

Prof. James Claxton, FCIArb

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ACADEMIC APPOINTMENTS AND RESEARCH

Waseda University, Graduate School of Law

Tokyo, Japan

April 2021 -

Associate Professor of Law

- Teach courses Asia-Pacific Investment Law, Commercial Arbitration in East Asia, Law and Practice of International Business Transactions in East Asia, Legal Regulation of Global and Macro-Regional Markets, and Private International Law

Kyoto University, Graduate School of Advanced Integrated Studies in Human Survivability

Kyoto, Japan

April 2021 -

Lecturer

- Teach course Global Communications

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, international development, 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 development and investment law, investor-state arbitration, business and human rights, and public international law to undergraduate and graduate students in law

ACADEMIC APPOINTMENTS AND RESEARCH

Kobe University, Graduate School of Law (ctd.)

- 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

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)

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 2021)
- 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 2021)

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
- “The Singapore Convention for Mediation: From Promotion to Workable Standards by Way of New York” 42 *Comparative Law Yearbook of International Business* (Kluwer 2020)
- “Compelling Parties to Mediate Investor-State Disputes: No Pressure, No Diamonds?” 20(1) *Pepperdine Dispute Resolution Law Journal* 2020
- “Tailoring International Arbitration for Efficiency” 20 *Comparative Law Journal of the Pacific, New Zealand Association of Comparative Law* 2017

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 (forthcoming)
- James Claxton, Luke Nottage & Brett Williams, “Litigating, Arbitrating and Mediating Japan-Korea Trade and Investment Tensions” 54(4) *Journal of World Trade* 2020
- 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
- James M. Claxton & Luke Nottage “‘Japan is Back’ - for International Dispute Resolution Services?” 21(1) *International Arbitration Law Review* 2018

ACADEMIC APPOINTMENTS AND RESEARCH

Written Commentaries

- “Mediators Like Online Mediation and Other Verifiable Facts” Kluwer Mediation Blog (17 May 2021)(also published on International Mediation Institute Blog and mediate.com)
- “The Latent Blossoming of Remote Mediation” Kluwer Mediation Blog (16 December 2020)
- “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

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)
- James Claxton, Luke Nottage & Brett Williams “Resolving Disputes Amidst Japan-Korea Trade and Investment Tensions: Part I” Kluwer Arbitration Blog (12 August 2019)
- Luke Nottage & James Claxton “‘Japan is Back’ – for International Dispute Resolution Services?” Kluwer Arbitration Blog (29 January 2018)
- James Claxton & Luke Nottage “Getting into Gear: The Japan International Mediation Centre - Kyoto” Kluwer Mediation Blog (17 September 2018)
- James Claxton & Luke Nottage “Wa and the Japan International Mediation Centre” Kluwer Mediation Blog (1 February 2018)

Presentations

Commentaries

- “What is the future of arbitration?” 6th International Chamber of Commerce Asia Conference on International Arbitration webinar, 2021
- “Institutional Mediation in the Middle East” Tehran Regional Arbitration Centre webinar, 2021
- “Commercial Mediation in Japan” Japan Touchpoints in the Americas webinar, 2021
- “Good Practices in Online Mediation” United Nations Commission on International Trade Law (UNCITRAL) and Ministry of Justice of Japan webinar, 2021
- Interview on international investment mediation, Arbitration Station podcast, 2021
- “Another Proactive Step: The AIAC Pro Bono Mediation Initiative” Asian International Arbitration Centre webinar, panel discussion, 2021
- “Online Mediation” UNCITRAL and Ministry of Justice of Japan webinar, 2021
- Interview on mediation, “Japanese Law in Context” University of Sydney podcast, 2021
- “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 (JIMC)-Singapore International Mediation Centre (SIMC) webinar, 2020
- “International Mediation Procedure” Japan Commercial Arbitration Association (JCAA)-JIMC 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

ACADEMIC APPOINTMENTS AND RESEARCH

Commentaries (ctd.)

- “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
- “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” 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 Commercial Negotiation and Mediation” full course, Kyoto, 2021
- Nagoya University, Graduate School of Law, “Encouraging Sustainable Development in International Investment Law” lecture, 2021
- Keio University School of Law, “Investor-State Arbitration” full course, Tokyo, 2021
- Kyoto University, Graduate School of Advanced Integrated Studies in Human Survivability, “Promotion of Social Welfare by Alternative Dispute Resolution” lecture, Kyoto, 2019
- Doshisha University School of Law, “International Investment Arbitration” full 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” intensive course, Shantou, 2017

ACADEMIC APPOINTMENTS AND RESEARCH

University Courses and Lectures (ctd.)

