

**DAVID A. GANTZ**  
**SAMUEL M. FEGTLY PROFESSOR OF LAW AND**  
**DIRECTOR, INTERNATIONAL TRADE AND BUSINESS LAW PROGRAM**  
**THE UNIVERSITY OF ARIZONA, ROGERS COLLEGE OF LAW**  
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**CURRICULUM VITAE**

**A. EDUCATION**

**Stanford Law School, J.S.M. 1970. Thesis topic: "Industrial Encouragement Legislation in Central America: The Costa Rica Experience." (Directed by Professor Thomas Ehrlich)**

**Stanford Law School, J.D. 1967. (Ford Foundation Int'l Legal Studies Fellowship; Pres., International Law Society; Editorial board and co-founder, *Stanford Journal of Int'l Studies*.)**

**Harvard College, A.B. 1964, cum laude in Government**

**B. EMPLOYMENT**

**ACADEMIC**

**August 1993-present: Professor of Law and Director, International Trade and Business Law Program, James E. Rogers College of Law. Teaching responsibilities include International Trade Law; Public International Law; Introduction to the U.S. Legal System; International Investment and Technology Transfer; International Environmental Law; Trade and the Environment; European Union/NAFTA law; supervision of independent study. Director of the master of laws in international trade law program at the College of Law. Associate Director of the National Law Center for Inter-American Free Trade, a not-for-profit research and educational institution affiliated with the University of Arizona, engaged in various legal research projects involving harmonization of trade, commercial and environmental laws and practices in Mexico and Latin America.**

**August 2009 – December 2009: Visiting Professor of Law, American University, Washington College of Law; teaching Advanced International Trade Law and Regional Trade Agreements.**

**August 2003 - May 2004: Visiting Professor of Law, George Washington University Law School; teaching International Trade Law, Advanced International Trade Law, NAFTA and other Regional Trade Agreements and International Business Transactions.**

**Summer Teaching: Public International Law: Georgetown University, Florence (2000). International Trade Law: Loyola University Cuernavaca, Mexico (1999); University of San Diego School of Law (1997); Georgetown University Heidelberg Program**

(1996); Universidad Rafael Landivar, Guatemala City (1995, in Spanish, sponsored by USAID); University of Arizona (1994).

**Adjunct Teaching:** Adjunct Professor of Law, Georgetown University Law Center, 1982-93: International Law II; Comparative International Trade Law; International Negotiations; Lecturer in Law, University of Pennsylvania, 1986: International Trade Law; Visiting Assistant Professor of Law, University of Costa Rica, 1967-69 (U.S.A.I.D. Law Project): Commercial and Corporate Law.

#### GOVERNMENT AND PRACTICE

**1977-1993:** Associate and partner in various Washington law firms. Internationally oriented corporate and agency law practice, emphasizing international trade and export sales problems, including United States, European Economic Community and Canadian actions related to dumping, countervailing duties, injury and import relief, unfair competition; customs law; international financing; foreign assets and export controls; planning for foreign direct and portfolio investment in the United States and abroad; illicit payments issues; litigation and arbitration. Admitted to practice before various federal courts and agencies, including the U.S. Supreme Court, the Court of Appeals for the Federal Circuit, the Court of International Trade and the District Court for the District of Columbia.

**1970-77:** Office of the Legal Adviser, U.S. Department State; served variously as Attorney-Adviser or Assistant Legal Adviser for Inter-American Affairs and Assistant Legal Adviser for European Affairs; member of the U.S. Delegation to the Organization of American States; counsel to the U.S. Section, International Boundary and Water Commission, U.S. and Mexico; responsibilities included bilateral and multinational negotiations concerning private business problems, expropriation and issues of public international law; OAS consideration of U.S.-Latin American trade and investment, trade preferences; border environmental matters; codes of conduct for multinational enterprises; foreign assets and export controls; European Community and Eastern European trade and investment.

