

# Joshua David Heller Karton

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## LEGAL AND ACADEMIC EMPLOYMENT

### **Queen's University Faculty of Law**, Kingston, ON, Canada

Associate Professor (with tenure), 2015-

Associate Dean for Graduate Studies and Research, 2017-2022

Assistant Professor, 2009-2015

Instructor, Queen's Global Law Programs, Herstmonceux, UK, 2008-

### **Pembroke and Newnham Colleges, University of Cambridge**, Cambridge, UK

Undergraduate Supervisor (Conflict of Laws), 2007-2009

### **Cleary Gottlieb Steen & Hamilton LLP**, New York, NY and Hong Kong

Associate, 2005-2006;

Summer Associate, 2004

### **Columbia Law School**, New York, USA

Research Assistant to Prof George A Bermann, 2004-2005

Teaching Assistant to Clinical Prof Carol M Liebman (Mediation Clinic), 2004

Research Assistant to Asst Prof Catherine Sharkey, 2003

## VISITING ACADEMIC POSITIONS

National Taiwan University College of Law, Taipei, Tsai Wan-Tsai Visiting Chair Professor of International Law, 2022-23; Visiting Associate Professor, 2015-2016, Fall 2013

University of Nagoya, Visiting Professor, Spring 2023

Universidad San Francisco de Quito College of Law, Quito, Ecuador, Visiting Professor, May 2018

Chinese University of Hong Kong Faculty of Law, Visiting Scholar, March 2016

Wuhan University School of Law, Wuhan, China, Visiting Professor, November 2013

## EDUCATION

### **University of Cambridge, Pembroke College**, Cambridge, UK, *PhD 2011*

Thesis: "The Culture of International Arbitration and the Evolution of Contract Law"

Supervisors: Prof James Crawford, Ms Louise Merrett

Honours: Cambridge Overseas Trust Scholarship

Fellow of the Cambridge Overseas Society, 2006-

### **Columbia University School of Law**, New York, NY, *JD 2005*

Honours: Harlan Fiske Stone Scholar (*magna cum laude* equivalent), 2002-2005

Activities: Solicitations Editor, Columbia Journal of Transnational Law

Willem C Vis Commercial Arbitration Moot (2<sup>nd</sup> place memorandum, 2004)

### **Yale University**, New Haven, CT, *BA in Political Science and Humanities 2001*

Honours: Distinction in both majors

## PUBLICATIONS

### Books

*Research Methods Handbook for Contract Law and Scholarship* (co-Editor with Yuliya Chernykh) (Edward Elgar, forthcoming 2023)

*Diversity in International Arbitration: Why it Matters and How to Maintain It* (co-Editor with Shahla Ali, Filip Balcerzak, and Giorgio Colombo) (Edward Elgar, forthcoming 2022)

*Kluwer Arbitration Practical Insights* (co-Editor with Simon Greenberg, Fan Yang, and Kiran Nasir Gore), comprehensive online resource launched in 2020 and updated continuously (Kluwer)

*The Culture of International Arbitration and the Evolution of Contract Law* (Oxford UP 2013) 312 pp.

Reviewed in: (2013) 29(3) *Arbitration International* 539; (2013) 8(6) *Global Arbitration Review*; (2013) 20 *Australian International Law Journal* 207; (2013) 14(4) *Juridisk Tidskrift* 931; (2015) 81(1) *Arbitration* 109

### Articles in Academic and Practitioner Journals (peer-reviewed unless otherwise noted)

“Multi-Tier Dispute Resolution Agreements in Canada: Drafting, Enforcing, and Escaping” (2022) 3:1 *Canadian Journal of Commercial Arbitration* —

“The (Astonishingly) Rapid Turn to Remote Hearings in Commercial Arbitration” (2021) 46 *Queen’s Law Journal* 399-414

“International Arbitration as Comparative Law in Action” [2020], 2 *Journal of Dispute Resolution* 293-326

“Sectoral Fragmentation of Transnational Contract Law (2019) 21:1 *University of Pennsylvania Journal of Business Law* 142-199 (US student-run law review)

“The International Investment Arbitrator’s Duty to Apply the Law” (2018) 17:1 *Law and Practice of International Courts and Tribunals* 160-177

“The Rise of Sectorally Differentiated Contract Law” (2017) 111 *American Journal of International Law Unbound* 106-111 (online, invited)

“Choice of Law and Arbitral Authority in Investor-State Arbitration” (2017) 3:1 *Canadian Journal of Comparative and Contemporary Law* 1-52

“Reducing the Impact of Mistranslated Testimony in International Arbitral Hearings” (2016) 9:2 *Contemporary Asia Arbitration Journal* 197-248

“The Arbitral Role in Contractual Interpretation” (2015) 6:1 *Journal of International Dispute Settlement* 1-38  
Awarded the 2015 *JIDS* James Crawford Prize for best article of the year

“The Structure of International Arbitration Law and the Exercise of Arbitral Authority” (2015) 8:2 *Contemporary Asia Arbitration Journal* 229-266

- “Reform of Investor-State Dispute Settlement: Lessons from International Uniform Law” (2014) 11:1 *Transnational Dispute Management* (online), Reprinted as “Lessons from International Uniform Law” in Jean E Kalicki and Anna Joubin-Bret (eds), *Reform of Investor-State Dispute Settlement: In Search of a Roadmap* (Brill | Nijhoff 2015)
- “Canadian Courts and Uniform Interpretation: An Empirical Reality Check” (with Samantha Wynne) (2013) 18:2 *Uniform Law Review* 281-312  
Selected for the 2012 Harvard-Stanford International Junior Faculty Forum
- “A Conflict of Interests: Seeking a Way Forward on Publication of International Arbitral Awards” (2012) 28:3 *Arbitration International* 447-486
- “Global Law: The Spontaneous, Gradual Emergence of a New Legal Order” (2012) 17:2 *Tilburg Law Review* 276-284 (invited)
- “International Commercial Arbitrators’ Approaches to Contractual Interpretation” [2012] 4 *International Business Law Journal* 383-404 (invited)
- “Party Autonomy and Choice of Law: Is International Arbitration Leading the Way or Marching to the Beat of its own Drummer?” (2010) 60 *University of New Brunswick Law Journal* 32-59 (invited)
- “Contract Law in International Commercial Arbitration: the Case of Suspension of Performance” (2009) 58:4 *International and Comparative Law Quarterly* 863-896  
Awarded the 2009 ICLQ Young Scholar Prize
- “Can the CISG Advisory Council Affect the Homeward Trend?” (with Lorraine de Germiny) (2009) 13:1 *Vindobona Journal of International Commercial Law and Arbitration* 71-90
- “Has the CISG Advisory Council Come of Age?” (with Lorraine de Germiny) (2009) 27:3 *Berkeley Journal of International Law* 448-495 (US student-run law review)
- “Lost in Translation: International Criminal Courts and the Legal Implications of Interpreted Testimony” (2008) 41:1 *Vanderbilt Journal of Transnational Law* 1-54 (US student-run law review)
- “Quaternity, the Elements, and the Hero’s Journey” (Dec. 1999) *British Columbia Psychoanalytic Psychotherapy Review* (high school paper accepted for publication via blind peer review)

