

# WILLIAM S. DODGE

University of California, Davis, School of Law  
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## **CURRENT APPOINTMENT**

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University of California, Davis, School of Law, 2015-present

- *Martin Luther King, Jr. Professor of Law*, 2015-present
- *John D. Ayer Chair in Business Law*, 2019-present
- *Rutter Distinguished Teaching Award*, 2018

## **PRIOR EXPERIENCE**

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American Law Institute, *Co-Reporter, Restatement (Fourth) of the Foreign Relations Law of the United States*, 2012-18

University of California, Hastings College of the Law, 1995-2015

- *Roger J. Traynor Professor of Law*, 2014-15
- *Associate Academic Dean*, 2006-07; *Associate Dean for Research*, 2012-14
- *Rutter Distinguished Teaching Award*, 2002

U.S. Department of State, *Counselor on International Law to the Legal Adviser*, 2011-12

Arnold & Porter, *Attorney*, 1993-95

Justice Harry A. Blackmun, U.S. Supreme Court, *Law Clerk*, 1992-93

Judge William A. Norris, Ninth Circuit Court of Appeals, *Law Clerk*, 1991-92

Tianjin Economic Management Cadre Institute, Tianjin, China, *English Teacher*, 1987-88

## **EDUCATION**

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Yale Law School, J.D., 1991; Notes Editor, *Yale Law Journal*

Yale College, B.A., *summa cum laude*, *Phi Beta Kappa*, with distinction in History, 1986

## **MEMBERSHIPS**

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U.S. Department of State Advisory Committee on International Law (2009-11, 2012-present)

American Law Institute (2006-present); Co-Reporter, *Restatement (Fourth) of the Foreign Relations Law of the United States* (2012-18); Adviser, *Restatement (Third) of the Conflict of Laws* (2015-present)

American Society of International Law (1995-present); Co-Chair, International Law in Domestic Courts Interest Group (2014-17)

Institute for Transnational Arbitration, Academic Council (2008-14)

Bar of the Supreme Court of the United States (2010-present)

State Bar of California (1994-present)

## **PUBLICATIONS**

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### BOOKS

*Transnational Litigation in a Nutshell* (2d ed., West, forthcoming 2021) (with George A. Bermann & Donald E. Childress III)

*Transnational Business Problems* (6th ed., Foundation Press, 2019) (with Detlev F. Vagts, Hannah L. Buxbaum & Harold Hongju Koh)

- 5th ed. 2014 (with Detlev F. Vagts, Harold Hongju Koh & Hannah L. Buxbaum)
- 4th ed. 2008 (with Detlev F. Vagts & Harold Hongju Koh)
- 3d ed. 2003 (with Detlev F. Vagts & Harold Hongju Koh)

*Restatement (Fourth) of the Foreign Relations Law of the United States* (American Law Institute 2018) (with Curtis A. Bradley, Sarah H. Cleveland, Anthea Roberts, Paul B. Stephan, Edward T. Swaine, David P. Stewart & Ingrid Wuerth)

*International Law in the U.S. Supreme Court: Continuity and Change* (Cambridge University Press 2011) (with David L. Sloss & Michael D. Ramsey)

- American Society of International Law, 2012 Certificate of Merit in recognition of high technical craftsmanship and utility to practicing lawyers and scholars

## ARTICLES

[\*Reciprocity in China-U.S. Judgments Recognition\*](#), 53 Vand. J. Transnat'l L. (forthcoming 2020)  
(with Wenliang Zhang)

[\*Jurisdiction, State Immunity, and Judgments in the Restatement \(Fourth\) of U.S. Foreign Relations Law\*](#), 19 Chinese J. Int'l L. 101 (2020)

[\*The New Presumption Against Extraterritoriality\*](#), 133 Harv. L. Rev. 1582 (2020)

[\*Presumptions Against Extraterritoriality in State Law\*](#), 53 U.C. Davis L. Rev. 1389 (2020)

[\*Customary International Law, Change, and the Constitution\*](#), 106 Geo. L.J. 1559 (2018)

[\*Personal Jurisdiction and Aliens\*](#), 116 Mich. L. Rev. 1205 (2018) (with Scott Dodson)

[\*Jurisdiction in the Fourth Restatement of Foreign Relations Law\*](#), 18 Yearbook of Private Int'l L. 143 (2017)

[\*Chevron Deference and Extraterritorial Regulation\*](#), 95 N.C. L. Rev. 911 (2017)

[\*International Comity in American Law\*](#), 115 Colum. L. Rev. 2071 (2015)

[\*Defining and Punishing Offenses Under Treaties\*](#), 124 Yale L.J. 2202 (2015) (with Sarah H. Cleveland)

[\*Alien Tort Litigation: The Road Not Taken\*](#), 89 Notre Dame L. Rev. 1577 (2014)

[\*Withdrawing from Customary International Law: Some Lessons from History\*](#), 120 Yale L.J. Online 169 (2010)

[\*After Sosa: The Future of Customary International Law in the United States\*](#), 17 Willamette J. Int'l L. & Disp. Res. 21 (2009)

[\*The Public-Private Distinction in the Conflict of Laws\*](#), 18 Duke J. Comp. & Int'l L. 371 (2008)

[\*Investor-State Dispute Settlement Between Developed Countries: Reflections on the Australia-United States Free Trade Agreement\*](#), 39 Vand. J. Transnat'l L. 1 (2006)

[\*Bridging Erie: Customary International Law in the U.S. Legal System After Sosa v. Alvarez-Machain\*](#), 12 Tulsa J. Comp. & Int'l L. 87 (2004)

