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CLR Interviews Jonathan Jacobs Co- Founder of the Canadian Cannabis Dispute Resolution Centre



Last week we spoke with Jonathan Jacobs co- founder of the Canadian Cannabis Dispute Resolution Centre the world's first dispute resolution centre for cannabis issues covering both corporate and civil issues in Canada.

After our chat we asked Jonathan some specific questions via email



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Jonathan Jacobs founder of the Canadian Cannabis
Dispute Resolution Centre

**Thankyou for speaking with Cannabis Law Report.
As far as we know the Canadian Cannabis Dispute
Resolution Centre is a world first for cannabis. Can
you tell us how the business came about and who
are the main players ?**

Yes, we are proud to be the original Canadian dispute resolution organization, and possibly the only one in the world, that focuses exclusively on cannabis related disputes. In the wake of the legalization of recreational cannabis in Canada in October 2018, it was foreseeable that numerous disputes would arise within this changing industry. Myself and co-founder Marvin Huberman lead a team of Canadian alternative dispute resolution specialists who bring decades of experience resolving commercial and personal disputes to the field of cannabis law.

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Local 1445**

Case 01-RC-257458 (2020)A
union attempting to create a
collective bargaining unit at a
cannabis [...]

**Standing Akimbo, LLC
v. United States**
No. 19-1049 (10th Cir.



Marvin Huberman Co-founder of Canadian Cannabis
Dispute Resolution Centre

The make up of the arbitrators.. are you all practicing lawyers ? If not, what other professional backgrounds do the arbitrators come from

*Our members are both arbitrators **and** mediators. We are professionals who have legal and non-legal backgrounds. In addition to the resolution of legal disputes, our team members have experience as conflict management specialists who come from fields such as workplace restoration; mental-health and trauma induced conflict resolution for organizations such as Veterans Affairs and Law Enforcement; collegiate and Olympic sports organization dispute resolution, and the real estate property management industry.*



Stephen Pointer
Dispute Resolution
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How do you manage proceedings... in a physical space or online ?

During the pandemic, disputes are being resolved online or through teleconference. In a normal world, we would

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offer both in person and virtual forums.

With regard to the above are you able to give a little more background on the technology and tools you have been using and how do you see the use of tech in legal arbitration moving forward. Will it be more than just communication tools like Zoom ? Do you see further integration of tech to make arbitration even quicker, cheaper and more efficient for the parties involved

Yes, Zoom appears to be the preferred platform for disputants to conduct both arbitration, and mediations. The cost and time savings is enormous through the use of this platform, as parties need not spend time and money travelling to get to and use a meeting venue. Parties want to resolve their disputes in a cost-effective and expeditious way, which the Canadian Court system cannot presently offer due to severe backlog in the best of days and restrictions on operations during the pandemic.

As you grow are you bringing more arbitrators into the fold ?

That is the goal. We hope to bring in more arbitrators and mediators who have different backgrounds that have a natural nexus to the resolution of different types of cannabis-related disputes.

I presume you are unable to share the names of past arbitrating parties for obvious reasons but are you able to give us an idea of the types of parties you have arbitrated for and have all parties been Canadian ?

Or have they been a mix of Canadian and international businesses / organisations needing solutions in Canadian jurisdictions ?

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There has been a mix of different types of disputes, be it from neighbourhood residents who share a property boundary, to disputes between residents and management companies and Boards of condominium corporations; to licensed producers of cannabis and their workforce and retail partners; and to municipalities who are trying to figure out how to regulate cannabis in their jurisdiction.



With regard to arbitration in Canada do you have to apply different rules, regs and approaches depending upon province. For example does arbitration have to be (by law) bi-lingual in certain jurisdictions ?

The parties tend to agree to the arbitration rules, which may be provincial legislation, or to a model arbitration code that has been universally accepted as applicable to their dispute. Arbitration is usually conducted in one agree-upon language only.

As we know cannabis doesn't just mean medical cannabis it also means adult use, hemp production, the CBD industry and more. Are you able to give an indication in which sector you are seeing the most arbitration activity and generally

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which types of disputes you are most likely to encounter. Also are you arbitrating just between organisations or individuals and organisations as well ?

The recreational cannabis area is where the majority of disputes occur and these disputes can take place between both companies, and companies and individuals.

Tailored Practical Solutions for Cannabis Disputes In Canada

Through facilitation, negotiation, mediation, early neutral evaluation, or arbitration, we can craft and implement the right approach that will allow our clients to be comfortable with the process that is agreed upon to move forward with the resolution of their matter.

While the full extent of cannabis related disputes is yet to unfold, we possess the experience and competence to assist with the resolution of disputes in the corporate-commercial cannabis sector and disputes that arise relating to individual users of cannabis.

Corporate commercial disputes

Contractual interpretation and breach of contract

Packaging, labelling, advertising, and promotions

Producer, wholesaler and retailer difficulties

Human rights and accommodation challenges

Substance abuse and fit-to-work policy concerns

Condominium Disputes

Rules and by-laws challenges

Nuisance claims

Tension between residents

Plant growth and odour problems

Smoke-free designations

Looking ahead do you see an opportunity to take what you do into the US and develop a foothold in that market? Do you see the need for services like this in jurisdictions other than North America

As so many U.S. states are legalizing recreational cannabis, it appears to be just a matter of time before it is decriminalized and made legal, nationally. This may be a trend that is followed throughout other countries as well.

If that happens in the near future, then a whole new industry will arise, and in turn so too will disputes within that industry. The skillset we offer as specialists in disputes resolution does not have any borders, and we are hopeful that our experience as experts in alternative dispute resolution and our knowledge of the cannabis industry will be recognized wherever a cannabis-related problem may occur.



With regard to fees are you able to simply outline how parties fund arbitration at the Canadian Cannabis Dispute Resolution Centre? Billable hours ? Flat Fees ?

There is no fixed pricing format. We do our best to craft and implement the right approach that will allow our clients to be comfortable with a dispute resolution process that is tailored to their needs, which requires flexibility in the cost structure. This could be hourly rates, fixed-fee, or some other method.

Post pandemic as the courts spend what looks like years ahead before backlogs disappear do you believe more within the cannabis / hemp / CBD sector will be looking to you to help settle disputes?

Absolutely. Alternative dispute resolution service providers are exactly that, an alternative to the Court system. Having said that, as the majority of disputes are resolved by the parties themselves through negotiation, mediation or arbitration, the Court system is not as inviting a forum as it once was, especially given the time and cost to proceed that way. Parties want their disputes resolved sooner than later, and alternative dispute resolution offers that on an expeditious and cost-effective manner.

The Courts cannot offer this and hence I think disputants will continue to turn to ADR as their preferred dispute resolution forum. Most cannabis

commercial disputes have a dispute resolution clause that requires alternative dispute resolution within their contracts, which is indicative of their preference to avoid the Courts at the outset and to preserve the confidentiality about the details of their dispute.

Thankyou for speaking with CLR before you go is there anything you'd like to add about the work you do and how you do it and for prospective clients what and how are the best ways to get in touch with you

Please check out our website for further details about our services and our cannabis education training courses, which can be found at www.cannabisdispute.ca. I can be reached at jonathan@cannabisdispute.ca

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