



SCHOOL OF LAW

CASE WESTERN RESERVE  
UNIVERSITY

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# Case Global

News from the International Law Center & Institutes



*Professor Timothy Webster testified in January before the Congressional-Executive Commission on China chaired by Sen. Sherrod Brown.*

## A Growing Presence

Case Western Reserve's connections to China help educate next generation of global lawyers

**D**uring commencement last May, the make-up of the graduating class evidenced a new facet of Case Western Reserve's international program: one-quarter of the nearly 250 diplomas awarded went to Chinese citizens in both JD and LLM programs.

"Our presence in China is rapidly growing. There is no question about it," said Timothy Webster, Assistant Professor and Director of East Asian Studies. "And it's not just that we are attracting more students. We have a growing alumni base in China, and government officials

on both sides of the Pacific recognize our expertise in China's legal affairs."

Recruiting efforts have increased. An engaged alumni base in China is growing. Case Western Reserve's partner institutions now include the top 10 universities in China.

In February, Webster and Interim Dean Michael Scharf, Director of the Frederick K. Cox International Law Center, visited Beijing, Chongqing and Shanghai. The two hosted receptions for alumni, prospective students and their families

and met with Chinese faculty and deans. Webster spoke flawless Mandarin, often to profuse applause.

They also presented their research to receptive audiences at some of China's best law schools. Scharf discussed several case studies from his latest book, *Customary International Law in Times of Fundamental Change* (Cambridge University Press, 2013). Webster spoke about anti-Asian, and particularly anti-Chinese, bias in the implementation

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Ranked **15th** in the nation by *U.S. News & World Report*



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## Officers:

### Michael P. Scharf

Interim Dean and Cox Center Director  
mps17@case.edu

### Juscelino Colares

Associate Director of the Cox Center  
jfc70@case.edu

### Avidan Cover

Director of the Institute for Global Security Law and Policy  
ayc30@case.edu

### Richard Gordon

Associate Director of the Cox Center  
rkq@case.edu

### Lewis Katz

Director of Foreign Graduate Legal Studies  
lrk@case.edu

### Charles Korsmo

U.S. National Director of Canada-United States Law Institute  
crk64@case.edu

### Timothy Webster

Director of East Asian Legal Studies  
tjw71@case.edu

### Case Global:

Editor: Dena Cipriano

Director of Marketing and Communications  
dxc402@case.edu



## ABOUT THE FREDERICK K. COX INTERNATIONAL LAW CENTER:

Our international law program is ranked 15th best in the country by *U.S. News & World Report*. Established in 1991 through a multi-million dollar endowment from the George Gund Foundation, the Cox Center makes global experiences possible for every student.

The Cox Center serves as the hub of the law school's international law program, which includes the Canada-U.S. Law Institute, the Institute for Global Security Law and Policy and the Henry T. King, Jr. War Crimes Research Office. Throughout the year, the center and institutes sponsor numerous lectures and symposia featuring some of the world's most sought-after experts and public speakers.

The center is devoted to helping students land summer internships, semester externships, postgraduate fellowships and full-time jobs. In the past five years, more than 150 students have interned in 38 countries, and we are one of the few law schools to offer a full semester's credit for interning abroad. More than 110 of our students have interned at international tribunals – more than any other law school. International placements also include the World Trade Organization, the United Nations, the Human Rights Council, INTERPOL, and Human Rights Watch. More than 745 international law alums live and work across the globe.

In this issue of *Case Global News*, you will read about our ongoing field projects involving prosecuting Somali pirates, accountability for Syrian atrocities, and training Rwandan judges; our expanding human rights program and new human rights clinic; our Case Global radio program, film series, and MOOC; our foreign internships and study abroad programs; our LLM and SJD programs; and news of our international law faculty and distinguished alums.

We invite you to view a brief video about our international law program at [law.case.edu/centers/cox](http://law.case.edu/centers/cox) and encourage you to contact us for further information.

# Our Fieldwork – in Rwanda, in Syria and on the high seas

**Training Rwandan Judges:** In September 2013, Case Western Reserve entered into a partnership with the International Law Institute – African Center for Legal Excellence (ILI) in Uganda, an NGO run by Swithin Munyantwali (LAW '92), to enable us to undertake joint educational projects in Africa. Subsequently, ILI and Case Western Reserve were awarded a grant to offer a course to Rwandan judges entitled "Advanced Professional Certificate in International Commercial Law." Three law professors – Richard Gordon, Timothy Webster and Dyebo Shabalala – taught courses in June 2014 on International Trade and Economic Law, International Business Law, and International Communication and Innovation Law in Kigali and by video-conference from Cleveland. This collaborative project with ILI will be a pilot for expanded projects and a possible joint master's program.

**Helping to Establish a Syria War Crimes Tribunal:** During the summer of 2013, Interim Dean Michael P. Scharf and David Crane, the former Chief Prosecutor of the Special Court for Sierra Leone, co-chaired a blue ribbon group of experts, which prepared a "discussion draft" of a statute for an ad hoc tribunal to prosecute the crimes against humanity of the Assad Regime in Syria. In October 2013, they publicly announced the initiative at the National Press Club, in a briefing that received world-wide media coverage. The experts provided a copy of the draft statute to Radwan Ziadeh, the President of the Syrian Commission for Transitional Justice. In February 2013, the Syrian opposition coalition's Judicial Council endorsed the elements outlined in the draft statute. Scharf and Crane also met with Congressman Christopher Smith (NJ), Chairman of the House Subcommittee on Global Human Rights, who has drafted a bill calling for the establishment of a Syria Tribunal. The initiative has continued to gain traction, and on May 18, 2014, the Prosecutor of the International Criminal Court, Fatou Bensouda, publicly announced her support for an ad hoc tribunal for Syrian atrocities since Security Council referral of the situation to the International Criminal Court was being blocked by Russia and China.

**Assisting Piracy Prosecutions:** In 2011, the Nobel Peace Prize-nominated Public International Law and Policy Group (PILPG), asked Interim Dean Scharf to convene a "High Level Piracy Working Group" devoted to addressing the numerous challenges

Law students enrolled in the War Crimes Research Lab have prepared more than 30 research memoranda on cutting-edge issues raised by modern piracy prosecutions.



posed by modern maritime piracy, focusing especially on facilitating prosecutions of captured pirates. Since its establishment, the working group has met several times a year at the PILPG office in Washington, D.C., and at Case Western Reserve University.

