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EDITOR'S NOTE

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Editors' Note

We are delighted to present the inaugural issue of the *Canadian Journal of Commercial Arbitration*, published in association with Juris Publishing. It is our hope that this journal will become not only a useful source of information for Canadian arbitration practitioners and scholars—and practitioners and scholars elsewhere with an interest in Canadian arbitration—but also a focal point of our vibrant and growing professional community. *CJCA* seeks to bridge the gap between practice and academia. Each issue of *CJCA* will contain both "news you can use" in your next counsel engagement or arbitral appointment and broader thematic or theoretical discussions that explore international arbitration law and practice in thought-provoking ways.

Our inaugural issue is dedicated to the theme, "Canada within the world of international arbitration", and each of the pieces in it contributes to that theme.

Professor Janet Walker, one of our three Executive Editors, kicks things off with an introductory essay tracing the early growth and recent blossoming of Canada's international arbitration community. Not merely a retrospective, the essay critically assesses the current state of affairs and considers what it would take for arbitral centres in Canada to realize their potential as "world-class arbitral seats".

The three articles in this issue all tackle matters of fundamental importance to the practice of arbitration in Canada. Joel Richler explores the Canadian legislative and judicial approach to competence-competence—an important "barometer" of Canada's support for commercial arbitration—explaining not just where we are but also how we got here. Brian Casey highlights some problematic jurisprudence that muddles together errors of law and excesses of jurisdiction by arbitrators, leading to unpredictability in the Canadian courts' approach to setting-aside applications and to some out-and-out wrongly decided cases; he concludes with a "modest wish list" for courts and counsel to consider. Finally, Douglas Harrison tackles the touchy issue of arbitrators who become incapacitated during an arbitration or who are so overburdened that the arbitration is inordinately delayed. When

and how should counsel take action to seek removal of the arbitrator?

Finally, this issue presents two case comments, by Queen's University professor Alyssa King and University of Ottawa professor (and *CJCA* Case Comments and Recent Developments Editor) Anthony Daimsis. Both deal with important new cases in the Canadian law of arbitration, and both ably situate those cases within crucial international context. As academics are wont to do, they partly disagree about the controversial Ontario Court of Appeal judgment in *Heller v Uber Technologies Inc.*, and we hope that the juxtaposition of the two case comments stimulates your imaginations and foments debate. Their opinions may foreshadow the decision of the Supreme Court of Canada, whenever it finally issues its judgment in the *Uber* appeal.

We appreciate your interest in *CJCA* and ask that you pass along word of this young publication to your friends and colleagues. Do 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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