

**TAI-HENG CHENG**  
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## **EMPLOYMENT**

- New York Law School, Professor of Law & Co-Director, Institute for Global Law, Justice & Policy, 2006-present.  
  
Classes taught: International Law, International Commercial Arbitration, Investment Treaty Arbitration, Contracts.
- Hoguet Newman Regal & Kenney, LLP, Senior Legal Advisor, 2007-present.
- Vanderbilt Law School, Visiting Associate Professor, 2010.
- City University of Hong Kong School of Law, Visiting Associate Professor, 2008.
- Sarah Lawrence College, Visiting Professor, 2006-2008.
- Simpson Thacher & Bartlett LLP, New York, Associate, 2003-2006.
- National University of Singapore School of Law, Tutor-in-Law (Adjunct Professor), 2001.

## **EDUCATION**

- J.S.D., Yale Law School, 2004.  
Howard M. Holtzman Fellow for International Law (2000-01).
- M.A., Oxford University, 2004.
- LL.M., Yale Law School, 2000.
- B.A. (Law), First Class Honors, Oxford University, 1999.  
Oxford University Scholar (1997-99).

## **SCHOLARSHIP**

### **Book Monographs**

- WHEN INTERNATIONAL LAW WORKS: REALISTIC IDEALISM AFTER 9/11 AND THE GLOBAL RECESSION (Oxford University Press, forthcoming 2011).
- STATE SUCCESSION AND COMMERCIAL OBLIGATIONS (BRILL, 2006).

Cited as authoritative in Mortimer Offshore Servs. Ltd. v. Fed. Rep. Germany, 05 Civ. 10699 (S.D.N.Y. Apr. 9, 2008), slip op. at 2, *aff'd*, 615 F.3d 97 (2010), *cert. denied*, 131 S.Ct. 1502 (2011).

Reviewed in 2007 SING. Y.B. INT'L L., 25 WIS. J. INT'L L. 129 (2007), 30 FORD. J. INT'L L. 1288 (2007), 6 CHI. J. INT'L L. 254 (2007), 23 ARB. INT'L 511 (2007), 51 N.Y.L.S.L. REV. 580 (2007).

## Law Review Articles

- *Why New States Accept Old Obligations*, 2011 U. ILL. L. REV. 1 (2011).
- *Making International Law Without Agreeing What It Is*, 10 WASH. U. GLOBAL STUDIES L. REV. 1 (2011).
- *Shaping an Obama Doctrine of Preemptive Force*, 82 TEMPLE L. REV. 737 (2010) (with E. Valaitis, Statistics Professor, American University).

Selected as a "New Voice" at the American Society of International Law 2008 Annual Meeting.

- *Reasons, Reasoning and Reasonableness*, 32 SUFFOLK TRANSNATIONAL L. REV. 409 (2009) (with R. Trisotto, NYLS J.D., 2009).
- *The Universal Declaration of Human Rights at Sixty: Is it Still Right for the United States?*, 41 CORNELL J. INT'L L. 251 (2008).
- *Renegotiating the Odious Debt Doctrine*, 70 L. & CONTEMP. PROBS. 7 (2007).

Cited as authoritative in Mortimer Offshore Servs., Ltd. v. Fed. Rep. Germany, 08-1783-cv, 615 F.3d 110, n. 12 (2d Cir. 2010), *cert. denied*, 131 S.Ct. 1502 (2011); Iraq v. Beatty & Simon, 07-1090, Resp. Br. at 54 (U.S. Supreme Court, Mar. 18, 2009).

- *Precedent and Control in Investment Treaty Arbitration*, 30 FORD. J. INT'L L. 1014 (2007).

Presented at the British Institute of International & Comparative Law (2007), republished 5:3 TRANSNAT'L DISPUTE MGMT. (May, 2008).

- *Power, Norms and International Intellectual Property Law*, 28 MICH. J. INT'L L. 109 (2006).
- *Power, Authority and International Investment Law*, 20 AM. U. INT'L L. REV. 465 (2005).
- *The Central Case Approach to Human Rights*, 13 PAC. RIM L. & POL'Y 257 (2004).

