EDITOR'S NOTE

The editors are delighted to present the first issue of the *Canadian Journal of Commercial Arbitration*'s second volume, which covers a range of issues both timely and timeless.

We may look back on 2021 as the year when the disruptions of 2020 became permanent features of the arbitration landscape. There is no going back from remote hearings and webinars, although of course some proceedings, especially domestic ones, have already returned to being at least partly in-person. There is no going back from the reduction in travel that many of us have chafed against (although it is probably for the best, given the carbon footprint of air travel). There is no going back from electronic document submission. The result may be a more accessible and inclusive profession, but possibly also the loss of opportunities to build deep, not just broad, professional networks. How much will the arbitration community come to miss what the late Emmanuel Gaillard called our "periodic mass gatherings"?[1] What will replace them as means for cross-fertilization of ideas and transmission of the values of the arbitration field to the next generation of counsel and arbitrators?

This issue of *CJCA* continues our determination to bring theory and practice into conversation with each other, including on issues of real controversy among arbitration lawyers. Our first article, by James Plotkin & Mark Mancini, explores the effects of *Vavilov v Canada (Minister of Citizenship and Immigration*) for the standard of review on arbitral awards, and generally likes what it sees. By contrast, in their case comment on the Northwest Territories Court of Appeal's decision in *Northland Utilities*, Martin Valasek, Alison Fitzgerald, and Alexa Biscaro express concern that *Vavilov*

[1] Emmanuel Gaillard, "Sociology of International Arbitration" (2015) 31:1 Arb Int'l 1 at 12.

and its progeny will at best muddy the waters and at worst harm commercial arbitration in Canada.

A second article, by data protection expert Kathleen Paisley, surveys the GDPR and PIPEDA compliance landscape forCanadian arbitration professionals, giving concrete recommendations. The article makes for sobering reading, and many in the Canadian arbitration world may have to do some real homework to get themselves data protection-ready.

The issue is rounded out by two shorter pieces. The first, an essay by Anthony Daimsis, wades into the complex *Peace River v Petrowest* case currently on appeal to the Supreme Court of Canada, and argues that the BCCA in *Peace River* fundamentally misunderstood the separability doctrine. In the second, two of the architects of the 2020 VanIAC Domestic Arbitration Rules, Joe McArthur and Laura Cundari, provide a primer on the new landscape for arbitration in BC created by those rules.

We hope that you will enjoy the efforts of our authors and the diversity of perspectives they bring to this issue. Please consider submitting your own writing to the journal, (information available at https://cjca.queenslaw.ca/submission) and do not hesitate to contact us with article ideas, feedback, or suggestions.

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