

## CURRICULUM VITAE

### JOHN YUKIO GOTANDA

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## EMPLOYMENT

### **Villanova University School of Law**

*Associate Dean for Research*

*Director, J.D./M.B.A. Program*

*Professor of Law*

*Associate Professor*

*Assistant Professor*

Villanova, PA

2003-Present

1999-Present

1998-Present

1996-98

1994-96

Courses Taught:      Contracts  
                                 Damages  
                                 Drafting Commercial Law Instruments  
                                 International Arbitration  
                                 Federal Courts  
                                 Property  
                                 Decedents' Estates and Trusts  
                                 Economics of Litigation

Scholarly Interests:    Damages; International Arbitration; International Sales Law

### **Hague Academy of International Law**

*Invited Lecturer, "Damages in Private International Law"*

Peace Palace, The Hague, NL

2007

### **Goodwin, Procter & Hoar**

*Associate Attorney*

Areas of Practice:    Corporate Law; Securities

Boston, MA

1993-1994

### **Covington & Burling**

*Associate Attorney*    1989-1993

Areas of Practice:    Appellate Practice; International Litigation;  
                                 Bankruptcy; and Corporate Law

Washington, D.C.

### **United States Court of Appeals for the District of Columbia Circuit**

*Staff Attorney*

Washington, D.C.

1987-1989

### **Dean Emeritus John W. Wade**

*Legal Research Assistant*

Honolulu, HI

1987

### **Case, Kay & Lynch**

*Summer Associate*

Honolulu, HI

1986

## EDUCATION

**William S. Richardson School of Law, University of Hawaii** Honolulu, HI  
*Degree:* Juris Doctor 1987  
*Honors:* Editor-in-Chief, UNIVERSITY OF HAWAII LAW REVIEW (1986-87); Recent Developments Author, UNIVERSITY OF HAWAII LAW REVIEW (1985-86); and Recipient, James E.T. Koshiba Law Review Scholarship Award.

**University of Hawaii, College of Business Administration** Honolulu, HI  
*Degree:* Bachelor of Business Administration 1984  
*Major:* Management  
*Honors:* Deans List

## PUBLICATIONS

### Book:

- SUPPLEMENTAL DAMAGES IN PRIVATE INTERNATIONAL LAW (Kluwer Law International 1998).

### Monograph:

- *Damages in Private International Law*, 326 RECUEIL DES COURS 73-407 (Hague Academy of International Law, Martinus Nijhoff Publishers, 2007).

### Book Chapters:

- Articles 74, 75, 76, 77 and 78 in UN CISG COMMENTARY (L. Mistelis, S. Kroll & P. Perales eds., Beck & Hart Publishing, forthcoming 2009).
- *Assessing Damages in International Commercial Arbitration: A Comparison with Investment Treaty Disputes*, in INVESTMENT TREATY LAW: CURRENT ISSUES III 75 (A. Bjorkland, I. Laird, and S. Ripinsky, eds., British Institute of International and Comparative Law, 2009).
- *Using the UNIDROIT Principles to Fill Gaps in the CISG*, in CONTRACT DAMAGES: DOMESTIC AND INTERNATIONAL PERSPECTIVES 107 (D. Saidov & R. Cunnington, eds., Hart Publishing, 2008).

### Articles:

- *Interest as Damages*, COLUMBIA JOURNAL OF TRANSNATIONAL LAW (forthcoming 2009) (with T. S  n  chal).
- *When Recessions Create Windfalls: The Problems of Using Domestic Law to Fix Interest Rates under Article 78 CISG*, VINDOBONA JOURNAL OF INTERNATIONAL COMMERCIAL LAW

AND ARBITRATION (forthcoming 2009) (invited article to be included in Gedenschrift for Peter Schlechtriem).

- *The Unpredictability Paradox: Punitive Damages and Interest in International Arbitration*, JOURNAL OF WORLD INVESTMENT & TRADE (forthcoming 2009) (invited article presented at the Geneva Global Arbitration Forum).
- *A Study of Interest*, V DOSSIERS OF THE ICC INSTITUTE OF WORLD BUSINESS LAW 169 (ICC Publications, 2008).
- *Charting Developments Concerning Punitive Damages: Is the Tide Changing?*, 45 COLUMBIA JOURNAL OF TRANSNATIONAL LAW 507 (2007) (cited by the U.S. Supreme Court in *Exxon Shipping Co. v. Baker*, 554 U.S. \_\_\_\_ (June 25, 2008)).
- *Awarding Damages under the United Nations Convention on the International Sale of Goods: A Matter of Interpretation*, 37 GEORGETOWN JOURNAL OF INTERNATIONAL LAW 95 (2005).
- *Recovering Lost Profits in International Contract Disputes*, 36 GEORGETOWN JOURNAL OF INTERNATIONAL LAW 61 (2004).
- *Punitive Damages: A Comparative Analysis*, 42 COLUMBIA JOURNAL OF TRANSNATIONAL LAW 391 (2004) (cited by the U.S. Supreme Court in *Exxon Shipping Co. v. Baker*, 554 U.S. \_\_\_\_ (June 25, 2008)).
- *The Foggy Road for Evaluating Punitive Damages: Lifting the Haze from the BMW/State Farm Guideposts*, 37 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 441 (2004) (with Steve Chanenson).
- *Compound Interest in International Disputes*, 34 LAW AND POLICY IN INTERNATIONAL BUSINESS 393 (2003) (substantially revised and published in 2004 OXFORD UNIVERSITY COMPARATIVE LAW FORUM 2 (refereed journal) and reviewed in *Double Your Money*, FOREIGN POLICY 88 (Nov./Dec. 2004)).
- *Renegotiation and Adaptation Clauses in International Investment Contracts, Revisited*, 36 VANDERBILT JOURNAL OF TRANSNATIONAL LAW 1461 (2003).
- *An Efficient Method for Determining Jurisdiction in International Arbitrations*, 40 COLUMBIA JOURNAL OF TRANSNATIONAL LAW 11 (2001).
- *Setting Arbitrators' Fees: An International Survey*, 33 VANDERBILT JOURNAL OF TRANSNATIONAL LAW 779 (2000).
- *Awarding Costs and Attorneys' Fees in International Commercial Arbitrations*, 21 MICHIGAN JOURNAL OF INTERNATIONAL LAW 1 (1999).
- *Awarding Punitive Damages in International Commercial Arbitrations in the Wake of*

