

JARROD WONG

PROFESSOR OF LAW
CO-DIRECTOR, GLOBAL CENTER

UNIVERSITY OF THE PACIFIC, MCGEORGE SCHOOL OF LAW

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APPOINTMENTS

MCGEORGE SCHOOL OF LAW, UNIVERSITY OF THE PACIFIC, SACRAMENTO

Professor of Law, 2013 to Present

Associate Professor of Law, 2010 to 2013

Assistant Professor of Law, 2007 to 2010

Was jointly awarded the 2010 John Sprankling Faculty Scholarship Award
Teaching responsibilities for Int'l Investment Law and Arbitration, Int'l Commercial Arbitration,
Int'l Economic Law, U.S. and Int'l Arbitration, Contracts, U.S. and Int'l Sale of Goods,
Remedies

Co-Director, Global Center for Business and Development, 2014 to Present

Youngest person to have been appointed to the position, which entails supervision of
international law research, publications, educational and conference programs. The Center is or
has been involved in rule-of-law and other initiatives in Africa, China, Russia, and Central and
South America. The international program has been ranked by the U.S. News and World Report
as among the nation's top international programs in the last nine of eleven years, including the
last five years.

Chair, Graduate and International Studies Committee, 2014 to Present

UNIVERSITY OF CALIFORNIA, BERKELEY, SCHOOL OF LAW, BERKELEY

Visiting Professor, Fall 2019

Taught International Litigation and Arbitration.

EDUCATION

CAMBRIDGE UNIVERSITY, UNITED KINGDOM, B.A. (TRINITY COLLEGE - LAW), 1995,
GRADUATED WITH FIRST CLASS HONOURS

UNIVERSITY OF CHICAGO, LAW SCHOOL, LL.M., 1996

UNIVERSITY OF CALIFORNIA, BERKELEY, LAW SCHOOL, J.D., 1999, GRADUATED ORDER OF THE COIF

AREAS OF RESEARCH

International Investment Law

International Dispute Resolution including International Commercial and Investor-State Arbitration

Public International Law

Contracts, Sales, Remedies

PROFESSIONAL AFFILIATIONS

AMERICAN SOCIETY OF INTERNATIONAL LAW

Executive Committee Member, 2018 to Present

Co-Chair, 2020 ASIL Annual Meeting

Co-Chair, 2018 ASIL Forum Research at UCLA Law

Co-Chair, ASIL Int'l Economic Law Interest Group, 2017 to 2019

Co-Vice Chair, ASIL Int'l Economic Law Interest Group, 2015 to 2017

Organized 2018 ASIL Int'l Economic Law Interest Group Biennial at McGill, Montreal

Organized and chaired IEL interest group panel at the 2016 ASIL Annual Meeting on the growing diversity of fora for resolving international investment disputes notwithstanding the apparent structural shift from bilateralism to multilateralism in investment treaties.

Helped organize interest group events including the joint ASIL-ESIL-Max Planck Institute 2015 Works-in-Progress Workshop in Heidelberg and the upcoming IEL interest group 2016 biennial conference at Georgetown.

INSTITUTE FOR TRANSNATIONAL ARBITRATION

Executive Committee Member, 2015 to 2018

Academic Council, Co-Vice Chair, 2015 to 2018, Member, 2013 to 2018

Advisory Board Member, 2015 to Present

Co-Chair, 2017 29th Annual ITA Workshop, Dallas, June 2017

2015 Winter Forum Conference, Houston, Jan. 2015

Organized the inaugural Academic Council Work-in-Progress Workshop

Co-Chair, 2013 Winter Forum Conference, Miami, Jan. 2013

Organized a program that featured key speaker Gary Born, a competitive call for papers in international arbitration that were reviewed by a distinguished committee including Christoph Schreuer, a 2012 year-in-review of significant arbitral events and a Tylney-Hall style forum helmed by leading arbitrators and academics including Martin Hunter and Jan Paulsson.

PRIOR EMPLOYMENT

CRAVATH, SWAINE & MOORE LLP, NEW YORK, CORPORATE ASSOCIATE, 1996 TO 1997

HELLER EHRMAN LLP, SAN FRANCISCO, COMMERCIAL LITIGATION ASSOCIATE, 1999 TO 2003

IRAN-UNITED STATES CLAIMS TRIBUNAL, THE HAGUE, THE NETHERLANDS,
CHAMBERS OF THE HONORABLE CHARLES N. BROWER, LEGAL ADVISER, 2003 TO 2004

O'MELVENY & MYERS LLP, SAN FRANCISCO, ASSOCIATE, INT'L ARBITRATION, 2006 TO 2007

PUBLICATIONS

THE IRAN-UNITED STATES CLAIMS TRIBUNAL (2d ed. forthcoming 2022) (with Charles Brower, et al.)

