

VIAC – Questionnaire for Mediators

1. **Name:** Dr Jorge A. HUERTA-GOLDMAN
2. **Nationality:** Mexican & Italian
3. **Contact information**
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LinkedIn: <https://ch.linkedin.com/in/jorge-huerta-goldman-428958>

4. Education and professional experience (original profession; where did you study?):

PROFESSIONAL EXPERIENCE

- Since 2012** **TILPA, Geneva, Switzerland;**
Managing Director and Main Legal Consultant:
- Advising companies on legal aspects of international commercial transactions, including strategy, contracts and arbitration.
 - Advising companies, States and State enterprises on State responsibility under WTO law, FTAs and BITs, including strategy, negotiation, assessment of State measures, arbitration and litigation before WTO courts.
 - Advising on areas of law including intellectual property, contract law, payment terms, consumer protection, discrimination (NT, MFN), fair and equitable treatment, regulatory barriers to trade, and trade remedies.
 - Teaching trade and investment law.
- Since 2013** **Faculty Member, Master Of Laws In International Economic Law And Policy (IELPO LL.M.), University of Barcelona;** *Teaching Regionalism in the Americas*
- 2015** **University of Paris II Panthéon-Assas and University of Monterrey;** *LLM International Business Law, France/ Mexico*
- 2002 - 2012** **Permanent Mission of Mexico to the WTO (Mexican Ministry of Economy), Geneva, Switzerland;** *Counsellor:*
Litigated before the WTO dispute settlement bodies; negotiated trade liberalization, IP disciplines, agricultural products and improvements to WTO procedures; chairman of the Committee on Anti-dumping Practices in 2008-2009.
- 2001 - 2002** **Private Practice, Guadalajara, Mexico;** *Legal Adviser:*
Litigated and advised on domestic commercial law.
- 1998 - 2000** **Mexican Ministry of Economy; Bureau of Unfair Trade Practices (UPCI), Mexico City, Mexico;** *Deputy-Director of Multilateral Legal Procedures:*
Litigated WTO trade remedy cases; defended Mexican exporters investigated by foreign authorities; administered the imposition and review of Mexican trade remedy measures.

- 1997 - 1998** **The National Law Center for Inter-American Free Trade, Tucson, United States; *Research Assistant*:**
 Researched US case law; translated scholarly articles into Spanish for publication.
- 1993 - 1994 and 1996** ***Jurídico Consultor (Law Firm), Guadalajara, Mexico; Law clerk:***
 Assisted in domestic commercial litigation; negotiated contracts and extra-judicial agreements.

EDUCATION

- 2005 - 2008** ***Ph.D. (Magna cum Laude), University of Neuchâtel, Switzerland;*** thesis: "Mexico and International Trade Litigation: Facts and Analysis of Twenty Years", supervised by Prof. Petros Mavroidis.
- 2006 (fall)** ***Visiting Scholar at Columbia University, Law School, New York, United States.***
- 2000 - 2001** ***LL.M., European Community Law, College of Europe, Bruges, Belgium;*** scholarship from *Banco de México*.
- 1997 - 1998** ***LL.M., International Trade Law, University of Arizona, Tucson, United States;*** scholarship from the University of Arizona and the National Law Center for Inter-American Free Trade.
- 1992 - 1996** ***Law degree, ITESO, Guadalajara, Mexico;*** student exchange at the *Universidad Iberoamericana*, Mexico City, in 1995.

5. Core area of current professional activity:

- International trade law (WTO law, free trade agreements, etc)
- International Investment law (including investment arbitration)
- Contract law (including commercial arbitration)

6. Accreditation in the field of ADR (including relevant trainings and connected qualifications):

Associations

- Member of the ASA in Switzerland;
- Listed practitioner at the Vienna International Arbitral Centre (VIAC);
- Member of the ICC Young Arbitrators Forum;
- Member of ASA-below 40; and
- Faculty Member, Master of Laws, IELPO, University of Barcelona.

Select Seminars

- ICC, Paris, Advanced Master-class for Arbitrators (28 Feb - 2 March 2011);
- ICC, Paris, PIDA Training on International Commercial Arbitration (2008);
- ICC, Paris, International Advanced Arbitration Practice Workshop (2006); and
- *Universidad Iberoamericana*, Mexico City, seminar on International Commercial Arbitration by José Luis Siqueiros (1995).

