

CHIMÈNE I. KEITNER

Associate Professor of Law

University of California, Hastings College of the Law

<http://www.uchastings.edu/faculty-administration/faculty/keitner>**APPOINTMENTS**

Associate Professor of Law, University of California, Hastings College of the Law, 2007-

- Promoted to tenured full professor, effective July 1, 2012.

Courses Taught: Public International Law
International Criminal Law
Advanced Topics in International Law Seminar
Evidence

Other Interests: Conflicts of Law, Civil Procedure I & II, Complex Litigation,
Transnational Law, International Litigation & Arbitration,
National Security & Foreign Relations Law, Federal Courts

Distinctions: AALS Scholarly Paper Award, Honorable Mention, 2012
UC Hastings Foundation Award for Faculty Scholarship, 2011
Roger J. Traynor Award for Scholarly Publication, 2011
Nominated for Inaugural ALI Young Scholars Medal, 2011

Service: Co-Chair, ASIL International Law in Domestic Courts Interest Group, 2011-
Co-Chair, American Society of International Law Annual Meeting, 2011

Visiting Faculty, Tel Aviv University Law School, Tel Aviv, Israel, Spring 2012.

- Accountability for International Human Rights Violations in Domestic Courts (mini-course).

Visiting Faculty, University of Alabama School of Law, Tuscaloosa, AL, Spring 2007.

- International Claims in U.S. Litigation (mini-course).

EDUCATION

Yale Law School, J.D., 2002.

- Best Oralist and Best Team prizes, Moot Court of Appeals at Yale, Spring 2002.
- Soros Fellowship for New Americans, 2001 (30 awarded nationally).
- Senior Editor, *The Yale Law Journal*, 2001–02.
- Book Reviews Editor, *The Yale Journal of International Law*, 2000–01.

Oxford University, D.Phil., International Relations, 2001 (St. Antony's).

- Rhodes Scholar, 1996–99.
- M.Phil., International Relations, 1998 (New College).

Harvard University, A.B., *magna cum laude* & Phi Beta Kappa, History & Literature, 1996.

- Hoopes Prize and Dabney Senior Prize for thesis on French woman author: *Re-vamping the Salome Myth: The Femme Fatale and Sexual Power in Rachilde*.

EXPERIENCE

Legal Employment

Associate at Lief, Cabraser, Heimann & Bernstein, LLP, San Francisco, CA, 2003–07.

- Co-counsel with ACLU & Human Rights First in *In re Iraq and Afghanistan Detainees Litigation*.
- Co-authored U.S. Supreme Court *amicus* briefs in *Sosa v. Alvarez-Machain* and *Benitez v. Mata*.
- Litigated employment discrimination and consumer fraud class actions.

Law clerk to Chief Justice Beverley McLachlin, Supreme Court of Canada, 2002–03.

Summer Associate, Debevoise & Plimpton, New York, NY, Summer 2000.

- Worked on briefs to Inter-American Commission on Human Rights in *Malary v. Haiti*.

Other Experience

Instructor, College Seminar on Nations, States & Borders, Yale University, New Haven, CT, 2001.

Consultant to UNESCO on the Declaration on Cultural Diversity, 2001.

Prosecution extern, Office of the State's Attorney, New Haven, CT, Fall 2001.

Student director, Jerome N. Frank Legal Services Immigration Clinic, Yale Law School, 2000–01.

Legal intern, Office of the Legal Advisor, Asmara, Eritrea, Summer 2001.

- Set up office in Senafe, in the U.N. Temporary Security Zone, to document civilian claims.

Schell Fellow, International Justice Division, Human Rights Watch, New York, NY, Summer 2000.

Tutor in international relations, Oxford University, 1999.

PUBLICATIONS

Book

THE PARADOXES OF NATIONALISM: THE FRENCH REVOLUTION AND ITS MEANING FOR CONTEMPORARY NATION BUILDING (State Univ. of NY Press, 2007; paperback ed. 2008).

Articles

The Lost History of Foreign Official Immunity, 87 NYU L. REV. (forthcoming 2012).

- Received honorable mention, 2012 AALS Scholarly Paper Competition (top 3/116 papers).