[\*The Constitutionality of the Alien Tort Statute: Some Observations on Text and Context\*](#), 42 Va. J. Int'l L. 687 (2002)

[Breaking the Public Law Taboo](#), 43 Harv. Int'l L.J. 161 (2002)

[Antitrust and the Draft Hague Judgments Convention](#), 32 Law & Pol'y Int'l Bus. 363 (2001)

[National Courts and International Arbitration: Exhaustion of Remedies and Res Judicata Under NAFTA Chapter Eleven](#), 23 Hastings Int'l & Comp. L. Rev. 357 (2000)

[Teaching the CISG in Contracts](#), 50 J. Legal Ed. 72 (2000)

[The Case for Punitive Damages in Contracts](#), 48 Duke L.J. 629 (1999)

[Weighing the Listener's Interest: Justice Blackmun's Commercial Speech and Public Forum Opinions](#), 26 Hastings Const. L.Q. 165 (1998)

[Understanding the Presumption Against Extraterritoriality](#), 16 Berkeley J. Int'l L. 85 (1998)

[Extraterritoriality and Conflict of Laws Theory: An Argument for Judicial Unilateralism](#), 39 Harv. Int'l L.J. 101 (1998)

[The Historical Origins of the Alien Tort Statute: A Response to the "Originalists"](#), 19 Hastings Int'l & Comp. L. Rev. 221 (1996)

#### CHAPTERS

[International Comity in the Fourth Restatement of Foreign Relations Law](#), in *The Restatement and Beyond: The Past, Present, and Future of U.S. Foreign Relations Law* 319 (Paul B. Stephan ed., Oxford University Press, 2020)

[International Comity in Comparative Perspective](#), in *The Oxford Handbook of Comparative Foreign Relations Law* 701 (Curtis A. Bradley ed., Oxford University Press, 2019)

[The Presumption Against Extraterritoriality in the U.S. Supreme Court Today](#), in *U.S. Litigation Today: Still a Threat for European Business or Just a Paper Tiger?* 187 (Andrea Bonomi & Krista Nadakavukaren Schefer eds., Swiss Institute of Comparative Law, 2018)

[The Charming Betsy and The Paquete Habana](#), in *Landmark Cases in Public International Law* 11 (Eirik Bjorge & Cameron Miles eds., 2017)

[Business and Human Rights Litigation in U.S. Courts Before and After Kiobel](#), in *Business and Human Rights: From Principles to Practice* 244 (Dorothee Baumann-Pauly & Justine Nolan eds., 2016)

[\*The Penal and Revenue Rules, State Law, and Federal Preemption\*](#), in *Foreign Court Judgments and the United States Legal System* 54 (Paul B. Stephan ed., 2014)

*International Law in the Supreme Court to 1860* (with David L. Sloss & Michael D. Ramsey), in *International Law in the U.S. Supreme Court: Continuity and Change* (Cambridge University Press, 2011)

*Customary International Law and the Supreme Court, 1946-2000*, in *International Law in the U.S. Supreme Court: Continuity and Change* (Cambridge University Press, 2011)

[\*Loose Canons: International Law and Statutory Interpretation in the Twenty-First Century\*](#), in *International Law in the U.S. Supreme Court: Continuity and Change* (Cambridge University Press, 2011)

[\*Continuity and Change over Two Centuries\*](#) (with David L. Sloss & Michael D. Ramsey), in *International Law in the U.S. Supreme Court: Continuity and Change* (Cambridge University Press, 2011)

[\*Local Remedies Under NAFTA Chapter Eleven\*](#), in *Fifteen Years of NAFTA Chapter Eleven Arbitration* 37 (Frédéric Bachand & Emmanuel Gaillard eds., 2011)

[\*Customary International Law, Congress, and the Courts: Origins of the Later-in-Time Rule\*](#), in *Making Transnational Law Work in the Global Economy: Essays in Honour of Detlev Vagts* 531 (Pieter H.F. Bekker, Rudolf Dolzer & Michael Waibel eds., Cambridge University Press, 2010)

[\*Investment Agreements Between Developed States: The Dilemma of Dispute Resolution\*](#), in *The Future of Investment Arbitration* 165 (Catherine A. Rogers & Roger P. Alford eds., Oxford University Press, 2009)

[\*The Paquete Habana: Customary International Law as Part of Our Law\*](#), in *International Law Stories* 175 (John E. Noyes, Laura A. Dickinson & Mark W. Janis eds., Foundation Press, 2007)

#### ESSAYS AND SHORTER WORKS

[\*Reasonableness in the Restatement \(Fourth\) of Foreign Relations Law\*](#), 55 *Willamette L. Rev.* 521 (2019)

[\*Jurisdictional Reasonableness Under Customary International Law: The Approach of the Restatement \(Fourth\) of Foreign Relations Law\*](#), 62 *Questions Int'l L.: Zoom-In* 5 (2019)

[Misusing the Presumption Against Extraterritoriality in Climate Change Litigation](#), 1 Courts & Justice L.J. 118 (2019)

[Corporate Liability Under the U.S. Alien Tort Statute: A Comment on \*Jesner v. Arab Bank\*](#), 4 Bus. & Hum. Rights J. 131 (2019)

[The Presumption Against Extraterritoriality in Two Steps](#), 110 AJIL Unbound 45 (2016)

[Foreign Official Immunity in the International Law Commission: The Meanings of “Official Capacity”](#), 109 AJIL Unbound 156 (2015)

