

Transnational Forum Shopping Symposium

Pepperdine University School of Law
Mendenhall Appellate Courtroom
Malibu, CA

Thursday, September 19, 2013
8:30 am to 5:30 pm

Sponsored by:



PEPPERDINE UNIVERSITY
School of Law

Event Agenda

8:30 - 9:00 am

Registration and Breakfast

9:00 - 9:05 am

Welcome and Introduction

- **Deanell R. Tacha**, Duane and Kelly Roberts Dean and Professor of Law, Pepperdine University School of Law

9:05 – 9:25 am

Special Remarks, "Ten Lessons from Chevron Case"

- **Theodore J. Boutrous**, Partner, Gibson Dunn & Crutcher

9:25 - 10:45 am

Panel I, "Transnational Forum Shopping"

After hearing special remarks by Ted Boutrous of Gibson Dunn regarding the Chevron case, this panel will focus on the increasing tendency of plaintiffs to bring lawsuits abroad that in previous years would have been filed in U.S. courts. Sometimes these foreign lawsuits are brought in tandem with litigation in the United States or in international tribunals. Key examples include litigation against Shell in both the United States (*Kiobel*) and the Netherlands, and litigation against Chevron in Ecuador accompanied by arbitration in The Hague and enforcement actions in the United States, Canada, Brazil, and Argentina. The panel also will address plaintiffs' responses to securities-related claims after the Supreme Court limited the extraterritorial reach of U.S. securities laws in *Morrison*.

Panelists

- **Richard W. Painter**, S. Walter Richey Professor of Corporate Law, University of Minnesota School of Law
- **George T. Conway III**, Partner, Wachtell, Lipton, Rosen & Katz
- **Christopher A. Whytock**, Professor, University of California-Irvine School of Law
- **Donald E. Childress III** (moderator), Professor, Pepperdine University School of Law

10:45 – 11:00 am

Break

11:00 am - 12:30 pm

Panel II, “Responsible Enforcement of Foreign Judgments”

Panelists will discuss how the current patchwork of state laws regarding recognition and enforcement of foreign judgments leads to legal and strategic challenges for multinational businesses. The discussion will focus on recent attempts to enforce abusive or fraudulent foreign judgments in the United States and the concurrent need for federal legislation to modernize and create uniformity in this area of law.

Panelists

- **Linda J. Silberman**, Martin Lipton Professor of Law, New York University School of Law and co-reporter for the American Law Institute’s draft legislation on foreign judgment recognition
- **Ronald A. Brand**, Professor of Law, University of Pittsburgh School of Law
- **Stephen B. Burbank**, David Berger Professor for the Administration of Justice, University of Pennsylvania Law School
- **John B. Bellinger III** (moderator), Partner, Arnold & Porter and former State Department Legal Adviser

12:30 –2:00 pm

Luncheon

Special Remarks, "A Business Perspective"

- **Lisa A. Rickard**, President, U.S. Chamber Institute for Legal Reform

**Keynote Address and Conversation with Michael Mukasey:
"National Security in a Transnational World"**

- **Michael B. Mukasey**, Partner, Debevoise & Plimpton and Attorney General of the United States (2007 – 2009)

Judge Mukasey will deliver remarks on transnational litigation and then sit down for a conversation with Dean Deanell Tacha and offer his perspective on a variety of issues including Syria, national security and the NSA, anti-terrorism, and the Fourth Amendment.

2:00 – 2:15 pm

Break

2:15 - 2:25 pm

Special Remarks, "Anecdotes from *Kiobel*"

- **Kathleen M. Sullivan**, Partner, Quinn, Emanuel, Urquhart & Sullivan

2:25 – 3:35 pm

Panel III, "The Future of Human Rights Litigation After *Kiobel*"

After hearing special remarks by Kathleen Sullivan, who argued the *Kiobel* case twice before the Supreme Court, this panel will address the implications of the Supreme Court's *Kiobel* decision, including what kinds of U.S.-related "contacts" might be considered sufficient to allow future ATS claims in the United States, as well as the decision's impact on state common-law claims.

Panelists

- **Kathleen M. Sullivan**, Partner, Quinn, Emanuel, Urquhart & Sullivan
- **John B. Bellinger III**, Partner, Arnold & Porter and former State Department Legal Adviser
- **Roger P. Alford**, Associate Dean for International and Graduate Programs and Professor of Law, Notre Dame Law School
- **Daniel D. Fisher** (moderator), Senior Editor, Forbes

3:35 – 4:05 pm

Presentation, "Business Planning: Doing Good While Doing Well"

The symposium's final speaker will address best practices for engaging in positive corporate citizenship worldwide, as well as business responses to trial lawyer tactics once a company is confronted with a transnational lawsuit.

