

Curriculum Vitae

SABRI M. SHAWA QC, FCI Arb

Jensen Shawa Solomon Duguid Hawkes LLP
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EDUCATION

LLM (Major in Dispute Resolution) 2006 University of Technology, Sydney, Australia
LLB 1990 University of Alberta
BSc (Chemical Engineering) 1987 University of Calgary

PROFESSIONAL EXPERIENCE

Jensen Shawa Solomon Duguid Hawkes LLP 1995 – present:

Firm Chairman 2008 - 2014
Managing Partner 1997 - 2004
Founding Partner 1995

MacKimmie Matthews 1990 – 1995:

Articling Student and Associate, Litigation Department

I am an arbitrator, mediator, and litigator and have practiced in Calgary for nearly three decades.

In 2012, I was appointed Queen’s Counsel.

In 2014, I was admitted as a Fellow of the Chartered Institute of Arbitrators, an internationally recognized dispute resolution organization. I am also on the executive board of the Canadian branch of the Institute and the chairperson of its Alberta chapter.

I have long been listed by *Best Lawyers* and was named by it as Lawyer of the Year in Calgary for 2020 for Alternative Dispute Resolution. I am also listed as a Litigation Star by *Benchmark Canada* for arbitration and dispute resolution, among other things, and have been for many years.

I am a member of the Western Canada Commercial Arbitration Society and a Fellow of the Litigation Counsel of America.

PRACTICE FOCUS

My current practice is comprised primarily of:

Arbitration, Mediation, and Negotiation

The broad scope of my litigation practice over the years has allowed me to develop a good understanding of many businesses, industries, and endeavours. That familiarity, coupled with my training in dispute resolution, equips me to serve as an independent arbitrator and mediator in a wide variety of disputes. As part of my relevant formal training I have studied arbitration, international commercial dispute resolution, mediation, and international trade law.

I have been appointed as arbitrator on dozens of occasions, in both administered and *ad hoc* arbitrations, including through the International Court of Arbitration of the International Chamber of Commerce, with respect to:

- construction and engineering projects
- natural resource ventures
- shareholders, franchise, and partnership agreements
- various other commercial contracts
- insurance claims and coverage
- lease renewal rates
- employment and labour relations
- umpire determinations under s. 519 of the Alberta *Insurance Act*

As counsel, I have represented parties in many more arbitrations, concerning a wide variety of matters, both domestic and international, administered and *ad hoc*. I have appeared as counsel at the International Court of Arbitration of the International Chamber of Commerce. I also have experience drafted submission agreements and arbitration clauses, and have provided advice and opinions on enforceability of arbitration provisions, and appeals and enforcement of awards.

I have been retained to mediate hundreds of disputes and represented parties in many others, including with respect to:

- personal injury
- insurance claims
- shareholder and partner relationships
- plant and facilities disasters
- construction and project management
- professional negligence
- employment
- medical malpractice

I have also been hired to negotiate a variety of professional services agreements and related arrangements, including large agreements covering hundreds of individuals.

General Commercial Litigation as well as Administrative and Regulatory Proceedings with an emphasis on Engineering, Energy, and the Environment

I am regularly retained to provide advice and representation in respect of claims (in both litigation and arbitration) and regulatory proceedings concerning:

- engineering and design faults and failures
- construction deficiencies and delays
- oil and gas operating and royalty agreements, as well as ownership and rights issues
- misappropriation of proprietary technology and data
- environmental contamination, nuisance, and remediation and reclamation
- electrical transmission and generation
- pipelines
- contractual disputes and negligence claims involving industrial parties
- insurance, including coverage

Employment and Business Relationships

As counsel in litigation, and as an advisor to employers and employees, I provide representation in employment and professional matters, particularly with respect to executives, involving:

- wrongful and constructive dismissals
- employment issues in restructurings and succession planning
- employee misfeasance and misconduct
- breaches of confidentiality as well as non-competition and non-solicitation obligations
- breaches of fiduciary duties
- injunctions
- professional negligence claims
- professional misconduct and discipline proceedings
- admission to professional associations

I negotiate, draft, and provide advice with respect to:

- employment, executive compensation, and independent contractor agreements
- services and partnership agreements
- employment policies

In addition, I investigate, report, and advise, on complaints against directors, officers, and employees.

