

HIRO N. ARAGAKI

Loyola Law School
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ACADEMIC APPOINTMENTS

Loyola Law School – Los Angeles, CA

Associate Professor of Law (2011 – present)

- *Teaching:* Contract Law & Drafting; Alternative Dispute Resolution; Negotiation
- *Other Teaching Interests:* Commercial Arbitration (int'l & domestic); Civil Procedure; International Business Transactions; Mediation; Conflict of Laws; Dispute Systems Design; Law & Development

Fordham University Schools of Business – New York, NY

Assistant Professor of Law & Ethics (2007 – 2011)

Tenure-track appointment. Courses included: “The Legal Framework of Business” and “International Business Transactions.” Also taught topics in civil procedure, business associations, remedies, intellectual property.

PUBLICATIONS & WORKS IN PROGRESS

Scholarly Works

- *The Federal Arbitration Act as Procedural Reform*, 89 N.Y.U. L. REV. __ (2014) (forthcoming)
 - Won “Honorable Mention” in 2013 AALS Scholarly Paper Competition
 - Selected for presentation at 2014 Branstetter New Voices in Civil Justice Workshop, Vanderbilt Law School
- *AT&T Mobility v. Concepcion and the Antidiscrimination Theory of Federal Arbitration Act Preemption*, 4 PENN ST. Y.B. ARB. & MED. 39 (2013) (peer-reviewed journal; solicited submission)
- *Equal Opportunity for Arbitration*, 58 UCLA L. REV. 1189 (2011)
 - Selected for presentation at the 2011 Stanford/Yale Junior Faculty Forum
- *Arbitration’s Suspect Status*, 159 U. PA. L. REV. 1233 (2011)
- *The Mess of Manifest Disregard*, 119 YALE L.J. ONLINE* 1 (2009) [*formerly the YLJ Pocket Part]
- *Deliberative Democracy as Dispute Resolution? Conflict, Interests, and Reasons*, 24 OHIO STATE J. ON DISP. RESOL. 406 (2009)
- *Communicative Ethics and the Morality of Discourse*, 13 PRAXIS INT’L 154 (1993)

Scholarly Works-in-Progress

- *Shifting Conceptions of Freedom in Modern Arbitration Jurisprudence*

Other Works

- *Amicus Curiae Brief of Law Professors on Rehearing En Banc in Support of Petitioners*, in *Kilgore v. Keybank*, No. 09-16703 (9th Cir.) (co-author, filed October 2012)
- *Amicus Curiae Brief of Arbitration Professors in Support of Petition for Rehearing En Banc*, in *Kilgore v. Keybank*, No. 09-16703 (9th Cir.) (author, filed March 2012)
- *The Age Myth in Mediation*, ADR Prof Blog (available [here](#))
- *Status and Contract in AT&T v. Concepcion*, SCOTUSBlog symposium on arbitration and the U.S. Supreme Court (available [here](#))
- *Amicus Curiae Brief of Arbitration Professors in Support of Respondents*, in *AT&T Mobility v. Concepcion*, No. 09-893 (U.S.) (author, filed October 6, 2010)
- *Hall Street Associates v. Mattel: The Right Result The Wrong Way?*, JAMS Dispute Resolution Alert, Vol. 8, No. 3 (Summer 2008) (available [here](#))

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- *The Negotiation Process, in A LITIGATOR'S GUIDE TO EFFECTIVE USE OF ADR IN CALIFORNIA* (CEB Press 2007) (2005)

EDUCATION

Stanford Law School – Stanford, CA

J.D. with distinction (1997)

- Associate Editor, STANFORD LAW REVIEW
- Stanford Public Interest Law Fellowship

University of Cambridge – Cambridge, U.K.

M.Phil. in Social & Political Theory (1992)

Doctoral studies, Faculty of Politics, Psychology, Sociology & International Studies (formerly Social & Political Sciences) (1992 – 1994)

- Specialization in discursive rationality, hermeneutics, and critical theory
- Visiting Student, Alexander von Humboldt Universität zu Berlin, Germany (1993–94)

Yale University – New Haven, CT

B.A. in Philosophy, magna cum laude (1990)

FULL-TIME EMPLOYMENT

Davis Polk & Wardwell – New York, NY

Associate (2005 – 2007); Summer Associate (1996)

Provided securities and general corporate law advice to companies and financial institutions.

- Negotiated and drafted a wide variety of general corporate and securities contracts.
- Managed legal aspects of capital markets transactions.

Law & Mediation Offices of Hiro N. Aragaki – San Francisco, CA

Principal (2003 – 2005)

Founded solo law firm to pursue interest in mediation and dispute settlement.

