Symposium Information: Enforcement of Foreign Judgments
Berkeley Journal of International Law, Riesenfeld Symposium 2012

• Berkeley School of Law, March 13, 2012
  – Corner of Bancroft Way between Piedmont and College Streets
  – 4.25 CLE credits available to practitioners

• Keynote by John B. Bellinger III, 12:30pm - 2:00pm, Room 110
  – Lunch provided outside of Room 110 starting at 12:30pm, keynote begins at 12:45pm

• Riesenfeld Award Recipient: Professor Harry N. Scheiber
  – Introduction by Professor Richard M. Buxbaum
  – Presented at the Riesenfeld Award Dinner at 6:30pm

• Panels at 2:15pm-3:45pm and 4:00pm-5:30pm, Warren Room
  – Continuing Legal Education available (4.25 credits total)

• Cocktails at 5:45pm and Dinner at 6:30 at the Bancroft Hotel
  – 2680 Bancroft Way, Berkeley (immediately downhill of College St)

• Cost of $50-$75 for practitioners, free for students
The 2012 Riesenfeld Symposium will focus on the enforcement of foreign judgments and will feature two panels, one concerning foreign judgments in the context of the internet and media, and another concerning the legal disputes over judgments issued by Latin American courts.

The enforcement of foreign judgments is an increasingly problematic issue. Recognition of foreign private judgments occurs when the courts of one country recognize a judgment issued by the courts of another. Such recognition allows the successful party in one country to pursue relief in the other without the cost of having to re-litigate the issue in the new jurisdiction. This benefit is of great value to private parties involved in international business and litigation.
Recognition of Foreign Judgments: Balancing International, Federal, State, and Commercial Interests

- The United States has one of the world’s most liberal legal frameworks of any country for recognition and enforcement of foreign judgments. Yet the system continues to be governed by a patchwork of state laws that are based on federal common law principles dating to the 19th century. Mr. Bellinger will discuss whether the current state law framework should be updated, focusing in particular on the prospects for U.S. ratification of, and passage of federal legislation to implement, the Hague Convention on Choice of Court Agreements. 12:45pm – 2:00pm, Room 110, Lunch served.

Lessons from Latin America: Case Studies in Enforcement of Foreign Judgments

- Novel enforcement issues have arisen in regard to judgments issued by Latin American courts against major international companies. The panelists will discuss these cases and issues, identifying lessons and prospects for future litigation and enforcement issues. Panel and Q&A from 2:15pm – 3:45pm, Goldberg Room.

Novel Enforcement Issues in the Internet Age

- In 2006, U.S. Courts refused to enforce a ruling from a French court ordering Yahoo! to remove anti-Semitic content from its website. The panelists will review this case and discuss developments in intellectual property, media and the internet since then. Panel and Q&A from 4:00pm – 5:30pm, Goldberg Room.
Symposium Participants: Enforcement of Foreign Judgments

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**John B. Bellinger III** 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 2005 to 2009 and as Senior Associate Counsel to the President and Legal Adviser to the National Security Council at the White House from 2001 to 2005. He is a member of the Secretary of State’s Advisory Committee on International Law and one of four U.S. members of the Permanent Court of Arbitration in The Hague.

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**David D. Caron** is President of the American Society of International Law, Immediate Past Chair of the Advisory Board for the Institute of Transnational Arbitration of the Center for American and International Law, a member of the Global Agenda Council of the World Economic Forum, and a member of the U.S. Department of State Advisory Committee on Public International Law since 1993. He is the co-director of the Miller Institute on Global Challenges and the Law and the co-director of the Law of the Sea Institute. He is a member of the board of editors of the American Journal of International Law, a co-editor in chief of the World Arbitration and Mediation Review and and also of the SSRN International Environmental Law Ejournal.


**Maria Chedid** is a senior counsel at Arnold & Porter, and head of the firm’s West Coast international arbitration and litigation practice. She is also a member of the firm’s appellate practice group. For twenty years, Ms. Chedid has represented clients in a wide variety of commercial disputes in international arbitration, and in cross-border and international law issues litigated in U.S. courts. Her practice is geographically diverse, extending to Asia, Europe, the Middle East, Africa, and Latin America. Ms. Chedid is a frequent speaker and writer on international arbitration and litigation issues, and has guest-lectured on international arbitration at Berkeley School of Law.

