of World Business Law, Commission on Arbitration and ADR, and Canadian and French National Committees. He is also on the Roster of Arbitrators of the International Centre for Dispute Resolution and the Sport Dispute Resolution Centre of Canada. A frequent speaker and writer, Andrew has taught international arbitration at Université Paris 1 Panthéon-Sorbonne and University of Ottawa's Faculty of Law. He has extensive experience in international arbitration advocacy training and is a member of the Foundation for International Arbitration Advocacy's Executive Committee.

Andrew is also a Partner in the International Arbitration Group of White & Case LLP. Perley-Robertson, Hill & McDougall LLP/s.r.l. and White & Case LLP are not associated firms.



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Disputes Andrew has represented clients in include:

- Multi-billion dollar ICC arbitration in the nuclear industry;
- Multi-billion dollar LCIA arbitration in London governed by English law over a merger, including US bankruptcy litigation;
- Billion dollar ICC arbitration in the nuclear industry;
- Billion dollar ICC arbitration in Paris governed by a Middle Eastern law over a construction project, including jurisdictional issues and US litigation;
- US \$700 million UNCITRAL arbitration in Brussels governed by English law over an option agreement in the oil and gas sector, including litigation in Jersey, Gibraltar, and Cyprus relating to interim relief and actions against third parties;
- US \$600 million UNCITRAL arbitration in Brussels governed by English law over a share sale and purchase agreement in the oil and gas sector, including litigation in Cyprus;
- US \$300 million UNCITRAL arbitration in Vienna governed by Russian law over a joint venture in the oil and gas sector, including fraud and corruption issues and litigation in Switzerland, Slovakia, and Austria relating to challenge of a final award, enforcement, and bankruptcy;
- US \$250 million ICC arbitration in Zurich governed by a Middle Eastern law over construction of public roadworks and infrastructure;
- US \$250 million LCIA arbitration in London governed by English law over shareholder agreements;
- US \$200 million ICC arbitration in Geneva governed by a North African law over construction of a gas plant in North Africa;
- US \$200 million pre-arbitral ICSID and ICC disputes over a natural resources project in South America;
- US \$170 million UNCITRAL and Vienna Rules arbitration in Vienna governed by Russian law over a joint venture in the oil and gas sector, including fraud and corruption issues and litigation in Austria relating to challenges of interim and final awards;
- US \$150 million pre-arbitral ICSID and ICC disputes over an energy project in Asia;
- US \$130 million Saudi Rules arbitration in Saudi Arabia governed by a Middle Eastern law over construction of a gas plant in the Middle East;
- US \$100 million ad hoc arbitration in North America governed by a North American law over a contract in the aerospace and defence industries;
- US \$100 million ICC arbitration in Paris governed by French law over a contract in the telecommunications sector;
- US \$100 million LCIA arbitration in Paris governed by Greek law over construction of an airport;
- US \$80 million pre-arbitral Chinese Arbitration Association dispute governed by an Asian law over construction of a high-speed railway;
- US \$75 million pre-arbitral ICC dispute governed by French law over an acquisition of companies in several European countries, including fraud and corruption issues;
- US \$70 million ICC arbitration in Paris governed by an African law over construction of a dam;



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- US \$60 million ICC arbitration in Paris governed by a European law over a joint venture in the Middle East;
- US \$40 million pre-arbitral ICC dispute governed by a Scandinavian law over a joint venture in the defence industry;
- EUR 30 million pre-arbitral ICC dispute governed by German law over a joint venture in the aerospace industry;
- US \$25 million ICC arbitration in Prague governed by Czech law over a joint venture in the power sector;
- £20 million ICC arbitration in Paris governed by English law over a licencing agreement in the beauty products industry;
- US \$20 million UNCITRAL arbitration in Vienna governed by Russian law over a joint venture in the oil and gas sector;
- US \$13 million fast-track ICC arbitration in Paris governed by a Middle Eastern law over a land remediation;
- EUR 10 million ad hoc arbitration in Zurich governed by Swiss and New York law over the supply of technology and equipment; and
- US \$10 million ICC arbitration in London governed by English law over a real estate project in China, including litigation in China, England, and the Caribbean relating to interim relief, challenge of a final award, enforcement, and liquidation.

