



Murray L. Smith, Q.C.

Chartered Arbitrator

Suite 2001—1228 West Hastings St.
Vancouver, British Columbia, Canada
V6E 4S6

Telephone: 604 649 8313
msmith@smithbarristers.com

Practice Description

Mr. Smith has served as arbitrator in a wide variety of international and domestic commercial arbitrations as panel chairman, party appointed tribunal member and as sole arbitrator. He collaborated with Martin Hunter and Alan Redfern in writing the leading text "*Law and Practice of International Commercial Arbitration*" (2nd ed.) 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 impartiality, due process and equal treatment of the parties while maintaining rigorous procedural oversight.

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

Mr. Smith's arbitration work has involved 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, 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 British Columbia, 1977

Education

- University of Windsor, Honours 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
- Achieved a mark of Distinction in all courses and awarded the Schwarzenberger Prize in International Law

Offices

- Smith Barristers, Vancouver, British Columbia
- Essex Court Chambers, London—Door Tenant, 1991—2011

Positions Held

- 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) 2006 Montreal Congress; Member of 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; listed in the Guide to the World's Leading Experts in Commercial Arbitration by ExpertGuides.com; ranked in Most in Demand Arbitrators by Chambers & Partners; Member Royal Roads University Advisory Board; Discipline Committee of the Law Society of Yukon, Fellow of the College of Commercial Arbitrators and founding member of the Western Canada Commercial Arbitrators Society
- 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, the CPR Cross-Border Arbitration Panel and the Canadian Transportation Agency List of Arbitrators
- Member Board of Directors, British Virgin Islands International Arbitration Centre, 2015 to present
- Chairman, Yukon Economic Council, 1986–1988
- Editor (1989-91), The Oil and Gas Law and Taxation Review — News Section, Sweet and Maxwell, Oxford

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).
- "Serving as Chairperson in International Commercial Oil & Gas Arbitrations" --The Leading Practitioner's Guide to Oil & Gas Arbitration (Juris Publishing Inc., 2015)
- 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.
- "Reliance Document Management", International Council for Commercial Arbitration (ICCA) Miami 2014 Congress, Congress Series #18 (Kluwer Law International, 2015)
- The New "Real Danger" Test for Arbitrator Bias in British Columbia (2019), 77 The Advocate 831.

Sample Arbitrations

- Chairman of three-person panel under ICDR Rules in dispute involving royalty rights over oil and gas field production in Southeast Asia applying Texas law, seated in Honolulu, Hawaii
- Chairman of three-person panel under ICC Rules in commercial dispute between U.S. party and Swiss party involving pharmaceutical development and commercialization agreement seated in Vancouver British Columbia applying New York law
- Chairman of three-person panel in royalty payment dispute involving First Nation association and mining company arising out of iron ore project in Nunavut Canada
- Chairman of three-person panel under AAA Rules in oil well drilling dispute, seated in Houston Texas applying Texas law
- Chairman of three-person panel in arbitration proceedings under UNCITRAL Rules involving dispute over oil field production profits in Kazakhstan, seated in Calgary, Alberta

- 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
- Chairman of a three-person panel under Bermuda Law and UNCITRAL Rules in contract dispute relating to satellite telecommunications, seated in Bermuda
- Chairman of a three-person panel under ADR Institute Rules in a contract dispute involving transportation and storage of petroleum products, seated in Vancouver, British Columbia
- Chairman of a three-person panel in dispute involving insurance coverage issues, seated in Calgary, Alberta
- Chairman of a three-person panel under ICDR Rules in ship repair dispute, seated in Honolulu applying U.S. Federal Maritime law and California law
- President of Tribunal in case under the ICC Rules involving supply of construction materials for energy project, seated in San Francisco and applying California law
- President of ICC tribunal in dispute over contract break fee under New York law
- Member of three-person tribunal in proceedings under UNCITRAL Rules involving Liquefied Natural Gas Sale and Supply Contracts, seated in New York City and applying New York law
- Member of three-person panel under ICC Rules in large oil refinery construction dispute, seated in Calgary, Alberta
- Member of three-person tribunal under ICDR Rules in dispute between Canadian and U.S. corporations in respect of agreements for 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 international parties relating to contract interpretation and breach of a contract for computer software use and licensing
- Member of a three-person panel in proceedings under ICC Rules involving dispute between North American and Japanese manufacturers in contracts for intellectual property and technology transfer involving electronic components in the automobile parts industry, seated in New York City
- Member of three-person panel in commercial dispute under JAMS Rules involving Latin American supply contracts, seated in Atlanta, Georgia
- Appointed by the Permanent Court of Arbitration to a three-person panel in dispute between a California internet service provider and a Turkish telecommunications entity involving agency agreements and issues of government regulation of internet services, seated in Los Angeles
- Member of three-person panel in commercial dispute in British Columbia involving land development agreement seated in Vancouver British Columbia
- Member of three-person panel in claim for force majeure relief under Alberta Power Purchase Arrangement seated in Calgary, Alberta
- Sole arbitrator under the Commercial Arbitration Act of British Columbia in a dispute relating to earn out payments under share purchase agreement
- Sole arbitrator in dispute between First Nations association and technology company relating to delivery of internet services to Northern Canada
- Sole arbitrator in disputes over rate adjustments and rail transportation contracts under Canada Transportation Act
- Sole arbitrator under UNCITRAL Rules in contract dispute involving mining concessions in the Democratic Republic of Congo, seated in Vancouver, British Columbia
- Sole arbitrator in 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
- Sole Arbitrator in dispute between U.S. party and Indian party regarding supply of construction materials
- Sole Arbitrator in commercial dispute under BCICAC Rules relating to supply of goods and services
- Sole arbitrator in franchise dispute under AAA Rules
- Sole arbitrator under BCICAC Rules in dispute involving ship building contracts
- Expert Panellist for the resolution of disputes in various cases involving objections to Internet Corporation for Assigned Names and Numbers (ICANN) generic Top-Level Domain Names
- Sole Arbitrator in a Final Offer Arbitration involving interpretation of a commercial contract relating to construction project seated in Vancouver, British Columbia
- Sole Arbitrator in ad hoc commercial arbitration involving Inuit First Nation Association and international mining company regarding interpretation of resource development contract
- Emergency arbitrator under ICDR Rules on injunction application related to commercial supply agreement
- Sole arbitrator on commercial dispute involving sale of hotel under British Columbia law and jurisdiction

- Sole arbitrator under British Columbia International Arbitration Centre Rules in commercial dispute between U.S. party and Hong Kong party under loan agreement related to oil field services applying British Columbia law and seated in Vancouver British Columbia.

Public Inquiries

- Sole commissioner under the Public Inquiry Act in an inquiry into government regulation of charitable gaming activities.
- Lead 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, Trinidad and Tobago, St. Lucia and Kingston, Jamaica.
- Presentations in 2011 and 2014 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 and the Caribbean ADR Initiative 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.
- Panellist at 2013 and 2014 Western Canadian Commercial Arbitration Society Energy Dispute Conferences.
- Planning Committee and panellist for Chartered Institute of Arbitrators Energy Conference, Houston, 2017.
- Certificate in Theory, Practice and Rules of Dispute Review Boards, CDRS Dispute Resolution Training Institute, Washington D.C., September 28, 2008.