## **Book Chapters**

- “Diversity in Four Dimensions” in Shahla Ali, Filip Balcerzak, Giorgio Colombo & Joshua Karton, eds, *Sustainable Diversity in International Arbitration* (Edward Elgar, 2022)
- “International Arbitral Authority as an Act of Collective Imagination” in Kabir Duggal et al, eds, *“Pro-Arbitration” Revisited: A Tribute to Professor George Bermann from his Students over the Years* (Juris, 2022)

- “Multi-Tier and Mixed-Method Dispute Resolution in Canada: From Obscurity to Prominence in a Single Generation” (with Michelle de Haas) in Weixia Gu & Anselmo Reyes, eds, *Multi-Tiered Approaches to the Resolution of International Disputes: A Global and Comparative Study* (Cambridge UP, 2022)
- “The Art of Comparative Law Argument in International Arbitrations” in Julie Bedard et al, eds, *Liber Amicorum George Bermann* (Juris, 2022)
- “Piecemeal Solutions to Demonstrated Problems of Unfairness: Control of Price Terms in Common Law Canada” in Yesim M. Atamer & Paschal Pichonnaz, eds, *Control of Price Related Terms in Standard Form Contracts* 209-230 (Springer, 2020)
- “Contractual Governance and Sectoral Fragmentation of Transnational Commercial Law” in Claire Cutler & Thomas Dietz, eds, *The Politics of Private Transnational Governance by Contract* 195-214 (Routledge, 2017)
- “Beyond the ‘Harmonious Confucian’: International Commercial Arbitration and the Impact of Chinese Cultural Values” in Chang-fa Lo et al, eds, *Legal Thoughts between the East and the West in the Multilevel Legal Order: Liber Amicorum in Honor of Professor Herbert Han-pao Ma* 519-542 (Springer, 2016)
- “New Wine in Old Bottles: Corrupt Contracts in Canadian Private Law” (with Jenna-Dawn Shervill) in Michael Joachim Bonell & Olaf Meyer, eds, *The Impact of Corruption in International Commercial Contracts* 37-75 (Springer, 2015)
- “International Arbitration Culture and Global Governance” in Walter Mattli & Thomas Dietz, eds, *International Arbitration and Global Governance: Contending Theories and Evidence* 74-116 (Oxford UP, 2014)

### Short Pieces

- “Editors’ Note” (2022) 3:1 *Canadian Journal of Commercial Arbitration* xiii-xiv
- “Investment Arbitration as a Sociological Phenomenon”, in Thomas Cottier and Krista Nadakavukaren, eds, *Edward Elgar Encyclopedia of International Economic Law* (Edward Elgar, forthcoming 2023)
- “Racial Diversity and Investment Arbitration” (with Ksenia Polonskaya), in Thomas Cottier and Krista Nadakavukaren, eds, *Edward Elgar Encyclopedia of International Economic Law* (Edward Elgar, forthcoming 2023)
- Review of Mikaël Schinazi, *The Three Ages of International Commercial Arbitration* (2022) 2:2 *Canadian Journal of Commercial Arbitration* 101-107
- “Editors’ Note” (2022) 2:2 *Canadian Journal of Commercial Arbitration* xiii-xiv
- “Comparative Law Advocacy in International Arbitration”, *Commercial Arbitration in Europe Project Blog* (April 2, 2022)
- Review of Weixia Gu, *Developing World of Arbitration: A Comparative Study of Arbitration Reform in the Asia Pacific*, *American Review of International Arbitration* (forthcoming 2023)

Review of SI Strong, *Legal Reasoning Across Commercial Disputes*, 29 *Civil Justice Quarterly* \_\_\_ (forthcoming 2022)

“Editors’ Note” (2021) 2:1 *Canadian Journal of Commercial Arbitration* xiii-xiv

“Toronto Commercial Arbitration Society Considers the Future of Arbitration in Ontario”, *Canadian Journal of Commercial Arbitration Blog* (June 3, 2021)

“Four Dimensions of Diversity in International Arbitration”, *Canadian Journal of Commercial Arbitration Blog* (June 2, 2021)

“Editors’ Note” (2020) 1:2 *Canadian Journal of Commercial Arbitration* xiii-xv

“Comparative Law in International Arbitration, Comparative Law as International Arbitration”, *Commercial Arbitration in Europe Project Blog* (November 5, 2020)

“The Supreme Court of Canada Charts a Safe Route between the Scylla and Charybdis of Hostility to Arbitration and Competence-Competence” (with Tina Cicchetti and Alyssa King), *Kluwer Arbitration Blog* (July 9, 2020)

“Major Milestones in Canadian Arbitration Law: Highlights from the Canadian Journal of Commercial Arbitration’s Launch” (with Beryl Meng), *Kluwer Arbitration Blog* (July 2, 2020)

“Editors’ Note” (2020) 1:1 *Canadian Journal of Commercial Arbitration* v-vi

“Can I Get A ... Diverse Tribunal?”, *Kluwer Arbitration Blog* (December 7, 2018)

“True Diversity is Intersectional: Escaping the One-Dimensional Discourse on Arbitrator Diversity” (with Ksenia Polonskaya), *Kluwer Arbitration Blog* (July 10, 2018)

“Jumping on the TPF Bandwagon: Nigeria’s New Arbitration Bill Embraces Third-Party Funding” (with Abayomi Okubote), *Kluwer Arbitration Blog* (June 3, 2018)  
Re-posted on the *Africa Arbitration Blog* (2018)