Rights Beyond Borders, 36 YALE J. INT'L L. 55 (2011).

- Selected for presentation, 2010 Stanford/Yale Junior Faculty Forum.

Conceptualizing Complicity in Alien Tort Cases, 60 HASTINGS L.J. 61 (2008).

- Cited in *In re South African Apartheid Litig.*, 617 F. Supp. 2d 228, 261 (S.D.N.Y. 2009).

Free Association: The United States Experience, 39 TEX. INT'L L.J. 1 (2003) (with W. Michael Reisman).

The Challenge of Building an Inter-Communal Rule of Law in Helen Hunt Jackson's Ramona, 15 LAW & LITERATURE 53 (2003) (peer reviewed).

Victim or Vamp? Images of Violent Women in the Criminal Justice System, 11 COLUM. J. GENDER & L. 38 (2002).

Comment, *Crafting the International Criminal Court: Trials and Tribulations in Article 98(2)*, 6 UCLA J. INT'L L. & FOREIGN AFF. 215 (2001).

National Self-Determination in Historical Perspective 1789/1989: Insights from the French Revolution for Today's Debates, 2 INT'L STUD. REV. 3 (2000) (peer reviewed).

The "False Promise" of Civic Nationalism, 28 MILLENNIUM: J. INT'L STUD. 341 (1999) (peer reviewed).

Shorter Articles and Invited Symposium Contributions

Optimizing Alien Tort Suits: A Response to Professor Sykes, 100 GEORGETOWN L.J. (forthcoming 2012).

The Politics of Corporate Alien Tort Cases, 2011 PEPPERDINE L. REV. ONLINE 23 (2011).

Foreign Official Immunity and the "Baseline" Problem, 80 FORDHAM L. REV. 605 (2011).

Foreign Official Immunity After Samantar, 44 VANDERBILT J. TRANSNAT'L L. 843 (2011).

Framing Constitutional Rights, 40 SOUTHWESTERN L. REV. 617 (2011).

Annotated Brief of Professors of Public International Law and Comparative Law as Amici Curiae in Samantar v. Yousuf, 15 LEWIS & CLARK L. REV. 609 (2011).

The Common Law of Foreign Official Immunity, 14 GREEN BAG 2D 61 (Autumn 2010).

Officially Immune? A Response to Bradley and Goldsmith, 36 YALE J. INT'L L. ONLINE 1 (2010).

Associate Statehood: Principles and Prospects, 3 FAROESE L. REV. 13 (2003).

Nationalism and War in the French Revolution, 17 THE ASEAN BULL., Summer 1999, at 12 (peer reviewed).

Power and Identity in Nationalist Conflicts, 8 OXFORD INT'L REV., Spring 1997, at 1.

Book Chapters

"Cheap Talk" About Customary International Law, in THE U.S. SUPREME COURT AND INTERNATIONAL LAW: CONTINUITY OR CHANGE? (Cambridge University Press, 2011).

Sabbatino, Sosa, and "Super Norms", in LOOKING TO THE FUTURE: ESSAYS ON INTERNATIONAL LAW IN HONOR OF W. MICHAEL REISMAN (Martinus Nijhoff, 2010) (with Kenneth C. Randall).

Book Reviews, Case Notes, and Panel Proceedings

Review of Turan Kayaoğlu, *Legal Imperialism: Sovereignty and Extraterritoriality in Japan, the Ottoman Empire, and China*, 29 LAW & HIST. REV. 904 (2011).

Introductory Note, *Kuwait Airways Corp. v. Iraq*, 50 I.L.M. 160 (2011).

Introductory Note to *Kiobel v. Royal Dutch Petroleum* (2d Cir. 2010), 49 I.L.M. 1510 (2010).

Kiobel v. Royal Dutch Petroleum: Another Round in the Fight Over Corporate Liability Under the Alien Tort Statute, ASIL Insight (Sept. 2010), <http://www.asil.org/insights100930.cfm>.

Panel Proceedings, *Extraterritoriality in Comparative Perspective: Bagram and Beyond*, 104 ASIL PROC. 101 (2010).

