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Nationality/ Date of Birth	U.S.A. 7 November 1968	

Educational/Professional Memberships

Education

Stanford Law School – Stanford, CA
J.D. with distinction (1997)

University of Cambridge – Cambridge, U.K.
M.Phil. (1992); doctoral studies (1992 – 1994)
Benefactor's Scholar, St. John's College

Yale University – New Haven, CT
B.A., magna cum laude (1990)

Selected Fellowships, Honours, Awards

- *Chartered Arbitrator*, Chartered Institute of Arbitrators – U.K. (highest designation awarded to just over 500 out of 17,000+ Chartered Institute members)
- *Fellow*, Chartered Institute of Arbitrators – U.K. (recognition of outstanding commitment to international arbitration, requiring successful completion of intensive training course and award-writing examination)
- *Fellow*, College of Commercial Arbitrators – U.S. (invitation-only fellowship of nationally and internationally recognized commercial arbitrators)
- *Higginbotham Fellow*, American Arbitration Association (awarded to 'up-and-coming' diverse alternative dispute resolution professionals)

Professional Memberships

- Roll of Solicitors, England & Wales (non-practising)
- Admitted to the bars of New York, California, and the District of Columbia
- ICC Institute of World Business Law
- International Bar Ass'n: International Arbitration Committee & International Mediation Committee
- American Society for International Law: Private International Law Interest Group, Asia-Pacific Interest Group, Africa Interest Group
- American Bar Ass'n Section on International Law: International Arbitration Committee (Vice Chair) & International Mediation Committee
- American Bar Ass'n Rule of Law Initiative (ROLI), Central European and Eurasian Law Initiative Council
- Foundation for Sustainable Rule of Law Initiatives (Board Member)
- Advisor to Expert Committee on Mediation, Supreme Court of India (committee formed to draft a new national mediation law for India; with Joel Lee, SIMI)
- Advisor to judiciary of Kazakhstan regarding draft normative regulations relating to the Law on Arbitration

Current Position

JAMS – Los Angeles, U.S. and London, U.K.

Arbitrator, Mediator, Neutral Evaluator

<https://www.jamsadr.com/aragaki/>

University of California, Hastings College of Law – San Francisco, U.S.

Professor of Law and Director, Center for Negotiation & Dispute Resolution

Courses include U.S. contract law, international business transactions (incl. sales, agency, distributorship, IP), international commercial arbitration, mediation.

SOAS Law School, University of London – London, U.K.

Professorial Research Associate

Professional Experience

Prior to entering the academy in 2006, I spent roughly ten years in full-time legal practice at U.S.-based global law firms in San Francisco and New York, primarily in complex commercial litigation and international arbitration.

Subject-matter expertise: Breach of contract; business torts (fraud, breach of fiduciary duty, disparagement, unfair competition, etc.); securities & financial markets; corporate/partnership/JV; agency/distributorship/franchise; intellectual property (copyright, trademark, trade secrets); professional liability.

Industry expertise: Energy (incl. renewables, LNG); banking & financial services; technology/software; Internet & e-commerce; telecommunications; entertainment; hospitality (food, hotels); gaming & e-sports; healthcare.

Arbitration Experience

I began serving as an arbitrator since 2003, while still in private practice.

Representative cases

- Nine figure AAA arbitration between a registered broker-dealer and a manufacturer of renewable energy fuel cells, involving claims of securities and common law fraud, indemnification, unfair competition, and breach of contract (as Tribunal Chair).
- Two-week, eight figure FINRA arbitration between a health care services company and a major multinational financial institution in connection with a variety of auction rate securities products and involving claims of breach of contract, breach of fiduciary duty, fraud/misrepresentation, negligence, and violations of SEC Rule 10b-5 (as co-arbitrator).
- Eight figure ICDR arbitration seated in Tokyo between a global sports marketing and AI solutions company and a Japanese software company, involving claims for breach of a licensing agreement, trade secret misappropriation under U.S. law, and copyright infringement under Japanese law (as co-arbitrator).
- Seven figure JAMS international arbitration seated in Los Angeles among Chinese and Taiwanese investors in a closely-held U.S. food services corporation, involving claims and counterclaims for fraud and deceit, breach of fiduciary duty, conversion, breach of contract, accounting, money had and received, quantum meruit, and involuntary dissolution (as sole arbitrator).
- Seven figure JAMS arbitration seated in Los Angeles between a National Basketball Association athlete and a Chinese manufacturer and distributor of sporting goods and related products (as sole arbitrator).
- Six figure ICC arbitration seated in Los Angeles between a public benefit corporation and a provider of Internet domain name registry services involving claims and counterclaims for breach of a registry agreement (as sole arbitrator).
- Six figure ICDR arbitration seated in Los Angeles between a U.S.-based eSports website and a U.K.-based media and broadcasting company, involving claims and counterclaims for defamation and breach of a content provider agreement (as sole arbitrator).

