

CANADIAN COMPETITION RECORD

MESSAGE FROM THE EDITORS

We are pleased to announce that the following individuals have agreed to join the Editorial Board of the *Record*:

MARGARET E. GUERIN-CALVERT is a Principal with Economists Incorporated in Washington, D.C. Ms. Guerin-Calvert's expertise at Economists Incorporated includes health care, financial, and network industries in the U.S. and internationally, with an active practice before federal antitrust agencies and in litigation. She has served as an expert witness in the U.S. and Canada; including as economic expert for the hospitals in the 1997 Northshore-LIJ and the 1999 Sutter-Summit cases, and on ATMs, railroad products, and CRS. She was formerly Assistant Chief of the Economic Regulatory Section at the Antitrust Division, U.S. Department of Justice, where her expertise spanned regulated, manufacturing, and services industries and assistance on antitrust issues to foreign governments. At the Antitrust Division, she served as Chair of the Inter-agency Task Force on Bank Competition and worked on the 1993 Health Care Policy Statements. She also served as Economist at the Federal Reserve Board and as adjunct lecturer at Duke University's Institute of Policy Sciences. She testified before the FTC on B2Bs and has written extensively on network industries, healthcare, and banking. Among other publications, she is co-editor of the book "Electronic Services Networks: A Business and Public Policy Challenge." She is former Chair of the Financial Markets and Institutions Committee of the American Bar Association Antitrust Section and currently a member of the Section Council. Ms. Guerin-Calvert received her A.B. from Brown University in 1976 and her M.P.A. from Princeton University in 1979.

R. JAY HOLSTEN is a partner in the Toronto office of Torys. Mr. Holsten is Chair of the firm's Antitrust and Competition Law Group. With a background in corporate law and significant experience in mergers and acquisitions, Mr. Holsten focuses on complex merger review and the competition law aspects of other business arrangements for clients such as The Toronto-Dominion Bank (banking/securities), JDS Uniphase (fiber optics), Alliance Atlantis (film and television production/distribution), Brascan and its subsidiaries (diversified natural resources, real estate and financial services), CanWest Global Communications (diversified media), The Thomson Corporation (communications and media) and Abbott Laboratories (pharmaceuticals).

Mr. Holsten has recently acted for Trilogy, on its takeover bid for Chapters; JDS Uniphase, on its merger with SDL; Alliance Atlantis, on its acquisition of Salter Street Films; Burlington Northern Santa Fe, on its proposed combination with Canadian National Railways; CanWest Global Communications, on its acquisition of the WIC television broadcasting business; The Toronto-Dominion Bank, on its acquisition of Canada Trust; The Toronto-Dominion Bank, on its proposed merger with Canadian Imperial Bank of Commerce; and Stericycle, on its acquisition of the Canadian medical waste business of Browning Ferris Industries.

Mr. Holsten has written a number of recent articles discussing developments in Canadian competition law. He is a member of the Mergers Committee of the National Competition Law Section of the Canadian Bar Association and of the Antitrust Section of the American Bar Association. Mr. Holsten received his B.A. from Carleton University in 1979 and his LL.B. (Gold Medalist) from the University of Ottawa in 1983. He was admitted to the Ontario Bar in 1985.

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TIM KENNISH is Co-Chair of Osler, Hoskin & Harcourt LLP and a member of its Executive Committee. Based in the Toronto office, Mr. Kennish practises in the Business Law Department with particular emphasis on competition/antitrust law, and foreign investment. Mr. Kennish has extensive experience in dealing with matters relating to competition/antitrust law and in representing clients in dealings both with the Competition Bureau and in matters coming before the Competition Tribunal. He is involved in handling the competition law and foreign investment aspects of a variety of major mergers in a number of diverse industries. Mr. Kennish also counsels business clients concerning pricing practices and competition issues arising in connection with distribution arrangements, and other trade practices. He is listed in Euromoney Directory of World's Leading Competition and Antitrust Lawyers and in the Competition and Antitrust law section of The Best of the Best. Mr. Kennish is also among the top seven Canadian practitioners in the field cited in Chambers Global: The World's Leading Lawyers 2000 – 2001. Mr. Kennish is a member of the American Bar Association, Antitrust Law Section and the Canadian Bar Association, Competition Law Section (currently Vice-Chair). He received his A.B. from Harvard College in 1961 and his LL.B. from Osgoode Hall Law School in 1964. He was admitted to the Ontario Bar in 1966.

