



Tina M. Cicchetti, Independent Arbitrator

5700 Widgeon Way

Frisco, TX 75034

USA

www.cicchettiarbitration.com

T +1 (416) 848-0203

E tcicchetti@cicchettiarbitration.com

OVERVIEW

Tina Cicchetti is a leading Canadian arbitration practitioner, an independent Neutral with Vancouver Arbitration Chambers (VAC) and a Member Arbitrator at Arbitration Place in Toronto. She currently resides in Dallas, Texas. She has served as sole arbitrator or tribunal chair in more than 20 *ad hoc* and institutional arbitrations. Among other recognition, Tina has been ranked by clients and peers in Chambers Global and Chambers Canada (Most in Demand Arbitrators) for Arbitration and Who's Who Legal (WWL) for Arbitration (Global and Canada), as well as the WWL Thought Leaders in Arbitration.

In 2016, Tina was invited by the Attorney General for British Columbia (BC) to join an Arbitration Advisory Group on legislative reform and promotion of Vancouver as a seat for international arbitration. BC enacted an updated international arbitration statute in 2018 and a new domestic arbitration statute in 2020 based on the recommendations of this group. In 2018, Tina was appointed by the Canadian government to the roster of candidates to serve on panels established under Chapter 19 of the North American Free Trade Agreement (NAFTA) now the Canada-US-Mexico Trade Agreement (CUSMA). In 2021, the Governor-in-Council appointed Tina to the ICSID Panel of Arbitrators for a period of six years.

Tina is active in the arbitration community. She is a member of the ITA Board of Reporters (Canada). She is a member of the Executive Committee of the Board of Directors of the California International Arbitration Council (CIAC), a member of the ICC Commission on Arbitration and ADR, past Chair of the International Arbitration Committee of the Canadian Chamber of Commerce (ICC Canada) (2018-2020), a board member of the Western Canada Commercial Arbitration Society (WCCAS), a former President and a current Advisory Board member of the Young Canadian Arbitration Practitioners (YCAP), a member of the ICDR Canadian Advisory Committee, a former



member of the Regional Coordinating Committee of the North American Chapter of ICC's Young Arbitrators' Forum (YAF) and a former member of the NAFTA 2022 Committee (2016-2018).

Before transitioning her practice to full time neutral work in 2017, Tina was a partner in the Commercial Litigation Group at Fasken. She has advised clients on dispute resolution clauses, as well as in disputes with contractual partners and host states. Tina has acted as lead counsel in international commercial arbitrations and co-counsel in investment treaty arbitration cases. She is a national of Canada and Italy and has reading knowledge of Italian, French and Spanish.

CAREER SUMMARY

Tina received her Bachelor of Business Administration (Honours) from Simon Fraser University in 1996 and her law degree from the University of British Columbia Law School in 2000 and then clerked at the British Columbia Court of Appeal. She completed her articles at Fasken Martineau DuMoulin LLP (Fasken) and was called to the bar of British Columbia in 2002.

Before joining VAC, Tina was a partner of Fasken, a Global Arbitration Review top 100 firm (GAR 100) in 2016 and 2017. Tina has more than 20 years of experience in the resolution of complex commercial disputes. From the beginning of her career, her focus has been on arbitration as a means of dispute resolution. As an associate, she acted as tribunal secretary on many high-value international arbitration cases.

From 2003 to 2011, Tina taught international commercial disputes as an adjunct professor at the University of British Columbia, Faculty of Law. She is regularly asked to speak on the topics of arbitration and alternate dispute resolution and has authored several articles on the subjects. She has been invited to guest lecture on topics related to commercial arbitration at a number of law schools, including UBC and the University of Victoria, and arbitrator training programs such as the TCAS Gold Standard Course in Arbitration. A former Jessup mooter herself, Tina has acted as a judge in international moot competitions (the Vis East and Jessup) as well as acting as a mock arbitrator for advocacy training courses.

