

## Curriculum Vitae of Professor Jack J. Coe, Jr.

### Essential Data:

**Born:** 20-X-1953; **Citizenship:** USA; **Domicile:** Westlake Village, California.

**Present Position:** Tenured Professor of Law, Pepperdine University, Malibu, CA. 90263; Faculty Director ICA LL.M.

**Contact:** <jack.coe@pepperdine.edu> Phn: 310-506-4626.

**Education:** **B.A.**, U.C.L.A. (with distinction); **J.D.**, Loyola University School of Law (Law Review); **LL.M.**, University of Exeter (Rotary Scholar) (International Business Legal Studies); **Diploma**, Hague Academy (Private International Law: by written and oral exams); **Ph.D.**, London School of Economics (Law Faculty) (*Thesis Topic:* A Critical Appraisal of the Federal Arbitration Act of 1926 and the Suitability of the Model Law as its Replacement for International Commercial Disputes).

**Bar Memberships:** California (1979); Washington State (1980).

**Panel Memberships:** ICDR

**Health:** Excellent

### Narrative Overview

Jack J. Coe, Jr. is Professor of Law and Faculty Director of the LL.M program in International Commercial Arbitration at Pepperdine Law School. He has been admitted to practice in California and Washington State and is a specialist in international commercial arbitration and arbitration involving States. He has held several leadership posts within professional organizations including: Member, ABA (SIL) Working Group Revising the 1977 Ethics for Arbitrators; Chair, Academic Council, Institute for Transnational Arbitration; Chair, Disputes Division, ABA Section of International Law, Co-Chair, International Commercial Dispute Resolution Committee of the ABA (SIL); and Co-Chair IBA Sub-Committee on Investor-State Mediation. Coe is a Fellow of the American Bar Foundation. Since 2008 he has been an Associate Reporter on the ALI Restatement (Third) of International Commercial Arbitration. Several times per year he speaks at arbitration conferences organized by academic, professional, and other arbitration-related bodies and has often been a key-note or guest lecturer at law schools outside of the United States

A member of the ICDR Panel (AAA), Coe has been both a party-appointed and institutionally designated arbitrator, and has arbitrated under UNCITRAL Rules. Coe on several occasions has acted as consultant to parties in commercial or investor-state arbitrations, under various rule formulae, and has filed expert declarations in both federal courts and in investor-state arbitrations. Coe's practical arbitration experience began at Iran-U.S. Claims Tribunal, where he served as a Legal Assistant for two years. He worked principally on oil cases and dual national claims administered under the UNCITRAL Rules. He would later help argue the first NAFTA Chapter Eleven claim brought against Mexico (which was the first arbitration to use the ICSID

Additional Facility Rules). The majority of Coe's over two dozen published essays address arbitration-related topics with an emphasis on practical matters of process design and distinctive problems arising in the context of BIT arbitration. Coe's treatise "International Commercial Arbitration—American Principles in a Global Context" and several of his other writings have been cited and quoted in books, arbitration and court briefs, law review articles and UN Reports.

Professor Coe's post-J.D. academic training includes an LL.M. in International Business Legal Studies, from Exeter University, the Diploma of the Hague Academy of International Law, and a Ph.D. from the London School of Economics, where his dissertation examined the UNCITRAL Model Law. Coe has been awarded several fellowships, including most recently, one conferred by NYU Law School. He is a U.S. citizen.

### **TEACHING ASSIGNMENTS (COURSES TAUGHT AT J.D. OR LL.M. LEVELS)**

**Domestic Law:** Agency, Conflicts of Law, Corporations, Intellectual Property Survey, Remedies, Sale of Goods.

**International and Comparative Law:** Comparative Law, Comparative Constitutional Law, International Business Transactions, International Commercial Arbitration, International Commercial Dispute Resolution, International Direct Investment Disputes, International Litigation, Ethics in ICA, ICA Advocacy, NAFTA Law & Policy, Public International Law

### **REPRESENTATIVE PUBLICATIONS**

#### **Books**

INTERNATIONAL COMMERCIAL ARBITRATION—AMERICAN PRINCIPLES AND PRACTICE IN A GLOBAL CONTEXT (1997).