- Mediated and arbitrated employment, intellectual property, and general commercial matters
- Served as a regular mediation consultant to the Hon. Daniel Weinstein at JAMS. Provided assistance with case evaluation, observed mediations, worked with attorneys directly in post-mediation settlement efforts.

O'Melveny & Myers LLP – San Francisco, CA

Associate (1999 – 2003); promoted to Counsel (2003)

Litigated complex commercial disputes.

- Defended and prosecuted claims in federal & state courts, and before domestic & international arbitral tribunals.
- Represented clients in numerous mediations and in the favorable negotiation of settlements.

The Hon. Fern M. Smith, U.S. District Court (N.D. Cal.) – San Francisco, CA

Law Clerk (1998 – 1999)

Orrick, Herrington & Sutcliffe LLP – San Francisco, CA

Associate (1997 – 1998)

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OTHER TEACHING EXPERIENCE

Institut Supérieur Européen de Gestion/International School of Management – Paris, France

Adjunct Professor (Jan. 2011, 2012)

Taught 20-hour “International Business Law” seminar for French MBA students. Topics included international commercial & investment arbitration, transnational litigation, sales & the CISG, agency & distributorship, international trade regimes, foreign direct investment, intellectual property, and corporate social responsibility.

U.C. Hastings College of the Law – San Francisco, CA

Adjunct Professor of Law (Spring 2004, Fall 2004)

Taught “Negotiation and Settlement”; organized ADR center programs; presented CLE lectures; coached students for negotiation competitions.

San Francisco Law School – San Francisco, CA

Adjunct Professor of Law (Fall 2003)

Taught “Introduction to Mediation.”

University of Cambridge – Cambridge U.K.

Supervisor for Undergraduates (1991 – 1993)

Taught tutorial-style courses in: Classical Social Theory, The Development of Social Theory Since 1900, Philosophy and Method in the Social Sciences, and Political Theory.

Additional ADR Skills Training

- Judge, LAWASIA International Moot Competition (2013)
- Judge, Vis International Arbitration Moot, Loyola Law School (Feb.–Mar. 2012)
- Judge, LAWASIA Moot, Loyola Law School (Oct. 2011)
- Co-instructor, Mediation Training Course for District Judges, Advocates, and Educators, Dhaka, Bangladesh (July 2011) (with Prof. Mary Culbert). Offered 35 hour mediation training and dispute system design advice for the Judicial Administration & Training Institute of Bangladesh and the South Asian Institute of Advanced Legal & Human Rights Studies.
- Judge, Vis International Arbitration Moot, Fordham Law School (Feb. 2009)
- Teaching Assistant, Gary Friedman’s Intensive Mediation Training Program, Mill Valley, CA (March 2004)
- Instructor, Community Boards of San Francisco’s Volunteer Mediation Training Program (March 2004 & March 2003)
- Mediation Coach for: (i) Dana Curtis’ Mediation Seminar, Stanford Law School (January Term 2004); (ii) Laura Farrow’s Mediation Seminar, U.C. Berkeley School of Law (Spring semester 2003); (iii) Gail Killefer’s Mediation Seminar, U.C. Hastings College of Law (March 2003)
- Negotiation Coach, ABA Negotiation Competition Practice Trials, U.C. Hastings College of Law (2003–04)

FELLOWSHIPS & AWARDS

- *Higginbotham Fellow*, American Arbitration Association (2013–14)
- *Senior Fellow*, U.C.L.A. Negotiation & Conflict Resolution Program (2012–present)
- *Sloan Fellow*, Center for Mediation in Law, Mill Valley (2002–05) (met once a month in six member reflective practice group led by Gary Friedman; presented summaries of actual mediations for feedback; explored alternative mediation teaching methods)

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- *Benefactor's Scholarship*, St. John's College, Cambridge (1992–94) (competitively awarded full Ph.D. fellowship)
- *St. John's College Scholarship* (1992–94)
- *Overseas Research Scheme Award* (1992–94) (tuition scholarship from British Government)
- *Pressland Fund Scholarship*, Cambridge University (1994)
- *Deutscher Akademischer Austauschdienst (D.A.A.D.)* language study grant (1993)
- *Marshall-Allison Prize*, Yale University (1990) (awarded at graduation for promise in arts & letters)
- *Robert C. Bates Research Fellowship & Yale College Richter Fellowship*, Yale University (1989)