As part of this effort, law students enrolled in the War Crimes Research Lab have prepared more than 30 research memoranda on cutting-edge issues raised by modern piracy prosecutions. Scharf and his piracy working group colleagues have traveled to provide expert assistance to Kenya, the Seychelles and Mauritius, which have established UN-funded regional piracy courts and prisons. Scharf also presented the working group's findings and recommendations to the UN Contact Group on Somali Piracy in Copenhagen.

Subsequent to these missions, Rosemelle Mutoka, the Chief Piracy Court Judge in Kenya, and Duncan Gaswaga, the Chief

Piracy Court Judge in the Seychelles, each spent a year at Case Western Reserve in the International Criminal Law LLM Program and served as our Distinguished Jurist in Residence. During their stay, the two jurists shared their experience and expertise with government officials, practitioners, academics and students throughout the United States.

As the culmination of our piracy work, on Sept. 6, 2013, the law school hosted "End Game: An International Conference on Combating Maritime Piracy," which brought together two dozen of the world's foremost counter-piracy experts to discuss the novel legal challenges and options related to the final phase in the fight against piracy. The purpose of the conference was to bring counter-piracy experience and insights to a broader audience through the conference webcast and publication of articles generated from the conference in the *Journal of International Law*.



# Global Chairman & CEO of EY speaks at commencement

Weinberger (LAW '87) leads one of the world's largest global professional services organizations

As Global Chairman & CEO of one of the largest global professional services organizations in the world, Mark Weinberger's career experiences are vast.

Yet, he was able to summarize the philosophy that has made him successful in a few short sentences.

"You are the CEO of your own life," Weinberger said, as the crowd of 2014 law graduates and families applauded his remarks.

"The world will find your limitations," he continued. "Only you will find your opportunities."

Weinberger knows all about finding opportunities. Since he graduated from Case Western Reserve University in 1987 with both a JD and MBA, he served in a variety of leadership positions for EY and became Global Chairman & CEO on July 1, 2013.

He previously served as the Assistant Secretary of the United States Department of the Treasury (Tax Policy) in the George W. Bush administration. He was also appointed by President Bill Clinton to serve on the U.S. Social Security Administration Advisory Board, which advises the President and Congress on all aspects of the Social Security system.

Weinberger also served as Chief of Staff of President Clinton's 1994 Bipartisan Commission on Entitlement and Tax Reform; Chief Tax and Budget Counsel to U.S. Senator John Danforth; advisor to the National Commission on Economic Growth and Tax Reform; and Commissioner on the National Commission on Retirement Policy.

"I started my own law and lobbying firm without ever actually practicing law before," he said. "I now run a global professional services organization even though my primary training is as a lawyer and economist. Do you see a pattern?"

EY provides assurance, tax, transaction and advisory services. It employs 190,000 people in more than 150 countries.

"No matter how fast your career is moving, you need to stop occasionally and evaluate what really matters to you. If the life you're building doesn't leave enough room for the people and things that you love, then you need to stop and change course."



*Mark Weinberger, Global Chairman and CEO of EY, speaks during commencement at Case Western Reserve University School of Law in May 2014.*

"I love my job, and it's been one of my most humbling opportunities. But when I was chosen as CEO, I had a condition: no matter where I am in the world, I need to be home every weekend. Finding that balance between your career and the rest of your life is crucial," Weinberger said. "No matter how fast your career is moving, you need to stop occasionally and evaluate what really matters to you. If the life you're building doesn't leave enough room for the people and things that you love, then you need to stop and change course."



*Chambas shares advice with Case Global Service Award recipients.*

# Distinguished law graduate and international peacekeeper speaks during Case Western Reserve University's 2014 commencement

**D**istinguished Case Western Reserve University alumnus Mohamed Ibn Chambas, joint chief mediator overseeing the Darfur peace negotiations for the African Union and United Nations, returned to his alma mater as the 2014 commencement speaker.

Chambas, a renowned attorney, scholar and diplomat from Ghana, offered lessons gleaned from decades of negotiating some of the world's most contentious and difficult issues. He also spoke during the law school's Case Global awards ceremony prior to commencement and received an Honorary Doctor of Laws degree from the university.

Chambas (LAW '84) was the international mediator who helped resolve the Liberian Civil War of the 1990s and the Ivory Coast Civil War in the early 2000s.

"We were so grateful to have Chambas join us for commencement. He's an extraordinary role model, especially to our international law students. The work he is doing around the world is inspiring," said Michael P. Scharf, interim dean and director of the Frederick K. Cox International Law Center.

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— Michael P. Scharf, Interim Dean

Chambas, who entered government in 1987 as Ghana's deputy foreign secretary, came into international prominence as mediator for the First Liberian Civil War, and later the Ivorian Civil War.

His long and distinguished career reflects a lifetime of service:

- In 2007, he was appointed the first president of the Economic Community of West African States (ECOWAS) by the governments of its member states, serving a four-year term.
- Two years later, Chambas was named secretary-general of the African, Caribbean and Pacific Group of States (ACP), a security and economic cooperation organization of 79 countries. In that role, he aided in the ACP's

economic recovery and helped forge the organization's agreement to join the European Union in 2020.

- In 2013, Chambas was appointed joint special representative of the African Union to the United Nations Hybrid Operation in Darfur.

Chambas also is an accomplished academic. As Ghana's deputy minister of education from 1997 to 2000, he oversaw policies and accreditation for five universities and 10 polytechnics, agencies and institutions.

In addition to his law degree, Chambas, who is married with five children, holds political science degrees from the University of Ghana (BA, 1973) and Cornell University (MA, 1977, and PhD, 1980).



# FOREIGN GRADUATE LEGAL STUDIES CELEBRATES ACHIEVEMENTS



*LLM alumni flew in from around the world to attend Case Western Reserve University School of Law's first all-class reunion in June.*



## Law school enrolls second largest LLM class, kick starts SJD program

The Office of Foreign Graduate Legal Studies enrolled 82 LLMs for the 2013-2014 academic year. It was the second largest LLM class since the program was founded in Fall 1992. This year's students came from: Burma, China, India, Iraq, Ireland, South Korea, Kuwait, Libya, Russia, Thailand, Turkey, United Arab Emirates and Vietnam.