7. Practical experience in mediation

- How many (international) mediations have you participated in
 - as single/co-mediator/in a team?
 - Ample experience mediating between trade negotiators
 - Ample experience negotiating international trade law

- administered by an institution; under which Rules?
 - in which areas/fields?
 - how complex (*please provide examples, participation of lawyers/experts*)?
- How often have you acted in a different function (e.g. consultant, expert)?
 - What other ADR-experience do you have?

Direct Participation in WTO Dispute Settlement Cases on Behalf of Mexico

Cases in which Mexico is a party:

- DS398 *China — Measures Related to the Exportation of Various Raw Materials* (Complainant: Mexico);
- DS386 *United States — Certain Country of Origin Labelling Requirements* (Complainant: Mexico);
- DS381 *United States — Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products* (Complainant: Mexico);
- DS344 *United States — Final Anti-Dumping Measures on Stainless Steel from Mexico* (Complainant: Mexico);
- DS341: *Mexico — Definitive Countervailing Measures on Olive Oil from the European Communities* (Complainant: European Communities);
- DS331 *Mexico — Anti-dumping Duties on Steel Pipes and Tubes from Guatemala* (Complainant: Guatemala);
- DS329 *Panama — Tariff Classification of Certain Milk Products* (Complainant: Mexico);
- DS308 *Mexico — Tax Measures on Soft Drinks and Other Beverages* (Complainant: the United States);
- DS298 *Mexico — Certain Pricing Measures for Customs Valuation and Other Purposes* (Complainant: Guatemala);
- DS295 *Mexico — Definitive Anti-dumping Measures on Beef and Rice* (Complainant: the United States);
- DS284 *Mexico — Certain Measures Preventing the Importation of Black Beans from Nicaragua* (Complainant: Nicaragua);
- DS282 *United States — Anti-dumping Measures on Oil Country Tubular Goods from Mexico* (Complainant: Mexico);
- DS281 *United States — Anti-dumping Measures on Cement from Mexico* (Complainant: Mexico);
- DS234 *United States — Continued Dumping and Subsidy Offset Act of 2000* (Complainants: Canada and Mexico);
- DS156 *Guatemala — Definitive Anti-dumping Measure Regarding Grey Portland Cement from Mexico* (Complainant: Mexico); and
- DS132 *Mexico — Anti-dumping Investigation of High-fructose Corn Syrup from the United States* (Complainant: the United States).

Cases in which Mexico is a third party:

- DS406 *United States — Measures Affecting the Production and Sale of Clove Cigarettes*;
- DS403, DS396 *Philippines — Taxes on Distilled Spirits*;
- DS293, DS292, DS291 *European Communities — Measures Affecting the Approval and Marketing of Biotech Products* (Complainants: Argentina, Canada and the United States);
- DS285 *United States — Measures Affecting the Cross-border Supply of Gambling and Betting Services* (Complainant: Antigua and Barbuda);
- DS276 *Canada — Measures Relating to Exports of Wheat and Treatment of Imported Grain* (Complainant: the United States);
- DS273 *Korea — Measures Affecting Trade in Commercial Vessels* (Complainant: European Communities); and

- DS268 *United States — Sunset Review of Anti-dumping Measures on Oil Country Tubular Goods from Argentina* (Complainant: Argentina).

8. Languages (including levels)

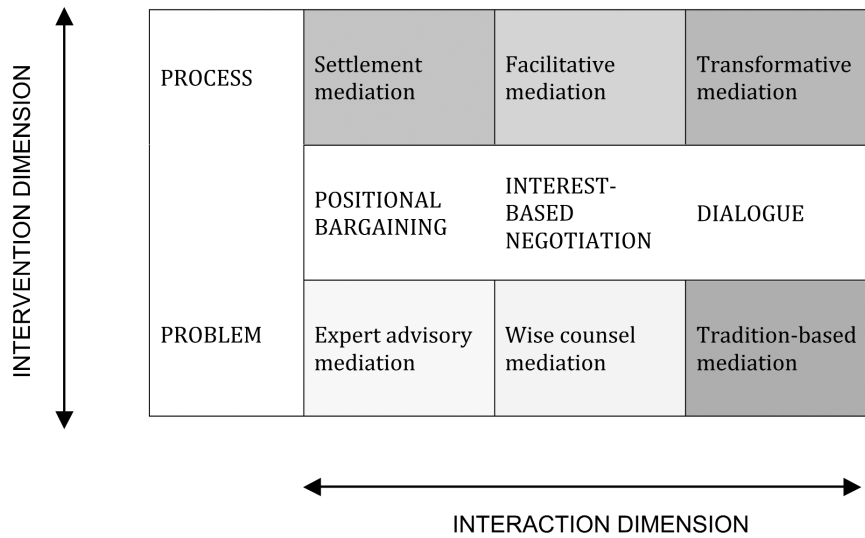
Mother tongue: Spanish

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct mediation proceedings in this language): English & French

Basic knowledge: Italian

9. Style of mediation

Where do you see yourself? Please tick box as appropriate or indicate your preferred style.



