

ANDREA K. BJORKKLUND

University of California, Davis, School of Law
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Experience

ACADEMIC University of California, Davis, School of Law

Professor of Law (2008 – present)

Acting (Untenured) Professor of Law (2003 – 2008)

Courses taught: international arbitration and litigation, international investment disputes, international trade disputes, public international law, international business transactions, conflict of laws, and contracts.

The University of Chicago Law School

Bigelow Teaching Fellow and Lecturer in Law (2001 – 2003)

Courses taught: international dispute resolution (upper-level seminar taught in spring 2003) and legal research and writing (year-long course for first-year students).

LEGAL U.S. Department of State, Office of the Legal Adviser, Washington, D.C.

Attorney-Adviser (1999 – 2001)

Defended the U.S. Government in investor-State arbitrations brought under Chapter Eleven of the NAFTA. Drafted pleadings, memorials, and other submissions to arbitral panels. Coordinated interagency examination and adoption of proposed legal arguments in light of potential policy implications. Monitored Chapter Eleven arbitrations arising from disputes involving Canada and Mexico and drafted submissions on issues of NAFTA interpretation in those cases.

U.S. International Trade Commission, Washington, D.C.

Senior Counsel to Commissioner Thelma J. Askey (1998 – 1999)

Advised the commissioner on legal issues that arose in countervailing duty and antidumping cases. Advocated the commissioner's position to and negotiated resolution of pending cases with other commissioners' aides and ITC staff. Drafted the commissioner's separate views, either concurring with or dissenting from ITC determinations. Reviewed administrative determinations in section 337 cases (unfair import investigations) and recommended appropriate action to the commissioner.

Judge Sam J. Ervin, III, U.S. Court of Appeals for the Fourth Circuit, Morganton, N.C.

Judicial Clerk (1997 – 1998)

Wrote bench memoranda and drafted opinions.

Miller & Chevalier, Chartered, Washington, D.C

Associate (1994 – 1997); *Summer Associate* (Summer 1993)

Researched U.S. and English contract law, drafted portions of memorial, and conducted discovery for an international commercial arbitration before the London Court of International Arbitration. Investigated sovereign immunity, Title VII, and common law employment remedies and drafted portions of briefs on behalf of a sovereign government sued for employment discrimination in the United States. Wrote opinion letters regarding client adherence to the Foreign Corrupt Practices Act. Counseled clients on FCPA compliance and miscellaneous trade and tax issues. Monitored developments in U.S. trade law and analyzed their likely effects on post-Uruguay-Round government agency practice. *Pro bono* work included successful representation of a political asylum applicant and a social security disability applicant.

Public Defender Service, Washington, D.C.

Law Clerk (Summer 1993)

Wrote motions on behalf of clients, including motions to compel discovery, to sever charges, and to suppress admission of tangible evidence. Interviewed clients and devised trial strategy.

Irish Commission for Prisoners Overseas, Dublin, Ireland

Legal Intern (Summer 1992)

Amended draft legislation designed to enable Ireland to ratify a Council of Europe Treaty on the transfer of prisoners in light of constitutional protections in criminal law matters and the independence of the judiciary in a constitutional, parliamentary system of government.

Education

Yale Law School

J.D. (1994)

- *Yale Law Journal*, Senior Editor (1993 – 1994); Editor (1992 – 1993),
- Coker Fellow, Contracts I, Professor James Q. Whitman (Fall 1993)
- Schell Center for International Human Rights, Director of U.N. Project on Internally Displaced Persons (Fall 1992); Research Assistant (1992 – 1993)
- Lowenstein International Human Rights Law Project, Director (1992 – 1993); Member (1991 – 1994)
- Housing and Community Development Clinic, Director (1992 – 1993); Member (Spring 1992)
- Student Funded Fellowships, Co-President (1991 – 1992)
- Haitian Refugee Legal Assistance (political asylum applications) (Spring 1992)

New York University Graduate School of Arts & Sciences

M.A., French Studies (1988)

