

# DR. TAMAR MESHEL

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## ACADEMIC APPOINTMENTS

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University of Alberta Faculty of Law   <i>CN Professor of International Trade</i>	2023-present
University of Alberta Faculty of Law   <i>Associate Professor (tenured)</i>	2022-present
University of Alberta Faculty of Law   <i>Assistant Professor (tenure-track)</i>	2018-2022

## EDUCATION

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University of Toronto Faculty of Law, Canada   S.J.D.	2013-2018
University of Toronto Faculty of Law, Canada   LL.M.	2012-2013
University of British Columbia Faculty of Law, Canada   J.D.	2006-2009
University of Toronto Faculty of Arts, Canada   B.A. Honours	2004-2006
Santa Monica College, Los-Angeles, USA	2002-2004

## PUBLICATIONS

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### BOOKS

ARBITRATION LAW: STATUTES, CASES, AND COMMENTARY (LexisNexis Canada) [forthcoming, 2025]  
ARBITRATION, 5<sup>th</sup> Edition (West Academic) (with Stephen J. Ware, Alan Scott Rau, David Horton) [forthcoming, 2025]

### ARTICLES

*The Gatekeepers of the Federal Arbitration Act: An Empirical Analysis of the FAA in the Lower Courts*, MISSISSIPPI LAW JOURNAL, 94 MISSISSIPPI LAW JOURNAL 485 (2025) [PDF](#)  
*Arbitration, Courts, and the Rule of Law Post-Uber*, 4 SUPREME COURT LAW REVIEW (3d), 45 (2024) [peer-reviewed]  
*Employment Arbitration: Recent Developments and Future Prospects*, 39 OHIO STATE JOURNAL ON DISPUTE RESOLUTION 279 (2024) [PDF](#)  
*The Judicial Grassroots of the 'Arbitration Revolution'*, 15 WILLIAM & MARY BUSINESS LAW REVIEW 245 (2024) [PDF](#)  
*International Arbitration Agreements in Canada Post-Uber*, 40 JOURNAL OF INTERNATIONAL ARBITRATION 435 (2023) [peer-reviewed]

- Enforcing International Arbitral Subpoenas in the United States*, 39 *ARBITRATION INTERNATIONAL* 19 (2023) [peer-reviewed]
- The Silala Judgment and the Duty to Cooperate in Customary International Water Law*, 23 *WYOMING LAW REVIEW* 51 (2023) (invited) [PDF](#)
- In Defense of Moses*, 96 *ST. JOHN'S LAW REVIEW* 395 (2023) [PDF](#)
- Two Comes Before Four and Five: The FAA in Campbell v. Keagle*, 117 *NORTHWESTERN UNIVERSITY LAW REVIEW ONLINE* 74 (2022) [PDF](#)
- The Harmon Doctrine is Dead, Long Live the Harmon Doctrine!*, 63 *VIRGINIA JOURNAL OF INTERNATIONAL LAW* 1 (2022) [PDF](#)
- The PAGA Saga*, 2021 *PEPPERDINE LAW REVIEW* 36 (2022) [PDF](#)
- Petrowest v. Peace River Hydro: The Revocability and Separability of Commercial Arbitration Agreements*, 65 *CANADIAN BUSINESS LAW JOURNAL* 329 (2022) [PDF](#)
- Cited by the Supreme Court of Canada in *Peace River Hydro Partners v. Petrowest Corp.*, 2022 SCC 41 (Nov. 10, 2022)
- Artificial Waterways in International Water Law: An American Law Perspective*, 55 *VANDERBILT JOURNAL OF TRANSNATIONAL LAW* 49 (2022) [PDF](#)
- Crypto Dispute Resolution: An Empirical Study*, 2021 *UNIVERSITY OF ILLINOIS JOURNAL OF LAW, TECHNOLOGY & POLICY* 187 (2021) (with Moin A. Yahya) [peer-reviewed] [PDF](#)
- Discovery Under § 1782 in International Commercial Arbitration: Recent Developments from a Comparative Perspective*, 54 *THE INTERNATIONAL LAWYER* 361 (2021) [peer-reviewed] [PDF](#)
- Closing the Enforcement Gap: Third Party Discovery Under the FAA and the Federal Rules of Civil Procedure*, 70 *UNIVERSITY OF KANSAS LAW REVIEW* 1 (2021) [PDF](#)
- Procedural Cross-Fertilization in International Commercial and Investment Arbitration: A Functional Approach*, 12 *JOURNAL OF INTERNATIONAL DISPUTE SETTLEMENT* 585 (2021) [peer-reviewed] [PDF](#)
- From Newsun v. Araya to the CORE: Taking Stock of State-Based Business and Human Rights Grievance Mechanisms in Canada*, 54 *UBC LAW REVIEW* 203 (2021) [peer-reviewed] [PDF](#)
- International Arbitration: The New Frontier of Business and Human Rights Dispute Resolution?*, 44 *DALHOUSIE LAW JOURNAL* 101 (2021) [peer-reviewed] [PDF](#)
- Mobile Based Transportation Companies, Mandatory Arbitration, and the Americans with Disabilities Act*, 2021 *JOURNAL OF LAW AND MOBILITY* 1 (2021) [peer-reviewed] [PDF](#)
- DIGging a Deeper Hole in the Doughnut's Hole: SCOTUS and Who Decides Arbitrability*, 2021 *UNIVERSITY OF ILLINOIS LAW REVIEW ONLINE* 158 (2021) [PDF](#)
- Cited by the Supreme Court of Texas in *TotalEnergies E&P USA, Inc. v. MP Gulf of Mexico, LLC*, 2023 WL 2939648 (Apr. 14, 2023)
- International Water Law and Fresh Water Dispute Resolution: A Coasean Perspective*, 92 *UNIVERSITY OF COLORADO LAW REVIEW* 509 (2021) (with Moin A. Yahya) [PDF](#)
- 'A Doughnut Hole in the Doughnut's Hole': The Henry Schein Saga and Who Decides Arbitrability*, 73 *RUTGERS UNIVERSITY LAW REVIEW* 83 (2020) [PDF](#)

