



IGOR ELLYN ADR

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Professional Resume

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Professional History

Igor Ellyn has been a well-recognized name in commercial litigation, arbitration and mediation in southern Ontario for more than four decades.

For nearly 40 years, Igor Ellyn was the senior partner of a boutique law firm, which was known as Ellyn Law LLP from 2007-2015. From 1981 until 2007, the firm was known as Ellyn-Barristers.

A Toronto civil litigation lawyer since 1973 and Queen’s Counsel since 1985, Igor Ellyn has been counsel, mediator or arbitrator on more than 250 complex trials and legal proceedings in the Superior Court of Justice, in the Court of Appeal and in the Federal Court of Canada and in the Supreme Court of Canada, involving

- business and commercial disputes
- shareholder and partnership disputes
- employment and wrongful dismissal disputes
- real estate and landlord/tenant disputes
- construction disputes,
- intellectual property and software disputes,
- franchising disputes
- condominium disputes
- estate disputes

Igor Ellyn has also been involved in cases before numerous administrative tribunals and arbitral panels, including (listed alphabetically)

- ADR Chambers
- City of Toronto Committee of Adjustment
- Commercial Registration Appeal Tribunal (now Licence Appeal Tribunal)
- Criminal Injuries Compensation Board
- Director, Employment Standards Act, Ontario
- Discipline Committee of the Law Society of Upper Canada
- Discipline Committee of the Royal College of Nurses
- ICC International Court of Arbitration
- Immigration Appeal Board
- Licence Suspension Appeal Tribunal
- London Court of International Arbitration
- Ontario Municipal Board
- Ontario Securities Commission
- Private Vocational School Review Board
- Workplace Safety Insurance and Appeal Tribunal

Mr. Ellyn was temporarily called as a Barrister of Lincoln's Inn, London and appeared in the English High Court of Justice twice. He was also admitted as an Advocate of the Barreau du Quebec and was counsel on two arbitrations as counsel in Montreal.

Igor Ellyn has been mediating disputes since 1998 and has been a Chartered Arbitrator since 2002. He is a Fellow of the prestigious Chartered Institute of Arbitrators ("CI Arb.") and is now the Chair of the Toronto Chapter of CI Arb.

Igor Ellyn is a member of several arbitration panels, including the Canadian Arbitration Committee of the ICC International Court of Arbitration (www.chamber.ca) and the ADR institutes of Canada and Ontario (ADRIC and ADRIO).

Arbitration Experience

Igor Ellyn has been sole arbitrator in about 15 commercial disputes, including contract

interpretation, commercial leasing, construction and related matters. He has been engaged as sole arbitrator by the ICC International Court of Arbitration and completed an arbitral award in an international contract case, involving parties from German and the United States determined under the law of the State of Indiana.

Mr. Ellyn has also been engaged as sole arbitrator by the ADR Institute of Ontario and the Better Business Bureau of Central and Mid-Western Ontario. He has also acted on numerous private ad hoc arbitrations both as arbitrator and as counsel.

From 2008 to 2010, Igor was counsel on a long running arbitration before a three-arbitrator panel under the UNCITRAL Arbitration Rules and the International Commercial Arbitration Act, involving an agency agreement for the sale of software between a Canadian corporation and a British consultancy. The case involved complicated aspect of European Union and English law. Following the arbitration in Canada, legal proceedings ensued in the English High Court on which Mr. Ellyn appeared as a co-counsel with a British barrister.

From 2009 to 2012, Igor was counsel on arbitration in Montreal before a sole arbitrator involving a dispute over licencing of generic pharmaceuticals. From 2012 to 2014, he was counsel in a multi-million dollar arbitration before three-arbitrator panel in Montreal involving the manufacture and distribution of aircraft parts. The case was settled on the eve of the commencement of the hearing.