## Book Chapters, Essays & Other Publications

- 106 AM. SOC'Y INT'L L. PROC. (T. Cheng et al eds., forthcoming 2012).

- *International Arbitration*, in JUDICIAL BENCHBOOK ON INTERNATIONAL LAW (D. Amann ed., ASIL, forthcoming 2011).
- *Positivism, New Haven Jurisprudence and the Fragmentation of International Law*, in NEW DIRECTIONS IN INTERNATIONAL ECONOMIC LAW 411 (T. Weiler ed., forthcoming 2011).
- Preface, in TRANSNATIONAL DISPUTE MANAGEMENT SPECIAL EDITION: INTERNATIONAL ARBITRATION IN CHINA (T. Cheng & P. Thorp eds, 2011).
- *Developing Narratives in Investment Treaty Arbitration*, 9 SANTA CLARA J. INT'L L. 215 (2011).
- Expert Opinions, *In re Nortel Network Corp.*, 09-CL-7950 (Ontario Sup. Ct., May 31 & June 6, 2011).
- Expert Opinion, *Sax v. City of St. Petersburg, Russia* (UNCITRAL Arb.) (Apr. 20, 2011).
- Cheng, Tai-Heng, *Reconsidering ICSID Awards*, Kluwer Arbitration Blog, May 11, 2011, <http://kluwerarbitrationblog.com/blog/2011/05/11/reconsidering-icsid-awards/>.
- *Law on Loan: Legal Reconstruction after Armed Conflict*, in CORPORATE SOCIAL RESPONSIBILITY IN ZONES OF CONFLICT (N. Turner ed., 2010/2011).
- *International Mediation, Arbitration, and Innovation*, 5 CONTEMPORARY ISSUES IN INTERNATIONAL ARBITRATION AND MEDIATION: THE FORDHAM PAPERS 434 (A. Rovine ed. 2010).
- *State Succession and Commercial Obligations: Reflections on Kosovo*, in LOOKING TO THE FUTURE: ESSAYS IN HONOR OF W. MICHAEL REISMAN 675 (M. Arsanjani et al. eds. 2010).
- Remarks, “*Consent and the Jurisdiction of Investment Arbitrations*”, in INVESTMENT TREATY ARBITRATION AND INTERNATIONAL LAW 85 (I. Laird & T. Weiler eds., 2010).
- Expert Opinion, *Bosh Int'l v. Republic of Ukraine*, ICSID Case No. ARB/008/11 (2010).
- *Reflections on Culture In Med-Arb*, 4 CONTEMPORARY ISSUES IN INTERNATIONAL ARBITRATION AND MEDIATION: THE FORDHAM PAPERS 421 (A. Rovine ed. 2009).
- Cheng, Tai-Heng, *Is Investment Treaty Arbitration Undertheorized?*, Kluwer Arbitration Blog, April 16, 2010, <http://kluwerarbitrationblog.com/blog/2010/06/16/is-international-investment-arbitration-undertheorized/>.
- *A Renaissance Career in International Law*, in ASIL, in CAREERS IN INTERNATIONAL LAW 7 (2009-2010 ed.).