From 2012 to 2018, Tina was a member of the Editorial Board of the Commercial Litigation and Arbitration Review. Since 2019, she has been a member of the Advisory Board for the Canadian Journal of Commercial Arbitration. As the Canada Reporter for the ITA Board of Reporters, Tina regularly contributes updates on Canadian arbitration law to the Kluwer Arbitration website.

As counsel, Tina advised Canadian and international clients on dispute resolution provisions for their commercial contracts and acted as counsel in numerous domestic (Canadian) and international arbitration proceedings. She represented clients in mining, energy, forestry, transportation (rail, aviation), telecommunications, manufacturing (automotive), real estate development, information technology, construction and infrastructure (ports, hydro facilities), among others. Tina also advised clients with respect to investment disputes for claims of direct and indirect expropriation and breach of fair and equitable treatment standards. She has advised on matters under various arbitration rules including the International Chamber of Commerce (ICC), American Arbitration Association (AAA), International Centre for Dispute Resolution (ICDR),



Japan Commercial Arbitration Association (JCAA), Swiss Rules, London Court of International Arbitration (LCIA), United Nations Commission on International Trade Law (UNCITRAL), the International Centre for Settlement of Investment Disputes (ICSID) and the British Columbia International Commercial Arbitration Centre (BCICAC now the Vancouver International Arbitration Centre or VanIAC).

Since 2017, Tina's practice has focused on acting as a neutral arbitrator and she has been sole arbitrator or chair in *ad hoc* proceedings, as well as arbitrations conducted under the auspices of the ICC, the ICDR, the AAA and VanIAC. Tina has resolved numerous types of commercial disputes, including post-merger and acquisition claims, joint venture and shareholder disputes, breach of contract (including issues of fraud and force majeure), and construction contracts. In 2018, she completed the Mediating the Litigated Case program at the Straus Institute (Pepperdine Caruso School of Law).

EXPERIENCE

- Sole Arbitrator in an *ad hoc* domestic (Ontario) arbitration between a group of minority shareholders and their investment arising out of the shareholders' agreement and claims under the *Securities Act*, including claims of shareholder oppression.
- Sole Arbitrator in an *ad hoc* international arbitration seated in Vancouver between Canadian and US parties relating to a hotel management agreement.
- Sole Arbitrator in an ICDR-administered dispute between US and European parties seated in Baltimore under Maryland law regarding an international sales agreement in the heavy machinery sector
- Sole Arbitrator in an ICDR Rules dispute seated in Vancouver arising under an international franchise agreement
- Panel Member in a number of domain name disputes (.com and .ca) under the UDRP, CIIRDC and CIRA Rules
- Sole Arbitrator in an *ad hoc* arbitration seated in Vancouver in a rate-setting dispute under a long-term services agreement
- Sole Arbitrator in a BCICAC Rules arbitration arising out of a construction services contract
- Sole Arbitrator in an ICDR Canada Rules arbitration in a dispute arising out of a co-counsel agreement
- Sole Arbitrator in an arbitration under the BCICAC Rules arising out of a construction contract
- Sole Arbitrator in an ICC arbitration seated in California between US and Turkish parties relating to an international distribution agreement for medical devices
- Sole Arbitrator in an *ad hoc* arbitration between Canadian, US and Caribbean parties relating to disputes under licensing agreements for health products