- **Jonathan C. Drimmer**, Vice President and Deputy General Counsel, Barrick Gold Corporation

4:05 – 4:10 pm

Closing Comments

- All Participants

4:15 – 5:30 pm

Reception

Thank you for attending today's event.

**Please deposit your MCLE response survey at
School of Law reception located on the second floor.**

Discussion Materials and Reference

Panel I, “Transnational Forum Shopping”

After hearing special remarks by Ted Boutros of Gibson Dunn regarding the Chevron case, this panel will focus on the increasing tendency of plaintiffs to bring lawsuits abroad that in previous years would have been filed in U.S. courts. Sometimes these foreign lawsuits are brought in tandem with litigation in the United States or in international tribunals. Key examples include litigation against Shell in both the United States (*Kiobel*) and the Netherlands, and litigation against Chevron in Ecuador accompanied by arbitration in The Hague and enforcement actions in the United States, Canada, Brazil, and Argentina. The panel also will address plaintiffs’ responses to securities-related claims after the Supreme Court limited the extraterritorial reach of U.S. securities laws in *Morrison*.

- Frankel, Alison. *Canadian as Litigation Haven for U.S. Shareholders? Not So Fast...* September 5, 2013. Reuters.com U.S. Edition. Available at <http://blogs.reuters.com/alison-frankel/2013/09/05/canada-as-litigation-haven-for-u-s-shareholders-not-so-fast/>
- Kaal, Wulf A. and Painter, Richard W. *Forum Competition and Choice of Law Competition in Securities Law after Morrison v. National Australia Bank (2012)*. Minnesota Law Review, Vol. 97, 2012; U of St. Thomas Legal Studies Research Paper No. 12-12; Minnesota Legal Studies Research Paper No. 12-16. Available at SSRN: <http://ssrn.com/abstract=2029983> or <http://dx.doi.org/10.2139/ssrn.2029983>
- Whytock, Christopher A. *The Evolving Forum Shopping System* (March 10, 2011). Cornell Law Review, Vol. 96, p. 481-534, 2010-2011; UC Irvine School of Law Research Paper No. 2011-25. Available at SSRN: <http://ssrn.com/abstract=1596280>

Panel II, “Responsible Enforcement of Foreign Judgments”

Panelists will discuss how the current patchwork of state laws regarding recognition and enforcement of foreign judgments leads to legal and strategic challenges for multinational businesses. The discussion will focus on recent attempts to enforce abusive or fraudulent foreign judgments in the United States and the concurrent need for federal legislation to modernize and create uniformity in this area of law.

- Brand, Ronald A. *Recognition and Enforcement of Foreign Judgments*. Federal Judicial Center International Litigation Guide. April 2012. Available at: [http://www.fjc.gov/public/pdf.nsf/lookup/brandenforce.pdf/\\$file/brandenforce.pdf](http://www.fjc.gov/public/pdf.nsf/lookup/brandenforce.pdf/$file/brandenforce.pdf)
- Burbank, Stephen B. *Federalism and Private International Law: Implementing the Hague Choice of Court Convention in the United States*. U of Penn Law School, Public Law Working Paper No. 06-27; *Journal of Private International Law*, Forthcoming. Available at SSRN: <http://ssrn.com/abstract=921200>
- Silberman, Linda J. *Recognition and Enforcement of Foreign Judgments*. Subcommittee on Courts, Commercial and Administrative Law of the U.S. House of Representatives, Committee on the Judiciary. November 15, 2011. Available at: <http://judiciary.house.gov/hearings/pdf/Silberman%2011152011.pdf>

Panel III, “The Future of Human Rights Litigation After *Kiobel*”

After hearing special remarks by Kathleen Sullivan, who argued the *Kiobel* case twice before the Supreme Court, this panel will address the implications of the Supreme Court’s *Kiobel* decision, including what kinds of U.S.-related “contacts” might be considered sufficient to allow future ATS claims in the United States, as well as the decision’s impact on state common-law claims.