- Book Review, 26 LAW & HIST. REV. 430 (2008) (reviewing HOWARD G. BROWN, ENDING THE FRENCH REVOLUTION: VIOLENCE, JUSTICE, AND REPRESSION FROM THE TERROR TO NAPOLEON (2006)).
- Introductory Note to *Cornejo v. San Diego* (9th Cir. 2007), 46 I.L.M. 1158 (2007) (with Kenneth C. Randall); *reprinted in* 24 ASIL NEWSLETTER 8 (Jan./Mar. 2008).
- Panel Proceedings, *Challenging the Assumption of Equality: The Due Process Rights of Foreign Litigants in U.S. Courts*, 5 SANTA CLARA J. INT'L L. 410 (2007).
- Comment on *Holland Am. Line, Inc. v. Wartsila N. Am., Inc.* (9th Cir. 2007), 29 CAL. CIV. LITIG. REP. 98 (2007).
- The Seventh Circuit Again Finds Jurisdiction for Private Remedies for Violations of Article 36 of the Vienna Convention on Consular Relations*, ASIL Insight (May 2007), <http://asil.org/insights/2007/05/insights070514.html> (with Kenneth C. Randall).
- Book Review, 25 YALE J. INT'L L. 552 (2000) (reviewing FERNANDO TÉSON, THE PHILOSOPHY OF INTERNATIONAL LAW (1998)).
- Book Review, 6 NATIONS & NATIONALISM 461 (2000) (reviewing PATRICIA M. E. LORCIN, IMPERIAL IDENTITIES: STEREOTYPING, PREJUDICE AND RACE IN COLONIAL ALGERIA (1999)).
- Book Review, 25 YALE J. INT'L L. 237 (2000) (reviewing BRAD R. ROTH, GOVERNMENTAL ILLEGITIMACY IN INTERNATIONAL LAW (1999)).
- Book Review, 5 NATIONS & NATIONALISM 577 (1999) (reviewing MARTIN EVANS, THE MEMORY OF RESISTANCE (1997)).
- Book Review, 5 NATIONS & NATIONALISM 311 (1999) (reviewing STEVEN LAURENCE KAPLAN, FAREWELL, REVOLUTION (1995)).
- Reconcilable Differences*, 3 BOSTON BOOK REV., Oct. 1996 (reviewing AMY GUTMANN & DENNIS THOMPSON, DEMOCRACY AND DISAGREEMENT (1996); quoted in paperback edn.).
- Freaks: Part II*, 3 BOSTON BOOK REV., Aug.–Sept. 1996 (reviewing LESLIE FIEDLER, THE TYRANNY OF THE NORMAL (1996)).

Other Publications

- International and Foreign Law Sources: Siren Song for U.S. Judges?* (Oct. 2007), AM. CONST. SOC'Y, *reprinted in* 3 ADVANCE: THE JOURNAL OF THE ACS ISSUE GROUPS 215 (2009).
- UNESCO AND THE ISSUE OF CULTURAL DIVERSITY: REVIEW AND STRATEGY, 1946–2000 (Katerina Stenou ed., 2000).
- Re-integrating Academic Approaches*, 4 HARVARD VISION: STUDENT ESSAYS ON OUR COLLECTIVE FUTURE 105 (Peter Ulric Tse et al. eds., 1996).
- Seduced by stereotypes, we put strong women on trial*, PROVIDENCE J.-BULL., June 27, 1996 (Hers), at 15.
- Mandate for Change: An Analysis of the Elections in France*, 17 HARV. INT'L REV, Fall 1995, at 54.

Online Contributions

Sarei v. Rio Tinto: *The Ninth Circuit Tackles the Alien Tort Statute (Again)*,

<http://opiniojuris.org/2011/10/26/sarei-v-rio-tinto-the-ninth-circuit-tackles-the-alien-tort-statute-again/> and <http://intlawgrrls.blogspot.com/2011/10/sarei-v-rio-tinto-ca9-tackles-alien.html> (Oct. 27, 2011).

Emerging Circuit Split in Corporate ATS Cases, <http://intlawgrrls.blogspot.com/2011/07/emerging-circuit-split-in-corporate.html> (July 13, 2011).

More Thoughts on the Scope of UNSCR 1973, <http://www.ejiltalk.org/more-thoughts-on-the-scope-of-unscr-1973/> (March 28, 2011).