**1969-70:** Law Clerk to Judge Charles M. Merrill, U.S. Court of Appeals for the Ninth Circuit.

#### EXPERIENCE AS AN ARBITRATOR/BINATIONAL PANELIST

Member of United States roster of trade experts designated to serve as binational panelists (arbitrators) under Chapter 19 of the U.S. - Canada Free Trade Agreement, 1989-92: New Steel Rails from Canada (Canada v. U.S., chairperson). Member of U.S. Roster under Chapter 19 of the North American Free Trade Agreement, 1994 - 1999, 2002 - 2007. Served as panelist in three cases under NAFTA: Bailer Twine (U.S. v. Canada); Flat Coated Steel Plate (U.S. v. Mexico); Cement (Mexico v. U.S., chairperson.) Served as arbitrator under 1996 U.S. - Canada Softwood Lumber Agreement and NAFTA Chapter 20 (Cross-Border Trucking Services). Arbitrator under NAFTA Chapter 11/ICSID (Feldman v. United Mexican States); Arbitrator, AAA International Rules, 1999-2000.

Nominated by United States Government to the “indicative list of governmental and non-governmental panelists,” the standing roster from which WTO dispute settlement panelists are chosen, April 2002.

**C. HONORS AND AWARDS**

Arthur Andrews Distinguished Teaching/Mentoring Award, April 2006; 1967-1969- Ford Foundation (International Legal Center) Latin American Legal Studies Fellowship; 1974 - U.S. Department of State Superior Honor Award, for negotiating various claims settlements with the Government of Peru; 1987 - Multinational Force and Observer, Certificate of Appreciation, for various legal services relating the peace-keeping mission of the organization; Who's Who in America, Who's Who in American Law; 2004 - Samuel M. Fegly professorship.

**D. SERVICE/OUTREACH**

Faculty adviser to the *Arizona Journal of International and Comparative Law* (1994-present); faculty adviser to the Jessup International Moot Court Competition (1994-1998); faculty adviser to the International Law Society (1993-1998); Faculty adviser to La Raza Law Students Association (1993-94). Principal organizer of two symposia, "NAFTA: Reflections on the First Year and Visions for the Future," February 1995, and “NAFTA and the Expansion of Free Trade: Current Issues and Future Prospects,” February 1997. Principal Organizer of symposium on international and comparative law, April 2005; Member, University Committee on Transfer of Technology, 1995- 1999; Executive Committee for International Affairs, 1995- present; Chairperson, College of Law Faculty Workshops Committee, 1996-97, 1998-99; College of Law Appointments Committee, 1999-2000 and 2002-2003, 2006-2007, Chair, 2005-2006; Chair, College of Law Executive Committee, 2001-2002; Business School Dean Review Committee, 2001-2002; University of Kansas School of Law SJD Review Committee, 2006; ASIL International Economic Group Advisory Board, 2008-; Institute for Transnational Arbitration, Academic Council, 2008 -.

U.S. Judge, Administrative Tribunal of the Organization of American States, serving 1987- 1995. Member of the American Bar Association, International Law and Practice Section; District of Columbia Bar; Ohio State Bar; Bar of the U.S. Supreme Court; Bar of the Court of International Trade and the Court of Appeals for the Federal Circuit; American Arbitration Association; American Society of Int'l Law.

**E. SELECTED PUBLICATIONS**

**BOOKS**

**TRADE REMEDIES IN NORTH AMERICA (With Gregory W. Bowman, Nick Covelli & Ihn Ho Uhm, Kluwer Law Int'l, 2010)**

**REGIONAL TRADE AGREEMENTS: LAW, POLICY & PRACTICE (Carolina Academic Press, 2009)**

**NAFTA AND FREE TRADE IN THE AMERICAS: A PROBLEM ORIENTED COURSEBOOK (WITH Ralph Folsom and Michael Gordon, Thomson/West, 2005) [with documents supplement and teachers' manual]**

**REFEREED JOURNAL ARTICLES OR BOOK CHAPTERS**

*Antidumping and Countervailing Duty Law and Practice: The Mexican Experience (with Greg Bowman, Nick Covelli and Ihn-Ho Uhm), 5 GLOBAL TRADE AND CUSTOMS JOURNAL 267 (2010), also available at SSRN: <http://ssrn.com/abstract=1564462>.*

