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

Yale College, B.A. in History, 1986  
*Summa Cum Laude*  
Distinction in History  
*Phi Beta Kappa*

**Experience:**

1995-present: University of California, Hastings College of the Law  
*Professor of Law* (2001-present); *Hastings Research Chair* (2009-10); *Associate Academic Dean* (2006-2007); *Associate Professor* (1998-2001); *Assistant Professor* (1995-1998).

- Teach Contracts, International Business Transactions, International Litigation and Arbitration, Investor-State Arbitration, and Transnational Law.
- Rutter Award for Teaching Excellence (2002).
- Hastings 1066 Foundation Faculty Award for Outstanding Service and Achievement (1998).

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

1993-95: Arnold & Porter, *Attorney*.

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

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

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

## **Memberships:**

Department of State Advisory Council on International Law  
American Law Institute  
American Society of International Law  
Institute for Transnational Arbitration, Academic Council  
State Bar of California  
Bar of the Supreme Court of the United States

## **Publications:**

### Books

International Law in the U.S. Supreme Court: Continuity and Change (Cambridge University Press, 2011) (with D. Sloss and M. Ramsey).

Transnational Business Problems (4th ed., Foundation Press, 2008) (with D. Vagts and H. Koh).

Teacher's Manual: Transnational Business Problems (4th ed.) (Foundation Press 2008).

NAFTA Chapter Eleven Reports (Vol. I) (Kluwer Law International 2006) (with C. Brower and J. Coe).

Teacher's Manual: Transnational Business Problems (3d ed.) (Foundation Press, 2004).

Transnational Business Problems (3d ed., Foundation Press, 2003) (with D. Vagts and H. Koh).

### Articles and Chapters

"International Law in the Supreme Court to 1860," in International Law in the U.S. Supreme Court: Continuity and Change (Cambridge University Press, 2011) (with D. Sloss and M. Ramsey).

"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).

"Conclusion: Continuity and Change over Two Centuries," in International Law in the U.S. Supreme Court: Continuity and Change (Cambridge University Press, 2011) (with D. Sloss and M. Ramsey).

"*Morrison's* Effects Test," 40 Sw. U. L. Rev. 687 (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 (P. Bekker, R. Dolzer & M. Waibel eds., Cambridge University Press, 2010).

“Withdrawing from Customary International Law: Some Lessons from History,” 120 *Yale L.J. Online* 169 (2010).

“Local Remedies Under NAFTA Chapter Eleven,” in *Fifteen Years of NAFTA Chapter Eleven Arbitration* \_\_ (F. Bachand & E. Gaillard eds., forthcoming 2010).

“Jurisdiction to Prescribe and the Alien Tort Statute,” 51 *Harv. Int’l L.J. Online* 35 (2010).

“After *Sosa*: The Future of Customary International Law in the United States,” 17 *Willamette J. Int’l L. & Disp. Res.* 21 (2009).

“Investment Agreements Between Developed States: The Dilemma of Dispute Resolution” in *The Future of Investment Arbitration* 165 (C. Rogers & R. Alford eds., Oxford University Press, 2009).

“The Public-Private Distinction in the Conflict of Laws,” 18 *Duke J. Comp. & Int’l L.* 371 (2008).

“*The Paquete Habana*: Customary International Law as Part of Our Law,” in *International Law Stories* 175 (J. Noyes, L. Dickinson, and M. Janis eds., Foundation Press, 2007).

“Customary International Law and the Question of Legitimacy,” 120 *Harv. L. Rev. F.* 19 (2007).

“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).

“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).

“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).

“International Decision: *Metalclad Corp. v. Mexico*,” 95 Am. J. Int’l L. 910 (2001).

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

“Antitrust and the Draft Hague Judgments Convention,” 32 Law & Pol’y Int’l Bus. 363 (2001).

Remarks (“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).

“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 Helms-Burton Act and Transnational Legal Process,” 20 Hastings Int’l & Comp. L. Rev. 713 (1997).

“The Historical Origins of the Alien Tort Statute: A Response to the ‘Originalists,’” 19 Hastings Int’l & Comp. L. Rev. 221 (1996).

### Published Briefs

“Brief of Professors of Federal Jurisdiction and Legal History as *Amici Curiae* in Support of Respondents in *Sosa v. Alvarez-Machain*,” 28 Hastings Int’l & Comp. L. Rev. 95 (2004).

### Encyclopedia Entries

“Res Judicata,” in Max Planck Encyclopedia of Public International Law (2008).

“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).

### Newspaper Articles

“State Bar Exam Should Test on All Sources of Contract Law,” San Francisco Daily Journal 4 (Nov. 2, 2004).

### Student Note

Note, “Congressional Control of Supreme Court Appellate Jurisdiction: Why the Original Jurisdiction Clause Suggests an ‘Essential Role,’” 100 Yale L.J. 1013 (1991).

### **Presentations:**

“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,” BYU School of Law Faculty Workshop, 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,” 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,” Fifteen Years of Chapter Eleven Arbitration, McGill University Faculty of Law, Montreal, Canada (September 25, 2009).

“Labor Rights Claims Under the Alien Tort Statute,” 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,” Public/Private International Law Colloquium, 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,” Eighth Annual 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 (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, 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—American Branch, International Law Weekend—West, Pepperdine University School of Law (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, Hastings College of the Law (November 2, 2000).

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

“Ingredients of a Successful International Business Transactions Course,” Association of American Law Schools 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,” Hastings Constitutional Law Quarterly Symposium on the Jurisprudence of Justice Harry A. Blackmun, Hastings College of the Law (October 17, 1998).

“The Helms-Burton Act and Transnational Legal Process,” *Hastings International and Comparative Law Review* Symposium on the Helms-Burton Act, Hastings College of the Law (January 25, 1997).

“The Socratic Method,” Presentation to Delegation of Hubei and Shandong Higher People’s Courts, Hastings College of the Law (August 8, 1996).