## **Reports and Submissions to Legislative or Regulatory Bodies**

Correspondent for Canada, *Global Sales and Contract Law Handbook*, 2<sup>nd</sup> edn (2020)

Invited commentary on “Appointing Authorities and Selection of Arbitrators in Investor-State Dispute Settlement”, *Organization for Economic Co-operation and Development* (2018)

Response to public consultation on Proposed Amendments to the 2013 Hong Kong International Arbitration Centre Administered Arbitration rules, “Proposed Amendments Relating to Third-Party Funding” (with Abayomi Okubote) (2018)

“National Report for Canada (Common Law Provinces): Control of Price Terms in Standard Contract Terms” (2017), prepared for the 2018 Congress of the International Academy of Comparative Law

Invited commentary on the “Draft Report of the International Council on Commercial Arbitration – Queen Mary Task Force on Third-Party Funding in International Arbitration (with Abayomi Okubote) (2017)

“National Report for Canada (Common Law Provinces): The Civil Law Consequences of Corruption in International Commercial Contracts” (2013), prepared for the 2014 Congress of the International Academy of Comparative Law

### **Podcast Appearances**

Interviewed for the “International Law Talk” Podcast (November 13, 2020), summary available: Maria Fanou, “International Law Talk Podcast and Arbitration: In Conversation with Professor Joshua Karton”, *Kluwer Arbitration Blog* (November 27 2020)

Interviewed for “The Arbitration Conversation” Podcast (August 31, 2020)

Interviewed for “The *Appeal* Law Journal Podcast” (February 23, 2018)

### **INVITED ANNUAL LECTURES AND KEYNOTES**

“Everyone Agrees that Arbitration Agreements are Contracts, but No One Does Anything About It”  
Chartered Institute of Arbitrators (Canada Branch) Annual Symposium (Montreal, October 19, 2022)

“The Business of Justice and the Justice of Business”, Carmigniani Perez Lecture on Business Law (Quito, Ecuador, May 4 2018)

“Taking Choice of Law Seriously in International Investment Disputes”, Chinese University of Hong Kong Centre for Financial Regulation and Economic Development, 13<sup>th</sup> Annual Commercial Law Seminar (Hong Kong, March 17 2016)

“How Should International Arbitrators Interpret Commercial Contracts?”, New Voices in Commercial Law Seminar Series, Queen Mary, University of London Centre for Commercial Law Studies (Paris, France, May 20 2014)

### **PAPER PRESENTATIONS AND OTHER CONFERENCE ACTIVITIES**

#### **2022**

Moderator and Discussant, Inter-Asian Law Workshop (Online, December 16, 2022)

“Conceptualizing Diversity in International Arbitration”, Young-OGEMID Symposium on Diversity in International Arbitration (Online, Nov 2, 2022)

“Everyone Agrees that Arbitration Agreements are Contracts, but No One Does Anything About It”  
Chartered Institute of Arbitrators (Canada Branch) Annual Conference (Montreal, October 19, 2022)

“Well Begun is Half Done” Moot Alumni Association Vis Moot Journey Webinar Series (Online, October 9, 2022)

“The Covid Pandemic’s Lasting Impact on Arbitral Authority”, Taipei International Conference on Arbitration and Mediation (Taipei, Taiwan, October 5, 2022)

“Vis Moot Journey: Well Begun is Half Done”, Moot Alumni Association Webinar Series (Online, October 2, 2022)

“Do Common Law Sale of Goods Statutes Need a Price Reduction Remedy?”, Second Asia-Pacific Private Law Conference (Singapore and Online, May 27, 2022)  
Moderator, Panel on the Calculation of Damages in International Arbitration, CIETAC Live: International Arbitration Insights Series (Shanghai, China and Online, April 21, 2022)  
Moderator, Panel on Evidence in International Arbitration, Kluwer Arbitration Practical Insights Webinar Series, (Online, April 7, 2022)  
Moderator, “2021 Canadian Arbitration Year-in-Review”, CIArb/CJCA Webinar, January 27, 2022, online  
“Diversity in Four Dimensions”, Institute for Transnational Arbitration Academic Council Works-in-Progress Workshop (Online, January 22, 2022)  
Moderator, Institute for Transnational Arbitration Academic Council Works-in-Progress Workshop (New York, NY, January 22, 2022) (conference organizer)

## 2021

Panelist, “The lingua franca of global law: Legal language and postmodern transformations” Global Law Schools Summit, O.P. Jindal Global University (online, December 2, 2021)  
Panelist, “Intersectionality of Race, Culture, and Gender in International Arbitration: Lessons from Interdisciplinary Scholarship” Young Arbitral Women Practitioners (YAWP) webinar (online, November 18, 2021)  
Panelist, Queen’s University ADR Club Lunchtime Discussion Series, (online, November 12, 2021)  
“Unconscionability as Access to Justice: Two-Way Marketplaces, The Gig Economy, and the International Market for Dispute Resolution Services” American Society of Comparative Law Annual Meeting, University of Wisconsin Law School (Madison, WI, October 21, 2021) (peer-reviewed)  
“Does Canadian Sale of Goods Law Need a Price Reduction Remedy?” Canadian Commercial Law Symposium (Online, October 22, 2021) (peer-reviewed)  
“Diversity and Due Process”, Taipei International Conference on Arbitration and Mediation (Taipei, Taiwan, October 20, 2021)  
Participant, workshop on “Shaping the Greener Future of International Arbitration Conferences and Training” Campaign for Greener Arbitrations (Online, October 5, 2021)  
Moderator, Panel on “Interim Measure: General Introduction and Enforcement”, International Arbitration Insights Series (Shanghai, China, and online, September 15, 2021)  
Discussant, “Does China Have ‘Law Power’? China, African States, and the New Extraterritoriality”, AALS Section on East Asian Law and Society/ASIL Asia-Pacific Interest Group/ASCL Asia Committee Asian Law Works-in-Progress Workshop (Online, July 19, 2021)  
“Where Do We Go From Here? The Future of Arbitration in Ontario”, Toronto Commercial Arbitration Society Annual General Meeting (Online, May 27, 2021)  
Moderator, panel on “What are the Implications of *Uber v Heller* for Commercial Arbitration”, *Uber v Heller* – Can Unconscionability Principles Answer When Not to Enforce Arbitration Agreements? (Online, January 22, 2021)

