

Eric van Eyken

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ADMISSIONS & EDUCATION

ADMISSIONS

- Québec (2011); Ontario (2011); and New York (2015)
- Paris (2012 CAPA – non-practicing); Brussels (2016 foreign lawyer – withdrawn)

UNIVERSITY OF MIAMI SCHOOL OF LAW; Coral Gables, Florida

2013-2014

LL.M. in International Arbitration (GPA: 3.88/4.00)

- *Young ICCA Scholar* (full scholarship)

MCGILL UNIVERSITY FACULTY OF LAW; Montreal, Canada

2006-2009

B.C.L. / LL.B. with distinction

- *Second Place Claimant's Memorial* (Vis Moot - international commercial arbitration)
- *McGill Scarlet Key Honour Society* (for distinction and character in student leadership)
- *Patricia Allen Award* (for substantially enriching student life)

MCGILL UNIVERSITY FACULTY OF ARTS; Montreal, Canada

2002-2005

B.A. in Economics and Honours Political Science

EXPERIENCE

Senior Counsel at Clyde & Co; Montreal

05/2021 - present

Senior Associate

07/2019 – 04/2021

Associate

10/2017 – 07/2019

Engaged in domestic and international arbitration of disputes in addition to complex commercial litigation. Coverage counsel on various matters with a focus on cyber risks.

Illustrative Matters:

- Acting as coverage counsel in numerous COVID related claims in Quebec and Ontario:
 - *Baton Rouge v Allianz*; successfully defended a COVID related class action through arbitration. Modernized the test re: enforceability of an arbitration clause before Quebec Court of Appeal;
 - Representing insurers in claims by, *inter alia*, dentists, retail stores, restaurants, hotel chains, conference centres, construction companies; etc
 - Advising insurers on denial or settlement of dozens of COVID related business interruption loss claims across numerous sectors;
 - Advising various European, Caribbean, and London market reinsurers on pending COVID related arbitrations.
- *Pro bono*, counsel to Young Canadian Arbitration Practitioners in seeking leave to intervene before the Supreme Court of Canada in *Petrowest Corporation* re: separability of arbitration clauses.
- Successfully defended C\$160m *ad hoc* multi-party international arbitration involving an “hours clause” in a reinsurance treaty and the Fort McMurray 2016 Wildfire;
- C\$300m UNCITRAL arbitration involving oil fields destroyed during the Arab Spring;

- C\$20m *ad hoc* commercial arbitration involving software development. Obtained leave to be heard at the Ontario Court of Appeal on questions of: standard of review arbitrations, use of summary judgment in arbitration, doctrine of *lura novit curia* in the common law;
- *Orbite Technologies v RSA*; successfully defended C\$20m coverage dispute involving business interruption of an aluminium purification plant before the QCSC and QCCA;
- *AxA Art and Montreal Museum of Fine Arts v Republic of Iran*; resolved multijurisdictional dispute (UK-QC-NY) involving Iranian antiquities allegedly looted from Persepolis in the 1930s;
- Coverage counsel on over 150 cyber insurance matters and professional liability disputes for IT professionals.

Course Lecturer at Université de Sherbrooke; Longueuil

08/2019 – 12/2019

Course Lecturer for LL.M seminar on arbitration theory and practice.

Associate at Hanotiau & van den Berg; Brussels

07/2015 – 10/2017

Assisted Dr Albert Jan van den Berg as tribunal secretary in commercial and investment arbitrations.

Illustrative Matters:

- *Southern California Edison v Mitsubishi Heavy Industries*; US\$7b ICC arbitration regarding a nuclear plant. Prepared a 1200-page [award](#) assessing 3000+ exhibits and 60 expert reports following a 6-week hearing subsequent to the failure of a next generation nuclear powered steam generator and alleged design errors;
- US\$500m ICC arbitration regarding a joint venture agreement for marketing and distribution in the tobacco sector. Prepared a 350-page award assessing 500+ exhibits;
- US\$1.5b SIAC arbitration regarding a concession agreement in the forestry sector between a developing country and a foreign investor; dispute involving issues of indigenous land rights and communal ownership and allegations of executive and judicial corruption.

Tribunal Secretary to Jan Paulsson; Paris, Toronto, Miami

05/2012 – 10/2014

Assisted Mr. Jan Paulsson as tribunal secretary in commercial and investment arbitrations.

Illustrative Matters:

- US\$100m ICC arbitration regarding the operation of a port between an operator and a Gulf sovereign and competing allegations of bad faith and maritime design defects;
- *Belokon v Kyrgyzstan*; US\$30m UNCITRAL arbitration regarding the state expropriation of a bank following the 2010 Kyrgyz revolution and allegations of money laundering.

