

ROBERT WISNER



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Robert is widely recognized as a leading practitioner in international arbitration and corporate commercial litigation. He assists clients in a wide range of industries, including mining, energy and aviation. Robert has argued numerous cases before arbitral tribunals seated throughout Canada, the United States, Asia and Europe. He has also appeared at all levels of court in Ontario and other Canadian jurisdictions.

Many of Robert's cases involve matters of international law, including cross-border disputes relating to foreign investment protection, the jurisdiction of Canadian courts, and the enforcement of arbitral awards and foreign judgments.

Robert also handles a wide range of disputes relating to corporate governance, shareholder remedies and complex commercial contracts, including M&A, joint venture, shareholder, partnership, supply and services agreements. In addition, he assists clients seeking litigation financing and advises leading litigation funders

conducting due diligence on potential claims.

An acknowledged leader in the field, Robert's work in international arbitration, cross-border business litigation and mining disputes has been recognized in multiple directories, both here and abroad. Market sources have described him as "*tenacious, smart and readily available*" and as "*an outstanding counsel*". In *Chambers Global (2023)*, a client referred to him as "*very dynamic and very good at dealing with litigation and turning it into a positive for the client*".

Robert has also served as an arbitrator in domestic and international commercial disputes. He is a member of the Arbitration Court of the London Court of International Arbitration, whose members are selected to maintain a balance of leading practitioners in commercial arbitration from the major trading areas of the world. He is a national leader of the firm's International Arbitration & Cross-Border Litigation Group.

Email: robert.wisner@mcmillan.ca

Expertise: Corporate Commercial Litigation, Energy, International Arbitration & Cross-Border Litigation, Litigation & Dispute Resolution, Mining

Language Spoken: English, French, Spanish

Location: Toronto

Phone: 416.865.7127

Position/Title: Partner, International Arbitration & Cross-Border Litigation

Directorships & Affiliations:

- Member, Arbitration Court, London Court of International Arbitration
- Past co-chair, Canada Advisory Board, International Institute for Conflict Prevention and Resolution
- Founding member, Arbitration Roundtable of Toronto

Publications:

- "[Human Rights: The Uncertain Implications of the Nevsun Case for Canadian Resource Companies](#)" Canadian Mining Magazine, (April 2022)
- "[Country Report on Local Requirements for the Validity of the Arbitral Award](#)," International Bar

Association (September 30, 2021)

- "International Protection of Foreign Investment (Canada Chapter)," Co-author with Philip Kariam and Neil Campbell, Juris Legal Information (February 2022)
- "[Does a Right to a Physical Hearing Exist in International Arbitration?](#)" International Council for Commercial Arbitration (February 2021)

Education & Admissions:

Degree: Called to the Ontario bar

Year: 1996

Degree: LLB

University: University of Toronto

Year: 1994

Degree: MA

University: Queen's University

Year: 1990

Degree: B.Soc.Sci.

University: University of Ottawa

Year: 1989

Media Mentions:

- "[LEGAL CONCERNS: What the Nevsun human rights case means for other Canadian miners](#)", Canadian Mining Journal, April 13, 2020
- "[Proposed rule changes could speed up investor-state dispute arbitration](#)", Law Times, May 31, 2019
- "[Trudeau approves Trans Mountain pipeline, kills Northern Gateway](#)" by Nelson Bennett, Business in Vancouver, November 30, 2016
- Robert Wisner discusses the advantages of enforcing arbitration clauses in shareholder agreements
- Robert Wisner discusses the advantages of enforcing arbitration clauses in shareholder agreements: "Enforce arbitration agreements: ruling" by Alex Robinson, Law Times, November 21, 2016
- "[Gold Reserve reaches arbitration settlement with Venezuela, stock soars](#)" by Peter Koven, Financial Post, August 8, 2016
- "[Copper Mesa Mining Awarded US\\$24 Million for Expropriation of Ecuador Mining Projects](#)", Copper

Investing News, June 1, 2016

- "[Canadian miners face uphill battle to collect on arbitration wins](#)" by Peter Koven, Financial Post, April 11, 2016
- "[Gold Reserve deal with Venezuela a potential turning point for Canadian miners with arbitration wins](#)" by Peter Koven, Financial Post, March 1, 2016
- "[The Alternative to Litigating](#)" by Bev Cline, Lexpert, November 27, 2015
- Quoted in Law360 regarding the Supreme Court's decision in Chevron on the enforcement of foreign judgments, September 11, 2015
- Quoted in The Northern Miner, The National Post, Lexpert, the Canadian Bar Association's National Magazine, and the Canada-China Business Forum regarding international arbitrations against states
- Interviewed on CBC Radio regarding foreign investment disputes involving Canadian mining companies

Rankings & Recognition: Robert has been consistently recognized in a number of legal directories for his work in international arbitration, cross-border business litigation and mining disputes, including:

- Recognized in the 2024 Benchmark Litigation: Canada Guide
- Recognized in the 2024 Canadian Legal Lexpert Directory as a Repeatedly Recommended Lawyer in the area of Commercial Arbitration
- Recognized by Chambers Global (2024) as a leading lawyer in the area of Dispute Resolution: Arbitration
- Recognized by Chambers Canada (2024) as a leading lawyer in the area of Dispute Resolution: Arbitration
- Recognized by *Best Lawyers* in Canada (2024) as a leading lawyer in the area of Alternative Dispute Resolution and International Arbitration
- Recognized in the 2023 Lexpert Special Edition on Canada's Leading Litigation Lawyers as a Leading Litigation Lawyer
- Listed in Who's Who Legal: Canada 2023 as a leader in Arbitration
- Recognized in the 2023 *Benchmark Litigation: Canada Guide* as a Litigation Star
- Recognized in the 2023 Canadian Legal Lexpert Directory as a Consistently Recommended Lawyer in the area of Commercial Arbitration
- Recognized by Chambers Global (2023) as a leading lawyer in the area of Dispute Resolution: Arbitration
- Listed in Who's Who Legal: Global 2022 as a leader in Arbitration
- Listed in Who's Who Legal: Canada 2022 as a leader in Arbitration
- Recognized in the 2022 Lexpert Special Edition on Canada's Leading Litigation Lawyers as a Leading Litigation Lawyer

- Recognized by Chambers Canada (2023) as a leading lawyer in the area of Dispute Resolution: Arbitration
- Recognized by *Best Lawyers in Canada* (2023) as a leading lawyer in the areas of Alternative Dispute Resolution and International Arbitration
- Recognized in the 2022 *Benchmark Litigation: Canada Guide* as a Litigation Star
- Recognized in the 2022 Canadian Legal Lexpert Directory as a Consistently Recommended Lawyer in the area of Commercial Arbitration
- Recognized by Chambers Global (2022) as a leading lawyer in the area of Dispute Resolution: Arbitration
- Recognized by Chambers Canada (2022) as a leading lawyer in the area of Dispute Resolution: Arbitration
- Recognized by *Best Lawyers in Canada* (2022) as a leading lawyer in the areas of Alternative Dispute Resolution and International Arbitration

Speaking Engagements:

- Valuation Evidence for Natural Resource Projects, GAR Live, New York, NY
- September 2022

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- Recent Developments in Corporate Governance in Canada, Annual Meeting, International Bar Association, Seoul, Korea
 - September 2019

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- Dispute Resolution in Canada European Advisory Board Annual Meeting, Institute for Conflict Prevention and Resolution, Rome, Italy
 - July 2018

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- Squeezing Blood from a Stone: Identifying and Seizing State Assets to Enforce Arbitral Awards 63rd Annual Rocky Mountain Mineral Law Institute, Santa Fe, New Mexico
 - July 2017

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- TransCanada v. USA, 2016 Mid-Year Energy Forum, Energy Bar Association, Washington, DC
 - September 2016

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- Third Party Litigation Financing: Recent Canadian Developments CPR 2016: The Dispute Resolution Divide. Harmonizing Global Approaches, New Orleans
 - February 16, 2016

- Arbitration Advocacy: The Legal Framework Advocates Society, Toronto
- November 2014

Representative Matters: Counsel in international and domestic commercial arbitrations including disputes under the rules and at the arbitral seats below:

- LCIA (Toronto): Defending a claim for a 50% interest in a mining project in Africa arising from an Earn-in agreement
- ICC (Geneva): Acting for Brilliant Resources Inc. against the Republic of Equatorial Guinea in a dispute arising from an exploration services agreement. The company disclosed receipt of US\$31.5 million in compensation
- ICC (Paris): Representing a major international mining company in a \$100 million dispute arising out of a joint venture with a West African state enterprise
- ICC (Paris, Vancouver): Defending claims in excess of \$12 million against a Canadian aviation company
- ICC (Montréal): Acting for a major Canadian energy company defending claims in excess of US\$115 million arising out of a long-term supply agreement
- Ad Hoc (Toronto): Acting for a minority shareholder in a major Canadian company in a dispute involving claims of oppression and breaches of a shareholders' agreement
- Ad Hoc (Halifax): Acting for an international mining company in a \$25 million dispute arising out of a coal supply agreement
- Acting in several complex commercial disputes seated in Hong Kong and Singapore arising from international sales and supply agreements

Counsel in investment treaty arbitrations including:

- ICSID (Washington, DC): Representing WM Mining Company, LLC in a pending US\$40 million claim against the government of Mongolia
- UNCITRAL (The Hague): Successfully representing Copper Mesa Mining Corporation, which obtained an award of US\$24 million against the government of Ecuador for expropriation of mining concessions
- NAFTA: Advising Primero Mining Corp. regarding potential claims against the government of Mexico

Appearing before all levels of court in Ontario and other Canadian jurisdictions. Recent matters include:

- Successfully representing international corporations in applications relating to the enforcement of arbitral awards and foreign judgments
- Appearing before the Commercial List of the Ontario Superior Court and before the Ontario Court of Appeal in disputes relating to the beneficial ownership of shares and corporate governance

- Leading litigation in British Columbia and Ontario by minority shareholders alleging oppression and breaches of directors' fiduciary duties

Teaching Engagements:

- Lecturer, Osgoode Hall Law School, Certificate in Mining Law
- Lecturer, Osgoode Hall Law School, LL.M. in Alternative Dispute Resolution

Industries: Energy, Mining

Practices: Corporate Commercial Litigation, International Arbitration & Cross-Border Litigation, Litigation & Dispute Resolution