THE NAFTA INVESTMENT ARBITRATION REPORTER: VOL. I PRIMARY MATERIALS (Co-editors: William Dodge and Charles Brower, II) (first volume in multi-volume series) (Kluwer: 2005).

#### **ALI Work**

Associate Reporter, RESTATEMENT (THIRD) INTERNATIONAL COMMERCIAL ARBITRATION (Tentative Draft No. 2, April 2012)

#### **Selected Articles**

▪ *Pre-Hearing Techniques to Promote Speed and Cost-Effectiveness*, in D. CAMPBELL, ED., THE ARBITRATION PROCESS 153 (2001); *Reprinted in* 2(1) PEPP. DISP. RESOL. L. J.

(ADR: Going Global Symposium: 2002) at 53; 17(5) MEALEY'S INTERNATIONAL ARB. REP. (May 2002), and 3(2) MEALEY'S QUARTERLY LAW REVIEW 67 (2002).

- *Arbitration Under NAFTA Chapter Eleven: Some Pragmatic Reflections upon the First Case Filed Against Mexico*, 23 HASTINGS INT'L & COMPAR. L. REV. 311 (2000) (with Clyde Pearce).
- *Domestic Court Control of Investment Awards—Necessary Evil or Achilles Heel Within NAFTA and the Proposed FTAA?*, 19(3) J. INT'L ARB. 185 (2002).
- *The Serviceable Texts of International Commercial Arbitration—An Embarrassment of Riches*, 10 WILLAMETTE J. INT'L L. & DISP. RESOLUTION 143 (2002) (Am. Soc'y Compar. L. Sympos.).
- *Fair and Equitable Treatment—A Textual Analysis*, PROCEEDINGS OF AMER. SOC'Y INT'L LAW 96<sup>TH</sup> ANNUAL MEETING 17 (2002).
- *Metalclad—A Retrospective*, in J.C. THOMAS & J.C. MOWATT, EDS., NAFTA REPORTER (Cameron May Publishers: 2002).
- *From Anecdote to Data—Reflections On the Global Center's Barcelona Meeting*, 20 (1) J. INT'L ARB. (2003).
- *Domestic Court Supervision of NAFTA Chapter Eleven Awards—An Interim Assessment*, 12 (1) CALIF. INT'L PRACTITIONER 7 (2003) (abridgement of essay at 19(3) J. INT'L ARB. 185 (2002)).
- *Denial of Justice and NAFTA Chapter Eleven—The Mondev Award*, 3(1) ABA INT'L ARB. NEWS 2 (Winter 2002/2003).
- *NAFTA Chapter Eleven—Architectural Highlights and Docket Patterns*, 17(1) NEWS & NOTES OF THE INSTITUTE FOR TRANSNATIONAL ARBITRATION (2003).
- *Taking Stock of NAFTA Chapter Eleven in its Tenth Year—A Interim Sketch of Selected Themes, Issues, and Methods*, 36 VANDERBILT TRANSNAT'L L. 1 (2003).
- *The Mandate of Chapter Eleven Tribunals—Jurisdiction and Related Questions*, in T. WEILER, ED., NAFTA INVESTMENT LAW AND ARBITRATION: THE EARLY YEARS (2004).
- *International Commercial Law, International Arbitration Year in Review*, 38 INT'L LAW. 265 (2004) (with M. Friedman, W. Park, D. Prager & S. Smith).
- *Reforming the FAA—The Case for the Model Law*, FAA SYMPOSIUM, 4 (2) INT'L ARB. NEWS 2 (Summer 2004).
- *Regulatory Expropriation and the Tecmed Case: Context and Contributions*, in T. WEILER ED., INTERNATIONAL INVESTMENT LAW AND ARBITRATION—LEADING CASES FORM ICSID, NAFTA, BILATERAL TREATIES AND CUSTOMARY INTERNATIONAL LAW (2005) (with Noah Rubins).
- *The State of Investor-State Arbitration—Some Reflections on Professor Brower's Search for Sensible Principles*, 20 AM. U. INT'L L. REV. 931 (2005).