Associate at Appleton & Associates; Toronto

07/2012 – 08/2013

Represented American investors in pursuing NAFTA investment arbitration claims against the Government of Canada.

Jurist at Freshfields Bruckhaus Deringer LLP; Paris

11/2011 – 04/2012

Engaged in evidence review, document production, review of submissions, drafting skeleton arguments, and legal research & analysis. Focused on an arbitration involving a Chinese state owned enterprise and mining operations in Mongolia.

Articled at Ogilvy Renault LLP; Toronto

08/2010 – 06/2011

Focused on various litigation and arbitration files (class actions, employment & labour, securities, shareholder disputes, intellectual property, and real property). Seconded in-house to the Royal Bank of Canada.

Addendum

SPEAKING ENGAGEMENTS, SCHOLARSHIP & RECOGNITION

- Top 3 Finalist, "Leaders of Tomorrow – Dispute Resolution", December 2020, *Montreal Young Bar Association (JBM)*.
- CIArb Associate member course, April - June 2020.
- Panelist, "Coffeehouse debate on Virtual Arbitration & Cyber Risks", June 2020, *International Centre for Dispute Resolution: Young & Int'l (ICDR Y&I)*.
- "Covid-19 Canada: Closing Arguments by Video Conference - The Show Must Go On", April 2020. [Online](#).
- Guest Lecturer, "Fair & Equitable Treatment (FET) in International Arbitration" March 2018, *McGill Faculty of Law*.
- Panelist, "Corruption and Money-Laundering in international Arbitration" November 2017, *Young Canadian Arbitration Practitioners (YCAP)*, Montreal.
- "Is America First the End of FET?" *Kluwer Arbitration Blog*, 3 August 2017. [Online](#).
- Honourable Mention, 2nd place, in the 2016 *Paris Very Young Arbitrators' Match* award drafting competition.
- Lecturer, "Arbitration and Third Parties," *Association for International Arbitration*, 19 October 2016.
- "The CETA: Simplifying International Investment Arbitration" *Young ICCA Blog*, 25 August 2014. [Online](#).
- "Fair and Equitable in CETA: Finally Defined?" *Young ICCA Blog*, 6 March 2014. [Online](#).
- Guest Lecturer, "Fair & Equitable Treatment in International Arbitration" Feb. 2014, *McGill Faculty of Law*.
- "Consent to ICSID Arbitration: What do the Travaux Préparatoires really say? A Critical Review of Professor Brigitte Stern's Interpretation of Article 25" *University of Miami LL.M. Thesis*, 2014.
- "Pre-Conditions to Arbitration: Continued Flexibility for Tribunals" in *Young Scholars in International Arbitration*, Miami ICCA 2014 Congress Paper Series (Miami, 2014) at 81.

MOOTING, PRO BONO, & LAW SCHOOL

Vis Moot in International Commercial Arbitration;

2009 – 2021

Arbitrator, Coach, Competitor, Vienna

As a student, received the second highest "medal count" amongst the 233 teams from 58 countries. Successfully coached moot teams from 2009-2014. Arbitrator at the 2010-14, 2017-18, and 2020-2021 moots.

Addendum

McGill University Faculty of Law; James A. Woods Junior Advocacy Fellow 2009 – 2010
Assisted in the coordination and judging of first and second-year moots at the Faculty.

McGill University Faculty of Law; Course Assistant 2008
Wrote fact pattern exercises and selected course readings for *Advanced Civil Law Obligations*.

Dans La Rue; Legal Intern 2008
Provided legal assistance and mentoring to Montreal street youth on various criminal, family, and welfare matters.

McGill Legal Information Clinic; Advocate 2007 – 2009
Provided personalised legal information on a variety of topics to individuals and small businesses.

OTHER EMPLOYMENT

Fédération étudiante universitaire du Québec; Secrétaire-Général 2006
Managed the financial and human resources of a lobby group that represents 150 000 students from 18 universities.

Students' Society of McGill University; VP (Finance & Operations) 2005 – 2006
Supervised the management of various operations. Managed a five-million-dollar operating budget.

LEADERSHIP & ACTIVITIES

McGill Scarlet Key Society; President 2019 – 2021
For nearly a century, the McGill Scarlet Key recognizes and supports excellence in student leadership at McGill.

McGill University Faculty of Law; Mentor 2018 – present
Acting as a mentor as part of McGill Law's mentoring program.

Young ICCA Mentoring Program; Junior Mentor 2021 – 2023

- With arbitrator John Fellas (NYC) mentoring young arbitration practitioners from Kenya, China, Ukraine, and India on arbitration best practices.
- Mentee to the Honourable Marc Lalonde PC OC QC, in 2015-2016.

Marianopolis College Foundation; Board Member 2009 – 2010
Appointed as the alumni representative to the College's philanthropic foundation.