## 2020

Moderator, panel on “*Uber Technologies v Heller*: First Impressions”, July 3, 2020, online  
Moderator, panel on “Major Milestones in Canadian Arbitration Law”, *Canadian Journal of Commercial Arbitration* Launch Webinar, June 25, 2020, online

## 2019

- “International Commercial Arbitration as Comparative Law in Action”, National Chiao Tong University Faculty Workshop (Hsinchu, Taiwan, December 27, 2019) (invited)
- “International Commercial Arbitration as Comparative Law in Action”, National Taiwan University Faculty Workshop (Taipei, Taiwan, December 20, 2019) (invited)
- “International Commercial Arbitration as Comparative Law in Action”, American Society of Comparative Law Annual Meeting, University of Missouri School of Law (Columbia, MO, USA, October 17-18, 2019) (invited to present in opening plenary)
- “Diversity is a Ladder: Making Progress on Arbitrator Diversity”, Taipei International Conference on Arbitration and Mediation (Taipei, Taiwan, August 16-17, 2019) (invited)
- “Diversity is a Ladder: Making Progress on Diverse Tribunals”, “International Law at a Crossroads”, Bader International Study Centre (Herstmonceux, UK, May 31, 2019) (invited)
- Moderator, Panel on International Business Transactions, “International Law at a Crossroads”, Bader International Study Centre (Herstmonceux, UK, May 31, 2019)
- “Interactive Relations Between Court Systems and Arbitration in Asia”, Columbia Arbitration Day, Columbia Law School (New York, NY, USA, March 8, 2019) (invited)
- Panel discussant, “Confidentiality and Arbitrator Ethics”, International Institution for Conflict Prevention & Resolution Annual Meeting (Washington DC, USA, March 1, 2019) (invited)
- “Teaching Dispute Resolution Skills in Blackletter Law Courses”, Winkler Institute for Dispute Resolution 10<sup>th</sup> Annual Symposium on Dispute Resolution, Osgoode Hall Law School (Toronto, ON, February 21, 2019) (peer-reviewed)
- Moderator, Institute for Transnational Arbitration Academic Council Works-in-Progress Workshop (New York, NY, February 9, 2019) (conference organizer)

## 2018

- “Sociological Insights for International Arbitration Practice”, Cairo Regional Centre for International Commercial Arbitration (Cairo, Egypt, November 8, 2018) (invited)
- “Piecemeal Solutions to Demonstrated Problems of Unfairness: Control of Price Terms in Common Law Canada”, 20<sup>th</sup> General Congress of the International Academy of Comparative Law (Fukuoka, Japan, July 22-28 2018) (peer-reviewed)
- Panelist, Symposium on “Misuses of Power in Both Private and Public Law: Dual Perspectives on Corruption”, 20<sup>th</sup> General Congress of the International Academy of Comparative Law (Fukuoka, Japan, July 22-28 2018) (peer-reviewed)
- “The Persistence of Culture? ‘Chinese-Style’ International Commercial Arbitration in a World of Globalized Legal Practice“, Annual Meeting of the Law and Society Association (Toronto, ON, June 7-10 2018) (peer-reviewed)
- “The Persistence of Culture? ‘Chinese-Style’ International Commercial Arbitration in a World of Globalized Legal Practice“, American Society of Comparative Law Younger Comparativists Committee Annual Global Conference (Cleveland, OH, USA, April 20-21 2018) (peer-reviewed)
- Paper Discussant, Institute for Transnational Arbitration Academic Council Annual Works-in-Progress Workshop (Washington DC, USA, January 27 2018) (invited)



## 2017

- Moderator, Panel on “New Perspectives in Comparative Law”, American Society of Comparative Law Annual Meeting (Washington DC, USA, October 28 2017)
- “The International Arbitrator’s Duty to Apply the Law”, Conference on the Duties, Rights, and Powers of International Arbitrators (Washington DC, USA, September 19, 2017) (peer-reviewed)
- “How Can We Really Know Anything About International Arbitration? Sociological insights for young arbitration lawyers”, McGill International Arbitration Symposium (Montreal, QC, February 20, 2017)
- “Taking Choice of Law Seriously in International Investment Disputes”, American Society of International Law Dispute Resolution Interest Group / University of Missouri Conference on Issues in International Dispute Resolution (Columbia, MO, USA, Feb 2-3, 2017) (peer-reviewed)

## 2016

- “Sectoral Fragmentation of Transnational Commercial Law”, 6th Annual American Society of International Law Research Forum (Seattle, Washington, USA, November 11-12, 2016) (peer-reviewed)
- “Sectoral Fragmentation of Transnational Commercial Law”, American Society of Comparative Law Annual Meeting, (Seattle, Washington, USA, October 27-29, 2016) (peer-reviewed)
- “Simultaneous Translation of Witness Testimony in International Arbitration Hearings”, Taipei International Conference on Arbitration and Mediation (Taipei, Taiwan, August 29-30, 2016) (invited)
- “The Fragmented Future of Transnational Commercial Law”, Hong Kong University Law Faculty Seminar Series (Hong Kong, March 18, 2016) (invited)
- “The Authority of International Arbitrators”, Chinese University of Hong Kong Faculty Seminar Series (Hong Kong, March 16, 2016) (invited)

## 2015

- 以法社會學觀點探討如何仲裁國際科技糾紛 (presented in Chinese; English title is “Whether and How to Arbitrate International Technology Disputes: A Socio-Legal Perspective”), 19<sup>th</sup> Annual National Taiwan Technology Law Conference (Hsinchu, Taiwan, November 20, 2015) (invited)
- “Fragmentation of International Commercial Law”, Taipei International Conference on Arbitration and Mediation (Taipei, Taiwan, September 7, 2015) (invited)
- “The Arbitral Role in Contractual Interpretation”, Dentons LLP International Arbitration Practice Group (London, UK, May 29, 2015) (invited)
- “Taking Choice of Law Seriously in International Investment Disputes”, ILA-ASIL Asia-Pacific Research Forum (Taipei, Taiwan, May 26, 2015) (peer-reviewed)
- “The Applicable Law in Investment Arbitrations: Rationalizing the Expectations of States and Investors”, 12<sup>th</sup> Asian Law Institute Annual Conference (Taipei, Taiwan, May 21, 2015) (peer-reviewed)