- *Toward a Complementary Role for Conciliation in Investor-State Disputes—A Preliminary Sketch*, 12 U.C. DAVIS J. INT’L & POL’Y 7 (2005).
- *Transparency in Investor State Arbitration—Adoption, Adaptation, and NAFTA Leadership*, 54 KANSAS L. REV. 1339 (2006).
- *Some Thoughts on Teaching International ADR and the Case for Reality-Based Simulations*, 22 ARB. INT’L 249 (2006).
- *International Commercial Dispute Resolution—Year In Review*, 40 INT’L. LAW. 251 (2006) (Co-authored with C. I. Suarez Anzorena, R. Wisner, C. Solomon, & K. Gans).
- *The Transparency Features of the Iran-U.S. Claims Tribunal*, in C. DRAHOZAL, & C. GIBSON, EDS., THE IRAN U.S. CLAIMS TRIBUNAL AT 25 (Oxford University Press: 2007).
- *An Examination of the Draft Award Circulation Provision of the U.S. Model BIT of 2004*, in C. ROGERS & R. ALFORD, EDS., THE FUTURE OF INVESTMENT ARBITRATION 107 (Oxford University Press: 2009).
- *Settlement of Investor-State Disputes through Mediation—Preliminary Remarks on Processes, Problems and Prospects*, in R. DOAK BISHOP, ED. ENFORCEMENT OF ARBITRAL AWARDS AGAINST SOVEREIGNS Ch 4 (Juris: 2009).
- Book Review, *Margaret L. Moses, The Principles and Practice of International Commercial Arbitration*, 113 PENN. ST. L. REV. 1369 (2009).
- *Restating the US Law of International Commercial Arbitration*, 113 PENN. ST. L. REV. 1333 (2009) (co-authored with G. Bermann, C. Drahozal & C. Rogers).
- *Should Mediation of Investment Disputes Be Encouraged, and if So, by Whom and How?*, in A. ROVINE, ED., CONTEMPORARY ISSUES IN INTERNATIONAL ARBITRATION AND MEDIATION 339 (forthcoming 2010).
- *Making Remission and Other “Curative” Mechanisms Part of the Forum Shopping Conversation –A View from the U. S. with Comparative Notes*, in FRANCO FERRARI, ED., FORUM SHOPPING IN THE INTERNATIONAL COMMERCIAL ARBITRATION (2013).
- Book Review: COMMENTARIES ON SELECTED MODEL INVESTMENT TREATIES (Chester Brown ed., 2013), 15 Pepperdine J. Dispute Resol. 183 (2015) (with Ashley K. Puscas).
- *Investor–State Arbitration*, 20 DISP. RESOL. MAG. 9 (Winter 2014).
- A Reply to “Hollow Spaces” 62 BUFFALO L. REV. 178 (2014) (with Bermann, Drahozal, Rogers).
- ALI RESTATEMENT on The AMERICAN LAW OF INTERNATIONAL COMMERCIAL ARBITRATION Chapter Two (Council and Tentative Drafts approved 2015).

- Book Review: CATHERINE A. ROGERS' ETHICS IN INTERNATIONAL ARBITRATION (Oxford University Press, 2014), 21 Disp. Resol. Mag 18 (2015).
- Constructing a "Suite" of International Arbitration Courses —Sample LL.M Course Descriptions and Some Factors to Consider in THE FUTURE OF ARBITRATION (Queen Mary College/Kluwer 2016).
- ELGAR RESEARCH COLLECTION, *PRIVATE INTERNATIONAL LAW AND ARBITRATION* (with Donald Earl Childress III, editors) (forthcoming 2017).
- CASEBOOK: INTERNATIONAL COMMERCIAL ARBITRATION—A COMPARATIVE PERSPECTIVE (FORTHCOMING, WEST: 2016/2017)(NYU Transnational Center Project with Multiple contributors/editors).

Casebook Commentary: The Perceived and Real Attributes of Arbitration in the International Context, in CASEBOOK: INTERNATIONAL COMMERCIAL ARBITRATION—A COMPARATIVE PERSPECTIVE (FORTHCOMING, WEST: 2016/2017)(NYU Transnational Center Project with Multiple contributors/editors).