*(R)ice Age: Comments on the Panel Report in Turkey – Measures Affecting the Importation of Rice (with Simon A.B. Schropp), THE WTO CASE LAW OF 2007-2007 145 (H. Horn & P. Mavroidis, eds., Cambridge, 2009)*

*Regional Trade Agreements, in THE OXFORD HANDBOOK OF INTERNATIONAL TRADE LAW, Ch. 10, (Daniel Bethlehem, Donald McCrae, Rodney Neufeld & Isabelle Van Damme, eds., Oxford Univ. Press, 2009)*

*The United States and Dispute Settlement under the North American Free Trade Agreement: Ambivalence, Frustration and Occasional Defiance, in THE SWORD AND THE SCALES: THE UNITED STATES AND INTERNATIONAL COURTS AND TRIBUNALS (Cesare Romano, ed., Cambridge Univ. Press, 2009).*

*The Role of Law and Lawyers in Vietnam's WTO Accession, in INTERNATIONAL ECONOMIC LAW – THE STATE & FUTURE OF THE DISCIPLINE (Colin B. Picker, Isabella Bunn & Douglas Arner, eds.) (Hart Publishing, 2008)*

*Contrasting Key Investment Provisions of the NAFTA with the United States - Chile FTA, in INVESTMENT LAW AND ARBITRATION: PAST ISSUES, CURRENT PRACTICE, FUTURE PROSPECTS (TODD WEILER, ED., TRANSNATIONAL PUBL.) (2004)*

*Pope & Talbot, Inc. v. Canada [INT'L DECISIONS], 97 AM. J. INT'L L. 937 (2003)  
Article 303, PROSEC and the New Maquiladora Regime in Mexico, IN THE AUTO PACT: INVESTMENT, LABOUR AND THE WTO 137 (MAUREEN IRISH, ED., 2004)*

*Government-to-Government Dispute Resolution under NAFTA's Chapter 20: A Commentary on the Process, 11 AM. REV. INT'L ARB. 481 (2002)*

*Reconciling Environmental Protection and Investor Rights under Chapter 11 of NAFTA, 31 ENVTL. L. REP. (ENVTL. L. INST.) 10646 (2001)*

*Export and Import Laws and Regulations IN II UNITED STATES LAW OF TRADE AND INVESTMENT 18-1 (BORIS KOZOLCHYK & JOHN F. MOLLOY, EDS., 2001)*

*Dispute Resolution Under the North American Free Trade Agreement, 9 J. AM.-CAN. STUDIES 13 [KOREA] (2000).*

*Lessons from the United States - Japan Semiconductor Dispute,* 16 ARIZONA J. INT'L & COMP. L. 91 (1999)

*Introdução ao North American Free Trade Agreement, in Contratos Internacionais e Direito Econômico no MERCOSUL* 273 (PAULO BORBA CASELLA, ED., 1996).

*Revisión Judicial de las Demandas Administrativas Relativas al Comercio en Los Tribunales de los Estados Unidos, IN PRACTICAS DESLEALES DE COMERCIO* 179 (1995). ("JUDICIAL REVIEW IN UNITED STATES COURTS OF ADMINISTRATIVE ACTIONS RELATING TO TRADE")

*Solución de controversias según el Tratado de Libre Comercio de América del Norte [RESOLUTION OF CONTROVERSIES UNDER NAFTA], IN LA SOLUCIÓN DE CONTROVERSIAS EN EL HEMISPHERICO* 21 ( CÁMARA DE COMERCIO DE BOGOTÁ, EDS., 1997)

*Implications of Free Trade Agreements for Investment in the Caribbean Basin,* 48 INT'L FISCAL ASSN. BULLETIN 211 (MAY 1994).

*Principal Features of the North American Free Trade Agreement in TOWARD SEAMLESS BORDERS: MAKING FREE TRADE WORK IN THE AMERICAS* 34 (B. KOZOLCHYK, ED., 1993).

*Maximizing the Regional Benefits of North American Economic Integration: Rules of Origin Under the NAFTA, in TOWARD SEAMLESS BORDERS: MAKING FREE TRADE WORK IN THE AMERICAS* 524 (B. KOZOLCHYK, ED., 1993).