- Cited by the Supreme Court of Texas in *TotalEnergies E&P USA, Inc. v. MP Gulf of Mexico, LLC*, 2023 WL 2939648 (Apr. 14, 2023)
- Cited by the Court of Chancery of Delaware in *Fairstead Capital Management LLC v. Blodgett*, 2023 WL 115540 (Jan. 6, 2023)

*If Apps Be The Food Of The Future, Arbitrate On!': Mobile-Based Ride-Sharing, Transportation Workers, and Interstate Commerce*, 15 VIRGINIA LAW & BUSINESS REVIEW 1 (2020) [PDF](#)

*GE Energy v. Outokumpu: Non-signatories Can Now Enforce International Commercial Arbitration Agreements on Equitable Estoppel Grounds*, 11 HARVARD BUSINESS LAW REVIEW ONLINE 1 (2020) [PDF](#)

*Of International Commercial Arbitration, Non-Signatories, and American Federalism: The Case for a Federal Equitable Estoppel Rule*, 56 STANFORD JOURNAL OF INTERNATIONAL LAW 123 (2020) [PDF](#)

*Transboundary Watercourses, Dams, and Human Migration: An International Water Law Perspective*, 9 CAMBRIDGE INTERNATIONAL LAW JOURNAL 154 (2020) [peer-reviewed] [PDF](#)

*International Commercial Arbitration in Canada After Uber Technologies Inc. v. Heller*, 37 ARBITRATION INTERNATIONAL (2020) 361 [peer-reviewed] [PDF](#)

*Swimming Against the Current: Revisiting the Principles of International Water Law in the Resolution of Fresh Water Disputes*, 61 HARVARD INTERNATIONAL LAW JOURNAL 135 (2020) [PDF](#)

*Caught between the FAA and the New York Convention: Non-signatories to International Arbitration Agreements and the 'In Writing' Requirement*, 62 UNIVERSITY OF PENNSYLVANIA JOURNAL OF BUSINESS LAW 677 (2020) [PDF](#)

*Mobile-Based Transportation Employment Disputes: Corporate Chutzpa and the Potential Resurrection of Class Arbitration*, UNIVERSITY OF CHICAGO LAW REVIEW ONLINE 1 (2020) [PDF](#)

