

WILLIAM S. DODGE

George Washington University Law School
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CURRENT POSITIONS

George Washington University Law School, 2024-present

- *Lobingier Professor of Comparative Law and Jurisprudence*, 2024-present

American Law Institute, Restatement (Fourth) of the Foreign Relations Law of the United States

- *Reporter*, 2023-present
- *Reporter*, Jurisdiction and Judgments, 2012-2018

TLB (Transnational Litigation Blog), *Founding Editor*, 2022-present

PRIOR EXPERIENCE

University of California, Davis, School of Law, 2015-2024

- *Martin Luther King, Jr. Professor of Law*, 2015-2024
- *John D. Ayer Chair in Business Law*, 2019-2024
- *Distinguished Teaching Award*, 2018

University of California, San Francisco, College of the Law (formerly Hastings), 1995-2015

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

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

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

U.S. Delegation to the Hague Conference on International Law, Working Group on Jurisdiction and Parallel Proceedings (2023-present)

American Law Institute (2006-present); Reporter (2023-present), Co-Reporter (2012-2018), *Restatement (Fourth) of the Foreign Relations Law of the United States*; Adviser, *Restatement (Third) of the Conflict of Laws* (2015-present)

American Society of International Law (1995-present); Member, Judicial Education Committee (2022-present); Co-Chair, International Law in Domestic Courts Interest Group (2014-17, 2023-present)

Association of American Law Schools, Section on Conflict of Laws, Chair Elect (2024-present)

Uniform Law Commission, Study Committee on the Hague Judgments Convention, Observer (2022-present)

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)

VISITING POSITIONS

Renmin University of China Law School, *Visiting Professor*, May-June 2022

- International Business Transactions (via Zoom)

University of Paris 1, Panthéon-Sorbonne, *Visiting Professor*, April 2022

- Droit International Privé et Coordination des Systèmes Juridiques

University of California, Berkeley, School of Law, *Visiting Professor*

- Contracts, Spring 2019
- International Business Transactions, Summer 2014-17
- Contracts, Summer 2013

PUBLICATIONS

BOOKS

Transnational Business Problems (7th ed., Foundation Press, 2024) (with Detlev F. Vagts, Hannah L. Buxbaum & Harold Hongju Koh)

- 6th ed. 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)

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

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

Choice of Law in the American Courts in 2023: Thirty-Seventh Annual Survey, 72 *American Journal of Comparative Law* (forthcoming 2024) (with John F. Coyle & Aaron D. Simowitz) [[SSRN](#)]

China's Foreign State Immunity Law: A View from the United States, 1 *Chinese Journal of Transnational Law* (forthcoming 2024) [[Sage](#)]

Choice of Law in the American Courts in 2022: Thirty-Sixth Annual Survey, 71 *American Journal of Comparative Law* 251 (2023) (with John F. Coyle & Aaron D. Simowitz) [[SSRN](#)]

The Many State Doctrines of Forum Non Conveniens, 72 *Duke Law Journal* 1163 (2023) (with Maggie Gardner & Christopher A. Whytock) [[SSRN](#)]

- Berkeley Civil Justice Initiative, 2024 Best Publication Prize for the best civil justice related scholarly publication in the preceding calendar year

Choice of Law in the American Courts in 2021: Thirty-Fifth Annual Survey, 70 *American Journal of Comparative Law* 318 (2022) (with John F. Coyle & Aaron D. Simowitz) [[SSRN](#)]

Substituted Service and the Hague Service Convention, 63 William & Mary Law Review 1485 (2022) [[SSRN](#)]

A Roadmap for Foreign Official Immunity Cases in U.S. Courts, 90 Fordham Law Review 677 (2021) (with Chimène I. Keitner) [[SSRN](#)]

Reciprocity in China-U.S. Judgments Recognition, 53 Vanderbilt Journal of Transnational Law 1541 (2020) (with Wenliang Zhang) [[SSRN](#)]

Jurisdiction, State Immunity, and Judgments in the Restatement (Fourth) of U.S. Foreign Relations Law, 19 Chinese Journal of International Law 101 (2020) [[SSRN](#)]

The New Presumption Against Extraterritoriality, 133 Harvard Law Review 1582 (2020) [[SSRN](#)]

Presumptions Against Extraterritoriality in State Law, 53 U.C. Davis Law Review 1389 (2020) [[SSRN](#)]

Customary International Law, Change, and the Constitution, 106 Georgetown Law Journal 1559 (2018) [[SSRN](#)]

