

CURRICULUM VITAE

JOHN YUKIO GOTANDA

299 North Spring Mill Road
Villanova, PA 19085
email: GOTANDA@LAW.VILLANOVA.EDU

Office: +1.610.519.7007
Fax : +1.610.519.6472

EMPLOYMENT

Villanova University School of Law

Dean

Associate Dean for Academic Affairs

Associate Dean for Research

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

Professor of Law

Associate Professor

Assistant Professor

Villanova, PA

2011-Present

2009-2010

2003-2010

1999-2010

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

University of Mainz

Mainz, Germany

Invited Lecturer, Mini Course, "Damages: A Comparative and International Perspective" 2009

University of Geneva and Graduate Institute of International and Development Studies, Geneva Master in International Dispute Settlement

Geneva, Switzerland

2008

Invited Lecturer, Seminar, "Damages and Interest in International Arbitration"

Hague Academy of International Law

Peace Palace, The Hague, NL

Invited Lecturer, "Damages in Private International Law"

2007

Goodwin, Procter & Hoar

Boston, MA

Associate Attorney

1993-1994

Areas of Practice: Corporate Law; Securities

Covington & Burling

Washington, D.C.

Associate Attorney 1989-1993

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

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
1987

Degree: Juris Doctor

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. Koshiha Law Review Scholarship Award.

University of Hawaii, College of Business Administration

Honolulu, HI
1984

Degree: Bachelor of Business Administration

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).

Articles and Book Chapters:

- *Conflict of Interest: CISG Article 78 and Post Judgment Interest Statutes*, in FESTSCHRIFT FÜR INGEBORG SCHWENZER ZUM 60. GEBURTSTAG 597 (A. Büchler & Müller-Chen, eds., Stämpfli Verlag AG Bern, 2011).
- *Yin and Yang: A Comparison of Monetary Remedies in International Investment and Transnational Commercial Disputes*, in PAPERS FROM THE ANNUAL MAA PETER SCHLECHTRIEM CISG CONFERENCE: TOWARDS UNIFORMITY 49 (I. Schwenzer & L. Spagnolo, eds., Eleven International Publishing, 2011).

- *Bringing Efficiency to the Awarding of Fees and Costs in International Arbitrations* in LIBER AMICORUM ERIC BERGSTEN -- INTERNATIONAL ARBITRATION AND INTERNATIONAL COMMERCIAL LAW: SYNERGY, CONVERGENCE AND EVOLUTION 141 (S. Kroll, L. Mistelis, P. Perales Viscasillas & V. Rogers, eds., Kluwer Law International, 2011).
- Articles 74, 75, 76, 77 and 78 in UN CONVENTION ON CONTRACTS FOR THE INTERNATIONAL SALE OF GOOD (CISG) COMMENTARY 990-1053 (L. Mistelis, S. Kroll & P. Perales eds., Beck & Hart Publishing, 2011).
- *Compounding Interest in Interest: The Global Economy, Deflation and Interest in 2009* FORDHAM CONFERENCE PAPERS ON INTERNATIONAL ARBITRATION AND MEDIATION 261 (A. Rovine, ed., Martinus Nijhoff Publishers, 2010).
- *Attorneys' Fees Agonistes: The Implications of Inconsistency in the Awarding of Fees and Costs in International Arbitrations*, in LIBER AMICORUM FOR BERNARDO CREMADES 539 (La Ley and Wolters Kluwer, 2010).
- *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).
- *Interest as Damages*, 47 COLUMBIA JOURNAL OF TRANSNATIONAL LAW 491 (2009) (with T. Sénéchal).
- *When Recessions Create Windfalls: The Problems of Using Domestic Law to Fix Interest Rates under Article 78 CISG*, 13(1) VINDOBONA JOURNAL OF INTERNATIONAL COMMERCIAL LAW AND ARBITRATION 229 (2009) (invited article to be included in Gedenschrift for Peter Schlechtriem).
- *The Unpredictability Paradox: Punitive Damages and Interest in International Arbitration*, 10(4) JOURNAL OF WORLD INVESTMENT & TRADE 553 (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).
- *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).
- *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. 471 (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. 471 (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 S. 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 Convention 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 (2006-08).
- Member, Advisory Council of the United Nations Convention 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).
- Arbitrator in international arbitrations (including cases administered under the auspices of the International Centre for the Settlement of Investment Disputes (ICSID) and the Permanent Court of Arbitration).
- 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 disputes, including high-stakes investment treaty arbitrations between multinational companies and governments, as well as disputes involving the United Nations Convention on Contracts for the International Sale of Goods.
- 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 Pontifical Catholic University of Rio de Janeiro in Brazil, City University of Hong Kong, 4th Annual Arab Conference for Commercial and Maritime Law at the Bibliotheca Alexandrina, Alexandria, Egypt, Willem C. Vis MAA CISG Conference in Vienna, Austria, Conference on the Vienna Convention on the International Sale of Goods in São Paulo, Brazil (Federation of the Industries of the State of São Paulo (“FIESP”)), the University of Birmingham in England, the University of Mainz in Germany, Conference on Remedies in Commercial, Investment, and Energy Arbitrations in Houston, Texas (The Permanent Court of Arbitration, The Houston International Arbitration Club, Inc., and the University of Texas School of Law), Institute for Transnational Arbitration Conference: Damages in International Arbitration: Strategies, Techniques and Presentation, Dallas, Texas, the University of Stockholm in Sweden, Tokyo University in Japan, University of Belgrade in Serbia, Geneva Master in International Dispute Settlement (Graduate Institute of International and Development Studies and the University of Geneva) 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, Promoting Diversity in Law School Leadership Workshop, 2011, University of Seattle School of Law, University of Washington School of Law and the Society of American Law Teachers.

- 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, 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.
- Referee for journals considering publishing articles on damages and international dispute resolution.
- Reuschlein Speaker, 1996 (selected by the Student Bar Association).
- Author, bar examination questions.
- 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: Academic Committee (2009-Present); Bar Passage Committee (2009-Present); Building Committee (2004-2009); Clerkship Committee (1995-Present); Commission on Building an Inclusive Community (2001-03); Curriculum Committee (2009-Present); Faculty Appointments Committee (1997-98; Chair, 1998-2003, 2006-09); Faculty Committee (1996-97); Faculty Development Committee (2003-Present); International Program Committee (2009-Present); Public Interest Programs Committee (2009-Present); Reimagining the Curriculum Task Force (2007-Present); Self Study Committee (Chair, 2002-03; 2009-Present); Steering Committee, Villanova University School of Law Minority Alumni Society (1999).

OTHER

- Scholarly works cited by U.S. Supreme Court, U.S. Courts of Appeals for the Second, Seventh, Ninth and Eleventh Circuits, U.S. District Courts in Illinois, Louisiana and the District of Columbia, the Supreme Courts of Iowa and Texas, the California Courts of Appeal, and arbitral panels, including 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.