Casebook Commentary: Subject-matter Arbitrability, in CASEBOOK: INTERNATIONAL COMMERCIAL ARBITRATION—A COMPARATIVE PERSPECTIVE (FORTHCOMING, WEST: 2016/2017)(NYU Transnational Center Project with Multiple contributors/editors).

### **Selected Scholarly Presentations**

- Terrorism and International Law□ (Pepperdine Law School, Late September 2001).
- Comparative Method, Unifying Texts and International Commercial Arbitration, 50th Annual Meeting of the American Society of Comparative Law (Salem, OR, Oct. 5, 2001).
- Panel on North / South Litigation International Litigation, ABA International Law Section Meeting, Monterrey Mexico, (October 12, 2001).
- Investor Claims: Some Cautionary Thoughts on Treating Environmental Regulation Preferentially,□ Panel on International Trade and the Environment: WTO and NAFTA, ILA Annual Conference (New York, October 27, 2001).
- Fair and Equitable Treatment--A Textual Analysis, American Society International Law, 96th Annual Meeting (Panel on Fair Equitable Treatment in International Law, Washington D.C. March 14, 2002).
- Chapter Eleven's Takings Provision: A Progress Report, ILA West, 2003 Meeting (February 7th, 2003).

- Tinkers, Tailors, Undertakers, A Health Report on NAFTA Chapter Eleven, Symposium: NAFTA in a WTO World, Chicago Kent Law School (March 5, 2003).
- NAFTA Chapter Eleven at Age Ten--Taking Stock, Symposium on International Commercial Arbitration, Vanderbilt Law School (March 14, 2003).
- Expropriation under NAFTA: Some Random Observations, International Law Association, Loyola law School (LA)(February 8, 2003).
- International Commercial Arbitration—Year In Review— ABA, (SILP) Spring Meeting, Washington D.C. (May 7, 2003)(presented remarks on personal jurisdiction, forum non conveniens and the enforcement of New York Convention awards).
- Regulatory Takings Under the NAFTA--Some Observations, ABA Annual Meeting San Francisco (August 10, 2003).
- NAFTA Chapter 11 at Age Ten—What Have Investors Learned About Arbitration with Governments?— California Bar Annual Meeting (September 5, 2003).
- Protecting Investors Through Treaties--The NAFTA Experience, British Institute International & Comparative Law (October 10, 2003).
- Debate: The FAA--What is to be Done? ABA, (SILP) Spring Meeting (New York 2004).
- Why the Hague Academy? Some Reflections, International Law Association, February 2, 2005, Whittier Law School.
- Keynote Lecture: The State of Investor-State Arbitration and It's Place in Modern Arbitration, Sophia University, Tokyo, March 27, 2005 (Co-Lecturer, Michael Kwang, Esq).
- Forces of Decentralization, Investor Expectations and Related Matters, Romancing the Investor BIT by BIT, American Society of International Law, Regional Centennial Event, UC Davis Law School, March 4, 2005.
- How Then Should We Teach International Arbitration?— Conference Marking 20 Years Anniversary of School of International Arbitration, Queen Mary College, April 12, 2005.
- The US and Canadian Model BITs--Some Trends in Response to NAFTA— ICC / CBA Conference, Vancouver, June 27-28, 2005.

