

LE DROIT MÈNE À TOUT ET PARTOUT : LOUISE BARRINGTON* : UNE AVOCATE ET ARBITRE CANADIENNE À HONG KONG

Entrevue préparée par Marie-Claude Rigaud**



Louise Barrington

RAMJAM: How would you qualify Canada's place in the international arbitration community?

You might say that Canada is a victim of its success. Most trade in Canada has historically been interprovincial or with the United States, at least until about 15 years ago. The Canadian and American legal sys-

* Professor, arbitrator.

** Professeure adjointe et Vice-doyenne de la Faculté de droit de l'Université de Montréal, professeure associée à la Faculté de droit de l'Université de Sherbrooke et membre du Barreau du Québec et de l'Ontario. Des remerciements sont dus à Tessa Manuello, étudiante en droit au programme de PRD de la Faculté de droit de l'Université de Sherbrooke pour son travail d'édition du texte de cette entrevue.

tems being very similar, there was no real cultural clash, so one big reason for using arbitration was simply absent. Arbitration has not developed in Canada in the same way it has expanded in Europe for instance, where probably most business is international. Also, the private nature of arbitration, and the popularity of ad hoc or non-institutional arbitration in Canada, have kept arbitration as a rather low-profile activity here. Canadian lawyers like retired judges as arbitrators, as they know them, trust them, and expect from them to conduct the proceedings in a similar fashion, with familiar courts. In this context, the development of international arbitration in Canada has been relatively slow. That said, there are several really well-known and respected Canadian arbitrators, most of them having made their careers abroad.

RAMJAM: Why did you choose to practice arbitration and how did you start your career?

After my first few years of law practice with a Toronto firm, I moved to Paris to perfect my French and started a DEA program at the University of Paris (Pantheon-Assas) where I first learned about international arbitration. I was fascinated by the *Pyramid Plateau* case¹. Also, as a Canadian amid a legal “culture shock”, I could relate to arbitration and its “marriage” of different legal cultures. I stayed on in Paris teaching legal English and international law at a private institute and then returned to Canada for a couple of years teaching Common law at the University of Ottawa. My big break was when my dear friend Paul Gélinas told me about an opening at the ICC in Paris. I then worked from 1992 to 1996 as Director of the Institute of International Business Law. The ICC then sent me to Hong Kong to open the first ICC office abroad. It was supposed to be for two years, but even after leaving ICC I stayed on, and have been based there ever since. I first joined an English law firm based in Hong Kong that specialised in construction, and after they closed that office, I taught, first at City University and later at the brand-new Chinese University School of Law. I then spent about two years directing the LLM in Construction Law and Dispute Resolution programme at King’s College in London, but have always returned at regular intervals to Hong Kong. In 2009, I decided to take the plunge as an independent arbitrator. I now do that more or less full-time, although I still do some teaching and consulting – and a lot of pro bono work for the Vis East², ArbitralWomen³ and the Chartered Institute of Arbitrators. Most of my arbitrations have their seat in Asia or Europe, with a few in the Middle-East. I think Canadians are

1. ICC Case No. 3493, IX Y.B. Com. Arb. 111 (1984); 112 J. Droit Int’l (Clunet) 130 (1985).

2. <<http://www.cisgmoot.org>>.

3. <<http://www.arbitralwomen.org>>.