- Institute of French Studies tuition fellowship and stipend

University of Nebraska, Lincoln

B.A., History & French (1986)

- High Honors
- Phi Beta Kappa
- Four-Year Regents' Scholarship
- New York University in France, Paris (Autumn 1985)
- University of Cambridge, Cambridge, England (Summer 1985)

Publications

BOOKS

PROCEEDINGS OF THE 102ND ANNUAL MEETING OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW: THE POLITICS OF INTERNATIONAL LAW (Andrea K. Bjorklund, Marinn Carlson & Michael P. Scharf eds., 2009).

INVESTMENT DISPUTES UNDER NAFTA: AN ANNOTATED GUIDE TO NAFTA CHAPTER 11 (with Meg Kinnear and John F.G. Hannaford) (2006; FIRST UPDATE 2008; SECOND UPDATE 2009).

INVESTMENT TREATY LAW: CURRENT ISSUES III (Andrea K. Bjorklund, Ian A. Laird & Sergey Ripinsky eds., 2009).

GLOBAL ISSUES IN CONTRACT LAW (2007) (with John A. Spanogle, Jr., Michael P. Malloy, Louis F. Del Duca, & Keith A. Rowley).

**ARTICLES
& BOOK
CHAPTERS**

NAFTA Chapter Eleven, in COMMENTARIES ON SELECTED MODEL INVESTMENT TREATIES (Chester Brown & Devashish Krishan eds., Oxford University Press, *forthcoming* 2011).

The participation of sub-national government units as amici curiae in international investment disputes, in EVOLUTION IN INVESTMENT TREATY LAW AND ARBITRATION 298 (Chester Brown & Kate Miles eds., Cambridge University Press, *forthcoming* 2011).

Beyond Fragmentation, in NEW DIRECTIONS IN INTERNATIONAL ECONOMIC LAW – IN MEMORIAM THOMAS WÄLDE, (Brill Publishing, *forthcoming* 2011) (with Sophie Nappert).

Improving the International Investment Law and Policy Regime: Report of the Rapporteur, in THE EVOLVING INTERNATIONAL INVESTMENT REGIME: EXPECTATIONS, REALITIES, OPTIONS (José E. Alvarez, Karl P. Sauvant & Kamil G. Ahmed eds., Oxford University Press, 2011).

Articles 25 – 29, in CISG – THE UN CONVENTION ON THE INTERNATIONAL SALE OF GOODS (Stefan Kröll, Loukas Mistelis & Pilar Perales Viscasillas eds., Verlag C.H. Beck, 2011).

Sovereign Immunity as a Barrier to the Enforcement of Investor-State Arbitral Awards: The Re-politicization of International Investment Disputes, 21 AM. REV. INT’L ARB. 211 (2010).

The Necessity of Sustainable Development?, in SUSTAINABLE DEVELOPMENT IN WORLD INVESTMENT LAW (Marie-Claire Cordonnier Seger, Markus Gehring & Andrew Newcombe eds., Kluwer Law International, 2010).

The Promise and Peril of Precedent: The Case of Amici Curiae, in ASA BULLETIN Special Series No. 34, at 165 (Anne K. Hoffmann ed., May 2010).

The Standard of National Treatment, in ARBITRATION UNDER INTERNATIONAL INVESTMENT AGREEMENTS: AN ANALYSIS OF THE KEY JURISDICTIONAL, SUBSTANTIVE & PROCEDURAL ISSUES (Katia Yannaca-Small ed., 2010).

State Immunity and the Enforcement of Investor-State Arbitral Awards, in INTERNATIONAL INVESTMENT LAW FOR THE TWENTY-FIRST CENTURY: ESSAYS IN HONOUR OF CHRISTOPH SCHREUER 302 (Christina Binder, Ursula Kriebaum, August Reinisch & Stephan Wittich eds., 2009).

Causation, Morality, and Quantum, 32 SUFFOLK TRANSNAT’L L. REV 435 (2009).