© Alexander, Nadja (2011) "The Mediation Meta-Model - the realities of mediation practice," *ADR Bulletin*: Vol. 12: No. 6, Article 5. Available at: <http://epublications.bond.edu.au/adr/vol12/iss6/5>; see also here for a detailed description of the 6 mediation styles.

10. Please describe aspects of your personality which could be interesting to clients you are going to mediate; what would former clients emphasize in your work?

Dr Jorge A. Huerta-Goldman is the Managing Director and Founder of TILPA in Geneva, Switzerland, advising companies, governments and other stakeholders on international trade and investment law. He worked for more than twelve years as trade legal adviser for the Mexican Ministry of Economy mainly in Geneva—negotiation/administration of international agreements with substantial experience on State Arbitration—and for three years as private litigator. His academic background, in developed and developing countries, consists of Law School, two *LLMs* and a *PhD*. He has published and taught on trade and investment law, and has been admitted to practice law in Mexico since 1998. He works on legal affairs among private parties (transactional law), as well as those with government intervention (State responsibility).

11. Publications and other activities in ADR related matters (e.g. training sessions, seminars, conferences, articles and others):

Examples of Teaching Experience

- 2015: University of Paris II Panthéon-Assas and University of Monterrey, LLM in International Business Law France – Mexico; and
- Since 2013: Master of Laws in International Economic Law and Policy (IELPO LL.M.), University of Barcelona; Teaching Regionalism in the Americas.

As a visiting speaker:

- Domestic, Regional and Multilateral Investment Liberalization, European University Institute, Florence, Italy (4-5 July 2011);
- Mexico’s experience in the DSU, University of Columbia Law School (November 2007);
- WTO, DSU, Doha negotiations, *Tecnológico de Monterrey*, Tampico, Mexico (April 2006);
- DSU negotiations in the Doha Round, University of Columbia School of Law, New York, United States (November 2005);
- WTO litigation, *Instituto Tecnológico y de Estudios Superiores de Occidente*, Guadalajara, Mexico (October 2005);

- One-week seminar on the functioning of the DSU, *Tecnológico de Monterrey*, Monterrey—WTO Technical assistance seminar (August 2004).

As an assistant professor:

- International Trade Law, *Universidad Panamericana*, Mexico City (1999).

12. Memberships in mediation institutions / functions in mediation institutions/organizations:

- London Court of International Arbitration (LCIA) list of arbitrators;
- List of potential arbitrators, CAM Mexico;
- Member of the ASA in Switzerland;
- Listed practitioner at the Vienna International Arbitral Centre (VIAC);
- Member of the ICC Young Arbitrators Forum;
- Member of ASA-below 40;
- Young Arbitrators Sweden (YAS), Stockholm Chamber of Commerce; and
- Faculty Member, Master of Laws, IELPO, University of Barcelona.

13. Special expertise or specializations (*please list a maximum of three*) in your ADR-practice:

- International trade law (WTO law, free trade agreements, etc)
- International Investment law (including investment arbitration)
- Contract law (including commercial arbitration)


14. Soft Skills (e.g. intercultural competences):

15. How do you ensure your professional quality (e.g. coaching, practice supervision, etc?)

16. Date of birth:

22 February 1997

I have completed this questionnaire to the above to the best of my knowledge and believe it is accurate. I understand that the above information will be used for VIAC's internal use and may be given to interested persons or may be published on VIAC's website.



Carouge, Geneva, Switzerland
22 July 2016

Dr Jorge A. Huerta-Goldman

May 2016

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Date of Birth: 22-02-73 (Guadalajara, Mexico)

Married with one son

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1227 Carouge, Switzerland

Tel.: +41 79 302 73 15

PERSONAL PROFILE

Dr Jorge A. Huerta-Goldman is the Managing Director and Founder of TILPA in Geneva, Switzerland, advising companies, governments and other stakeholders on international trade and investment law. He worked for more than twelve years as trade legal adviser for the Mexican Ministry of Economy mainly in Geneva—negotiation/administration of international agreements with substantial experience on State Arbitration—and for three years as private litigator. His academic background, in developed and developing countries, consists of Law School, two *LLMs* and a *PhD*. He has published and taught on trade and investment law, and has been admitted to practice law in Mexico since 1998. He works on legal affairs among private parties (transactional law), as well as those with government intervention (State responsibility).

