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## **EDUCATION**

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<b>J.D.</b>	COLUMBIA UNIVERSITY LAW SCHOOL
<b>Ph.D., M.A.</b>	INDIANA UNIVERSITY
<b>M.A.T.</b>	HARVARD UNIVERSITY
<b>B.A.</b>	AGNES SCOTT COLLEGE Phi Beta Kappa Magna Cum Laude

## **CURRENT POSITION**

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**Mary Ann G. McMorrow Professor of Law**  
**Loyola University Chicago**  
**School of Law**  
**Joined faculty in 1998**

Director, Institute of International Law and Practice

Director, Vis Moot Program, and  
Coach of Vis Moot Arbitration Teams  
Director of Capacity Building Program in Kenya for African students  
participating in the Vis Moot (2019-2023)

Associate Dean for Faculty Research and Development, 2006-08

Teaching areas include:  
International Commercial Arbitration  
International Investment Arbitration  
International Business Transactions  
European Union Law  
International Trade Finance  
Contracts

## **RESEARCH GRANTS**

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My research at Loyola has been supported by six university research grants (1999, 2000, 2001, 2003, 2004, 2006) and eighteen law school grants (1998, 2002, 2007-2022).

## **VISITING SCHOLAR**

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Visiting Scholar at New York University School of Law, February, 2016.

## **PUBLICATIONS**

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**Book**: **INTERNATIONAL COMMERCIAL ARBITRATION: PRINCIPLES AND PRACTICE**, Cambridge University Press, 2008. The third edition was published in March, 2017. The fourth edition is forthcoming in 2024.

### **Book Chapters**

*A New Framework: Choosing the Proper Law of the Arbitration Agreement Based on the Issue to be Decided*, in *ARBITRATO, CONTRATTI E COMMERCIO INTERNAZIONALE/ARBITRATION, CONTRACTS AND INTERNATIONAL TRADE, STUDI IN ONORE DI GIORGIO BERNINI/ESSAYS IN HONOR OF GIORGIO BERNINI*, 2021.

*Public Policy Under the New York Convention: National, International and Transnational* IN *60 YEARS OF THE NEW YORK CONVENTION: KEY ISSUES AND FUTURE CHALLENGES*, Fach Gómez K, Lopez Rodriguez AM (eds), Wolters Kluwer (2019).

*Enforcement of Agreements to Arbitrate under the New York Convention*, in *ARBITRATION OF INTERNAL TRUST DISPUTES: ISSUES IN NATIONAL AND INTERNATIONAL LAW*, Oxford University Press, 2016.

*Inherent and Implied Powers of Arbitrators*, in *LIBER AMICORUM FOR THE CHARTERED INSTITUTE OF ARBITRATORS* 2014.

*Inherent Powers of Arbitrators to Deal with Ethical Issues*, in *CONTEMPORARY ISSUES IN INTERNATIONAL ARBITRATION AND MEDIATION: THE FORDHAM PAPERS* 2014

*Partial Final Award*, Chapter 3, in *DANUBIA FILES*, a publication of six final awards arising out of the Willem C. Vis international moot arbitration competition for law schools worldwide. Originally published by the Vis Moot Foundation in 2013, the book will be published in 2014 by Eleven International Publishing in the Hague, Netherlands. The award in Chapter 3 was co-authored with Jingzhou Tao, from China, and Leandro Tripodi, from Brazil.

*Reasoned Decisions in Arbitrator Challenges*, in *III YEARBOOK ON INTERNATIONAL ARBITRATION* 199 (2013).

*Privatized "Justice"*, reprinted with permission of the *LOYOLA LAW JOURNAL*, in *CONSUMER PROTECTION: DISPUTES AND RESOLUTION* (AMICUS BOOKS 2008).

*Drafting the Arbitration Clause: Addressing the Issues*, in *INTERNATIONAL ARBITRATION AND MEDIATION - FROM THE PROFESSIONAL'S PERSPECTIVE* (Robert Carrow & Anita Alibekova, eds., Yorkhill Law Publishing 2007).