Personal Jurisdiction and Aliens, 116 Michigan Law Review 1205 (2018) (with Scott Dodson) [[SSRN](#)]

Jurisdiction in the Fourth Restatement of Foreign Relations Law, 18 Yearbook of Private International Law 143 (2017) [[SSRN](#)]

Chevron Deference and Extraterritorial Regulation, 95 North Carolina Law Review 911 (2017) [[SSRN](#)]

International Comity in American Law, 115 Columbia Law Review 2071 (2015) [[SSRN](#)]

Defining and Punishing Offenses Under Treaties, 124 Yale Law Journal 2202 (2015) (with Sarah H. Cleveland) [[SSRN](#)]

Alien Tort Litigation: The Road Not Taken, 89 Notre Dame Law Review 1577 (2014) [[SSRN](#)]

Withdrawing from Customary International Law: Some Lessons from History, 120 Yale Law Journal Online 169 (2010) [[SSRN](#)]

After Sosa: The Future of Customary International Law in the United States, 17 Willamette Journal of International Law and Dispute Resolution 21 (2009) [[SSRN](#)]

- The Public-Private Distinction in the Conflict of Laws*, 18 *Duke Journal of Comparative and International Law* 371 (2008) [[SSRN](#)]
- Investor-State Dispute Settlement Between Developed Countries: Reflections on the Australia-United States Free Trade Agreement*, 39 *Vanderbilt Journal of Transnational Law* 1 (2006) [[SSRN](#)]
- Bridging Erie: Customary International Law in the U.S. Legal System After Sosa v. Alvarez-Machain*, 12 *Tulsa Journal of Comparative and International Law* 87 (2004) [[SSRN](#)]
- The Constitutionality of the Alien Tort Statute: Some Observations on Text and Context*, 42 *Virginia Journal of International Law* 687 (2002) [[SSRN](#)]
- Breaking the Public Law Taboo*, 43 *Harvard International Law Journal* 161 (2002) [[SSRN](#)]
- Antitrust and the Draft Hague Judgments Convention*, 32 *Law and Policy in International Business* 363 (2001) [[SSRN](#)]
- National Courts and International Arbitration: Exhaustion of Remedies and Res Judicata Under NAFTA Chapter Eleven*, 23 *Hastings International and Comparative Law Review* 357 (2000) [[SSRN](#)]
- Teaching the CISG in Contracts*, 50 *Journal of Legal Education* 72 (2000) [[SSRN](#)]
- The Case for Punitive Damages in Contracts*, 48 *Duke Law Journal* 629 (1999) [[SSRN](#)]
- Weighing the Listener's Interest: Justice Blackmun's Commercial Speech and Public Forum Opinions*, 26 *Hastings Constitutional Law Quarterly* 165 (1998) [[SSRN](#)]
- Understanding the Presumption Against Extraterritoriality*, 16 *Berkeley Journal of International Law* 85 (1998) [[SSRN](#)]
- Extraterritoriality and Conflict of Laws Theory: An Argument for Judicial Unilateralism*, 39 *Harvard International Law Journal* 101 (1998) [[SSRN](#)]
- The Historical Origins of the Alien Tort Statute: A Response to the "Originalists"*, 19 *Hastings International and Comparative Law Review* 221 (1996) [[SSRN](#)]

CHAPTERS

- The Paquete Habana: Customary International Law as Part of Our Law*, in *International Law Stories* (John E. Noyes, Laura A. Dickinson, Mark W. Janis & Carlos Vázquez eds., Foundation Press, 2d ed., forthcoming 2025)

- Challenging Secondary Sanctions in U.S. Courts: Reflections on the Halkbank Case*, in *Secondary Sanctions in the International Legal Order* (Cedric Ryngaert & Tom Ruys eds., Cambridge University Press, forthcoming 2024) [[SSRN](#)]
- Extraterritoriality of Statutes and Regulations*, in *Research Handbook on Extraterritoriality in International Law* 211 (Austen Parrish & Cedric Ryngaert eds., Elgar Publishing, 2023) [[SSRN](#)]
- Foreign Sovereign Immunity in the Enforcement of Investor-State Awards*, in *Reflections on International Arbitration—Essays in Honour of Professor George Bermann* 865 (Julie Bedard & Patrick Pearsall eds., Juris, 2022) [[SSRN](#)]
- 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 & Sarah H. Cleveland eds., Oxford University Press, 2020) [[SSRN](#)]
- International Comity in Comparative Perspective*, in *The Oxford Handbook of Comparative Foreign Relations Law* 701 (Curtis A. Bradley ed., Oxford University Press, 2019) [[SSRN](#)]
- 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) [[SSRN](#)]
- The Charming Betsy and The Paquete Habana*, in *Landmark Cases in Public International Law* 11 (Eirik Bjorge & Cameron Miles eds., 2017) [[SSRN](#)]
- 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) [[SSRN](#)]
- 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) [[SSRN](#)]
- 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) [[SSRN](#)]
- 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) [[SSRN](#)]

