

DONALD EARL CHILDRESS III (“TREY”)

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APPOINTMENTS

Pepperdine University Caruso School of Law, Malibu, CA (2008-present)

Professor of Law (2016-present) (with tenure since 2014); *Dean of Faculty* (2017-2018); *Associate Professor of Law* (2008-2016)

Courses Taught: Civil Procedure, International Arbitration, Ethical Considerations in International Arbitration, International Litigation (which covers Public and Private International Law), International Business Transactions, Conflict of Laws, Comparative Law, Ethical Lawyering (Professional Responsibility)

- Elected to the American Law Institute in 2017
- Selected by the First Year Class as the 2017-2018, 2016-2017, 2015-2016, and 2011-2012 Professor of the Year
- Dean’s Award for Excellence in Scholarship in 2013-2014
- Nominated by the faculty for the American Law Institute Young Scholars Medal, an award honoring “early career scholars whose work has the potential to influence improvements in the law”

Office of the Legal Adviser, U.S. State Department, Washington, D.C. (2018-2021)

Counselor on International Law

- Appointed by the Legal Adviser to advise the Office of the Legal Adviser and the State Department on public and private international law
- Briefed and argued on behalf of the United States before the International Court of Justice in *Alleged Violations of the 1955 Treaty of Amity (Iran v. the United States)* and *Certain Iranian Assets (Iran v. United States)* and served as counsel in *Relocation of the United States Embassy to Jerusalem (Palestine v. United States)*
- Worked with the White House Counsel’s Office, National Security Council, Office of the Solicitor General, Civil Division’s Appellate Staff, and other Divisions to formulate the government’s litigation strategy and brief cases in the Supreme Court and lower courts in cases involving foreign litigation in U.S. courts and on litigation and arbitration before international courts and tribunals, including the International Court of Justice
- Represented the United States as part of the U.S. delegation to UNCITRAL Working Group III (regarding reforms to Investor-State Dispute Settlement), before the Council of Europe’s Committee of Legal Advisers on Public International Law (CAHDI), and in the Diplomatic Session of the Hague Judgments Convention

New York University School of Law, New York, NY (March 2017 and scheduled March 2025)

Center for Transnational Litigation, Arbitration, and Commercial Law Scholar-in-Residence

Washington & Lee University School of Law, Lexington, VA

Visiting Associate Professor of Law (2012-2013)

Courses Taught: Civil Procedure and Transnational Law

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EDUCATION

Duke University School of Law, Durham, NC

JD/LLM (International and Comparative Law), *magna cum laude* (2004)

Honors: Duke Law Journal—Editor-in-Chief (Volume 53)

Moot Court Board—Hardt Cup Finalist. Recognized as one of the top two oral advocates in the first year class

Awards: Faculty Award for Outstanding Achievement in International, Transnational, and Comparative Law

Duke/Geneva Institute in Transnational Law, Geneva, Switzerland

Certificate in Transnational Law (Summer 2002)

Oxford Brookes University, Oxfordshire, United Kingdom

M.A., Politics, *with Distinction* (1999)

Honors: Rotary International Ambassadorial Scholar

Only student awarded the highest *Distinction* for both dissertation and degree certification

University of Virginia, Charlottesville, VA

B.A., Religious Studies (1997)

Honors: Resident, University of Virginia Lawn; Trustee, Class of 1997

Activities: Chairman, University Judiciary Committee. Elected by the student body to manage the only student self-governed judicial committee in the United States