[Corporate Liability Under Customary International Law](#), 43 Geo. J. Int’l L. 1045 (2012)

[The Presumption Against Extraterritoriality After Morrison](#), 105 Am. Soc. Int’l L. Proc. 396 (2011)

[Morrison’s Effects Test](#), 40 Sw. U. L. Rev. 687 (2011)

[Alien Tort Litigation and the Prescriptive Jurisdiction Fallacy](#), 51 Harv. Int’l L.J. Online 35 (2010)

[Res Judicata](#), in [Max Planck Encyclopedia of Public International Law](#) (Oxford University Press, 2008)

[Customary International Law and the Question of Legitimacy](#), 120 Harv. L. Rev. F. 19 (2007)

[International Decisions: The Loewen Group, Inc. v. United States and Mondev International Ltd. v. United States](#), 98 Am. J. Int’l L. 155 (2004)

[The Structural Rules of Transnational Law](#), 97 Am. Soc. Int’l L. Proc. 317 (2003)

[An Economic Defense of Concurrent Antitrust Jurisdiction](#), 38 Texas J. Int’l L. 27 (2003)

[Loewen v. United States: Trials and Errors Under NAFTA Chapter Eleven](#), 52 DePaul L. Rev. 563 (2002)

[Which Torts in Violation of the Law of Nations?](#), 24 Hastings Int’l & Comp. L. Rev. 351 (2001)

[International Decision: Metalclad Corp. v. Mexico](#), 95 Am. J. Int’l L. 910 (2001)

[Control and Appeal in NAFTA Chapter Eleven Arbitration](#), 95 Am. Soc. Int’l L. Proc. 207 (2001)

[International Decision: Waste Management v. Mexico](#), 95 Am. J. Int’l L. 225 (2001)

*United States v. Alvarez Machain*, in 1 Encyclopedia of the American Constitution 71 (2d ed. 2000)

*Extraterritoriality*, in 2 Encyclopedia of the American Constitution 959 (2d ed. 2000)

*International Law and Federal-State Relations*, in 3 Encyclopedia of the American Constitution 1389 (2d ed. 2000)

[\*The Helms-Burton Act and Transnational Legal Process\*](#), 20 Hastings Int'l & Comp. L. Rev. 713 (1997)

Note, [\*Congressional Control of Supreme Court Appellate Jurisdiction: Why the Original Jurisdiction Clause Suggests an "Essential Role"\*](#), 100 Yale L.J. 1013 (1991)

## **BLOGGING**

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[\*Trump Administration Reverses Position on Corporate Liability Under Alien Tort Statute\*](#), Just Security (June 1, 2020)

[\*Supreme Court of Canada Recognizes Corporate Liability for Human Rights Violations\*](#), Just Security (March 26, 2020)

[\*Second Circuit Gets Civil Forfeiture Under the Foreign Sovereign Immunities Act Wrong\*](#), Just Security (August 23, 2019) (with Ingrid Wuerth)

[\*Jurisdiction to Adjudicate Under Customary International Law\*](#), Opinio Juris (September 11, 2018) (with Anthea Roberts & Paul B. Stephan)

[\*Jesner v. Arab Bank: The Supreme Court Preserves the Possibility of Human Rights Suits Against U.S. Corporations\*](#), Just Security (April 26, 2018)

[\*The Customary International Law of Jurisdiction in the Restatement \(Fourth\) of Foreign Relations Law\*](#), Opinio Juris (March 8, 2018)

[\*Advancing International Law Under the Trump Administration—Some Cautionary Thoughts About Litigation\*](#), Opinio Juris (February 20, 2018)

[\*United States v. Microsoft: Why the Government Should Win the Statutory Interpretation Argument\*](#), Just Security (February 19, 2018)

[\*The Original Meaning of the Alien Tort Statute\*](#), Just Security (October 26, 2017)

[Oral Arguments in Jesner v. Arab Bank: Supreme Court May Favor Two Steps to Corporate Liability for Human Rights Violations](#), Just Security (October 12, 2017)

[Corporate Liability for Human Rights Violations: A Preview of Jesner v. Arab Bank, PLC](#), Just Security (September 29, 2017)

[The UK Supreme Court's Landmark Judgment Belhaj v. Straw: A View from the United States](#), Just Security (January 19, 2017)

[Does JASTA Violate International Law?](#), Just Security (September 30, 2016)

[What's the Right Comity Tool in Vitamin C?](#), Opinio Juris (September 27, 2016)

[The Presumption Against Extraterritoriality Still Does Not Apply to Jurisdictional Statutes](#), Opinio Juris (July 1, 2016)

[JASTA and Reciprocity](#), Just Security (June 9, 2016)

[Would JASTA Violate International Law?](#), Just Security (April 26, 2016)

[Will Filartiga Survive?](#), Just Security (September 15, 2015)

[Is the Alien Tort Statute Headed Back to the Supreme Court?](#), Opinio Juris (April 13, 2015)

[Supreme Court Denies Cert in Samantar v. Yousuf](#), Just Security (March 12, 2015)

[Samantar and the Perils of Executive Discretion](#), Opinio Juris (February 6, 2015)

[International Comity Run Amok](#), Just Security (February 3, 2015)

[A CISG Question](#), Opinio Juris (October 24, 2014)

[Samantar v. Yousuf: What Happens Next?](#), Just Security (October 23, 2014)

[Rosenberg v. Pasha: Distinguishing Two Questions of Foreign Official Immunity](#), Just Security (September 2, 2014)