PROFESSIONAL EXPERIENCE

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Managing Director and Main Legal Consultant:

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Since 2013 **Faculty Member, Master Of Laws In International Economic Law And Policy (IELPO LL.M.), University of Barcelona;** *Teaching Regionalism in the Americas*

2015 **University of Paris II Panthéon-Assas and University of Monterrey;** *LLM International Business Law, France/ Mexico*

2002 **- Permanent Mission of Mexico to the WTO (Mexican Ministry of Economy), Geneva, Switzerland;** *Counsellor.*

2012 *Litigated before the WTO dispute settlement bodies; negotiated trade liberalization, IP disciplines, agricultural products and improvements to WTO procedures; chairman of the Committee on Anti-dumping Practices in 2008-2009.*

- 2001 - **Private Practice, Guadalajara, Mexico; *Legal Adviser.***
2002 Litigated and advised on domestic commercial law.
- 1998 - **Mexican Ministry of Economy; Bureau of Unfair Trade**
2000 **Practices (UPCI), Mexico City, Mexico; *Deputy-Director of***
Multilateral Legal Procedures:
Litigated WTO trade remedy cases; defended Mexican exporters investigated by foreign authorities; administered the imposition and review of Mexican trade remedy measures.
- 1997 - **The National Law Center for Inter-American Free Trade,**
1998 **Tucson, United States; *Research Assistant:***
Researched US case law; translated scholarly articles into Spanish for publication.
- 1993 - ***Jurídico Consultor (Law Firm), Guadalajara, Mexico; Law***
1994 **and *clerk:***
1996 Assisted in domestic commercial litigation; negotiated contracts and extra-judicial agreements.

EDUCATION

- 2005 - ***Ph.D. (Magna cum Laude), University of Neuchâtel,***
2008 ***Switzerland;*** thesis: “Mexico and International Trade Litigation: Facts and Analysis of Twenty Years”, supervised by Prof. Petros Mavroidis.
- 2006 (fall) **Visiting Scholar at Columbia University, Law School,**
New York, United States.
- 2000 - ***LL.M., European Community Law, College of Europe,***
2001 ***Bruges, Belgium;*** scholarship from *Banco de México*.
- 1997 - ***LL.M., International Trade Law, University of Arizona,***
1998 ***Tucson, United States;*** scholarship from the University of Arizona and the National Law Center for Inter-American Free Trade.
- 1992 - **Law degree, ITESO, Guadalajara, Mexico;** student
1996 exchange at the *Universidad Iberoamericana*, Mexico City, in 1995.

LANGUAGES

- Spanish (mother tongue); English (excellent); French (good); Italian (basic).

INTERESTS AND ACTIVITIES

- Scuba diving, cycling, skiing, playing football and badminton. Philanthropy: initiator of “*Ayuda a Ayudar*” (Help to Help), a fund-raising program in favour of kids in rural areas of Mexico in cooperation with my high school.

REFERENCES Available on request.

Annex

Details of Professional and Academic Experience

1. Books Published

- Book edited: “*WTO Litigation, Investment Arbitration and Commercial Arbitration*” Edited by: Jorge A. Huerta-Goldman, Antoine Romanetti, Franz X. Stirnimann, published by Kluwer Law International, July 2013; and
- Book: “*Mexico in the WTO and NAFTA; Litigating International Trade Disputes*” published by Kluwer Law International, 2009.