*225 Years to the Jay Treaty: Interstate Arbitration Between Progress and Stagnation*, 3 CARDOZO INTERNATIONAL, COMPARATIVE, POLICY & ETHICS LAW REVIEW 1 (2020) [PDF](#)

*Unmasking the Substance Behind the Process: Why the Duty to Cooperate in International Water Law is Really a Substantive Principle*, 47 DENVER JOURNAL OF INTERNATIONAL LAW AND POLICY 29 (2020) [PDF](#)

*Heller v. Uber Technologies Inc.: Can Hard Cases Make Good Law?*, 50 ADVOCATES' QUARTERLY 351 (2020) [PDF](#)

*Interstate Fresh Water Dispute Resolution: Some Reflections on River Basin Organizations as Arbitral Institutions*, 29 YEARBOOK OF INTERNATIONAL ENVIRONMENTAL LAW 55 (2018) [peer-reviewed] [PDF](#)

*Environmental Justice in the United States: The Human Right to Water*, 8 WASHINGTON JOURNAL OF ENVIRONMENTAL LAW & POLICY 264 (2018) [PDF](#)

*The Croatia v. Slovenia Arbitration: The Silver Lining*, 16 THE LAW AND PRACTICE OF INTERNATIONAL COURTS AND TRIBUNALS 288 (2017) [peer-reviewed] [PDF](#)

*What's in a Name? The Silala Waters and the Applicability of International Watercourse Law*, 39 QUESTIONS OF INTERNATIONAL LAW 5 (2017) [peer-reviewed] [PDF](#)

*A Decade Later and Still on Target: Revisiting the 2006 Israeli Targeted Killing Decision*, 7 JOURNAL OF INTERNATIONAL HUMANITARIAN LEGAL STUDIES 88 (2016) [peer-reviewed] [PDF](#)

*A New Transboundary Fresh Water Dispute before the International Court of Justice*, 42 WATER INTERNATIONAL 92 (2016) [peer-reviewed] [PDF](#)

*Teaching an Old Law New Tricks: International Environmental Law Lessons for Cyberspace Governance*, 58 GERMAN YEARBOOK OF INTERNATIONAL LAW 129 (2016) (with Jutta Brunnée) [peer-reviewed] [PDF](#)

*Bannai v. Erez and the Jurisdictional Race of the Israeli and English Courts*, 32 *ARBITRATION INTERNATIONAL* 149 (2016) [peer-reviewed] [PDF](#)

- Cited by the Supreme Court of Israel in Civil Appeal 3907/14 (Aug. 10, 2016)

*The Evolution of Interstate Arbitration and the Peaceful Resolution of Transboundary Freshwater Disputes*, 2016 *JOURNAL OF DISPUTE RESOLUTION* 361 (2016) [PDF](#)

*Human Rights in Investor-State Arbitration: The Human Right to Water and Beyond*, 6 *JOURNAL OF INTERNATIONAL DISPUTE SETTLEMENT* 277 (2015) [peer-reviewed] [PDF](#)

*Commercial Peacemaking - The New Role of the International Commercial Arbitration Legal Order*, 16 *CARDOZO JOURNAL OF CONFLICT RESOLUTION* 395 (2015) [PDF](#)

*The Use and Misuse of the Corruption Defense in International Investment Arbitration*, 30 *JOURNAL OF INTERNATIONAL ARBITRATION* 267 (2013) [peer-reviewed] [PDF](#)

## BOOK CHAPTERS

*The Attorney General as Guardian of the Public Interest and the Evolution of Private-Public Arbitration in Israel*, in *THE COMPARATIVE CONSTITUTIONAL FOUNDATIONS OF PRIVATE-PUBLIC ARBITRATION (OUP)* [accepted, forthcoming]

*Business and Human Rights Dispute Settlement: The OECD NCPs as Grievance Mechanisms*, in *CORPORATE HUMAN RIGHTS RESPONSIBILITY IN OECD CASE LAW: ACTORS, ISSUES, RESPONSIBILITIES AND REMEDIES* 155 (Springer, Interdisciplinary Studies in Human Rights, 2025)