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) [[SSRN](#)]

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

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) [[SSRN](#)]

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) [[SSRN](#)]

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) [[SSRN](#)]

ESSAYS AND SHORTER WORKS

Foreign Country Judgments and Full Faith and Credit, 61 *Willamette Law Review* (forthcoming 2025)

Extraterritorial Application of Federal Securities Law: What Hath Morrison Wrought?, 56 *New York University Journal of International Law and Politics* 183 (2024) [[SSRN](#)]

Against Systemic Review of Foreign Judgments, 28 *Southwestern Journal of International Law* 367 (2023) [[SSRN](#)]

A Modest Approach to the Customary International Law of Jurisdiction, 32 *European Journal of International Law* 1471 (2021) [[Oxford](#)]

Introductory Note to Nestlé USA, Inc. v. Doe, 61 *International Legal Materials* 175 (2021)

Reasonableness in the Restatement (Fourth) of Foreign Relations Law, 55 *Willamette Law Review* 521 (2019) [[SSRN](#)]

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

Misusing the Presumption Against Extraterritoriality in Climate Change Litigation, 1 *Courts and Justice Law Journal* 118 (2019) [[SSRN](#)]

Corporate Liability Under the U.S. Alien Tort Statute: A Comment on Jesner v. Arab Bank, 4 *Business and Human Rights Journal* 131 (2019) [[SSRN](#)]

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

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

Corporate Liability Under Customary International Law, 43 *Georgetown Journal of International Law* 1045 (2012) [[SSRN](#)]

The Presumption Against Extraterritoriality After Morrison, 105 *American Society of International Law Proceedings* 396 (2011) [[SSRN](#)]

Morrison’s Effects Test, 40 *Southwestern University Law Review* 687 (2011) [[SSRN](#)]

Alien Tort Litigation and the Prescriptive Jurisdiction Fallacy, 51 *Harvard International Law Journal Online* 35 (2010) [[SSRN](#)]

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

Customary International Law and the Question of Legitimacy, 120 *Harvard Law Review Forum* 19 (2007) [[SSRN](#)]

International Decisions: The Loewen Group, Inc. v. United States and Mondev International Ltd. v. United States, 98 *American Journal of International Law* 155 (2004)

The Structural Rules of Transnational Law, 97 *American Society of International Law Proceedings* 317 (2003) [[SSRN](#)]

An Economic Defense of Concurrent Antitrust Jurisdiction, 38 *Texas Journal of International Law* 27 (2003) [[SSRN](#)]

Loewen v. United States: Trials and Errors Under NAFTA Chapter Eleven, 52 *DePaul Law Review* 563 (2002) [[SSRN](#)]

Which Torts in Violation of the Law of Nations?, 24 Hastings International & Comparative Law Review 351 (2001) [[Hein](#)] [[SSRN](#)]

International Decision: Metalclad Corp. v. Mexico, 95 American Journal of International Law 910 (2001) [[SSRN](#)]

Control and Appeal in NAFTA Chapter Eleven Arbitration, 95 American Society of International Law Proceedings 207 (2001) [[SSRN](#)]

International Decision: Waste Management v. Mexico, 95 American Journal of International Law 225 (2001) [[SSRN](#)]

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 International & Comparative Law Review 713 (1997) [[SSRN](#)]

Note, *Congressional Control of Supreme Court Appellate Jurisdiction: Why the Original Jurisdiction Clause Suggests an “Essential Role”*, 100 Yale Law Journal 1013 (1991) [[SSRN](#)]

SELECTED BLOGGING

[DC Circuit Defines “Venture” Under the TVPRA](#), Transnational Litigation Blog and Just Security (March 12, 2024)

[How to Criticize U.S. Extraterritorial Jurisdiction \(Part II\)](#), Transnational Litigation Blog (November 21, 2023)

