

JAMES M. CLAXTON  
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9-11 Yoshidakonoechō, Sakyo-ku, Kyoto 606 8315 Japan

## **ACADEMIC APPOINTMENTS**

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### **Waseda University, Graduate School of Law**

*Tokyo, Japan*

January 2021 -

*Associate Professor of Law*

- Teach courses Private International Law, Commercial Arbitration in East Asia, and Asia-Pacific Investment Law

### **Rikkyo University, School of Law**

*Tokyo, Japan*

March 2020 -

*Professor of Law*

- Instrumental in the implementation of an English-language program in law for undergraduate students
- Teach courses in international dispute resolution, international business transactions, corporate law, and law and society

### **University of Miami, School of Law**

*Miami, United States of America*

February 2020 -

*Adjunct Faculty, LL.M. in International Arbitration*

- Teach course International Investment Agreements

### **Kobe University, Graduate School of Law**

*Kobe, Japan*

June 2015 - August 2019

*Professor of Law*

- Instrumental in the conception, implementation, and management of an LL.M. program, a Ph.D. program for practicing lawyers, a summer school, international arbitration and mediation seminars, and intensive courses by visiting professors and lecturers
- Taught courses in international business dispute management, international commercial arbitration, international arbitration theory, international investment law, investor-state arbitration, business and human rights, and public international law to undergraduate and graduate students in law
- Supervised and evaluated LL.M. and Ph.D. students
- Negotiated exchange agreements for students and professors with law faculties in Hong Kong, India, mainland China, Singapore, Macau, Kazakhstan, and Mongolia as a member of the International Exchange Committee

## **PUBLICATIONS**

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### **Book Chapters as Sole Author**

- “Most-Favoured-Nation Treatment” in *Handbook of International Investment Law* (Springer 2020)
- “Articles 9-11 of the International Centre for Settlement of Investment Disputes (ICSID) Convention” in *The ICSID Convention, Regulations, and Rules* (Elgar 2019)

## **PUBLICATIONS**

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### **Book Chapters as Co-Author**

- James Claxton, Luke Nottage & Nobu Teremura, “Japan’s New Ambitions as a Regional Dispute Resolution Hub: Better Late than Never?” in *New Frontiers in Asia-Pacific Trade, Investment and International Business Dispute Resolution* (Kluwer, in publication)
- Luke Nottage, James Claxton & Brett Williams, “Mediating Japan-Korea Trade and Investment Tensions” in *New Frontiers in Asia-Pacific Trade, Investment and International Business Dispute Resolution* (Kluwer, in publication)

### **Book Reviews**

- Review of J. Chaisse (ed.) *China Investment Strategy-Bilateral, Regional, and Global Law and Policy* in 6(3) *International Journal of Public Law and Policy*

### **Manuscripts**

- “Faithful Friend and Flattering Foe: How Investment Treaties Both Facilitate and Discourage Investor-State Mediation,” 2020 *Asian Journal on Mediation* 34 (peer reviewed)
- “The Singapore Convention for Mediation: From Promotion to Workable Standards by Way of New York” 42 *Comparative Law Yearbook of International Business* (Kluwer, in publication)(peer reviewed)
- “Compelling Parties to Mediate Investor-State Disputes: No Pressure, No Diamonds?” 20(1) *Pepperdine Dispute Resolution Law Journal* 2020 (peer reviewed)
- “Tailoring International Arbitration for Efficiency” 20 *Comparative Law Journal of the Pacific, New Zealand Association of Comparative Law* 2017 (peer reviewed)

### **Co-Authored Journal Articles**

- James Claxton, Luke Nottage, and Ana Ubilava, “Mandatory Investor-State Conciliation Before Arbitration in Asia-Pacific Treaties: New Developments and Implications for India and Australia,” Vol XIII *Indian Journal of International Economic Law* 2021 (peer reviewed) (forthcoming)
- James Claxton, Luke Nottage & Brett Williams, “Litigating, Arbitrating and Mediating Japan-Korea Trade and Investment Tensions” 54(4) *Journal of World Trade* 2020 (peer reviewed)
- James M. Claxton, Luke Nottage & Nobu Teremura, “Developing Japan as a Regional Hub for International Dispute Resolution: Dream Come True or Daydream?” 47 *Journal of Japanese Law* 2019 (peer reviewed)
- James M. Claxton & Luke Nottage “‘Japan is Back’ - for International Dispute Resolution Services?” 21(1) *International Arbitration Law Review* 2018 (peer reviewed)