LAW REVIEW PUBLICATIONS

- *Challenging and Enforcing International Arbitral Awards in U.S. Federal Courts: An Empirical Study*, 64 VIRGINIA JOURNAL OF INTERNATIONAL LAW __ (forthcoming 2024) (with Jack J. Coe, Jr, Christopher R. Drahozal & Catherine R. Rogers)
- *Personal Jurisdictional Links*, 56 N.Y.U. J. INTERNATIONAL LAW & POLITICS __ (forthcoming 2023) (invited *Festschrift* contribution)
- *International Comity Abstention*, 85 UNIVERSITY OF PITTSBURGH LAW REVIEW __ (forthcoming 2023) (invited symposium contribution)
- *Questioning the Constitutional Rights of Foreign States*, 81 FORDHAM LAW REVIEW ONLINE 60 (2019) (solicited essay)
- *Book Review*, 111 AMERICAN JOURNAL OF INTERNATIONAL LAW 816 (2017) (review of ORFORD & HOFFMAN, THE OXFORD HANDBOOK OF THE THEORY OF INTERNATIONAL LAW)
- *International Conflict of Laws and the New Conflicts Restatement*, 27 DUKE JOURNAL OF COMPARATIVE & INTERNATIONAL LAW 361 (2017) (invited symposium contribution)
- *Introduction: International Arbitration and the Courts*, 43 PEPPERDINE LAW REVIEW 461 (2016) (with Jack J. Coe, Jr. & Lacey L. Estudillo)
- *Escaping Federal Law: The Brave New World of Transnational Litigation*, 93 NORTH CAROLINA LAW REVIEW 995 (2015)
- *Is an International Arbitral Tribunal the Answer to the Challenges of Litigating Transnational Human Rights Cases in a Post-Kiobel World*, 19 UCLA JOURNAL OF INTERNATIONAL LAW AND FOREIGN AFFAIRS 31 (2015) (invited symposium contribution)
- *General Jurisdiction After Bauman*, 66 VANDERBILT LAW REVIEW EN BANC 203 (2014) (solicited essay)

LAW REVIEW PUBLICATIONS CONTINUED

- *General Jurisdiction and the Transnational Law Market*, 66 VANDERBILT LAW REVIEW EN BANC 67 (2013) (solicited essay)
- *Erie’s International Effect: A Reply*, 108 NORTHWESTERN UNIVERSITY LAW REVIEW COLLOQUY 1 (2013)
- *Rethinking Legal Globalization: The Case of Transnational Personal Jurisdiction*, 54 WILLIAM AND MARY LAW REVIEW 1489 (2013)
- *Private International Law and Transnational Litigation*, 61 AMERICAN JOURNAL OF COMPARATIVE LAW 461 (2013) (solicited peer-edited review essay)
- *Foreword: After Kiobel—International Human Rights Litigation in State Courts and Under State Law*, 3 U.C. IRVINE LAW REVIEW 1 (2013) (with Michael D. Ramsey & Christopher A. Whytock)
- *Does International Investment Law Need Administrative Law?*, 54 HARVARD INTERNATIONAL LAW JOURNAL ONLINE 115 (2013) (solicited review essay)
- *Forum Conveniens: The Search for a Convenient Forum in Transnational Cases*, 53 VIRGINIA JOURNAL OF INTERNATIONAL LAW 157 (2012) (invited symposium contribution)
- *The Alien Tort Statute, Federalism, and the Next Wave of International Law Litigation*, 100 GEORGETOWN LAW JOURNAL 709 (2012)
- *When Erie Goes International*, 105 NORTHWESTERN UNIVERSITY LAW REVIEW 1531 (2011)
- *Redeeming Erie: A Response to Suzanna Sherry*, 39 PEPPERDINE LAW REVIEW 155 (2011) (invited symposium contribution)
- *Comity as Conflict: Resituating International Comity as Conflict of Laws*, 44 U.C. DAVIS LAW REVIEW 11 (2010) (Lead Article)
- Note, *Using Comparative Constitutional Law to Resolve Domestic Federal Questions*, 53 DUKE LAW JOURNAL 193 (2003)

BOOKS AND BOOK CHAPTERS

- *The Use of Anti-anti-suit Injunctions in International Litigation*, in REFLECTIONS ON INTERNATIONAL ARBITRATION—ESSAYS IN HONOR OF PROFESSOR GEORGE BERMAN (Julie Bedard & Patrick W. Pearsall eds., Juris Publishing 2022)
- *TRANSNATIONAL LITIGATION IN A NUTSHELL (SECOND EDITION)* (with George A. Bermann & William S. Dodge, West Academic 2021).
- *TRANSNATIONAL LAW AND PRACTICE (SECOND EDITION)* (with Michael D. Ramsey & Christopher A. Whytock, Aspen Publishers 2015 & 2020)
- *Forum Non Conveniens in the Restatement (Fourth)*, in THE RESTATEMENT AND BEYOND: THE PAST, PRESENT, AND FUTURE OF U.S. FOREIGN RELATIONS LAW (Sarah H. Cleveland & Paul B. Stephan eds., Oxford University Press 2020)
- *PRIVATE INTERNATIONAL LAW AND ARBITRATION* (edited volume with Jack J. Coe, Jr., Edward Elgar 2018)
- *Jurisdiction, Limits under International Law*, in ENCYCLOPEDIA OF PRIVATE INTERNATIONAL LAW (Jürgen Basedow, Franco Ferrari, Pedro de Miguel Asensio, & Giesela Rühl, eds., Edward Elgar 2017)
- *THE ROLE OF ETHICS IN INTERNATIONAL LAW* (Donald Earl Childress III, ed., Cambridge University Press 2011 & 2014)
- *Introduction*, in THE ROLE OF ETHICS IN INTERNATIONAL LAW (Donald Earl Childress III, ed., Cambridge University Press 2011 & 2014)
- *The Role of Ethics in Private International Law*, in THE ROLE OF ETHICS IN INTERNATIONAL LAW (Donald Earl Childress III, ed., Cambridge University Press 2011 & 2014)

