

2255 E. Evans Ave.
Denver, CO 80208

Work (303) 871-6901
Fax (303) 871-6001
Cell (303) 304-9478
pcai@law.du.edu

Phoenix (Xiao Feng) Cai

Education

1996 - 1999

U.C. Berkeley School of Law

J.D. (Order of the Coif)

California Law Review

- Peggy and Norman Chan Scholar
- Research assistant to Profs. L. Mayali and A. Guzman

1992 - 1996

Washington University in St. Louis

B.A. (summa cum laude)

Double Major in Italian Literature and International Relations

- Arthur Lien Scholar in Social Sciences (full merit scholarship for 4 years)
- *Phi Beta Kappa*
- Honors Thesis: Italo Calvino: Political Critic and Post-Modernist (written in Italian)

Professional Experience

Summer 2004 to Present

Denver University Sturm College of Law

Associate Professor of Law (with tenure) (September 2011 to present)

Assistant Professor of Law (September 2005 to August 2011)

Visiting Assistant Professor of Law (academic year 2004)

- Director, Roche LLM in International Business Transactions (2011 to 2017). Founded new academic program; created curriculum, admissions standards, budget, marketing plan, and joint programming with business and international studies graduate schools; in charge of \$3M budget; and created joint JD/LLM degree, obtaining university and ABA approval in one year; grew class from 5 to 22 students from year one to year two, and maintaining similar enrollment for future years.
- Teach International Law, International Trade, Property, International Business Transactions, Chinese Law and Business, International Sales, Negotiation and Drafting in an International Business Context
- Faculty Executive Committee, Faculty Appointments Committee, Admissions Committee
- Faculty advisor to Amnesty International and Vis International Commercial Arbitration Moot Court

Spring to Summer 2004

Gibson, Dunn, Crutcher LLP

Associate with the Corporate Group (Denver)

- Drafted and negotiated merger agreements, SEC submissions, legal opinions, loan agreements and various corporate documents
- Supervise junior associates and legal assistants

Fall 2001 to Summer 2003

Skadden, Arps, Slate, Meagher & Flom

Associate with the Banking and Institutional Investment Group (Chicago)

- Drafted and negotiated syndicated loan agreements, DIP loan agreements, security agreements, guaranties, contribution agreements, pledge agreements, term sheets, amendments and related closing documents
- Assisted in the negotiation, drafting and closing of \$200M secured debtor-in-possession credit agreement for Kmart
- Represented borrower in the negotiation and closing of a contemporaneous debt financing, merger and mezzanine financing
- Assisted in the negotiation and closing of a credit and intercreditor agreement for a restructuring involving debt and outstanding notes
- Supervised junior associates and legal assistants

Fall 1999 – Fall 2001

Morrison & Foerster, LLP

Associate with the Corporate Finance and Finance and Infrastructure Groups (San Francisco)

- Drafted and negotiated merger agreements, IPO and follow-on offering prospectuses, underwriting agreements, stock purchase agreements, investors' rights agreements, co-sale agreements, voting agreements, option plans and agreements, asset purchase agreements, employment agreements, and licensing agreements
- Drafted and negotiated syndicated loan agreements, security agreements, guaranties, contribution agreements, pledge agreements and related closing agreements
- Drafted and reviewed Securities Act and Exchange Act filings, including Form S-1's, Form S-8's, Form 10-K's, Form 10-Q's, proxy statements, form 8-K's and Section 16 filings.
- Supervised and advised summer associates and legal assistants

Publications

“Between Intensive Care and the Crematorium: Using the Standard of Review to Restore Balance to the WTO,” 15 Tulane J. Int’l & Comp. L. 465 (2007).

“Aid for Trade: A Roadmap for Success” 36 Denver J. Int’l L. & Pol’y 101 (2008).

“Think Big and Ignore the Law: U.S. Corn and Ethanol Subsidies and WTO Law,” 40 Georgetown J. Int’l L. 865 (2009).

“Making WTO Remedies Work for Developing Nations: The Need for Class Actions,” 25 Emory Int’l L. Review 151 (2011).