From 2010 to 2011, Mr. Ellyn was involved in a shareholder dispute in Ontario, which involved a substantial fraud claim against the president of the corporation. The parties agreed to arbitrate the dispute before a retired justice of the Superior Court. Mr. Ellyn was counsel on the arbitration, which resulted in full recovery of the misappropriate funds, punitive damages and substantial indemnity costs. Mr. Ellyn was in involved in extensive proceedings to successfully collect the outstanding amounts.

Igor Ellyn is currently a member of several arbitral panels:

- ICC Canadian Arbitration Committee
- ADR Institute of Ontario
- Toronto Construction Association
- Portfolio Management Association of Canada
- Better Business Bureau of Central and Mid-Western Ontario

Mr. Ellyn arbitrates in English, French or bilingually. Mr. Ellyn encourages a streamlined arbitration process, the use of technology whenever reasonably possible to save time, money and inconvenience to parties, counsel and witnesses. He is a strong proponent of “Get to the Point Resolutions.”

Mediation Experience

Igor Ellyn has mediated at least 30 commercial disputes arising from commercial matters, employment law, construction matters and other business issues. Mr. Ellyn has been counsel on 100 or more mediations and pre-trial conferences.

Following a multi-party bilingual (English and French) mediation arising from a shareholder dispute, the parties settled all of the substantive issues but were unable to agree on the terms of the final releases. This final matter risked undoing the whole settlement. On Mr. Ellyn's suggestion, the parties agreed to have Mr. Ellyn arbitrate the issues concerning the terms of the releases. This additional involvement enabled the parties to complete the settlement.

Education and Training

- Bradley University, Peoria, Illinois – B.A. 1968
- Western University, London, Ontario – LL.B./J.D. 1971
- Call to Ontario Bar, 1973
- Certified by the Law Society as Specialist in Civil Litigation since May 19
- Harvard University/Advocates' Society - Mediation Workshop 1997
- Fellow, Chartered Institute of Arbitrators, 2002
- Temporary Call as a Barrister of Lincoln's Inn, London 2009-2012
- Temporary Call as an Advocate of the Barreau du Québec, 2013-2014

Reported Cases

Igor Ellyn has been counsel on about 100 reported decisions which can be found in legal databases, including CanLII.org, quicklaw.com and Westaw.com.

The decisions include appeals, trials, complex applications and hearings before the Superior Court of Justice of Ontario, Ontario Court of Appeal, Ontario Divisional Court, Federal Court of Canada, Federal Court of Appeal and Supreme Court of Canada.

Mr. Ellyn also appeared in a reported case in the English High Court of Justice (Queen's Bench Division) [2009] EWHC 2655 (QB) arising from a Canadian arbitration.

For every reported case, there are typically 8 or 9 cases, which are settled before trial. Even though these cases represent a critical mass of counsel's experience, the results are confidential and not available publicly. The same is true of results in arbitrations and mediations, both as counsel and as arbitrator, with a few exceptions, where the confidentiality was lost by subsequent litigation.

Professional Leadership

- Chair, Toronto Chapter, Chartered Institute of Arbitrators, 2014-present
- Vice-President, International Association of Jewish Lawyers and Jurists, 1998-2005
- Vice-Chair and Honorary Legal Counsel, Canadian Jewish Congress, 2002-2011
- Chair, Business Litigation & Arbitration Practice Group, International Network of Boutique Law Firms 2012-2015
- President, Ontario Bar Association, 1994-95
- Member of Executive, Ontario Bar Association 1991-96
- Occasional Speaker, Community Groups on legal topics
- Weekly Columnist, Toronto Sun “Knowing Your Legal Rights” (1979-81)
- Part-time Judge, Toronto Small Claims Court 1979-86

Professional Recognition and Awards

- Designated Queen’s Counsel 1985
- Certification as a Certified Specialist by the Law Society since 1989
- Law Society Bicentennial Award of Merit, 1997
- Admission to Fellowship of the Chartered Institute of Arbitrators, 2002
- Occasional Member, Law Society Specialization Certification Board, 2005

Publications and Teaching

Igor Ellyn has been writing about the law for more than 35 years. He is the author of three books and many legal articles. A fourth legal book is planned for 2016. Some of the articles appear online on www.slideshare.net and www.scribd.com. The books are available for purchase from the publishers. Other colleagues collaborated in the writing of some of these works.