- Alford, Roger P. *Human Rights After Kiobel: Choice of Law and the Rise and the Rise of Transnational Tort Litigation*. *Transnational Torts*. August 2013. Available at: <https://www.dropbox.com/s/mlpuz4s8cpb1sbr/Alford%20Final.pdf>
- Alford, Roger P. *Kiobel Insta-Symposium: The Death of the ATS and the Rise of Transnational Tort Litigation*. April 17, 2013. *Opinio Juris*. <http://opiniojuris.org/2013/04/17/kiobel-instthe-death-of-the-ats-and-the-rise-of-transnational-tort-litigation/>
- Bellinger, John B III. *Why the Supreme Court should curb Alien Tort Statute*. *The Washington Post*, 24 February 2012. http://www.washingtonpost.com/opinions/why-the-supreme-court-should-curb-the-alien-tort-statute/2012/02/21/gIQA1leZWR_story.html
- Childress III, Donald Earl. *The Alien Tort Statute, Federalism, and the Next Wave of International Law Litigation*. *Georgetown Law Journal*, Vol. 100, 2012; *Pepperdine University Legal Studies Research Paper No. 2011/9*. Available at SSRN: <http://ssrn.com/abstract=1815413>

Presentation, “Business Planning: Doing Good While Doing Well”

The symposium's final speaker will address best practices for engaging in positive corporate citizenship worldwide, as well as business responses to trial lawyer tactics once a company is confronted with a transnational lawsuit.

- Jonathan C. Drimmer and Sarah R. Lamoree, *Think Globally, Sue Locally: Trends and Out-of-Court Tactics in Transitional Tort Actions*, 29 Berkeley J. Int'l Law. 456 (2011). Available at: <http://scholarship.law.berkeley.edu/bjil/vol29/iss2/2>

Speaker Biographies

Panel I, "Transnational Forum Shopping"



Theodroe J. Boutrous, Jr., Partner, Gibson Dunn & Crutcher

Mr. Boutrous, a partner in the Los Angeles office of Gibson, Dunn & Crutcher, is Co-Chair of the firm's Appellate and Constitutional Law Group, Crisis Management Group, and Transnational Litigation Group. He is a member of the firm's Executive and Management Committees.

Mr. Boutrous has represented clients in the federal and state appellate courts throughout the nation in a wide spectrum of cases. He has argued more than sixty appeals, including before the Supreme Court of the United States, eight different federal circuit courts of appeals, eight different state supreme courts and a multitude of other appellate and trial courts. He has successfully persuaded courts to overturn some of the largest jury verdicts and class actions in history. In 2011, he successfully represented Walmart before the Supreme Court of the United States in the *Dukes* case, which unanimously reversed what had been the largest employment class action in history and established important standards governing class actions (*Wal-Mart Stores, Inc. v. Dukes*). In 2013, he successfully represented the prevailing party in obtaining a unanimous Supreme Court decision enforcing the Class Action Fairness Act (*Standard Fire Insurance Co. v. Knowles*). Also in 2013, Mr. Boutrous successfully represented plaintiffs in the Supreme Court in a case invalidating California's prohibition on same-sex marriage, Proposition 8 (*Hollingsworth v. Perry*). In other ongoing constitutional litigation, Mr. Boutrous represents California schoolchildren asserting a state constitutional challenge to laws that prevent school administrators from hiring and retaining the most effective teachers (Students Matter).

Mr. Boutrous also represents media organizations, reporters, and others in First Amendment matters such as reporters' privilege battles, defamation cases, litigation seeking public access to judicial records and court proceedings, and asylum proceedings for journalists in danger.

As both a crisis management strategist and a seasoned appellate and media lawyer, Mr. Boutrous has extensive experience handling high-profile litigation, media relations and media legal issues. He routinely advises clients in planning how to respond, and in responding, to crises and other especially significant legal problems that attract the media spotlight. According to *The National Law Journal*, which in 2013 named him one of the "100 Most Influential Lawyers in America," he "is known for his wise, strategic advice to clients in crisis and is a media law star."



Richard W. Painter, S. Walter Richey Professor of Corporate Law, University of Minnesota School of Law

Professor Painter received his B.A., summa cum laude, in history from Harvard University and his J.D. from Yale University, where he was an editor of the *Yale Journal on Regulation*. Following law school, he clerked for Judge John T. Noonan Jr., of the United States Court of Appeals for the Ninth Circuit and later practiced at Sullivan & Cromwell in New York City and Finn Dixon & Herling in Stamford, Connecticut.

He has served as a tenured member of the law faculty at the University of Oregon School of Law

Painter, cont.

and the University of Illinois College of Law, where he was the Guy Raymond and Mildred Van Voorhis Jones Professor of Law from 2002 to 2005. From February 2005 to July 2007, he was Associate Counsel to the President in the White House Counsel's office, serving as the chief ethics lawyer for the President, White House employees and senior nominees to Senate-confirmed positions in the Executive Branch. He is a member of the American Law Institute and is an advisor for the new ALI Principles of Government Ethics. He has also been active in the Professional Responsibility Section of the American Bar Association.