### **Commentaries**

- “The Latent Blossoming of Remote Mediation” *Kluwer Mediation Blog* (16 December 2020 (peer-reviewed platform))
- “The Singapore Convention: Mediation in a New York State of Mind” *International Bar Association Bulletin* (4 September 2019)
- “The Education of International Arbitration at Japanese Universities” 38 *Japan Commercial Arbitration Association Newsletter* 2017

## **PUBLICATIONS**

### **Co-Authored Commentaries**

- James Claxton, Luke Nottage, and Ana Ubilava, “Pioneering Mandatory Investor-State Conciliation Before Arbitration in Asia-Pacific Treaties: IA-CEPA and HK-UAE BIT” Kluwer Arbitration Blog (5 September 2020)(peer-reviewed platform)
- James Claxton, Luke Nottage & Brett Williams “Resolving Disputes Amidst Japan-Korea Trade and Investment Tensions: Part I” Kluwer Arbitration Blog (12 August 2019)(peer-reviewed platform)
- Luke Nottage & James Claxton “‘Japan is Back’ – for International Dispute Resolution Services?” Kluwer Arbitration Blog (29 January 2018)(peer-reviewed platform)
- James Claxton & Luke Nottage “Getting into Gear: The Japan International Mediation Centre - Kyoto” Kluwer Mediation Blog (17 September 2018)(peer-reviewed platform)
- James Claxton & Luke Nottage “Wa and the Japan International Mediation Centre” Kluwer Mediation Blog (1 February 2018)(peer-reviewed platform)

## **PRESENTATIONS**

### **Conference Presentations**

- “APEC ADR - Mediation in Post-COVID times” Asia-Pacific Economic Cooperation webinar, 2020
- “Arbitration Issues Arising During the Covid-19 Era” Japan Institute for International Arbitration Research and Training webinar, 2020
- “Online International Commercial Mediation” Japan International Mediation Center-Singapore International Mediation Centre webinar, 2020
- “International Mediation Procedure” Japan Commercial Arbitration Association-Japan International Mediation Center webinar, 2020
- “Time on Investor-State Mediation and Enforcement” Global Arbitration Review (GAR) Interactive: Singapore webinar, 2020
- “Investor-State Mediation,” Beyond the Pandemic: New Frontiers in Asia-Pacific International Dispute Resolution” University of Sydney Law School webinar, 2020
- “Mediation as a Complement to Arbitration: Appropriate Resolution of International Disputes” American Bar Association webinar, 2020
- “International Investment Arbitration: Setting the Stage” Mumbai Centre for International Arbitration conference, Delhi, 2020
- “Developing Japan as a Regional Hub for International Dispute Resolution, Dream Come True or Daydream?” University of Sydney Law School conference, Sydney, 2020
- “Construction Delay Issues in International Arbitration” Bali International Arbitration and Mediation conference, Jakarta, 2019
- “Developing Japan as a Regional Hub for International Dispute Resolution, Dream Come True or Daydream?” University of Hong Kong conference, Hong Kong, 2019
- “The Singapore Convention - Life After 7 August” JAMS conference, Singapore, 2019
- “European and Asian Perspectives on Investor-State Mediation” European Federation for Investment Law and Arbitration conference, London, 2019
- “A Survey of International Arbitration in Japan” White & Case seminar, Tokyo, 2018
- “International Investment Arbitration-Practical Tips” International Chamber of Commerce (ICC) conference, Tokyo, 2018
- “International Investment Mediation” Academy for International Business Transactions conference, Tokyo, 2017

## **PRESENTATIONS**

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### **Conference Presentations**

- “Trends in the Enforcement of Arbitral Awards” ICC conference, Tokyo, 2017
- “ICSID Rules Revisions: What to Expect” Seoul National University conference, Seoul, 2017
- “Mediation of Investor-State Disputes” United Nations Commission on International Trade Law (UNCITRAL) conference, Macau, 2017
- “Developments in Investment Arbitration: Is ISDS in Danger?” ICC conference, Singapore, 2017
- “Administration of Investor-State Disputes” ICC conference, Shanghai, 2016
- “Innovation and Reform in International Investment Arbitration” Asia Pacific ADR Conference, Seoul, 2016
- “Document Production and Experts in International Arbitration” ICC conference, Tokyo, 2016
- “Counterclaims in Investor-State Arbitration” Kuala Lumpur Regional Centre for Arbitration (now Asian International Arbitration Centre (AIAC)) conference, Kuala Lumpur, 2016
- “Cost-Effective and Efficient International Arbitration” UNCITRAL conference, Macau, 2015