The Emerging Civilization of Investment Arbitration, 113 PENN STATE L. REV. 1269 (2009).

Economic Security Defenses in International Investment Law, 2008/2009 INTERNATIONAL INVESTMENT LAW & POLICY YEARBOOK 479 (2009).

National Treatment, in STANDARDS OF INVESTMENT PROTECTION 29 (August Reinisch ed., 2008).

Emergency Exceptions: State of Necessity and Force Majeure, in OXFORD HANDBOOK OF INTERNATIONAL INVESTMENT LAW 459 (Peter Muchlinski, Federico Ortino & Christoph Schreuer eds., 2008).

Investment Treaty Arbitral Decisions as Jurisprudence Constante, in INTERNATIONAL ECONOMIC LAW: THE STATE AND FUTURE OF THE DISCIPLINE 265 (Colin Picker, Isabella Bunn & Douglas Arner eds., 2008).

Mandatory Rules of Law and Investment Arbitration, 18 AM. REV. INT'L ARB. 175 (2007).

Private Rights v. Public International Law: Why Competition Among International Courts and Tribunals Is Not Working, 59 HASTINGS L. J. 241 (2007).

Reconciling State Sovereignty and Investor Protection in Denial of Justice Claims, 45 VA. J. INT'L L. 809 (2005).

The Continuing Appeal of Annulment: Lessons from Amco Asia and CME, in INTERNATIONAL INVESTMENT LAW AND ARBITRATION: LEADING CASES FROM THE ICSID, NAFTA, BILATERAL TREATIES, AND CUSTOMARY INTERNATIONAL LAW 471 (Todd Weiler ed., 2005).

Waiver and the Exhaustion of Local Remedies Rule in NAFTA Jurisprudence, in NAFTA INVESTMENT LAW AND ARBITRATION: PAST ISSUES, CURRENT PRACTICE, FUTURE PROSPECTS 253 (Todd Weiler ed., 2004).

Contract Without Privity: Sovereign Offer and Investor Acceptance, 2 U. CHI. J. INT'L L. 183 (2001).

A Comparison of the Inter-American Convention Against Corruption and the U.S. Foreign Corrupt Practices Act, 38 VA. J. INT'L L. 243 (1998) (with Lucinda A. Low & Kathryn Cameron Atkinson).

**BOOK
REVIEW**

101 AM. J. INT'L L. 524 (2007) (reviewing CONSTANZE SCHULTE, COMPLIANCE WITH DECISIONS OF THE INTERNATIONAL COURT OF JUSTICE (2004)).

OTHER

Ecuador Moves to stay Arbitration Brought by Chevron, Kluwer Arbitration Blog (Feb. 18, 2010).

ICSID Tribunal Finds Tanzania to Have Violated Bilateral Investment Treaty But Declines to Award Any Damages, 12:27 ASIL INSIGHTS (Dec. 31, 2008).

Panel Discussion: Is There a Need for the Necessity Defense for Investment Law?, in INVESTMENT TREATY ARBITRATION AND INTERNATIONAL LAW (T.J. Grierson Weiler ed. 2008).

Damages in International Arbitration: Strategies, Techniques & Presentation, Institute for Transnational Arbitration Workshop, Act II, 2 WORLD ARB. & MEDIATION REV. 67 (2008).

Introduction: Recent Developments in NAFTA and CAFTA, 5 SANTA CLARA J. INT'L L. 390 (2007).

Introduction: Reform of the Centre for International Investment Disputes, in INTERNATIONAL INSTITUTIONAL REFORM: PROCEEDINGS OF THE SEVENTH HAGUE JOINT CONFERENCE HELD IN THE HAGUE, THE NETHERLANDS 30 JUNE – 2 JULY 2005, at 274 (Agata Fijalkowski ed., re-issued edition 2007).

Foreword, Symposium: Romancing the Foreign Investor, BIT by BIT, 12 U.C. DAVIS J. INT'L L. & POL'Y 1 (2005).