[Official Act Immunity and the Singh Case](#), Just Security (August 25, 2014)

[Bond v. United States and Congress's Role in Implementing Treaties](#), AJIL Unbound (June 4, 2014)

[The Presumption Against Extraterritoriality Does Not Apply to Jurisdictional Statutes](#), Opinio Juris (January 28, 2014)

[Is Torture an “Official Act”?](#) *Reflections on Jones v. United Kingdom*, Opinio Juris (January 15, 2014)

[Self-Executing Treaties, Criminal Law, and Bond v. United States](#), Opinio Juris (November 8, 2013)

[Official Act Immunity—Keeping the Questions Straight](#), Opinio Juris (May 13, 2013)

[The Pyrrhic Victory of the Bush Administration Position in Kiobel](#), Opinio Juris (April 23, 2013)

[Customary International Law in the U.S. Legal System and the Perils of an All-or-Nothing Approach](#), Opinio Juris (March 13, 2013)

[Samantar Asks for Supreme Court Review Again](#), Opinio Juris (March 8, 2013)

[Recent Developments in Official Act Immunity](#), Opinio Juris (January 7, 2013)

[Making Sense of the Fourth Circuit’s Decision in Samantar](#), Opinio Juris (November 11, 2012)

[Kiobel Roundtable: The Supreme Court Gropes Toward a Sensible Solution](#), Opinio Juris (October 2, 2012)

[Morrison and the Effects Test](#), Opinio Juris (June 27, 2010)

[What Samantar Doesn’t Decide](#), Opinio Juris (June 2, 2010)

[The Rise of Extraterritorial Regulation](#), Opinio Juris (July 28, 2009)

## **AUTHORED BRIEFS**

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[Brief of Professors William S. Dodge and Maggie Gardner as Amici Curiae in Support of Respondents](#), *Republic of Hungary v. Simon* (No. 18-1447) & *Federal Republic of Germany v. Philipp* (No. 19-351) (U.S. Supreme Court) (co-author) (arguing that prudential comity abstention should not be a basis for dismissing claims in federal courts)

[Brief of International Law Scholars as Amici Curiae in Support of Respondents](#), *Nestlé USA, Inc. v. Doe I* (No. 19-416) & *Cargill, Inc. v. Doe I* (No. 19-453) (U.S. Supreme Court) (author and counsel of record) (arguing that international human rights norms may be applied to corporations)

[Brief of Amici Curiae Professors of Foreign Relations Law](#), *United States v. California II*, 2020 WL 4043034 (E.D. Cal. 2020) (author) (arguing that California’s cap-and-trade agreement

with Quebec is not preempted under various doctrines of foreign affairs preemption) (cited by the court at \*11)

[Brief of Amici Curiae Professors of Foreign Relations Law](#), *United States v. California I*, 444 F. Supp. 3d 1181 (E.D. Cal. 2020) (co-author) (arguing that California's cap-and-trade agreement with Quebec does not violate the Treaty Clause or Compact Clause of the U.S. Constitution) (cited by the court, 444 F. Supp. 3d at 1193)

[Brief of Conflict of Laws and Foreign Relations Law Scholars as Amici Curiae in Support of Plaintiff-Appellants](#), *Oakland v. BP PLC*, 969 F.3d 895 (9th Cir. 2020) (co-author) (arguing that federal presumption against extraterritoriality does not apply to state law nuisance claims based on fossil fuel production)

[Brief of Conflict of Laws and Foreign Relations Law Scholars as Amici Curiae in Support of Plaintiff-Appellant](#), *City of New York v. BP* (No. 18-2188) (2d Cir. Nov. 15, 2018) (co-author) (arguing that federal presumption against extraterritoriality does not apply to state law nuisance claims based on fossil fuel production)

[Brief of Professors of Conflict of Laws as Amici Curiae in Support of Appellant](#), *In re Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC*, 917 F.3d 85 (2d Cir. 2019) (author) (arguing that when transfer from the United States has been avoided, recovery provisions of the Bankruptcy Code reach subsequent transfers outside the United States)

[Brief of Professor William S. Dodge as Amicus Curiae in Support of Plaintiffs-Appellants](#), *Simon v. Republic of Hungary*, 911 F.3d 1172 (D.C. Cir. 2018) (author) (arguing that prudential exhaustion is not a ground for dismissing expropriation claims under Foreign Sovereign Immunities Act) (cited by majority, 911 F.3d at 1180)

[Brief of Professors of International Litigation as Amici Curiae in Support of Neither Party](#), *Animal Science Products, Inc. v. Hebei Welcome Pharmaceutical Co. Ltd.*, 138 S. Ct. 1865 (2018) (author) (arguing that the Supreme Court should not endorse international comity abstention doctrine applied by Second Circuit)

[Brief Amici Curiae of Professors William S. Dodge and Paul B. Stephan in Support of Petitioners](#), *Animal Science Products, Inc. v. Hebei Welcome Pharmaceutical Co. Ltd.*, 138 S. Ct. 734 (2018) (author) (arguing that international comity abstention doctrine applied by Second Circuit is contrary to Supreme Court precedent)

[Brief of International Law Scholars as Amici Curiae in Support of Petitioners](#), *Jesner v. Arab Bank, PLC*, 138 S. Ct. 1386 (2018) (author and counsel of record) (arguing that international

human rights norms may be applied to corporations) (cited by Sotomayor, J., dissenting, 138 S. Ct. at 1420)