*The Marcona Settlement: New Forms of Negotiation and Compensation for Nationalized Property,* 71 AM. J. INT. L. 474 (1977)

*The U.S.-Peruvian Claims Agreement of February 19, 1974,* 10 INT'L L. 389 (1976)  
*United States Approaches to the Salinity Problem on the Colorado River,* 12 NATURAL RESOURCES J. 496 (1972)

*Uniform Tax Incentives Legislation in Central America,* 4 INT'L L. 467 (1970)

#### OTHER JOURNAL ARTICLES AND BOOK CHAPTERS

*Polyethylene Retail Carrier Bags: Non-Market Economy Status and U.S. Unfair Trade Actions against Vietnam,* 36 N.C.J. INT'L L. & COM. REG. \_\_\_\_\_ (forthcoming Dec. 2010), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1519961](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1519961).

*WTO Case Review 2009* (with Raj Bhala), 27 ARIZONA J. INT'L & COMP. L. 113 (2010), available at <http://ssrn.com/abstract=1647878> or <http://www.ajicl.org/AJICL2010/4.27.1WTO%20Review.pdf>.

*WTO Case Review 2008* (with Raj Bhala), 26 ARIZONA J. INT'L & COMP. L. 113 (2009), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1378302](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1378302)

*The “Bipartisan Trade Deal,” Trade Promotion Authority and the Future of U.S. Free Trade Agreements*, XXVIII St. Louis U. Publ. L.R. 115 (2009)

*WTO Case Review 2007* (with Raj Bhala), 25 ARIZONA J. INT’L & COMP. L. 75 (2008).

*VBTA and WTO Accession: The Role of Lawyers in Vietnam’s No Longer Cautious Embrace of Globalization*, 41 INT’L LAW. 873 (2007).

*WTO Case Review 2006* (with Raj Bhala), 24 ARIZONA J. INT’L & COMP. L. 299 (2007).

*Settlement of Disputes Under the Central American – Dominican Republic – United States Free Trade Agreement*, 30 B.C. INT’L & COMP. L. REV. 331 (2007).

*International Legal Development: The Complex Problem of Customs Law and Administrative Reform in Central America*, 12 SOUTHWESTERN J. LAW & TRADE IN THE AMERICAS 215 (2006).

*WTO Case Review 2005* (with Raj Bhala), 23 ARIZONA J. INT’L & COMP. L. 107 (2006).

*An Appellate Mechanism for Review of Arbitral Decisions in Investor-State Disputes: Prospects and Challenges*, 39 VANDERBILT J. TRANSNAT’L L. 39 (2006)

*WTO Case Review 2004* (with Raj Bhala), 22 ARIZONA J. INT’L & COMP. L. 99 (2005)

*The Free Trade Area of the Americas: An Idea Whose Time has Come—and Gone?*, 1 Loyola Int’l L. Rev 179 (2004)

*The Evolution of U.S. Views on Investment Protection: From NAFTA to the United States Chile Free Trade Agreement*, 19 AM. U. INT’L L. REV. 679 (2004)

*WTO Case Review 2003* (with Raj Bhala), 21 ARIZONA J. INT’L & COMP. L. 317 (2004)

*WTO Case Review 2002* (with Raj Bhala), 20 ARIZONA J. INT’L & COMP. L. 144 (2003)

*WTO Case Review 2001* (with Raj Bhala), 19 ARIZONA J. INT’L & COMP. L. 457 (2002)

*Some Comments on NAFTA’s Chapter 11*, 42 S. TEX. L. REV. 1285 (2001)

*New Challenges for the Maquiladoras: Legal and Policy Implications of NAFTA Article 303 for United States - Mexico Trade*, 30 DENVER J. INT’L L. & POL’Y 1 (2001)

*Potential Conflicts Between Investor Rights and Environmental Regulation Under NAFTA’s Chapter 11*, 33 GEO. WASH. INT’L L. REV. 651 (2001).

*WTO Case Review 2000* (with Raj Bhala), 18 ARIZONA J. INT’L & COMP. L. 1 (2001).

