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SAMUEL M. FEGTLY PROFESSOR OF LAW  
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## CURRICULUM VITAE

### A. EDUCATION

Stanford Law School, J.S.M. 1970. Thesis topic: "Industrial Encouragement Legislation in Central America: The Costa Rica Experience." (Directed by Professor Thomas Ehrlich)

Stanford Law School, J.D. 1967. (Ford Foundation Int'l Legal Studies Fellowship; Pres., International Law Society; Editorial board and co-founder, *Stanford Journal of Int'l Studies*.)

Harvard College, A.B. 1964, cum laude in Government

### B. EMPLOYMENT

#### ACADEMIC

**August 1993-May 2019:** Samuel M. Fegtly Professor of Law and Director, International Trade and Business Law Program, James E. Rogers College of Law; affiliated faculty, Department of Latin American Studies and Institute for the environment. Teaching responsibilities include or have included International Trade Law; Public International Law; Introduction to the U.S. Legal System; International Investment and Technology Transfer; International Environmental Law; NAFTA/Regional Trade Agreements. Emeritus director of international trade law program; chair or committee member of more than 20 doctoral dissertations at Arizona and elsewhere and supervisor of more than 100 LL.M. dissertations.

**November 2018-Present:** (non-resident) Will Clayton Fellow in Trade and International Economics, Baker Institute of Public Policy (Center for the United States and Mexico), Rice University

**Fall 2015, fall 2016:** Visiting Professor of Law, Georgetown University Law Center; Courses: International Trade Liberalization after Doha; Int'l Business Transactions; Regional Trade Agreements (NAFTA to TPP)

**Fall 2009:** Visiting Professor of Law, American University, Washington College of Law; teaching Advanced International Trade Law and Regional Trade Agreements.

**August 2003 - May 2004: Visiting Professor of Law, George Washington University Law School; teaching International Trade Law, Advanced International Trade Law, NAFTA and other Regional Trade Agreements and International Business Transactions.**

**Summer Teaching: Public International Law: Georgetown University, Florence (2000). International Trade Law: Loyola University Cuernavaca, Mexico (1999); University of San Diego School of Law (1997); Georgetown University Heidelberg Program (1996); Universidad Rafael Landivar, Guatemala City (1995, in Spanish, sponsored by USAID); University of Arizona (1994).**

**Adjunct Teaching: Adjunct Professor of Law, Georgetown University Law Center, 1982-93: International Law II; Comparative International Trade Law; International Negotiations; Lecturer in Law, University of Pennsylvania, 1986: International Trade Law; Visiting Assistant Professor of Law, University of Costa Rica, 1967-69 (U.S.A.I.D. Law Project): Commercial and Corporate Law.**

#### **GOVERNMENT AND PRACTICE**

**1977-1993: Associate and partner in various Washington law firms. Internationally oriented corporate and agency law practice, emphasizing international trade and export sales problems, including United States, European Economic Community and Canadian actions related to dumping, countervailing duties, injury and import relief, unfair competition; customs law; international financing; foreign assets and export controls; planning for foreign direct and portfolio investment in the United States and abroad; illicit payments issues; litigation and arbitration. Admitted to practice before various federal courts and agencies, including the U.S. Supreme Court, the Court of Appeals for the Federal Circuit, the Court of International Trade and the District Court for the District of Columbia.**

**1970-77: Office of the Legal Adviser, U.S. Department State; served variously as Attorney-Adviser or Assistant Legal Adviser for Inter-American Affairs and Assistant Legal Adviser for European Affairs; member of the U.S. Delegation to the Organization of American States; counsel to the U.S. Section, International Boundary and Water Commission, U.S. and Mexico; responsibilities included bilateral and multinational negotiations concerning private business problems, expropriation and issues of public international law; OAS consideration of U.S.-Latin American trade and investment, trade preferences; border environmental matters; codes of conduct for multinational enterprises; foreign assets and export controls; European Community and Eastern European trade and investment.**

**1969-70: Law Clerk to Judge Charles M. Merrill, U.S. Court of Appeals for the Ninth Circuit.**

#### **EXPERIENCE AS AN ARBITRATOR/BINATIONAL PANELIST**

**Arbitrator under NAFTA Chapter 11:**

*Feldman Karpa v. United Mexican States* (2003)

*Vento v. United Mexican States* (2020)

**Member of United States roster of trade experts designated to serve as binational panelists (arbitrators) under Chapter 19 of the U.S. - Canada Free Trade Agreement, 1989-92: New Steel Rails from Canada (Canada v. U.S., chairperson). Member of U.S. Roster under Chapter 19 of the North American Free Trade Agreement, 1994 - 1999, 2002 – 2007; 2013-present. Served as panelist in three cases under NAFTA: Bailer Twine (U.S. v. Canada); Flat Coated Steel Plate (U.S. v. Mexico); Cement (Mexico v. U.S., chairperson.) Served as arbitrator under 1996 U.S. - Canada Softwood Lumber Agreement and NAFTA Chapter 20 (Cross-Border Trucking Services).**

Nominated by United States Government to the “indicative list of governmental and non-governmental panelists,” the standing roster from which WTO dispute settlement panelists are chosen, April 2004.