[Brief for Sarah H. Cleveland and William S. Dodge as \*Amici Curiae\* in Support of Respondent, \*Bond v. United States\*, 572 U.S. 844 \(2014\) \(co-author\) \(arguing that the Define and Punish Clause of the U.S. Constitution provides Congress additional authority to implement treaties\)](#)

[Brief of Professors of International Litigation and Foreign Relations Law as \*Amici Curiae\* in Support of Respondents, \*Samantar v. Yousuf\*, 560 U.S. 305 \(2010\) \(co-author and co-counsel\) \(arguing that the Foreign Sovereign Immunities Act does not apply to foreign officials\)](#)

Brief of Professors of Federal Jurisdiction and Legal History as *Amici Curiae* in Support of Respondents, *Sosa v. Alvarez-Machain*, 542 U.S. 692 (2004) (author), *reprinted in* 28 *Hastings Int'l & Comp. L. Rev.* 95 (2004) (arguing that First Congress expected the common law to provide cause of action under the Alien Tort Statute) (followed by the Supreme Court, 542 U.S. at 714)

## **COURT CITATIONS**

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*Nevsun Resources Ltd. v. Araya*, 2020 SCC 5, para. 105 (2020) (Supreme Court of Canada) (citing *Corporate Liability Under Customary International Law*)

*Jesner v. Arab Bank, PLC*, 138 S. Ct. 1386, 1422 n.2 (2018) (Sotomayor, J., dissenting) (citing *Corporate Liability Under Customary International Law*)

*Morrison v. National Australia Bank Ltd.*, 561 U.S. 247, 279 n.7, 281 n.8 (2010) (Stevens, J., concurring in the judgment) (citing *Understanding the Presumption Against Extraterritoriality*)

*Pasquantino v. United States*, 544 U.S. 349, 366 (2005) (citing *Breaking the Public Law Taboo*)

*Sosa v. Alvarez-Machain*, 542 U.S. 692, 713 (2004) (citing *The Constitutionality of the Alien Tort Statute*)

*Lindenberg v. Jackson National Life Ins. Co.*, 912 F.3d 348, 384 & n.12 (6th Cir. 2018) (citing *The Case for Punitive Damages in Contracts*)

*In re Arab Bank, PLC Alien Tort Statute Litigation*, 822 F.3d 34, 42 (2d Cir. 2016) (Pooler, J., dissenting from the denial of rehearing en banc) (citing *Corporate Liability Under Customary International Law*)

*United States v. Eaton*, 614 Fed. App'x 380, 381 (10th Cir. 2015) (citing *Defining and Punishing Offenses Under Treaties*)

*Doe v. Exxon Mobil Corp.*, 654 F.3d 11, 44 (D.C. Cir. 2011) (citing *The Historical Origins of the Alien Tort Statute*)

*Ali v. Rumsfeld*, 649 F.3d 762, 786, 791 (D.C. Cir. 2011) (citing *The Historical Origins of the Alien Tort Statute and Bridging Erie*)

*Omega S.A. v. Costco Wholesale Corp.*, 541 F.3d 982, 988 (9th Cir. 2008) (citing *Understanding the Presumption Against Extraterritoriality*)

*Flores v. Southern Peru Copper Corp.*, 414 F.3d 233, 242 n.13, 243 n.15 (2d Cir. 2003) (citing *The Historical Origins of the Alien Tort Statute*)

*United States v. Pasquantino*, 336 F.3d 321, 329 (4th Cir. 2003) (citing *Breaking the Public Law Taboo*)

*Al Odah v. United States*, 321 F.3d 1134, 1146 (D.C. Cir. 2003) (Randolph, J., concurring) (citing *The Historical Origins of the Alien Tort Statute*)

*Attorney General of Canada v. R.J. Reynolds Tobacco Holdings, Inc.*, 268 F.3d 103, 110 n.4 (2d Cir. 2001) (citing *Antitrust and the Draft Hague Judgments Convention*)

*Mayaguezanos por la Salud y el Ambiente v. United States*, 198 F.3d 297, 301 n.8 (1st Cir. 1999) (citing *Understanding the Presumption Against Extraterritoriality*)

*Kadic v. Karadzic*, 74 F.3d 377, 378 (2d Cir. 1996) (citing *The Historical Origins of the Alien Tort Statute*)

*Perkins Manufacturing Co. v. Haul-All Equipment Ltd.*, 2020 WL 2219050, at \*3 (N.D. Ill. 2020) (citing *Teaching the CISG in Contracts*)

*United States v. California*, 2020 WL 1182663, at \*9 (E.D. Cal. 2020) (citing *Defining and Punishing Offenses Under Treaties*)

*Maui Jim, Inc. v. SmartBuy Guru Enterprises*, 386 F.Supp.3d 926, 952 (N.D. Ill. 2019) (citing *International Comity in American Law*)

*J.Y.C.C. v. Doe Run Resources, Corp.*, 380 F. Supp. 3d 921, 927 (E.D. Mo. 2019) (citing *International Comity in American Law*)

*J.Y.C.C. v. Doe Run Resources Corp.*, 370 F. Supp. 3d 1031, 1039 (E.D. Mo. 2019) (citing *International Comity in American Law*)

*In re Agrokor d.d.*, 591 B.R. 163, 186 (S.D.N.Y. 2018) (citing *International Comity in American Law*)

*A.O.A. v. Rennert*, 350 F. Supp. 3d 818, 849 (E.D. Mo. 2018) (citing *International Comity in American Law*)

*Simon v. Republic of Hungary*, 277 F. Supp. 3d 42, 55-56 (D.D.C. 2017) (citing *International Comity in American Law*)