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WORKS IN PROGRESS

- *Private International Law, State Interests, and Party Autonomy*
- *Elgar Concise Encyclopedia of International Dispute Resolution Law*

INVITED ACADEMIC PRESENTATIONS

- *Personal Jurisdictional Links*, New York University School of Law, April 2023
- *International Comity Abstention*, University of Pittsburgh School of Law, March 2023
- *Private International Law, Party Autonomy, and State Interests*, UNC School of Law, March 2022
- *Provisional Measures before the International Court of Justice*, International Law Weekend, Fordham Law School, New York, NY, October 2019
- *The Hague Judgments Convention*, American Association of Law Schools Annual Meeting, Conflict of Laws Section, New Orleans, LA, January 2019
- *How the U.S. Government Litigates Transnational Litigation*, New York University School of Law, New York, NY, March 2017
- *Commenter*, American Association of Law Schools Annual Meeting, Conflict of Laws Section, San Francisco, CA, January 2017
- *International Choice of Law*, Duke University School of Law, Durham, NC, November 2016
- *Jurisdiction in U.S. and European Law*, New York University School of Law, New York, NY, October 2015
- *Commenter*, American Society of International Law Mid-Year Meeting, New York, NY, October 2015
- *Recent Developments in Private International Law*, International Law Weekend, Fordham Law School, New York, NY, October 2014
- *The Future of Alien Tort Statute Litigation Post-Kiobel*, UCLA School of Law *Journal of International Law and Foreign Affairs* Annual Symposium, Los Angeles, CA, March 2014
- *Commenter*, Southern California International Law Scholars Workshop, USC Gould School of Law, Los Angeles, CA, February 2014
- *The Future of Investment Treaty Arbitration*, International Law Weekend, Fordham Law School, New York, NY, October 2013
- *Choice of Law in International Commercial Arbitration*, Brooklyn Law School, New York, NY, October 2013
- *Commenter*, American Society of International Law Mid-Year Meeting, New York, NY, October 2013
- *The Current State of Private International Law*, International Law Weekend-Midwest, Washington University School of Law, St. Louis, MO, September 2013
- *Personal Jurisdiction and Choice of Law After Nicastro*, The Southeastern Association of Law Schools Annual Meeting, Palm Beach, FL, July 2013
- *The Alien Tort Statute from a European Perspective*, Max Planck Institute, Luxembourg, July 2013
- *Convenor and Moderator*, The Future of Private International Law, Swansea University, Swansea, UK, June 2013
- *Escaping Federal Law*, Notre Dame Law School, February 2013
- *The Brave New World of Transnational Litigation*, University of Richmond School of Law, February 2013
- *Discussant*, What is Private International Law Conference, Duke Law School, November 2012
- *The Future of Transnational Litigation*, 2012 International Law Weekend, Fordham Law School, October 2012

