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# TROY L. HARRIS

## EDUCATION

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<b>Chartered Institute of Arbitrators U.K.</b>	<b>London, U.K.</b>
<i>Diploma in International Commercial Arbitration</i>	2007
<b>University of Chicago</b>	<b>Chicago, IL</b>
<i>Ph.D. – Legal History</i>	1999
<b>University of Michigan</b>	<b>Ann Arbor, MI</b>
<i>J.D.</i>	1988
<b>University of Kansas</b>	<b>Lawrence, KS</b>
<i>M.A. – Religious Studies</i>	1985
<b>University of Kansas</b>	<b>Lawrence, KS</b>
<i>B.A. – History</i>	1984

## BAR ADMISSIONS

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<b>Law Society of Upper Canada</b>	2017
<b>Michigan</b>	2013
<b>Georgia</b> (inactive)	1990
<b>Missouri</b> (inactive)	1988

## WORK EXPERIENCE

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<b>University of Detroit Mercy School of Law</b>	<b>Detroit, MI</b>
<i>Associate Professor of Law (with tenure)</i>	2013 to present
<i>Interim Dean and Associate Professor of Law (with tenure)</i>	2013-2014

Assistant Professor of Law (*tenure-track*) 2011-2012  
Visiting Assistant Professor of Law 2010-2011

- Teaching areas: International Commercial Arbitration; Sales; Contracts; Construction Law; Alternative Dispute Resolution; English Legal History.
- Developed teaching materials for the U.S. Contracts module of the Dual J.D. program offered jointly by the University of Detroit Mercy School of Law and the University of Windsor Faculty of Law.
- Committee assignments: Curriculum Committee; Faculty Recruitment Committee; Diversity Task Force; Faculty Development Committee; Law Firm Program Committee; Law Review Committee; Library Committee; Dual J.D. Curriculum Committee; Academic Advising Handbook Committee; Dual J.D. Admissions Committee.

**Miller, Canfield, Paddock and Stone** **Detroit, MI**  
*Of Counsel, International Dispute Resolution Section* 2012 to 2017

- Counsel clients in *ad hoc* and institutional international arbitration matters, including proceedings administered by the International Chamber of Commerce, the Singapore International Arbitration Centre, the China International Economic and Trade Arbitration Commission, the Hong Kong International Arbitration Centre, and the Korean Commercial Arbitration Board.

**King & Spalding** **Atlanta, GA**  
*Associate and Counsel* 2000-2010

- Successfully represented an Italian power producer in an International Chamber of Commerce (ICC) arbitration against its European engineering-procurement-construction (EPC) contractor in connection with the construction of a biomass power plant.
- Successfully represented a Caribbean power producer in an ICC arbitration against its European EPC contractor involving the construction and operation of a fuel oil power plant.
- Successfully represented the Swiss Arbitration Association and the American Arbitration Association (AAA) as *amici curiae* in the highly-publicized case, *Gulf Petro Trading Co. v. Nigerian National Petroleum Co.*, 512 F.3d 742 (5<sup>th</sup> Cir. 2008), involving a collateral attack upon an international arbitration award.
- Successfully represented a real estate developer in federal court litigation involving the construction of a luxury Caribbean hotel and resort complex.
- Won summary judgment and specific performance for the telecommunications subsidiary of a Class I railroad in federal court litigation related to the construction of a fiber-optic conduit system.
- Counseled an international energy company in a dispute with the EPC contractor responsible for the engineering and construction of a liquefied natural gas terminal and regasification facility.
- Counseled an international cement manufacturing company in a dispute with a specialty subcontractor involving the construction of a \$1 billion cement manufacturing plant.

- Successfully represented an independent power producer before the Georgia Public Service Commission.
- Counseled an independent power producer in connection with a retrofitting project for a coal-fired power plant.
- Successfully represented a school district in mediation and litigation against the joint venture hired to manage the district's \$1 billion construction program.
- Successfully represented a Class I railroad in a AAA arbitration of a dispute involving complex accounting issues.

**Emory Law School** **Atlanta, GA**  
*Adjunct Professor* 2003-2009

- Teaching area: History of the Canon Law.