- *The Idea of Law*, 103 PROC. AM. SOC'Y INT'L L. 113 (2009).
- *New Tools for an Old Quest*, 3 WORLD 3 MED. & ARB. REV. 121 (2009).
- *Some Limits in Applying Chinese Med-Arb Internationally*, 2 NYBSA N.Y. DISPUTE RESOLUTION LAW. 95 (2009) (with A. Kohtio, NYLS J.D. 2009).
- *A Policy and Empirical Appraisal of U.S. Preemptive Self-Defense*, 102 AM. SOC'Y INT'L L. PROC. 430 (2009).
- *What's Reasonable Depends on Who's Asking*, 8 BALTIC Y.B. INT'L L. 382 (2008).
- Brief Amici Curiae, *Mortimer Offshore Servs. Ltd. v. Fed. Rep. Germany*, 08-1783-cv, 615 F.3d 97 (2d Cir. 2010), *cert. denied*, 131 S.Ct. 1502 (2011).
- *Commentary on "Who is Sovereign in Sovereign Debt?"* in Opinio Juris blog (June 10, 2008).
- *The Succession of Kosovo and Minimum Public Order*, in Opinio Juris blog (Feb. 21, 2008).
- *Precedent and Control in Investment Treaty Arbitration*, in INVESTMENT TREATY LAW: CURRENT ISSUES III (A. Bjorklund *et al.* eds., BIICL, 2009), *revising* 30 FORD. J INT'L L. 1014 (2007).
- *Reframing Iran: A View from the Field* (2007) (with P. Huntington and G. Billard).
- LAW MANUAL FOR FRONTLINE POLICING (Singapore Police Force, 2002).
- *HIV Surveillance: Individual Rights Versus the Common Good*, 1 YALE J. HUM. RTS. 17 (2001).

## INVITED PRESENTATIONS

- The Law of Military Force in a Time of Revolutions, National University of Singapore, 2011.
- Reconsidering ICSID Awards, WilmerHale, London, 2011.
- Annulment Proceedings: Critiques and Practical Solutions, New York Arbitration Club, 2011.
- ASIL Summer Associates Briefing Series, New York Law School, 2011.
- When International Law Works: Bridging Political and Theoretical Divides, Nanjing University, 2011.

- Governance Trends in Singapore, Pennsylvania University, 2011.
- Why New States Accept Old Obligations, Michigan State University, 2011.
- Why New States Accept Old Obligations, Florida State University, 2011.
- State Succession After Kosovo, International Civilian Office, Kosovo, 2010.
- Negotiating Bilateral Investment Treaties, Ministry of Foreign Affairs, Kosovo, 2010.
- Arbitration in Asia, ICC San Francisco Meeting, 2010.
- Narratives in Investment Treaty Arbitration, Santa Clara Law School, 2010.
- Making International Law Without Agreeing What It Is, Maryland Law School, 2010.
- Emerging Trends in ADR, Vanderbilt Law School, 2010.
- Why New States Accept Old Obligations, Vanderbilt Law School, 2010.
- Structure and Policies of International Mediation, Fordham Law School, 2010.
- Arbitration in Singapore, CPR Annual Meeting, 2010.
- Confidentiality and Privilege in Asia, ABA/NYU Law School, 2010.
- The Fragmentation of International Law, Conference in Honor of Thomas Walde, Scotland, 2009.
- The Future of FTAs and BITs, New York State Bar Association Singapore Meeting, 2009.
- Developments in Med-Arb, Fordham Law School, 2009.
- International Law as Paradigm, Vanderbilt Law School, 2009.
- The Idea of Law, American Society of International Law Annual Meeting, 2009.
- The Global Regulation of Intellectual Property, Hong Kong University School of Law, 2009.
- International Law as Paradigm, Temple Law School, 2009.
- Public Interests and Arbitration's Efficiency, Institute for Transnational Arbitration Academic Council Retreat, 2009.

- The Use of Force by the United States: A Policy & Empirical Appraisal, American Society of International Law Annual Meeting, 2008.
- The Law and Practice of Secession: Kosovo and the International Court of Justice, American Foreign Law Association, 2008.
- State Succession and Recognition, International Civilian Office, Kosovo, 2008.
- Secession, Succession, and Recognition, University of Pristina, Kosovo, 2008.
- Pakistan: A Different Kind of Partner, New York Law School C.V. Starr Presentation, 2008.
- Pakistan: A Different Kind of Partner, U.S. Trust Corporation, 2008.
- Emerging Trends in Investment Treaty Arbitration, Michigan Law School, 2008.
- Would Wider Authorization to Use Force Make Us Safer: Lessons from Iran, Pakistan and 60 Years of U.S. Practice, City University of Hong Kong School of Law, 2008.
- Would Wider Authorization to Use Force Make the United States Safer, Junior International Law Scholars Annual Meeting, 2008.
- New Developments in Med-Arb, Southeast Association of Law Schools Annual Meeting, 2008.
- Med-Arb in China, American Bar Association, ADR Section, 2008.
- Reasons and Reasoning in Investment Treaty Arbitration, Suffolk Law School, 2008.
- The Universal Declaration of Human Rights at Sixty, Sarah Lawrence College, 2008.
- The Reasons Requirement in Investor State Arbitration, Association of the Bar of the City of New York, 2007.
- Corruption in Investment Treaty Arbitration, Yale Law School, 2007.
- Precedent and Control in Investment Treaty Arbitration, British Institute of International and Comparative Law, 2007.
- Attracting Foreign Direct Investment in Post-Conflict Zones, Cardozo School of Law, 2007.
- Are There Lawful Exceptions to Investment Treaty Obligations, International Bar Association International Law Weekend, 2007.

