

**Gantz, David**

**Resume date: 12/7/2005**

**Business Address:**

THE UNIVERSITY OF ARIZONA JAMES E. ROGERS COLLEGE OF  
LAW 1201 E. Speedway BLVD.  
Tucson, AZ 85721-0176  
United States  
Phone: 520 621 1801

**Home Address:**

Phone: 520 319  
1859

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**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. ACADEMIC EXPERIENCE**

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.

August 1993-present: Professor of Law and Director, International Trade 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.

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.

### C. GOVERNMENT AND PRACTICE EXPERIENCE

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.

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.

### D. 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 -. 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.

### E. RECENT CONSULTING ACTIVITIES

Presented workshops for Ministry of Justice officials and National Assembly members of Vietnam on WTO, U.S. Trade Law and U.S. - Vietnam Bilateral Trade Agreement implementation issues; Hanoi, Do San and Ho Chi Minh City, 2000, 2001, 2002, 2004, 2005 (2), sponsored variously by Swedish International Development Association, United Nations Development Program, U.S. Vietnam Trade Council and World Bank.

Project Manager for a National Law Center study of 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.

Consultant for a National Law Center/U.S. Treasury Department Study of the implementation of business facilitation measures and customs law reforms in Central America, approximately February 2001 to February 2004.

## F. HONORS AND AWARDS

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. Fegtly professorship.

## G. SERVICE ACTIVITIES

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. 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, Chair, 2005-2006; Chair, College of Law Executive Committee, 2001-2002; Business School Dean Review Committee, 2001-2002.

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.

## H. SELECTED PUBLICATIONS

FOLSOM, GORDON & GANTZ, NAFTA AND FREE TRADE IN THE AMERICAS: A PROBLEM ORIENTED COURSEBOOK (Thomson/West, 2005)

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)

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)

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

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)

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

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

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

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

Export and Import Laws and Regulations in II UNITED STATES LAW OF TRADE AND

INVESTMENT 18-1 (Boris Kozolchik & John F. Molloy, eds., 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 Resolution Under the North American Free Trade Agreement, 9 J. AM.-CAN. STUDIES 13 [Korea] (2000).

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)

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

Solucion de controversias segun el Tratado de Libre Comercio de America del Norte [Resolution of Controversies under NAFTA], in LA SOLUCION DE CONTROVERSIAS EN EL HEMISPHERICO 21 (Camara de Comercio de Bogota, eds., 1997)

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. 1988).

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)

Introdução ao North American Free Trade Agreement, in CONTRATOS INTERNACIONAIS E DIREITO ECONÔMICO NO MERCOSUL 273 (Paulo Borba Casella, ed., 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)

Revision 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")

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).

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

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

## I. CURRENT RESEARCH PROJECTS

Book on investment dispute settlement under NAFTA and subsequent free trade agreements, to be published by Transnational Publishers

Book (with Raj Bhala) on the first ten years of WTO Dispute settlement (expansion of a series of annual articles)

Study of the implementation of "business facilitation measures" in the Free Trade Agreement of the Americas process, September 2001 - , with others at the National Law Center for Inter-American Free Trade

Impact of the United States - Vietnamese Bilateral Trade Agreement on Vietnam's legal system

## J. SELECTED SEMINARS/PRESENTATIONS

"NAFTA After 10 Years" or similar conference presentations on NAFTA trade or investment issues, October 2003 - April 2004, at Michigan State University, Loyola University (Chicago), Boalt Hall, American Society of International Law (Washington, D.C.), George Washington University, University of Houston.

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.

## K. LANGUAGE - Spanish