

Gerald Ghikas, Q.C.
Barrister, Commercial Arbitrator and Mediator

Contact Information

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Summary of Experience

Gerry Ghikas is an independent commercial arbitrator and mediator with over 35 years of experience as a commercial arbitrator and as litigation and arbitration counsel. His arbitrator experience spans a broad range of business and legal subjects including mining, oil and gas, electrical energy, geothermal energy, transportation, infrastructure and construction projects, export/import, forestry, banking, corporations and shareholders, intellectual property, manufacturing and distribution, competition and antitrust, partnerships, joint ventures and other contractual arrangements.

Gerry Ghikas is a Resident Neutral at Vancouver Arbitration Chambers (VAC). Neutrals resident at VAC practice independently from one another. See VAC website at www.vanarb.com. Before establishing an independent practice (effective January 1, 2013) Gerry Ghikas was a partner of Borden Ladner Gervais LLP, where he established and chaired the firm's highly regarded International Trade and Arbitration Group.

Appointed Queens Counsel (QC) in 2001. Admitted as a Fellow of the Chartered Institute of Arbitrators (FCIArb.) in 1999. Former Chair of the ICC National Arbitration Committee for Canada. Vice-President North American Users Council of London Court of International Arbitration, Founder of the Western Canada Commercial Arbitration Society (formerly WCART). Canadian delegate to UNCITRAL Working Group II, preparing proposals to update the UNCITRAL Arbitration Rules. Awarded 2006 National Award for Excellence in the Field of Alternative Dispute Resolution. Chair of International Arbitration Review Project of the Uniform Law Conference of Canada.

Peer Reviews:

- Recognized in the 2013 edition of *Chambers Global – The World's Leading Lawyers for Business* (Dispute Resolution: Arbitration; Dispute Resolution: British Columbia)
- Selected by peers for inclusion in *The Best Lawyers in Canada® 2013* (Bet-the-Company Litigation; Corporate and Commercial Litigation; International Arbitration)
- Martindale-Hubbell AV® Preeminent™ 5.0 out of 5 Peer Review Rating
- Recognized in the 2012 edition of *PLC Which lawyer?* (Dispute Resolution - International Arbitration)
- Recognized in *The 2013 Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada* (Arbitration - International)
- Recognized in the 2013 *Canadian Legal Lexpert® Directory* (International Commercial Arbitration; Litigation – Corporate Commercial)
- Recognized in *Who's Who Legal: Canada 2013* (Arbitration)

Offices and Positions

- Vice-President, North American Users Council, LCIA
- Member, ICDR Canadian Advisory Committee
- Member, ICC Commission on Arbitration
- Chair, Arbitration Legislation Review Project, Uniform Law Conference of Canada

Current Memberships and Rosters

American Arbitration Association/ICDR	Roster of International Arbitrators, International Centre for Dispute Resolution
BC Arbitration and Mediation Institute	Member and Chartered Arbitrator (C.Arb.)
BCICAC	National, International and Technology Rosters
Canadian Transportation Agency	Roster of Final Offer Arbitration Arbitrators
Chartered Institute of Arbitrators	Fellow (FCI Arb.)
International Chamber of Commerce	Member
International Bar Association	Member
Kuala Lumpur Regional Centre for Arbitration	Panel Member
London Court of International Arbitration	Member

Toronto Commercial Arbitration Society Member

Western Canada Commercial Arbitration Society Member

Particular Areas of Expertise and Experience

Construction Disputes – Arbitrator in disputes relating to construction and infrastructure projects, including construction of power generating facilities, roads, dams, pipe-lines, boilers, marine facilities, residential and industrial complexes.

Energy Industry – Arbitrator in disputes concerning geothermal power plants, coal-fired power plants, gas fractionation plants, oil and gas distribution, Power Purchase Arrangements, *force majeure*, termination and HILP events, the construction or repair of turbines, boilers, pipelines, access roads, tunnels and dams, and the sharing of revenues. Extensive experience with economic analysis, market forecasting, cost-estimating, discount rates, good operating practices and similar issues.

Manufacturing and Distribution – Arbitrator in disputes involving manufacturers and distributors of various products, including heavy equipment, health-food products, alcoholic beverages, vegetables and computer software, including patent and trade-mark disputes, antitrust disputes, franchise, marketing, strategic alliance and distribution agreements.

Mining Industry – Arbitrator in disputes involving gold, diamond, copper and poly-metallic properties in North America, Latin America and Africa. Good working knowledge of the industry and its practices, including option agreements, joint ventures and public and private financing alternatives.

Partnerships and Joint Ventures – Arbitrator in disputes concerning joint venture arrangements, particularly in the mining, construction, energy and real estate industries. Arbitrator of several highly contentious disputes among former law partners arising upon partnership dissolution. Also arbitrator and counsel in oppression and oppression-related corporate proceedings. Issues have included questions of dilution, responsibility for capital contributions, carried-interests, third party financing obligations and related matters.

Real Estate, Local Governments and Leasing – Arbitrator in numerous arbitration and court proceedings concerning real estate issues, including rent renewals and reviews, joint venture agreements, sale and purchase issues. Good working knowledge of appraisal and business valuation issues and practice. Arbitrator of several statutory arbitrations to resolve disputes among local governments under the *Community Charter* and the *Local Government Act*.