Disputes Andrew has acted as arbitrator in include:

- Emergency arbitrator proceedings in Paris between European companies over a sale of goods;
- Arbitration in London between a European sports company and a Middle Eastern property developer governed by English law over a licence agreement for intellectual property in the sports industry;
- Arbitration in Montréal between an international airline and an international trade organization governed by Canadian law over a services agreement;
- Arbitration in London between Spanish parties governed by English law over a services agreement in the oil and gas industry;
- Arbitration in Ottawa between an international software company and a national transportation company governed by Canadian law over a software licence and technical services agreement;
- Arbitration in Santiago among US and South American parties governed by US law over a franchise agreement;
- Arbitration in Toronto among Caribbean and Central American parties governed by Canadian law over a natural resources project in South America;
- Arbitration in Miami between US and Caribbean parties governed by a Caribbean law over a real estate project in the Caribbean;
- Arbitration in Paris between Scandinavian and Western European parties governed by English law over a sale of goods;
- Arbitration in Zurich between New Zealand and Swiss parties governed by Swiss law over a licence agreement;



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- Arbitration among an athlete, the Canadian Council for Ethics in Sport, national and international sports organizations, and the World Anti-Doping Agency over jurisdiction of the Sport Dispute Resolution Centre of Canada in a doping appeal;
- Arbitration among an athlete and a national sports organization over jurisdiction of the Sport Dispute Resolution Centre of Canada in a team selection dispute; and
- Arbitration among athletes and a national sports organization over team selection for the junior worlds.

**Credentials:**

- Solicitor Advocate, England & Wales, 1999
- Barrister & Solicitor, Ontario, 1997
- Avocat, Québec, 1997
- Paris Bar
- Fox Scholarship, Harold G. Fox Education Fund, Middle Temple, London, 1997
- LL.L., Civil Law, University of Ottawa, 1995
- LL.B., Common Law, University of Ottawa, Highest Standing in Trial Advocacy, 1994
- B.A., Université Laval, Québec City, 1991

**Memberships:**

- ICC Canadian National Committee
- ICC French National Committee
- ICC Commission on Arbitration and ADR
- ICC Institute of World Business Law
- ICDR, Roster of Arbitrators
- Sport Dispute Resolution Centre of Canada, Roster of Arbitrators
- Foundation for International Arbitration Advocacy, Executive Committee
- International Bar Association, Arbitration Committee and New York Convention Sub-Committee
- Institute for Transnational Arbitration, Advisory Board
- Young Canadian Arbitration Practitioners, Advisory Board
- Journal of Arbitration and Mediation, Editorial Board
- International Arbitration Institute
- London Court of International Arbitration
- CPR International Institute for Conflict Prevention & Resolution, Arbitration Committee
- The Chartered Institute of Arbitrators, MCI Arb
- ADR Institute of Canada
- Canadian Bar Association, International Law Section Business Dispute Resolution Committee
- Solicitors' Association of Higher Court Advocates
- Cercle international Rouge et Or de l'Université Laval, Founding Member
- The Harold G. Fox Education Fund, Canadian Trustee
- Goodenough College, Alumnus



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## Professional Activities:

### Articles and Publications:

- “Res judicata in International Arbitration: Case Studies and Principles,” *TDM* 3 (2012)
- “Canada and Investment Treaty Arbitration: Three Prominent Issues - ICSID Ratification, Constituent Subdivisions, and Health and Environmental Regulation” (2011) 8 *South Carolina Journal of International Law and Business* 63 (with Barry Leon and John Siwiec).
- “A Holistic Approach to Arbitration”, *The Lawyers Weekly*, Vol. 31, No. 30, December 2011 (with Barry Leon and John Siwiec).
- “Ontario Court of Appeal Clarifies Standard of Review for Arbitral Awards and Confirms NAFTA Tribunal’s Award of Upstream Losses”, *North American Free Trade & Investment Report*, Vol. 21, No. 19, October 31, 2011 (with Barry Leon and Daniel Taylor).
- “Why Statutory Claims Remain Arbitral”, *The Lawyers Weekly*, Vol. 31, No. 18, September 2011 (with Barry Leon and Daniel Taylor).
- “CANADA: Case Law Developments”, *New York International Chapter News*, Summer 2011 (with Barry Leon).
- “Nine Supreme Court Judges Endorse Arbitration”, *Global Arbitration Review*, Vol. 6, Issue 2, April 2011 (with Barry Leon and Daniel Taylor).
- “Reforms enhance Paris as preferred arbitration venue”, *Lawyer’s Weekly*, April 1, 2011 (with Barry Leon and Karin Pagé).
- “NAFTA Countries Seeking to Set Aside ‘Upstream Losses’ Award: When Should Courts Intervene?”, *North American Free Trade & Investment Report*, Vol. 21, No. 4, February 2011 (with Barry Leon and Daniel Taylor).
- “Left Holding the Bill: Can the NAFTA Countries Recover From Their Constituent Territories”, *North American Free Trade & Investment Report*, Vol. 21, No. 1, January 2011 (with Barry Leon).
- “Panorama of World Case Law: Canada”, *The Paris Journal of International Arbitration*, 2010-3 (with Barry Leon).
- “Is The System Working: What Lessons Can Be Learned From A Canadian Trilogy Of Investor Claims (Abitibowater, Chemtura, First Quantum Minerals)?”, *Kluwer Arbitration Blog*, [www.kluwerarbitrationblog.com](http://www.kluwerarbitrationblog.com), September 15, 2010.
- “To Specialize or Not: How Should National Courts Handle International Commercial Arbitration Cases?”, *Kluwer Arbitration Blog*, [www.kluwerarbitrationblog.com](http://www.kluwerarbitrationblog.com), September 2, 2010 (with Barry Leon).
- “Why Has Canada Not Ratified the ICSID Convention?”, *Kluwer Arbitration Blog*, [www.kluwerarbitrationblog.com](http://www.kluwerarbitrationblog.com), August 24, 2010 (with Barry Leon).
- “Why Canada Leads as the Model Law Turns 25”, *Kluwer Arbitration Blog*, [www.kluwerarbitrationblog.com](http://www.kluwerarbitrationblog.com), August 10, 2010 (with Barry Leon).
- “The CEDR Rules for the Facilitation of Settlement in International Arbitration: An Important Advance in International Arbitration”, *ADR Institute of Ontario*, Spring 2010 (with Barry Leon and Daniel Taylor).
- “Confidentiality When Arbitration Goes to Court: A Recent Canadian Court Decision Supports Confidentiality”, *The Institute for Transnational Arbitration*, Vol. 24, No. 1-2,



