

ERIC MYLES

Nationality: Canadian

Languages: Fluent in English, French, German and Russian. Reading knowledge of Spanish and Swedish

Eric possesses wide-ranging experience of law, domestic and international alike, gained through research and legal practice. Before he began formal legal study in 1993, his enquiries into alleged war criminals residing in Canada brought him into contact with the law pertaining to war crimes and crimes against humanity. His service during the mid-1990s to the commission examining the deployment of Canadian forces to Somalia gave him familiarity with the law of armed conflict. After he entered the Department of Justice Canada in 2000, he focussed on the law governing Canada's indigenous peoples, belonging to teams handling complex document-intensive cases. Between 2013 and 2017, he served as counsel for Canada on approximately 200 claims for compensation advanced by former students of Indian residential schools. Since 2017, his practice has been committed solely to taxation law.

Not only has Eric's practice given him experience of various spheres of law and marked him as able quickly to master new spheres; it has afforded him insights into the statutes and rules governing multiple Canadian superior courts.

In his practice of Aboriginal law, Eric participated in the out-of-court resolution of several files. His role in resolving Indian residential school claims was in effect practice of alternative dispute resolution: the hearings could be compared variously to mediation or arbitration, depending upon how they progressed. More recently, he has obtained qualifications in both mediation and arbitration.

Whether in litigation or alternative dispute resolution, Eric strives to uphold the highest standards of legal excellence, professionalism and personal integrity. As well, he treats all parties he encounters - whatever their racial or ethnic antecedents, gender, gender orientation, age, creed or political views - with courtesy and respect.

Specialist Sector Experience

- Taxation
- Indian Residential Schools
- Indigenous Law
- Judicial Affairs
- Public International Law
- War Crimes and Crimes Against Humanity

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Taxation

The files in which Eric has acted since 2017 as full-time taxation counsel fall into four categories. Of these, the first category comprises appeals to the Tax Court of Canada from assessments made by the Minister of National Revenue. The second category embraces applications to the Tax Court of Canada for extensions of time to object to or appeal from tax assessments, as appealed to the Federal Court of Appeal in particular cases. The third category includes the multiple bankruptcy and insolvency proceedings in the Ontario Bankruptcy Court that Eric has handled. Finally, the fourth category contains civil actions in the Ontario Superior Court of Justice for forfeiture of property allegedly acquired through proceeds of crime.

Indian Residential Schools

The Indian residential school claims that Eric handled were submitted under the provisions of the settlement agreement that resolved one of the largest class actions in Canada to date. Since the hearings of the claims typically took place in locations convenient for the claimants, Eric had occasion to travel extensively in northern and northwestern Ontario, Manitoba and Saskatchewan. A distinctive set of challenges arose from the hearings: frequently claimants spoke neither English nor French, and recourse to an interpreter was necessary; claimants were often reluctant to discuss searingly painful experiences with persons unknown to them; and Eric had to balance compassion for the claimants with commitment to discharging his professional obligations to the client.

Indigenous Law

The indigenous law files that Eric handled fall into two categories.

The first category comprises claims advanced by indigenous groups relating to the historical conduct of the Crown: typically the claimants alleged breach by the Crown of its treaty or fiduciary obligations. Such claims included the multiple claims of the Six Nations of the Grand River, the claims of particular Chippewa and Mississauga First Nations for proper compensation under the Williams Treaties of 1923 and so forth. Not only did the responses to such claims require extensive and intensive combing of documentation; evoking as they did issues seldom encountered in other spheres of practice, the claims obliged Eric and his colleagues to practise exceptional legal creativity.

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The second category includes claims relating to the present-day rights and obligations of the Crown. Thus Eric belonged to the team that handled actions that engaged the issue whether Ontario labour law violated any Aboriginal or treaty rights of the Mississaugas of Scugog Island First Nation; and he joined another team that handled an action relating to the rental of real property on the Christian Island reserve.

Eric also participated in mediation to resolve the claims of the Chippewas of Kettle & Stony Point to lands along the shores of Lake Huron and in negotiations to resolve the claim of the Rat Portage Indian Band to lands in the Kenora vicinity.