Books and Law Reports

- *Litigating and Arbitrating Business Disputes* -- Lexis-Nexis Canada 2015
- *Liabilities of Corporate Directors – Canada – Juris Publishing* 2012
- *Enforcement of Money Judgments in Canada – Juris Publishing* 2009
- *The Annotated Ontario Arbitration Acts (to be published in 2016 by Lexis-Nexis)*
- *Associate Editor, Carswell’s Practice Cases, 1984-1986 (author of 50 case annotations)*

Articles

- *A Business Person’s Perspective on Resolving Shareholder Disputes (2008)*
- *Business Legal Checkup: Preventive Advice for the Legal Health of a Business (2008)*
- *Canadian Arbitrator Lacks Jurisdiction to Make Injunctive Orders (2011)*

- *Canadian Litigants Battle over the Scope of Arbitration Clauses (2009)*
- *Certificates of Pending Litigation (1995)*
- *Civil Litigation Procedures in Canada (2013)*
- *Corporate Law & Family Law at the Crossroads: Spouses as Shareholders (2012)*
- *Cross-Examining Expert Witnesses (2012)*
- *Cross-Examining The Forensic Accountant (1991)*
- *Drafting Pleadings in the Enlightened Age of Mediation(2010)*
- *Effective Advocacy in Commercial Arbitration (2011)*
- *Enforcement of Foreign Judgments in Ontario (2009)*
- *Fraud Claims in Business Transaction Litigation (2013)*
- *High Hurdles to Right Wrongs: The Standard of Appellate Review (2009)*
- *How to Make In-Trial Objections Less Objectionable (2011)*
- *Illustrative Evidence in Civil Litigation (2204)*
- *“Knowing Your Legal Rights” Weekly Column in the Toronto Sun (1979-81)*
- *Liability of Directors in Canada, an excerpt (2012)*
- *Litigating Shareholder and Oppression Claims: Arbitration or Commercial List (2104)*
- *Orders and Awards in Arbitration Proceedings (2011)*
- *Persuasive Pleading Promote Satisfying Settlements (2006)*
- *Preparing for Cross Examination and Discovery in Ontario Lawsuits (2014)*
- *Proving Just Cause as Employer’s Counsel (2002)*
- *Recent Decisions of Ontario Courts affecting Arbitration Law and Practice (2015)*
- *Resolving Shareholders Disputes in Canada (2009)*
- *Shareholders Remedies in Canada (2005, 2009, 2012)*
- *So, Your Business Has a Legal Problem (2008)*
- *The Five Most Significant Cases of the Courts in 1997-1998*
- *The Five Most Significant Cases of the Courts in 20006-2007*
- *The Five Most Significant Cases of the Courts in 2001-2002*
- *The Five Most Significant Cases of the Courts in 2004-2005*
- *The Five Most Significant Cases of the Courts in 2008-2009*
- *The Role of Arbitration in International Business (2013)*
- *The Tension between Choice of Law and Mandatory Rules in Agency Arbitration (2008)*
- *Toward a “Global Village” Approach in Enforcement of Foreign Judgments (1995)*
- *Undertakings In and Out of Court (1995)*
- *Use of Financial Experts in Business Litigation (2011)*
- *Winning Business Appeals and the Concept of Commercial Reasonableness (2007)*

Teaching

Igor Ellyn has been involved in legal education for most of his career, including the following:

- Instructor, Bar Admission Course, Law Society of Upper Canada (1978-1986)
- Instructor, “Knowing Your Legal Rights,” Adult Education, Don Mills, C.I. (1976)
- Guest Lecturer, University of Toronto Faculty of Law, ca. 1990
- Advocacy Coach, Osgoode Hall, Intensive Trial Advocacy Workshop, (1995-2003)
- Guest Lecturer, Grade 12 Law Class, Middlefield Collegiate Institute, Markham (2011)
- Guest Lecturer, Schulich School of Business, York University (2013)
- Panelist, Cornell University International Labour Relations and NYBSA program (2008)
- Program Chair, Ontario Bar Association (1982-2002) on 12 litigation conferences
- Guest Speaker, Ontario Bar Association, groupe francophone re Quebec Secession case
- Panelist, l’association des juristes d’expression française (AJEFO) (2004)

- Keynote Speaker, Ontario Bar Association, Five Most Significant Cases of the Courts (on five occasions between 1998 and 2009)

Speaking Engagements and Conferences

Igor Ellyn has been invited to speak at many legal conferences. He was also the Chair of 12 legal conferences at the Canadian Bar Association. In August 2000, he was the Chair of a legal conference in Toronto on behalf of the International Association of Jewish Lawyers and Jurists (IAJLJ).

Mr. Ellyn has also participated in legal conferences in Toronto and in many locations around the world, including Ottawa; Montreal; Vancouver; Whistler, B.C.; Calgary, New York; Boston; Washington, D.C., Los Angeles, Colorado Springs; Paris, France; Rome, Italy; Warsaw, Poland; Tel Aviv and Jerusalem, Israel. During his years in the leadership of the Canadian Bar Association, he participated in many legal conferences across Canada.

In 2007, Mr. Ellyn participated in a unique mediation and dispute resolution training program jointly conducted in New York by the United Synagogue of Conservative Judaism and the Conservative Rabbinic Assembly. As a result of the completion of his program, Mr. Ellyn has mediated a dispute between a Canadian synagogue and its former rabbi to a successful settlement.

The following is a partial list of Mr. Ellyn's speaking engagements on legal matters:

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| • Advocates Society | Electronic Trials (2015) |
| • AJEFO (French Lawyers) | L'homologation des jugements étrangers (2004) |
| • Centre for International Legal Studies | Shareholders Remedies in Canada (2005) |
| • Commons Institute | Latest Developments in Arbitration Law (2015) |
| • Commons Institute | Effective Advocacy in Arbitration (2012) |
| • Federated Press | Cross-examining Business Valuators (2013) |
| • Federated Press | Fraud Claims in Business Litigation (2012) |
| • Federated Press | Financial Experts in Business Litigation (2011) |
| • IAJLJ | International Arbitration Panel (2000) |
| • Middlefield Collegiate Institute | Use of Social Media in the Courts (2011) |
| • New York State Bar Association | Choice of Law & Mandatory Rules in Arbitration (2008) |
| • Ontario Bar Association | Appeals & Commercial Reasonableness (2007) |
| • Ontario Bar Association | The 5 Most Significant Cases of the Courts (5 times) |
| • Ontario Bar Association | Use of Undertakings In and Out of Court (2007) |
| • Ontario Bar Association | Supreme Court's Quebec Secession Reference (1998) |
| • Ontario Bar Association | Cross-examination the forensic accountant (1991) |
| • Ontario Bar Association | Enforcement of Judgments and Court Orders (1985) |
| • Ontario Bar Association | Certificates of Pending Litigation (1995) |
| • Ontario Bar Association | Undertakings In and out of Court (2002) |
| • Ontario Bar Association | Drafting Pleadings with Mediation in Mind (2011) |
| • Ontario Bar Association | Proving Just Cause as Employers' Counsel (2002) |



- Osgoode Professional Development Illustrative Evidence in Civil Litigation (2001)
- Osgoode Professional Development Qualifying Expert Witnesses (2013)
- Osgoode Professional Development Making Trial Objections Less Objectionable (2012)
- Schulich School of Business Role of Arbitration in International Business (2013)
- Victory Verbatim Shareholders Disputes: Arbitration or Litigation? (2013)