### **University Courses and Lectures**

- Doshisha University School of Law, “International Investment Arbitration” course, Kyoto, 2020
- Kyoto University, Graduate School of Advanced Integrated Studies in Human Survivability, “Human Rights in International Investment Law” lecture, Kyoto, 2019
- Hitotsubashi University, Faculty of Law Graduate School of Law, “Introduction to International Investment Arbitration” lecture, Tokyo, 2019
- Airlangga University, “Human Rights in International Investment Law” lecture, Surabaya, 2018
- Shantou University Law School, “International Commercial Arbitration” course, Shantou, 2017
- Xiamen University, School of Law, “ICSID Arbitration” course, Xiamen, 2017
- Chinese University of Hong Kong, Faculty of Law, “Distinctive Features of Investor-State Arbitration” lecture, Hong Kong, 2016
- Fudan University Law School, “Distinctive Features of Investor-State Arbitration” lecture, Shanghai, 2016
- University of Hong Kong, Faculty of Law, “Distinctive Features of Investor-State Arbitration” lecture, Hong Kong, 2016
- Hanyang University School of Law, “Enforcement in International Arbitration and International Litigation” lecture, Seoul, 2016
- Jiao Tong University, KoGuan Law School, “Distinctive Features of Investor-State Arbitration” lecture, Shanghai, 2016
- Kyoto University, Kokusaiho Kenkyukai, “Res Judicata Effect of International Investment Awards” lecture, Kyoto, 2020
- National University of Malaysia, Faculty of Law, “Transparency in Investor-State Arbitration” lecture, Kuala Lumpur, 2016
- Seoul National University, “Appellate Mechanisms in Investment Arbitration: Legal and Logistical Issues” lecture, Seoul, 2016
- University of Richmond School of Law, “Introduction to International Investment Law” lecture, Washington, 2014
- Stanford Law School, “Jurisdiction under the ICSID Convention” lecture, Stanford, 2014
- Stanford Law School, “The Role of the ICSID Secretariat” lecture, Stanford, 2014
- Washington and Lee University School of Law, “ICSID and Investor-State Dispute Settlement” lecture, Washington, 2014

## **PRESENTATIONS**

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### **University Lectures**

- École des hautes études commerciales de Paris (HEC), “Introduction to International Commercial Arbitration” lecture, 2012
- Université de Versailles Saint-Quentin, “Witnesses and Written Evidence in International Arbitration” lectures, 2008-2013

### **Professional Trainings**

- ICC Advanced Arbitration Academy for Asia, arbitrator skills training, Tokyo, 2019
- Bali International Arbitration and Mediation Center, International Arbitration Certification (Fellowship), arbitration skills training, Jakarta, 2019
- Sage Mediation, Aranda Series, International Mediation Leaders Programme, mediator skills training, Singapore, 2019-2020
- AIAC Live Action Arbitration Simulation, arbitration skills training, Jakarta, 2019
- Seoul International Arbitration Academy, “International Investment Arbitration Procedure”, arbitration skills training, Seoul, 2016

## **ACADEMIC AFFILIATIONS AND SERVICE**

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- Think 20 Working Group, “Reforming Investor-State Dispute Settlement and Promotion of Trade and Investment Cooperation,” Group of Twenty (G20), Saudi Arabia, 2020
- University of Sydney, Visiting Academic, 2019
- Thesis Defense Committees
  - External Examiner, J.S.D. Defense Examination Committee, City University of Hong Kong
  - Visiting Chairman, LL.M. Defense Examination, University of Macau, 2019
  - Chairman, LL.M. Defense Examinations, Kobe University 2018-2019
- Arbitrator, mediator, and judge in student competitions:
  - ICC Commercial Mediation Moot, Hong Kong, mediator (final round) 2020
  - Philip C. Jessup International Law Moot Court, Japan Round, judge (general and semi-final rounds) 2017 - 2019
  - Willem Vis Moot East, arbitrator 2016-2020
  - Willem Vis Moot, arbitrator 2010, 2018
  - Moot Shanghai arbitrator 2016, 2018
  - Edinburgh Willem Vis Pre-Moot, arbitrator 2016-2018
  - Japan Vis Pre-Moot, arbitrator 2011-2020
  - Foreign Direct Investment International Moot, arbitrator 2010, 2015-2017; 2020
  - LAWASIA moot, arbitrator 2017
- Selections Panel, Fulbright Program (2018- )
- Peer reviewer
  - ICSID Review - Foreign Investment Law Journal
  - Journal of International Economic Law