Judicial Affairs

Eric has gained a relatively broad experience of the law governing the Canadian judiciary. He has contributed to proposals for reforming the process of appointing Supreme Court of Canada judges, explored allegations of judicial misconduct and served as counsel for the French-language version of the *Judges Act* when that statute underwent revision.

Public International Law

Eric's familiarity with public international law relates primarily to two spheres. First, his work for Canada's Commission of Inquiry into the Deployment of Canadian Forces to Somalia led him to acquaint himself with the international law of armed conflict, in addition to Canadian law governing the armed services. His familiarity with the international law of armed conflict was reinforced during the three years he was vice-chair of the Lieber Society of the American Society of International law. Furthermore, his engagement with the law governing Canada's indigenous peoples has caused him to examine pertinent international human rights instruments, especially the *United Nations Declaration on the Rights of Indigenous Peoples* ("UNDRIP"). He was successful in the Tax Court of Canada on the issue whether further to the *UNDRIP*, the Court might order the Crown to engage in consultations with an indigenous taxpayer on tax-related issues.

War Crimes and Crimes Against Humanity

Eric pursued research in archives in North America, Europe and Israel to support prosecutions of alleged perpetrators of war crimes or crimes against humanity.

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Experience of dispute resolution

- Experience of mediation and negotiation of indigenous land claims
- Resolution of claims arising from attendance at Indian Residential Schools
- Negotiation of settlements of tax disputes

Professional & Academic Qualifications

Career History

- April 2017 – present Legal Counsel, Tax Law Services Division, Department of Justice Canada, Toronto
- May 2006 – March 2017 Legal Counsel, Aboriginal Law Division, Department of Justice Canada, Toronto
- October 2005 – May 2006 Legal Counsel, Aboriginal Litigation Management Group, Aboriginal Affairs Portfolio, Department of Justice Canada, Ottawa
- 2005 – 2008 Adjunct Professor, University of Ottawa, Faculty of Law, Common Law Section and Faculty of Graduate and Postgraduate Studies
- October 2004 – October 2005 Legal Counsel, Judicial Affairs, Courts and Tribunal Policy, Department of Justice Canada, Ottawa
- June 2000 – October 2004 Legal Counsel, Aboriginal Law Division, Department of Justice Canada, Toronto
- February 1999 – June 2000 Legal Counsel in sole practice
- June 1998 – August 1998 Research Assistant to Professor Peter Solomon, Department of Political Science, University of Toronto
- June 1995 – June 1997 Chief Historian and Coordinator of File Analysts to the Commission of Inquiry into the Deployment of Canadian Forces to Somalia and from September 1996, Special Assistant to the Secretary
- September 1987 – August 1995 Historian – Researcher, War Crimes and Crimes Against Humanity Section, Department of Justice Canada

Education

- 2021 Toronto Commercial Arbitration Society – Gold Standard Course
- 2019 Osgoode Hall Law School – LL.M. (Dispute Resolution)
- 2016 Harvard Law School – Certificate of Completion Mediating Disputes
- 2010 Osgoode Hall Law School – Intensive Trial Advocacy Workshop
- 2006 Department of Justice Canada and the University of Ottawa – Program on Quebec Civil Law
- 1998 – 1999 Law Society of Upper Canada Bar Admission Course Barrister & Solicitor February 1999

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- 1998 University of Toronto Law School – LL.B.
- 1988 Oxford University – D.Phil. (History)
- 1980 University of Toronto – M.A. (History)
- 1978 University of Toronto – B.Sc. (Mathematics and History)

Honours and Awards

- Associateship of the Centre for Russian and East European Studies, University of Toronto, 1994-1996
- Fellowship of the Russian Research Center, Harvard University, 1985
- John M. Olin Fellowship, Harvard University, 1984
- Doctoral Fellowship of the Social Sciences and Humanities Research Council of Canada, 1980
- Overseas Research Students Fees Support Scheme of the Committee of Vice-Chancellors and Principals of the Universities of the United Kingdom, 1980
- Laidlaw Foundation Fellowship, University of Toronto, 1979
- Irene Dinnick Holford Scholarship, University Entry
- Ontario Scholarship, University Entry
- Carter Scholarship, University Entry