Technology Industry and Intellectual Property Matters – Arbitrator in numerous disputes relating to technology and intellectual property issues, including patent and trade-mark issues, allegations of misappropriation of source code, disputes under license agreements, software development agreements, sponsored research agreements, marketing and distribution agreements.

Transportation – Counsel and advisor to transportation industry on a range of issues including arbitration of disputes between coal producers/shippers and operators of a port terminal facility,

arbitration of disputes between a carrier and a shipyard concerning ferry construction issues, counsel in the court of appeal concerning ferry rate determinations made by a regulator, involving competition law considerations, advisor to shippers of coal and other minerals concerning contract disputes with marine carriers, counsel to a rail carrier in court and arbitration proceedings concerning various issues, including issues arising from the disposition of container terminal facilities and inland ferry services.

Representative Arbitration Experience (since 2000)

Served as Chair, sole arbitrator and co-arbitrator of institutional (ICC, ICDR, AAA, BCICAC, ADRIC) and *ad hoc* arbitrations. Counsel in institutional arbitrations (ICC, ICDR, AAA, HKIAC, SCC, BCICAC, ADRIC etc) and *ad hoc* (UNCITRAL) arbitrations. (Further information available on request)

Selected Publications and Speaking Engagements (Since 2005)

- speaker and author, “Some Distinctive Features of North American Electricity Industry Disputes”, conference on International Commercial Arbitration: Natural Resources, Environment and Technology Disputes, International Law Section of the CBA and the ICC, June 2005
- author, “A Principled Approach to Adjourning the Decision to Enforce Under the Model Law and the New York Convention”, *Arbitration International*, Vol. 22, No. 1, 2006
- speaker and moot court advocate, National Justice Institute of Canada, Canada/China Judicial Linkages Project, Civil Evidence Workshop, April 2006
- speaker and author, “Vancouver, British Columbia, An Ideal Seat for Commercial Arbitrations Among Parties from the Asia Pacific Region”, 2nd Annual California International Arbitration Conference, California State Bar Association and ICDR, March 2007
- co-author with J. Christopher Thomas, Q.C. “International Arbitration Presents Challenges and Opportunities for Canadian Business”, *Financial Post*, July 8, 2008
- speaker, “How ICC Arbitration Can Work for Canadians,” B.C. Branch of Canadian Bar Association, joint meeting of corporate counsel, international law and ADR subsections, February, 2009
- moderator, “Recognition and Enforcement of ICC Arbitration Awards,” ICC and USCIB, Fourth Annual ICC New York Conference, September 2009
- conference Chair and panel moderator, Managing International Risk Through Commercial and Investment Treaty Arbitration, Annual Arbitration Conference of ICC and Canadian Chamber of Commerce, October 2009

- speaker, “Fundamental Considerations Underlying Information Exchange Processes in International Commercial Arbitration,” ICDR and California State Bar Association Conference, October 2009
- author, “Musings on the *Yugraneft* Decision and the Limitation Period for Recognition and Enforcement Proceedings,” *Stockholm International Arbitration Review* 2009:1
- author, “The UNCITRAL Model Law in Canada,” April 2010, Association of International Arbitrators conference, Brussels.
- author, “Arbitration Advocacy,” *the Advocate*, Vol. 69 Part 2, March 2011
- moderator, “The Realities of Enforcing Arbitration Awards in China,” 2nd ICC Asia Pacific Arbitration Conference, ICC, Hong Kong, April 2011.
- speaker and author, CLE Commercial Leasing: Arbitration and Remedies, “10 Tips for Conducting a Success Commercial Lease Arbitration,” Vancouver, May 2011
- moderator, "Current Issues and Trends in International Arbitration," Fifth Annual Energy Arbitration Conference, Western Canada Arbitrators Round Table, Calgary, May 2011.
- speaker, “Regaining Speed and Economy in Dispute Resolution,” AAA 50th Anniversary in Texas Conference, International Centre for Dispute Resolution, Dallas, Texas, October 2011
- moderator and speaker, “A Fresh Look at Canadian International Arbitration Legislation,” ICC Canada Annual Conference, Ottawa, October 2011
- speaker, “Interim Measures of Protection,” Toronto Commercial Arbitration Society, Toronto, October, 2011
- speaker, “Controlling Time and Cost in Construction Arbitrations,” Construction law Subsection of Canadian Bar Association, Vancouver, October 2011
- speaker, “Arbitration of Natural Resources Disputes,” 3rd ICC Asia Pacific Arbitration Conference, ICC, San Francisco, March 2012
- moderator and speaker, “Recent Experiences with Mining Industry Disputes and Process Design,” Western Canada Commercial Arbitration Society, Calgary, May 2012
- moderator and speaker, “Ethical Issues in Arbitration,” Toronto Commercial Arbitration Society, Vancouver, June 2012
- speaker, “Arbitration of Construction Disputes,” Continuing Legal Education Society, Vancouver, June 2012

- speaker, “Recent Developments in Arbitration in Canada,” ICC Canada, Montreal, October 2012
- speaker, “Initiatives to Reform Arbitration Legislation in Canada,” NAFTA 2022 Committee, Puebla, Mexico, October 2012
- moderator, “Commencing the Arbitration,” Toronto Commercial Arbitration Society, Toronto, October 2012
- author, “The First Procedural Conference in Commercial Arbitration – The First Chance to Win?”, *the Advocate*, Vol. Part , January 2013