Symposium on *Rights Beyond Borders*, <http://opiniojuris.org/tag/yjil-symposium-vol-36-1/> (March 8, 2011).

Not Dead Yet: Some Thoughts on Kiobel, <http://opiniojuris.org/2010/09/21/chimene-keitner-not-dead-yet-some-thoughts-on-kiobel/> (Sept. 21, 2010), cross-posted at <http://conflictoflaws.net/2010/keitner-on-kiobel-and-the-future-of-the-alien-tort-statute/> (Sept. 22, 2010).

Samantar Insta-Symposium: Recognizing Personal Responsibility, <http://opiniojuris.org/2010/06/02/samantar-insta-symposium-recognizing-personal-responsibility/> (June 2, 2010).

Square Pegs and Round Holes: Individuals and the Foreign Sovereign Immunities Act, <http://opiniojuris.org/2010/03/05/square-pegs-and-round-holes-individuals-and-the-fsia/> (March 5, 2010).

Interpreting Foreign Officials' Immunity, <http://intlawgrrls.blogspot.com/2010/02/interpreting-foreign-officials-immunity.html> (Feb. 2, 2010).

Guest blogger, *Concurring Opinions*

- *All I Really Need To Know...*, http://www.concurringopinions.com/archives/2009/01/all_i_really_ne.html (Jan. 5, 2009)
- *Minding The Gap*, http://www.concurringopinions.com/archives/2009/01/minding_the_gap.html (Jan. 18, 2009)
- *Taking Universal Jurisdiction Seriously*, http://www.concurringopinions.com/archives/2009/01/taking_universa.html (Jan. 26, 2009)
- *Smart Power*, http://www.concurringopinions.com/archives/2009/02/smart_power.html (Feb. 2, 2009)
- *Sri Lankan Independence Day*, http://www.concurringopinions.com/archives/2009/02/sri_lankan_inde.html (Feb. 4, 2009)

Guest blogger, *IntLawGrrls*, <http://intlawgrrls.blogspot.com/2008/10/complicity-alien-tort-statute.html> (Oct. 27, 2008).

The Alien Tort Statute and International Law, featured post on *Opinio Juris* international law blog, <http://opiniojuris.org/2008/09/26/the-alien-tort-statute-and-international-law-guest-post/> (Sept. 26, 2008).

Invited contributor to *Opinio Juris* online symposium on *Boumediene v. Bush*, 553 U.S. 723 (2008), <http://www.opiniojuris.org/posts/1213628080.shtml> (June 16, 2008) and <http://www.opiniojuris.org/posts/1213685647.shtml> (June 17, 2008).

Invited contributor to *Opinio Juris* online symposium on Peter Spiro's BEYOND CITIZENSHIP: AMERICAN IDENTITY AFTER GLOBALIZATION, <http://www.opiniojuris.org/posts/1210772713.shtml> (May 14, 2008).

Invited contributor to *Opinio Juris* online symposium on Susan Benesch's *Vile Crime or Inalienable Right? Defining Incitement to Genocide*, <http://www.opiniojuris.org/posts/1208393653.shtml> (April 17, 2008).

SELECTED PRESENTATIONS

Commentator on *International Law in the Next Century*, Georgetown Law Journal Centennial Symposium, Washington, DC (Nov. 17, 2011).

Panelist on *The Law and Politics of U.S. Foreign Relations in Historical Perspective*, American Society for Legal History, Atlanta, GA (Nov. 12, 2011).

Panelist on *American Foreign Relations Law*, American Society of International Law Research Forum, Los Angeles, CA (Nov. 5, 2011).

Panelist on *Emerging Issues in Alien Tort Statute Litigation*, American Society of International Law Mid-Year Meeting, Los Angeles, CA (Nov. 4, 2011).

Panelist on *Does the Constitution Apply Abroad?*, Stanford Constitutional Law Center, Stanford, CA (Oct. 28, 2011).

Panelist on *International Law as Enhancer and Reducer of Domestic Rights and Powers*, American Branch—International Law Association, New York, NY (Oct. 22, 2011).

The Lost History of Foreign Official Immunity, Bay Area Civil Procedure Forum, San Francisco, CA (Oct. 4, 2011).