**C. HONORS AND AWARDS**

**Visiting Fellow, Lauterpacht Centre for International Law, Cambridge University, fall 2014; Fulbright Senior Specialist grant, fall 2013 (for Chile); Global Excellence Award for teaching and training international students, November 2013; Arthur Andrews Distinguished Teaching/Mentoring Award, April 2006; 1967-1969- Ford Foundation (International Legal Center) Latin American Legal Studies Fellowship; 1974- U.S. Department of State Superior Honor Award, for negotiating various claims settlements with the Government of Peru; 1987- Multinational Force and Observer, Certificate of Appreciation, for various legal services relating the peace-keeping mission of the organization; Who's Who in America, Who's Who in American Law; 2004—present, Samuel M. Fegtly professorship.**

**D. SERVICE/OUTREACH**

**International Educational Initiatives Abroad, University of Arizona Subcommittee, Spring 2018**

**Non-Resident Fellow, Baker Institute for Public Policy, Rice University, Houston, TX (February 11, 2017-present)**

**Faculty adviser to the *Arizona Journal of International and Comparative Law* (1994-2017); faculty adviser to the Jessup International Moot Court Competition (1994-1998); faculty adviser to the International Law Society (1993-1998); Faculty adviser to La Raza Law Students Association (1993-94). Principal organizer of two symposia, "NAFTA: Reflections on the First Year and Visions for the Future," February 1995, and “NAFTA and the Expansion of Free Trade: Current Issues and Future Prospects,” February 1997.**

**Principal Organizer of symposium on international and comparative law, April 2005; Member, University Committee on Transfer of Technology, 1995- 1999; Executive Committee for International Affairs, 1995- 2000; Chairperson, College of Law Faculty Workshops Committee, 1996-97, 1998-99; College of Law Appointments Committee, 1999-2000 and 2002-2003, 2006-2007, Chair, 2005-2006; Chair, College of Law Executive Committee, 2001-2002; Business School Dean Review Committee, 2001-2002; University of Kansas School of Law SJD Review Committee, 2006; ASIL International Economic Group Advisory Board, 2008-; Institute for Transnational Arbitration, Academic Council, 2008 -.**

**U.S. Judge, Administrative Tribunal of the Organization of American States, serving 1987- 1995. Member of the American Bar Association, International Law and Practice Section; District of Columbia Bar; Ohio State Bar; Bar of the U.S. Supreme Court; Bar of the Court of International Trade and the Court of Appeals for the Federal Circuit; American Arbitration Association; American Society of Int'l Law.**

#### **E. SELECTED PUBLICATIONS**

##### **BOOKS**

**INTERNATIONAL TRADE LIBERALIZATION AFTER DOHA: MULTILATERAL, PLURILATERAL, REGIONAL AND NATIONAL APPROACHES (Cambridge University Press, 2013)**

**TRADE REMEDIES IN NORTH AMERICA (With Gregory W. Bowman, Nick Covelli & Ihn Ho Uhm, Kluwer Law Int'l, 2010)**

**REGIONAL TRADE AGREEMENTS: LAW, POLICY & PRACTICE (Carolina Academic Press, 2009)**

**NAFTA AND FREE TRADE IN THE AMERICAS: A PROBLEM ORIENTED COURSEBOOK (WITH Ralph Folsom and Michael Gordon, Thomson/West, 2005) [with documents supplement and teachers' manual]**

##### **REFEREED JOURNAL ARTICLES OR BOOK CHAPTERS**

***Canada's Approaches to Investor State Dispute Settlement: Addressing Divergencies among CETA, USMCA, CPTPP and the Canada-China FIPA* " TDM 3 (2020), [www.transnational-dispute-management.com](http://www.transnational-dispute-management.com)  
URL: [www.transnational-dispute-management.com/article.asp?key=2738](http://www.transnational-dispute-management.com/article.asp?key=2738)**

***The USMCA: Carryover Provisions from NAFTA, Mar. 18, 2020, , MEXICO CENTER/BAKER INSTITUTE available at <https://www.bakerinstitute.org/media/files/files/ae234e02/bi-report-031820-mex-usmca-9.pdf>.***

*The USMCA: Updating NAFTA by Drawing on the Trans-Pacific Partnership, Feb. 21, 2020*, MEXICO CENTER/BAKER INSTITUTE, available at <https://www.bakerinstitute.org/media/files/files/ab609023/bi-report-022120-mex-usmca-8.pdf>.

*USMCA Provisions on Intellectual Property, Services, and Digital Trade*, Jan. 17, 2020, MEXICO CENTER/BAKER INSTITUTE, available at <https://www.bakerinstitute.org/media/files/files/2ead146a/bi-report-011720-mex-usmca.pdf>.

*The United States-Mexico-Canada Agreement: Textiles, Apparel, and Agriculture*, Oct. 21, 2019, MEXICO CENTER/BAKER INSTITUTE, available at <https://www.bakerinstitute.org/media/files/files/29e60e2b/bi-report-102119-mex-usmca-6.pdf>

*The United States-Mexico-Canada Agreement: Energy Production and Policies, September 17, 2019*, MEXICO CENTER/BAKER INSTITUTE, available at <https://www.bakerinstitute.org/research/united-states-mexico-canada-agreement-energy-production-and-policies/> and <http://ssrn.com/abstract=3456282>.

*The United States-Mexico-Canada Agreement: Labor Rights and Environmental Protection, June 13, 2019*, MEXICO CENTER/BAKER INSTITUTE, available at [file:///C:/Users/DAVID/Downloads/SSRN-id3404238%20\(2\).pdf](file:///C:/Users/DAVID/Downloads/SSRN-id3404238%20(2).pdf) and <https://www.bakerinstitute.org/research/protecting-labor-rights-and-environment-under-usmca/>.