NAFTA Chapter Eleven: Waste Management II: Case Comment, 1:4 TRANSNAT'L DISP. MGMT. (October 2004).

International Commercial Dispute Resolution, 37 INT'L LAW. 445 (Summer 2003) (with William W. Park and Jack J. Coe, Jr.).

International Commercial Dispute Resolution 36 INT'L LAW. 401 (Summer 2002) (with Marc Goldstein).

The Participation of Amici Curiae in NAFTA Chapter Eleven Cases (March 2002), at <http://www.dfait-maeci.gc.ca/tna-nac/participate-en.asp>.

Casenotes: The United Mexican States v. Metalclad Corp., 30 INT'L L. NEWS 23 (Summer 2001).

Protecting Against Risk in International Business Transactions: Why Your Domestic Contract Won't Do, CORP. COUNS. INT'L ADVISER, August 1, 1998, No. 159, at 2 (with Lucinda A. Low and Amy L. Rothstein).

A Trap for the Unwary: How Illegal Exports of Technology Can Occur When Information is Shared with Foreign Nationals in the United States, MD. BAR J., May/June 1997, at 38 (with William M. McGlone).

**WORKS IN
PROGRESS**

Are Foreign States People, Too? When Foreign States Should be Treated as Persons Entitled to Due Process Under the U.S. Constitution

The Influence of NAFTA Chapter 11 on International Environmental Protection

Different Forms of Soft-Law Instruments and Their Advantages and Disadvantages

Practical and Legal Avenues to Make the Substantive Rules and Disciplines of IIAs Converge

Regional Approaches to International Investment Law: NAFTA

Presentations

2011 *Lessons from AT&T v. Concepción & Stolt-Nielsen S.A. v. AnimalFeeds Int'l Corp.*
U.C. Davis Summer Supreme Court Seminars, Davis, CA (May)

Transparency in International Arbitration
International Arbitration Seminars, Morrison & Foerster, San Francisco, CA (May)

The Public Interest in Investment Arbitration
Stanford Law School Conference on International Arbitration, Stanford, California (April)

Ripple Effect: California's Ban on Foreign Lawyers in Arbitration Proceedings
Second Annual ICC Asia Pacific Conference, Hong Kong (April)

The Role of International Tribunals in Managing Coherence and Diversity in International Law

American Society of International Law Annual Meeting, Washington, DC (March)

Different Forms of Soft-Law Instruments and Their Advantages and Disadvantages

Meeting of ILA Study Group on the Role of Soft Law Instruments in International Investment Law, University of Vienna, Vienna, Austria (March)

Transparency, Precedent, and Ethics: Some Unanticipated Consequences

International Arbitration Speaker Series, McGill University, Montreal, Canada (January)

Roundtable Discussion of Scholarship, David Caron & José Alvarez, presenters

Institute for Transnational Arbitration, Academic Council Retreat, Pepperdine University, Malibu, California (January) (Moderator)

2010

Essential Security/Emergency Measures in Investment Arbitration

Bilateral Investment Treaty Arbitration: Problems and Proposals, Workshop Preceding FDI Moot, Straus Institute for Dispute Resolution, Pepperdine University, Malibu, California (October)

Different Forms of Soft Law Instruments and Their Advantages and Disadvantages

De Iure Humanitatis: Peace, Justice and International Law, 74th Conference of the International Law Association, The Hague, The Netherlands (August)

Some Problems Surrounding Transparency

Brown-Bag Lunch Talk, International Centre for Settlement of Investment Disputes (ICSID), Washington, DC (May)

Argentine Impasse: Enforcing Awards Against State Parties

2010 Arbitration and National Courts: Conflict and Cooperation, Conference hosted by the Permanent Court of Arbitration, The Houston International Arbitration Club, and the University of Texas School of Law, Houston, TX (May)

The Benefits and Drawbacks of Transparency in International Investment Arbitration