[How to Criticize U.S. Extraterritorial Jurisdiction \(Part I\)](#), Transnational Litigation Blog (November 21, 2023)

[China Adopts Restrictive Theory of Foreign State Immunity](#), Transnational Litigation Blog (September 14, 2024)

[The New \(Old\) Presumption Against Extraterritoriality](#), Transnational Litigation Blog (September 6, 2023)

[Why Terrorism Exceptions to State Immunity Do Not Violate International Law](#), Transnational Litigation Blog and Just Security (August 10, 2023)

[Why the Indictment Against Halkbank Must Be Dismissed](#), Transnational Litigation Blog (May 9, 2023)

[State Department Recognizes Head-of-State Immunity for MBS](#), Transnational Litigation Blog (November 17, 2022)

[Enforcing Chinese Judgments](#), Transnational Litigation Blog (July 19, 2022)

[When Should Federal Common Law Govern Transnational Litigation?](#), Transnational Litigation Blog (June 29, 2022)

[NSO v. WhatsApp: Should the Solicitor General Recommend Allowing Foreign Corporations to Claim Immunity?](#), Just Security (June 9, 2022)

[Answering the Supreme Court's Call for Guidance on the Alien Tort Statute](#), Just Security (June 3, 2022) (with Oona Hathaway)

[Substituted Service and the Hague Service Convention](#), Transnational Litigation Blog (May 16, 2022)

[The Surprisingly Broad Implications of Nestlé USA, Inc. v. Doe for Human Rights Litigation and Extraterritoriality](#), Just Security (June 18, 2021)

[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)

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

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

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

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

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

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

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

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

AUTHORED BRIEFS

Brief of *Amici Curiae* Professors William S. Dodge and Maggie Gardner in Support of Plaintiffs, Petersen Energia Inversora, S.A.U. v. Argentine Republic (2d Cir. 2024) (co-author) (arguing that the court should reject a doctrine of foreign-policy abstention based on international comity) [[SSRN](#)]

Brief for *Amici Curiae* Profesors William S. Dodge and Maggie Gardner in Support of Plaintiffs-Appellees and Affirmance, Reid v. Doe Run Resources Corp. (8th Cir. 2023) (co-author) (arguing that the court should reject a doctrine of foreign-policy abstention based on international comity) [[SSRN](#)]

Brief for *Amici Curiae* Ingrid (Wuerth) Brunk and William S. Dodge in Support of Neither Party, United States v. Turkiye Halk Bankasi A.S. (2d Cir. 2023) (co-author) (arguing that federal courts, rather than executive branch, must make and apply federal common law of sovereign immunity in criminal cases) [[SSRN](#)]

Brief for *Amici Curiae* Professors William S. Dodge and Maggie Gardner in Support of Affirming the District Court’s Order, Smart Study Co. v. Happy Party-001, 2023 WL 3220461 (2d Cir. 2023) (co-author) (arguing that the Hague Service Convention does not permit service by email) [[SSRN](#)]

Brief of Professors of Transnational Litigation as *Amici Curiae*, Estados Unidos Mexicanos v. Smith & Wesson Brands, Inc., 91 F.4th 511 (1st Cir. 2023) (author) (arguing that Mexico can bring claims under Mexican law against U.S. gun manufacturers) [[SSRN](#)]

Brief of Professor William S. Dodge as *Amicus Curiae* in Support of Neither Party, Abitron Austria GmbH v. Hetronic International, Inc., 600 U.S. 412 (2022) (author) (arguing that the Lanham Act applies to uses of U.S. trademarks abroad that are likely to cause consumer confusion in the United States) [[SSRN](#)]

Brief of Professors of Transnational Litigation as *Amici Curiae*, *Estados Unidos Mexicanos v. Smith & Wesson Brands, Inc.*, 633 F. Supp. 3d 425 (D. Mass. 2022) (author) (arguing that Mexico can bring claims under Mexican law against U.S. gun manufacturers) [[SSRN](#)]

Brief for *Amici Curiae* George Bermann, Pamela Bookman, Hannah Buxbaum, John Coyle, William Dodge, Maggie Gardner, Thomas Lee, Aaron Simowitz, Paul Stephan, David Stewart, Edward Swaine, Symeon Symeonides, Louise Ellen Teitz, Andrea Wang and Christopher Whytock, *Shanghai Yongrun Investment Management Co., Ltd. v. Kashi Galaxy Venture Capital Co., Ltd.*, 2022 WL 709739 (N.Y. App. Div. 2021) (author) (arguing that Chinese court judgments should not be denied enforcement on ground of systemic lack of due process) [[SSRN](#)]