Other Experience

I also have significant experience with:

- administrative law
- shareholders' disputes
- personal injury claims for both plaintiffs and defendants, including catastrophic injuries
- medical malpractice claims for plaintiffs and defendants, and other health care related litigation and proceedings

PROFESSIONAL AND COMMUNITY ACTIVITIES AND PUBLICATIONS

Alberta Energy Regulator 2003 - present

Included on roster of mediators

Legal Education Society of Alberta 2012 - present

Member of Board of Directors

Chartered Institute of Arbitrators, Canada Branch 2017 - present

Member of Branch Executive Committee

Chartered Institute of Arbitrators, Alberta Chapter 2017 - present

Chair of the Chapter Executive Committee

ADR Institute of Alberta Luncheon 2019

Speaker - Arbitration Pitfalls & Misconceptions

Alberta Civil Trial Lawyers Association (Calgary and Edmonton) 2019

Speaker - Arbitration Pitfalls & Misconceptions

Chartered Institute of Arbitrators, Canada Branch (Toronto) 2019

Tutor - Accelerated Route to Fellowship

Derer Lutz, No Longer Alternative Dispute Resolution Symposium 2019

Speaker: Basics of Arbitration and Making the Most of Mediation

ADR Institute of Canada ADR to the Rescue of Justice Conference (Montréal) 2018

Speaker: Limitation Periods in Arbitration

Canadian Bar Association, Calgary Branch, ADR Subsection 2018

Speaker: Limitation Periods in Arbitration

University of Calgary 2018

Guest lecturer: Faculty of Law, Civil Procedure (Arbitration)

York University, Osgoode Hall Law School Professional Development 2016

Speaker: Certificate in Construction Law, Western Canada Edition (Arbitrating the Construction Dispute)

Canadian Bar Association, Calgary Branch, ADR Subsection 2015

Speaker: Arbitration

Alberta Civil Trial Lawyers Association 2015

Speaker: Litigation Potpourri (Mediations: Games People Play)

Central Alberta Bar Association 2015

Speaker: Arbitration

Chartered Institute of Arbitrators 2014

Appointed Fellow

Legal Education Society of Alberta 2014

Speaker: Evidence Law Refresher (the Rule in *Browne v Dunn* and Evidence not Called: the Adverse Inference)

Canadian Bar Association Alberta Law Conference 2014

Panelist: How to Establish a Successful Litigation Practice

University of Calgary, Faculty of Law 2014

Panelist: Candid Conversations with Men in Law Round Table Discussion

Mount Royal University Forensic Studies Program 1999 - 2013

Ad hoc advisor (1999 – 2002), Community Advisory Board: member (2002 – 2006), Chairperson (2006 – 2013), and co-author of two Internet course units

ADR Institute of Canada/International Chamber of Commerce Canada Gold Standard in ADR Conference (Toronto) 2013

Panelist: Thinking Outside the Box to Realize ALL Potential Benefits of Commercial Arbitration

Canadian Centre for Professional Legal Education (CPLED) 2012

Instructor: Advocacy

Province of Alberta 2012

Appointed Queen's Counsel

Legal Education Society of Alberta Intensive Trial Advocacy Workshop 2009 and 2011

Guest instructor

Halsbury's Laws of Canada First Edition 2011

Co-author: Civil Procedure Update, Alberta Rules of Court, Cumulative Supplement Release 14, LexisNexis

Canadian Bar Association Alberta 2011

Author: Law Matters (Mandatory Mediation under the New Alberta Rules of Court – the First Year)