*Failed Efforts to Initiate the 'Millennium Round' in Seattle: Lessons for Future World Trade Negotiations*, 17 ARIZONA J. INT'L & COMP. L. 349 (2000).

*International Legal Protection of Wild Fauna and Flora*, by P. van Heijnsbergen, 94 A.J.I.L. 224 (2000) (Book Review).

*Dispute Settlement Under the NAFTA and the WTO: Choice of Forum Opportunities and Risks for the NAFTA Parties*, 14 AM. UNIV. INT'L L. J. 1025 (1999)

*Globalizing Sanctions Against Foreign Bribery: The Emergence of a New International Legal Consensus*, 18 NORTHWESTERN J. INT'L L. & BUSINESS 457 (1998)

*Resolution of Trade Disputes Under NAFTA's Chapter 19: The Lessons of Extending the Binational Panel Process to Mexico*, 29 LAW & POLICY IN INT'L BUSINESS 297 (1998)

*The United States and the Expansion of Western Hemisphere Free Trade: Participant or Observer?*, 14 ARIZONA J. INT'L & COMP. L. 381 (1997)

*The Foreign Corrupt Practices Act: Professional and Ethical Challenges for Lawyers*, 14 ARIZONA J. INT'L & COMP. L. 97 (1997) and INTERNATIONAL QUARTERLY (Business Laws, Inc., Oct. 1998).

*The North American Development Bank and the Border Environment Cooperation Commission; A New Approach to Pollution Abatement Along the United States- Mexican Border*, 27 LAW & POLICY IN INT'L BUSINESS 1027 (1996)

*Implementing the NAFTA Rules of Origin: Are the Parties Helping or Hurting Free Trade?* 12 ARIZONA J. INT'L & COMP. L. 367 (1995)

*A Post-Uruguay Round Introduction to International Trade Law in the United States*," 12 ARIZONA J. INT'L & COMP. L. 1 (1995)

*Resolution of Investment Disputes Under the North American Free Trade Agreement*, 10 ARIZONA J. INT'L. & COMP. L. 335 (1993).

*Industrial Encouragement Legislation in Central America: The Costa Rica Experience*," 6 STANFORD J. INT'L. STUDIES 188 (1971)

#### OTHER WRITINGS

Book review, 5 McGill Int'l J. Sust. Dev. L. & Pol'y 289 (2009) (reviewing Paul Elkins & Tancrede Voituriez, eds., Trade, Globalization and Sustainability Impact Assessment: A Critical Look at Methods and Outcomes).

Book review, 16 Int.T.L.R. 83 (2010) (with Ihn Ho Uhm) (reviewing Simon A.B. Schropp, Trade Policy Flexibility and Enforcement in the WTO: A Law and Economic Analysis).

**Book review, 15 Int.T.L.R. 30 (2009) (reviewing Simon Lester & Brian Mercurio, World Trade Law: Text, Materials and Commentary).**

**Book review, 14 Int.T.L.R. 122 (2008) (reviewing Leslie Alan Glick, Guide to United States Customs and Trade Laws (3<sup>rd</sup> ed., 2008)).**

**Book review, 14 Int.T.L.R. 34 (2008) (reviewing Themistoklis K. Giannakopoulos, A Concise Guide to the EU Anti-Dumping/Anti-Subsidies Procedures (2006)).**

**Book review, 7 World Trade Review 707 (2008) (reviewing Merit E. Janow, Victoria Donaldson, and Alan Yanovich, eds., The WTO: Governance, Dispute Settlement and Developing Countries (2008)).**

**Book Review, 2006 J. Bus. Law 437 (reviewing Raj Bhala, Modern GATT Law (2005)).**

**Book review, 2 World Trade Rev. 434 (2003) (reviewing The Greening of Trade Law: International Organizations and Environmental Issues (Richard H. Steinberg ed., 2002)).**

***Comparing the Southern Border to the Northern Border and the Issues to be Dealt With at Each*, 29 Can.-U.S. L.J. 363(2003).**

**Book Review, 94 Am. J. Int'l L. 224 (2000) (reviewing P. van Heijnsbergen, International Legal Protection of Wild Fauna and Flora (1997)).**