In addition to the LLM class, we enrolled our first three SJD (Doctor of Juridical Science) students, representing China, Kuwait and Turkey. All three SJD students were graduates of CWRU's LLM program. After completing their SJD degrees in three years, they will return to their countries for law school teaching careers.

Faculty members traveled extensively, engaging in aggressive recruitment and hosted alumni receptions. In December, Professors Lewis Katz and Jack Turner, director and assistant director, traveled to the Middle East. They visited Dubai, Abu Dhabi, and Kuwait City and met with alumni in all three cities. The professors also met with university and government officials to promote the LLM program.

In February, Interim Dean Michael Scharf and Professor Tim Webster, Director of East Asian Legal Studies, traveled to China, meeting with prospective students and university officials in Beijing, Shanghai, and Chongqing. Many of our LLM students

improve their English language skills at ELS Language Center in Cleveland before enrolling in our LLM program. The Cleveland center is on the Case Western Reserve campus, just steps from the law school. One of the receptions for prospective students was held at the ELS Language Center in Shanghai. Local LLM alumni recounted their positive experiences at the law school.

## LLM student presented with first Adria J. Sankovic Award

Adria Sankovic, former Assistant Director of Foreign Graduate Legal Studies, who had recently retired in June 2012, passed away in December. She had been a beloved mentor to many LLM alumni. The law school established the Adria J. Sankovic Award in her honor to recognize each year an LLM student who promotes international friendship among classmates and JD students. The first winner, Ha Thi Thu Le, (LLM 2014, Vietnam) accepted the award in April.

## First all-class reunion for LLM alumni a great success

In June, Liz Woyczynski, Assistant Director of Foreign Graduate Legal Studies hosted all-classes LLM reunion. Alumni flew in from Turkey, UAE, Kuwait, India and Germany; and retired Professor Jon Groetzinger flew in from Maine. Representing 19 countries, there were 49 alumni in attendance.

Seminars were offered by LLM alumni – Yusuf Caliskan (LLM '98), Hangjung Kim

(LLM '09) and Khalid Almuruar (LLM '05). JD alumni and prominent lawyers in Cleveland who have been long time supporters of our LLM programs also offered seminars. Presenters included Steven Petras (JD 1979), partner at Baker Hostetler, who teaches *Doing Business in the USA*, and Mr. James Graham (JD 2005), chief legal officer at Cliffs Natural Resources who chairs the LLM Advisory Board. LLM alumni enjoyed the Friday night MIX event at the Cleveland Museum of Art, took a trolley tour of Cleveland including the Westside Market and saw a tap dance show in Playhouse Square.

## LLM grads land jobs at firms, businesses

The LLM program is grateful for the support of alumni and partners in the Cleveland legal community who offer LLMs summer internships. Our LLM graduates are allowed by their F-1 visas to stay in the U.S. for up to a year of Optional Practical Training (OPT). This summer, our LLM graduates are working at Cliffs Natural Resources; Forest City Enterprises; Hahn Loeser; NAACP; Parker Hannifin; Lubrizol; The Powers Law Firm; Friedman Linn; City of Shaker Heights Legal Department; Rosner, Ortman & Moss Partners; and the office of Judge Christopher A. Boyko. These summer American internships help them to launch successful careers as international lawyers when they return to their countries.

# Case Global Talk Radio celebrates its second year on the air

Case Western Reserve is the only law school with its own foreign policy talk radio program. "Talking Foreign Policy," produced in partnership with WCPN 90.3 Ideastream, celebrated its second successful year with its June 10, 2014 broadcast about the Ukraine crises.

The hour-long radio program, hosted by Interim Dean Michael P. Scharf, premiered on March 1, 2012, with a segment about responding to Iran's acquisition of nuclear weapons. Since then, the program, which airs every three months, has focused on "presidential power in a war without end" (September 27, 2012), "the Obama Administration's new foreign policy team" (February 4, 2013), "accountability for atrocities in Syria" (May 16, 2013), "combating the scourge of maritime piracy" (September 13, 2013), "regulating Cyber-warfare" (January 31, 2014), and "Russian Roulette: Ripples from Ukraine" (June 10, 2014).

The show is billed as a radio version of the McLaughlin Group with a breezy, casual exchange of opinions from experts that

range the spectrum of political thought. Guests have included bestselling author Peter Singer of the Brookings Institution; Romeo Dallaire, UN Rwandan Force Commander General; Professor Jack Goldsmith of Harvard Law School; Bahar Azmy, Legal Director of the Center for Constitutional Rights; David Crane, former Chief Prosecutor of the Special Court for Sierra Leone; Paul Williams, President of the Public International Law & Policy Group; Col. Mike Newton, former Deputy Ambassador at Large for War Crimes Issues; Milena Sterio of Cleveland Marshall College of Law; and Shannon French, director of Case Western Reserve's Inamori International Center for Ethics and Excellence.

The program airs live in Cleveland on 90.3 FM, and is webcast live world-wide on WCPN.org. Archived broadcasts are available for viewing in video format anytime at: [law.case.edu/TalkingForeignPolicy](http://law.case.edu/TalkingForeignPolicy). Transcripts of the broadcasts of "Talking Foreign Policy," edited by Case law students, are published in the *International Journal of Ethical Leadership*.



Williams, Sterio and Scharf at the WCPN studio.

## A Growing Presence *Continued from page 1*

of U.S. investment policy – a topic of great interest to faculty and students alike.

"At each event," Webster recounts, "our alumni spoke glowingly about their educational experience at Case Western Reserve, the nurturing environment engendered by our faculty and staff and the challenging cross-border business they do as international lawyers."

The law school boasts hundreds of alumni throughout Asia, as well as a large presence in China. Case graduates work for leading U.S. firms, such as Jones Day and Baker MacKenzie; top Chinese firms, including King, Wood and Malleeson, and Zhonglun; and major multinational corporations, such as Siemens and Deloitte.