## 2014

- “Lex Petrolea in Investor-State Arbitration: Rationalizing Energy Industry Practices and Human Rights / Environmental Protection”, Canadian Council on International Law 43<sup>rd</sup> Annual Conference (with co-author Dilton Ribeiro, Ottawa, ON, November 13, 2014) (peer-reviewed)
- “Arbitrators’ Role and Duties Related to Application of the Governing Law” ICC Canada International Arbitration Conference (Montreal, QC, November 7, 2014) (invited)

“Movements under the Surface”, Stockholm Arbitration Summit, Stockholm University and the Arbitration Institute of the Stockholm Chamber of Commerce (Stockholm, Sweden, May 22 2014) (invited)

“How Should International Arbitrators Interpret Commercial Contracts?”, American Society of Comparative Law Younger Comparativists Committee Third Annual Conference (Lewis & Clark Law School, Portland, OR, USA, April 4-5 2014) (peer-reviewed)

Eighth Annual International Investment Treaty Arbitration Conference (Juris Conferences, Washington DC, USA, March 28 2014) (invited panelist; no paper presented)

“The International Arbitrator’s Duty to Apply the Law”, Junior International Law Scholars Association Annual Meeting (Berkeley Law School, Berkeley, CA, USA, January 31 2014) (peer-reviewed)

Discussant, “The Three Facets of Litigation Funding”, Junior International Law Scholars Association Annual Meeting (Berkeley Law School, Berkeley, CA, USA, January 31 2014)

### 2013

“On the Nature and Sources of The International Arbitrator’s Duty to Apply the Law”, Taipei International Conference on Arbitration and Mediation (Taipei, Taiwan, August 2013) (peer-reviewed)

“Contractual Governance, International Arbitration, and Fragmentation of Private Law”, Workshop on the Legitimacy of Private Transnational Governance by Contract (University of Victoria, Victoria, BC, Canada, August 2013) (invited)

“The Competitive Market for International Arbitration Services” (International Arbitration Club of New York, New York, NY, USA, June 2013) (invited)

Evolution of Arbitration Law and Practice (Queen Mary, University of London, London, UK, May 2013) (invited panelist; no paper presented)

“International Commercial Arbitrators as Service Providers”, The Roles of Psychology in International Arbitration (Brunel University, Uxbridge, UK, May 2013) (peer-reviewed)

“Recognizing a Contractual Right to Suspend Performance”, American Society of Comparative Law Younger Comparativists Committee Second Annual Conference (Indiana University Robert H. McKinney School of Law, Indianapolis, IN, USA, April 2013) (peer-reviewed)

“Recognizing a Contractual Right to Suspend Performance”, American Society of Comparative Law Eighth Annual Works in Progress Workshop (University of Illinois, Urbana-Champaign, IL, USA, March 2013) (peer-reviewed)

### 2012

“On the Nature and Sources of the International Arbitrator’s Duty to Apply the Law”, What Does the Future Hold for International Investment Law? (McGill University, Montreal, QC, Canada, November 2012) (invited)

“Canadian Courts in the Global Jurisconsultorium”, Harvard-Stanford International Junior Faculty Forum (Stanford, CA, USA, October 2012) (peer-reviewed)

“Recognizing a Contractual Right to Suspend Performance”, 6th Biennial Conference on the Law of Obligations (“Obligations VI”) (Western University, London, ON, Canada, July 2012)

“Canadian Courts in the Global Jurisconsultorium”, Osgoode-Toronto Junior Faculty Forum (Toronto, ON, Canada, June 2012) (peer-reviewed)

“The Interpretation of International Uniform Law Instruments: Empirical Insights into the Role of National Judiciaries”, Agents of Change: The Individual as a Participant in the Legal Process (Cambridge University, Cambridge, UK, May 2012) (peer-reviewed)

## 2009-2011

“The Emerging Culture of International Arbitration”, Canadian Council on International Law 40<sup>th</sup> Annual Conference (Ottawa, ON, Canada, November 2011) (peer-reviewed)

“Elements of an International Arbitration Culture”, 5th International Conference on Interdisciplinary Social Sciences (Cambridge, UK, August 2010) (peer-reviewed)

“Can the CISG-AC Affect the Homeward Trend?”, Issues on the CISG Horizon (with co-presenter Lorraine de Germiny, Vienna, Austria, April 2009) (invited)

## PRIZES AND RECOGNITION

Tsai Wan-Tsai Chair Professorship of International Law of the National Taiwan University College of Law (one visiting professor selected each year to present a public lecture and intensive course on a topic in international law), TWD\$300,000 (2022)

Associate Member, International Academy of Comparative Law (Elected 2021)

James Crawford Prize of the *Journal of International Dispute Settlement* (best article of the year), for “The Arbitral Role in Contractual Interpretation” (2015)

Queen’s Law Student Society Teaching Award (2012)

Selected for the Harvard-Stanford International Junior Faculty Forum (2012)

British Institute for International and Comparative Law / *International and Comparative Law Quarterly* Young Scholar Prize (best article of the year by an author under 40), for “Contract Law in International Commercial Arbitration: the Case of Suspension of Performance” (2009)

## RESEARCH FUNDING (Grants over CAD\$5,000 only)

Social Sciences and Humanities Research Council of Canada Institutional Grant (administered by Queen’s University), for project entitled “Transnational Precedent”, \$6,500 (2019) (principal investigator)

Economic & Social Research Council (UK) Research Grant, for project entitled “The Social and Psychological Underpinnings of Commercial Arbitration in Europe”, GBP£1,015,377 (2018-2023) (co-principal investigator)

Social Sciences and Humanities Research Council of Canada Insight Development Grant, for project entitled “An Exploration of the International Arbitrator’s Duty to Apply the Law” (2013-2015) \$54,300 (principal investigator)

Queen’s University Senate Advisory Research Committee Grant, for project entitled “An Exploration of the International Arbitrator’s Duty to Apply the Law” (2013) \$8,000 (principal investigator)

Borden Ladner Gervais LLP Research Fellowship, for project entitled “Canadian Courts in the Global Jurisconsultorium” (2011) \$12,000 (principal investigator)