SELECTED PRESENTATIONS & CONFERENCES

- *Shifting Conceptions of Freedom in U.S. Arbitration Jurisprudence*, Mandatory Arbitration and Justice Discussion Group, S.E.A.L.S. Conference, Amelia Island, FL (Aug. 2014).
- *The Federal Arbitration Act as Procedural Reform*, Branstetter New Voices in Civil Justice Workshop, Vanderbilt Law School, Nashville, TN (May 2014)
- *The Federal Arbitration Act as Procedural Reform*, Negotiation & Conflict Resolution Colloquium, U.C.L.A. Law School, Los Angeles, CA (Apr. 2014)
- Panelist, *Historical Perspectives on Arbitration*, ABA Dispute Resolution Section Annual Meeting, Miami, FL (Apr. 2014) (with Profs. Carli Conklin, Imre Szalai & Margo Todd)
- *The Federal Arbitration Act as Procedural Reform*, AALS Scholarly Paper Competition Panel, AALS Annual Meeting, New York (Jan. 2014)
- “Contract” or “Procedure”? *Reinterpreting the Federal Arbitration Act*, ABA Dispute Resolution Section Works-in-Progress Conference, Cardozo Law School (Nov. 2013)
- *The Forgotten Procedural Legacy of the Federal Arbitration Act*, Federal Courts Junior Scholars Symposium, Brooklyn Law School (Oct. 2013) (commentator: Judith Resnik)
- *Considerations for the Design of a Court-Connected ADR Program*, Marian Conflict Resolution Centre, Sunyani, Ghana (Jul.2013)
- *The Arbitration Debate: Congress, the U.S. Supreme Court, and Beyond*, Journalist's Law School at Loyola Law School, Los Angeles, CA (Jun. 2013)
- *Review of The Spirit of Compromise*, by Amy Gutmann & Dennis Thompson, Law & Society Association Annual Meeting, Boston, MA (Jun. 2013)
- *Reinterpreting the Federal Arbitration Act*, Southern California Junior Law Faculty Workshop, Western State College of Law, Fullerton, CA (May 2013)
- Panelist, *ADR Initiatives in the Developing World: Lessons from the Field*, ABA Dispute Resolution Section Annual Meeting, Chicago, IL (Apr. 2013) (with the Hon. Daniel Levy, Stephanie Smith & Donna Stienstra)
- *Reinterpreting the Federal Arbitration Act*, University of Michigan Journal of Law Reform Symposium on the Future of Class Actions (Mar. 2013) (with Profs. Janet Alexander, Brian Fitzpatrick, David Rosenberg et al.)
- Commentator, *Using Social Norms to Elicit Cooperation* (presentation by Prof. Noah Goldstein, U.C.L.A. Anderson School of Business), U.C.L.A. Negotiation & Conflict Resolution Program (Feb. 2013)
- *Arbitration and the Problem of Procedural Opportunism*, Saltman Center for Conflict Resolution, University of Nevada at Las Vegas Boyd School of Law (Feb. 2013)
- *Making Sense of FAA Preemption after AT&T Mobility v. Concepcion*, ABA Annual Meeting, Chicago, IL (Aug. 2012)
- Roundtable Discussant, *The ADR Brand*, Law & Society Association/Research Committee on the Sociology of Law International Meeting, Honolulu, HI (June 2012) (with Profs. Eduardo Capulong, Amy Cohen, Jennifer Reynolds, and Danya Reda)

