



PEPPERDINE UNIVERSITY  
School of Law

*presents*

*Current and future*  
**TRENDS** in  
**TRANSNATIONAL  
LITIGATION**

APRIL 21, 2011

# *Introduction*

This colloquium will focus on current and future trends in transnational litigation. From the Alien Tort Statute, to the Enforcement of Foreign Judgments, to the application of U.S. federal and state law to activities occurring abroad, U.S. courts are being thrust into interpreting questions of international law. This colloquium will uniquely explore the issues related to this transnational litigation explosion by bringing together leading academics, practitioners, and federal and state judges to discuss the present state of affairs and what the future may bring.

# *Schedule*

**INTRODUCTION:**  
Donald Earl Childress III

**PANEL 1:**  
Jonathan Drimmer, Dave Wallach,  
Mike Ramsey, Chimene Keitner  
Michael Goldhaber moderating

**LUNCH SPEAKER:**  
Judge Deanell Reece Tacha

**PANEL 2:**  
Bill Thomson, Alan Sykes, Justice Victoria Chaney  
Mary Terzino moderating

# Speakers



**VICTORIA GERRARD CHANEY** is an associate justice on the Court of Appeal, Second District, Division One. She previously served nineteen years on the bench as a trial judge. Justice Chaney was appointed by Governor George Deukmejian to the Los Angeles Municipal Court in 1990 and elevated to the Los Angeles Superior Court by Governor Pete Wilson in 1994. She presided over criminal cases in Compton, a civil docket at the Mosk Courthouse, and, from 2000 until her elevation to the appellate court, class actions and complex litigation at the Central Civil West courthouse, in the court's Complex Litigation Division. Before appointment to the bench, Justice Chaney was an associate with Dryden Harrington and Swartz and then served eleven years in the Los Angeles City Attorney's Office. Currently, Justice Chaney hears a wide panoply of cases, including criminal, civil, family law, probate, dependence, and writs of habeas corpus.



**DONALD EARL CHILDRESS III** received his BA from the University of Virginia, MA from Oxford Brookes University, and a JD/LLM (in international and comparative law) from the Duke University School of Law, where he was editor-in-chief of the *Duke Law Journal*. Childress clerked for the Honorable Paul V. Niemeyer on the U.S. Court of Appeals for the Fourth Circuit and was associated with the international law firm Jones Day in Washington, D.C., as a member of their Issues and Appeals practice. He teaches and researches in the areas of civil procedure, international litigation, comparative law, and ethics.



**JONATHAN DRIMMER** is an attorney in Washington, D.C., an adjunct professor at Georgetown Law Center, and a leading authority on the Alien Tort Statute. For more than a decade he has taught courses related to the ATS at Georgetown, and he is a frequent author, lecturer, and media commentator on issues related to the ATS, war crimes, and corporate human rights compliance programs. He also frequently advises and represents companies, governments, and individuals on matters related to the ATS, human rights norms, and other similar issues. He is a former deputy director in the Justice Department's Office of Special Investigations, where he led investigations and prosecutions of suspected war criminals. He is a former Bristow Fellow in the Office of the U.S. Solicitor General, and a judicial clerk on the U.S. Court of Appeals for the Ninth Circuit. He graduated from Stanford University with highest University Honors, and UCLA Law School Order of the Coif.



**MICHAEL D. GOLDHABER** serves as the senior international correspondent and "Global Lawyer" columnist for *The American Lawyer* and the ALM media group. He writes widely on international law, with special interests in arbitration and human rights. Goldhaber is the author of *A People's History of the European Court of Human Rights*. He graduated from Harvard College, summa cum laude, in 1990, the Yale Law School in 1993, and the Columbia Journalism School in 1997.



**CHIMÈNE KEITNER** is an associate professor of law at the University of California, Hastings College of the Law, where she specializes in issues involving the intersection between domestic and international law. She served as cochair of the American Society of International Law's 2011 Annual Meeting and has recently been nominated to serve as cochair of the ASIL International Law in Domestic Courts Interest Group. She earned her JD from Yale Law School, her DPhil in International Relations from Oxford University as a Rhodes Scholar, and her AB in history and literature from Harvard University. Her recent scholarship has addressed questions including corporate aiding and abetting liability under the Alien Tort Statute; the extraterritorial application of domestic rights by common law courts; and the history of common law immunity.