## TEACHING

### At Queen's

Torts, 2019-2020

Contracts, 2009-2015, 2016-2019

Legal Research Methods & Perspectives (mandatory seminar for LLM and PhD students), 2016-2021

Commercial Law, 2009-2015, 2016-2017, 2020, 2022

International Commercial Law (Queen's Global Law Summer Program, Herstmonceux, UK), 2017-

International Commercial Arbitration (Queen's Global Law Summer Program, Herstmonceux, UK),  
2009-2016

### At the National Taiwan University

International Arbitration, Spring 2023

Globalization and Transnational Commercial Law, Fall 2022

International Commercial Arbitration, 2015-2016

Comparative Contract Law, 2013 (co-instructor with Sheng-lin Jan), 2015-2016

International Dispute Settlement (co-instructor with Tsai-yu Lin), 2013

### Other

Faculty Member, Toronto Commercial Arbitration Society Gold Standard Course in Commercial Arbitration, (Canada's leading practitioner course for training in commercial arbitration law and practice), 2021-; Adjunct Faculty, 2020-2021

Instructor, Intensive Seminar on Treaty Interpretation in Investor-State Arbitration, Africa Arbitration Academy, London, UK, June 2019

Instructor, Special Seminar on International Commercial Arbitration (two-day intensive workshop), Universidad San Francisco de Quito, Quito, Ecuador, May 2018

Guest Lecturer, International Commercial Arbitration, Chinese University of Hong Kong LLM Program, Hong Kong, March 2016

Instructor, International Commercial Arbitration (two-week intensive course), Wuhan University, Wuhan, China, November 2013

Supervisor (undergraduate tutor), Conflict of Laws, 2007-2009, University of Cambridge, Pembroke and Newnham Colleges

## STUDENT RESEARCH SUPERVISION AND ASSESSMENT

### PhD Thesis Supervision (as primary supervisor)

Deepti Panda, "Sovereign Immunity and International Commercial Arbitration" (2022- )

Abayomi Okubote, "Comparative Legal and Regulatory Approaches to Third-Party Funding in International Arbitration" (2017-2022)

Ksenia Polonskaya, "Frivolous and Abusive Claims in Investor-State Arbitration" (2014-2018)

### **PhD Thesis Supervision (as supervisory committee member)**

- Demetra Sorvatzioti, “Free Evaluation of Evidence: Does the International Criminal Court Need a Law of Evidence?” (2021-)
- Hiwot Mekuanent, “The Legal and Institutional Framework of Disability in Ethiopia: Ambivalence Between Protection and Discrimination” (2019-)
- Richard Obeng, “Protection of Minority Shareholders in Ghana” (2019-)
- Aleksandra Balyasnikova-Smith, “Towards a Clogal Environment Trust: Determination of the General Principle of Trust Under International Law and its Application to the Global Environment (2019-2022)
- Graham Jones, “Programmed to Kill: Determining Responsibility for International Illegal Acts Committed by Autonomous Weapons Systems” (2018-)
- Ekaterina Antsygina, “Dividing the Arctic: Sovereign Rights on Extended Continental Shelves in the High North” (2017-2021)
- Ana Patricia Chuc Gamboa, “International Trade Law and International Human Rights Law: are international labour standards their common ground?” (2017-2021)
- Alicia Elias-Roberts, “State Sovereignty over Offshore Petroleum Resources and the Relative Normativity of International Law Principles” (2016- )
- Santino Dau, “Between Cultural Relativism and Universalism: A Justification for Universalism in the Application of International Human Rights Standards to Contemporary Africa” (2015-2018)

### **PhD Thesis Examinations (other than my supervisees)**

- Dan Xie, “Due Process Defence to Recognition and Enforcement of Foreign Arbitral Awards under the New York Convention: A Global Perspective in Theory and Practice” (2020) (external examiner, University of New South Wales, Sydney, Australia)
- Mikaël Schinazi, “The Three Ages of International Commercial Arbitration” (2018) (external examiner, Sciences Po Law School, Paris, France)
- Gillian MacNeil, “Crimes Against Humanity, the ‘Residual Clause’ and Legality: Reconciling the Demands of Justice and Fairness” (2018) (internal examiner, Queen’s University Faculty of Law)

### **PhD Qualifying Examinations (other than my supervisees)**

- Michele Leering, “Legal Educators and Reflective Practice in Canada and Australia: Legal Pedagogy Reimagined” (2016) (chair)
- Gillian MacNeil, “Crimes Against Humanity, the ‘Residual Clause’ and Legality: Reconciling the Demands of Justice and Fairness” (2016) (chair)

### **LLM Thesis Supervision**

- Julie Wilson, “The Political Economy of Corruption in International Investment Law” (2021-2022)
- Bisoye Shinaba, “Corporate Governance & Diversity: A Discussion of Diversity on Corporate Boards with a Focus on Gender and Racial Inclusion” (2021-2022)
- Elahe Falahi, “Protection of Human Rights in the International Investment Regime: A Critical Survey with a view into the Iranian Foreign Investment Experience” (2020-2021)
- Chong Zhang, “Commercialization of Fictional Characters: A Comparative Study of US and Chinese Law” (2020-2021)

Mohamed Morad Eldib, “The Extension of Arbitration Agreements to Non-Signatories” (2019-2020)  
Lili Zhang, “A Thorn in the Flesh: Evaluation of China’s Technology Transfer Regime” (2019-2020)  
Awet Weldemichael, “Somalia Between State Collapse and International Law (2017-2018)  
Maria Montplaisir Bazan, “Online Shopper Beware: Can Canadian Consumer Protection Legislation Keep Pace with Online Commerce Innovations?” (2014-2016)

### **LLM Thesis Examinations and Assessments**

Victoria C. Belbin, “In Defence of Canada: China’s Ascent to Polar Power: A Critical Analysis of Canadian Arctic Sovereignty and China’s Maritime Activities”  
Sharlene Weitzman, “High Conflict Cases and the *Divorce Act*: The Need for Systemic Legislative Reform and Children’s Rights Focussed Solutions” (2021)  
Brian Cox, “Attack on the Geneva Conventions? A Principled Review of the US Military Strike on the MSF Trauma Centre in Kunduz, Afghanistan” (2018)  
Alaa Al Haj Turki, “In the New Era of Shareholder Activism, Is Shareholder Empowerment a Looming Threat?” (2018)  
Jie Tang, “What Can China Learn from Thailand? Compulsory Licensing under TRIPS and China’s Universal Health Care Program” (2013)  
Stephane Pierre-Noel, “The Application of Human Rights in Armed Conflicts” (2011)  
Babak Hendizadeh, “Enforcement of International Arbitration Awards in Islamic Countries” (2011)  
Marie-Noël Rochon, “Dialogue of the Deaf: The Interaction Between Corporate Law and Securities Law in Canada” (2010)  
Philippe Dumaine, “Arbitration Agreements, Class Actions, and Access to Justice” (2010)