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INVITED ACADEMIC PRESENTATIONS CONTINUED

- *Rethinking Legal Globalization*, American Society of International Law Mid-Year Meeting, Emory University School of Law/University of Georgia School of Law, October 2012
- *Moderator*, Transatlantic Legal Theory, Lauterpacht Center, University of Cambridge, Cambridge, UK, September 2012
- *Convenor and Moderator*, Transnational Litigation Discussion Group, The Southeastern Association of Law Schools Annual Meeting, Amelia Island, FL, July 2012
- *Forum Conveniens*, *Virginia Journal of International Law* Annual Symposium, Charlottesville, VA, February 2012
- *Transnational Litigation and Civil Procedure*, Our Courts and the World Conference, Southwestern Law School, Los Angeles, CA, February 2012
- *The Concept of Law in Transnational Dispute Resolution*, American Society of International Law, Washington DC, November 2011
- *Commenter*, Current Issues in Alien Tort Statute Litigation, American Society of International Law Mid-Year Meeting, UCLA School of Law, Los Angeles, CA, November 2011
- *Projecting U.S. Legal Norms Abroad*, The Constitution and the World Conference, Stanford Law School, Stanford, CA, October 2011
- *Personal Jurisdiction as Choice of Law*, The Southeastern Association of Law Schools Annual Meeting, Hilton Head, SC, July 2011
- *Transnational Remedies in Private International Law Cases*, Seventh Remedies Discussion Forum, University of Aix-Marseille III, Aix-en-Provence, France, June 2011
- *The Conflict of Norms and Ethics in International Law*, *Journal of Private International Law* Bi-Annual Conference, University of Milan, Milan, Italy, April 2011
- *Redeeming Erie*, Respondent to Professor Suzanna Sherry, *Pepperdine Law Review* Annual Symposium, Pepperdine University School of Law, Malibu, CA, April 2011, published in 39 PEPPERDINE LAW REVIEW 155 (2011)
- *The Alien Tort Statute, Federalism, and the Next Wave of International Law Litigation*, Young Scholars Conference, Yale Law School, New Haven, CT, February 2011
- *Commenter*, Junior International Law Scholars Conference, Yale Law School, New Haven, CT, February 2011
- *The Conflict of Norms and Ethics in Private International Law: United States and Canadian Perspectives*, The Southeastern Association of Law Schools Annual Meeting, Palm Beach, FL., August 2010
- *The Task of Private International Legal Theory*, XVIII International Congress of Comparative Law, Washington, DC, July 2010
- *Commenter*, Junior International Law Scholars Conference, University of California Hastings College of Law, San Francisco, CA, February 2010
- *The Role of Ethics in International Law*, American Society of International Law, Washington DC, November 2009
- *Comity as Conflict: Resituating International Comity as Conflict of Laws*, *Journal of Private International Law* Bi-Annual Conference, New York University School of Law, New York, NY, April 2009

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PROFESSIONAL SERVICE ACTIVITIES

Committee Member and Chair, Pepperdine University School of Law, Faculty Appointments Committee (2022-present); Committee Member, Pepperdine University Faculty Appointments Committee (2021-2022); Committee Member and Vice Chair, Pepperdine University School of Law Academic Standards Committee (2017-2018); Committee Member and Chair, Pepperdine University School of Law Off-Campus Programs Committee (2013-2017); Committee Member, Pepperdine University School of Law Diversity Council (2015-2017); Chair, Pepperdine University School of Law Dean’s Task Force on Legal Research and Writing (2011-2012); Committee Member and Vice Chair, Pepperdine University School of Law Faculty Resources Committee (2011-2012); Committee Member, Pepperdine University School of Law Academic Standards Committee (2010-2011); Committee Member, Pepperdine University School of Law Clerkship Committee (2008-2010); Committee Member and Vice Chair, Pepperdine University School of Law Student Affairs Committee (2008-2010); Faculty Advisor, *Pepperdine Law Review* (2010-2012)

ACADEMIC CONFERENCES ORGANIZED

- *International Arbitration and the Courts* (with Jack J. Coe, Jr.), Pepperdine University School of Law, Malibu, CA, April 2015 (published in 43 PEPPERDINE LAW REVIEW)
- *Transnational Litigation and Arbitration*, Pepperdine University School of Law, Malibu, CA, October 2014
- American Society of International Law Mid-Year Meeting and Research Forum, 2013 Research Forum Committee, New York University School of Law, New York, NY, October 2013
- *Transnational Forum Shopping*, Pepperdine University School of Law, Malibu, CA, September 2013
- *Transnational Litigation in State Courts* (with Michael D. Ramsey and Christopher A. Whytock), University of California, Irvine, School of Law, Irvine, CA, April 2012 (published in 3 U.C. IRVINE LAW REVIEW 1 (2013))
- *The Lawyer of the Future* (with Dean Deanell Reese Tacha), Pepperdine University School of Law, Malibu, CA, April 2012 (published in 40 PEPPERDINE LAW REVIEW 1 (2012))
- *Confronting Complexity*, American Society of International Law 2012 Annual Meeting Program Committee, Washington, DC, March 2012 (published in 106 AMERICAN SOCIETY OF INTERNATIONAL LAW PROCEEDINGS (2012))
- *The Future of Transnational Litigation*, Pepperdine University School of Law, Malibu, CA, April 2011 (published in 2011 PEPPERDINE LAW REVIEW ONLINE (2011))
- *Supreme Mistakes: Exploring the Most Maligned Decisions in Supreme Court History* (with Edward J. Larson), Pepperdine University School of Law, Malibu, CA, April 2011 (published in 39 PEPPERDINE LAW REVIEW 1 (2011))
- *The Role of Ethics in International Law*, American Society of International Law, Washington DC, November 2009 (published in THE ROLE OF ETHICS IN INTERNATIONAL LAW (Donald Earl Childress III, ed., Cambridge University Press, 2011))