- Xiamen University, School of Law, “ICSID Arbitration” intensive 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
- 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

Academic Service

- Think 20 Working Group, “Reforming Investor-State Dispute Settlement and Promotion of Trade and Investment Cooperation,” Group of Twenty (G20), Saudi Arabia, 2020
- Thesis Defense Committees
 - External Examiner, JSD Defense Examination Committee, City University of Hong Kong, 2020
 - Visiting Chairman, LL.M. Defense Examination, University of Macau, 2019
 - Chairman, LL.M. Defense Examinations, Kobe University, 2018-2019
- Peer reviewer, Journal of International Economic Law
- Peer reviewer, ICSID Review-Foreign Investment Law Journal
- Selections Panel, Fulbright Program, 2018-2020

ARBITRATOR

I have experience with commercial, communications, construction, energy, investment, intellectual property, and transportation disputes. I have served as co-arbitrator, presiding arbitrator, and sole arbitrator in institutional and ad hoc proceedings.

Accreditations

- Fellow, Chartered Institute of Arbitrators (FCIArb)
- Member, Japan Association of Arbitrators
- Expert, Caribbean ADR Initiative
- 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 Sport Association (JSPO), Panel of Arbitrators
 - 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)

Leadership and Service

- Arbitrator and judge in student competitions:
 - Edinburgh Willem Vis Pre-Moot, 2016-2018
 - Foreign Direct Investment (FDI) Moot, 2010, 2015-2017; 2020
 - FDI Moot, Africa Round, 2021
 - FDI Moot, South Asia Round, 2021
 - Japan Pre-Moot, 2011-2021
 - LAWASIA moot, 2017
 - Moot Shanghai, 2016, 2018
 - Munich Vis Pre-Moot, 2019
 - Philip C. Jessup International Law Moot Court, Japan Round, (general and semi-final rounds), 2018-2019; 2021
 - Tehran Regional Arbitration Centre Vis Pre-Moot, 2021
 - Willem Vis Moot East, 2016-2021
 - Willem Vis Moot, 2010, 2018

Arbitrator Training as Trainer

- ICC Advanced Arbitration Academy for Asia, Tokyo, 2019
- Bali International Arbitration and Mediation Center, International Arbitration Certification (Fellowship), Jakarta, 2019
- AIAC Live Action Arbitration Simulation, Jakarta, 2019
- Seoul International Arbitration Academy, Seoul, 2016

MEDIATOR

I have experience with commercial, communications, construction, energy, investment, intellectual property, and transportation disputes. I have served as mediator and co-mediator.

Accreditations

- Accredited Mediator, Centre for Effective Dispute Resolution (CEDR)
- Accredited Mediator, Singapore International Mediation Institute (SIMI)
- Certificate, Harvard Negotiation Master Class, Program on Negotiation
- Accredited by the following institutions:
 - AIAC, Panel of Mediators
 - JSPO, Panel of Arbitrators
 - JCAA, List of Mediator Candidates
 - JIMC, Panel of Mediators
 - SIMC, Specialist Mediator

Leadership and Service

- Co-Chair, Investor-State Mediation Task Force, International Mediation Institute
- Member, Mediation Committee, International Bar Association
- Co-drafted mediation rules the Tashkent International Arbitration Centre (TIAC)
- Co-drafted mediation rules the Japan International Mediation Center in Kyoto (JIMC)
- Member of the Mediation Advisory Committee, TIAC
- Member of the Steering Committee, JIMC
- Advisor, MediateGuru
- Advisor, Sage Mediation
- Founder, FDI Mediation Moot (student competition beginning 2022 affiliated with the FDI Moot)
- Founder, Japan International Mediation Studies (professional study group and mediator interview series)
- ICC International Commercial Mediation Competition Hong Kong
 - Mediator in general rounds and in the final round (2020)
 - Drafted a competition problem (2020)

Mediator Training as Trainer

- Sage Mediation 2019-2021
 - Aranda Series, International Mediation Leaders Programme, mediation skills training (2019-2021)
 - International Mediator Accreditation Workshop, lectures on mediation practice, the Singapore Convention, and investor-state mediation (2020-2021)
- Florence International Dispute Resolution Academy (2021)
 - Lectures on intercultural negotiation and managing international commercial disputes (2021)
- International Mediator Campus
 - Lectures on communication in mediation (2021)

INSTITUTIONAL EXPERIENCE

Office of the Ombudsman for United Nations Funds and Programmes

Remote Work

June 2021 -

Mediation Training Consultant

- Create and develop mediation training programs for United Nations employees

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
- 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

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

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

ATTORNEY IN PRIVATE PRACTICE

Recognition

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 Service

- 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

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

EDUCATION

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

Boulder, CO, USA

Bachelor of Arts, History, 1998

NATIONALITY AND LANGUAGES

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