Webster has played a vital role in the law school's China efforts. In January, he joined the ranks of faculty who have testified before Congress. His remarks were drawn from his article in the *Michigan Journal of International Law*. Based on his analysis of all of the World Trade Organization's rulings against China, Webster concluded that China has a strong, but increasingly imperfect, record of compliance. At base, China remains a system-maintainer, and not a system-challenger. His testimony was picked up by major international news media.

Reuters also quoted Webster in an article about Chinese lawsuits seeking compensation from Japanese companies for war crimes from World War II. He first wrote about this topic as a law student a decade ago, and published his findings in the *Cornell Law Review*.



Case Western Reserve University School of Law partners with the top 10 universities in China.

"As our world gets smaller, I grow evermore convinced by the foresight of our decision to internationalize," Scharf said. "We are excited to educate the next generation of global lawyers – a task this school has skillfully performed for decades."



## Institute for Global Security Law & Policy addresses surveillance issues in wake of Snowden's leaks

In February 2014, the Institute for Global Security Law & Policy hosted a lecture by federal District Judge James Carr, titled "An Introduction to the Foreign Intelligence Surveillance Act (FISA) and Court." In the wake of Edward Snowden's leaks about government surveillance, the Foreign Intelligence Surveillance Court (FISC) has come under fire for being a rubber stamp, approving government requests to collect all telephony metadata of Americans.

Judge Carr, who served on the FISC, from 2002 to 2008 (and currently serves as Senior United States District Judge for the Northern District of Ohio) explained the history of foreign intelligence surveillance and the origins of the court. His remarks centered on reforms he has proposed both in Congress and in *The New York Times*, specifically the appointment of independent lawyers to challenge government's application for FISA orders in novel areas.

In April, the institute hosted Lt. Col. Jeremy Weber (LAW '96), an appellate judge on the Air Force Court of Criminal Appeals, whose speech, "A JAG's Perspective on Military Justice and Sexual Assault," examined potential reforms to the military justice system. Recently enacted laws and proposed legislation have been introduced to address the sexual abuse epidemic in the armed forces. In 2012, there were 26,000 instances of unwanted sexual contact in the military. Some critics have argued that the Uniform Code of Military Justice rules allowing commanding officers, not prosecutors, to decide whether to prosecute cases of alleged sexual assault is the problem.

Lt. Col. Weber defended the UCMJ while condemning any and all instances of sexual abuse. He argued the UCMJ's structure reflected important chain of command principles that were necessary to follow in the military. Moreover, he found in his experience as a Judge Advocate General that commanders almost always heeded the advice of prosecutors.



## New international law curriculum: sequence to success

Over a dozen Case Western Law Professors teach in the area of international law; together, they offer more international law electives than all but a handful of U.S. law schools. We call our three-year learning arc, "Core, Concentration, Capstone."

**Core:** In the first year, students who will undertake a Cox Center-funded summer internship take "Fundamentals of International Law," a one-credit course in the spring semester that introduces them to norms of customary international law, rules of treaty interpretation, basics of researching international precedents, and the principles that govern international dispute resolution and international criminal trials.

**Concentration:** In the second year, students pursuing an international law concentration begin to focus on one of four areas, by taking a sequence of electives that continue into the third year related to public international law, international business law, national security law, or immigration law. Altogether, we offer 40 specialty courses in these areas including our "War

We call our three-year learning arc, "Core, Concentration, Capstone."

**Crimes Research Lab**" where students work on legal issues outsourced by five international tribunals, "World Intellectual Property Law Lab" where students work on international IP issues assigned to us by the World Intellectual Property Organization, and our Immigration Law Practicum, where students work on real asylum and refugee cases for real clients.

**Capstone:** In the third year, students take a semester-long, full-time international law capstone experience. Options include our new Human Rights Law Clinic or over 30 externships around the world. Or they can spend their third year abroad earning a foreign LLM degree at one of our partner universities while concurrently earning our JD degree in no extra time.





# Case Western Reserve expands human rights program, adds clinic

**A**s the next step in expanding its human rights program, the law school announces the establishment of a Human Rights Clinic to be offered to third-year law students, beginning in the spring of 2015.

The clinic will offer 8 to 10 students a semester-long opportunity to work on cases and projects, often as co-counsel with other lawyers and organizations, addressing international human rights violations both in the United States and abroad.

Examples of litigation include: representing non-citizens in applications for relief from removal or deportation, asylum, withholding of removal, and protection under the

Convention Against Torture; partnering with foreign non-governmental organizations in South Africa in litigation of HIV/AIDS-related discrimination matters; and authoring amicus briefs in U.S. and international courts on behalf of selected human rights groups on a range of issues. The clinic will be taught by Avidan Cover, an experienced human rights and civil rights attorney. Cover was senior counsel at Human Rights First from 2004 to 2007 and litigated civil rights and human rights cases at Gibbons P.C. in New Jersey from 2007 to 2009.

The law school's human rights program first began in 2001, when University Trustee Bruce Klatsky, a member of the Board of Human Rights Watch, arranged for and

endowed two annual summer internships at Human Rights Watch for our students. At the same time, he endowed the annual Klatsky Seminar in Human Rights, which has featured top human rights figures, including this year's speaker, Harold Koh, former State Department Legal Adviser and Assistant Secretary of State for Human Rights.

In 2002, the law school launched a second human rights lecture series in which the speaker receives the "Humanitarian Award for Advancing Global Justice." Speakers/award recipients have included the Prosecutor of the International Criminal Court, judges of the International Court of Justice and international tribunals, and the U.S. Ambassador at Large for War Crimes Issues.

## Human Rights Internships

The law school has dedicated and preferred summer, semester-long, and post-graduate internship positions for students at human rights-related organizations, including:

- ECPAT International
- the International Criminal Court, Yugoslavia Tribunal, Special Court for Sierra Leone and Special Tribunal for Lebanon in The Hague
- the International Bar Association Human Rights Program in London
- INTERPOL in Lyon
- the UN Office of Drugs and Crime in Vienna
- the Rwanda Tribunal in Arusha;
- the International Law Institute and the Refugee Law Project in Kampala
- the Cambodia Tribunal in Phnom Penh
- Public International Law and Policy Group in Washington, DC.

Dozens of graduates have parlayed their internship experiences into permanent jobs in the field of human rights.