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Scott A. Edelman is a partner in Gibson, Dunn & Crutcher’s Century City office and co-chair of its Transnational Litigation and Foreign Judgments Practice. Mr. Edelman has substantial experience trying high stake fraud cases, including achieving the dismissal of two toxic torts cases against Dole Foods because of fraud on the court by plaintiffs and their counsel. Mr. Edelman has also represented Chevron in high-stakes proceedings stemming from the oil operations of Chevron’s subsidiary, Texaco, in Ecuador. Mr. Edelman received his law degree from the University of California (Boalt Hall) in 1984, where he was Co-Editor-in-Chief of the *Ecology Law Quarterly*.

www.gibsondunn.com/lawyers/sedelman

Natasha Fain has been a staff attorney with the Center for Justice and Accountability (CJA) since 2008. She has investigated and litigated Alien Tort Statute and Torture Victim Protection Act cases against perpetrators of human rights abuses found living in the United States from countries as diverse as Somalia, Peru, and Haiti. Ms. Fain joined CJA after working as a litigation associate with Morrison & Foerster LLP for over four years, where she practiced complex civil litigation and worked pro bono on civil rights and human rights cases and publications with the ACLU, Stop Prisoner Rape, the California Habeas Project, and the Lawyers’ Committee for Civil Rights. She received her J.D. from the University of California, Berkeley School of Law in 2003. She is admitted to practice in California.

www.cja.org/section.php?id=91#Natasha%20Fain

Geoffrey Hazard has taught at Berkeley School of Law, the University of Chicago, Yale University, and the University of Pennsylvania. He was Executive Director of the American Law Institute from 1984 to 1999 and previously Reporter for the ALI Restatement Second of Judgments. He was Reporter for the ABA Model Rules of Professional Conduct (promulgated in 1983) and draftsman-consultant for the ABA Model Code of Judicial Conduct (promulgated in 1972). He is author or co-author of 16 books and many articles. He is frequently an expert witness or consultant.

http://uchastings.edu/faculty-administration/faculty/hazard/index.html
Symposium Participants: Enforcement of Foreign Judgments

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Michael Traynor is President Emeritus of the American Law Institute, senior counsel at Cobalt LLP. Mr. Traynor retired in 2008 from Cooley Godward Kronish LLP, where he served as a partner in the San Francisco office for over 35 years. He engaged in a national litigation practice that included cases concerning IP, the First Amendment, and internal corporate investigations. He has also served as a Deputy Attorney General of the State of California. Mr. Traynor received the outstanding lawyer award from the U.S. Court of Appeals for the Ninth Circuit. Mr. Traynor has taught Remedies and Conflict of Laws at Berkeley school of law.

www.cobaltlaw.com/michael-traynor.html

Neil A. F. Popovic is a partner in the Business Trial practice group in Sheppard Mullin's San Francisco office and is Chair of the International Arbitration Practice. Mr. Popovic’s litigation experience includes a wide range of commercial disputes, including consumer class actions, white collar criminal matters, and international litigation and arbitration. Mr. Popovic also practices international environmental law, including representing clients in international negotiations. He teaches courses in International Litigation and Arbitration and International Environmental Law at Berkeley Law. Mr. Popovic received his law degree from Boalt Hall School of Law in 1987, where he was Note and Comment Editor for the California Law Review.

www.sheppardmullin.com/npopovic

Molly S. Van Houweling is a professor of law and the faculty director of the Berkeley Center for Law and Technology at Berkeley Law School. She joined the Boalt faculty in fall 2005 from the University of Michigan Law School, where she had been an assistant professor since 2002. Before joining the Michigan faculty, Van Houweling was president of Creative Commons and served as senior adviser to the president and board of directors of the Internet Corporation for Assigned Names and Numbers.

www.law.berkeley.edu/php-programs/faculty/facultyProfile.php?facID=5073
Christopher Whytock is an acting 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. He has taught courses on international law, international relations, and civil procedure, among others. His 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, as well as peer-reviewed social science journals.

www.law.uci.edu/faculty/page1_c_whytock.html
Riesenfeld Award: Enforcement of Foreign Judgments

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Riesenfeld Award Introduction: Professor Richard M. Buxbaum
Professor Buxbaum practiced law in Rochester, New York, and with the U.S. Army before joining the Boalt faculty in 1961. He publishes in the fields of corporation law and comparative and international economic law, from 1987 to 2003 was editor in chief of the American Journal of Comparative Law. He founded and chaired UC Berkeley's Center for German and European Studies and Center for Western European Studies. From 1993 to 1999, he was dean of international and area studies at UC Berkeley. He was the first director of the Earl Warren Legal Institute at Berkeley, serving from 1969 to 1974. He has been a visiting professor at the Universities of Michigan, Cologne, Frankfurt, Münster and Sydney. Professor Buxbaum is a member of the Council on Foreign Affairs, the American Law Institute and was elected to the American Academy of Arts and Sciences in 2001.