Vanguard Themes in Investment Arbitration, First Conference on International Arbitration: The Vision of Investment Arbitration in the Twenty-First Century, Instituto Tecnológico y Estudios Superiores de Monterrey, Monterrey, Mexico (April)

The Changing Landscape of Arbitration: Creating a Model Syllabus for Investment Arbitration

Legal Educators' Colloquium, American Bar Association Section on Dispute Resolution Spring Meeting, San Francisco, California (April)

Corporations as Plaintiffs Under Bilateral Investment Treaties

Corporations and International Law, Santa Clara Journal of International Law Symposium, Santa Clara, California (March) (Paper Commentator)

The Role of Sub-National Government Units in International Investment Law

International Investment Treaty Law and Arbitration Conference, Sydney Law School, Sydney, Australia (February)

- Plenary Session: Directions in Investment Treaty Practice*
International Investment Treaty Law and Arbitration Conference, Sydney Law School, Sydney, Australia (Panel Chair) (February)
- Transparency, Ethics, and Best Practices*
Riesefeld Symposium, University of California, Berkeley, School of Law, Berkeley, California (February)
- 2009
- NAFTA Chapter 11 and the Environment*
15 Years of NAFTA Chapter 11, Joint Conference of McGill University and the International Arbitration Institute, Montréal, Canada (September)
- What Does a Self-Judging Essential Security Clause Mean for the Rule of International Investment Law?*
Preventing and Managing Conflict in Energy and Other Natural Resource Investment Relations, Columbia University, New York, New York (May)
- When is Environmental Protection a Taking Under International Law? Regulatory Expropriation, Investment Treaty Arbitration and Natural Resources Disputes*
ABA Section of International Law Spring Meeting, Washington, District of Columbia (April)
- State Immunity and the Enforcement of Investor-State Arbitral Awards*
University of Georgia Law School International Law Colloquium, Athens, Georgia (March)
- Lessons from International and Domestic Conflict Resolution: The New Face of Arbitration*
U.C. Davis Journal of International Law and Policy Symposium: Overhauling International Dispute Resolution, Davis, California (March)
- Recent Developments in NAFTA*
International Law Weekend – West, Salem, Oregon (March)
- Experience of States and Investors' Counsel*
The EU Point of View on NAFTA
First Debate on NAFTA, 15 Years Later: Experiences and Future, Universidad Iberoamericano, Mexico City, Mexico (February)
- State Immunity and the Enforcement of Investor-State Arbitral Awards*
American Society of International Law, Section on International Economic Law Interest Group, 2009 Research Colloquium, Los Angeles, California (February)
- 2008
- The State of the State of Necessity in International Investment Law*
The ICSID Convention and the Settlement of Disputes in Economic Emergencies, International Law Association Biennial Meeting, Rio de Janeiro, Brazil (August)
- Enforcement of Arbitral Awards against States: Sovereignty's Last Redoubt?*
Comparative Business Regulation, Southeastern Association of Law Schools Annual Meeting, Palm Beach, Florida (July)
- The Necessity of Sustainable Development?*
Sustainable Development in World Investment Law: An International Legal Experts' Seminar, the Lauterpacht Centre for International Law, Cambridge, England (July)

Damages in International Arbitration: Strategies, Techniques & Presentation
19th Annual Institute for Transnational Arbitration Workshop, Dallas, Texas (Conference Co-Chair and Panel Moderator) (June)

Arbitral Awards as Jurisprudence Constante
Law & Society Annual Meeting, Montréal, Québec, Canada (May)

Arbitral Awards as de Facto Precedent
Legal Theory Workshop, University of Oregon, Eugene, Oregon (April)

Restating the U.S. Law of International Commercial Arbitration
American Society of International Law Annual Meeting, Washington, D.C. (Panel Moderator) (April)

Arbitral Awards as de Facto Precedent
Conference on Protection of Foreign Investments through Modern Treaty Arbitration: Diversity and Harmonisation, Swiss Invest Forum, Zurich, Switzerland (March)