*Water Justice and the Social Pillar of Sustainable Development: The Case of Israel*, in *THE CAMBRIDGE HANDBOOK OF ENVIRONMENTAL JUSTICE AND SUSTAINABLE DEVELOPMENT* 196 (CUP, 2021)

*Water Disputes Across Borders*, in *ROUTLEDGE HANDBOOK OF LAW AND SOCIETY* 242 (OUP, 2021)

*Dental Negligence and Malpractice*, in *DENTAL LAW IN CANADA*, 3rd ed. 227 (LexisNexis Canada, 2019)

*The Dual Role of Procedure in International Water Law*, in *INTERNATIONAL LAW AND LITIGATION: A LOOK INTO PROCEDURE* 65 (Nomos & Hart Publishing, 2019) [PDF](#)

*Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment*, in *MAX PLANCK ENCYCLOPAEDIA OF INTERNATIONAL PROCEDURAL LAW* (OUP, 2019)

## AMICUS BRIEFS

*Burnett v. Nat'l Ass'n of Realtors*, No. 23-840, United States Supreme Court, 2024 (author) [PDF](#)

*ZF Automotive US, Inc., et al. v. Luxshare, Ltd.*, No. 21-401, United States Supreme Court, 2022 (author) [PDF](#)

## BOOK EDITING

*A BRIDGE OVER TROUBLED WATERS: DISPUTE RESOLUTION IN THE LAW OF INTERNATIONAL WATERCOURSES AND THE LAW OF THE SEA* (Brill-Nijhoff, 2020) (with H el ene Ruiz Fabri, Erik Franckx, Marco Benatar)

## BLOG POSTS, NEWSLETTERS, AND EDITORIALS

*The Standard of Review of Arbitration Awards in Canada*, [KLUWER ARBITRATION BLOG](#) (Jul. 2024)

*Arbitration Implications of High Court Coinbase Ruling*, [LAW360](#) (Jun. 2024)

*The Gatekeepers of the Federal Arbitration Act: An Empirical Analysis of the FAA in the Lower Courts*, [CONTRACTSPROF BLOG](#) (Oct. 2023)

*The New Chapter in the Life of the FAA*, [CONTRACTSPROF BLOG](#) (Jun. 2023)

*First Crypto Arbitration Case Heard by SCOTUS*, [CONTRACTSPROF BLOG](#) (Mar. 2023)

*Southwest Airlines v. Saxon Comes Full Circle*, [CONTRACTSPROF BLOG](#) (Mar. 2023)

*Swimming Against the Current: Revisiting the Principles of International Water Law in the Resolution of Fresh Water Disputes*, [INTERNATIONAL WATER LAW PROJECT BLOG](#) (Apr. 2020)

*International Business and Human Rights Dispute Settlement Before Domestic Courts: The Draft UN Treaty for Business and Human Rights*, [AFRONOMICSLAW BLOG](#) (Dec. 2019)

*To Sign or Not To Sign – Is That the Question? The New York Convention’s ‘In Writing’ Requirement in U.S. Courts*, [KLUWER ARBITRATION BLOG](#) (Sep. 2019)

*The Permanent Court of Arbitration and the Peaceful Resolution of Transboundary Freshwater Disputes*, [ESIL REFLECTIONS](#) (Jan. 2016)

*Israeli Supreme Court Lost between the Israeli Arbitration Act and the New York Convention*, [KLUWER ARBITRATION BLOG](#) (Nov. 2014)

*How (Not to) Object to a Stay of Proceedings under the Israeli Arbitration Act*, [KLUWER ARBITRATION BLOG](#) (Oct. 2014)

*Interstate Arbitration: Awakening the ‘Sleeping Beauty of the Peace Palace’*, [OPINIOJURIS](#) (Aug. 2014)

*Daric v. Alstom: Weakening or Reinforcing the Pro-arbitration Stance of the Israeli Supreme Court?*, [KLUWER ARBITRATION BLOG](#) (Mar. 2014)

*The Indus Waters Kishenganga Arbitration – Reviving the Indus Waters Treaty and Arbitration of Interstate Water Disputes*, [KLUWER ARBITRATION BLOG](#) (Jan. 2014)