### **Law Review Articles**

*Arbitration of Worker Contracts: New Prime's Proper Statutory Interpretation of the 1925 Federal Arbitration Act*, 21 *CARDOZO JOURNAL OF CONFLICT RESOLUTION* 415 (2020).

*Arbitration/Litigation Interface: The European Debate*, NORTHWESTERN JOURNAL OF INTERNATIONAL LAW AND BUSINESS, 35 (1) (2014), reprinted in PRIVATE INTERNATIONAL LAW ed. Symeon Symeonides (2018).

*How the Supreme Court's Misconstruction of the FAA Has Affected Consumers*, 30 LOYOLA CONSUMER LAW REVIEW 2017.

*The Role of the Arbitrator: Adjudicator or Service Provider?*, WORLD ARBITRATION AND MEDIATION REVIEW 2016.

*Arbitration/Litigation Interface: The European Debate*, 35 NORTHWESTERN JOURNAL OF INTERNATIONAL LAW AND BUSINESS 1 (2014).

*Arbitration by Default Rather Than by Consent*, NEW YORK DISPUTE RESOLUTION LAWYER (Fall 2014).

*Ethics in International Arbitration: Traps for the Unwary*, 10 LOYOLA UNIVERSITY CHICAGO INTERNATIONAL LAW REVIEW 73, 2012.

*Beyond Judicial Activism: When the Supreme Court is No Longer a Court*, 14 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 159 (October 2011).

*The Pretext of Textualism: Disregarding Stare Decisis in 14 Penn Plaza v. Pyett*, 14 LEWIS & CLARK LAW REVIEW 825 (Fall 2010)

*Arbitration Law, Who's in Charge*, 40 SETON HALL LAW REVIEW 147 (2010)

*Arbitrator Power to Sanction Bad Faith Conduct: Can it be Limited by the Arbitration Agreement*, 84 AUSTRALIAN LAW JOURNAL, February, 2010.

*Expanded Judicial Review Found Impermissible under the U.S. Federal Arbitration Act*, 82 AUSTRALIAN LAW JOURNAL 828, December 2008.

*Statutory Misconstruction: How the Supreme Court Created a Federal Arbitration Law Never Enacted by Congress*, 34 FLORIDA STATE UNIVERSITY LAW REVIEW 99, Fall 2006

*Letters of Credit and the Insolvent Applicant: A Recipe for Bad Faith Dishonor*, 57 ALA. L. REV. 31 (2005)

*Privatized Justice*, 36 LOYOLA CHICAGO LAW JOURNAL 535, Spring, 2005.

*Can Parties Tell Courts What to Do? Expanded Judicial Review of Arbitral Awards*, 52 KANSAS LAW REVIEW 429, January 2004.

*The Irony of International Letters of Credit: They Aren't Secure, but They (Usually) Work*, 120 BANKING LAW JOURNAL 479, June, 2003.

*Party Agreements to Expand Judicial Review of Arbitral Awards*, 20 JOURNAL OF INTERNATIONAL ARBITRATION 315, June, 2003.

*The New Definition of Good Faith in Revised Article 1*, 35 UCC LAW JOURNAL 47, Summer, 2002.

*The Jury Trial Right in the UCC: On a Slippery Slope*, 54 SMU LAW REVIEW 561, Spring, 2001.

*What the Jury Must Hear: The Supreme Court's Evolving Seventh Amendment Jurisprudence*, 68 GEORGE WASHINGTON LAW REVIEW 183, February 2000.

*The Uniform Commercial Code Meets the Seventh Amendment: The Demise of Jury Trials Under Article 5*, 72 INDIANA LAW JOURNAL 681, Summer 1997. Reprinted in 13 LETTER OF CREDIT UPDATE 16, July 1997.