*The United States-Mexico-Canada Agreement: Settlement of Disputes, May 2019*, MEXICO CENTER/BAKER INSTITUTE, available at <https://www.bakerinstitute.org/media/files/files/d14a5a86/bi-report-050219-mex-usmca-3.pdf> and <http://ssrn.com/abstract=3389420>.

*United States-Mexico Trade Under AMLO*, Mexico Center/Baker Institute, April 2019, available at <https://www.bakerinstitute.org/research/us-mexico-trade-relationship-under-amlo/>; also available at <http://ssrn.com/abstract=3377591>.

*The United States-Mexico-Canada Agreement: Tariffs, Customs, and Rules of Origin, Feb. 21, 2019*, MEXICO CENTER/BAKER INSTITUTE, available at <https://www.bakerinstitute.org/research/united-states-mexico-canada-agreement-tariffs-customs-and-rules-origin/>.

*The United States-Mexico-Canada Agreement, Overview and Analysis, Dec. 11, 2018*, MEXICO CENTER/BAKER INSTITUTE, available at <https://www.bakerinstitute.org/media/files/files/560f9829/bi-report-121118-mex-gantz.pdf>

*Addressing Border Institutions in a NAFTA Renegotiation*, study for the Baker Institute, Mexico Center, 2018

***Renegotiating the EU-UK Trade Relationship: Lessons from NAFTA, in COMPLEXITY'S EMBRACE: THE INTERNATIONAL LAW IMPLICATIONS OF BREXIT 47*** (Oonagh E. Fitzgerald & Eva Lein, eds.) (Waterloo, Canada, CIGI, 2018), also available at <http://ssrn.com/abstract=3057514> or <https://www.cigionline.org/publications/renegotiating-eu-uk-trade-relationship-lessons-nafta-0>.

***Host State Regulatory Flexibility in Defending Investor-State Disputes: The Evolution of U.S. Approaches from NAFTA to the TPP, 50 INT'L LAW. 231*** (2017), available at <http://ssrn.com/abstract=2974428>.

***Investor-State Dispute Settlement in U.S. Law and Practice: The Debate Continues, in SECOND THOUGHTS: INVESTOR-STATE ARBITRATION BETWEEN DEVELOPED DEMOCRACIES 217*** (Armand de Mestral, ed.) (Waterloo, Ontario: CIGI, 2017).

***Introduction to U.S. Free Trade Agreements, 5 BRITISH J. AM. LEGAL STUDIES 299*** (2016)

***TTIP and the Post-Bali World Order*** (with Laura Nielsen), in **INTERNATIONAL ECONOMIC LAW AND GOVERNANCE: ESSAYS IN HONOUR OF MITSUO MATSUSHITA** (Julien Chaisse and Tsai-yu Lin, eds.) (Oxford; Oxford University Press, 2016).

***Challenges for the United States in Negotiating a BIT with China: Reconciling Reciprocal Investment Protection with Policy Concerns, 5 J. Int'l Trade L. 1*** (Shanghai) (2014).

***The Scottish Referendum: Another Major Step Toward Independence?, INT'L TRADE L. REPORTS***, Wolters Kluwer, forthcoming 2015.

***GATT/WTO Rules Governing the Use of Safeguard Measures, Ch. 10, in INTERNATIONAL TRADE LAW AND THE WTO*** (Indira Carr, Shawkat Alam and MD Jahid Hossain Bhuiyan, eds.) (Sydney: Federation Press, 2013)

***Resolution of Investor-State Controversies in Developing Countries, 5 LAW AND DEVELOPMENT REVIEW 83*** (2012), available at [http://www.bepress.com/cgi/viewcontent.cgi?article=1153&context=ldr&z=1354714563&preview\\_mode=1&login=155249](http://www.bepress.com/cgi/viewcontent.cgi?article=1153&context=ldr&z=1354714563&preview_mode=1&login=155249).

***Commentary on Prusa/Teh, Contingent Protection Rules in Regional Trade Agreements, in PREFERENTIAL TRADE AGREEMENTS*** (Petros Mavroidis, ed., Cambridge University Press, 2011).

***Antidumping and Countervailing Duty Law and Practice: The Mexican Experience*** (with Greg Bowman, Nick Covelli and Ihn-Ho Uhm), 5 **GLOBAL TRADE AND CUSTOMS JOURNAL** 267 (2010), also available at SSRN: <http://ssrn.com/abstract=1564462>.

***(R)ice Age: Comments on the Panel Report in Turkey – Measures Affecting the***

*Importation of Rice* (with Simon A.B. Schropp), **THE WTO CASE LAW OF 2007-2007** 145 (H. Horn & P. Mavroidis, eds., Cambridge, 2009)

*Regional Trade Agreements*, in **THE OXFORD HANDBOOK OF INTERNATIONAL TRADE LAW**, Ch. 10, (Daniel Bethlehem, Donald McCrae, Rodney Neufeld & Isabelle Van Damme, eds., Oxford Univ. Press, 2009)

*The United States and Dispute Settlement under the North American Free Trade Agreement: Ambivalence, Frustration and Occasional Defiance*, in **THE SWORD AND THE SCALES: THE UNITED STATES AND INTERNATIONAL COURTS AND TRIBUNALS** (Cesare Romano, ed., Cambridge Univ. Press, 2009).

