



REQUEST FOR BIOGRAPHICAL INFORMATION

Opportunity for arbitrators to be selected for the Canadian Transportation Agency rosters

Table of Contents

REQUEST FOR BIOGRAPHICAL INFORMATION	1
Contact Information.....	2
Education.....	3
Arbitration Designation.....	4
Arbitration Training.....	4
Commercial Litigation Experience	5
Experience as an Arbitrator, Adjudicator or Judge	6
Work Samples.....	7
Transportation Specific Legislation.....	7
For Rail Specialization – Legislation, Regulations, and Procedures.....	7
For Marine Specialization – Legislation, Regulations, and Procedures	7
For Air Specialization – Legislation, Regulations, and Procedures.....	8
Familiarity with Transportation and Transportation Law	8
Disclosure	8
Conflict.....	8
Fees.....	9
Availability.....	9
Signed Agreement	9
Application Checklist.....	10



Contact Information

Please note that completion of this form is lengthy. You may be required to save and return to complete. If you have any questions or need help please contact Martina Faith at Martina.Faith@otc-cta.gc.ca

Date of this version	October 11, 2018
First name	Matthew
Last name	Ghikas
Middle initial	T
Honorifics	LLB, FCI Arb
Professional title	Barrister & Solicitor
Firm name	Fasken Martineau DuMoulin LLP
Address line 1	2900-550 Burrard Street
Address line 2	
City	Vancouver
Province	British Columbia
Postal code	V6C 0A3
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Telephone (office)	604 631 3191
Telephone (mobile)	
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Fax	604 632 3191
E-mail	mghikas@fasken.com
Web site URL	https://www.fasken.com/matthew-ghikas/#sort=%40clientworksortdate79734%20descending
LinkedIn URL	
Facebook	
Other social media links	
Region of residence	Western Canada and North



Willingness to travel within and to other provinces? Please specify provinces.	<input checked="" type="checkbox"/> All provinces <input type="checkbox"/> British Columbia <input type="checkbox"/> Alberta <input type="checkbox"/> Saskatchewan <input type="checkbox"/> Manitoba <input type="checkbox"/> Ontario <input type="checkbox"/> Quebec <input type="checkbox"/> New Brunswick <input type="checkbox"/> Nova Scotia <input type="checkbox"/> Newfoundland and Labrador <input type="checkbox"/> Prince Edward Island <input type="checkbox"/> Yukon <input type="checkbox"/> Northwest Territories <input type="checkbox"/> Nunavut
Languages spoken	<input checked="" type="checkbox"/> English <input type="checkbox"/> French

Education

Please list degree(s), institution(s) attended and year degree(s) conferred below.

Degree	Institution attended	Year degree conferred
LLB	University of Toronto	1998
BA	University of British Columbia	1995

Please list courses or degrees in **Economics**, if any.

Courses	Institution attended	Year
Macro/Micro Economics 100	University of British Columbia	1992

Please list courses or degrees in **Finance and Accounting**, if any.

Courses	Institution attended	Year
n/a		



Please list courses relating to **logistics, transportation or transportation law**, if any.

Courses	Institution attended	Year
n/a		

Arbitration Designation

Please list below the designation(s), certification(s) or accreditation(s) in arbitration received from any recognized institution(s) and the year(s) conferred.

Designation	Organization	Year conferred
Fellow (FCI Arb)	Chartered Institute of Arbitrators	2018
Roster Arbitrator (Canada)	International Centre For Dispute Resolution (ICDR)	2015
Q Arb.	ADRIC	2013

Arbitration Training

Please list below the **arbitration training** or course(s), if any, along with the institution providing the training and the year that you received this training.

Course	Institutions	Year
Accelerated Route to Fellowship (FCI Arb)	Chartered Institute of Arbitrators	2017
ICDR Canada Arbitrator/Mediator Training Symposium for Roster Arbitrators	International Centre for Dispute Resolution (ICDR)	2015
Accelerated Route to Membership (MCI Arb)	Chartered Institute of Arbitrators	2013
Introduction to International Arbitration (ACI Arb)	Chartered Institute of Arbitrators	2013
Courses for Qualified Arbitrator (Q. Arb.) Designation	ADR Institute of Canada	2013
Miscellaneous	Western Canadian Commercial Arbitration Society	2014



Commercial Litigation Experience

Please specify approximate number of commercial cases in which you have acted as counsel.