Arbitrating Contract Disputes
Fourth International Conference on Contracts McGeorge School of Law, Sacramento, California (February)

Investment Treaty Arbitral Decisions as Jurisprudence Constante
George Washington University International Law Colloquium, Washington, D.C. (January)

2007 *Recent Issues Concerning International Investment Disputes Settlement and Trends of Arbitration Rules adopted by Commercial Arbitration Institutes*
Third International Conference of the Research Center for International Litigation & Arbitration, Hanyang University, Seoul, Korea (November)

Second Annual Columbia International Investment Conference
Columbia Program on International Investment, New York, New York (Conference Rapporteur) (October)

National Treatment in International Investment Law
Conference on Standards of Investment Protection, University of Vienna, Austria (September)

The Emerging Jurisprudence of International Investment Law
9th Investment Treaty Forum Public Conference, The British Institute for International and Comparative Law, London, England (September) (Conference Co-Host and Panel Moderator).

Private Rights & Public International Law
International Trade Works-in-Progress Panel, Conference on International Law: What is Wrong with the Way We Teach and Write International Law?, American Society of International Law/Association of America Law Schools Joint Conference, Vancouver, British Columbia (June)

Mandatory Rules of Law in International Investment Arbitration
Colloquium on Mandatory Rules of Law in International Arbitration, Columbia Law School, New York, New York (June)

Debating the Necessity of a Necessity Defense for Investment Law

Investment Treaty Arbitration: A Debate and Discussion, Juris Conferences, Washington, District of Columbia (May)

Adjudicatory Competition in International Economic Law
Golden Gate University School of Law, 17th Annual Fulbright Symposium and ASIL Regional Meeting, San Francisco, California (April)

Adjudicatory Competition in International Economic Law
Columbia Program on International Investment, Foreign Investment & Globalization Speakers' Series, Columbia Law School, New York, New York (March)

Adjudicatory Competition in International Economic Law
Thursday Lecture Series, University of Dundee, Scotland (March)

The Evolution of Colonialism in a Global Economy
U.C. Davis Journal of International Law and Policy Symposium, Davis, California (Panel Moderator; Closing Commentator) (March 2007)

Reconciling State Sovereignty and Investor Protection in Denial of Justice Claims
Friday Lunchtime Lecture, Lauterpacht Centre for International Law, University of Cambridge, England (February)

Recent Developments in NAFTA and CAFTA
International Law Weekend – West, International Law Association, Santa Clara, California (Panel Moderator) (February)

The Future of Investment Agreements?
Investment Arbitration: Lessons from Practice: A Discussion among Experts, Boalt Hall School of Law, University of California, Berkeley (January)

2006

International Investment Treaty Arbitration as Jurisprudence Constante
International Economic Law: The State and Future of the Discipline, American Society of International Law International Economic Law Interest Group, Bretton Woods, New Hampshire (November)

Emergency Exceptions to International Obligations in the Realm of Foreign Investment, Open Meeting of the International Law on Foreign Investment Committee, International Law Association Biennial Meeting, Toronto, Ontario (June)

Most-Favored Nation Clauses in Investment Treaties, Dispute Settlement in International Trade and Investment Law, International Law Association Biennial Meeting, Toronto, Ontario (June)

Investment Arbitration as De Facto Precedent: Is There a Need for Greater Consistency?
A Just World Under Law, Golden Gate University Fulbright Symposium and ASIL Regional Meeting, San Francisco, California (April)

Family Planning and AIDS Policies in the International Community, U.C. Davis Journal of International Law and Policy Symposium, Davis, California (Closing Commentator) (March)

Integrating Transnational Legal Perspectives Into the First Year Curriculum: Contracts, AALS Annual Meeting, Washington, District of Columbia (January)