- Sole Arbitrator in a dispute relating to a services agreement between Canadian parties under the ICDR Canada Expedited Rules
- Counsel to a Canadian party in an ICC arbitration regarding a construction dispute arising out of a Latin American infrastructure project
- Chair of an ICC arbitration seated in California between US parties relating to the construction of a power plant
- Counsel to a Canadian party in an ICC arbitration seated in Calgary related to automotive distribution agreements
- Counsel to a carrier in a rate and service dispute final offer arbitration under the Canada Transportation Act
- Counsel to a successful applicant for a community gTLD in arbitration proceedings related to ICANN process under the ICDR Rules
- Counsel in a domestic shareholder dispute relating to forestry assets under the BCICAC Domestic Commercial Arbitration Rules
- Counsel to a commercial tenant in a lease dispute under the BCICAC Domestic Commercial Arbitration Rules
- Counsel to US investors in an investment arbitration against Costa Rica under the US-DR-CAFTA regarding the expropriation of property (ICSID Case No. UNCT/13/2)
- Counsel to a Chinese party in an ICC arbitration with a Middle Eastern party relating to a supply agreement
- Counsel to a Canadian mining company in parallel ICC and ICSID arbitrations against the Democratic Republic of Congo *International Quantum Resources Limited, Frontier SPRL and Compagnie Minière de Sakania SPRL v. Democratic Republic of the Congo* (ICSID Case No. ARB/10/21)
- Counsel in a domestic arbitration with related proceedings in Texas, which were stayed in favour of an arbitration in British Columbia
- Tribunal Secretary in an ICC arbitration regarding FRAND licensing fees for standard essential patents (telecommunications sector)
- Tribunal Secretary in a Swiss Rules arbitration between a former Soviet Republic state-owned entity and its commercial partner (mining sector)
- Tribunal Secretary in multiple, related ICC arbitrations, which related to a complex joint venture arrangement between European and South American parties (telecommunications sector).



RANKINGS & AWARDS

- Chambers Global Dispute Resolution: Most in Demand Arbitrators – Canada, since 2017
- Who's Who Legal Thought Leaders: Arbitration 2019, 2021
- Named as "Arbitration Lawyer of the Year" in Vancouver by Best Lawyers® in Canada 2017
- Named as "Litigation Star" in Arbitration in BC by Benchmark Canada, 2017
- Who's Who Legal Future Leaders - Arbitration 2017
- Who's Who Legal: Arbitration 2016-2021
- Chambers Canada Dispute Resolution: Arbitration (2017 – 2021)
- The Best Lawyers® in Canada 2017 - 2021 for International Arbitration
- Canadian Legal Lexpert® Directory 2014- 2021 consistently recommended for International Commercial Arbitration
- Lexpert® Guide to the Leading US-Canada Cross-Border Litigation Lawyers 2014 - 2021 for International Commercial Arbitration
- Expert Guides Rising Star 2015 - 2017
- Lexpert®: Canada's Leading Litigators 2014
- Named as a "litigation star" for arbitration in Canada by Benchmark Canada, 2013-2014

MEMBERSHIPS & AFFILIATIONS

- ICSID Panel of Arbitrators (from 2021)
- CUSMA (formerly NAFTA) Chapter 19 Panel Member
- ICDR/AAA Panel Member
- CPR Panel Member
- VanIAC (formerly BCICAC) Panel Member
- JCAA Panel Member
- CIIRDC Panel Member
- International Arbitration Committee of the Canadian Chamber of Commerce (ICC Canada) Member
- ICC Commission on Arbitration and ADR Member
- ICDR Canada Advisory Board Member
- California International Arbitration Council (CIAC) Executive Committee Member
- ITA Board of Reporters (Canada)
- ICCA Member
- IBA Member
- Western Canada Commercial Arbitration Society (WCCAS) Board Member (formerly WCART)
- Advisory Board Member, Canadian Journal of Commercial Arbitration
- CUSMA (formerly NAFTA) 2022 Advisory Committee (2016 - 2020)
- USC ADR Program Symposium Co-Chair
- Adjunct Professor, International Commercial Disputes, Faculty of Law, The University of British Columbia (2003 - 2011)
- Young Canadian Arbitration Practitioners, former President and current Advisory Board Member
- ArbitralWomen Member
- Scottish Arbitration Centre Member

PUBLICATIONS & PRESENTATIONS

Visit www.cicchettiarbitration.com for updated list