*The Impact of Revised Article 5 on Small and Mid-Sized Exporters*, 29 UCC LAW JOURNAL 390, Spring 1997.

### **Book Review**

*New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards*, R. Wolff, ed., AMERICAN JOURNAL OF INTERNATIONAL LAW (2015).

### **Kluwer Arbitration Blog**

*The Role of the IBA Guidelines on Conflicts of Interest in Arbitrator Challenges*, Nov. 23, 2017.

*The Growth of Arbitrator Power to Control Counsel Conduct*, Nov. 12, 2014.

*Will Antisuit Injunctions Rise Again in Europe?* Nov. 20, 2013.

*Is Good Faith in the IBA Evidence Rules Good?* November 15, 2012.

*Barring the Courthouse Door? Antisuit Injunctions in International Arbitration*, Nov. 14, 2011.

*Did the U.S. Supreme Court, in its Stolt-Nielsen Decision, Make it Easier for Courts to Vacate Arbitration Awards?* Dec.14, 2010.

### **SELECTED SEMINARS, LECTURES, PANELS AND BRIEFING**

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| March 2023      | Participated in a Round Table Discussion of a U.S. View on International Commercial Disputes at the University of Zagreb Law School in Croatia. |
| April 2023      | Gave a talk on oral argument in arbitration at the Stockholm Pre-Moot for the Willem C. Vis International Commercial Arbitration Competition    |
| September, 2022 | Participated in panel on Arbitration in Unruly Times for the German-American Lawyer's Association.  |
| December, 2020  | Participated in panel on arbitration for the Young ITA/ CiArb Young Members Group.  |

September 2019	Participated as a commentator at the Junior Scholars Conference held at Loyola. Commented on paper by Vera Korzun: <i>The Paradox in Action: Enforcing Soft Law Instruments Through Investor-State Arbitration.</i>
April 5, 2018	Presented talk on Public Policy Under the New York Convention at a conference in Seville, Spain on the 60 <sup>th</sup> Anniversary of the New York Convention.
March 16, 2018	Gave lecture on declining role of consent in arbitration at Belgrade Conference on International Arbitration
January 2018	Interviewed distinguished arbitrator, David Haigh, Q.C., as the luncheon program at an ITA Arbitration Conference in Houston.
October 2017	Panelist on <i>Disqualifications of Arbitrators</i> for International Law Week-End in New York (International Law Association, American Branch)
March, 2017	Keynote speaker on <i>Forced Arbitration</i> at the Loyola Consumer Law Review Symposium.
March, 2017	Provided commentary on a lecture by Professor Steve Ware from the University of Kansas at an event at Loyola sponsored by the Federalist Society.
April, 2016	Participated in a debate at an ITA/ASIL conference in DC between myself and one other panelist on <i>The Role of the Arbitrator: Adjudicator or Service Provider?</i>
March, 2016	Lecture at the University of Zagreb Law School on <i>Sufficiency of Arbitrator Power.</i>
March 2016	Key note speaker at a Vis Pre-Moot held in the Austrian Supreme Court in Vienna, Austria.
February 2016	Lecture at NYU on <i>Arbitrator Power: The Transatlantic Divide.</i>
February 2016	Lecture at Columbia University on the Diminution of the Consent Requirement in International Commercial Arbitration
February 2014	<i>Cross-Examination in International Arbitration</i> , online lecture for Pace Law School, broadcast in 21 countries.
April 2013	<i>International Arbitration</i> , Issues in Museum Administration Conference, Chicago, IL
November 2012	<i>Ethics in International Arbitration</i> , Chicago Bar Association, Chicago, IL
August 2012	<i>So This is Your First International Arbitration</i> , Panel for ABA Conference, Chicago, IL

May 2012 *Disqualification of Arbitrators*, CILS conference, Salzburg, Austria

January 2012 *Ethics in International Arbitration*, Loyola University School of Law, Keynote address at Symposium of the International Law Review

September 2011 *Antisuit Injunctions in International Arbitration*, Lewis and Clark School of Law

October 2011 *Antisuit Injunctions in International Arbitration*, University of Missouri School of Law

October 2010 *The Supreme Court's Arbitration Jurisprudence*, University of Oregon School of Law

November 2010 *Beyond Judicial Activism, When the Supreme Court is no Longer a Court*, Constitutional Law Colloquium, Loyola University Chicago

March 2010 Faculty Workshops at the University of Utah and Loyola University Chicago on my paper on *14 Penn Plaza v. Pyett*, a U.S. Supreme Court arbitration case.