## A History of Human Rights Initiatives at Case Western Reserve

- In 2002, the law school established the War Crimes Research Office, which has prepared over 325 memos for five international tribunals, including a ground-breaking memo that led to the world's first ever indictment and conviction for the crime of "forced marriage" by the Special Court for Sierra Leone. The Chief Prosecutor of that tribunal subsequently nominated our war crimes research program for the Nobel Peace Prize.
- Since 2002, the law school has organized a series of major human rights symposia, including: "The Role of Justice in Building Peace" (2002), "Torture and the War on Terror" (2005), "To Prevent and Punish: Commemorating the 60th Anniversary of the Negotiation of the Genocide Convention" (2007), "Security Detention" (2009), "The ICC and the Crime of Aggression" (2008), "After Guantanamo" (2009), "Divided Loyalties" (2010), and "Lawfare" (2011), and "International Law in Crisis" (2012). With a grant from the Wolf Family Foundation, 1,500 copies of the symposium issues of the *Journal of International Law* have been sent to every international law professor in the country.
- In 2011, the law school launched an annual Human Rights Documentary Film Series, which brings the director/producer of an award-winning human rights documentary to present the film and lead a discussion at the law school. Past screenings have featured Sig Libowitz's "The Response" (2011), Rebecca Richman Cohen's "War Don Don" (2012), Pamala Yates and Paco de Onis's documentary, "Granito: How to Nail a Dictator" (2013), and their follow up film "Dictator on Trial" (2014).
- In 2012, the law school launched a quarterly radio program, "Talking Foreign Policy," in partnership with Cleveland's NPR Station, 90.3 FM. The program has tackled such human rights issues as the legality of predator drones, accountability for Syrian atrocities, and the Obama Administration's Human Rights Agenda.
- In 2013, the law school, in partnership with Coursera, presented the world's first international criminal law and human rights law MOOC (Massive Open Online Course), taught by Professor (now Interim Dean) Michael Scharf. To date, over 50,000 people from 137 countries have enrolled in the MOOC, which includes modules on prosecuting human rights offenses and crimes against humanity before international and national courts.

# ALUMNI LEADERS IN THE SPOTLIGHT



## Austin T. Fragomen

Austin T. Fragomen, Jr. ('68) heads Fragomen, Del Rey, Bernsen & Loewy, the world's leading corporate immigration law firm with more than 1,100 lawyers. Over the course of his career, Fragomen has served as staff counsel to the U.S. House of Representatives subcommittee on immigration, citizenship and international law and has testified a number of times before Congress. He is also the founding co-author of a renowned series of immigration books that provide information on the best practices and latest developments in the field of business immigration, published by Thomson Reuters/West.



## Capricia Marshall

From 2008-2013, Capricia Marshall ('90) served as the Obama Administration's Chief of Protocol, a State Department position holding ambassadorial rank. As such, Ambassador Marshall was the primary liaison for visiting dignitaries meeting with the President, Vice President, Secretary of State, and other Administration officials.



## Janet Donovan

On January 27, 2012, President Obama appointed Janet Donovan ('83) to be Deputy Judge Advocate General for Reserve Affairs and Operations with the rank of Rear Admiral. Admiral Donovan is the highest ranking lawyer in the Navy Reserve and commands more than 600 Reserve Judge Advocates and Legalmen practicing in the fields of military justice, international and operational law, legal assistance, admiralty, and other specialized areas.



## John F. Sopko

On May 24, 2012, President Obama appointed John Sopko ('77) to be Special Inspector General for Afghanistan Reconstruction. The former mob prosecutor and congressional oversight sleuth is overseeing 340 ongoing probes into corruption, fraud and waste involving the billions of dollars the United States is spending in Afghanistan.

## Eight Case Western Reserve law alums are International Law Professors

**Prof. William (Chip) Carter, Jr. ('98)**, taught human rights law at Case Western Reserve School of Law, and is now Dean of University of Pittsburgh School of Law.

**Prof. Kenneth Davis ('74)**, teaches International Law: Globalization of Capital Markets, and served as Dean of Wisconsin Law School from 2004-2012.

**Prof. Amos Guiora ('85)**, Director of the Center for Global Justice, University of Utah School of Law, teaches in the area of counter-terrorism.

**Prof. Zachery Lampell ('08)**, Deputy Director and Professor, Royal University of Law and Economics, Cambodia.

**Prof. Greg McNeal ('06)**, Professor of Law at Pepperdine Law School, teaches in the area of national security law.

**Prof. Bryan Mercurio ('00)**, Associate Dean at Chinese University of Hong Kong Faculty of Law, teaches in the area of international economic law.

**Prof. Mary-Beth Moylan ('94)**, teaches Global Lawyering Skills at University of the Pacific McGeorge School of Law.

**Prof. Charles Norchi ('86)**, teaches Law of the Sea courses at University of Maine School of Law.



# "HOW I SPENT MY SUMMER"

## Images from some of our 35 student internships in summer 2014



**1) Taylor Mick and Ellen Van Cleave**, both 2Ls, interned at the International Criminal Tribunal in Rwanda in Arusha. They are pictured with Anees Ahmed, the former Chief of Judicial and Legal Affairs for the tribunal. He is now leading the peace-keeping mission in Liberia.

**2) Daniel Cheng** interned at President Securities Corporation and participated in a few rotations in the Taiwan company, such as the Legal & Compliance Department, Capital Management Department and Financial Products Department.

**3) Sarah Stula** interned with the Department of State's Office to Monitor and Combat Trafficking in Persons (J/TIP). J/TIP was busy preparing its 2014 Trafficking in Persons Report, a diplomatic tool which monitors and ranks 188 countries on government efforts to eliminate human trafficking. Stula worked on the report and related legal research, talking points and documents.

**4) Kyunghwha Kim** met the UN Secretary General Ban Ki-Moon during her World Trade Organization internship in Geneva.

**5) Malea Hetrick** worked at Centro Bono, in Santo Domingo, Dominican Republic. Centro Bono provides a variety of legal services to vulnerable populations, much like a legal aid clinic would in the United States.

**6) Morgan Kears** (pictured here with the President of Taiwan, **Ma Ying-jeou**) participated in Mosaic Taiwan, a highly competitive program that included meetings with government and business leaders and workshops in the Department of Defense, Environmental Protection Agency, and other agencies.