*The Role of Law and Lawyers in Vietnam's WTO Accession*, in **INTERNATIONAL ECONOMIC LAW – THE STATE & FUTURE OF THE DISCIPLINE** (Colin B. Picker, Isabella Bunn & Douglas Arner, eds.) (Hart Publishing, 2008)

*Contrasting Key Investment Provisions of the NAFTA with the United States - Chile FTA*, in **INVESTMENT LAW AND ARBITRATION: PAST ISSUES, CURRENT PRACTICE, FUTURE PROSPECTS** (TODD WEILER, ED., TRANSNATIONAL PUBL.) (2004)

*Pope & Talbot, Inc. v. Canada* [INT'L DECISIONS], **97 AM. J. INT'L L.** 937 (2003)

*Article 303, PROSEC and the New Maquiladora Regime in Mexico*, in **THE AUTO PACT: INVESTMENT, LABOUR AND THE WTO** 137 (Maureen Irish, ed., Wolters Kluwer, 2004)

*Government-to-Government Dispute Resolution under NAFTA's Chapter 20: A Commentary on the Process*, **11 AM. REV. INT'L ARB.** 481 (2002)

*Reconciling Environmental Protection and Investor Rights under Chapter 11 of NAFTA*, **31 ENVTL. L. REP. (ENVTL. L. INST.)** 10646 (2001)

*Export and Import Laws and Regulations* in **II UNITED STATES LAW OF TRADE AND INVESTMENT** 18-1 (BORIS KOZOLCHYK & JOHN F. MOLLOY, EDS., 2001)

*Dispute Resolution Under the North American Free Trade Agreement*, **9 J. AM.-CAN. STUDIES** 13 [KOREA] (2000).

*Introdução ao North American Free Trade Agreement*, in **Contratos Internacionais e Direito Econômico no MERCOSUL** 273 (PAULO BORBA CASELLA, ED., 1996).

*Revisión Judicial de las Demandas Administrativas Relativas al Comercio en Los Tribunales de los Estados Unidos*, in **PRACTICAS DESLEALES DE COMERCIO** 179 (1995). ("JUDICIAL REVIEW IN UNITED STATES COURTS OF ADMINISTRATIVE ACTIONS RELATING TO TRADE")

*Solución de controversias según el Tratado de Libre Comercio de América del Norte [RESOLUTION OF CONTROVERSIES UNDER NAFTA], IN LA SOLUCIÓN DE CONTROVERSIAS EN EL HEMISPHERICO 21 (CÁMARA DE COMERCIO DE BOGOTÁ, EDS., 1997)*

*Implications of Free Trade Agreements for Investment in the Caribbean Basin, 48 INT'L FISCAL ASSN. BULLETIN 211 (MAY 1994).*

*Principal Features of the North American Free Trade Agreement in TOWARD SEAMLESS BORDERS: MAKING FREE TRADE WORK IN THE AMERICAS 34 (B. KOZOLCHYK, ED., 1993).*

*Maximizing the Regional Benefits of North American Economic Integration: Rules of Origin Under the NAFTA, in TOWARD SEAMLESS BORDERS: MAKING FREE TRADE WORK IN THE AMERICAS 524 (B. KOZOLCHYK, ED., 1993).*

*The Marcona Settlement: New Forms of Negotiation and Compensation for Nationalized Property, 71 AM. J. INT. L. 474 (1977)*

*The U.S.-Peruvian Claims Agreement of February 19, 1974, 10 INT'L L. 389 (1976)*

*United States Approaches to the Salinity Problem on the Colorado River, 12 NAT. RESOURCES J. 496 (1972)*

*Uniform Tax Incentives Legislation in Central America, 4 INT'L L. 467 (1970)*

#### OTHER JOURNAL ARTICLES AND BOOK CHAPTERS

*WTO Case Review 2017 (with Raj Bhala, Shannon B. Keating, & Eric Witmer), 36 ARIZONA J. INT'L & COMP. L. 253 (2019) available at <http://ssrn.com/abstract=3389433>.*

*Renegotiating NAFTA: Risks and Rewards of Reopening the North American Trade Relationship, 33 MARYLAND J. INT'L L. 23 (2018), available at <http://ssrn.com/abstract=3141568>.*

*The CETA Ratification Saga: the Demise of ISDS in EU Trade Agreements?, 49 LOYOLA UNIV. CHICAGO L. REV. 361 (2017), available also at <http://ssrn.com/abstract=2974439>.*

*The Spaghetti Bowl Revisited: Coexistence of Regional Trade Agreements such as NAFTA with the Transpacific Partnership, 48 GEORGETOWN J. INT'L L. 557 (2017)*

*WTO Case Review 2016, (with Raj Bhala, Shannon B. Keating, & Bruno Germain Simões), 34 ARIZONA J. INT'L & COMP. L. 281 (2017)*

*WTO Case Review 2015, (with Raj Bhala, Shannon B. Keating, & Bruno Germain Simões), 33 ARIZONA J. INT'L & COMP. L. 505 (2016)*



*The TPP and RCEP: Mega-Trade Agreements for the Pacific Rim*, 33 ARIZONA J. INT'L & COMP. L. 57 (2016)

*WTO Case Review 2013* (with Raj Bhala, Shannon B. Keating & Bruno G. Simoes), 31 ARIZONA J. INT'L & COMP. L. 475 (2014).