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Riesenfeld Award Recipient for 2012: Professor Harry N. Scheiber
Professor Scheiber joined the Berkeley faculty in 1980 and holds the Stefan Riesenfeld Chair in Law and History. He served for eight years as chair and associate dean for Berkeley Law's Jurisprudence and Social Policy Program, and in 1994-5 he was chair of the Berkeley campus Academic Senate. He is presently Co-director of the School's Law of the Sea Institute and is Director of the Institute for Legal Research and the Sho Sato Program in Japanese and U.S. Law.

Prof. Scheiber has held Guggenheim, Rockefeller, American Council of Learned Societies, National Endowment for the Humanities, and Social Science Research Council Fellowships. He was a Distinguished Fulbright Lecturer in Australia, and he has been president of the Agricultural History Society, the American Society for Legal History, and the ACLU of New Hampshire. He holds the honorary doctorate of laws from Uppsala University, Sweden, and is an elected fellow of the American Academy of Arts and Sciences, and honorary fellow of the American Society for Legal History. He served for many years as chair of the California Sea Grant Program's faculty council, and currently is on the advisory boards of the national Joint Oceans Commission and the California Ocean Protection Council program.

Prof. Scheiber has written extensively on international ocean law and on American legal and economic history. His most recent books include Law of the Sea--The Common Heritage and Emerging Challenges; Inter-Allied Conflict and Ocean Law,1945-52; The State and Freedom of Contract; Earl Warren and the Warren Court; and (with co-editor David Caron), Bringing New Law to Ocean Waters. He is also author of more than 120 articles in law reviews (including BJIL) and in numerous journals of history and social science. His teaching fields at Boalt and in Legal Studies include legal history, federalism, and international ocean law.

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<table>
<thead>
<tr>
<th>Schedule</th>
<th>Events, Participants, Locations</th>
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<tr>
<td>12:30pm – 12:45pm</td>
<td>Lunch served outside Room 110 starting at 12:30pm</td>
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| 12:45pm – 2:00pm | **Recognition of Foreign Judgments: Balancing International, Federal, State, and Commercial Interests**  
  Introduction by David D. Caron  
  Keynote: John B. Bellinger III  
  Location: Room 110, Berkeley School of Law                                                   |
| 2:15pm – 3:45pm | **Lessons from Latin America: Case Studies in Enforcement of Foreign Judgments**          
  Moderator: Neil A.F. Popovic  
  Panelists: Christopher Whytock, Natasha Fain, Scott A. Edelman  
  Location: Warren Room, Berkeley School of Law                                               |
| 4:00pm – 5:30pm | **Novel Enforcement Issues in the Internet Age**                                               
  Moderator: Maria Chedid  
  Panelists: Michael Traynor, Geoffrey Hazard, Molly S. Van Houweling  
  Location: Warren Room, Berkeley School of Law                                               |
| 5:45pm – 6:30pm | Cocktail Reception at Bancroft Hotel                                                           |
| 6:30pm – 8:30pm | **Riesenfeld Award Dinner**                                                                   
  Introduction by Richard M. Buxbaum  
  Riesenfeld Award Recipient: Harry N. Scheiber  
  Sponsored by: Gibson, Dunn & Crutcher, LLP  
  Location: Bancroft Hotel, 2680 Bancroft Way, Berkeley                                        |
Sponsorship: Enforcement of Foreign Judgments

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Founded in 1982, the Berkeley Journal of International Law (BJIL) is composed of approximately 60 general members and 35 board members, all of whom are full-time JD or LLM candidates. The Journal receives over 3,000 submissions a year (50-75 per week), of which it publishes no more than 12-18 articles in two annual publications in print. A handful more are published in the online edition The Publicist. Visit us online at http://www.boalt.org/bjil/.

The Journal depends on financial reserves to publish in print ($10,000/year), membership dues to cover internal activities ($6,000/year), and donations to fund the annual Riesenfeld Symposium ($10,000/year). Whereas journals nationwide once supported themselves solely from subscriptions, the era of the internet and sites like Lexis and Westlaw have undermined the viability of our business model. Your contribution is greatly valued and absolutely necessary to BJIL’s continued success.

Sponsorship levels, corresponding recognition and an explanation of how to donate follow on the next pages. All donations will be split between funding the Symposium and funding the Journal’s continued activities and may be tailored to the donor’s interests. Donations are earmarked to BJIL and processed by UC-Berkeley and, as such, are fully tax-deductible. Special sponsorships are available at all levels.
# Sponsorship Levels: Enforcement of Foreign Judgments

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• Credit Card payments can be made online by following the donation page link at http://www.boalt.org/bjil/donate.php.
• Please feel free to contact Sarah Moros and Dan McGinley, Editors-in-Chief, with any questions you may have about BJIL or financial support at contactbjil@gmail.com or at (914) 318-0049.

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- **Gibson, Dunn & Crutcher, LLP,** our Banquet Sponsor, for their generous support of this year’s symposium.

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