Professor Painter has also been active in law reform efforts aimed at deterring securities fraud and improving ethics of corporate managers and lawyers. A key provision of the Sarbanes-Oxley Act of 2002 requiring the SEC to issue rules of professional responsibility for securities lawyers was based on earlier proposals Professor Painter made in law review articles and to the ABA and the SEC. He has given dozens of lectures on the Sarbanes-Oxley Act to law schools, bar associations, and learned societies, such as the American Academy of Arts and Sciences. Professor Painter has on four separate occasions provided invited testimony before committees of the U.S. House of Representatives or the U.S. Senate on securities litigation and/or the role of attorneys in corporate governance.



George T. Conway III, Partner, Wachtell, Lipton, Rosen & Katz

Mr. Conway is a partner in the litigation department of Wachtell, Lipton, Rosen & Katz. His practice involves, among other areas of law, securities litigation, mergers-and-acquisitions litigation, contract litigation, antitrust litigation, both at the trial and appellate levels. He argued *Morrison v. National Australia Bank* in the Supreme Court on behalf of the defendants, and has written and spoken extensively on the extraterritorial application of the federal securities laws and other federal statutes.

He is a 1984 graduate of Harvard College and a 1987 graduate of Yale Law School, where he was a member of the Yale Law Journal. In 1987 and 1988, he served as a law clerk to Circuit Judge Ralph K. Winter of the United States Court of Appeals for the Second Circuit.



Christopher A. Whytock, Professor, University of California-Irvine School of Law

Christopher Whytock is Professor of Law and Political Science at the University of California, Irvine, and a faculty affiliate of the UCI Center in Law, Society and Culture and the John & Marilyn Long U.S.-China Institute for Business and Law.

Professor Whytock's research focuses on transnational litigation, conflict of laws, international law, and the role of domestic law and domestic courts in global governance. His scholarship has appeared in law journals including *Columbia Law Review*, *Cornell Law Review* and *New York University Law Review*, and peer-reviewed social science journals including *International Security*. He is a coauthor of the casebook *Transnational Law and Practice* (forthcoming, with Donald E. Childress III and Michael D. Ramsey) and the book *Understanding Conflict of Laws (Fourth Edition)* (with William M. Richman & William L. Reynolds). In 2013, Professor Whytock was appointed by the American Law Institute to serve as an adviser on the jurisdiction and enforcement

Whytock, cont.

section of the new Restatement (Fourth) of the Foreign Relations Law of the United States.

Professor Whytock has taught courses on international law, civil procedure, conflict of laws, foreign relations law, international relations theory, and business associations.

Professor Whytock previously taught at the University of Utah College of Law and practiced law as an associate at O'Melveny & Myers LLP and Paul, Hastings, Janofsky & Walker LLP. He received his Ph.D. in political science from Duke University; his J.D. and M.S. in Foreign Service from Georgetown University, where he was a Ford Foundation Fellow in Public International Law; and his B.A. in political science from UCLA.



Donald E. Childress, III (moderator), Professor, Pepperdine University School of Law

Prior to joining the Pepperdine law faculty in 2008, Professor Childress was associated with the international law firm Jones Day in Washington, D.C., as a member of their Issues and Appeals practice, where he focused on Supreme Court litigation, general appellate litigation, and significant motions practice in trial litigation. While in private practice, his appellate representations included preparation of writs of certiorari, merits briefs, and amicus briefs in the U.S. Supreme Court. Professor Childress has briefed and argued appeals before the U.S. Court of Appeals for the Ninth Circuit and has briefed matters in numerous other trial and appellate courts in the First, Second, Third, Fourth, Fifth, Seventh, and D.C. Circuits, as well as in various state courts. He has significant private practice experience in complex civil procedure, conflict of laws, constitutional law, immigration law, international dispute resolution, federal Indian law, and national security law, including cases related to the war on terror. He maintains an active pro bono practice. During his time in Washington, D.C., Professor Childress co-taught a Supreme Court Litigation course at the Georgetown University Law Center and served as a "Justice" in the Georgetown University Law Center Supreme Court Institute. Professor Childress is admitted to practice in Virginia, the District of Columbia, and the U.S. Supreme Court.

Professor Childress clerked for the Honorable Paul V. Niemeyer on the U.S. Court of Appeals for the Fourth Circuit. While at Duke Law School, he served as editor-in-chief of the *Duke Law Journal* (Volume 53) and received the faculty award for outstanding achievement in international, transnational, and comparative law. While at Oxford Brookes University, he served as a Rotary Ambassadorial Scholar in the United Kingdom, where his research focused, in part, on European constitutionalism and European Union law.