- 2005
- The Impact of Philippe Sands' LAWLESS WORLD on International Investment Law*
Colloquium on LAWLESS WORLD, Berkeley Journal of International Law, University of California, Berkeley (October)
- Globalizing the Law School Curriculum*
Conference Hosted by McGeorge School of Law, Squaw Valley, California (Rapporteur for Contracts Break-Out Session) (August)
- ICSID and Other Investment Arbitration Tribunals: Is There a Need for Judicial Oversight or Other Reform?*
Hague Joint Conference on Contemporary Issues of International Law, The Hague, The Netherlands (Panel Moderator) (June)
- Investment Arbitration: Evolution or Revolution?*
Book Launch and Symposium for INTERNATIONAL INVESTMENT LAW & ARBITRATION: LEADING CASES FROM THE ICSID, NAFTA, BILATERAL TREATIES, AND CUSTOMARY INTERNATIONAL LAW, The Hague, The Netherlands (June)
- Reconciling State Sovereignty and Investor Protection in Denial of Justice Claims*
Faculty Workshop, University of California, Davis, King Hall School of Law (April)
- Systemic Responses to the Challenge of Transparency and Amicus Curiae Participation*
Arbitration and the Involvement of Non-Parties: Transparency, Intervention, and Appeal, Conference Hosted by the Institute for Transnational Arbitration & American Society for International Law, Washington, District of Columbia (March)
- Romancing the Foreign Investor, BIT by BIT*
U.C. Davis Journal of International Law and Policy Symposium, Davis, California (Closing Commentator) (March)
- Denial of Justice, Sovereignty, and Sequential Review*
International Legal Scholarship Roundtable, University of California, Berkeley (January)
- 2004
- Seven Unresolved Issues in NAFTA Chapter Eleven*
NAFTA Chapter Eleven Program, International Law Weekend, International Law Association, New York, New York (October)
- Arbitration in the United States*
Presentation to the California Dried Fruit & Nut Association, Davis, California (September)
- Waiver and the Exhaustion of Local Remedies in International Law: The NAFTA Cases*
Intensive Course on Investor-State Dispute Settlement, sponsored by the Organization of American States, the Colombian Ministry of Commerce, Industry and Tourism, and the Bank of the Republic, Bogotá, Colombia (April)
- Reform of the Federal Arbitration Act*
American Bar Association, Section of International Law and Practice Meeting, New York, New York (Panel Moderator) (April)
- Waiver and the Exhaustion of Local Remedies Rule in NAFTA Jurisprudence*
Book Launch Conference at American University, Washington College of Law, for NAFTA: INVESTMENT LAW AND ARBITRATION: PAST ISSUES, CURRENT PRACTICE, FUTURE PROSPECTS, Washington, D.C. (March)

- Rethinking Reconstruction After Iraq*
U.C. Davis Journal of International Law and Policy Symposium, Davis, California (Panel Moderator) (March)
- New Frontiers in Intersystemic Adjudication: At Home and Abroad*
Hot Topics Program at Association of American Law Schools Annual Meeting, Atlanta, Georgia (January)
- 2003 *The Government's Perspective on Litigating NAFTA Chapter Eleven Cases*
California State Bar Association Meeting, Anaheim, California (September)
- NAFTA at Ten: Where Have We Been and Where Are We Going?*
American Bar Association Annual Meeting, San Francisco, California (Panel Moderator) (August)
- 2002 *Denials of Justice under International Law*
University of Chicago Law School Faculty Works-in-Progress Series, Chicago, Illinois (August)
- Early Years of NAFTA Investment Arbitration – Good, Bad, or Both?*
Roundtable Participant, Canadian-American Research Centre for Law and Policy, University of Windsor, Ontario (March)
- 2001 *Moderating the Rhetoric: A Balanced View of NAFTA Chapter Eleven,*
United States – Canada Trade Conference, Boston Bar Association, Boston, Massachusetts (May)
- Private Party Participation in Dispute Resolution Under NAFTA Chapter Eleven, The Practice of International Law in the 21st Century: It's Everybody's Business,* Conference of the Canadian Bar Association, International Section, Ottawa, Ontario (May)
- Leadership Development for Law Students, Symposium on Promoting Regional Leadership and Cooperation in the 21st Century*
Ron Brown Fellowship Program, Institute for International Education, Washington, D.C. (Discussion Moderator) (April)