The Vienna Convention and the Ordinary Meaning of International Law, 46 **YALE JOURNAL OF INTERNATIONAL LAW** __ (forthcoming 2021) (with Brian G. Slocum)

Panel Proceedings: International Arbitration In The Asia-Pacific: Prospects And Challenges Of A Dynamic And Growing Field , 112 **AMERICAN SOCIETY OF INTERNATIONAL LAW PROCEEDINGS** 97 (2018) (as moderator with co-panelists at the 2018 ASIL Annual Meeting)

Panel Proceedings: Forum non Concurrence in the Resolution of Investment Treaty Disputes, 109 **AMERICAN SOCIETY OF INTERNATIONAL LAW PROCEEDINGS** 51 (2016) (as moderator with co-panelists at the 2016 ASIL Annual Meeting)

BG Group v. Argentina: A Supreme Misunderstanding of Investment Treaty Arbitration, 43 **PEPPERDINE LAW REVIEW** 541 (2016) (invited symposium)

Panel Proceedings: Transparency and Procedural Due Process in International Economic Law, 109 **AMERICAN SOCIETY OF INTERNATIONAL LAW PROCEEDINGS** 319 (2016) (as moderator with co-panelists at the 2015 ASIL Annual Meeting)

The Subversion of State-to-State Investment Treaty Arbitration, 53 **COLUMBIA JOURNAL OF TRANSNATIONAL LAW** 6 (2014)

Panel Proceedings: Uncommon Remedies in International Dispute Resolution, 107 **AMERICAN SOCIETY OF INTERNATIONAL LAW PROCEEDINGS** 33 (2014) (with co-panelists at the 2013 ASIL Annual Meeting)

The Misapprehension of Moral Damages in Investor-State Arbitration, **CONTEMPORARY ISSUES IN INTERNATIONAL ARBITRATION AND MEDIATION: THE FORDHAM PAPERS** 2012 67 (A. Rovine, ed. 2013)

Arbitrating in the Ether of Intent, 40 **FLORIDA STATE UNIVERSITY LAW REVIEW** 165 (2012)

The 2006 Procedural and Transparency-Related Amendments to the ICSID Arbitration Rules: Model Intentions, Moderate Proposals, and Modest Returns, **YEARBOOK ON INTERNATIONAL INVESTMENT LAW AND POLICY** 233 (Karl Sauvant, ed. 2010) (Oxford Univ. Press) (with Jason Yackee) (peer reviewed)

Reconstructing the Responsibility to Protect in the Wake of Cyclones and Separatism, 84 **TULANE LAW REVIEW** 219 (2009)

Clawbacks: Prospective Contract Measures in an Era of Excessive Executive Compensation and Ponzi Schemes, 94 **MINNESOTA LAW REVIEW** 368 (2009) (with Miriam A. Cherry)

- Reply: Clawback to the Future, 95 **MINN. L. REV. HEADNOTES** 19 (2010) (with Miriam A. Cherry), reply to Michael Macchiarola, In the Shadow of the Omnipresent Claw: In Response to Professors Cherry & Wong, 95 **MINN. L. REV. HEADNOTES** 1 (2010)

Is The Prodigal Child Coming Home? U.S. Courts, Interim Measures, and the New York Convention, 2 **CONTEMPORARY ASIA ARBITRATION JOURNAL** 83 (2009) (invited symposium) (peer reviewed)

The Application of Most-Favored-Nation Clauses to Dispute Resolution Provisions in Bilateral Investment Treaties, 3 **ASIAN JOURNAL W.T.O. & INTERNATIONAL HEALTH LAW & POLICY** 171 (2008) (invited symposium) (peer reviewed)

Umbrella Clauses in Bilateral Investment Treaties: Of Breaches of Contract, Treaty Violations and the Divide Between Developing and Developed Countries in Foreign Investment Disputes, 14 **GEORGE MASON LAW REVIEW** 135 (2006)

Court or Arbitrator — Who Decides Whether Res Judicata Bars Subsequent Arbitration Under the Federal Arbitration Act?, 46 **SANTA CLARA LAW REVIEW** 49 (2005)

The Issuance of Interim Measures in International Disputes: A Proposal Requiring a Reasonable Possibility of Success on the Underlying Merits, 33 **GEORGIA JOURNAL OF INTERNATIONAL & COMPARATIVE LAW** 605 (2005)

General Valuation Principles: The Case of Santa Elena, in **INTERNATIONAL INVESTMENT LAW AND ARBITRATION: LEADING CASES FROM THE ICSID, NAFTA, BILATERAL TREATIES AND CUSTOMARY INTERNATIONAL LAW** 747 (Todd Weiler ed., 2005) (Cameron May) (with Charles N. Brower)