Panelist on *The Law and Politics of the Corporate Alien Tort*, Pepperdine Law Review Colloquium on Transnational Litigation, Malibu, CA (April 22, 2011).

Panelist on *Suing Foreign Officials Under the Alien Tort Statute*, Fordham Law School, New York, NY (April 8, 2011).

Panelist on *Civil Actions in U.S. Courts: Immunity, Extraterritoriality, and Future Challenges*, Amnesty International USA Meeting, San Francisco, CA (March 18, 2011).

Between Law and Diplomacy: The "Suability" of Foreign Officials in U.S. Courts in the 1790's and Beyond, UC Hastings Junior Faculty Workshop, San Francisco, CA (Feb. 24, 2011).

Panelist on *Immunity in U.S. Courts after Samantar*, Vanderbilt Law School, Nashville, TN (Feb. 4, 2011).

Commentator, ASU Center for Law and Global Affairs Winter Workshop, Tempe, AZ (Jan. 14, 2011).

Panelist on *The Cutting Edge of Extraterritoriality*, AALS Annual Meeting, San Francisco, CA (Jan. 8, 2010).

Panelist on Kiobel: *The Uncertain Future of Alien Tort Litigation*, Bar Association of San Francisco, San Francisco, CA (Dec. 17, 2010).

- Commentator, ASIL International Law in Domestic Courts Interest Group Meeting, University of Virginia, Charlottesville, VA (Dec. 13, 2010).
- Panelist on *Our Extraterritorial Constitution*, Southwestern Symposium on *Beyond Borders: Extraterritoriality in American Law*, Los Angeles, CA (Nov. 12, 2010).
- Panelist on *Foreign Official Immunity after Samantar v. Yousuf*, ABILA International Law Weekend, New York, NY (Oct. 23, 2010).
- Rights Beyond Borders*, Stanford Faculty Workshop, Stanford, CA (Oct. 6, 2010).
- Rights Beyond Borders*, UCLA Faculty Colloquium, Los Angeles, CA (Oct. 1, 2010).
- The Common Law of Foreign Official Immunity*, Northern California International Law Scholars Meeting, San Francisco, CA (Sept. 10, 2010).
- Rights Beyond Borders*, Stanford/Yale Junior Faculty Forum, New Haven, CT (June 18, 2010).
- Officially Immune? Liability of Former Officials for International Law Violations in National Courts*, Law & Society Annual Meeting, Chicago, IL (May 30, 2010).
- Rights Beyond Borders*, Fifth Annual Yale-Illinois-Princeton Comparative Law Works in Progress Workshop, Champaign, IL (May 21, 2010).
- Moderator for panel on *Extraterritoriality in Comparative Perspective: Bagram and Beyond*, American Society of International Law Annual Meeting, Washington, DC (March 25, 2010).
- Commentator, ASIL International Law in Domestic Courts Interest Group Meeting, San Francisco, CA (Dec. 7, 2009).
- Commentator, Northern California International Law Scholars Meeting, Davis, CA (Sept. 11, 2009).
- Rights Beyond Borders*, New Voices in International Human Rights Panel, AALS Annual Meeting, San Diego, CA (Jan. 7, 2009).
- Rights Beyond Borders*, Northern California International Law Scholars Meeting, Santa Clara, CA (Dec. 15, 2008).
- Invited speaker, Pepperdine Alien Tort Statute Colloquium, Malibu, CA (Dec. 12, 2008).
- Constitutions Beyond Borders: Compact, Conscience, or Code?*, ASIL International Law in Domestic Courts Interest Group Meeting, Philadelphia, PA (Dec. 8, 2008).
- Rights Beyond Borders*, Georgetown Law School International Legal Theory Colloquium, Washington, DC (Nov. 17, 2008).
- Panel chair and discussant, *International Crime and National Courts: A U.S. and Comparative Law Perspective*, ABILA International Law Weekend, New York, NY (Oct. 18, 2008).
- Constitutions Beyond Borders: Recourse for Extraterritorial Rights Violations in Comparative Perspective*, Vanderbilt International Legal Studies Program Roundtable, Nashville, TN (Sept. 13, 2008).
- Panelist on *Challenging the National/International Distinction*, Law and Society Association Annual Meeting, Montreal, Canada (May 31, 2008).

