

**Earl A. Cherniak, Q.C., LL.B, FCI.Arb**

Mr. Cherniak is a Senior Partner at Lerner LLP. Mr. Cherniak's practice is restricted to trial and appellate work, and arbitrations and mediations, in a broad spectrum of complex commercial, insurance and public litigation and arbitration.

He is a member of the arbitration practice at 3 Verulam Buildings chambers in London, UK (3vb.com).

He was an elected Bencher of the Law Society of Upper Canada (1999 – 2007) and served as Chair of the Proceedings Authorization Committee. He was a commissioner of the Ontario Law Reform Commission (1986-1992). He is an elected Fellow of both the American College of Trial Lawyers and the International Academy of Trial Lawyers. He was awarded The Advocates' Society Medal in 1996 and is a past president of the Society and he was the first recipient of the Ontario Bar Association Award for Excellence in Civil Litigation. In 2001, he was appointed a member of the (federal) Judicial Compensation and Benefits Commission, as the nominee of the Judiciary and served in that capacity until his term expired in 2007. He was appointed independent counsel by the Canadian Judicial Council to inquire into the conduct of a Superior Court Judge.

He is an honorary North American member of the (UK) Commercial Bar Association. He is a member of the London Court of International Arbitration, the Canadian roster of arbitrators of the International Chamber of Commerce, where he is Chair of the Roster sub-committee, and the ADR Institute of Canada. He is a fellow of the Chartered Institute of Arbitrators, and a member of the international panel of arbitrators for the International Centre for Dispute Resolution (ICDR), the international division of the American Arbitration Association.

He is Chair of the Toronto Commercial Arbitration Society (TCAS)

Mr. Cherniak is listed as an expert in commercial arbitration and dispute resolution in *The Legal Media Group Guide to the World's Leading Experts in Commercial Arbitration* and the Practical Law "Which

Lawyer” year book, and a leading litigator in *Chambers Global*, *Who’s Who Legal*, *Global Counsel* and *Expert*. He has written and lectured extensively on a variety of legal subjects.

Recent and ongoing commercial arbitrations as arbitrator include a dispute between Alberta Oil Sands joint venture and an international group of insurers (chair of panel, settled after 3 months of hearing); a dispute between a steel company and a group of contractors who performed an upgrade (chair of panel); a dispute between a coal mining company and a loading facility (sole arbitrator); a dispute between an electric energy supplier and a manufacturer (chair of panel); a dispute between the Ontario government and the long term lessee of a toll highway (member of the panel); a dispute in the Canadian book publishing industry (sole arbitrator); a dispute between an Ontario municipality and a hydro-electric supplier (sole arbitrator); a dispute between the buyer and seller of a hydro- electric supply company (sole arbitrator); a shareholder dispute in the technology industry (sole arbitrator); a vendor/purchaser dispute in the hydro-electric power supply industry (sole arbitrator); a dispute between two pharmaceutical companies over a distribution agreement, a dispute over dockage rights on the Great Lakes (panel member, ICC arbitration); a dispute between a hospital and a pharmaceutical company; a manufacturer of commercial airplanes and a customer; an ICC arbitration involving a dispute between an American supplier and European entities over a share acquisition agreement (sole arbitrator); a dispute between Canadian companies in the helicopter industry (panel member); a dispute between a Canadian corporation and its directors with an insurer over liability under a directors and officers liability policy following on the bankruptcy of an American subsidiary (sole arbitrator); a dispute between a partner of a major Canadian law firm and the law firm (panel member); a dispute between condominium owners and a developer over the use of the premises (sole arbitrator); a dispute between a significant entity in the Vancouver Olympics and a developer (sole arbitrator); a dispute between a First Nations Band, Ontario Power Generation and an entity of the Ontario government over power generation in Northern Ontario (sole arbitrator); and a dispute between parties to a joint venture agreement (sole arbitrator).

Mediations include a shareholders dispute; claims in a complex insolvency between stakeholders; a dispute between a major supplier and a sub-contractor in the automotive industry; a dispute between Toronto and a developer; and a class action suit in securities litigation.