### **JD Student Independent Study Project Supervision**

Melanie Fishbein, “Business Rights and Human Rights in International Investment Law” (2020)  
Sakshi Sharma, “*R v Peers* and the Twin Goals of Securities Regulation”(2018)  
David Schnittker, “The Eli Lilly Case and NAFTA Arbitrations” (2017)  
Julian Yang, “Implementation of the 2008 Chinese Anti-Monopoly Law” (2014), Runner up, Phanor J. Eder Prize of the American Society for Comparative Law for best paper by a JD/LLB student on any topic in comparative law  
Brittany Rabinovitch, “Human Rights in International Investment: The Need for Redirection” (2014)  
Ashok Menen, “Canadian Anti-Bribery Legislation and Enforcement: Current Landscapes and Future Horizons” (2014)  
Aarondeep Bains, “Third Party Funding and Arbitrator Disclosure” (2013)  
Jeremy D’Souza, “Counterclaims by States in Investment Treaty Arbitrations” (2012)  
Tyson McNeil-Hay, “A New Framework for *Error in Substantialibus*” (2011)  
Chetan Phull, “US Anti-Suit Injunctions in Support of International Arbitration: Six Questions American Courts Ask” (2010), published at (2011) 28(1) Journal of International Arbitration 21

## **PROFESSIONAL ACTIVITIES AND SERVICE**

### **Editorial Activities**

Book Review Editor, American Journal of Comparative Law, 2019-  
Co-Founder and Managing Editor, Canadian Journal of Commercial Arbitration, 2018-

Member, Advisory Board, *Inter Gentes: The McGill Journal of International Law and Legal Pluralism*, 2020-  
Editorial Advisor, *Africa Arbitration Blog*, 2018-  
Member, Advisory Committee, *Contemporary Asia Arbitration Journal*, 2014-  
Guest Moderator, OGEMID Forum, March 2013, March 2015

### **Service to Scholarly and Professional Societies**

Research Unit, *Decolonizing Arbitration: How to Promote a Fair and Culturally Sensitive use of Commercial and Investment Arbitration*, University of Nagoya, Japan  
Member, Scientific Committee, 2020-  
American Society of Comparative Law  
Member, Executive Committee, 2018-2019  
Member, Website Advisory Committee, 2018-  
Chair, Younger Comparativists Committee (YCC), 2017-2018  
Vice-Chair and Secretary, YCC, 2016-2017  
Chair, YCC Affiliates Advisory Group, 2014-2016; Member 2013-2014  
Institute for Transnational Arbitration  
Vice Chair, Academic Council, 2021-2025; Member, 2017-2021  
Chair, Podcast Task Force, 2019  
Africa Arbitration  
Member, Advisory Council, 2018-  
International Chamber of Commerce (Canadian Branch)  
Member, Diversity Committee, 2022-  
International Chamber of Commerce Commission on Arbitration and ADR  
Member, Task Force on Improving the Probative Value of Witness Testimony in International Arbitrations, 2016-2020

### **Conferences, Panels, and Webinars Organized**

Co-Convenor, Annual Canadian Commercial Law Symposium, Sept 23, 2023, Kingston ON  
Convenor, Institute for Transnational Arbitration Academic Council Annual Works-in-Progress Workshop, January 22, 2022, Houston TX and online  
Co-Convenor, CJCA/CIArb Webinar, “Bifurcation of Arbitral Proceedings”, June 20, 2022  
Co-Convenor, Kluwer Arbitration Practical Insights Webinar on Evidence in International Arbitration, April 7, 2022, online  
Convenor, Book Launch Panel on *Six Faces of Globalization*, January 24, 2022, online  
Convenor, Institute for Transnational Arbitration Academic Council Annual Works-in-Progress Workshop, January 22, 2022, online  
Convenor, CJCA/CIArb Webinar, “2021 Canadian Arbitration Year-in-Review”, January 27, 2022, online  
Co-Convenor, conference on “Sustainable Diversity in International Arbitration”, November 20, 2021, online  
Convenor, Institute for Transnational Arbitration Academic Council Annual Works-in-Progress Workshop, February 13, 2021, online  
Co-Convenor, *Uber v Heller* – Can Unconscionability Principles Answer When Not to Enforce Arbitration Agreements?, January 22, 2021, online

Convenor, *Uber Technologies v Heller*: First Impressions, July 3, 2020, online  
Convenor, *Canadian Journal of Commercial Arbitration* Launch Webinar, June 25, 2020, online  
Convenor, Institute for Transnational Arbitration Academic Council Annual Works-in-Progress Workshop, February 2020, New York, NY, USA  
Convenor, Institute for Transnational Arbitration Academic Council Annual Works-in-Progress Workshop, January 2019, New York, NY, USA  
Member, Program Committee, 7th Annual Younger Comparativists Committee Global Conference on Comparative Law, April 20-21, 2018, Case Western Reserve School of Law, Cleveland, OH, USA  
Panel Organizer, “New Voices in Comparative Law”, American Society of Comparative Law Annual Meeting, October 26-28, 2017, American University School of Law, Washington DC, USA  
Chair, Program Committee, 5th Annual Younger Comparativists Committee Global Conference on Comparative Law, March 18-19, 2016, Tulane Law School, New Orleans, Louisiana, USA  
Member, Program Committee, 4th Annual Younger Comparativists Committee Global Conference on Comparative Law, April 16-17, 2015, FSU College of Law, Tallahassee, Florida, USA  
Member, Program Committee, 3rd Annual Younger Comparativists Committee Global Conference in Comparative Law, April 4-5, 2014, Lewis & Clark Law School, Portland, Oregon, USA