Over two hundred - approx. 3/4 would be rate / utility regulation proceedings 1/4 commercial litigation

Please list range of years over which these cases occurred.

2008-Present

Please list law firms with which you were associated, according to years.

Firm name	Duration
Fasken Martineau DuMoulin LLP	19

Did you typically represent plaintiff, respondent or both? Please provide your answer as a percentage.	Response
Plaintiff (primarily regulatory Applicants)	90%
Respondent	10%

Please list by subject area, the three most complex commercial cases with which you have been involved as counsel in arbitrations or litigation, the kind of evidence presented, what experts were involved, quantum in issue and duration of case.

Area of commercial litigation (e.g. patent infringement)	Kind of evidence presented	What type of experts were involved	Quantum (value of claim)	Duration (time in court)
Lead counsel for applicant in public inquiry for BC hydroelectric dam	Economic, Accounting, Scientific, Construction	Accounting, Economists, Energy Planning	Approx. \$10 billion project	Extensive written plus 2 days of formal oral submissions by proponent and experts (not including 3+ weeks of oral representations by the public)



Railway - final offer arbitration (FOA)	Rate / economics / safety / accounting / railway business	Economist, Law and Economics, Transport economist, Scientist	Multi million	2 weeks
Rate (Return on Equity / cost of capital)	Finance / business	Finance, investment banker	Tens of millions	Approx. 1 week

Experience as an Arbitrator, Adjudicator or Judge

Please specify approximate number of cases in which you have acted as an arbitrator, judge or tribunal adjudicator. Please note that there are cells, in the table below, in which you are asked to provide the court level and tribunal.

	Arbitrator	Judge	Tribunal Adjudicator
Number of cases	2		
Over what period of years	3		
Number of commercial cases	2		
Over what period of years	3		
Level of court	Sole Arbitrator		
Please specify tribunal	International Centre for Dispute Resolution (ICDR)		

Please list by subject area the three most complex commercial cases in which you acted as arbitrator, judge or adjudicator, the kind of evidence presented, experts involved, quantum in issue and duration of hearing.

Please specify your role	Area of commercial litigation	Evidence presented	Experts included	Quantum (value of claim)	Duration (time in court)
Sole Arbitrator	Franchise	Written	n/a	n/a	Settled
Sole Arbitrator	Franchise	n/a	n/a	n/a	Settled



Work Samples

Please provide a written award (redacted) or decision that you have written. Files should be attached to this submission. Only .pdf or .doc files are accepted.

Transportation Specific Legislation

FOR RAIL SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES

Please rate your current familiarity with the following using "Very familiar", "Fair" or "Not familiar".	Response
<i>Railway Costing Regulations – SOR/80-310</i>	Fair
<i>Railway Third Party Liability Insurance Coverage Regulations – SOR/96-337</i>	Not familiar
<i>Railway Traffic Liability Regulations – SOR/91-488</i>	Not familiar
<i>Carriers and Transportation and Grain Handling Undertakings Information Regulations – SOR/96-334</i>	Not familiar
<i>Railway Interswitching Regulations – SOR/88-41</i>	Fair

Please provide details explaining how you became familiar with this material.

The Railway Interswitching Regulations and Railway Costing Regulations arose in cases on which I was counsel. A number of the costing principles in the Railway Costing Regulations are similar to those in other rate setting frameworks, and I have a solid understanding of the costing principles (fixed/variable costs, rate of return etc.).

FOR MARINE SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES

Please rate your current familiarity with the following using "Very familiar", "Fair" or "Not familiar":	Response
<i>Canada Marine Act – S.C. 1998, c. 10</i>	Not familiar
<i>Coasting Trade Act – S.C. 1992, c. 31</i>	Not familiar
<i>Pilotage Act – R.S.C. 1985, c. P-14</i>	Not familiar
<i>Shipping Conferences Exemption Act, 1987 – R.S.C., 1985, c. 17 (3rd Supp.)</i>	Not familiar

Please provide details explaining how you became familiar with this material.

Materials have been reviewed but are not part of daily practice.