*Challenges for the United States in Negotiating a BIT with China: Reconciling Reciprocal Investment Protection with Policy Concerns*, 31 ARIZONA J. INT'L & COMP. L. 203 (2014), also available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2383919](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2383919).

*World Trade Law after Doha: Multilateral, Regional and National Approaches*, Denv. J. Int'l L. & Pol'y 321 (2012), also available at <http://ssrn.com/abstract=1984777>.

*WTO Case Review 2012* (with Raj Bhala), 30 ARIZONA J. INT'L & COMP. L. 207 (2013)

*WTO Case Review 2011* (with Raj Bhala), 29 ARIZONA J. INT'L & COMP. L. \_\_\_\_ (2012), available at <http://ssrn.com/abstract=2065594>.

*WTO Case Review 2010* (with Raj Bhala), 28 ARIZONA J. INT'L & COMP. L. 325 (2011), also available at <http://ssrn.com/abstract=1959898>.

*Labor Rights and Environmental Protection under NAFTA and Other U.S. Free Trade Agreements*, 42 U. MIAMI INTER-AM. L. REV. 297 (2011), also available at <http://ssrn.com/abstract=1791839>.

*Disputes Related to Healthcare Across National Boundaries: The Potential for Arbitration* (with Deth Sao & Amar Gupta), 42 GEO. WASH. INT'L L. REV. 475 (2011), also available at <http://ssrn.com/abstract=1772984>.

*Polyethylene Retail Carrier Bags: Non-Market Economy Status and U.S. Unfair Trade Actions against Vietnam*, 36 N.C.J. INT'L L. & COM. REG. 85 (2010), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1519961](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1519961).

*WTO Case Review 2009* (with Raj Bhala), 27 ARIZONA J. INT'L & COMP. L. 113 (2010), available at <http://ssrn.com/abstract=1647878> or <http://www.ajicl.org/AJICL2010/4.27.1WTO%20Review.pdf>.

*WTO Case Review 2008* (with Raj Bhala), 26 ARIZONA J. INT'L & COMP. L. 113 (2009), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1378302](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1378302)

*The "Bipartisan Trade Deal," Trade Promotion Authority and the Future of U.S. Free Trade Agreements*, XXVIII ST. LOUIS U. PUBL. L.R. 115 (2009)

*WTO Case Review 2007* (with Raj Bhala), 25 ARIZONA J. INT'L & COMP. L. 75 (2008).

*VBTA and WTO Accession: The Role of Lawyers in Vietnam's No Longer Cautious Embrace of Globalization*, 41 INT'L LAW. 873 (2007).

*WTO Case Review 2006* (with Raj Bhala), 24 ARIZONA J. INT'L & COMP. L. 299 (2007).

*Settlement of Disputes Under the Central American – Dominican Republic – United States Free Trade Agreement*, 30 B.C. INT'L & COMP. L. REV. 331 (2007).

*International Legal Development: The Complex Problem of Customs Law and Administrative Reform in Central America*, 12 SOUTHWESTERN J. LAW & TRADE IN THE AMERICAS 215 (2006).

*WTO Case Review 2005* (with Raj Bhala), 23 ARIZONA J. INT'L & COMP. L. 107 (2006).

*An Appellate Mechanism for Review of Arbitral Decisions in Investor-State Disputes: Prospects and Challenges*, 39 VANDERBILT J. TRANSNAT'L L. 39 (2006)

*WTO Case Review 2004* (with Raj Bhala), 22 ARIZONA J. INT'L & COMP. L. 99 (2005)

*The Free Trade Area of the Americas: An Idea Whose Time has Come—and Gone?*, 1 Loyola Int'l L. Rev 179 (2004)

*The Evolution of U.S. Views on Investment Protection: From NAFTA to the United States Chile Free Trade Agreement*, 19 AM. U. INT'L L. REV. 679 (2004)

*WTO Case Review 2003* (with Raj Bhala), 21 ARIZONA J. INT'L & COMP. L. 317 (2004)

*WTO Case Review 2002* (with Raj Bhala), 20 ARIZONA J. INT'L & COMP. L. 144 (2003)

*WTO Case Review 2001* (with Raj Bhala), 19 ARIZONA J. INT'L & COMP. L. 457 (2002)

*Some Comments on NAFTA's Chapter 11*, 42 S. TEX. L. REV. 1285 (2001)

*New Challenges for the Maquiladoras: Legal and Policy Implications of NAFTA Article 303 for United States - Mexico Trade*, 30 DENVER J. INT'L L. & POL'Y 1 (2001)

*Potential Conflicts between Investor Rights and Environmental Regulation under NAFTA's Chapter 11*, 33 GEO. WASH. INT'L L. REV. 651 (2001).

*WTO Case Review 2000* (with Raj Bhala), 18 ARIZONA J. INT'L & COMP. L. 1 (2001).

*Failed Efforts to Initiate the 'Millennium Round' in Seattle: Lessons for Future World Trade Negotiations*, 17 ARIZONA J. INT'L & COMP. L. 349 (2000).

*International Legal Protection of Wild Fauna and Flora*, by P. van Heijnsbergen, 94 A.J.I.L. 224 (2000) (Book Review).

*Lessons from the United States - Japan Semiconductor Dispute*," 16 ARIZONA J. INT'L & COMP. L. 91 (1999).