*Metal-Tech Ltd. v. Republic of Uzbekistan – Is Really No One Getting Punished?*, [KLUWER ARBITRATION BLOG](#) (Dec. 2013)

*Having Your Cake and Eating it Too? - Israeli Court Stays Proceedings Against a Non-Signatory to a Contract Containing an Arbitration Clause*, [KLUWER ARBITRATION BLOG](#) (Dec. 2013)

*Metal-Tech Ltd. v. Republic of Uzbekistan – ‘Strike Two’ Against Investor Claimants Facing the Corruption Defense*, [INTLAWGRRLS BLOG](#) (Dec. 2013)

*The Jerusalem Arbitration Center: ‘Merchants of Peace’ in the Middle East*, [INTLAWGRRLS BLOG](#) (Dec. 2013)

*The Jerusalem Arbitration Center – A New Form of Dispute Resolution in the Middle East*, 8(1) YOUNG CANADIAN ARBITRATION PRACTITIONERS NEWSLETTER (2012)

*The 2012 ICC Arbitration Rules – Enhanced Practices and New Features*, 21(1) CANADIAN ARBITRATION AND MEDIATION JOURNAL 7-10 (2012) [PDF](#)

*Where in the World is Canadian International Arbitration? Reflections on Some Interesting ICC Statistics*, 1(1) COMMERCIAL LITIGATION AND ARBITRATION REVIEW 14-16 (2012) (with Yousuf Aftab)

*Canada and the ICC – How Do Canadians Resolve their International Disputes?*, 7(1) YOUNG CANADIAN ARBITRATION PRACTITIONERS NEWSLETTER (2011)

## SELECTED ACADEMIC PRESENTATIONS

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‘The Role of Arbitral Institutions in the Enforcement of Arbitration Agreements: Lessons from the United States’

- ALACDE XXVIII Conference, Chile (forthcoming, 2025)
- Institute for Transnational Arbitration Academic Council Works-in-Progress Workshop (2025)
- Canadian Law and Economics Association Annual Conference, University of Toronto Faculty of Law, Canada (2024)

‘The Gatekeepers of the Federal Arbitration Act: An Empirical Analysis of the FAA in the Lower Courts’

- Berkeley Law School, USA (2024)
- Chapman Law School, USA (2024)
- Canadian Law and Economics Association Annual Conference, University of Toronto Faculty of Law, Canada (2023)

‘Crypto Dispute Resolution’, 2023 Taipei International Conference on Arbitration and Mediation, Taiwan (2023)

‘The Rule of Law and the Enforcement of Arbitration Agreements Post-*Uber*’, Private Rights and the Rule of Law, Canada (2023)

‘Business and Human Rights Dispute Settlement: NCPs as Grievance Mechanisms’

- Leuphana University of Lüneburg, Germany (2023)
- University of Amsterdam, The Netherlands (2023)
- OECD Case Law: Actors, Issues, Responsibilities and Remedies, Friedrich-Alexander-University Erlangen-Nürnberg, Germany (2023)

‘Arbitration Clauses in Consumer and Employment Contracts—American and Canadian Perspectives’, KCON XVI Conference, Texas A&M University School of Law, USA (2023)

‘The Harmon Doctrine is Dead, Long Live the Harmon Doctrine!’

- Canadian Law and Economics Association Annual Conference, University of Toronto Faculty of Law, Canada (2022)
- Eighth International Four Societies Conference (2022)
- Society for Environmental Law & Economics Annual Meeting, New York University School of Law, USA (2022)

‘Closing the Enforcement Gap: Third Party Discovery Under the FAA and the Federal Rules of Civil Procedure’, National Business Law Scholars Conference, University of Tennessee College of Law, USA (2021)

‘Water Justice and the Human Right to Water in Israel’, Glasginburgh 2021 Conference, Scotland (2021)

‘FinTech Arbitration: A View on New Challenges and Old Solutions’

- 2020 Roundtable on International Business Law at Brooklyn Law School, Brooklyn Law School, USA (2020)