Legal Education Society of Alberta Civil Advocacy Series: Evidence for Litigators Seminar 2011

Panelist and workshop instructor

ADR Institute of Canada Peak Performance in ADR Conference (Vancouver) 2011

Moderator: Financial Experts in ADR

Legal Education Society of Alberta Arbitration Seminar 2011

Speaker: selection, appointment and jurisdiction of the arbitrator, scope and composition of the award, and enforcement of domestic and international awards

University of Calgary 2003 - 2010

Sessional instructor, Faculty of Law, Civil Procedure

University of Calgary Intensive Trial Advocacy Course 2003, 2004, 2008 and 2009

Guest instructor

Legal Education Society of Alberta New Lawyer Experience Seminar 2009

Co-chairperson

Howard Tidswell Memorial Award for Teaching Excellence (University of Calgary Faculty of Law) 2009

Nominee

Certus Strategies and Canadian Dispute Resolution Corporation 1997 – 2004, 2006 - 2008

Included on roster of mediators

Calgary Medical Legal Society 2008

Speaker: Medical Care for the Gravely Ill - Who Calls the Shots?

CBC TV (The National News at Six) and CBC Radio (Calgary Eye-opener) 2007

Interviewed about an injunction I obtained in respect of a comatose patient in respect of whom a do-not-resuscitate order had been made

Cochrane High School 1989 and 2004

Graduation ceremony guest speaker

Law Society of Alberta 2004

Insurance Committee Member

Insight Information Co. Obstetric Malpractice and Risk Management Conference (Vancouver) 2004

Speaker: Elective C-Sections - Latest Challenges and Complications

Alberta Civil Trial Lawyers Association Sexual Torts Workshop 2004

Moderator

Resicare Society of Calgary 1994 - 2003

Member of Board of Directors (including several terms as President)

Law Society of Alberta 2000 – 2003

Conduct Committee member

Calgary Inc. Magazine 2003

Profiled as one of its 40 under 40 Calgarians

Alberta Civil Trial Lawyers Association Section B Auto Insurance Workshop 2003

Speaker

The Canadian Institute Litigating Traumatic Brain and Spinal Cord Injuries Conference (Toronto) 2003

Speaker: Building the Plaintiff's Case

University of Calgary 1997 - 2002

Regular Guest Speaker in the Faculties of Nursing and Continuing Education: Nursing and Healthcare in Forensic Populations

Canadian Institute Auto Insurance Claims Litigation Conference 2002

Speaker: Use of Experts in Accident Reconstruction

University of Calgary 2002

Guest Lecturer: Faculty of Law, Civil Procedure

Volunteer Calgary 1997 - 2000

Regular Speaker: Legal Liability, Insurance and Screening Practices for Not-for-Profit Organizations

Essential Talk Network 2000

Internet radio interview about suing politicians

University of Calgary 2000

Guest lecturer: Faculty of Law, Remedies

Conflict Solutions 2000 Conference 2000

Panelist: National Dispute Resolution Conference

Theatre Junction 1996 - 1999

Member of Board of Directors

Alberta Justice Provincial Court 1998 - 1999

Included on roster of mediators, Civil Claims Mediation Program

Better Business Bureau 1996 - 1998

Included on roster of mediators, Mediation Program

Lexpert Medical Negligence Conference 1998

Speaker: Standard of Care, Consent and Limitation Period Issues

The Lawyers Weekly 1998

Author: Informed Consent Most Difficult Medical Negligence Issue

Canadian Bar Association Health Law Subsection 1998

Speaker: Informed Consent

CURRENT PROFESSIONAL ASSOCIATION MEMBERSHIPS

ADR Institute of Alberta

ADR Institute of Canada

Calgary Bar Association

Canadian Bar Association

Canadian Energy Law Foundation

Chartered Institute of Arbitrators

Law Society of Alberta

Litigation Counsel of America

Western Canada Commercial Arbitration Society