“Making Remedies Work for Developing Nations: The Need for Class Actions and the Case for China,” in International Law, Convention and Justice, David A. Frenkel, ed., Athens Institute for Education and Research (2011).

“Trading with Foreigners: An Interdisciplinary Analysis of China’s Core Interests in Trade and Foreign Policy,” 46 Akron Law Review 809 (2014).

“Regulatory Coherence and Standardization in the Trans-Pacific Partnership,” 5 British J. of American Legal Studies 505 (2016).

“Encouraging this Particular Form of (Very Fun) Madness – Roles for Deans and Faculty Members” (with Martin Katz), 18 Transactions: The Tennessee Journal of Business Law 503 (Winter 2016).

Book chapter, “Regulatory Coherence, Chapter 25 of the Trans-Pacific Partnership,” in D. Gantz and J. Huerta-Goldman, eds., THE TRANS-PACIFIC PARTNERSHIP AGREEMENT: IT’S SUBSTANCE AND IMPACT ON INTERNATIONAL TRADE, NAFTA and other FTAs (Cambridge University Press, 2019)

Selected Presentations

- “U.S.-China Legal Exchange: China’s Anti-Monopoly Law,” at the University of Denver Sturm College of Law, Denver (October 19, 2011).
- “Hot Issues in International Mergers and Acquisitions,” at the Association of Corporate Council Annual Meeting, Denver (October 25, 2011).
- “Making Remedies Work for Developing Nations: The Need for Class Actions,” Athens Institute for Education and Research, 7th Annual International Conference (July 19-22, 2010).
- “The Need for Reform of WTO Remedies,” Academy of Legal Studies in Business 2009 Annual Conference, International Section, Denver (August 5-8, 2009).
- “Making Remedies Work for Developing Nations: The Need for Class Actions,” Rocky Mountain Junior Faculty Forum, Brigham Young University, J. Rueben Clark Law School (September 26-27, 2009).
- “International Business Transactions as a Discipline” Moscow State University School of Law, Moscow, Russia (September 8, 2011).
- “Reforms in U.S. Legal Education,” Shanghai University of Political Science and Law, Shanghai, China (March 14, 2012)
- Moderator, Joint Panels on International Development and Investment, Biennial Conference of the International Economic Law Interest Group, American Association of International Law, Washington D.C., (December 1, 2012)
- “Governance Implications of China’s Trade Policy,” CAPALF 2013, UC Hastings College of Law, San Francisco, (February 3, 2013)
- “Trading with Foreigners: An Interdisciplinary Analysis of China’s Trade Policy and Core Interests,” 2013 ILA- ASIL Asia-Pacific Research Forum, Taipei, Taiwan, (May 15-16, 2013)
- “What US Counsel need to know about the CISG,” International Commercial Transactions, Colorado Bar Association, Denver, CO (March 14, 2013)

Significant Service Contributions

- Director, Roche LLM in International Business Transactions (2011 to 2017)
- Co-Chair, Strategic Positioning Interdisciplinary Committee (2011)
- Faculty Appointments Committee (Academic years 2007, 2008, 2012)
- Faculty Executive Committee (elected, Academic year 2008)
- Internationalization Advisory Committee (University) (2008 to 2011)
- Search Committee for Vice Provost for Internationalization (2008)
- Faculty Advisor to Amnesty International and Vis International Commercial Arbitration Moot Court (2006 to Present)
- Admissions Committee (2009 to 2011)
- Examinations and Standing Committee (2006-2008)
- Multiculturalism Committee (2006 to 2008)
- Board Member Hannah Kahn Dance Company (2007 to present)

Languages

***Fluent in English, Mandarin, Taiwanese and Italian
Proficient in French, German, Dutch and Spanish***

Interests

Literature, Travel, Opera, Singing (mezzo-soprano), Gardening, Cooking, Jewelry-making

Awards

University of Denver Distinguished Teaching Award (2013-2014), honored as the sole annual recipient of the university-wide excellence in teaching award