- Six figure ICDR arbitration seated in Los Angeles between a consortium of investors based in China and a U.S.-based aviation school involving claims of breach of contract, fraud/misrepresentation, concealment, unfair competition, alter ego liability, unjust enrichment and declaratory relief (as sole arbitrator)
- Six figure AAA arbitration between a U.S. credit facility and a Russian investor involving breach of a bilingual Russian/English loan agreement (as sole arbitrator).
- Multi-million dollar LCIA arbitration seated in London, involving a North African state-owned oil & gas company, raising tort and contract causes of action arising under U.K. and U.S. law (as counsel).
- Multi-million dollar ICDR arbitration seated in Madrid, involving tort and contract causes of action arising out of a failed partnership in a premier African hotel chain (as counsel).

Currently serving on the following arbitration panels: LCIA, ICC (U.S. & U.K. lists), HKIAC, JCAA, CRCICA, WIPO, CPR (Panel of Distinguished Neutrals & Cross-Border Panel), ADGM (Abu Dhabi), IACT (Tokyo), NCIA (Nairobi), THAC (Thailand), BIMAC (Dhaka), AIAC, ADNDRC (Kuala Lumpur).

Arbitration Philosophy: I believe the arbitrator bears a crucial responsibility to ensure that the case gets to a hearing on the merits as efficiently and fairly as possible, without getting bogged down in unnecessary delays and technicalities. This requires active case management, especially where the parties disagree sharply, and I am not afraid of making bold decisions where necessary to safeguard the efficiency and fairness of the process. I am more sceptical than most American-trained arbitrators about discovery, even in a domestic setting. I am all in favour of dispositive issues being decided early where possible; however, I tend not to grant leave to file a dispositive motion unless the motion turns largely on legal issues.

Publications

- *Civil Justice Reform in Chinese Law and Society*, __ ASIAN JOURNAL OF LAW & SOCIETY __ (forthcoming 2022)
- *An AAPI Neutral's Perspective on Culture and Contract Interpretation*, JAMS ADR Blog (May 28, 2021)
- *A Snapshot of National Legislation on Same Neutral Med-Arb and Arb-Med Around the Globe*, in MULTI-TIER APPROACHES TO THE RESOLUTION OF INTERNATIONAL DISPUTES: A GLOBAL AND COMPARATIVE STUDY (Anselmo Reyes & Weixia Gu, 2021)
- *The Metaphysics of Arbitration: A Reply to Hensler & Khatam*, 18 NEV. L.J. 541 (2018)
- *Arbitration Reform in India: Challenges and Opportunities*, in THE DEVELOPING WORLD OF ARBITRATION (Weixia Gu & Anselmo Reyes, 2018)
- *Arbitration: Creature of Contract, Pillar of Procedure*, 8 PENN ST. Y.B. ARB. & MEDIATION 2 (2016)
- *Constructions of Arbitration's Informalism: Autonomy, Efficiency, and Justice*, 2016 J. DISP. RESOL. 141 (2016)
- *Does Rigorously Enforcing Arbitration Agreements Promote "Autonomy"?*, 91 IND. L.J. 1143 (2016)
- *The Federal Arbitration Act as Procedural Reform*, 89 N.Y.U. L. REV. 1939 (2014)
- *AT&T Mobility v. Concepcion and the Antidiscrimination Theory of Federal Arbitration Act Preemption*, 4 PENN ST. Y.B. ARB. & MEDIATION 39 (2013)
- *Equal Opportunity for Arbitration*, 58 UCLA L. REV. 1189 (2011)
- *Arbitration's Suspect Status*, 159 U. PA. L. REV. 1233 (2011)
- *The Mess of Manifest Disregard*, 119 YALE L.J. ONLINE 1 (2009)

Languages

English (native); French (proficient); Japanese (conversational); German (basic)