November 2009 *International Arbitration*, video lecture for the Universidad Antonio Ruiz de Montoya in Lima, Peru

May 2009 ICC International Court of Arbitration Workshop, Faculty for two-day workshop, Chicago, IL

August 2008 Participated in panel on *The Arbitration Fairness Act*, SEALS Conference, Palm Beach, Florida

June, 2008 Presented talk on *The Importance of the Arbitration Clause*, University of Nanterre, France

March 2007 Presented paper on *The Arbitration Clause*, at Arbitration Day Conference at the University of Bologna.

February 2007 Presented paper on *Lowering Transaction Costs in Commercial Letters of Credit*, at International Conference on Contracts, Houston

June 2006 Presented talk on *Drafting the Arbitration Clause: Addressing the Issues*, at CILS Conference on International Arbitration, Salzburg, Austria

### **ADDITIONAL LAW TEACHING EXPERIENCE**

**Brazilians** August 2019. Taught a short course on international arbitration for 50 Brazilian students who were visiting Loyola.

**Rome** Summers of 2009 and 2018. Taught International Business Transactions in 2009

and International Commercial Arbitration in 2018 in Loyola summer program.

**Croatia** Summers of 2011, 2012 and 2014. Taught international arbitration in summer program in Croatia for international students, sponsored by the Universities of Zagreb, Pittsburgh and Touro.

**China** Summer, 2013. Taught international arbitration in summer program for Chinese students in Beijing at the University of International Relations. Also taught international arbitration in the Loyola Chicago summer program in Beijing, at the University of International Business and Economics.

Summer, 1998, taught International Trade Finance in program for Chinese students in Beijing at the University of International Business and Finance

**Portugal** May, 2017, Taught International arbitration short course for European students at the Universidade Católica Portuguesa in Lisbon.

**Oxford** Summer 2002, Taught International Commercial Arbitration in Loyola Summer Program.

### **OTHER ACTIVITIES**

#### **American Bar Association**

Vice-Chair, Subcommittee on Article 1 of the Uniform Commercial Code, 2000-2003.

#### **American Law Institute**

Elected to membership May 1996.

Members' Consultative Group for the Restatement of U.S. Law on International Commercial Arbitration.

#### **Arbitration**

Have served as a sole arbitrator, a party-appointed arbitrator or a presiding arbitrator in international arbitrations administered by the International Center for Dispute Resolution (ICDR) of the American Arbitration Association, by the Court of Arbitration of the International Chamber of Commerce (ICC) in Paris, and in ad hoc arbitrations. Recently served as a consolidation arbitrator and as an emergency arbitrator for the ICDR.

I was a member of the Board of the Vis Moot East Foundation 2014-2018.

#### **Arbitrator for International Moot Arbitration**

Participated in Willem C. Vis International Moot Arbitration competition as an arbitrator for law school student teams arguing issues under the U.N. Convention on International Sales of Goods and other international laws and rules in Vienna, 1995 and 2000-2023, including virtually in 2020-22. Served as one of three arbitrators for the Final Argument in Vienna in 2019. Also arbitrated in Hong Kong, 2007 and 2016.

**Chicago International Arbitration Center**

Chairman of Board for the Foundation of this Organization (2021 to present).

**BAR ADMISSIONS**

New York, Washington, D.C.

**LANGUAGES**

French – fluent

Spanish – conversant