- Power, Norms and International Intellectual Property Law, Humbolt University, 2007.
- The Universal Declaration at Sixty, New York Law School, 2007.
- Finding Your Voice as an Emerging Legal Scholar, Yale Law School, 2007.
- Iran: What Next?, United Nations Association of New York, 2007.
- Reframing Iran, U.S. Trust Corporation, New York, 2007.
- Iran: What Next?, New York Law School, 2007.
- The UN's Strategy in Iran and Middle East, UN Department of Political Affairs, 2007.
- Dialogues: Islamic World-U.S.-The West, Singapore Mission to the UN, 2007.
- Renegotiating the Doctrine of Odious Debt, Duke Law School, 2007.
- International Investment Law During and After Armed Conflict, UNCTAD Conference on Corporate Responsibility in Conflict Zones, 2007.
- Pursuing an Advanced Law Degree, Yale Law School, 2006.
- Is the Fair and Equitable Treatment Standard Fair and Equitable?, International Bar Association International Law Weekend, 2006.
- Precedent in Investment Treaty Arbitration, USCIB Young Arbitrators Form, 2006.
- Intellectual Property, International Law and Power, Southeast Association of Law Schools Annual Meeting, 2006.
- State Succession and Iraq, Duke Law School, 2006.
- State Succession and Commercial Obligations, William & Mary School of Law, 2005.
- Current Issues in U.S.-Turkey Relations, U.S. House of Representatives, Committee on International Relations, 2005.
- Seoul Train and North Korean Refugees, Columbia University School of International and Public Affairs, 2005.
- Harmonizing International IP Law: Why Processes Matter, Seton Hall School of Law, 2005.
- Talking Turkey: A Private Perspective on Public Diplomacy, Turkey Consulate, New York, 2005.

- Report on Turkey, United Nations Committee, Association of the Bar of the City of New York, 2005.
- Human Rights in Singapore: Flying Below the Radar, Yale Law School, 2003.
- Enforcing Private Morality: A Cautionary Note, Yale Law School, 2000.
- Introduction to International Law, Lowenstein International Human Rights Clinic, Yale Law School, 1999.

## **MEDIA APPEARANCES**

- *Somali Pirates*, Al-Jazeera English News, February 15, 2011.
- *Palestine Turns to UN in Battle for Statehood*, Al-Jazeera English News, Dec. 10, 2010.
- *Dominican Republic Settles Triple Proceedings*, WORLD MEDIATION AND ARBITRATION REVIEW, Sept. 21, 2009.
- *International Law Forum Addresses Foreign Direct Investment in High-Risk Developing Countries*, 2008:1 CARDOZO LIFE 9.
- *BIICL Forum Draws a Crowd*, GLOBAL ARBITRATION REVIEW, Sept. 14, 2007.
- *Australia-EEUU: Cuestionado Canje de Refugiados*, GLOBAL INFORMATION NETWORK NOTICIAS EN ESPAÑOL, Apr. 23, 2007.
- *Inside the Glass House*, SRI LANKA SUNDAY TIMES, Apr. 22, 2007.
- *U.S.-Aussie Refugee Swap Comes Under Fire*, INTER PRESS NEWS SERVICE AGENCY, Apr. 19, 2007.
- *Next Stop: Iran*, NEW YORK LAW JOURNAL, Sept. 22, 2006.
- *Next Stop: Iran*, NYLAWYER.COM, Sept. 22, 2006.
- *For These Law Students, the Next Stop is Tehran*, THE NATIONAL LAW JOURNAL, Sept. 11, 2006.
- *Diplomacy Newslines*, TURKISH DAILY NEWS, Jan. 20, 2005.
- *Deals and Suits, KKR/Vornado/Toys "R" Us*, 12:7 CORPORATE COUNSEL, July 2005.
- *Big Deals, KKR/Vornado/Toys "R" Us*, 27:6 AMERICAN LAWYER, June 2005.