*Dispute Settlement Under the NAFTA and the WTO: Choice of Forum Opportunities and Risks for the NAFTA Parties*, 14 AM. UNIV. INT'L L. J. 1025 (1999)

*Globalizing Sanctions against Foreign Bribery: The Emergence of a New International Legal Consensus*, 18 NORTHWESTERN J. INT'L L. & BUSINESS 457 (1998)

*Resolution of Trade Disputes under NAFTA's Chapter 19: The Lessons of Extending the Binational Panel Process to Mexico*, 29 LAW & POLICY IN INT'L BUSINESS 297 (1998)

*The United States and the Expansion of Western Hemisphere Free Trade: Participant or Observer?*, 14 ARIZONA J. INT'L & COMP. L. 381 (1997)

*The Foreign Corrupt Practices Act: Professional and Ethical Challenges for Lawyers*, 14 ARIZONA J. INT'L & COMP. L. 97 (1997) and INTERNATIONAL QUARTERLY (Business Laws, Inc., Oct. 1998).

*The North American Development Bank and the Border Environment Cooperation Commission; A New Approach to Pollution Abatement Along the United States- Mexican Border*, 27 LAW & POLICY IN INT'L BUSINESS 1027 (1996)

*Implementing the NAFTA Rules of Origin: Are the Parties Helping or Hurting Free Trade?* 12 ARIZONA J. INT'L & COMP. L. 367 (1995)

*A Post-Uruguay Round Introduction to International Trade Law in the United States*," 12 ARIZONA J. INT'L & COMP. L. 1 (1995)

*Resolution of Investment Disputes under the North American Free Trade Agreement*, 10 ARIZONA J. INT'L. & COMP. L. 335 (1993).

*Industrial Encouragement Legislation in Central America: The Costa Rica Experience*," 6 STANFORD J. INT'L. STUDIES 188 (1971)

#### WORKS IN PROGRESS

**AN INTRODUCTION TO THE UNITED STATES-MEXICO-CANADA AGREEMENT: UNDERSTANDING THE NEW NAFTA**, Edward Elgar Publishers (summer 2020).

*The Impact on the Demise of WTO Dispute Settlement on State-to -State Dispute Settlement under Free Trade Agreements: The USMCA Example* (Society of Int'l Economic Law, Winter 2020).

*Addressing Environmental Protection in the United States-Mexico-Canada Agreement (USMCA)*, in *WORLD TRADE AND LOCAL PUBLIC INTEREST – TRADE LIBERALIZATION AND NATIONAL REGULATORY SOVEREIGNTY* (Springer Publishing, forthcoming 2020)

*WTO Case Review 2019* (with Raj Bhala, Shannon B. Keating, & Bruno Germain Simões), 37 *ARIZONA J. INT'L & COMP. L.* \_\_ (2020)

*An Existential Threat to WTO Dispute Settlement: Blocking Appointment of Appellate Body Members by the United States*, Jul. 2018, available at <http://ssrn.com/abstract=3216633>

*THE TRANS-PACIFIC PARTNERSHIP AGREEMENT: ITS SUBSTANCE AND IMPACT ON INTERNATIONAL TRADE, NAFTA AND OTHER FTAS* (David A. Gantz & Jorge Huerta Goldman, eds., Cambridge University Press, forthcoming 2020)

#### OTHER WRITINGS

Book Review, *The Wealth of a Nation: A History of Trade Politics in America*, by C. Donald Johnson, New York, Oxford UP, 2018, *AMERICAN JOURNAL OF INTERNATIONAL LAW* JULY 2019

*US Needs USMCA if it's Serious About Competing with China*, *THE HILL*, Nov. 15, 2018, available at <https://thehill.com/opinion/finance/416739-us-needs-usmca-if-its-serious-about-competing-with-china>.

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Book review, 17 *Int.T.L.R.* 115 (2011) (reviewing Faundez & Tan, International Economic Law, Globalization and Developing Countries)

Book review, 17 *Int.T.L.R.* 77 (2011) (reviewing Rafael Leal-Arcas, International Trade and Investment Law: Multilateral, Bilateral and Regional Governance)

Book review, 16 *Int.T.L.R.* 190 (2010) (reviewing Indira Carr, International Trade Law (4<sup>th</sup> ed.)

Book review, 16 *Int.T.L.R.* 83 (2010) (with Ihn Ho Uhm) (reviewing Simon A.B. Schropp, Trade Policy Flexibility and Enforcement in the WTO: A Law and Economic Analysis.)

Book review, 5 McGill Int'l J. Sust. Dev. L. & Pol'y 289 (2009) (reviewing Paul Elkins & Tancrede Voituriez, eds., Trade, Globalization and Sustainability Impact Assessment: A Critical Look at Methods and Outcomes).

Book review, 15 Int.T.L.R. 30 (2009) (reviewing Simon Lester & Brian Mercurio, World Trade Law: Text, Materials and Commentary).

Book review, 14 Int.T.L.R. 122 (2008) (reviewing Leslie Alan Glick, Guide to United States Customs and Trade Laws (3<sup>rd</sup> ed., 2008)).

Book review, 14 Int.T.L.R. 34 (2008) (reviewing Themistoklis K. Giannakopoulos, A Concise Guide to the EU Anti-Dumping/Anti-Subsidies Procedures (2006)).

Book review, 7 World Trade Review 707 (2008) (reviewing Merit E. Janow, Victoria Donaldson, and Alan Yanovich, eds., The WTO: Governance, Dispute Settlement and Developing Countries (2008)).