- Conceptualizing Complicity in Alien Tort Cases*, Junior International Law Scholars Association Meeting, New York, NY (Feb. 29, 2008).
- Guest lecturer on International Humanitarian Law, UCSF Medical School Health and Human Rights Seminar, San Francisco, CA (Oct. 30, 2007).
- Panelist on *Corporate Accountability for International Law Violations: Developments and Debates*, ABILA International Law Weekend, New York, NY (Oct. 27, 2007).
- “Thick Unilateralism” as a Normative Framework for Transformative Military Occupation*, International Studies Association–West Annual Meeting, San Francisco, CA (Sept. 28, 2007).
- Panelist on *Challenging the Assumption of Equality: The Due Process Rights of Foreign Litigants in U.S. Courts*, International Law Weekend–West, Santa Clara, CA (Feb. 2, 2007).
- Commentator, ASIL International Law in Domestic Courts Interest Group Meeting, San Diego, CA (Dec. 11, 2006).
- Panelist on *Blurring the Line Between Domestic and International Law*, ABILA International Law Weekend, New York, NY (Sept. 22, 2005).
- Panelist on *Balancing Human Rights and National Security*, Rhodes Scholars of the Americas 2005 Centennial Reunion, Philadelphia, PA (July 16, 2005).
- Associate Statehood: Principles and Prospects*, Faroese Constitutional Committee International Conference, Torshavn, Faroe Islands (March 12, 2003).
- The Role of an International Lawyer in Greenland’s Search for an International Identity*, Yale Law School Forum on the Practice of International Law, New Haven, CT (April 3, 2002).
- Free Association in International Law*, International Seminar on International Identity, Nuuk, Greenland (Feb. 15, 2002).
- War Crimes Compensation in International Law*, Yale Center for International and Area Studies International Security Studies Colloquium, New Haven, CT (Oct. 31, 2001).
- Equality Across Boundaries: Normative and Practical Challenges to Promoting Women’s Human Rights*, Northeastern Political Science Association and International Studies Association–Northeast 32nd Annual Meeting, Albany, NY (Nov. 10, 2000).
- The Challenge of National Self-Determination*, Yale Law School Human Rights Workshop, New Haven, CT (Oct. 20, 2000).
- National Self-Determination: The Legacy of the French Revolution*, International Studies Association 2000 Convention, Los Angeles, CA (March 16, 2000).
- National Self-Determination in Historical Perspective 1789/1999: Insights from the French Revolution for Today’s Debates*, British International Studies Association Annual Conference, Manchester, UK (Dec. 21, 1999).
- The Nation-State Principle Revisited*, Fourth Manchester Graduate Conference in Political Theory, Manchester, UK (June 15, 1999).

The False Promise of Civic Nationalism, British International Studies Association Working Group on Identities, Oxford, UK (May 20, 1999).

War and Nationalism in the French Revolution: The Theoretical and Practical Challenges of Universalist Nationalism, Association for the Study of Ethnicity and Nationalism Annual Conference, London, UK (March 27, 1999).

Co-organizer and UNESCO delegate for joint UNESCO–Commonwealth Secretariat conference on *Towards a Constructive Pluralism*, Paris, France (Jan. 28–30, 1999).

Nationhood and Political Power: Rethinking National Self-determination Debates, Graduate Political Theory Seminar, Oxford, UK (Nov. 19, 1998).

MEMBERSHIPS & POSITIONS

American Constitution Society

- Board member, Bay Area Lawyer Chapter, 2010-11

American Society of Comparative Law

American Society of International Law

- Co-chair, 2011 Annual Meeting (35+ panels, 1400+ attendees)
- Co-chair, International Law in Domestic Courts Interest Group, 2011-
- Program committee member, 2010 Annual Meeting

International Law Association—American Branch

- Steering committee member, International Law Weekend 2005

Junior International Law Scholars Association

- Conference host, 2010; Co-chair, 2008–09

State Bar of California

U.S. Supreme Court Bar

Yale Law School Association Executive Committee, 2006–09

LANGUAGES

Fluent in French. Basic Spanish. Basic American Sign Language.