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BLOGGING

- Advisor, Transnational Litigation Blog
- American Co-Editor, *Conflict of Laws.Net: News and Views in Private International Law* (the leading private international law blog on the internet)
- Opinion Analysis, *Kiobel v. Royal Dutch Petroleum*, SCOTUSBlog (April 2013)
- Symposium Contributor, *A Brave New World of Transnational Human Rights Litigation*, SCOTUSBlog (July 2012)
- Guest Blogger, PrawfsBlawg (February 2012; September 2012)
- Guest Blogger, I-CON: International Journal of Constitutional Law Blog (January 2013)

REVIEWING

- Peer Reviewer, Cambridge University Press
- Peer Reviewer, University of Michigan Press
- Peer Reviewer, Edward Elgar Publishing
- Peer Reviewer, Routledge
- Peer Reviewer, Intersentia
- Peer Reviewer, Federal Judicial Center Handbook on Transnational Law
- Peer Reviewer, YALE LAW JOURNAL
- Peer Reviewer, NEW YORK UNIVERSITY LAW REVIEW
- Peer Reviewer, PEPPERDINE LAW REVIEW
- Peer Reviewer, UTRECHT JOURNAL OF INTERNATIONAL AND EUROPEAN LAW

PROFESSIONAL LEADERSHIP POSITIONS

- Adviser, *Restatement (Fourth) of the Foreign Relations Law of the United States* (2023-present)
- Chair, Rule of Law Task Force, Institute for Transnational Arbitration (2022-present)
- U.S. State Department Advisory Committee on Public International Law (2021-present)
- U.S. State Department Advisory Committee on Private International Law (2021-present)
- Elected Member, American Law Institute (2017-present)
- Institute for Transnational Arbitration, Academic Council and Advisory Board (2017-2022)
- Chair, American Association of Law Schools Conflict of Laws Section (2018-2019)
- Executive Council, American Society of International Law (2014-2017)
- Chair, American Society of International Law International Legal Theory Interest Group (2014-2017)
- Co-Editor (with Linda J. Silberman), SSRN eJournal on Transnational Litigation, Private International Law, and Conflict of Laws (2016-present)
- Director, American Society of Comparative Law (2008-present)

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PROFESSIONAL EXPERIENCE

Jones Day, Washington, DC

Associate (2005-2008)

- Member of the Issues and Appeals Practice focusing on Supreme Court litigation, general appellate litigation, and significant motions practice in trial litigation
- Successfully presented oral argument before the United States Court of Appeals for the Ninth Circuit in a case involving the applicability of tribal sovereign immunity to a tribal casino and various individuals
- Principal drafter of briefs in the Supreme Court, First, Second, Third, Fourth, Fifth, Ninth, and D.C. Circuits on topics such as the Americans with Disabilities Act, Civil RICO, civil rights, EEOC/employment law, the False Claims Act, federal preemption, federal jurisdiction, immigration law, national security law, patent law, pharmaceutical law, and tribal affairs
- Prepared pleadings and drafted substantive motions in federal district court and state court proceedings

Teaching Experience:

- Co-taught Supreme Court Litigation Course at Georgetown University Law Center and served as “Justice” in Georgetown University Law Center Supreme Court Institute.

Judge Paul V. Niemeyer, United States Court of Appeals for the Fourth Circuit, Baltimore, MD

Law Clerk (2004-2005)

Wilmer, Cutler & Pickering, Washington, DC

Summer Associate (2003)

BAR ADMISSION AND PROFESSIONAL MEMBERSHIPS

The Supreme Court of the United States; Virginia State Bar, District of Columbia Bar; United States Courts of Appeals for the First, Second, Fourth, and Ninth Circuits; United States District Court for the District of Maryland; American Bar Association Section of International Law; American Society of International Law; ASIL International Legal Theory Interest Group; ASIL International Law in Domestic Courts Interest Group; ASIL Private International Law Interest Group; American Society of Comparative Law; Institute for Transnational Arbitration