FOR AIR SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES

Please rate your current familiarity with the following using "Very familiar", "Fair" or "Not familiar":	Response
<i>Air Transportation Regulations – SOR/88-58</i>	Not familiar

Please provide details explaining how you became familiar with this material.

Familiarity with Transportation and Transportation Law

Please describe your background involvement in the transportation industry or transportation law, if any.

- Counsel in two final offer arbitrations (FOA) for railway rates under the Act.
- Counsel in application under the Act, and associated arbitration, regarding commuter rail use of track.
- Regulatory counsel to a large, multi-route vehicle and passenger ferry operator in BC.
- Regulatory counsel on a proceeding before the BC Ferry Commissioner involving competition and commercial issues regarding shipment of commercial trailers by ferry and barge.
- Counsel in a regulatory hearing involving the location of transmission lines in proximity to an airport, which involved aviation experts.
- Rate (e.g., undue discrimination, allowed rate of return, cost of service) / common carrier principles that arose from railway context are the basis for rate setting in energy sector, and are the core of my practice.
- Regulatory counsel to two provincial crown automobile insurers in rate proceedings relating to universal compulsory automobile insurance.

Disclosure

If you have ever worked for, been associated with, or have a current or past interest in a transportation carrier or shipper in rail, marine or air, please provide details below:

- I have been counsel to a railway in final offer arbitrations (FOA) and in another arbitration and applications to the Agency regarding commuter rail use rights.
- I am regulatory counsel to a ferry operator in British Columbia.

Conflict

If you OR YOUR FIRM currently represent, or have in the past represented, a carrier please advise.

I have acted on behalf of a railway in a final offer arbitrations (FOA) with shippers, as well as in an arbitration and applications to the Agency. On non-confidential matters, Fasken Martineau DuMoulin LLP has represented CPR. On confidential matters, the firm has previously advised other railways and airlines. Law society rules would require a more extensive conflict check before accepting an appointment.



If you OR YOUR FIRM currently represent, or have ever represented, a company in a matter relating to shipment of goods, please advise.

I have acted for a ferry operator regarding a rate / competition law dispute over commercial shipment of trailers. I have acted in a final offer arbitrations (FOA) involving a railway and shipper. Fasken Martineau DuMoulin LLP has represented trucking companies and railways and vessels, and this work would have included advising on shipment of goods. The firm has also represented airlines, although it is currently unknown whether it related to shipment of goods. Law society rules would require a more extensive conflict check before accepting an appointment.

Fees

Please provide daily and hourly rates	Response
Daily	\$5000
Hourly	\$575/hr

Availability

How many months in advance are you booked for?

Normally flexible, subject to periodic hearings

Signed Agreement

PLEASE NOTE THAT YOUR APPLICATION IS NOT COMPLETE WITHOUT PROOF OF INSURANCE AND THE SIGNED AGREEMENT THAT YOU WILL FIND BELOW.

The information I have provided describes accurately my qualifications and experience.

I understand that:

- Roster members will be selected based on the criteria set out in this request for biographical information.
- The biographical information provided by me in this request for biographical information will appear online ON the Agency's Web site.
- Rosters and roster members may be reviewed every two years.
- Being accepted as a roster member does not guarantee that I will receive work under the *Canada Transportation Act*.
- The Canada Transportation Agency is in no way responsible for any fees, expenses or outstanding payments, all of which shall be billed by the arbitrator to the parties to any proceeding under the *Canada Transportation Act*.

If my request is accepted, I will comply with all the conditions of the program, including but not limited to the following:



- Compliance with the Canadian Transportation Agency's Code of Values and Ethics.
- Maintenance of insurance at the required level.

Please provide proof of insurance	Response
Policy number #	LPL 18-01-01
Issuer	Law Society of British Columbia Lawyers Insurance Fund

Signed on	
in the province of	
Signature (Please sign the form digitally by typing your first and last name.)	* Signed on original copy

Application Checklist

Please do not include a resume. If you have any questions or need help, please contact Martina Faith at Martina.Faith@otc-cta.gc.ca.

If you wish to be considered for the roster, please ensure that you completed the following:

Checklist

- Filled out the Application Form
- Provided your work sample
- Provided your digital signature above
- Faxed us (819-953-6613) or attached as a PDF, the proof of insurance