# INTERNSHIPS & STUDY ABROAD

## Internships:

Argentina	Japan
Austria	Kenya
Belgium	Lebanon
Bosnia	Mauritius
Cambodia	Myanmar
Canada	Netherlands
Chile	Pakistan
China	Peru
Costa Rica	Philippines
Dominica	Sierra Leone
England	South Africa
France	St Kitts and Nevis
Germany	Switzerland
Ghana	Tanzania
Greece	Thailand
Hungary	Timor-Leste
India	Uganda
Israel	U.S.
Italy	Vietnam

## Study Abroad:

### Asia:

China University of Politics and Law  
City University of Hong Kong  
East China University of Politics and Law  
Fudan University  
Jilin University  
National Taiwan University  
Peking University  
Renmin University  
Southwest University of Politics and Law  
Tsinghua University  
Zhejiang University

### Europe:

Bocconi University  
Central European University  
Comillas Pontifica University  
European Business School  
Maastricht University  
Middlesex University  
University of Paris Dauphine  
Utrecht University  
VU University Amsterdam

### South America:

Universidad de Montevideo

### Africa:

Rhodes University

### North America:

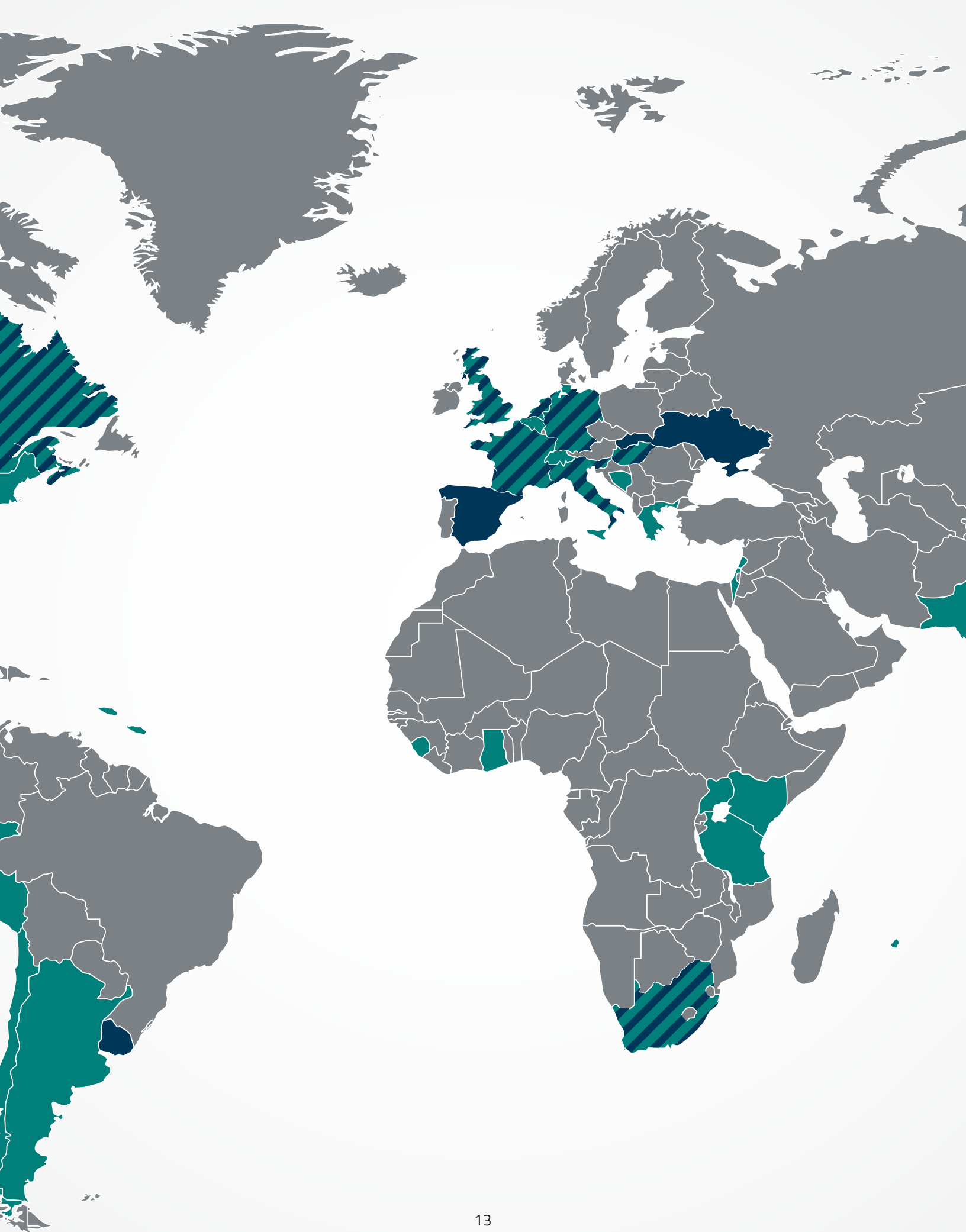
University of Western Ontario

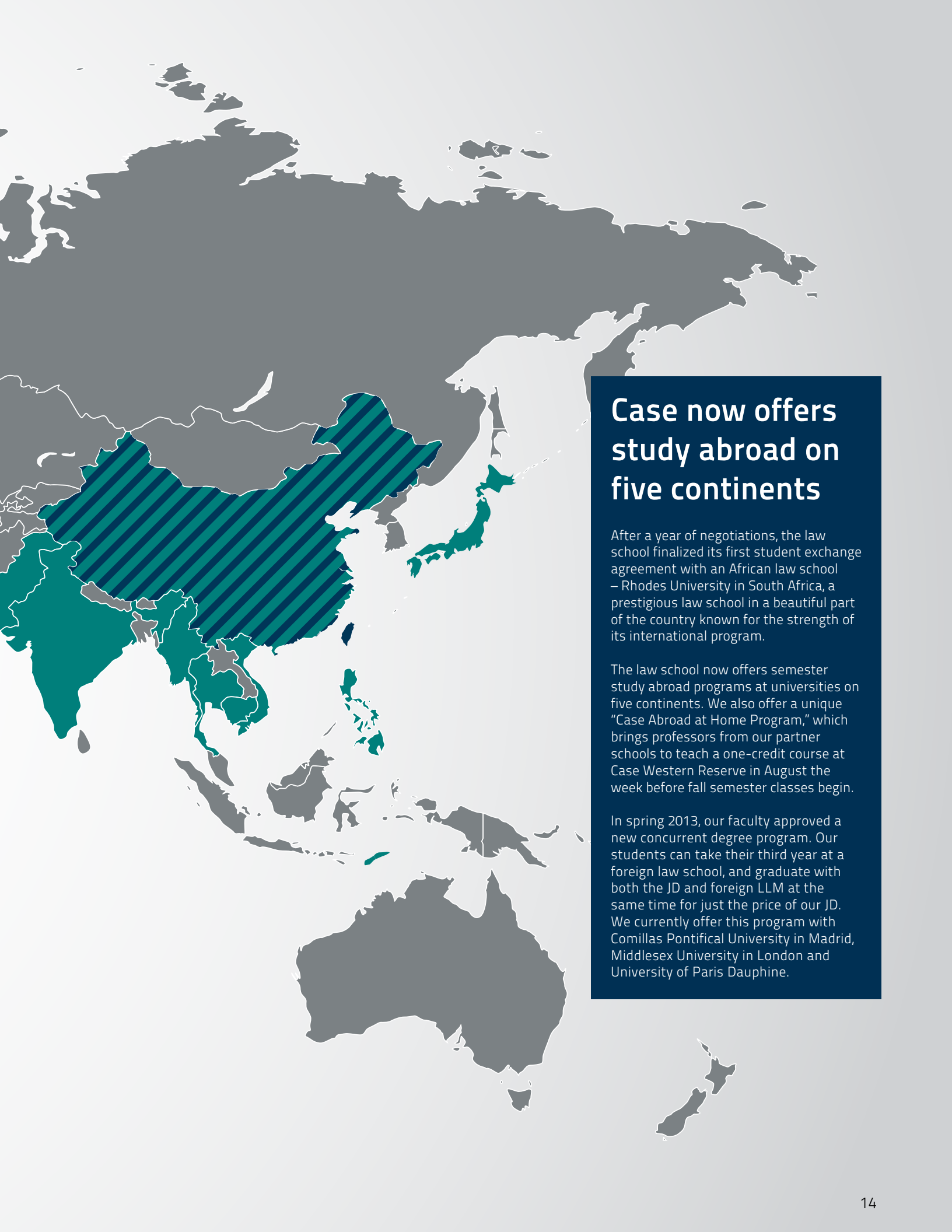
## Internships & Study Abroad

Canada	Hungary
China	Italy
England	Netherlands
France	South Africa
Germany	









## Case now offers study abroad on five continents

After a year of negotiations, the law school finalized its first student exchange agreement with an African law school – Rhodes University in South Africa, a prestigious law school in a beautiful part of the country known for the strength of its international program.

The law school now offers semester study abroad programs at universities on five continents. We also offer a unique “Case Abroad at Home Program,” which brings professors from our partner schools to teach a one-credit course at Case Western Reserve in August the week before fall semester classes begin.

In spring 2013, our faculty approved a new concurrent degree program. Our students can take their third year at a foreign law school, and graduate with both the JD and foreign LLM at the same time for just the price of our JD. We currently offer this program with Comillas Pontifical University in Madrid, Middlesex University in London and University of Paris Dauphine.