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- Host, *Tales of Success and Failure in Mediation: An Evening with the Hon. Daniel Weinstein*, Loyola Law School, Los Angeles (Mar. 2012) (interviewed Judge Weinstein in front of audience of students, faculty, and practitioners)
- Presenter, *The Future of Arbitration and the World of Class Action Litigation*, Federalist Society, Litigation Practice Group Teleforum (Mar. 2012) (with Profs. Christopher Drahozal, Brian Fitzpatrick, Michael Greve & Bo Rutledge)
- *AT&T Mobility LLC v. Concepcion and the Antidiscrimination Model of FAA Preemption*, Symposium on U.S. Arbitration Law in the Wake of *AT&T Mobility v. Concepcion*, Pennsylvania State University Dickinson School of Law (Feb. 2012)
- *Is the Class Mechanism Fundamentally Incompatible with Arbitration?* Quinnipiac/Yale Dispute Resolution Workshop, Yale Law School (Nov 2011)
- *Alternative Dispute Resolution in the U.S.*, Prime University Faculty of Law, Dhaka, Bangladesh (Jul. 2011)
- *Considerations for Promoting the Use of ADR in Bangladesh*, Judicial Administration & Training Institute, Dhaka, Bangladesh (Jul. 2011)
- *Considerations for the Design of a Court-Connected ADR Program in Bangladesh*, Judicial Administration & Training Institute, Dhaka, Bangladesh (Jul. 2011)
- *Experiential Learning: The ADR Course in U.S. Law Schools*, Southeast University Faculty of Law, Dhaka, Bangladesh (Jul. 2011)
- *Some Lessons from the U.S. Experience with ADR*, Judicial Administration & Training Institute, Dhaka, Bangladesh (Jul. 2011)
- *Equal Opportunity for Arbitration*, Stanford/Yale Junior Faculty Forum, Civil Litigation & Dispute Resolution Session, Stanford Law School (Jun. 2011)
- Panelist, *The Supreme Court and Recent Arbitration Jurisprudence: Where Are We Headed?* Fordham Law School (January 2011) (with Edna Sussman, Eric Tuchmann, and Profs. Thomas Stipanowich, Paul Kirgis & Amy Schmitz)
- *Equal Opportunity for Arbitration*, ADR Works-in-Progress Conference, University of Oregon Law School (Oct. 2010)
- *Arbitration's Suspect Status*, LatCrit XV Conference, University of Denver Sturm College of Law (Oct. 2010)
- *Arbitration's Suspect Status*, Faculty Workshop, CUNY Law School (Sep. 2010)
- *Arbitration's Suspect Status*, Third National People of Color Legal Scholarship Conference, Seton Hall Law School (Sep. 2010)
- *The Town Hall Meeting: Conflict, Governance, and Free Speech*, ABA Dispute Resolution Section Annual Meeting, San Francisco, CA (April 2010) (with Hon. Bruce Meyerson and Profs. Richard Reuben & Douglas NeJaime)
- *Arbitration's Suspect Status*, Conference of Asian Pacific American Law Faculty Annual Meeting, University of Arizona James E. Rogers College of Law (March 2010).
- *Equal Opportunity for Arbitration*, LatCrit XIV Conference, American University Washington College of Law (October 2009)
- *Is 'Manifest Disregard' Dead After Hall Street?*, ABA Annual Meeting, Chicago, IL (August 2009)
- *Re-reading the U.S. Arbitration Act as an Anti-discrimination Statute*, International Institute for the Sociology of Law, Oñati, Spain (July 2009)
- Moderator, *Arbitration Ethics*, Fordham Law School International Arbitration and Mediation Conference (June 2009)
- *Law in the Age of Technology: Trademarks, Patents, Copyrights*, President's Spring Preview, Fordham University (April 2009)

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- *Conversation and Conflict*, AALS Dispute Resolution Section Works-in-Progress Conference, Arizona State University Sandra Day O'Connor School of Law (October 2008)
- *Deliberative Democracy and Integrative Negotiation: The Case of Free Speech*, Academy of Legal Studies in Business Annual Meeting, Long Beach, CA (August 2008)
- *'Law and Negotiation' as Critique*, International Association for Conflict Management Annual Meeting, Chicago, IL (July 2008) (poster session)
- *Free Speech Through the Lens of Negotiation: 'Ahmadinejad at Columbia' and Beyond*, Law & Society Association Annual Meeting, Montréal, Canada (May 2008)
- *Cognitive Traps in Negotiation: Lessons from Social Psychology*, U.C. Hastings College of Law (November 2004) (with Prof. Melissa Nelken)
- Organizer & Moderator, *Bargaining for Lives: Hostage Negotiation and its Relevance for Lawyers*, U.C. Hastings College of Law (October 2004).
- *Alternative Dispute Resolution*, Bay Area APALSA Conference: "Reflection to Action," U.C. Davis School of Law (February 2004).
- *Mediation Confidentiality as Interpreted by the California Courts*, U.C. Hastings College of Law (April 2003).
- *How Should the California Supreme Court Decide Rojas v. Superior Court?*, Bar Association of San Francisco Mediation Committee (April 2003) (with Elizabeth Bader).
- Organizer & Moderator, *Roundtable Discussion on the Implications of Rojas v. Superior Court*, co-hosted by the Mediation Program of the California Court of Appeal, First District (April 2003).
- *Community Mediation*, U.C. Hastings College of Law (April 2002).

SERVICE

- Member, California State Bar Standing Committee on Alternative Dispute Resolution (2013 – present)
- Mediator, U.S. District Court (C.D. Cal.) ADR Panel (2012 – present)
- Mediator, American Arbitration Association, Hurricane Sandy Mediation Panel
- Curriculum Committee, Loyola Law School (Member, 2012 – present; Chair, 2013 – present)
- Member, Advocacy Committee, Loyola Law School (2011 – present)
- Member, Fordham GBA Curriculum Committee (2010 – 2011)
- Board Member, Create Culture (<http://www.createculture.org>) (2009 – 2012)
- Board Member, Fordham GBA Entrepreneurship Program (2008 – 09)
- Secretary, Joint Council of the Schools of Business, Fordham University (2008 – 09)

LANGUAGES

French, Japanese, German

ADMISSIONS

California; District of Columbia; New York
Roll of Solicitors, England & Wales