*Mastrobuono v. Shearson Lehman Hutton, Inc.*, 38 HARVARD INTERNATIONAL LAW JOURNAL 59 (1997).

- *Awarding Interest in International Arbitration*, 90 AMERICAN JOURNAL OF INTERNATIONAL LAW 40 (1996) (refereed journal).
- *Glomar Denials Under FOIA: A Problematic Privilege and a Proposal for Alternative Procedures of Review*, 56 UNIVERSITY OF PITTSBURGH LAW REVIEW 165 (1994).
- Co-Author, *The Responsible Corporate Officer: Designated Felon or Legal Fiction?*, 25 LOYOLA UNIVERSITY OF CHICAGO LAW JOURNAL 169 (1994).
- *The Emerging Standards for Issuing Appellate Stays*, 45 BAYLOR LAW REVIEW 810 (1993).
- *Joint & Several Liability in Hawaii: An Analysis of Proposed Changes*, 21 HAWAII BAR JOURNAL 175 (1988).
- Recent Developments, *Development of Occupational Hazard in Hawaii*, 8 UNIVERSITY OF HAWAII LAW REVIEW 245 (1986).

#### **BAR MEMBERSHIPS**

- District of Columbia Bar
- Hawaii State Bar Association
- Massachusetts Bar
- United States Court of Appeals for the District of Columbia Circuit Bar

#### **SELECTED PROFESSIONAL ACTIVITIES**

- Rapporteur, Advisory Council of the United Nations Conventions on Contracts for the International Sale of Goods (CISG) Opinion on Calculating Damages under CISG Article 74 (2004-06), and Opinion on Calculating Damages under CISG Articles 75 and 76 (2006-Present).
- Member, Advisory Council of the United Nations Conventions on Contracts for the International Sale of Goods (CISG) (2005-Present).
- Associate Member, ICC Institute of World Business Law, Paris, France (2008-Present).
- Associate Editor, Transnational Dispute Management (2004-Present).
- Legal Expert to the U.S. Department of Justice, the U.S. State Department and the Office of the U.S. Trade Representative (2002-04).
- Legal Expert to private parties involved in international investment disputes.
- Speaker on damages and international arbitration, including most recently at the ICC Institute of World Business Law in Paris, ICC-UK Annual Meeting in London, the University of Birmingham in England, the University of Stockholm in Sweden, Tokyo University in Japan, Geneva Master in International Dispute Settlement (Graduate Institute of International and Developmental Studies and Geneva University Law School) in Switzerland, Wuhan University in China, and Gray's Inn in London (at the invitation of the British Institute of

International and Comparative Law).

- Panelist, Deans' Panel Discussion on Leadership, 2006 American Bar Association Annual Meeting.
- Member, American Bar Association Accreditation Site Evaluation Teams.
- Member, Academic Council, The Institute for Transnational Arbitration (2005-Present).
- Member, American Society of International Law.
- Member, London Court of International Arbitration.
- Member, American Bar Association.
- Reporter, 89th Annual Meeting, American Society of International Law (1995).
- Organizer, Symposium: Voices on the New Federalism.
- Reuschlein Speaker, 1996 (selected by the Student Bar Association).
- Author, bar examination questions.
- Referee for journals considering publishing articles on damages and international dispute resolution.
- Faculty Advisor, Villanova University School of Law student team participating in the Willem C. Vis International Commercial Arbitration Moot, Vienna, Austria.
- Co-Faculty Advisor, Asian-Pacific American Law Students Association, Villanova University School of Law (1995-Present).
- Villanova University School of Law Representative, Semi-Annual Meeting of the Pennsylvania Board of Law Examiners, Hershey, Pennsylvania (1995).
- Law School Committee Memberships: Building Committee (2004-Present); Faculty Development Committee (2003-Present); Faculty Appointments Committee (1997-98; Chair, 1998-2003, 2006-Present); Reimagining the Curriculum Task Force (2007-Present); Self Study Committee (Chair, 2002-03); Commission on Building an Inclusive Community (2001-03); Steering Committee, Villanova University School of Law Minority Alumni Society (1999-Present); Faculty Committee (1996-97); Facilities Planning Committee (1995-96); Clerkship Committee (1995-Present).

#### **OTHER**

- Scholarly works cited by U.S. Supreme Court, U.S. courts of appeals for the second, ninth and eleventh circuits, U.S. district courts in Illinois and the District of Columbia, arbitral panels deciding cases under the rules of the International Chamber of Commerce, and tribunals deciding cases under the International Centre for Settlement of Investment Disputes (ICSID).
- Quoted in the NEW YORK TIMES, the INTERNATIONAL HERALD TRIBUNE and on the nationally syndicated program NPR Marketplace.

#### **MISCELLANEOUS**

I have also been a record producer (contemporary and Hawaiian music), a professional musician (keyboards), a baker, and a restaurant manager.