Professor Childress's primary research interests are international civil litigation, private international law, comparative law, and ethics. His scholarship has appeared in the *Duke Law Journal*, the *U.C. Davis Law Review*, the *Northwestern Law Review*, the *Georgetown Law Journal*, the *Virginia Journal of International Law*, and the *William and Mary Law Review*. He has also published an edited volume with Cambridge University Press entitled "The Role of Ethics in International Law." He is working extensively on the role that international civil litigation plays in an increasingly global world. He is the American co-editor of the private international law blog ConflictOfLaws.net.

Professor Childress teaches Civil Procedure, International Litigation, Comparative Law, Conflicts of Law, and Ethical Lawyering.

Panel II, “Responsible Enforcement of Foreign Judgments”



Linda J. Silberman, Martin Lipton Professor of Law, New York University School of Law and co-reporter for the American Law Institute’s draft legislation on foreign judgment recognition

Professor Silberman is the Martin Lipton Professor of Law at New York University School of Law. She teaches and writes in the areas of Transnational Litigation, Conflict of Laws, International Commercial Arbitration, Civil Procedure, Comparative Civil Procedure, International Family Law, and Alternative Dispute Resolution. Professor Silberman is presently Co-Director of the NYU Center on Transnational Litigation and

Commercial Law.

The author of several books and numerous articles, Professor Silberman was co-Reporter for the American Law Institute Project entitled *Recognition and Enforcement of Foreign Judgments: Analysis and Proposed Federal Statute*. She is presently an Adviser to the Institute’s proposed *Restatement of the Law Third on International Commercial Arbitration* and has been named as an Adviser to the ALI’s new *Fourth Restatement on Foreign Relations* project. Professor Silberman is a member of both the International Commercial Disputes Committee and the Arbitration Committee of the Association of the Bar of the City of New York. She has also been a member of numerous U.S. State Department delegations to the Hague Conference on Private International Law, and she has been a participant in the ongoing ASIL deliberations on implementation of the Choice of Court Convention.

Prior to joining the NYU faculty, Professor Silberman practiced law with the Sonnenschein, Nath & Rosenthal law firm in Chicago, Illinois. In 1985-86, she was Professor in Residence at the U.S. Department of Justice and in fall 2009, Scholar-in-Residence at WilmerHale in London, England.



Ronald A. Brand, Professor of Law, University of Pittsburgh School of Law

Ronald A. Brand was the driving force behind the creation of the University of Pittsburgh’s Center for International Legal Education (CILE) and its Master of Laws Program for Foreign Law Graduates. His reputation as a scholar on international and comparative law has helped the University of Pittsburgh School of Law attract prominent visiting scholars and lecturers from around the world and enhance opportunities for students to study and work abroad.

Professor Brand’s scholarship includes a number of books and many articles in major journals. His books include: *International Civil Dispute Resolution* (with Charles Baldwin, David Epstein, and Michael Gordon, West Group, 2d edition, 2008); *The 2005 Hague Convention on Choice of Court Agreements: Commentary and Documents* (with Paul M. Herrup, Cambridge University Press, 2008); *The CISG and the Business Lawyer: The UNCITRAL Digest as a Contract Drafting Tool*, (with Mark Walter and Harry Flechtner, Oxford University Press, 2008); *Forum Non Conveniens: Past, Present and Future*, 3 CILE Studies (with Scott Jablonski, Oxford University Press, 2008); *Private Law, Private International Law, and Judicial Cooperation in the EU-US Relationship*, (West 2005); and *Fundamentals of International Business Transactions* (Kluwer Law International, 2000).

Professor Brand has been a Fulbright Scholar at the Universiteit Brussel, a Research Scholar at the Institute for Advanced Studies at the University of Bologna, and a visiting professor at the University of Augsburg. He has lectured on international trade and business law matters at universities in the U.S. and abroad. His excellence in

Brand, cont.

the classroom has earned Professor Brand both the Chancellor's Distinguished Teaching Award, a University-wide honor, and the Law School's Excellence-in-Teaching Award. He has also received the Chancellor's Distinguished Public Service Award.

Professor Brand represented the United States at Special Commissions and the Diplomatic Conference of the Hague Conference on Private International Law that produced the 2005 Convention on Choice of Court Agreements.



Stephen B. Burbank, David Berger Professor for the Administration of Justice, University of Pennsylvania Law School

Professor Burbank, the David Berger Professor for the Administration of Justice at the University of Pennsylvania Law School, is the author of definitive works on federal court rulemaking, interjurisdictional preclusion, litigation sanctions, and judicial independence and accountability.

Burbank is also an authority on international civil litigation and has lectured and taught widely in Europe, serving in 2013 as the Herbert Smith Visitor to the Faculty of Law at Cambridge University. A summa cum laude graduate of Harvard College and magna cum laude graduate of Harvard Law School, where he was first in his class, Burbank was law clerk to Chief Justice Warren Burger in 1974-75 and served as the first General Counsel of the University of Pennsylvania from 1975 to 1980.