**Georgia Institute of Technology** **Atlanta, GA**  
*Lecturer, College of Management* 2008

- Teaching area: Business Law.

**Cornell Law School** **Ithaca, NY**  
*Lecturer* 1998-2000

- Teaching area: Legal Methods.

**University of Chicago** **Chicago, IL**  
*Graduate Study in Legal History* 1993-1999

- Comprehensive Examination Fields: Medieval Civil and Canon Law; Tudor-Stuart English History; Early American Legal History.
- Ph.D. dissertation title: "Law and Religion in the Eighteenth Century: The English Ecclesiastical Courts, 1725-1745."

**Phillips, Hinchey & Reid** **Atlanta, GA**  
*Associate* 1990-1993

- Successfully represented the public owner of a basketball arena in a complex breach of contract and fraud dispute with the construction contractor and its performance bond surety.
- Defended a county government in a three-week jury trial involving a proposed public-private partnership to construct a wastewater treatment facility.
- Counseled a fidelity bond issuer in connection with complex allegations of malfeasance by the insured's employee.

**United States District Court, District of Kansas** **Kansas City, KS**  
*Law Clerk to Judge Earl E. O'Connor* 1988-1990

- Researched and drafted trial- and appellate-level judicial opinions in a wide variety of (primarily) civil disputes, including antitrust, labor and employment, breach of contract, and tort cases.

## PROFESSIONAL ACTIVITIES

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### **American Bar Foundation**

*Fellow* 2014 to present

### **State Bar of Michigan – International Law Section**

*Chair* 2018 to 2019

*Chair-Elect* 2017 to 2018

*Secretary* 2016 to 2017

*Treasurer* 2015 to 2016

*Council Member* 2013 to 2015

### **American Arbitration Association**

*Member, International Panel of Arbitrators,  
International Centre for Dispute Resolution* 2013 to present

*Member, Commercial Panel of Arbitrators* 2009 to present

### **Chartered Institute of Arbitrators (U.K.)**

*Member, Approved Faculty List* 2012 to present

*Fellow (by examination)* 2007 to present

*Elected Member, Executive Committee, North American Branch* 2011-2013

*Vice Chair, Southeastern Chapter, North American Branch* 2008-2010

### **Fulbright Specialist Program, United States Department of State**

*Member (International Arbitration)* 2011 to present

### **International Bar Association**

*Publications Officer,*

*International Construction Projects Committee* 2014 to 2015

*Member, Editorial Board, Construction Law International* 2010 to 2017

### **American Bar Association**

*Steering Committee Member, Division 8 (International Contracting)*

*ABA Forum on the Construction Industry* 2007-2010

*Co-chair, Subcommittee on International Litigation, Committee on*

*Commercial & Business Litigation, ABA Section of Litigation* 2007-2009

**Books**

*Arbitration in Early Modern England* (work in progress).

*Contracts for the Cross-Border Lawyer: Canada and the United States* (originally published in 2019 and updated annually, Blurb).

Editor and Contributor, *Studies in Canon Law and Common Law in Honor of R.H. Helmholtz* (2015, Robbins Collection Publications, School of Law (Boalt Hall), University of California at Berkeley).

*International Construction Arbitration Handbook* (originally published in 2008 and updated annually, 2 vols., with John W. Hinchey, Thomson West).

**Articles and Book Reviews**

“Secularizing a Religious Legal System: Ecclesiastical Jurisdiction in Early Eighteenth Century England,” 8(1) *British J. of Am. Leg. Stud.* 1 (2019).

“ICC Issues New Guidelines for Arbitration of International Construction Disputes,” *JAMS Global Construction Solutions* (Spring 2019) 3; co-authored with John W. Hinchey.

“Know Before You Go: What US Lawyers Should Know About Ontario’s New Construction Act,” 39(1) *The Construction Lawyer* 36 (2019).

“ADR in Construction—United States of America” (with Donald G. Gavin), 2 *The American Journal of Construction Arbitration & ADR* 151 (2018).

“Second Circuit Sets Forth Criteria for ‘Reasoned Award’ in International Construction Arbitration Case,” 11(4) *Construction Law International* 6 (2016).

“Construction Disputes Under US Law: A Primer for Non-US Lawyers,” 11(1) *Construction Law International* 26 (2016).