A Passage Through India (and Beyond) or A Case of Love Thy Neighbour?, 8 **LEIDEN JOURNAL OF INTERNATIONAL LAW** 311 (1995) (with Christopher Hare)

ONLINE PUBLICATIONS

Making a Muddle of Moral Damages, in **KLUWER ARBITRATION BLOG** (Oct. 13, 2014), at <http://kluwarbitrationblog.com/blog/2014/10/13/making-a-muddle-of-moral-damages/>

The Compensatory Nature of Moral Damages in Investor-State Arbitration, in **COLUMBIA FDI PERSPECTIVES** (No. 88, Feb. 4, 2013), at <http://www.vcc.columbia.edu/content/compensatory-nature-moral-damages-investor-state-arbitration>

Comment on Investment Treaties & Investor Corruption: An Emerging Defense for Host States by Jason Yackee in the *Virginia Journal of International Law*, in **OPINIO JURIS** (May 31, 2012), at <http://opiniojuris.org/2012/05/31/vjil-symposium-jarrod-wong-comments-on-investment-treaties-and-investor-corruption/>

SELECT PRESENTATIONS

“The Ordinary Meaning of International Law,” **2019 American Society of International Law Research Forum**, Brooklyn Law School, Brooklyn, Nov 2019 (with Brian Slocum)

“The Chimera of a World Investment Court,” 2019 AALS ,” **2019 Annual Works-in-Progress Conference of the Association of American Law Schools (AALS) ADR Section**, UNLV Law School, Las Vegas, Oct 2019

“The Ordinary Meaning of International Law,” **2019 Northern California International Law Scholars Annual Meeting**, McGeorge School of Law, Sacramento, Sep 2019

Hot Topic Panel on *“NAFTA 2.0: Are We Building or Burning Bridges with USMCA?”* **2019 Annual Conference of the American Association of Law Schools**, New Orleans, January 2019 (selected pursuant to a call for hot topic panels by AALS)

Lunchtime Plenary Panel on *“Current Trade Developments,”* **2018 American Society of International Law Research Form**, UCLA Law, Los Angeles, Nov 2018

“Lessons in Investor-State Arbitration,” Berlin, June 2018

“International Arbitration In The Asia-Pacific: Prospects and Challenges of A Dynamic And Growing Field,” **2016 American Society of International Law Annual Meeting**, Washington D.C., Apr 2018 (moderator)

“The EU’s Investment Court Proposal,” **U.C. Davis School of Law**, Davis, May 2017

“The EU’s Investment Court Proposal,” **2016 Asian Society of International Law Regional Conference**, Hanoi, June 2016

“The EU’s Investment Court Proposal,” **2016 Stanford Journal of International Law Symposium**, Stanford Law School, Palo Alto, April 2016

“Forum Non Concurrence in the Resolution of Investment Treaty Disputes,” **2016 American Society of International Law Annual Meeting**, Washington D.C., Mar 2016 (moderator)

Symposium on *“Grappling with ISDS in and beyond the TPP and TTIP,”* **McGeorge School of Law**, Sacramento, Feb 2016 (conceived and organized symposium)

Program on *“Rule of Law Faculty Initiatives and the Role of U .S. L aw Schools,”* **2016 Association of American Law Schools (AALS) Annual Meeting**, New York, Jan 2016 (organizer and co-chair)

“The International Investment Regime,” **Joint American Society of International Law-European Society of International Law-Max Planck Scholarship Workshop**, Heidelberg, Dec 2015 (chair and conference co-organizer)

Keynote panel on *“Investor Dispute Settlement and the Rule of Law,”* **American Society of International Law 2016 Research Forum**, Washington, D.C., Oct 2015 (panelist)

“A Supreme Misunderstanding of Investment Treaty Arbitration,” **2015 Pepperdine Law Review Symposium on International Arbitration and Courts**, Pepperdine Law School, Malibu, April 2015

“Transparency and Procedural Due Process in International Economic Law,” **2015 American Society of International Law Annual Meeting**, Washington D.C., April 2015 (moderator)

“Emergency Arbitrators,” **Conference on Effective Advocacy in International Arbitration**, UC Berkeley Law School, Berkeley, Feb 2015

Program on *“Rethinking International Programs in the Face of Global Prejudice & Unrest,”* **2015 Association of American Law Schools (AALS) Annual Meeting**, Washington D.C., Jan 2015 (organizer and chair)

“BG Group v. Argentina: The U.S. Supreme Court’s Ill-Rooted Decision on Investment Treaty Awards,” **The 8th Annual Works-in-Progress Conference of the Association of American Law Schools (AALS) ADR Section**, Southwestern Law School, Los Angeles, November 2014