- *New Deals: Lawyers on Major Transactions*, 231 NEW YORK LAW JOURNAL, Mar. 2005.
- *Criminal Justice in Singapore: Not Just Black and White*, THE STRAITS TIMES, Nov. 25, 2005.

## **LEARNED SOCIETIES AND PROFESSIONAL ASSOCIATIONS**

- American Society of International Law  
-- Executive Council: 2010-present; Chair, Awards Committee: 2011-present; Co-chair Annual Meeting: 2011; Awards Committee: 2009.
- American Law Institute  
-- Elected Member: 2009-present, Members Consultative Committee on Restatement on International Commercial Arbitration: 2009-present; Members Consultative Committee on Principles of World Trade Organization Law, 2009-present).
- American Bar Foundation  
-- Fellow: 2011-present.
- Institute for Transnational Arbitration  
-- Executive Committee: 2011-present; Co-Chair 2012 Dallas Meeting; Academic Council: 2008-present.
- Foreign Policy Association  
-- Honorary Fellow: 2007-present.
- American Bar Association  
-- International Law Section: 2009-present.
- New York State Bar Association  
-- Special Counsel, Special Committee on Legal Competency: 2005-2010.
- New York City Bar Association  
-- International Law Committee: 2003-2006; UN Committee: 2003-2006; Standing Committee on International Dispute Resolution: 2006-2009.
- International Arbitration Club of New York  
-- Founding Member: 2010-present.

## **RECENT ARBITRATION AND LITIGATION MATTERS**

- Chair of an ICDR tribunal in a franchise dispute between European and Latin American corporations (drafted the award).
- Arbitrator on a three-person ICC tribunal in an intellectual property dispute between an American and Japanese corporation.

- Lead counsel for an English hedgefund in a JAMS international arbitration against a French financial institution (won \$5mn. award and 90% of fees).
- Counsel for an aviation company in a ICC arbitration concerning a joint venture.
- Counsel for GE and Bechtel in a \$6.6bn. international arbitration against the Republic of India.
- Expert on international arbitration and New York law in a \$4bn. global bankruptcy proceeding in Ontario court.
- Expert on arbitration agreements in an SCC arbitration concerning a foreign investment in an airport.
- Expert on international law in an ICSID bilateral investment treaty arbitration.
- Consultant to the Republic of Kosovo Ministry of Foreign Affairs on international law issues.
- Consultant to the UN Transitional Administration in East Timor on their criminal procedure code.
- Counsel for a CFO in a white-collar trial in U.S. federal court.
- Counsel for a corporate executive in parallel lawsuits in New York, Atlanta, Singapore and the Cayman Islands.
- Amicus curiae in a \$400 mn. appeal in U.S. federal court concerning Germany's liability for Prussian bonds.

#### **ARBITRATION PANELS**

- Panel of Neutrals, ICDR, 2009-present.
- Panel of Neutrals, HKIAC, 2009-present.
- Panel of Neutrals, CPR, 2009-present.

#### **BAR ADMISSIONS**

- State of New York, 2004.
- U.S. District Court for the Southern District of New York, 2005
- U.S. District Court for the Eastern District of New York, 2005.

- U.S. Court for Appeals for the Second Circuit, 2008.
- U.S. District Court for the Western District of New York, 2009.

## **LANGUAGES**

- English and Mandarin.

## **CITIZENSHIP**

- Singapore citizen; United States permanent resident.