



Murray Smith LLM

Chartered Arbitrator

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Practice Description

Mr. Smith has conducted numerous international and domestic commercial arbitrations as panel chairman, party appointed arbitrator or as sole arbitrator. He collaborated with Martin Hunter and Alan Redfern in writing the second edition of the leading text "*Law and Practice of International Commercial Arbitration*" and is a frequent lecturer on the subject of international arbitration practice. Mr. Smith is also an English Barrister. As an arbitrator in complex commercial cases, Mr. Smith recognizes the fundamental importance of due process and equal treatment of the parties while maintaining rigorous procedural oversight.

Currently practising out of offices in Vancouver, British Columbia, his practice includes domestic as well as international commercial arbitration cases. He has acted as arbitrator in international commercial arbitrations under AAA (ICDR), ICC, BCICAC ADR Institute and UNCITRAL Rules.

Mr. Smith's arbitration work has involved him in disputes over the distribution of oil field production profits, gas supply contracts for power generation facilities, mining exploration concession agreements, royalty payments and rights to intellectual property associated with internet commerce, breaches of agreement for the purchase of proprietary technology, computer software use and licensing, intellectual property and technology transfer agreements involving electronic components in the automobile parts industry, domestic and international transportation and shipping matters, shareholder rights and the interpretation of commercial and construction contracts.

Professional Standing

- Called to the Bar of England and Wales, 1990
- Called to the Bar of Yukon Territory, 1985
- Called to the Bar of British Columbia, 1977

Education

- University of Windsor, Bachelor of Science, 1973
- University of Windsor, Bachelor of Laws, 1976
- London School of Economics, Master of Laws, International Business Law, 1989
- Graduate studies in International Law of Natural Resources, International Economic Law, International Business Transactions and International Commercial Arbitration Law
- Awarded a mark of Distinction in all courses and the Schwarzenberger Prize in International Law

Offices

- Smith Barristers, Vancouver, British Columbia
- Essex Court Chambers, London—Door Tenant, 1999—2011

Positions

- Chairman of the North American Branch of the Chartered Institute of Arbitrators (2005 to 2008); Chartered Arbitrator and Fellow of the Chartered Institute of Arbitrators; Member, Board of Directors for the International Council for Commercial Arbitration (ICCA) May 2006 Montreal Congress and the Board of the Canadian Arbitration Congress;

named as a pre-eminent practitioner in the Guide to the World's Leading Experts in Commercial Arbitration (7th Ed.); listed in the *Guide to the World's Leading Experts in Commercial Arbitration* by ExpertGuides.com; Royal Roads University Advisory Board and the Discipline Committee of the Law Society of Yukon.

- Guest lecturer at the School of International Arbitration and the Inns of Court School of Law, London; named to the roster of arbitrators for international commercial disputes at the British Columbia International Commercial Arbitration Centre, the International Panel of Arbitrators of the American Arbitration Association (International Centre for Dispute Resolution), the roster of arbitrators for the Vancouver Maritime Arbitrators Association and the Panel of International Commercial Arbitrators of the ICC National Committee of the Canadian Chamber of Commerce.
- Chairman, Yukon Economic Council, 1986–1988

Publications

- Collaborated with Alan Redfern and Martin Hunter of Freshfields, London in writing *The Law and Practice of International Commercial Arbitration* (2nd edition, 1991) (Sweet and Maxwell).
- *Costs in International Commercial Arbitration*, (2001) AAA Dispute Resolution Journal 30.
- *Charlesworth's Business Law* (15th edition, 1991) Sweet and Maxwell) specialist editor on arbitration law.
- "Contractual Obligations Owed by and to Arbitrators: Model Terms of Appointment", (1992) 8 *Arbitration International* 17.
- "Harper v. Kvaener Fjellstrand Shipping A.S. Arbitration Case Comment, [May 1992] *Harbour & Shipping*.
- "How to Avoid Common Pitfalls in the Conduct of a Complex Arbitration" in *Advanced Practice in Commercial Arbitration* (Continuing Legal Education Society of British Columbia: Vancouver 1991).
- "Impartiality of the Party-Appointed Arbitrator", (1990) 6 *Arbitration International* 320.
- *Nippon Steel Corp. et al. v. Quintette Coal Ltd. – Arbitration Case Comment*, [1989/90] 4 *Oil & Gas Law and Taxation Review* 105.
- "When Does the Previous Statement of the Witness Become an Exhibit?" (1986), 44 *The Advocate* 831.