“The Subversion of State-to-State Arbitration under Bilateral Investment Treaties,” **Asian Society of International Law Biennial Meeting**, New Delhi, Nov 2013

“The Misapprehension of Moral Damages in Investor-State Arbitration,” **University of Denver Sturm College of Law**, April 2013

Panel on *“Uncommon Remedies in International Dispute Resolution,”* **2013 Annual Meeting of the American Society of International Law (ASIL)**, D.C., April 2013

Conference Co-Chair, **2013 Winter Forum of the Institute for Transnational Arbitration**, Biltmore Hotel, Miami, January 2013

“The Misapprehension of Moral Damages in Investor-State Arbitration,” **2012 Biennial Conference of the American Society for International Law’s International Economic Law Interest Group (ASIL IELIG)**, George Washington University Law School, November 2012

“From Misapprehension to Misapplication: Moral Damages in Investor-State Arbitration,” **Annual Roundtable of the Northern California International Law Scholars**, University of California, Berkeley Law School, September 2012

“Moral Damages in Investor-State Arbitration,” **Seventh Annual Fordham Law School Conference on International Arbitration and Mediation**, King’s College, London, U.K., April 2012

“Transparency and Public Participation in Investor-State Arbitration: An Account of Inter-Dependence, Structural Disincentives and the Democratic Deficit,” **Research Forum, American Society of International Law Mid-Year Meeting**, University of California, Los Angeles (UCLA) School of Law, November 2011

“Arbitrating in the Ether of Intent,” **Society of Legal Scholars**, Cambridge University, U.K., September 2011

“The U.S. Supreme Court and the Federal Arbitration Act: Arbitrability, Class Arbitration and the Limits of a Consent-Based Theory Of Contract Law,” **77th Annual Conference of the American Association of Law Schools**, San Francisco, January 2011 (selected pursuant to a call for papers by the AALS Section on Contract Law)

“The International Phenomenon of Clawbacks,” **2010 Biennial Conference of the American Society for International Law’s International Economic Law Interest Group**, University of Minnesota Law School, November 2010

“Reconstructing the Responsibility to Protect in the Wake of Cyclones and Separatism,” **University of New South Wales Law School**, Sydney, November 2010

“Transparency in Investment Arbitration,” **Fifteenth Investment Treaty Forum Conference of the British Institute of International and Comparative Law**, London, September 2010

“Reconstructing the Responsibility to Protect in the Wake of Cyclones and Separatism,” The Responsibility to Protect: From Principle to Practice, **European Science Foundation-Linköping University Conference**, Linköping, Sweden, June 2010

“Clawbacks: Prospective Contract Measures in an Era of Excessive Executive Compensation and Ponzi Schemes,” **2010 AALS Contracts Section Spring Conference**, William S. Boyd School of Law at the University of Nevada, Las Vegas, February 2010

“Clawbacks: Prospective Contract Measures in an Era of Excessive Executive Compensation and Ponzi Schemes,” **2010 Annual Conference of the American Association of Law Schools, New Orleans**, January 2010 (with Miriam Cherry and selected pursuant to a call for papers by the AALS Section on Business Law)

“Reconstructing the Responsibility to Protect in the Wake of Cyclones and Separatism,” **University of Washington School of Law, Seattle**, November 2009

“Clawbacks: Prospective Contract Measures in an Era of Excessive Executive Compensation and Ponzi Schemes,” Local to Global: Rethinking Spheres of Authority after a World Financial Crisis, **Pacific McGeorge Global Center for Business and Development Symposium**, Pacific McGeorge Law School, Sacramento, California, October 2009

“Reconstructing the Responsibility to Protect in the Wake of Cyclones and Separatism,” **Annual Roundtable of the Northern California International Law Scholars**, U.C. Davis Law School, U.C. Davis, California, September 2009

Panel Chair, *“Evaluating the 2006 Amendments to ICSID Rules of Arbitration”* Overhauling International Dispute Resolution, **U.C. Davis School of Law**, Davis, California, March 2009

“Pacific McGeorge’s Rule of Law in China USAID Initiative” Annual Conference of Asian Pacific American Law Faculty, **U.C. Davis School of Law**, Davis, California March 2009

“Reconstructing the Responsibility to Protect in the Wake of Cyclones and Separatism,” **2009 Annual Conference of the American Association of Law Schools**, San Diego, January 2009 (selected pursuant to a call for papers by the Section on International Human Rights Law)

“A New New York Convention?” **Annual International Arbitration Conference, Taipei**, Taiwan, November 2008

“The Application of Most-Favored-Nation Clauses to Dispute Resolution Provisions in Bilateral Investment Treaties,” **Annual International Arbitration Conference, Taipei**, Taiwan November 2007