“1215 And All That: The Origins of (And a Possible Solution to) the Common Law/Civil Law Divide in Taking Evidence in International Construction Arbitration,” 10(3) *Construction Law International* 16 (2015).

“Has Your Project Been Expropriated? P3 Construction and Investment Treaty Arbitration,” 10(2) *Construction Law International* 11 (2015).

“Supreme Court of Canada Recognises Good Faith as a General Organising Principle of Contract Law and a Common Law Duty to Act Honestly in Contract Performance,” 10(1) *Construction Law International* 4 (2015).

“Designing Dispute Resolution Systems for Integrated Project Delivery: Challenges of Multi-Contract and Multi-Party Arbitrations,” 9(4) *Construction Law International* 30 (2014).

“Customary International Arbitration Law,” 24(2) *American Review of International Arbitration* 245 (2013).

“Ethics in International Arbitration: They’re Not Just for Lawyers,” *JAMS Global Construction Solutions* 2 (Spring 2013); reprinted in 8(3) *Construction Law International* 37 (2013).

Review of Justin Sweet and Marc M. Schneier, *Legal Aspects of Architecture, Engineering and the Construction Process* (9th edition 2012), 8(1) *Construction Law International* 42 (2013).

“The ‘Big 3’ of Chinese International Arbitration” (with Frederick A. Acomb), *Michigan Lawyers Weekly* (October 5, 2012).

Review of Franco Ferrari and Stefan Kröll (eds), *Conflict of Laws in International Arbitration* (2010), 15(3) *International Arbitration Law Review* 118 (2012).

“Training International Construction Lawyers: A Proposal,” 7(1) *Construction Law International* 41 (2012).

Review of Emmanuel Gaillard, *Legal Theory of International Arbitration* (2010), 77(2) *Arbitration* 284 (2011).

“Drafting International Arbitration Clauses for Cross-Border Transactions,” 23(1) *Michigan International Lawyer* 3 (2011).

Review of Jeffrey Delmon, *Private Sector Investment in Infrastructure: Project Finance, PPP Projects and Risk* (2d edition 2009), 4 *Construction Law International* 20 (December 2009).

“Disclosure of Electronic Documents in International Construction Arbitration,” 26 *International Construction Law Review* 161 (2009).

“The ‘Public Policy’ Exception to Enforcement of International Arbitration Awards Under the New York Convention, With Particular Reference to Construction Disputes,” 24 *Journal of International Arbitration* 9 (2007).

“Good Faith, Suretyship, and the *Ius Commune*,” 53 *Mercer Law Review* 581 (2002) (cited in *PSE Consulting, Inc. v. Frank Mercede and Sons, Inc.*, 838 A.2d 135 (Conn. 2004)).

“On Law and Theology,” 35 *American Journal of Jurisprudence* 105 (1990).

“Note: Toward a Universal Standard: Free Exercise and the Sanctuary Movement,” 21 *University of Michigan Journal of Law Reform* 745 (1988).

“Neutral Principles of the Law and Church Property in the United States” 30 *Journal of Church and State* 515 (1988).

### **Book Chapters**

“International Construction Disputes Under U.S. Law: A Guide to Frequently Encountered Issues,” in *International Arbitration in the United States* (Kluwer, 2017).

“United States” (with Donald G. Gavin) in *ADR Guides for International Construction Projects* (International Bar Association, 2014).

“Ethical Considerations for a Multi-Jurisdictional, International Construction Practice” (with Michael Black, Q.C.) in *International Construction Law* (American Bar Association, 2009).

“International Corruption Laws,” in *Construction Checklists: A Guide to Frequently Encountered Construction Issues* (American Bar Association, 2008).

“Performance Security—Owner,” in *Construction Checklists: A Guide to Frequently Encountered Construction Issues* (American Bar Association, 2008).

“Payment Security—Contractor,” in *Construction Checklists: A Guide to Frequently Encountered Construction Issues* (American Bar Association, 2008).

“Disclosure of Electronic Documents in International Commercial Arbitration,” American Bar Association, Section of Litigation web site (2008).

“Equitable Remedies for Breach of Contract in Georgia,” in *Contract Litigation* (Institute of Continuing Legal Education in Georgia, 2005).