## **ARBITRATOR**

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- Arbitrator specializing in commercial, communications, construction, energy, investment, intellectual property, and transportation disputes
- Fellow, Chartered Institute of Arbitrators (FCIArb)
- Member, Japan Association of Arbitrators
- Expert, Caribbean ADR Initiative

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## **ARBITRATOR**

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Accredited by the following institutions:

- Asian International Arbitration Centre (AIAC), Panel of Arbitrators
- China International Economic and Trade Arbitration Commission (CIETAC), Panel of Arbitrators
- Hong Kong International Arbitration Centre (HKIAC), List of Arbitrators
- Japan Commercial Arbitration Association (JCAA), List of Arbitrator Candidates
- Korean Commercial Arbitration Board (KCAB), Panel of Arbitrators
- Shenzhen Court of International Arbitration (SCIA), Panel of Arbitrators
- Singapore International Arbitration Centre (SIAC), Reserve Panel of Arbitrators
- Thailand Arbitration Center (THAC)

## **MEDIATOR**

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- Mediator specializing in commercial, communications, construction, energy, investment, intellectual property, and transportation disputes
- Accredited Mediator, Centre for Effective Dispute Resolution (CEDR)
- Accredited Mediator, Singapore International Mediation Institute (SIMI)
- Certificate, Harvard Negotiation Master Class, Program on Negotiation
- Co-Chair, Investor-State Mediation Task Force, International Mediation Institute
- Steering Committee, Japan International Mediation Center in Kyoto
- Member, Mediation Advisory Committee, Tashkent International Arbitration Centre (TIAC)
- Founder, Japan International Mediation Studies (professional study group)
- Founder, FDI Investor-State Mediation Competition (student competition beginning 2022)
- Advisor, Sage Mediation
- Drafted a mediation competition problem for the International Chamber of Commerce (ICC) Mediation Competition in Hong Kong and training problems for Sage Mediation
- Accredited by the following institutions:
  - Asian International Arbitration Centre (AIAC), Panel of Mediators
  - Japan Commercial Arbitration Association (JCAA), List of Mediator Candidates
  - Japan International Mediation Center (JIMC), Panel of Mediators
  - Singapore International Mediation Centre (SIMC), Specialist Mediator

## **INSTITUTIONAL ATTORNEY**

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### **International Centre for Settlement of Investment Disputes (ICSID)(World Bank Group)**

*Washington, District of Columbia, United States of America*

July 2013 - May 2015

*Legal Counsel*

- Arbitration under a bilateral investment treaty between an Asian investor and an African state concerning rights to frequencies for a wireless network
- Arbitration under a bilateral investment treaty between a European investor and a European state concerning intellectual property rights to ship design
- Arbitration under the Energy Charter Treaty between a European investor and a European state concerning the purchase and operation of an energy-trading company
- Arbitration under a bilateral investment treaty between a European investor and a European state concerning the privatization of water services

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## **INSTITUTIONAL ATTORNEY**

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### **International Centre for Settlement of Investment Disputes (ICSID)(World Bank Group)**

*Washington, District of Columbia, United States of America*

July 2013 - May 2015

#### *Legal Counsel*

- Arbitration under a bilateral investment treaty between a European investor and a European state concerning a concession to provide waste collection, street cleaning, and snow-clearing services
- Arbitration under a bilateral investment treaty between a European investor and a European state concerning the development of a port
- Arbitration under a bilateral investment treaty between a European investor and an Asian state concerning construction of schools, hotels, and cinemas
- Arbitration under a bilateral investment treaty between a European investor and an Asian state concerning construction of a hotel, shopping center, and apartment complex
- Arbitration under a national investment law between an American investor and an African state concerning licenses for oil exploration and mining

## **ATTORNEY IN PRIVATE PRACTICE**

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### **Orrick, Herrington & Sutcliffe LLP**