Book Review, 2006 J. Bus. Law 437 (reviewing Raj Bhala, Modern GATT Law (2005)).

Book review, 2 World Trade Rev. 434 (2003) (reviewing The Greening of Trade Law: International Organizations and Environmental Issues (Richard H. Steinberg ed., 2002)).

*Comparing the Southern Border to the Northern Border and the Issues to be Dealt With at Each*, 29 Can.-U.S. L.J. 363(2003).

Book Review, 94 Am. J. Int'l L. 224 (2000) (reviewing P. van Heijnsbergen, International Legal Protection of Wild Fauna and Flora (1997)).

#### F. SELECTED SEMINARS/SCHOLARLY PRESENTATIONS [INVITED]

*Canada's Approaches to Investor-State Dispute Settlement: Addressing Divergencies among CETA, USMCA, CPTPP and the Canada-China FIPA*, Dalhousie University, Sept. 27, 2019

*The Demise of WTO Dispute Settlement: Are Dispute Settlement Mechanisms under RTAs a Viable Substitute?*”, PARADISE LOST OR FOUND? THE POST-WTO INT’L “LEGAL” ORDER, (UTOPIAN & DYSTOPIAN POSSIBILITIES), Fletcher School, July 2019

“The North American Development Bank and the Next Quarter Century,” Baker Institute, Rice University, June 6, 2019, “History and Context”

**“Effects of Emasculation of WTO Dispute Settlement on Dispute Settlement under USMCA” and “Will the New Automotive Regional Content Rules in USMCA Help or Hurt Employment and Manufacturing in Mexico’s Auto Sector?”, Feb. 28-Mar. 1, 2019, Texas A&M Law School**

**“Trade Relationships with Canada, Mexico and China: Challenges and Opportunities,” Jan. 15, 2019, Tucson Great Decisions Association**

**“Understanding the United States-Mexico-Canada Trade Agreement,” Feb. 1, 2019, Latin American Studies Department, University of Arizona**

**Conference Presentation, “BIICL-CIGI, Update on the Brexit Negotiations, London, May 3, 2018**

**Hyman Soloway Memorial Lecture, University of Ottawa Law Faculty, March 2018 (NAFTA renegotiation)**

**Conference presentations on various aspects of the NAFTA renegotiation at Maryland Carey School of Law (Baltimore, Oct. 2017); Mexico Center, Baker Institute, Rice University (Houston, Oct. 2017); Canadian Council of Int’l Law (Ottawa, Nov. 2017); Commission on Environmental Cooperation (Chicago, Nov. 2017); McGeorge Law School, Sacramento, Feb. 2018).**

**Conference Presentation, Szeged, Hungary, panel, May 4, 2017, “Renegotiating NAFTA: Risks and Rewards of Reopening the North American Trade Relationship”**

**Conference Presentation, Loyola University, Chicago, April 7, “CETA Fiasco; Ratification of Trade Agreements by the European Union”**

**NACLE Workshop Panelist, George Washington University, March 16, 2017, “Issues Relating to NAFTA Renegotiation”**

**Keynote Address, Texas A& M Law School, February 2017, “Challenges of NAFTA Renegotiation”**

**Conference Presentation, “BIICL-CIGI, Legal Challenges Post-Brexit,” London, January 31, 2017.**

**Telephone or Skype interviews on NAFTA and TPP with Radio 90.5 (Busan, Korea); EFE Spanish News Service (Tucson); CBC (Canada) and others in January 2017.**

**Presentation on Impact of Trump Administration policies on NAFTA, Rice University, December 2016**

**Panel discussion on teaching international economic law, Institute for International Economic Law and Int’l Law Institute, Washington, D.C., November 2016**

**Presented paper on “Coexistence of NAFTA and the TPP,” ASIL International Economic Interest Law Group, GULC, Washington, D.C., September 2016**

**Panel discussion on Transparency and the Proliferation of Regional Trade Agreements, WTO Open Forum, CIGI, Geneva, September 2016**

**Presented paper on evolution of investment provisions from NAFTA to TPP, University of Melbourne Law School, June 2016**

**Trade and Business Opportunities in the Gulf Cooperation Council States, Jan. 2016, University of Arizona**

**The Trans-Pacific Partnership, Inter-American Bar Association, November 2015; Hispanic Bar Association, Tucson. February 2016; Monterrey, Mexico, Mar. 2016; University of Sharjah, April 2016.**

**ISDS: The Debate Continues, CIGI, Ottawa, Sept. 2015**

**CETA and TTIP: Free Trade between the EU and NAFTA Nations, John Marshall Law School, Chicago, January 2015**

**The TPP and RCEP: Mega-Trade Agreements for the Pacific Rim?, Shanghai University of International Business and Economics, January 2015**

**CETA’s Foreign Investment Provisions, Global Economic Governance Program seminar, Oxford University, Dec. 5, 2014**

**TTIP, CETA, TPP and the Post-Bali WTO: Toward a New World Trade Order?, seminar at Univ. Carlos III (Madrid), Dec. 3, 2014 and Lauterpacht Centre Friday Lecture Series, Nov. 28, 2014**

**CETA’s Legal and Political Implications for the TTIP, McGill University, Oct. 31, 2014**

**International Law Implications of the Scottish Independence Movement, Lauterpacht Centre for International Law, October 2014**

**The QUAD—BRICS Standoff and the Uncertain Future of “Single Undertaking” Trade Negotiations at the WTO, Stanford Center for International Development, April 2014**

