

Timothy S Hughes

Advocate • Advisor • Arbitrator

CONTACT

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EDUCATION

JURIS DOCTOR
UC Berkeley 2010

Research Assistant to Professor David D Caron
Supervising Editor, BJIL
Certificate of Specialization, International law

BACHELOR OF ARTS
UC San Diego 2007

ADMISSIONS

California (2010)
New York (2018)
Ontario (2022)
Alberta (2022)

SUMMARY

I am an independent practitioner focused on international arbitration, including public international law and commercial disputes. I have acted in more than thirty institutional and *ad hoc* arbitrations, court disputes, and cross-border regulatory investigations. My practice experience encompasses the energy, mining, oil & gas, hospitality, and pharmaceutical sectors, including numerous joint venture and M&A disputes and matters arising under public international law.

EXPERIENCE

PRINCIPAL

Timothy Hughes Arbitration / August 2022 – Present / Calgary

CAREER BREAK

Principal caregiver and parent / May 2019 – August 2022

SENIOR ASSOCIATE

Herbert Smith Freehills / 2013 – 16, 2017 – 19 / HK • NYC

I led global teams representing sovereigns and private entities to resolve their most technical, high-value international disputes. Key experience:

- Rules: PCA, ICSID, UNCITRAL, ICC, SIAC, HKIAC, ICDR
- Experts: technical, quantum, legal, consulting
- Subjects: treaty disputes, power generation, luxury hotels, oil & gas development, mining
- Third-party funding

ASSOCIATE

Crowell & Moring LLP / 2011 – 2013 / Washington, DC

I represented mining (gold, uranium) and energy (oil exploration) investors against sovereigns, in addition to complex commercial arbitration clients in the hospitality and aerospace sectors. Key matters also included MNCs in multijurisdictional antitrust and anti-corruption investigations.

SELECTED CASE CREDENTIALS

Public international law

- **The Government of Malaysia** in the *Railway Land Arbitration* (PCA CASE N° 2012-01), a billion-dollar treaty dispute with Singapore
- A **confidential mining client** in an UNCITRAL arbitration against an East African state
- A **US gold mining company** in ICSID arbitration under the CAFTA-DR against El Salvador
- A **Canadian uranium mining company** in arbitration under the Energy Charter Treaty (UNCITRAL Rules) against Mongolia
- An **oil exploration company** in relation to tax matters arising from investments in oil & gas deposits offshore West Africa

Commercial arbitration

- A **leading PRC state-owned enterprise** in a multi-billion dollar SIAC arbitration in relation to an oil & gas joint venture in the North Sea, including commercial fraud claims
- A **leading hotel management company** in an ICC arbitration relating to the termination of contracts to manage a luxury hotel in Dubai
- A **leading hotel management company** in multiple ICC arbitrations arising out of the closure of a luxury hotel in Lebanon, including related litigation in France and the United States
- A **Spanish construction company** in an ICC arbitration in relation to the engineering, procurement and construction of a concentrating solar power plant
- A **Japanese pharmaceutical company** in an ICC arbitration concerning product licensing and commercialization
- A **PRC oil company** in multiple HKIAC arbitrations to compel the completion of a US\$ 350 million acquisition of petrochemical facilities in China
- A **PRC natural resources company** in a CIETAC arbitration relating to a coalbed methane extraction project
- A **CIS airline** in an ICDR arbitration relating to contracts for the procurement and installation of commercial aircraft interior components

Litigation and regulatory investigations

- A **Japanese electronics manufacturer** in a multi-jurisdictional investigation of alleged cartel conduct (USA, Canada, Japan, EU)
- **US victims of terrorism** before the Foreign Claims Settlement Commission seeking damages for injuries suffered in Libyan-sponsored acts of terrorism
- A **leading telecommunications company** in federal litigation to recover civil damages against an LCD screen price-fixing cartel
- An **oil exploration company** in an investigation under the Foreign Corrupt Practices Act concerning allegations of bribery in West Africa
- A **global oil major** in federal litigation (S.D.N.Y.) concerning crude oil quality