*Paris, France*

October 2009 - June 2013

#### *International Dispute Resolution Attorney*

- Counsel to a Monegasque maritime design firm in an ICC arbitration under Swiss law against Russian citizens concerning the manufacture and design of a yacht
- Counsel to a Canadian manufacturer of forest products in an ICC arbitration under New York law against an Indonesian company concerning a share acquisition
- Counsel to a French automotive company in an ICC arbitration under French law against a Turkish manufacturer concerning the purchase of automotive parts and vehicles
- Counsel to an American company in an ICC arbitration under English law against an Emirati company concerning consultancy services for a business venture in Dubai
- Counsel to a French company in a dispute against a Chilean company under French law concerning the repair of a wind turbine
- Counsel to an American contractor in a dispute against a state-owned hydrocarbons company under French law concerning the completion of a construction project in northern Africa
- Counsel to a Chinese company in an ICC arbitration under New York law against a Spanish company concerning the purchase and delivery of solar-energy components
- Counsel to a Chinese company in an HKIAC arbitration under English law against a Spanish company concerning intellectual property rights to renewable-energy devices
- Counsel to an arbitral tribunal in an ad hoc arbitration between an Israeli contractor and an international organization concerning a construction project in Gaza
- Counsel to an arbitral tribunal in an ICC arbitration between a Spanish contractor and a European state under French law concerning a lake-renovation project
- Counsel to an arbitral tribunal in an ICC arbitration between a South African company and a French company under French law concerning the acquisition of a Congolese company

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## **ATTORNEY IN PRIVATE PRACTICE**

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### **Latham & Watkins LLP**

*Paris, France*

July 2008 - September 2009

*International Dispute Resolution Attorney*

- Counsel to a European state in an UNCITRAL arbitration under a bilateral investment treaty against a European investor concerning a gaming venture
- Counsel to an American company in an ICC arbitration under French law against a French company concerning intellectual property rights to nylon technology

### **Squire Sanders & Dempsey LLP (Squire Patton Boggs)**

*London, England*

December 2006 - August 2007

*International Dispute Resolution Law Clerk*

- Counsel to a Russian company in a London Court of International Arbitration (LCIA) arbitration under English law against a Kazakh company concerning the acquisition of a telecommunications company

## **RECOGNITION**

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Global Arbitration Review, Who's Who Legal

- National Leader, Japan 2020
- Future Leader for 2019, 2020, and 2021

*“James Claxton is at the forefront of an exciting new generation of arbitration lawyers based in Japan”*

*“James Claxton is a fantastic advocate with incisive intelligence”*

## **ATTORNEY PRO BONO**

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- Drafted proposed revisions for the Business Guidelines for the United Nations Global Compact for the Public International Law & Policy Group, 2010
- Evaluated commercial mediation centers in Morocco for funding by the International Finance Corporation, 2010
- Advised the Ugandan judiciary about the prosecution of war crimes, crimes against humanity, and genocide in Rwanda for the Public International Law & Policy Group, 2010
- Evaluated the Egyptian Constitution for democratic reform for the Public International Law & Policy Group, 2010
- “Developing Issue-Specific Pro Bono Strategies,” speaker, European Pro Bono Forum, Paris, 2010
- “Alternative Dispute Resolution in Customary and Religious Law Contexts,” speaker, Norwegian Refugee Counsel Global Seminar, Stockholm, 2010
- Advised non-governmental organizations expelled from Sudan following the indictment of President Omar al-Bashir by the International Criminal Court, 2009

## **BAR ADMISSIONS**

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- District of Columbia Bar, admitted 2018
- Paris Bar, passed bar examination in 2013 (in French), not yet admitted
- State Bar of California (inactive), admitted 2007



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## **EDUCATION**

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### **London School of Economics and Political Science**

*LL.M., International Business Law, with Distinction, 2007*

*London, England*

### **Tulane University Law School**

*Juris Doctor, 2006*

*New Orleans, LA, USA*

*Tulane Journal of Technology and Intellectual Property* member, Moot Court Board member,  
Tulane Litigation Clinic student attorney, Orleans Parish Civil District Court arbitrator

### **University of California, Berkeley School of Law**

*Visiting Student, Fall 2005*

*Berkeley, CA, USA*

*California Law Review* Visiting Editor, *Berkeley Technology Law Journal* member, “Street Law”  
teacher at Mission High School in San Francisco

### **University of Colorado**

*Bachelor of Arts, History, 1998*

*Boulder, CO, USA*

## **NATIONALITY AND LANGUAGES**

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- United States of America national
- Fluent written and spoken French
- Basic written and spoken Italian and Spanish
- Basic spoken Japanese