



Jennifer Thornton

COUNSEL

Jennifer Thornton is Counsel in the International Trade practice.



Practices

International Trade

Education

University of Chicago Law School JD, 1999
Cambridge University MA, philosophy in political thought and intellectual history, first class honors, 1996
Wellesley College BA, history, summa cum laude, 1994

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Previous Work

Jennifer has extensive experience in the fields of international trade and arbitration. Prior to joining Arent Fox, Jennifer served as Senior Policy Advisor and Counsel in the Office of the United States Trade Representative. There she advised the United States Trade Representative and his Deputy on legal and policy matters relating to international trade in services and investment, intellectual property and innovation, as well as trade and investment with China and India. In this capacity, she briefed senior administration officials, Members of Congress, and numerous stakeholders on international investment agreements, which she also negotiated. Prior to her service at USTR, she defended the United States against claims arising under international investment agreements when serving on the NAFTA/CAFTA-DR Arbitration Team in the Office of the Legal Adviser at the United States Department of State.

In addition to her government service, Jennifer has almost a decade of experience in private practice with several large, international law firms in New York and Washington, where she focused on international investment and commercial arbitration disputes, as well as complex litigation.

Publications, Presentations & Recognitions

Publications

- *Divining the Content of the Customary International Law Minimum Standard of Treatment from the Jurisprudence of the U.S.-Mexico General Claims Commission*, WORLD ARBITRATION AND MEDIATION REVIEW (June 2012).
- *Courts and Tribunals Established by Regional Economic Integration Agreements in THE RULES, PRACTICE, AND JURISPRUDENCE OF INTERNATIONAL COURTS AND TRIBUNALS* (Chiara Giorgetti ed., 2012).
- *Efforts to Codify the Law of State Responsibility for Damage to the Person or Property of Foreigners at the First Conference for the Codification of International Law*

, KLUWER ARBITRATION BLOG (August 6, 2010).

- *State Responsibility for Contract Breaches: Possible Insights from the U.S.-Mexico General Claims Commission*, KLUWER ARBITRATION BLOG (April 10, 2010).
- *Separability and Competence-Competence Revisited*, INTERNATIONAL BAR ASSOCIATION: ARBITRATION AND ADR NEWSLETTER (June 1, 2001).

Presentations and Remarks

- *The Once and Future Law of Non-Discrimination: Revisiting Most-Favored-Nation and National Treatment*, Speaker, American Society of International Law Annual Meeting (April 5, 2018).
- *A Modest Proposal for ISDS Reform: TPP and Beyond*, Speaker, New York City Bar Association, International Law Committee (December 6, 2017).
- *A Roundtable Discussion with Trade Negotiators Around the World*, Speaker, 2016 Symposium on Global Markets, Southwestern Institute for International and Comparative Law (June 14, 2016).
- *Can Domestic Law Clarify the Content of the Customary International Law Minimum Standard?*, Speaker, New York City Bar Association, International Law Committee (October 19, 2015).
- *Expanding International Investment Protections and Energy Security*, Speaker, 2015 Institute for Transnational Arbitration-Institute for Energy Law Joint Conference on International Energy Arbitration (January 16, 2015).
- *Restructuring Investments in the Energy Sector to Maximize International Law Protections*, Speaker, 24th Annual Institute of the State Bar of Texas International Law Section (March 30, 2012).
- *The Use of Arbitral Mechanisms in Times of Crisis: Lessons Learned from the U.S.-Mexico General Claims Commission*, Speaker, 9th Annual Institute for Transnational Arbitration-American Society of International Law Conference (March 28, 2012).
- *International Arbitration in Latin America: State Intervention in Investor-State Disputes*, Speaker, Center for Global Energy, International Arbitration, and Environmental Law, University of Texas Law School (February 23, 2012).
- *The Impact of BIT Arbitration on Latin American Commercial Arbitration: Good or Bad News?*, Speaker, American University Washington College of Law Center on International Commercial Arbitration and Inter-American Bar Association Conference (March 22, 2011).
- *The Future of Investor-State Arbitration Under NAFTA Chapter Eleven and CAFTA-DR Chapter Ten*, Speaker, Center for Global Energy, International Arbitration, and Environmental Law, University of Texas Law School (May 21, 2010).
- *Analyzing Legitimate Expectations in the Context of Fair and Equitable Treatment Claims: Does the Glamis Gold Award Signal a Restoration in the Law of State Responsibility?* Program Chair, ABA Section of International Law, 2010 Spring Meeting (April 16, 2010).
- *Representing the United States in NAFTA Chapter Eleven Disputes*, Association of the Bar of the City of New York, International Commercial Disputes Committee Meeting (February 25, 2010).
- *Representing Sovereigns in Investor-State Arbitrations*, UNCTAD Advanced Training Course on Managing Investment Disputes, Puebla, Mexico (October 18, 2006).

Life Beyond the Law

In her free time, Jennifer enjoys cooking, swimming, travel, tennis, and golf.

Bar Admissions

District of Columbia

New York

Texas