### **Mooting Activities**

Arbitrator and Judge of Written Memoranda, Willem C. Vis International Commercial Arbitration Moot and Vis East Moot, 2007-, including judging of finalists for best Claimant’s or Respondent’s Memorandum and judging of oral arguments up to the quarter-finals  
Willem C. Vis International Commercial Arbitration Moot, Coach or Co-Coach for:  
Queen’s University, 2009-2019; National Taiwan University, 2015-2016; Wuhan University, 2013-2014; Columbia Law School, 2005-2009  
Judge in numerous other moots and practice moots at the national and international level  
Coach, Canadian National High School Debate Team, 1997-1999

### **Refereeing Activities**

#### **Adjudication and Refereeing for Grant and Funded Chair Competitions**

Member, Adjudication Committee, Queen’s University “Wicked Ideas” Grant Competition, 2020 (largest internal research grant program ever launched by Queen’s)  
Member, Adjudication Committee (SSHRC Disciplines), Internal Competition for a Tier 1 Canada Research Chair, Queen’s University, 2020  
External Reviewer, Nomination for Renewal of a Tier 2 Canada Research Chair, 2019  
Member, Adjudication Committee, Social Sciences and Humanities Research Council of Canada Insight Development Grant Competition (Law & Criminology), 2018, 2019  
Member, Adjudication Committee, Queen’s University SSHRC Institutional Grant, 2018  
External Reviewer, Nomination for a Tier 2 Canada Research Chair, 2014  
External Reviewer, Leverhulme Trust Major Research Project Grant (UK), 2014

#### **Adjudication and Refereeing for Tenure and Promotion Assessments**

External Reviewer, Application for promotion to Associate Professor, Monash University College of Business and Law, 2022



External Reviewer, Application for tenure and promotion to Associate Professor, University of Akron School of Law, 2022

External Reviewer, application for tenure and promotion to Associate Professor, Washburn University School of Law, 2016

### **Adjudication of Research Prize and Scholarship Competitions**

Judge, Best Oralist, Nappert Prize in International Arbitration, 2022

Member, Crawford Prize Academy (selection committee for the James Crawford Prize of the Journal of International Dispute Settlement), 2017-2021

Adjudicator of finalists, Werner Melis Award for Best Memorandum by Respondent, Willem C. Vis International Commercial Arbitration Moot, 2019-

Adjudicator of finalists, Pieter Sanders Award for Best Memorandum by Claimant, Willem C. Vis International Commercial Arbitration Moot, 2016-

Chair, Selection Committee, Phanor J. Eder Prize in Comparative Law (LLB/JD student writing prize), 2014-2016

### **Peer Reviews of Book Manuscripts**

Anthem Press

Cambridge University Press (multiple reviews)

Centre for International Governance Innovation

Edward Elgar (multiple reviews)

Hart Publishing (multiple reviews)

Kluwer (International and Law & Business)

McGill-Queen's University Press

Oxford University Press (multiple reviews, for both the law and political science divisions)

Palgrave Macmillan

Springer (multiple reviews)

### **Peer Reviews for Academic and Practitioner Journals:**

Alberta Law Review (multiple reviews)

Appeal: Review of Current Law and Law Reform (multiple reviews)

Asper Review of International Business and Trade Law (multiple reviews)

Canadian Bar Review

Contemporary Asia Arbitration Journal (multiple reviews)

Dalhousie Law Journal

Inter Gentes: The McGill Journal of International Law and Legal Pluralism (multiple reviews)

Journal of International Arbitration (multiple reviews)

Journal of International Dispute Settlement (multiple reviews)

Journal of International Law and International Relations

Laws

McGill Journal of Dispute Resolution (multiple reviews)

McGill Journal of Law and Sustainable Development

McGill Law Journal (multiple reviews)

Osgoode Hall Law Journal

Ottawa Law Review (multiple reviews)  
Oxford University Commonwealth Law Journal  
Queen's Law Journal (multiple reviews)  
Transnational Legal Theory  
Transport Problems  
University of British Columbia Law Review (multiple reviews)  
University of New Brunswick Law Journal  
Washington International Law Journal  
Windsor Review of Legal and Social Issues (multiple reviews)  
Windsor Yearbook of Access to Justice

## **UNIVERSITY SERVICE**

### **For the Queen's Faculty of Law**

Selection Committee, Stanley M. Corbett Awards for Excellence in Teaching, Member, 2022  
Strategic Planning Committee, 2020-2021  
Graduate Studies Committee for Law, Chair, 2017-  
Moot Court Committee, Member then Acting Chair, 2016-2017  
Curriculum Committee, Member then Chair, 2013-2015  
Ad Hoc Committee on Foundation Year Curricular Reform, Chair, 2013-2014  
Admissions Committee, Member and Subcommittee Chair, 2009-2010, 2012-2013  
“Law 201: Introduction to Canadian Law” undergraduate course, Course Designer and Founding Academic Director, 2012  
B.Comm./J.D. Combined Degree Program, Founding Co-Director, 2012-2014  
Lounge Renovation Ad Hoc Committee, Member, 2011  
Renewal, Tenure, and Promotions Committee, Member, 2010-2011

### **For Queen's University**

Graduate Professional Development Advisory Group, Member, 2021-2022  
Queen's University Strategic Plan Implementation Committee for Research Excellence, Member, 2021  
Search Committee, Vice Principal (Research), Member, 2020-2021  
Graduate Academic Operations Working Group (university-side Covid-19 response and coordination committee), Member, 2020-  
Senate Advisory Research Committee, Member, 2020-2021  
Governor General's Academic Gold Medal Selection Committee (prize for the top two graduate students of the year across the university), Member, 2018-  
School of Graduate Studies Fellowship Selection Committee, Member, 2018-  
Graduate Studies Executive Committee, Member, 2017-  
University Committee on the Academic Plan, Member, 2016-2018  
Deans' Council on the Campus Master Plan, Law Faculty Representative, 2012-2015  
Major Undergraduate Scholarships Selection Committee, Member, 2011-2012

### **For the Cambridge Faculty of Law**

Graduate Student Representative, University of Cambridge Faculty Board of Law, 2007-2008

## **PROFESSIONAL QUALIFICATIONS**

Q.Arb (“Qualified Arbitrator”), ADR Institute of Canada, 2021  
Law Society of Ontario, application pending  
New York Bar, admitted December 2006

## **LANGUAGES**

English (native), Mandarin Chinese (proficient), French (proficient)