He has been reporter of judicial discipline rules for the Third Circuit and of that circuit's task force to study Rule 11, has been invited to testify before congressional committees on numerous occasions, was appointed by the Speaker of the U.S. House of Representatives to serve as a member of the National Commission on Judicial Discipline and Removal and was a principal author of the Commission's Report. Burbank's latest book, a co-edited collection of essays, explores the problem of judicial independence from interdisciplinary and comparative perspectives. Burbank frequently consults on complex litigation and has mediated and arbitrated scores of complex insurance disputes.

He is a Life Member of the American Law Institute and for many years served on the Board and Executive Committee of the American Judicature Society and chaired AJS' Editorial Committee. Burbank also served as Chair of the Board of the American Academy of Political and Social Science. He is currently a Trustee of the American Academy in Berlin and, having served for nine years as Special Master of the National Football League, is the System Arbitrator of the NFL.



John B. Bellinger III (moderator), Partner, Arnold & Porter and former State Department Legal Adviser

Mr. Bellinger is a partner in the international and national security practices of Arnold & Porter LLP in Washington, DC. He advises sovereign governments and U.S. and foreign companies on a variety of international law and U.S. national security law issues. He is also an Adjunct Senior Fellow in International and National Security Law at the Council on Foreign Relations.

Mr. Bellinger served as The Legal Adviser for the U.S. Department of State under Secretary of State Condoleezza Rice from April 2005 to January 2009. He previously managed Secretary Rice's Senate confirmation and co-directed her State Department transition team. He received the Secretary of State's Distinguished Service Award in January 2009.

Mr. Bellinger served from February 2001 to January 2005 as Senior Associate Counsel to the President and Legal Adviser to the National Security Council at the White House, where he was Dr. Rice's principal lawyer when she was National Security Adviser. He previously served as Counsel for National Security Matters in the Criminal Division of the Justice Department during the Clinton Administration (1997-2001), as Special Counsel to the Senate Select Committee on Intelligence (1996), and as Special Assistant to Director of Central Intelligence William Webster (1988-1991).

Mr. Bellinger received his A.B. from Princeton University's Woodrow Wilson School of Public and International Affairs in 1982, his J.D. from Harvard Law School in 1986, and an M.A. in Foreign Affairs from the University of Virginia in 1991. He is a member of the Secretary of State's Advisory Committee on International Law and the Defense Legal Policy Board. Mr. Bellinger speaks regularly on US and foreign radio and television, has lectured at numerous U.S. and foreign universities and law schools, and is the author of many articles on international law issues, including op-eds in *The Washington Post*, *The New York Times*, *The Wall Street Journal*, and *The International Herald Tribune*.

Luncheon



Special Remarks:

Lisa A. Rickard, President, U.S. Chamber Institute for Legal Reform

Lisa A. Rickard has served as president of the U.S. Chamber Institute for Legal Reform (ILR) since 2003, providing strategic leadership to ILR's comprehensive program of championing common sense legal reforms at the federal, state and global levels. For her work at ILR, Rickard was named one of the nation's Most Influential Lawyers—one of only four in the Government Affairs practice area—by the editors of *The National Law Journal* in 2011.

Before joining ILR, Rickard served in several public policy advocacy positions, including as vice president federal and state government affairs, for The Dow Chemical Company; senior vice president, federal and state government relations, for Ryder System, Inc.; and partner in the Washington, D.C., law firm of Akin, Gump, Strauss, Hauer & Feld. She holds a B.A. from Lafayette College and a J.D. from American University's Washington College of Law, where she was executive editor of the *Law Review*.



Lunch Presentation with Keynote Address:

Michael B. Mukasey, Partner, Debevoise & Plimpton and former Attorney General of the United States

Michael B. Mukasey served as the 81st Attorney General of the United States from November 2007 to January 2009. He oversaw all activities of the Justice Department, and advised on critical issues of domestic and international law.

From 1988 to 2006, he served as a district judge in the United States District Court for the Southern District of New York, becoming chief judge in 2000.