Arbitrations pre 2012

- Chairman in three arbitration proceedings under UNCITRAL Model Law and UNCITRAL Rules involving disputes over distribution of oil field production profits.
- Chairman of three person tribunal in an arbitration between North American parties and off-shore registered corporations related to royalty payments and rights to intellectual property associated with internet gaming.
- Member of three person tribunal of the International Centre for Dispute Resolution (ICDR) involving an arbitration between Canadian and U.S. corporations in respect of an alleged breach of agreement of purchase of proprietary technology for voice traffic over an Ethernet area network.
- Member of three person panel in a dispute over obligations arising under mining exploration concession agreements for properties located in Central America.
- Member of three person panel in a commercial arbitration involving a Canadian subsidiary of an international corporation and a U. S. party relating to alleged breach of a contract related to computer software use and licensing.
- Member of a three person panel in proceedings in New York City under ICC Rules involving a dispute between North American and Japanese manufacturers related to intellectual property and technology transfer agreements involving electronic components in the automobile parts industry.
- Appointed by the Permanent Court of Arbitration to a three member panel in proceedings in Los Angeles, California between a California internet service provider and a Turkish telecommunications entity involving agency agreements and issues of government regulation.
- Sole arbitrator under the Commercial Arbitration Act of British Columbia in a dispute relating to earn out payments under a share purchase agreement.
- Sole arbitrator in a dispute relating to delivery of internet services to northern Canada.
- Sole arbitrator in a dispute over rate adjustments and transportation contracts.
- Sole arbitrator in numerous commercial arbitration proceedings, both domestic and international, involving shipping, rail transportation, franchise agreements, sales agreements, commercial tenancy contracts and general commercial matters.
- Counsel in arbitral proceedings involving construction law disputes addressing contract terms, delay claims, deficiency claims and claims for extras in high rise developments.
- Counsel in international arbitration proceedings involving gas supply contracts for power generation facilities and in numerous appeals from arbitration awards.

2012 Arbitrations

- Chairman of two UNCITRAL arbitration panels in disputes involving requirements under agreements relating to oil field rights
- Chairman of a three-person panel under Bermuda Law and UNCITRAL Rules in contract dispute relating to satellite telecommunications
- Chairman of a three-person panel under ADR Institute Rules in a contract dispute involving transportation and storage of petroleum products
- Chairman of a three-person panel in a dispute involving insurance coverage issues
- Sole arbitrator under UNCITRAL Rules in a contract dispute involving mining concessions in the Democratic Republic of Congo
- Chairman of a three-person panel under ICDR Rules in a commercial dispute relating to a contract for ship repair
- Sole arbitrator in an international maritime law dispute under ICDR Rules
- Sole arbitrator under British Columbia International Commercial Arbitration Centre Rules in a contract dispute involving computer software development.

Royal Commissions

- Sole commissioner under the *Public Inquiry Act* in an inquiry into government regulation of charitable gaming activities.
- Counsel in public inquiry into downstream pricing of petroleum products.

Continuing Legal Education

- Course Director for Fellowship qualification with the Chartered Institute of Arbitrators in numerous programs across North America since 1985 including New York, Palo Alto, Boston, New Orleans, Portland, San Antonio, Chicago, Santa Fe, Atlanta, Las Vegas, Victoria, Vancouver, Montreal and Kingston, Jamaica.
 - Presentations in 2011 to the Houston International Arbitration Club on issues involving self represented parties in arbitration, to the Los Angeles Bar Association on arbitrator conflict of interest rules in California and to the Western Canadian Arbitrators Roundtable on arbitrator duties of impartiality and independence.
 - Tutor and panellist with training programs for Continuing Legal Education in British Columbia and with CPR, New York. Presentation on use of witness statements in arbitration to British Columbia Continuing Legal Education symposium March 1, 2012.
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