

## CURRICULUM VITAE

### BRIEF PROFILE

- International lawyer that has acted before various international arbitral tribunals, courts and annulment committees. Barrister and Solicitor, admitted to practice in Australia and Canada, with diverse experience practising law and international arbitration.
- Carried out proceedings under various multilateral trade treaties (particularly NAFTA) and bilateral investment treaties, as well as complex international commercial disputes in North America, South America and Australia.
- Researches and publishes in the fields of international arbitration, international investment law, international trade law, public international law and general commercial matters.
- Practiced international investment arbitration for multinational clients within a full range of professional and industry sectors, relating to investments, contracts, securities, renewable energy (wind, solar), forestry, mining, oil and gas, and often with environmental issues. Practiced commercial arbitration involving contracts, fraud/misrepresentation, securities (specifically share swap arrangements) and renewable energy programs.
- Versatile lawyer, with solid judgement and analytical skills with experience in complicated and high profile matters. Excellent verbal and written communication skills with an understanding of French.

### CAREER

- 2009- 2015: Appleton & Associates International Lawyers (Toronto, Ontario), International Lawyer
- 2008- 2009: Clyde & Co (formerly NPM LLP) (Toronto, Ontario), Lawyer
- 2003- 2006: Solomon Brothers, Barristers Solicitors Attorneys (Australia), Barrister and Solicitor/Articling Clerk

### EDUCATION

- 2015- 2016: Master of Public and International Law (High Distinction) (LLM), University of Melbourne
- 2012: Fellow, Chartered Institute of Arbitrators (FCI Arb.), Atlanta, United States of America
- 2011: Member, Chartered Institute of Arbitrators (MCI Arb.), Montreal, Canada
- 1999- 2002: Bachelor of Laws (LLB.), University of Notre Dame
- 1994- 1998: Bachelor of Science (BSc.), University of Western Australia

### PROFESSIONAL ADMISSIONS

- Bar of Ontario (Canada) (2007)
- Federal Court of Australia (2004)
- High Court of Australia (2004)
- Supreme Court of Western Australia (2004)

## REPRESENTATIVE EXPERIENCE

- Counsel for the US investor in *Mesa Power Group LLC v Government of Canada* (NAFTA, UNCITRAL, PCA Case No. 2012-17)
- Counsel for the US investor in *Clayton, Bilcon of Delaware et al v Government of Canada* (NAFTA, UNCITRAL, PCA Case No. 2009-04)
- Counsel for the US investor in *St Marys VCNA, LLC v Government of Canada* (NAFTA, UNCITRAL, PCA Case No. 2012-29)
- Counsel for the US investor in *Continental Casualty Company v Argentina* (Argentina – United States BIT, ICSID Annulment, ICSID Case No. ARB/03/9)
- Counsel for Canadian investor in *Quadrant Pacific Growth Fund L.P., Canasco Holdings Inc. v Republic of Costa Rica* (Canada – Costa Rica BIT, ICSID Case No. ARB(AF)/08/1)
- Acted for US investor in *Merrill & Ring Forestry L.P. v Government of Canada* (NAFTA, UNCITRAL, ICSID Administered Case, 2010)
- Counsel for claimant in arbitration under the ICDR and the AAA Rules involving a share-swap agreement between Canadian wind energy developers

## PROFESSIONAL ASSOCIATIONS

- Fellow (and Instructor), Chartered Institute of Arbitrators (FCIArb)
- Fellow (and Panellist Arbitrator), Australian Centre for International Commercial Arbitration (ACICA)
- Panellist Arbitrator, Hong Kong International Arbitration Centre (HKIAC)
- Panellist Arbitrator, Kuala Lumpur Regional Centre for Arbitration (KLRCA)
  
- Member, American Bar Association (ABA)
- Member, International Centre for Dispute Resolution (ICDR)
- Member, International Chamber of Commerce (ICC) European Chapter
- Member, International Law Association (ILA)
- Founding Member, Toronto Commercial Arbitration Society (TCAS)
- Member, Australia and New Zealand Society of International Law (ANZSIL)
- Member, The Advocates' Society
- Member, Australasian Forum for International Arbitration (AFIA)
- Member, Association Suisse de l'Arbitrage (ASA)
- Member, Canadian Bar Association (CBA)
- Member, Ontario Bar Association (OBA)

## PUBLICATIONS

See [www.kyledickson-smith.com/publications](http://www.kyledickson-smith.com/publications)

- Does the European Union Have New Clothes?: Understanding the EU's New Investment Treaty Model (2016) 17 *Journal of World Investment & Trade* 773–827 [forthcoming]

- Australia's Recent Framing of the Investor-State Dispute Settlement Regime: Framed as Fruit of a Poison Tree, or Just a Few Rotten Apples? [*forthcoming*]
- Are Investor and Indigenous Protections Competing Or Coordinating?: The Framing of Rights of Chevron, Ecuador and the *Lago Agrio* People [*forthcoming*]
- Do States Practice What They Preach Or Breach What They Practice?: Fixing The Sovereign Bond Issue (and the Issuer) [*forthcoming*]
- Contributor to The International Law Association (ILA) Victoria Newsletter International Economic Law Update:
  - "Deals Made, Transparency and Harmonisation", *ILA News, February 2015*
  - "Harmonising the WTO Public Morality Exceptions and the Seals Dispute", *ILA News, July 2014*
  - "Beyond Bali, 'Justified Morality' and Seals", *ILA News, March 2014*
  - "Regional and Global Governance 'Under New Management'?", *ILA News, September 2013*
- "Is there a Great Divide between Current and Preferred Practice?: Survey Says", *ACICA, June 2013*
- "Even Plane for Plain Packaging: Does the High Court Decision Change the Landscape of the International Disputes", *ACICA, March 2013*
- "Chevron- Where Have the Plaintiffs Enforced", *ACICA, June 2012*
- "Judge-Arbitrators Under Scrutiny", *ACICA, June 2012*
- "Arbitration Law Reform- A Paradigm Shift?", *Law Society Brief (WA)*, March 2012
- "Update on the Chevron/Ecuador - *Lago Agrio* Litigation", *ACICA, March 2012*
- "Benefits of Investor-State Arbitration Risk Being Overlooked", *Law Society Journal*, October 2011
- "What the Philip Morris Claim Means for Australia", *ACICA, September 2011*
- "*Chevron v Ecuador- Lago Agrio* Litigation Update", *ACICA, June 2011*
- "US and Canadian Supreme Courts Rule on the Enforceability of Consumer Arbitration Clauses", *ACICA, June 2011*