*United States v. Clark*, 266 F. Supp. 3d 573, *passim* (D. Puerto Rico 2017) (citing *Defining and Punishing Offenses Under Treaties*)

*United States v. Balbuena-Peguero*, 2017 WL 1399696, *passim* (D. Puerto Rico 2017) (citing *Defining and Punishing Offenses Under Treaties*)

*Securities and Exchange Commission v. Traffic Monsoon*, 245 F. Supp. 3d 1275, 1288 (D. Utah 2017) (citing *Understanding the Presumption Against Extraterritoriality*)

*Custom Polymers PET, LLC v. Gamma Meccanica SpA*, 185 F. Supp. 3d 741, 755 (D.S.C. 2016) (citing *Teaching the CISG in Contracts*)

*Thornton Tomasetti, Inc. v. Anguillan Development Corp.*, 2015 WL 7078656, at \*3 (S.D.N.Y. 2015) (citing *International Comity in American Law*)

*Honey Holdings I, Ltd. v. Alfred L. Wolff, Inc.*, 81 F. Supp. 3d 543, 552 (S.D. Tex. 2015) (citing *Teaching the CISG in Contracts*)

*In re World Imports, Ltd.*, 511 B.R. 738, 744 (E.D. Pa. Bankr. 2014) (citing *Teaching the CISG in Contracts*)

*Giannopoulos v. Iberia Lineas Aereas de Espana, S.A.*, 17 F. Supp. 3d 743, 746 n.2 (N.D. Ill. 2014) (citing *Breaking the Public Law Taboo*)

*Topp Paper Co. v. Eti Converting Equipment*, 2013 WL 12101111, at \*5 n.5 (S.D. Fla. 2013) (citing *Teaching the CISG in Contracts*)

*Sky Cast, Inc. v. Global Direct Distribution, LLC*, 2008 WL 754734, at \*4 (E.D. Ky. 2008) (citing *Teaching the CISG in Contracts*)

*Geneva Pharmaceuticals Technology Corp. v. Barr Laboratories, Inc.*, 201 F. Supp. 2d 236, 286 (S.D.N.Y. 2002) (citing *Teaching the CISG in Contracts*)

*Asante Technologies, Inc. v. PMC-Sierra, Inc.*, 164 F. Supp. 2d 1142, 1151 (N.D. Cal. 2001) (citing *Teaching the CISG in Contracts*)

*Simon v. Philip Morris Inc.*, 124 F. Supp. 2d 46, 65 (E.D.N.Y. 2000) (citing *Extraterritoriality and Conflict of Laws Theory*)

*Eastman Kodak Co. v. Kavlin*, 978 F. Supp. 1078, 1090-91 (S.D. Fla. 1997) (citing *The Historical Origins of the Alien Tort Statute*)

*Monahan v. GMAC Mortg. Corp.*, 179 Vt. 167, 186 n.4, 893 A.2d 298, 315 n.4 (Vt. 2005) (citing *The Case for Punitive Damages in Contracts*)

*Kearney v. Salomon Smith Barney, Inc.*, 11 Cal. Rptr. 3d 749, 760 n.14 (Cal. Ct. App. 2004) (citing *Understanding the Presumption Against Extraterritoriality*)

## **PRESENTATIONS**

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*Human Rights Cases at the U.S. Supreme Court*, National Security Group, Yale Law School (via Zoom) (October 28, 2020)

*Jurisdiction to Adjudicate Under Customary International Law*, European Journal of International Law Workshop on the Restatement (Fourth) of Foreign Relations Law, New York University, School of Law (via Zoom) (October 15, 2020)

*Extraterritorial Regulation of Business: From Securities to Bankruptcy and Beyond*, John D. Ayer Lecture, UC Davis School of Law, Davis, California (March 4, 2020)

*Navigating the Foreign Sovereign Immunity Minefield to Enforce Investor-State Awards*, Conference on the History and Future of the ALI Restatement on International Commercial and Investor-State Arbitration, Pepperdine University, Caruso School of Law, Malibu, California (February 28, 2020)

*Reciprocity in China-U.S. Judgments Recognition*, Faculty Workshop, Vanderbilt University Law School, Nashville, Tennessee (February 5, 2020)

*Presumptions Against Extraterritoriality in State Law*, Northern California International Law Scholars, McGeorge School of Law, Sacramento, California (September 13, 2019)

*Corporate Liability and Human Rights*, Detlev F. Vagts Roundtable, American Society of International Law Annual Meeting, Washington, D.C. (March 28, 2019)

*Reasonableness in the Restatement (Fourth) of Foreign Relations Law*, Conference on the Extraterritorial State, Willamette University College of Law, Salem, Oregon (January 25, 2019)

*The New Presumption Against Extraterritoriality*, Faculty Workshop, UC Hastings College of the Law, San Francisco, California (January 15, 2019)

*International Comity in the Restatement (Fourth) of Foreign Relations Law*, Sokol Colloquium on Private International Law, University of Virginia School of Law, Charlottesville, Virginia (January 11, 2019)

*The New Presumption Against Extraterritoriality*, Workshop on International Law in Domestic Courts, University of Pennsylvania Law School, Philadelphia, Pennsylvania (December 7, 2018)

*After Jesner—Corporate Liability for Human Rights Violations in U.S. and Foreign Courts*, Judicial Advisory Board, American Society of International Law, Washington, D.C. (November 16, 2018)