**Prospects for US—Mexico Trade: Will the Proposed Trade Agreements with the Pacific Basin (TPP) and Europe (TTIP) Enhance or Undermine NAFTA?, Baker Institute, Houston, April 2014**

**The Trans-Pacific Partnership, Santiago, Chile, October 17, 2013**

**Trade Liberalization after Doha, Temuco, Chile, October 25, 2013**

**Contrasting Dispute Settlement in the WTO and Regional Trade Agreements, Univ. of Copenhagen, Dec. 12, 2013**

**Legal Implications of U.S. Intervention in Syria, Tucson, AZ, September 2013**

**Presentation on “International Trade Liberalization after the Doha Round: Multilateral, Plurilateral, Bilateral and Unilateral Approaches,” Int’l Economic Law Interest Group of the American Society of International Law, Washington, D.C., November 30-December 1, 2012**

**Seattle University School of Law/Law and Development Institute, Resolution of Investor-State Controversies in Developing Countries, December 2011**

**University of Kansas and University of Miami, Labor Rights and Environmental Protection, February 2011**

**Lectured on NAFTA and WTO Dispute Settlement at the Faculty of Law and Graduate School of International Development at Nagoya University, Japan, May 2010**

**Various trade and investment law presentations at the annual conferences of the North American Consortium on Legal Education, including Mexico City (2009), Ottawa (2008), New York (2007)**

**American Law Institute conference on WTO panel and appellate body decisions, Geneva, June 2008, presenting on *Turkey – Rice***

**U.S. Attitudes toward Dispute Settlement under NAFTA, symposium presentation for New York University, The Hague, Netherlands, June 2005; Washington, D.C, May 2006**

**International Legal Development: the “Complex Problem” of Customs Law and Administrative Reform in Central America, symposium presentation at Southwestern University Law School, Feb. 2006**

**Applying the NAFTA Foreign Investment Protection Experience to U.S. Bilateral Investment Treaties and the U.S. – Chile Free Trade Agreement, Nov. 2005, University of Chile (by teleconference); May 2005, Dalhousie University, Canada.**

**“The Evolution of FTA Investment Provisions,” NAFTA After 10 Years symposium presentation at Michigan State University, Oct. 2003.**

**“Free Trade Area of the Americas: An Idea Whose Time has Come—and Gone?” symposium presentation at Loyola University (Chicago), Feb. 2004.**



**NAFTA trade and investment roundtable, University of California, Berkeley, January 2004.**

**“An Appellate Mechanism for Investment Disputes,” presentation to the NAFTA “2022 Committee” annual meeting, Santa Fe, NM, Oct. 2004**

**“An Appellate Mechanism for Review of Investment Arbitral Decisions, American Society of International Law (Washington, D.C.), March 2004.**

**NAFTA as a Catalyst for Change, UCLA Law and the Border Symposium, Jan. 2003**

**Lectured on NAFTA and competition law issues to graduate students at Universidad Carlos III, Getafe, Spain, May 2001**

**Presented the Myres S. McDougal Lecture in International Law and Policy, *Legal and Policy Implications of the 2001 NAFTA Changes on United States - Mexico Trade and Investment*, University of Denver College of Law, March 30, 2001**

**Addressed the National Council of *Maquiladora* Export Industries in Mexico City, March 23, 2001 (in Spanish), on issues relating to implementation of NAFTA Article 303.**

**Addressed various university and civic groups in Korea, December 5-11, 1999, on issues arising out of the Seattle WTO Ministerial meeting, sponsored by U.S. Information Agency**

**Lectured in a multi-day seminar in January 1996, in Mexico City, on NAFTA Chapter 19 dispute settlement procedures, to a group of Mexican lawyers, government officials and judges.**

**Taught a two-day seminar on international trade law January 26-27, 1995, to the Instituto Tecnológico Autónomo de México, Mexico City, as part of a "diplomado" program for post-graduate students and attorneys.**

## **G GRANTS, CONTRACTS, CONSULTING AND REPORTS**

**Presented lectures, papers and workshops for Ministry of Justice and other ministry officials, National Assembly members and law professors in Vietnam on Trans-Pacific Partnership, WTO, U.S. Trade Law and U.S. - Vietnam Bilateral Trade Agreement implementation issues; Hanoi, Do San and Ho Chi Minh City, Dec. 2000, Jan. 2001, Dec. 2002, Aug. 2004, May 2005, Dec. 2005, August 2009, February 2012, July 2012, October 2015, July 2016, sponsored variously by Swedish International Development Association, United Nations Development Program, U.S. Vietnam Trade Council, World Bank and World Bank Institute, U.S. Agency for International Development**

**Consultant to the U.S. Agency for International Development for projects in the Dominican Republic, 2007, 2012, relating to legal aspects of the CAFTA-DR, improving government efforts to defend against investor-state disputes**

**Consultant on National Law Center study and report on the impact on the U.S. Customs Service and Mexican *Maquiladoras* of the changes mandated by NAFTA Article 303, October 1999 - April 2001, funded by the U.S. Treasury Department [estimate 10% of total grant of ca. \$300,000]**

**Consultant for a National Law Center/U.S. Treasury Department legal and empirical study and report on the implementation of business facilitation measures and customs law reforms in Central America, approximately February 2001 to February 2004 [estimate 15% of total grant of ca. \$250,000]**

April 2020