- Of Architecture and Systems Design--A Progress Report on Transparency Practices in Investor-State Arbitration, U. Kansas Law Review Symposium on Transparency in ADR, November 3, 2005.
  - Good-Bye to an Old Friend—Court Ordered Provisional Measures In Commercial Arbitration and Related Developments, Spring 2006 ABA SILP Meeting.
  - Reflections on the Iran-U. S. Claims Tribunal at Twenty- Five, ITA/ASIL Boalt Hall Meeting January 2006
  - The Case for Treating International Disputes Differently, Annual Meeting of IADC, Rome, Summer 2006.
  - Enforcement of Investor-State Awards under Treaties—A Story of Direct and Indirect Control Annual Conference on Arbitration, American University, October 2006.
- [2007-2013 abridged (available on request)]
- Quito Chamber of Commerce—Keynote Speech on BITs, Quito Ecuador (July 2, 2013).
  - Quito Ministry of Commerce/Trade—Speech on ADR in Investor State Disputes (November/Dec 2013).
  - Seoul Center International Dispute Resolution, Trends in Investor-State Arbitration (2013).
  - A Report on the Restatement, ICCA Plenary Meeting (Miami 2013).
  - Lecture: “Recent Developments in American Legal Education in the Field of International Arbitration” to the JRTI (Judge’s College), Seoul Korea (May 27, 2014).
  - Lecture: “Trends in the US Model BITs in light of the most recent U.S. Model—The Perceptible Shift Toward Greater Detail and Less Arbitral Discretion” (Seoul, May 28, 2014).
  - Lecture: “Recent developments in US Law Affecting Investor-State Arbitration” (hosted by Shin & Kim, Seoul, May 29, 2014).
  - Lecture: “A Comparison of the Metalclad and BG cases—Why Seat Still Matters in Investment Arbitration” (Hosted by Bae, Kim & Lee, Seoul, May 30, 2014)
  - Webinar on the ICA Restatement sponsored by Institute for Transnational Arbitration (October 8, 2014) (Interview with Professor George Bermann about ICA Restatement)

- 10. US Chamber of Commerce Works in Progress Colloquium. Professor Coe provided an analysis and critique of the Professor Alan Syke’s work- in -progress addressing the necessity defense in investor-state arbitrations (October 30, 2014).
- Pepperdine Law School “A Lunchtime Conversation with Arbitrator Michael Hwang “Corruption and International Commercial Arbitration” (November 6, 2014)
- NYU Center for Transnational Litigation, Critique of Martinez –Fraga & Reetz, Public Purpose in International law (Cambridge U Press, 2015)(with Harold Koh, March 2015). published on U-Tube video at <https://www.youtube.com/watch?v=Sc7Khx9ujtc>
- NYU, Teaching ICA Roundtable—the Most Important Cases, (April 2015).
- 14. UCLA/Chartered Institute of Arbitrators, Emerging Trends in International Arbitration, What to Watch in the Next 100 Years, June 11, 2015.
- Seoul Center International Dispute Resolution, Looking Back, Looking Forward, Korea National Diplomatic Academy (October 27, 2015).
- Korea National Diplomatic Academy, The Prospects for an Investor-State Court (October 28, 2015).
- ALI Council: Report and request for approval of Restatement Chapter 2 (with Chris Drahozal) Feb. 2015.
- Organized and Moderated “A Friendly Debate—Professors George Bermann (Columbia Law School) & Alan Rau” (U. Texas Law School) International Arbitration and the Courts, A Pepperdine Law Review Symposium. Available at: <http://livestream.com/pepperdinesol/lawreviewsymposium2015> (April 17, 2015).
- Teaching ICA Panel, Queen Mary College, London, SIA’s 20th Anniversary, London, April 20, 2015.
- Addressed Annual Meeting of ALI (Restatement Chapter 2 approval process) May 2015.
- Juris Publishers Annual Investor–State Arbitration Conference, Commentator on Works in Progress on “Fair and Equitable Treatment” Washington DC, May 13, 2016.
- Institute for Transnational Arbitration (“Are Interim Measures by Arbitral Tribunals Enforceable?”), Forthcoming Dallas June 15, 2016.

- CIETAC, Beijing, May 30, 2016, “The Restatement on International Commercial Arbitration, its Origins, Scope, Functions, and Importance in the American legal System and Globally.”

### **Recent Scholarly Conferences Organized**

1. ICC Young Arbitrators Symposium (hosted by ICC and Pepperdine Law School, March 2015).
2. Pepperdine Dispute Resolution Journal Symposium: Focus on Korea Symposium (March 2015) (also moderated a panel)
3. International Arbitration and the Courts, A Pepperdine Law Review Symposium. Available at: <http://livestream.com/pepperdinesol/lawreviewsymposium2015> (April 17, 2015, Co-Chair Trey Childress)[[Resulting publication—Introduction to the Symposium Volume \(with Trey Childress\)](#)].