Judge Mukasey began his career in private practice after graduating from Yale Law School in 1967, where he was a member of the board of editors of the *Yale Law Journal*. He served as an Assistant U.S. Attorney for the Southern District of New York, in the Criminal Division, from 1972 to 1976, and as chief of that office's official corruption unit in 1975-1976. From 1976 until 1987, when President Reagan nominated him to the bench, he practiced at Patterson, Belknap, Webb & Tyler, where he litigated cases in state, federal and arbitral tribunals. Since February 2009, Judge Mukasey has been a partner in the New York firm of Debevoise & Plimpton LLP where he is a member of the litigation department and focuses his practice primarily on internal investigations, independent board reviews and corporate governance. The honors he has received include the Federal Bar Council's Learned Hand Medal for Excellence in Federal Jurisprudence and an honorary Doctorate of Laws from Brooklyn Law School.

He and his wife, Susan, have two children, Marc and Jessica, and two grandsons, William and Benjamin Barkoff.



Deanell R. Tacha, Duane and Kelly Roberts Dean and Professor of Law, Pepperdine University School of Law

Before her appointment at Pepperdine, Dean Tacha served as a Circuit Judge, U.S. Court of Appeals for the Tenth Circuit. She served as Chief Judge from January 2001 through 2007. Dean Tacha earned her Bachelor of Arts degree from the University of Kansas in 1968, her J.D. from the University of Michigan in Ann Arbor in 1971, and was a White House Fellow (1971-1972).

She served as an associate professor at the University of Kansas School of Law from 1974-1977 and as professor of law from 1977-1985. She served as associate dean from 1977-1979, as associate vice chancellor for Academic Affairs from 1979-1981, and as vice chancellor for Academic Affairs between 1981-1985.

Prior to joining the University of Kansas, she practiced law in Washington, D.C. and Kansas, and was for three years Director of the Douglas County Legal Aid Clinic (1974-1977). During her distinguished career, Dean Tacha served as a member of the Judicial Conference of the United States and in 2006 was named by U.S. Supreme Court Chief Justice John Roberts to the Conference's Executive Committee. Previously, Chief Justice Rehnquist appointed her to serve two terms as Chair of the Conference's Committee on the Judicial Branch. Dean Tacha also was a member of the United States Sentencing Commission.

She has represented the judiciary of the United States internationally on several occasions, including participating in the American College of Trial Lawyers Anglo-American Legal Exchange among members of the bench and bar in the United States and in the United Kingdom. In 1992, the American Bar Association selected Dean Tacha as a member of a delegation of lawyers and judges who traveled to Albania to assist that nation in developing a new constitution and government, and in 2007, Judge Tacha represented American judges in the Canadian-American Legal Exchange.

As a spokesperson for enhanced ethics, professionalism, and civility in the legal profession, Dean Tacha has been active in the American Inns of Court movement. She helped found the Judge Hugh Means American Inn of Court in Lawrence, served on the national Board of Trustees of the American Inns of Court, and was its national president from 2004-2008. Her contributions to the legal profession were recognized when she was named recipient of the Devitt Award in 2007, the highest honor given to a federal judge for distinguished lifetime service. In 2008, she was recipient of the John Marshall Award, which the American Bar Association bestows for positively impacting the justice system. In 2012, she was honored by the American Inns of Court with the A. Sherman Christensen Award for service to the American Inns of Court.

Panel III, “The Future of Human Rights Litigation After *Kiobel*”



Kathleen M. Sullivan, Partner, Quinn, Emanuel, Urquhart & Sullivan

Kathleen Sullivan is a partner in the firm’s New York office and the chair of its national appellate practice. Widely recognized as one of the nation’s preeminent appellate advocates, she was named once again in 2013 to *The National Law Journal*’s occasional list of The 100 Most Influential Lawyers in America, which noted her “awesome mastery of the case’s facts and the nuances of the law” in her recent winning Supreme Court arguments in *Kiobel v. Royal Dutch Petroleum*. She has also been recognized by *Benchmark Litigation/Euromoney* as one of the Top 10 Women Litigators in the nation, ten consecutive times by the *Daily Journal* as one of the 100 Most Influential Lawyers in California, by *The American Lawyer Litigation Daily* as Litigator of the Week, and by *California Lawyer* as Appellate Lawyer of the Year. A *National Law Journal* article called her a Supreme Court “superstar” and a *New York Times* editorial called her “a formidable advocate” in describing her winning Supreme Court argument in *Bruesewitz v. Wyeth*. *Chambers USA* (2012) describes her as a “truly terrific” appellate lawyer who wins clients’ approval as “tremendously agile and a fabulous advocate.”

The former Dean of Stanford Law School, Sullivan joined the firm in 2005 after a long and storied career as professor of law at Harvard and Stanford Law Schools, where she taught constitutional law to several generations of law students. She represents a wide range of clients, including Shell Oil, Entergy, Samsung, Pfizer, Motorola, Google, Oracle, Cisco, Georgia Pacific, Coca-Cola, AIG, CNA and the Alliance of Automobile Manufacturers. She has argued seven cases before the United States Supreme Court; numerous cases in the US Courts of Appeals, including the First, Second, Third, Fifth, Seventh, Ninth and Federal Circuits; and various cases in state high courts including the New York Court of Appeals and the California Supreme Court. In addition to her appeals practice, she plays an active role in the firm’s trial practice, including by arguing numerous significant pre-trial, trial and post-trial motions in the federal district courts.