JUAN A. RODRIGUEZ studied Law at the University of Exeter and the University of Aix-Marseille. He graduated in October 1987 with the degree LLB (European) Hons. After completing the Law Society's professional examination in 1988, he was admitted as a Solicitor and worked at Clifford Chance (London) until March 1991, when he joined BP's in-house Legal Department. In July 1995, he became E.C. Antitrust Counsel in BP's Head Office Legal Department, a role which involved advising all of the BP Group businesses on day to day competition law matters and on major transactions such as the BP/Amoco merger and BP/Amoco's subsequent acquisition of Atlantic Richfield. Mr. Rodriguez was Chairman of the European Petroleum Industry Association (EUROPIA) competition law Action Group from early 1996 to September 2000, where, among other assignments, he was involved in lobbying the EC Commission in regard to the recently adopted rules on vertical restraints.

Mr. Rodriguez joined Sullivan & Cromwell (London) on October 27, 2000 as European Counsel, where he specializes in EC Competition Law, with particular regard to the clearance of mergers and acquisitions.

J. WILLIAM ROWLEY, Q.C. is a partner in the Toronto office and chairman of McMillan Binch. He attended University of Ottawa Law School from 1965-1968, where he was Editor-in-Chief of the Ottawa Law Review, University Gold Medalist and graduated Magna Cum Laude. Prior to joining the firm he served as law clerk to Mr. Justice Roland A. Ritchie of the Supreme Court of Canada, and before that served as Special Assistant to the Director (now Commissioner) of the Canadian Competition Bureau. His current practice is devoted largely to competition law (mergers and acquisitions, dominance and conspiracy), corporate governance, international arbitration and general public policy/government interface advice.

Mr. Rowley is Chairman of the International Bar Association, Section on Business Law and a National Representative for Canada. He is a non-executive member of the board of directors of The CGU Group Canada Ltd., a member of the board of governors of the International Capital Markets Group and is co-founder and a director of the Global Forum on Competition and Trade Policy, London and Washington, D.C.

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In addition to heading the firm's Competition Law practice, Mr. Rowley is also a frequent writer and speaker in the Antitrust and Corporate Governance fields both in Canada and abroad. He is co-author with Donald I. Baker of Rowley & Baker, *International Mergers: The Antitrust Process*, 3rd edition, Sweet & Maxwell, 2001. He is Editor-in-Chief, *Business Law International*, London; Chairman, Editorial Advisory Board of the *International Business Lawyer*, London; a member of the Advisory Board of the *Antitrust and Trade Regulation Report*, Washington, D.C.; Antitrust Editor of the *ABA Canadian Law Newsletter* and Editorial Board member of *Antitrust Report*, Matthew Bender, New York, *The Global Competition Review*, London and *The European Lawyer*, London. He is past chairman of the Antitrust and Trade Committee of the International Bar Association.

In his arbitration practice, Mr. Rowley serves as a member of the National Panel of Arbitrators for Canada, ICC, Paris. He has chaired or participated as a tribunal member or counsel in numerous international and national arbitrations. In addition to ICC arbitrations, he has conducted cases under other rules such as those of UNCITRAL, the LCIA, the AAA and a number of domestic regimes. Mr. Rowley is also a member of the London Court of International Arbitration. Further panel memberships include those of the American Arbitration Association, New York; the German Institute of Arbitration, Cologne; the Kuala Lumpur Regional Centre for Arbitration, Malaysia; The International Arbitral Centre, Vienna; The Indian Council of Arbitration, New Delhi; and The Alberta Arbitration and Mediation Society.

MARGARET SANDERSON, Vice President, heads the Toronto office of Charles River Associates (CRA). CRA is a leading provider of economic, financial and business strategy consulting in Canada and the United States. Ms. Sanderson has experience analysing the economic effects of a wide range of business conduct (mergers, horizontal restraints, predatory pricing, and abuse of dominance) and government regulatory policy. She has worked on competition and regulatory cases in a number of industries, including broadcasting, telecommunications, electricity, airlines, newspapers, banking, petroleum, and health care. Ms. Sanderson has testified before Canadian courts and regulatory authorities and the U.S. Federal Trade Commission. Prior to joining CRA, Ms. Sanderson was Assistant Deputy Director of Investigation and Research, Economics and International Affairs Branch, at the Competition Bureau of Canada. In this capacity, Ms. Sanderson directed the economic expertise applied within the Bureau to enforcement cases, enforcement policy and regulatory interventions. She has published various articles on competition policy. She received her M.A. in Economics from the University of Toronto.

We are also pleased to announce that two of our new Editorial Board members will be providing regular updates on EC competition law and U.S. antitrust law developments. We are delighted to welcome Juan Rodriguez and Meg Guerin-Calvert as regular contributors to the *Record*.

R.T.H and J.S.T.