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- Winter / Spring 2010 (with Barry Leon).
- “Keeping Courts’ Hands Off Arbitration: Bahrain’s Innovation”, *The Lawyers Weekly*, Vol. 29, No. 49, June 2010 (with Barry Leon).
  - “Delaware Court Enters the Arbitration Business”, *The Lawyers Weekly*, Vol. 29, No. 44, April 2010 (with Barry Leon)
  - “Upcoming G20 Meeting in Canada Presents an Opportunity for Canada to Join ICSID”, *North American Free Trade & Investment Report*, Vol. 20, No. 6, March 2010 (with Barry Leon)
  - “What Renders an Arbitration Agreement ‘Inoperative’: Clarification May Be Coming From the Supreme Court of Canada”, *International Bar Association - Arbitration News*, Vol. 15, No. 1, March 2010 (with Barry Leon)
  - “Litigating and Arbitrating in Ontario After the New Rules: Lessons from the International Arbitration Evidence Rules of the IBA”, *The Advocates’ Society E-Brief*, Vol. 21, No. 2, Winter 2010 (with Barry Leon and Owen Bourns)
  - “Adding Value to Your International Business”, *Ottawa Business Journal*, [www.ottawabusinessjournal.com](http://www.ottawabusinessjournal.com), April 13, 2009
  - “LCIA Arbitration”, *Revue Droit & Affaires: Le choix d'un règlement d'arbitrage*, 6th ed., 2008
  - “The New York Convention and the Coming of Age of International Commercial Arbitration in Canada”, *Mealey’s Executive Summary - The New York Convention: 50 Years of Experience*, pp. 74-89, October 2008 (with Luisa H. Cetina)
  - “How International Arbitral Tribunals Establish the Facts of a Case Through Documentary Evidence”, *International Business Law Journal*, no. 4, pp. 509-522, 2008 (with Nicolas Bouchardie)
  - “New EU Mediation Directive”, *IBA Mediation Committee Newsletter*, pp. 17-18, September 2008
  - “Supreme Court of Canada Renders Landmark Decision Encouraging the Arbitration of Commercial Disputes”, *Bloomberg law reports – Litigation*, Vol. 01, No. 05, November 26, 2007
  - “ICSID Tribunals Apply New Rules on Amicus Curiae”, *Mealey’s International Arbitration Report*, February 2007 (with Ank Santens)
  - “Combating the Corruption of Arbitrators: Update on the Additional Protocol to the Criminal Law Convention on Corruption”, *Mealey’s International Arbitration Report*, December 2006
  - “ICSID Amends Its Arbitration Rules”, *International Arbitration Law Review*, 119, 2006 (with Ank Santens)
  - “Separability Saved: US Supreme Court Eliminates Threat to International Arbitration”, *Mealey’s International Arbitration Report*, March 2006 (with Leon Loannou)
  - “International Arbitration and Money Laundering”, *20, American University International Law Review*, 1021, 2005
  - “A Case Study in Litigation in Support of Arbitration: China, England, and the Turks and Caicos Islands”, *Mealey’s International Arbitration Report*, September 2005
  - “Affirmation of French Courts’ International Jurisdiction on International Arbitration and the Right to the Constitution of an Arbitral Tribunal”, *International Bar Association Committee D News*, Vol. 10, No. 2, 22, September 2005 (with Guillaume Borg)
  - “Canadian Courts Uphold NAFTA Awards - Part II”, *North American Free Trade &*



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*Investment Report*, Vol. 15, No. 2, 10, January  
31, 2005 (with Mark A. Luz)

- “Canadian Courts Uphold NAFTA Awards”, *North American Free Trade & Investment Report*, Vol. 14, No. 5, 7, March 15, 2004 (with Mark A. Luz)
- “Court of Cassation Decision Enforces a Conciliation Clause”, *International Bar Association Committee D News*, Vol. 8, No. 2, 9, September 2003 (with Guillaume Borg)
- “On-Line Arbitration Services”, *Stockholm Arbitration Report*, 2002:1, 221