John B. Bellinger III, Partner, Arnold & Porter and former State Department Legal Adviser

Mr. Bellinger is a partner in the international and national security practices of Arnold & Porter LLP in Washington, DC. He advises sovereign governments and U.S. and foreign companies on a variety of international law and U.S. national security law issues. He is also an Adjunct Senior Fellow in International and National Security Law at the Council on Foreign Relations.

Mr. Bellinger served as The Legal Adviser for the U.S. Department of State under Secretary of State Condoleezza Rice from April 2005 to January 2009. He previously managed Secretary Rice’s Senate confirmation and co-directed her State Department transition team. He received the Secretary of State’s Distinguished Service Award in January 2009.

Mr. Bellinger served from February 2001 to January 2005 as Senior Associate Counsel to the President and Legal Adviser to the National Security Council at the White House, where he was Dr. Rice’s principal lawyer when she was National Security Adviser. He previously served as Counsel for National Security Matters in the Criminal Division of the Justice Department during the Clinton Administration (1997-2001), as Special Counsel to the Senate Select Committee on Intelligence (1996), and as Special Assistant to Director of Central Intelligence William Webster (1988-1991).

Bellinger, cont.

Mr. Bellinger received his A.B. from Princeton University's Woodrow Wilson School of Public and International Affairs in 1982, his J.D. from Harvard Law School in 1986, and an M.A. in Foreign Affairs from the University of Virginia in 1991. He is a member of the Secretary of State's Advisory Committee on International Law and the Defense Legal Policy Board. Mr. Bellinger speaks regularly on US and foreign radio and television, has lectured at numerous U.S. and foreign universities and law schools, and is the author of many articles on international law issues, including op-eds in *The Washington Post*, *The New York Times*, *The Wall Street Journal*, and *The International Herald Tribune*.



Roger P. Alford, Associate Dean for International and Graduate Programs and Professor of Law, Notre Dame Law School

Professor Alford joined the NDLS faculty in January 2012. Prof. Alford teaches and writes in a wide range of subject-matter areas, including international trade, international arbitration, and comparative law.

Prof. Alford earned his B.A. with Honors from Baylor in 1985, and his J.D. with Honors from New York University. He also has degrees from Edinburgh University and Southern Seminary. Before entering the legal academy, he served as a law clerk to Judge James Buckley of the United States Court of Appeals for the D.C. Circuit, and Judge Richard Allison of the Iran-United States Claims Tribunal in The Hague, Netherlands. He practiced law with Hogan & Hartson in Washington, D.C., and was also a senior legal advisor to the Claims Resolution Tribunal for Dormant Activities in Switzerland.

In addition to publishing widely in leading law reviews and journals, Prof. Alford contributes regularly to the international-law blog, *Opinio Juris* and is editor of *Kluwer Arbitration Blog*.



Daniel D. Fisher (moderator), Senior Editor, *Forbes*

Mr. Fisher is a Chartered Financial Analyst and senior editor at *Forbes*, covering legal affairs, corporate finance, macroeconomics and the occasional sailing story. He was the Southwest Bureau manager for *Forbes* in Houston from 1999 to 2003, when he returned to Connecticut for a Knight fellowship at Yale Law School. Before that Mr. Fisher worked for *Bloomberg Business News* in Houston and the *Dallas Times Herald* and *Houston Post*.

Presentation, “Business Planning: Doing Good While Doing Well”



Jonathan C. Drimmer, Vice President and Deputy General Counsel, Barrick Gold Corporation

Mr. Drimmer focuses on issues related to human rights, anti-corruption, litigation, and other matters. For more than a decade, he has taught courses related to business and human rights at Georgetown University Law Center and has been a frequent author, lecturer, and media commentator on issues related to human rights. Until 2011, Drimmer was a partner at Steptoe & Johnson LLP, in Washington, D.C., where his practice focused on representing and advising clients in developing preventative compliance strategies, in navigating discrete questions and problems, and in enforcement proceedings and litigation related to anti-corruption laws and human rights norms. He is also a former Deputy Director in the U.S. Justice Department’s Office of Special Investigations, where he led investigations and prosecutions of suspected war criminals.

Mr. Drimmer is a graduate of Stanford University and received his J.D. from University of California, Los Angeles.

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