# Case Western Reserve law students intern around the world

One of the most significant aspects of the Frederick K. Cox International Law Center is that it helps students launch careers in international law by providing over \$60,000 per year in grants to support summer, semester-long, and post-graduate unpaid internships abroad or in the United States. In addition, the Klatsky endowment provides our students with two \$4,000 funded internships at Human Rights Watch. Dozens of students have parlayed their internships into permanent jobs. Internships include:

## Asia:

Aide Medicale Internationale (Rangoon, Burma)  
Ahmedabad Bar Association (Gujarat, India)  
Albright Law Firm (Shanghai, China)  
Asian Law Caucus  
Chang Tsi& Partners (Beijing, China)  
Clyde & Co. (Shanghai, China)  
Council for Legal Aid (Bangalore, India)  
DLA Piper (Beijing, China)  
Document Center of Cambodia (Phnom Penh)  
ECPAT (Bangkok, Thailand)  
Extraordinary Chambers in the Courts of Cambodia, Prosecutor, Chambers (Phnom Penh)  
Human Rights Commission (Pakistan)  
International Bridges to Justice (Beijing, China)  
King and Wood Law Firm (China)  
Long An Law Firm (Shanghai, China)  
Medecins Sans Frontieres (Rangoon, Burma)  
Society for the Protection and Rights of the Child (Lahore, Pakistan)  
Supreme Court of India (New Delhi, India)  
Supreme Court of the Philippines (Manila, Philippines)  
United Nations Development Program (Hanoi, Vietnam)  
U.N. Integrated Mission in Timor-Leste (Dili, Timor-Leste)  
Vinod Ministry and Company (Mumbai, India)  
WHO in Kobe (Japan)  
Zhoungzhou Law Office (China)  
Zong Lun Law Firm (China)

## Africa:

Abrahams & Gross, Capetown (South Africa)  
Aids and Rights Alliance for South Africa (South Africa)  
Constitutional Court of South Africa (South Africa)  
Equality Now (Nairobi, Kenya)  
Institute for the Study and Development of Legal Systems, the South African LegalResources Council (South Africa)  
International Criminal Tribunal for Rwanda, Prosecutor, Chambers (Arusha, Tanzania)  
International Justice Mission in Kenya (Nairobi)  
International Law Institute (Kampala, Uganda)  
Ministry of Justice (Ghana)  
Ministry of Justice (Mauritius)  
Refugee Law Project (Kampala, Uganda)  
Special Court for Sierra Leone, Office of the Prosecutor (Freetown, Sierra Leone)  
Uganda Ministry of Health, Foundation for Human Rights Initiative (Uganda)