### **Practice Guides**

“Michigan Construction Law, Practice Guide No. 1: Commercial General Liability Insurance” (2018).

“Michigan Construction Law, Practice Guide No. 2: Property Insurance” (2018).

“Michigan Construction Law, Practice Guide No. 3: Professional Liability Insurance” (forthcoming 2020).

“Michigan Construction Law, Practice Guide No. 4: Surety Bonds” (forthcoming 2020).

### **Recent Presentations**

Moderator, “Understanding Trade Relationships Among the U.S., Mexico, and Canada Under a Proposed New Agreement,” State Bar of Michigan International Law Section Annual Meeting, 2019.

Panelist, “Enforcing Your Contracts in the Global Economy: International Arbitration and the Cross-Border Deal,” United States Council for International Business/International Chamber of Commerce Court of Arbitration/State Bar of Michigan International Law Section/Miller Canfield breakfast program, 2018.

Moderator, “Building Bridge(s): From Infrastructure to Economic Development,” State Bar of Michigan International Law Section Annual Meeting, 2018.

Panelist, “The Duty of Good Faith in Contract Law and the Dialogue Between Various Legal Traditions,” University of Windsor Faculty of Law, Windsor, Ontario, 2016.

Co-Chair (with Virginie Colaiuta), “Investment Treaty Protections for Construction Projects,” International Bar Association Annual Conference, Washington, DC, 2016.

“International Commercial Arbitration” (with Thomas G. Heintzman), Alternative Dispute Resolution: Practice and Theory Intensive Course, Western University Faculty of Law, London, Ontario, 2015.

Discussion Leader (with Robin Oldenstam), “Managing the Hearing: Oral vs. Documents and Examination of Witnesses,” Oxford Diploma Conference, Keble College, Oxford, 2015.

Panelist, “Good Gracious! Good Faith in Contract Law,” University of Windsor Faculty of Law, Windsor, Ontario, 2015.

“Nuts and Bolts of Investment Treaty Arbitration: What Every Deal Maker Should Know About Protecting Cross-Border Investments,” State Bar of Michigan International Law Section, Detroit, Michigan, 2014.

Panelist, “International Arbitration: Evidence - discovery, experts, cross examination, IBA rules, cultural differences / Preuve - découverte, experts, contre-interrogatoire, règles de l’AIB, différences culturelles,” ADR Institute of Canada, Montreal, Quebec, 2014.



“Drafting International Arbitration Clauses,” Ontario Bar Institute 2014, Ontario Bar Association, Toronto, Ontario, 2014.

“The Future is Now—The Impact of Globalization on Construction Dispute Resolution,” Annual Meeting, American Bar Association Forum on the Construction Industry, Dana Point, California, 2013.

“Drafting International Arbitration Clauses for Cross-Border Transactions,” State Bar of Michigan Conference on International Commercial Arbitration, Detroit, Michigan, 2011.

“Disclosure of Electronic Documents: The Issues and Guidelines in International Construction Arbitration,” International Bar Association Annual Convention, Buenos Aires, Argentina, 2008.

“Discovery in International Arbitration,” American Bar Association Section of Litigation Annual Conference, Washington, DC, 2008.

“Powers, Duties, and Jurisdiction of the Arbitral Tribunal,” Annual Conference of the Society of Construction Law, Port Louis, Mauritius, 2007.

“A Dark and Stormy Night: The Lawyer’s Ethical Considerations When Involved in a Multi-Jurisdictional, International Practice,” (co-presenter with Michael Black, Q.C.), Fall Meeting, American Bar Association Forum on the Construction Industry, Newport, Rhode Island, 2007.

## PROFESSIONAL RECOGNITION

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*Who’s Who Legal: Arbitration*

*Who’s Who Legal: Construction*

*Best Lawyers in America (Construction)*

## COMMUNITY INVOLVEMENT

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- Trustee, Episcopal Diocese of Michigan (Member, Audit Committee and Investment Committee) (2012-2014).
- Youth Group Leader, Christ (Episcopal) Church, Detroit, Michigan (2012-2013).
- Arbitrator and Panel Chair, Willem C. Vis International Commercial Arbitration Moot, Vienna, Austria (2008).