



C. Clifford Lax, Q.C., LSM



Clifford Lax has extensive experience in major litigation and arbitral work, with an emphasis on complex corporate/commercial and securities disputes, defamation, insolvency and environmental litigation.

He is a Fellow of the American College of Trial Lawyers, the 2000-2002 Chair of the Ontario Province Committee of the American College of Trial Lawyers, and a former President of The Advocates' Society. For his contributions to the legal profession, Cliff was awarded the Law Society Medal by the Law Society of Upper Canada in 2008.

Cliff is actively involved in the resolution of legal disputes as a mediator and arbitrator for the American Arbitration Association, the International Centre for Dispute Resolution, the American Dispute Resolution Centre and the Chartered Institute of Arbitrators.

Terrence O'Sullivan, B.A. LLB., MCIArb



Terry O'Sullivan is frequently referred to as a leading civil and commercial litigator, and acts as an arbitrator and mediator. His practice emphasizes complex commercial matters, banking/securities issues, employment law and administrative law matters.

Terry also acts as an arbitrator in both domestic and international commercial arbitrations and as a private fact finder for domestic and international clients. He frequently appears before all levels of court in Ontario, the Federal Court of Appeal and the Supreme Court of Canada, as well as numerous administrative tribunals.

Terry has been a member of the Superior Court of Justice Civil Bench and Bar Committee (Toronto Region) and is a former President of The Advocates' Society of Ontario. He is a Fellow of the American College of Trial Lawyers,

the International Academy of Trial Lawyers, and a Member of the Chartered Institute of Arbitrators.

Charles F. Scott, BA, LLB, ACIArb



Charles Scott has acted in mediations and arbitrations, both as counsel and as an arbitrator, and has appeared in the Supreme Court of Canada, all levels of the Ontario courts, in cases in the courts of five other provinces, and before the Federal Court, numerous tribunals and royal commissions. His practice focuses on the resolution of corporate/commercial and shareholder issues, re-organizations, securities, insolvency and employment law through litigation and other dispute resolution processes.

Charles is a Fellow of the American College of Trial Lawyers, an Honourary Member of The Commercial Bar Association of London, England, an Associate Member of the Chartered Institute of Arbitrators (London) and has been a Director of The Advocates' Society and the Sir William Campbell Foundation. He is one of the few Canadian lawyers listed in the Commercial Litigation section of The International Who's Who of Business Lawyers (London) and in The World's Leading Litigation Lawyers (London).

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uncommon sense

...and a few other words about the Arbitration & Mediation Services of Clifford Lax, Terry O'Sullivan and Charles Scott

"Common sense is not so common." - Voltaire



Uncommon Sense

Whether seeking an arbitrator or mediator, you want someone who first and foremost has common sense.

But as most of us know, that quality is not as prevalent as it should be.

It is, however, essential for anyone retained in these crucial roles. After all, that's perhaps the primary reason you've entered into arbitration or mediation. You're seeking the assistance of a professional who can bring common sense, among other qualities, into what can be a volatile and difficult process.

"All truth, in the long run, is only common sense clarified." - Thomas Huxley

Our clients have told us we've displayed this attribute over many years and in many engagements, and have confirmed it by their willingness to work with us again and again.

Experience & Currency

A counsel entrusted to help resolve a dispute must have extensive experience.

Each of us has decades of high-level legal experience in virtually every type of business and contractual dispute an arbitrator or mediator might have to deal with.

There are no surprises for us, just variations on details, tactics and personalities we have dealt with many times before.

"A man who carries a cat by the tail learns something he can learn in no other way." - Mark Twain

We have lived both sides of the arbitration and mediation process. And we know how to guide or adjudicate a dispute towards a fair and reasoned conclusion.

We are also up-to-date on everyday developments in litigation, as well as current business problems, and we understand the application of the most recent laws to those disputes.

People skills

In mediation, people skills are as important as knowledge of the law.

When emotions run high, when anger and pride lead to unrealistic expectations that can impede a mediation, it often requires interpersonal skills more than legal knowledge to dissolve the conflict and keep the parties moving towards resolution.

We have confidence in our ability to communicate effectively with people without taking sides.

"We should take care not to make the intellect our god. It has, of course, powerful muscles, but no personality." - Albert Einstein

Humor, when appropriate, is encouraged. The human element, not only the legal doctrine, is respected.



Listening

You can't be an effective mediator or arbitrator if you don't listen.

When retained in a dispute resolution, we know our responsibility is to listen to all sides on every level possible. It has to be an active listening that encompasses what is said, not said and how the speaker does both.

"The most important thing in communication is to hear what isn't being said." - Peter F. Drucker

Deep and open listening is a demanding skill that requires tremendous energy from the listener, along with a willingness to put aside preconceived ideas or other impediments that could interfere with the ability to really hear what's being communicated.

Reasonableness

The parties to an arbitration or mediation often start out with unreasonable positions, demands and expectations. That's human nature.

Once they realize we place reasonableness as a high priority, the potential to find the common ground necessary for resolution increases greatly.

"You can't have everything. Where would you put it?" - Steven Wright

Reasonableness in mediation does not necessarily mean pushing both sides to the middle ground. Because that's not always the fairest place to end up.

Just as a firm can create a culture for itself, so too can an arbitrator or mediator create a culture for the process. To us, it must be one that's fair and reasonable. Anything less is not acceptable.

Clarity

It's easy to be unclear. Clarity, both in thought and communication, are less common attributes. But so essential in an arbitration or mediation.

We know a vital part of our role is to help clarify complex legal matters, which are often accompanied by voluminous documentation. That requires not just knowledge and experience but an understanding of how to communicate with people who may have vastly different capacities to process the information.

"A child of five would understand this. Send someone to fetch a child of five." - Groucho Marx

It takes hard work to make a complicated explanation crystal clear.

Us

Those of you who know us, know we work hard, hold the law in the highest regard, and apply all our energy and creativity to represent our clients as best we can.

We take the arbitration and mediation process very seriously. But not ourselves. We still are who we are. And always will be.