*Reasonableness and Comity in the U.S. Restatement (Fourth) of Foreign Relations Law*, Utrecht University, Utrecht, Netherlands (October 30, 2018)

*International Litigation and the New U.S. Restatement of Foreign Relations Law*, Tsinghua University School of Law, Beijing, China (April 26, 2018); China University of Political Science and Law, Beijing, China (April 25, 2018); East China University of Political Science and Law, Shanghai, China (April 23, 2018)

*Personal Jurisdiction and Aliens*, Public Law Workshop, UC Berkeley School of Law, Berkeley, California (March 1, 2018)

*Jesner v. Arab Bank: The Future of Corporate Liability Under the Alien Tort Statute*, American Bar Association, Section of International Law, Teleconference Presentation (December 5, 2017)

*Customary International Law, Change, and the Constitution*, Symposium on the Law of Nations and the United States Constitution, Georgetown University Law Center, Washington, DC (November 3, 2017)

*The New Presumption Against Extraterritoriality in the U.S. Supreme Court's Case Law and the Restatement Fourth of the Law of Foreign Relations*, Conference on U.S. Litigation Today, Swiss Institute of Comparative Law, Lausanne, Switzerland (June 23, 2017)

*The New Presumption Against Extraterritoriality*, Colloquium on International Law and Politics, UC Berkeley School of Law, Berkeley, California (February 3, 2017)

*International Comity in Comparative Perspective*, Duke-Japan Conference on Comparative Foreign Relations Law, Japan Institute of International Affairs, Tokyo, Japan (October 10, 2016)

*Requiring Exhaustion for International Investment Claims*, Symposium on Adjudicating Across Borders: Contemporary Challenges in International Arbitration, Stanford Law School, Stanford, California (April 30, 2016)

*An Appellate Mechanism for Investment Treaty Arbitration*, Symposium on Investment Treaty Dispute Settlement, McGeorge School of Law, Sacramento, California (February 19, 2016)

*Focusing the Presumption Against Extraterritoriality*, Northern California International Law Scholars, UC Davis School of Law, Davis, California (August 28, 2015)

*Chevron Deference for Extraterritorial Regulation*, Yale-Duke Foreign Relations Law Roundtable, Yale Law School, New Haven, Connecticut (October 3, 2014)

*International Comity in American Law*, Bay Area Civil Procedure Forum, UC Hastings College of the Law, San Francisco, California (September 17, 2014)

*Alien Tort Litigation: The Road Not Taken*, The Honorable Roger J. Traynor Lecture, UC Hastings College of the Law, San Francisco, California (August 20, 2014)

*Defining and Punishing Offenses Under Treaties*, Faculty Workshop, UC Davis School of Law, Davis, California (February 20, 2014)

*Public Policy and Reciprocity in Relation to Foreign Tax and Penal Judgments*, Sokol Colloquium on Private International Law, University of Virginia School of Law, Charlottesville, Virginia (April 19, 2013)

*International Comity in American Courts*, 2013 Distinguished Global Law Lecture, Lewis & Clark Law School, Portland, Oregon (March 11, 2013)

*Understanding the Presumption Against Extraterritoriality after Morrison v. National Australia Bank*, Conference on Transnational Securities and Regulatory Litigation in the Aftermath of

- Morrison v. National Australia Bank*, University of the Pacific, McGeorge School of Law, Sacramento, California (March 1, 2013)
- The President's Recognition Power at Its Lowest Ebb*, Panel on *Zivotofsky v. Clinton*, International Law Association, International Law Weekend, New York, New York (October 26, 2012)
- Corporate Liability Under Customary International Law*, Conference on Corporate Responsibility and the Alien Tort Statute, Georgetown University Law Center, Washington, DC (March 27, 2012)
- Corporate Liability for Human Rights Violations: A View from the State Department*, U.C. Davis School of Law, Davis, California (March 5, 2012)
- The Presumption Against Extraterritoriality after Morrison*, American Society of International Law Annual Meeting, Washington, DC (March 25, 2011)
- The Presumption Against Extraterritoriality and the Alien Tort Statute*, Amnesty International Conference on Human Rights in U.S. Courts, San Francisco, California (March 18, 2011)
- International Comity in American Courts*, Faculty Workshop, BYU School of Law, Provo, Utah (February 17, 2011)
- The Cutting Edge of Extraterritoriality: Developments under the Alien Tort Statute*, AALS Annual Meeting, San Francisco, California (January 7, 2011)
- Morrison's Effects Test*, Conference on Beyond Borders: Extraterritoriality in American Law, Southwestern Law School, Los Angeles, California (November 12, 2010)
- The Application of Human Rights Law in U.S. Domestic Courts*, Panel on International Justice in a Human Rights Era, International Bar Association Annual Meeting, Vancouver, Canada (October 5, 2010)
- An Alien Tort Statute Case in 2010* (mock hearing), American Bar Association Annual Meeting, San Francisco, California (August 7, 2010)
- Can There Be Justice in the U.S. for International Wrongs?: The Alien Tort Statute—Here, Now, and in the Future*, Northern District of California Judicial Conference, Sonoma, California (April 11, 2010)
- Jurisdiction to Prescribe and the Alien Tort Statute*, Workshop on the Alien Tort Statute, Harvard Law School, Cambridge, Massachusetts (October 24, 2009)