Professional Associations

- Chartered Institute of Arbitrators (London): designation of Fellow
- Alternative Dispute Resolution Institute of Canada: designation of Qualified Arbitrator
- Alternative Dispute Resolution Institute of Ontario: director
- Ontario Bar Association: Member of the Executive Committee of the Natural Resources and Energy Law Section
- Canadian Council on International Law: former member of the Bylaws Committee
- American Society of International Law: former vice-chair of the Lieber Society
- Law Society of Ontario: Member

Publications, Articles & Thought Leadership

- “The British Columbia Court of Appeal’s judgment in *Bollhorn v. Lakehouse Custom Homes Ltd.* its consequences for arbitration in British Columbia”, forthcoming in the Canadian Journal of Commercial Arbitration
- “The Over-Representation of Aboriginals in Canadian Correctional Facilities: An Issue Before Canada”, in E. Johnston & S. Marsh, eds., *Contemporary Issues in Global Criminal Justice* (Lanham: Lexington Books, 2022) 219.
- Translation of the foreword by P.G. Vinogradoff to A.V. Dicey, *Osnovy gosudarstvennogo prava Anglii: Vvedenie v izuchenie angliyskoy konstitutsii*, 2d

- ed. (St. Petersburg: L.F. Panteleev, 1891), in J.W.F. Allison, ed., *The Oxford Dicey*, 2 vols. (Oxford: Oxford University Press, 2013), I, 283.
- "Odštetni zahtjevi za «duševne boli» ispitivanje sudbenih mjera u Kanadi", in M. Goreta, I. Peko-Čović & N. Buzina, eds., *Psihijatrijska vještačenja: zbirka ekspertiza, knjiga druga, Gradansko pravo* (Zagreb: Naklado, Zadro, 2006) 511.
 - "«Gumannost'», «tsivilizatsiya» i «mezhdunarodnoe soobshchestvo» v predstavlenii pravovedov perioda pozdney Rossiyskoy imperii: tri ponyatiya «zlobodnevyne dlya nastoyashchego vremeni»" 1(17) *Mezhdunarodnoe pravo* 43.
 - "L'«humanité», la «civilisation» et la «communauté internationale» dans la perspective de la fin du régime impérial russe: trois concepts «si pertinents de nos jours»" (2004) 50 *Annuaire français de droit international* 24.
 - "Alie v. Bertrand & Frère: A Leading Canadian Explanation of Some Insurance Implications of Progressive or Concealed Property Damage" (May 2004) 22:3 *Canadian Journal of Insurance Law* 33.
 - "'Humanity', 'Civilization' and the 'International Community' in the Late Imperial Russian Mirror: Three Ideas 'Topical for Our Days'" (2002) 4:2 *Journal of the History of International Law* 310.
 - "Cases Will Shape Future Health Inquiries" Vol. 19, No. 11, *The Lawyers Weekly* 16 July 1999 at 9-10.
 - "Rulings Needed on Computer Business Records and Multiple Hearsay Issue", Vol. 18, No. 39, *The Lawyers Weekly* 26 February 1999 at 17.
 - "Claims for 'Mental Suffering': An Enquiry into Canada's Judicial Response" (November 1998) 19:2 *Health Law in Canada* 42.
 - Those parts of the report Canada, Commission of Inquiry into the Deployment of Canadian Forces to Somalia, *Dishonored Legacy: The Lessons of the Somalia Affair*, 5 vols. (Ottawa: Minister of Public Works and Government Services Canada, 1997) on military discipline, logistics and supply, the rules of engagement and the handling of access-to-information requests about the Somalia mission by the Directorate General of Public Affairs within the Department of National Defence.
 - Book reviews in the *Canadian Yearbook of International Law*, the *Canadian Slavonic Papers* and the *Russian Review*