Selected Consulting

Canacar v. United States

(May 2009 – September 2009)

Serve as consulting expert in a dispute between Mexican investors and the United States regarding access to the U.S. market by the Mexican trucking industry

Federal Trustee in Bankruptcy, Phoenix, Arizona

(Spring 2005)

Served as expert on service of process under the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

Government of Canada

(Spring 2002)

Prepared consultation materials concerning Chapter Eleven procedures as part of working

group of experts on issues raised in investor-State dispute settlement, including NAFTA Chapter Eleven and WTO cases.

Selected Activities

American Society of International Law

- Member, Executive Council (2009 – present)
- Co-Chairman, ASIL West (2009 – present)
- Member, Executive Committee (2009 – 2010)
- Co-Chairman, 2008 Annual Meeting (The Politics of International Law)

American Law Institute

- Adviser, U.S. Law on International Commercial Arbitration Project (2009 – present)
- Member (2010 – present)

Institute for Transnational Arbitration

- Vice-Chairman, Academic Council (2009 – present)
- Member, Academic Council (2008 – present)
- Program Co-Chairman, 2008 ITA Workshop (Damages in International Arbitration)

International Law Association

- Co-Rapporteur, Study Group on the Role of Soft-Law Instruments in International Investment Law (2008 – present)
- Member, Committee on the Law of Foreign Investment (2004 – 2008)
- Member, Planning Committee – International Law Weekend West (2007)

Vale Columbia Center on Sustainable International Investment

- Director, International Investment Syllabus Project (2007 – present)

Yearbook on International Investment Law and Policy, Oxford University Press

- Member, Editorial Board (2009 – present)

Journal of International Dispute Settlement

- Member, Editorial Board (2009 – present)

Investmentclaims.com from Oxford University Press

- Member, Editorial Board (2006 – present)

London Court of International Arbitration

- Member, North American Users' Council (2006 – present)

University of Dundee, Centre of Energy, Petroleum, Mineral Law & Policy

- Honorary Associate (2007 – present)

Transnational Dispute Management

- Associate Editor (2004 – present)

Peer Reviewer

- Cambridge University Press
- Oxford University Press
- Aspen/Kluwer
- Routledge
- Stanford Law Review

University of California, Davis (selected service)

Law School:

Vice Chair, Faculty (2010 – present)

Chair, Educational Policy Committee (2009 – 2010)

Member, Appointments Committee (2008 – 2009)

Member, Admissions Committee (2007 – 2008)

Member, LLM Admissions Committee (2005 – 2006; 2009 - present)

Faculty Adviser, Journal of International Law and Policy (2004 – 2009; 2010 - present)

Greater Campus:

Member, Privilege & Tenure Investigation Committee

Member, Graduate Group in International Commercial Law (2004 – present)

Member, Scholars-at-Risk Committee (2004 – present)

Schwarz/Levi Inn of Court

Academic Member (2003 – present)

Yale Law School Association

Member, Executive Committee & Nominating Committee (1997 – 2000)

American Bar Association, Section of International Law and Practice

Co-Chair, International Commercial Dispute Resolution Committee (2002 – 2003)

Vice-Chair, International Commercial Dispute Resolution Committee (1999 – 2002)

Co-Chair, Committee on Reform of the Federal Arbitration Act (2002 – 2005)

Bar Admissions

U.S. Supreme Court (2001)

U.S. Court of Appeals for the Fourth Circuit (1998)

U.S. District Court for the District of Columbia (1996)

District of Columbia (1995)

Maryland (1994)

Other Experience

The Funding Center, Alexandria, VA

Development Associate (1989 – 1991)

Assisted non-profit organizations by developing and implementing fund-raising strategies and by writing prospectuses directed towards foundations and other prospective funding sources.