**F. SELECTED SEMINARS/SCHOLARLY PRESENTATIONS [INVITED]**

**Lectured on NAFTA and WTO Dispute Settlement at the Faculty of Law and Graduate School of International Development at Nagoya University, Japan, May 2010**

**Presented papers at workshops for Ministry of Justice officials, National Assembly members and law professors in Vietnam on WTO, U.S. Trade Law and U.S. - Vietnam Bilateral Trade Agreement implementation issues; Hanoi, Do San and Ho Chi Minh City, Dec. 2000, Jan. 2001, Dec. 2002, Aug. 2004, May 2005, Dec. 2005, August 2009, sponsored variously by Swedish International Development Association, United Nations Development Program, U.S. Vietnam Trade Council, World Bank and World Bank Institute**

**Various trade and investment law presentations at the annual conferences of the North American Consortium on Legal Education, including Mexico City (2009), Ottawa (2008), New York (2007)**

**American Law Institute conference on WTO panel and appellate body decisions, Geneva, June 2008, presenting on *Turkey – Rice***

**U.S. Attitudes toward Dispute Settlement under NAFTA, symposium presentation for New York University, The Hague, Netherlands, June 2005; Washington, D.C, May 2006**

**International Legal Development: the “Complex Problem” of Customs Law and Administrative Reform in Central America, symposium presentation at Southwestern University Law School, Feb. 2006**

**Applying the NAFTA Foreign Investment Protection Experience to U.S. Bilateral Investment Treaties and the U.S. – Chile Free Trade Agreement, Nov. 2005, University of Chile (by teleconference); May 2005, Dalhousie University, Canada.**

**“The Evolution of FTA Investment Provisions,” NAFTA After 10 Years symposium presentation at Michigan State University, Oct. 2003.**

**“Free Trade Area of the Americas: An Idea Whose Time has Come—and Gone?” symposium presentation at Loyola University (Chicago), Feb. 2004.**

**NAFTA trade and investment roundtable, University of California, Berkeley, January 2004.**

**“An Appellate Mechanism for Investment Disputes,” presentation to the NAFTA “2022 Committee” annual meeting, Santa Fe, NM, Oct. 2004**

**“An Appellate Mechanism for Review of Investment Arbitral Decisions, American Society of International Law (Washington, D.C.), March 2004.**

**NAFTA as a Catalyst for Change, UCLA Law and the Border Symposium, Jan. 2003**

**Lectured on NAFTA and competition law issues to graduate students at Universidad Carlos III, Getafe, Spain, May 2001**

**Presented the Myres S. McDougal Lecture in International Law and Policy, *Legal and Policy Implications of the 2001 NAFTA Changes on United States - Mexico Trade and Investment*, University of Denver College of Law, March 30, 2001**

**Addressed the National Council of *Maquiladora* Export Industries in Mexico City, March 23, 2001 (in Spanish), on issues relating to implementation of NAFTA Article 303.**

**Addressed various university and civic groups in Korea, December 5-11, 1999, on issues arising out of the Seattle WTO Ministerial meeting, sponsored by U.S. Information Agency**

**Lectured in a multi-day seminar in January 1996, in Mexico City, on NAFTA Chapter 19 dispute settlement procedures, to a group of Mexican lawyers, government officials and judges.**

**Taught a two-day seminar on international trade law January 26-27, 1995, to the Instituto Tecnológico Autónomo de México, Mexico City, as part of a "diplomado" program for post-graduate students and attorneys.**

**G GRANTS, CONTRACTS AND REPORTS**

**Consultant on National Law Center study and report on the impact on the U.S. Customs Service and Mexican *Maquiladoras* of the changes mandated by NAFTA Article 303, October 1999 - April 2001, funded by the U.S. Treasury Department [estimate 10% of total grant of ca. \$300,000]**

**Consultant for a National Law Center/U.S. Treasury Department legal and empirical study and report on the implementation of business facilitation measures and customs law reforms in Central America, approximately February 2001 to February 2004 [estimate 15% of total grant of ca. \$250,000]**

**July 2010**