Pro Bono

- A **leading human rights organization** to develop policy regarding modern slavery and human trafficking
- **Migrant workers in Hong Kong** to assert tort and employment claims under Hong Kong law, and develop a training manual for pro bono advocates
- Trial skills training to **students in Yangon, Burma**
- An **LGBTQ advocate** from Bosnia in asylum application in the DC area
- A **homeless DC family** challenging denial of shelter in freezing conditions
- **Residents of the DC area** in numerous employment-related claims, as a Public Interest Fellow of the DC Employment Justice Center
- San Francisco **Bay-area residents living with HIV** in public benefits, health care, and end-of-life matters (East Bay Community Law Center clinic student)

SELECTED PUBLICATIONS

- *Case note - Ong v Fedoruk, 2022 ABQB 557, Arbitration Matters* (forthcoming September 2022)
- *Promoting witness honesty in virtual hearings and the lessons to be learned from social science: A conversation with Dr. Ula Cartwright-Finch*, New York Dispute Resolution Lawyer, Vol. 14 No. 2, September 2021
- *A warning shot for investor-state dispute settlement under NAFTA 2.0?*, HSF Notes, August 2017
- *What to watch for as NAFTA (re)negotiators get to work*, HSF Notes, August 2017
- *UK's ratification of ILO Forced Labour Protocol*, HSF Notes, January 2016
- *High Court of Hong Kong requires strong reasons to refuse to enjoin foreign proceedings brought in breach of Hong Kong arbitration clause*, HSF Notes, May 2015
- *Investor's claims against Peru thrown out due to abusive corporate restructuring to acquire treaty rights*, HSF Notes, February 2015
- *PCA-Hong Kong Host Country Agreement anticipates increase in disputes involving States in Asia*, HSF Notes, January 2015
- *NAFTA tribunal considers issues of res judicata and the customary international law minimum standard of treatment*, HSF Notes, November 2014
- *The future of investment agreements: meeting of the World Investment Forum Unclean hands and contributory fault*, HSF Notes, November 2014
- *Unclean hands and contributory fault*, Global Arbitration Review, September 2014 (Subscription required)
- *Revisions to the HKIAC's Model Clauses address uncertainty regarding the law governing arbitration clauses*, HSF Notes, August 2014
- *The largest Arbitration Awards in history: Three majority shareholders in Yukos awarded total damages of over \$50bn from the Russian Federation*, HSF Notes, August 2014

LECTURES AND SPEAKING ENGAGEMENTS

- *Court involvement after the award is rendered: a case study of jurisdictional challenges*, McGill University, 9 March 2022 (with Professor Andrea Bjorklund, McGill University, and Mr. Michael R. Martinez, Marriott International)
- *Panelist on investment arbitration*, Generations in Arbitration Conference, 9 March 2016, Hong Kong SAR
- *Discussant, "Dispute Settlement: Developments regarding Asian States and Asian investors"*, Asia FDI Forum 2015, 5 November 2015, Hong Kong SAR
- *Participant, Young ICCA Soapbox debate on "Transparency in International Commercial Arbitration: The Way of the Future or the Beginning of the End?"*, 13 May 2015, ICCA/HKIAC HK Summit 2015, Hong Kong SAR
- *Discussant, "The Rise of International Disputes"*, 24 March 2015, Managing the Globalization of Sanitation and Water Services, sponsored by the Chinese University of Hong Kong, Hong Kong SAR
- *Panelist on investment treaty arbitration*, Generations in Arbitration Conference, 30 March 2014, Hong Kong SAR

PROFESSIONAL ASSOCIATIONS

- Member, Young Canadian Arbitration Practitioners
- Group Advisor, Young ICCA Mentorship Programme (2018-2020 cycle)
- Member, Young ICCA
- Member, ICC YAF
- Member, HK45