**MICHAEL RAMSEY** is a professor of law at the University of San Diego School of Law, where he teaches and writes in the areas of constitutional law, foreign relations law, and international law. He is the author of *The Constitution's Text in Foreign Affairs* and of numerous articles on foreign relations law. He received his BA, magna cum laude, from Dartmouth College and his JD, summa cum laude, from Stanford Law School. Prior to teaching, he served as a judicial clerk for Judge J. Clifford Wallace of the United States Court of Appeals for the Ninth Circuit and for Justice Antonin Scalia of the United States Supreme Court, and practiced law with the law firm of Latham & Watkins. He has taught as a visiting professor at the University of California, San Diego and at the University of Paris – Sorbonne.



**ALAN SYKES** directs the Masters Program in International Economic Law, Business and Policy at Stanford University. He is also a Senior Fellow at the Stanford Institute for Economic Policy Research and the Stanford Center for International Development. A leading expert on the application of economics to legal problems, he has focused his research on international economic relations and currently serves as reporter for the American Law Institute Project on Principles of Trade Law: The World Trade Organization. Before joining the Stanford Law School faculty in 2006, Sykes was the Frank and Bernice J. Greenberg Professor of Law at the University of Chicago Law School. He is also a former National Science Foundation graduate fellow in the Department of Economics at Yale University.



**DEANELL REECE TACHA**, of Scandia, Kansas, has been a circuit judge, United States Court of Appeals for the Tenth Circuit, since January 1986. She served as chief judge from January 2001 through 2007. Tacha earned her BA from the University of Kansas in 1968 and her JD from the University of Michigan in 1971. She has been a professor at the University of Kansas School of Law from, where she also 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. Tacha has practiced law in Washington, D.C. and Kansas, and 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 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, she represented American judges in the Canadian-American Legal Exchange. Recently, Tacha was named dean of the Pepperdine School of Law.



**MARY H. TERZINO** is an attorney and consultant based in Midland, Michigan. Her practice focuses on the intersection of multi-dimensional legal concerns, corporate reputation, and public policy. Terzino retired from The Dow Chemical Company in 2010 where, as assistant general counsel, she headed the Global Litigation and Environmental Law practice groups. Since 2005, she has chaired an international coalition organized by the U.S. Chamber Institute for Legal Reform to study and influence public policy regarding extraterritorial litigation. Terzino has an AB from Marquette University and a JD with honors from the University of Wisconsin Law School. She has served on the Boards of Trustees for the U.S. Chamber Institute for Legal Reform and the Civil Justice Association of California.



**WILLIAM E. THOMSON** is a partner in the Los Angeles office of Gibson, Dunn & Crutcher. He is cochair of the firm's Transnational Litigation and Foreign Judgments Practice Group. Thomson served as a judicial clerk to the Honorable Robert J. Kelleher in the U.S. District Court for the Central District of California from 1996 to 1997. He received his law degree in 1996 from the University of California, Los Angeles, School of Law. He earned a PhD and an MA from the University of Chicago, and an AB from Princeton University, all in the field of political science. At the University of Chicago he was a John M. Olin Fellow at the Center for Inquiry Into the Theory and Practice of Democracy. For his dissertation on the political theory of Alexis de Tocqueville he conducted research in Paris and is fluent in French. He also has a reading knowledge of Spanish.



**DAVID WALLACH** is an associate in the San Francisco office of Jones Day. He focuses his practice on complex civil litigation and international litigation and has experience in all aspects of discovery, law and motion, and appellate practice in federal and state courts. His recent litigation experience includes defending against claims under the Alien Tort Statute, Torture Victim Protection Act, RICO, and California tort and unfair competition law. Wallach's pro bono practice focuses on prisoners' rights litigation under 42 U.S.C. § 1983. He was a member of the trial team defending Chevron in *Bowoto v. Chevron Corporation*, one of only two corporate Alien Tort Statute cases to reach trial, and he currently is defending Firestone in *Flomo v. Firestone Natural Rubber Co.*, an Alien Tort Statute case currently pending before the Court of Appeals for the Seventh Circuit. He has also written several articles on the Alien Tort Statute, including *The Alien Tort Statute and the Limits of Individual Accountability under International Law*, published by the Stanford Journal of International Law in June 2010.