- Purdy Crawford Emerging Business Scholars Workshop, Dalhousie University Schulich School of Law, Canada (2020)
- ‘International Water Law and Fresh Water Dispute Resolution: A Coasean Perspective,’ Canadian Law and Economics Annual Conference, University of Toronto Faculty of Law, Canada (2019)
- ‘International Business and Human Rights Dispute Settlement: Beyond Domestic Litigation,’ Purdy Crawford Emerging Business Scholars Workshop, Dalhousie University Schulich School of Law, Canada (2019)
- ‘The ‘Commercial Peacemaking’ Role of the International Commercial Arbitration Legal Order,’ UK IVR Annual Conference, Queen’s University Belfast School of Law, Northern Ireland (2015)
- ‘Interstate Arbitration and the Peaceful Resolution of Transboundary Freshwater Disputes,’ Annual Conference of the European Society of International Law, Norway (2015)
- ‘The Human Right to Water in Investor-State Arbitration,’ The Legitimacy of International Courts and Tribunals Workshop, University of Oslo, Norway (2014)

### **SELECTED SPEAKING ENGAGEMENTS**

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- Panelist, ‘CIArb Canada Symposium: Vavilov, Value, Venue’, CanArbWeek (2024)
- Panelist, ‘CIArb Canada Symposium: What’s the matter with “deciding the matter”?’, CanArbWeek (2023)
- Panelist, ‘Efficiency in the 2021 ICC Rules’, Launch of the 2021 ICC Rules in Israel (2021)
- Speaker, ‘International Business and Human Rights Dispute Settlement: Beyond Domestic Litigation’, Loyola Chicago International Law Colloquium, USA (2020)

### **PODCASTS**

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- [Coinbase, Inc. v. Suski](#), *SCOTUScast* (May. 30, 2024)
- [The Gatekeepers of the Federal Arbitration Act: An Empirical Analysis of the FAA in the Lower Courts](#), *Arbitration Conversation* (Nov. 21, 2023)
- [Coinbase, Inc. v. Bielski](#), *SCOTUScast* (Apr. 20, 2023)
- [Artificial Waterways in International Water Law: An American Law Perspective](#), *Center for International Maritime Security, Sea Control Podcast* (June 26, 2022)

### **OTHER TEACHING EXPERIENCE**

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- Osgoode Hall Law School, York University, Canada | *Lecturer* 2025  
International Commercial Arbitration (Professional LLM in International Business Law Program)
- Ohio State Moritz College of Law, USA | *Lecturer* 2023-2024  
International Commercial Arbitration

## VISITORSHIPS & FELLOWSHIPS

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University of Edinburgh Law School, Edinburgh, Scotland   <i>Visiting Scholar</i>	Sep.-Oct. 2022
WilmerHale International Arbitration Group, London, England   <i>Scholar-in-Residence</i>	June-Aug. 2022
Dalhousie University Schulich School of Law   <i>Schulich Fellow</i>	Aug. 2017-May 2018
Max Planck Institute for Procedural Law, Luxembourg   <i>Research Fellow</i>	2015-2017

## SELECTED GRANTS AND SCHOLARSHIPS

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Canadian Foundation for Legal Research Grant (\$13,640)	2024-2025
Social Sciences and Humanities Research Council, Insight Development Grant (\$40,205)	2022-2024
Social Sciences and Humanities Research Council, Joseph-Armand Bombardier Canada CGS Doctoral Scholarship (\$105,000)	2015-2018

## PROFESSIONAL EXPERIENCE

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Canadian Ombudsperson for Responsible Enterprise, Ottawa, Canada   <i>Arbitration Consultant</i>	2022-2024
ICC International Court of Arbitration, Paris, France   <i>Deputy Counsel</i>	2010-2012
Fasken LLP, Vancouver, Canada   <i>Articling Student &amp; Associate</i>	2009-2010

## BAR ADMISSIONS

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Member, Law Society of Alberta (inactive)	2023-present
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## SELECTED SERVICE ACTIVITIES

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Member, Institute for Transnational Arbitration Academic Council (2024-present)
Member, ICC Canada Arbitration Committee (2023-present)
Member, Campaign for Greener Arbitration, North America Regional Committee (2022-present)
Board member, Canadian Council on International Law (2018-present)
Sounding board member, The Hague Rules on Business and Human Rights Arbitration (2018-2020)