2. Monographs Published

- *BOOK REVIEW: "The Relevant Market in International Economic Law: A Comparative Antitrust and GATT Analysis by Christian A. Melischek", World Trade Review (2014), 13: 1, 131–142*
- “*How Easy is an Easy Case for a Complainant? A comment on US – Zeroing DS 402*”, *World Trade Review*, 12, pp 427-431 (2013);
- “*Domestic, Regional and Multilateral Investment Liberalization*”, Chapter 2 of the book “*Regulation of Foreign Investment*” edited by Mavroidis and Drabek, published by World Scientific (2013);
- “*The Cushioned Negotiation: The case of WTO 's Industrial Tariff Liberalization*” *Journal of World Trade*, 46:4 JWT, 2012, by Pablo Klein-Bernard and Jorge A. Huerta-Goldman;
- “*Mexico in the WTO and NAFTA in a Nutshell: Litigating International Trade Disputes*”, *Journal of World Trade*, 44:1 J.W.T. 2010;
- “*Trade Remedies Disputes – Reciprocal Relationship between WTO and NAFTA Tribunals*”, Europa Law Publishing, Chapter 11 of *Shaping the Rule of Law Through Dialogue*, Edited by Filippo Fontanelli, Giuseppe Martinico and Paolo Carrozza in 2010;
- “*Is Retaliation Useful? Observations and Analysis of Mexico’s Experience*”, Cambridge University Press, Chapter 12 of *The Law, Economics and Politics of Retaliation in WTO Dispute Settlement*, Edited by Chad Bown and Joost Pauwelyn in 2010;
- “*US – Trucking Services and Investment: a NAFTA Unresolved Dispute*”, *L’Observateur des Nations Unies*, Volume 24, 2008-1; and
- “*The Amparo Trial in the Execution of International Commercial Arbitral Awards in the Mexican Legal System.*”

3. Short Articles

- “*Programas de gobierno y la participación de las pymes en el comercio internacional*” Federico Lepe Montoya, Jorge A. Huerta Goldman, Puentes, ICTSD, Geneva, Switzerland, 16 October 2014

4. Chairman of the WTO Committee on Anti-dumping Practices (2008-2009)

5. Direct Participation in Trade Negotiations on Behalf of Mexico

- WTO Dispute Settlement Understanding (co-drafted the Mexican proposals to strengthen legal remedies under the DSU, and a Diagnosis of the Problems of the DSU to provide direction to the negotiations);
- WTO Agreement on Trade-Related Aspects of Intellectual Property Rights;
- Anti-Counterfeiting Trade Agreement;

- WTO market access for industrial goods, including non-tariff barriers;
- WTO disciplines on agricultural products, including subsidies and market access;
- WTO Antidumping Agreement; and
- WTO disciplines on trade and development.

6. Direct Participation in WTO Dispute Settlement Cases on Behalf of Mexico

Cases in which Mexico is a party:

- DS398 *China — Measures Related to the Exportation of Various Raw Materials* (Complainant: Mexico);
- DS386 *United States — Certain Country of Origin Labelling Requirements* (Complainant: Mexico);
- DS381 *United States — Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products* (Complainant: Mexico);
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- DS341: *Mexico — Definitive Countervailing Measures on Olive Oil from the European Communities* (Complainant: European Communities);
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7. Examples of Teaching Experience

- 2015: University of Paris II Panthéon-Assas and University of Monterrey, LLM in International Business Law France – Mexico; and
- Since 2013: Master of Laws in International Economic Law and Policy (IELPO LL.M.), University of Barcelona; Teaching Regionalism in the Americas.

As a visiting speaker:

- Domestic, Regional and Multilateral Investment Liberalization, European University Institute, Florence, Italy (4-5 July 2011);
- Mexico's experience in the DSU, University of Columbia Law School (November 2007);
- WTO, DSU, Doha negotiations, *Tecnológico de Monterrey*, Tampico, Mexico (April 2006);
- DSU negotiations in the Doha Round, University of Columbia School of Law, New York, United States (November 2005);
- WTO litigation, *Instituto Tecnológico y de Estudios Superiores de Occidente, Guadalajara*, Mexico (October 2005);
- One-week seminar on the functioning of the DSU, *Tecnológico de Monterrey*, Monterrey—WTO Technical assistance seminar (August 2004).

As an assistant professor:

- International Trade Law, *Universidad Panamericana*, Mexico City (1999).

8. Associations

- London Court of International Arbitration (LCIA) list of arbitrators;
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- Member of the ASA in Switzerland;
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- Young Arbitrators Sweden (YAS), Stockholm Chamber of Commerce; and
- Faculty Member, Master of Laws, IELPO, University of Barcelona.

9. Select Seminars

- ICC, Paris, Advanced Master-class for Arbitrators (28 Feb - 2 March 2011);
- ICC, Paris, PIDA Training on International Commercial Arbitration (2008);
- ICC, Paris, International Advanced Arbitration Practice Workshop (2006); and
- *Universidad Iberoamericana*, Mexico City, seminar on International Commercial Arbitration by José Luis Siqueiros (1995).

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