- Local Remedies and NAFTA Chapter Eleven*, Conference on Fifteen Years of Chapter Eleven Arbitration, McGill University Faculty of Law, Montreal, Canada (September 25, 2009)
- Labor Rights Claims Under the Alien Tort Statute*, Conference on International Labor Standards, Rights and Beyond, Stanford Law School, Stanford, California (August 14, 2009)
- Customary International Law and Reputation*, Panel on Andrew Guzman, *How International Law Works: A Rational Choice Theory*, UC Berkeley School of Law, Berkeley, California (March 9, 2009)
- After Sosa: The Future of Customary International Law in the United States*, International Law Association, International Law Weekend—West, Willamette University College of Law, Salem, Oregon (March 7, 2009)
- The Faces of Comity*, American Society of International Law Research Colloquium on International Economic Law, UCLA School of Law, Los Angeles, California (February 13, 2009)
- International Comity in American Courts*, Workshop on International Law in Domestic Courts, Temple University, Beaseley School of Law, Philadelphia, Pennsylvania (December 8, 2008)
- Changing Rationales for Comity: From Private to Public*, Colloquium on Public/Private International Law, UNLV William S. Boyd School of Law, Las Vegas, Nevada (September 20, 2008)
- The Public-Private Distinction in the Conflict of Laws*, Symposium on Public and Private Law in the Global Adjudicative System, Duke University School of Law, Durham, North Carolina (February 15, 2008)
- “Conflicts Thinking” and the Evolution of Extraterritoriality*, Workshop on Territoriality, UCLA School of Law, Los Angeles, California (March 3, 2006)
- After Sosa: The Future of Customary International Law in the United States*, Conference on Outsourcing American Law, American Enterprise Institute, Washington, DC (February 21, 2006)
- Teaching the CISG in Contracts*, Workshop on Integrating Transnational Legal Perspectives into the First Year Curriculum, Association of American Law Schools Annual Meeting, Washington, DC (January 4, 2006)

*The Story of The Paquete Habana: Customary International Law as Part of Our Law*, Workshop on International Law in Domestic Courts, Vanderbilt University Law School, Nashville, Tennessee (December 12, 2005)

*The Structural Rules of Transnational Law*, Faculty Seminar, University of New South Wales, Faculty of Law, Sydney, Australia (April 26, 2005)

*Bridging Erie: Customary International Law in the U.S. Legal System After Sosa v. Alvarez-Machain*, Conference on International Law and the 2003-04 Supreme Court Term: Building Bridges or Constructing Barriers Between National, Foreign and International Law?, University of Tulsa College of Law, Tulsa, Oklahoma (October 29, 2004)

*Educating Transnational Business Lawyers*, Conference on Educating Lawyers for Transnational Challenges, Association of American Law Schools, Hawaii (May 26, 2004)

*Domestic Court Review of Chapter Eleven Awards*, Conference on the Two Faces of Court-Arbitrator Interaction Under Investment Treaties, Institute for Transnational Arbitration and American Society of International Law, Washington, DC (March 31, 2004)

*Recent Challenges to Alien Tort Litigation*, American Bar Association Annual Meeting, Section of International Law and Practice, San Francisco (August 10, 2003)

*Legal Globalization: International Law and the Federal Courts*, American Society of International Law Panel, Sixth Circuit Judicial Conference, Memphis (April 11, 2003)

*The Structural Rules of Transnational Law*, American Society of International Law Annual Meeting, Washington, DC (April 5, 2003)

*Dispute Resolution Under NAFTA Chapter Eleven*, American Society of International Law Panel, Seventh Circuit Judicial Conference, Chicago (May 7, 2002)

*Loewen v. United States: Trials and Errors Under NAFTA Chapter Eleven*, Clifford Symposium on Tort Law and Social Policy, DePaul College of Law, Chicago (April 19, 2002)

*An Economic Defense of Concurrent Antitrust Jurisdiction*, Symposium on International Litigation Honoring Professor Russell Weintraub, University of Texas School of Law, Austin, Texas (February 21, 2002)

*Teaching International Business Transactions from a Transnational Legal Process Perspective*, Section on Socio-Economics, AALS Annual Meeting, New Orleans, Louisiana (January 3, 2002)

*Control and Appeal in Chapter Eleven Arbitration*, American Society of International Law Annual Meeting, Washington, DC (April 6, 2001)

*The Structural Rules of Transnational Law*, International Law and Politics Workshop, U.C. Berkeley School of Law (March 1, 2001)

*Which Torts in Violation of the Law of Nations?*, Conference on Holding Multinational Corporations Responsible under International Law, U.C. Hastings College of the Law (February 26, 2001)

*International Law, History, and the Problem of Translation: Lessons from the Alien Tort Statute*, International Law Association, International Law Weekend—West, Pepperdine University School of Law, Malibu, California (January 27, 2001)

*China's Accession to the WTO: Implications for China's Judiciary*, Presentation to Civil Trial Procedure Delegation of Shanghai and Jinan Judges, U.C. Hastings College of the Law (November 2, 2000)

*National Courts and International Arbitration: Exhaustion of Remedies and Res Judicata under NAFTA Chapter Eleven*, Symposium on NAFTA Chapter Eleven, U.C. Hastings College of the Law (February 26, 2000)

*Ingredients of a Successful International Business Transactions Course*, AALS Conference on International Business Transactions, Washington, D.C. (February 17, 2000)

*Weighing the Listener's Interest: Justice Blackmun's Commercial Speech and Public Forum Opinions*, Symposium on the Jurisprudence of Justice Harry A. Blackmun, U.C. Hastings College of the Law (October 17, 1998)

*The Helms-Burton Act and Transnational Legal Process*, Symposium on the Helms-Burton Act, U.C. Hastings College of the Law (January 25, 1997)