Brief of Foreign Sovereign Immunity Scholars as *Amici Curiae* in Support of Plaintiffs-Appellees, *NSO Group Technologies Ltd. v. WhatsApp, Inc.*, 17 F.4th 930 (9th Cir. 2021) (co-author) (arguing that corporation is not entitled to foreign official immunity) [[SSRN](#)]

Brief of Professors William S. Dodge and Maggie Gardner as *Amici Curiae* in Support of Respondents, *Republic of Hungary v. Simon*, 141 S. Ct. 691 (2021) & *Federal Republic of Germany v. Philipp*, 141 S. Ct. 703 (2021) (U.S. Supreme Court) (co-author) (arguing that prudential comity abstention should not be a basis for dismissing claims in federal courts) [[SSRN](#)]

Brief of International Law Scholars as *Amici Curiae* in Support of Respondents, *Nestlé USA, Inc. v. Doe I*, 141 S. Ct. 1931 (2021) (U.S. Supreme Court) (author and counsel of record) (arguing that international human rights norms may be applied to corporations) [[SSRN](#)]

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) [[SSRN](#)]

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) [[SSRN](#)]

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) [[SSRN](#)]

Brief of Conflict of Laws and Foreign Relations Law Scholars as *Amici Curiae* in Support of Plaintiff-Appellant, *City of New York v. Chevron Corp.*, 993 F.3d 81 (2d Cir. 2021) (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) [[SSRN](#)]

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) [[SSRN](#)]

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) [[SSRN](#)]

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) [[SSRN](#)]

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) [[Hein](#)]

PRESENTATIONS

Foreign Country Judgments and Full Faith and Credit, Symposium in Honor of Symeon Symeonides, Willamette University College of Law, Salem, Oregon (May 9, 2024)

Federalism, Federal Common Law, and Transnational Litigation, Chicago-Virginia Foreign Relations Roundtable, University of Chicago Law School, Chicago, Illinois (April 12, 2024)

Navigating PLCAA, A World Under Fire: Examining the Global Impact of Gun Trafficking and Violence, George Washington University Law School, Washington, DC (March 22, 2024)

U.S. Extraterritorial Jurisdiction: Myths and Reality, Wuhan University School of Law, Wuhan, China (October 15, 2023)

China's New Foreign State Immunity Law: A View from the United States, Symposium on the Legalization of Foreign Relations in China, Wuhan University School of Law, Wuhan, China (October 14, 2023)

U.S. Sanctions on China and Their Implications for Taiwan, Soochow University School of Law, Taipei, Taiwan (May 20, 2023)

Extraterritorial Application of Federal Securities Law: What Hath Morrison Wrought?, Conference in Honor of Professor Linda Silberman, New York University School of Law, New York, New York (April 20, 2023)

A Century of Changes in Extraterritoriality, International Symposium on Accelerating Changes Unseen in a Century and the Development of International Law, Chinese Academy of Social Sciences, Institute of International Law, Beijing, China (via Zoom) (November 26, 2022)

International Human Rights Litigation in U.S. Courts, Salle 102, University of Paris 1 & 2 (April 19, 2022); Institute of International Humanitarian Studies, Aix-Marseille University (April 14)

The Many State Doctrines of Forum Non Conveniens, Workshop on International Law in Domestic Courts, Fordham University School of Law (via Zoom) (December 3, 2021)

Challenging Secondary Sanctions in U.S. Courts, Conference on Secondary Sanctions in the International Legal Order, Ghent University & Utrecht University (via Zoom) (December 2, 2021)

Extraterritoriality of Statutes and Regulations, Conference on Extraterritoriality and International Law, Utrecht University and Indiana University Maurer School of Law (via Zoom) (September 16, 2022)

Substituted Service and the Hague Service Convention, Private International Law Workshop, Fordham University School of Law (via Zoom) (June 22, 2021)

U.S. Extraterritoriality and China, Renmin University, Beijing, China (via Zoom) (April 15, 2021)

The Role of International Law in U.S. Constitutional Interpretation, Federalist Society Conference, University of Pennsylvania (via Zoom) (March 19, 2021)

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)

U.S. Approaches to Extraterritoriality, Max Planck Institute for Comparative and International Private Law, Hamburg, Germany (via Zoom) (July 14, 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, DC (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, DC (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, Beasley 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, DC (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)