## Central and South America:

Center for Human Rights and the Environment (Patagonia, Argentina)  
Ecological Association for Paquera, Lepanto, and Cabano (Costa Rica)  
Government of Dominica, Ministry of Legal Affairs (Dominica West Indies)  
Government of St. Kitts/IPO Ministry of Health (St. Kitts and Nevis)  
Inter-American Court of Human Rights (San Jose, Costa Rica)  
Peru Ministry of Health, Office of Transparency & Defense of Human Rights (Lima, Peru)  
South American Trade Office (Santiago, Chile)

## Middle East:

Clinic for Migrant Rights (Tel Aviv, Israel)  
Shrat Ha Din Israeli Law Centre (Tel Aviv, Israel)  
UN Special Tribunal for Lebanon, Office of Prosecution, Defense, Registry (Hague Office)

## Europe:

Amnesty International (London, England)  
Association of Defense Counsel, International Criminal Tribunal for the former Yugoslavia (The Hague)  
Bahas, Gramatidis & Partners (Athens, Greece)  
International Bar Association (London, England)  
International Criminal Court, Prosecutor, Chambers (The Hague)  
International Criminal Tribunal for the Former Yugoslavia, Prosecutor, Defense, Registry, Appeals Chamber (The Hague)  
International Trade Center (Geneva, Switzerland)  
INTERPOL, Office of Legal Affairs, Maritime Piracy Task Force (Lyons, France)  
O'Connor & Co. (Brussels, Belgium)  
Pfizer Pharmaceutical (Hungary)  
U.N. Human Rights Council (Geneva, Switzerland)  
U.S. Embassy in Bonn (Germany)  
U.S. Embassy in Sarajevo (Bosnia)  
U.S. JAG Office in Naples (Italy)  
World Intellectual Property Organization (Geneva)

## North America:

American Friends Immigrant Services (Miami)  
Amnesty International (Washington, D.C.)  
Asian Law Caucus (San Francisco)  
Canada Department of Foreign Affairs (Ottawa)  
Canada Parliament (Ottawa)  
Carter Center for International Peace (Atlanta)  
Center for International Environmental Law (Washington, D.C.)  
Council of Great Lakes Governors (Chicago)  
Federal Trade Commission (Washington, D.C.)  
Human Rights Watch (Washington, D.C. & NYC) (Klatsky Fellowship)  
International Consortium for Law and Development (Boston)  
International Monetary Fund (Washington, D.C.)  
National Organization for Women, Immigrant Women Program (Washington, D.C.)  
National Security Law Institute (Charlottesville)  
Organization of American States (Washington, D.C.)  
Permanent Mission of Thailand to the U.N. (NYC)  
Permanent Mission of the Republic of Korea to the U.N. (NYC)  
Political Asylum Project of Austin (Austin)  
Public International Law and Policy Group (Washington, D.C.)  
U.N. Office of Legal Affairs (U.N. Headquarters, NYC)  
U.S. Army Judge Advocate General (JAG) Corps (various locations)  
U.S. Coast Guard Office of Legal Counsel (Cleveland, Washington, DC)  
U.S. Department of Justice, Immigration Review, Organized Crime Section (Washington, D.C.)  
U.S. Department of Justice, Office of Overseas Prosecutorial Development (Washington, D.C.)  
U.S. Department of Commerce, Office of Chief Counsel (Washington, D.C.)  
U.S. Department of Homeland Security (Washington, D.C.)  
U.S. Department of State, Office to Monitor and Combat Trafficking in Persons (Washington, D.C.)

# RECENT GRADUATE PROFILES



**Andrés Pérez** ('04) joined the Public International Law and Policy Group's Libya office as Deputy Chief of Party in 2013. PILPG Libya provides the Libyan government and civil society with legal and technical assistance on key issues for Libya's democratic transition, such as transitional justice, constitution-drafting, women's and youth political empowerment, and effective protections for human rights. Andrés is based in Tripoli and frequently travels throughout the country to conduct outreach, workshops and trainings. Prior to joining PILPG, Andrés served in a variety of positions at the International Criminal Tribunal for Rwanda in Arusha, Tanzania: as defense counsel, legal officer to Chambers, Deputy to the President, Prosecution Trial Attorney and Prosecution Appeals Attorney. Andrés was the recipient of the Case Alumni Association Distinguished Recent Graduate Award in 2012.



**Christopher Rassi** ('03) began his international law career as an extern for the International Criminal Tribunal for Rwanda supported by a Cox Center grant. After working at a law firm for two years, he returned to the Rwanda Tribunal as a Legal Adviser to the Trial Chambers in Arusha, Tanzania. He subsequently worked as a Legal Adviser to the Tribunal's Appeals Chamber in The Hague. He was then hired in 2009 as a Senior Adviser to the Prosecutor of the Special Tribunal for Lebanon in The Hague. Most recently, in October 2012, Chris joined the International Federation of Red Cross and Red Crescent Societies, a global international humanitarian organization located in Geneva, as Senior Legal Officer. In this role, Chris works to ensure the sound legal risk management of the International Federation and works closely with National Societies around the world. Founded in 1919, the IFRC comprises 187 member National Societies, including the American Red Cross, a secretariat in Geneva, five Zone Offices, and more than 60 delegations strategically located to support humanitarian activities around the world.

**Nathan (Nate) Quick** ('09) was the first Case Western Reserve student to spend a semester at an international tribunal under the law school's international tribunal externship program. These externships provide students a semester's worth of credit for interning for six months at an international tribunal under the supervision of Case faculty and a local supervisor.

Nate did such a great job during his externship at the Special Court for Sierra Leone (SCSL) in The Hague that he was hired immediately after graduation to be a prosecutor at the SCSL, where he played a key role in the trial and appeal of Charles Taylor, the former President of Liberia. After three years at the Special Court for Sierra Leone, Nate was hired to be a senior legal officer at the Extraordinary Chambers in the Courts of Cambodia (ECCC) in Phnom Penh, the tribunal set up by the UN to prosecute the former leaders of the Khmer Rouge regime. At the ECCC, Nate has played a role in the appeal of the Duch case, involving the commander of the notorious S21 torture center, and the ongoing trial of the four surviving leaders of the Khmer Rouge. Few lawyers in the world get to work on one significant international trial at an international tribunal. Just four years after graduating from Case Western Reserve Law School, Nate has already worked on three major trials at two international tribunals as both a prosecutor and a legal adviser to the judges.

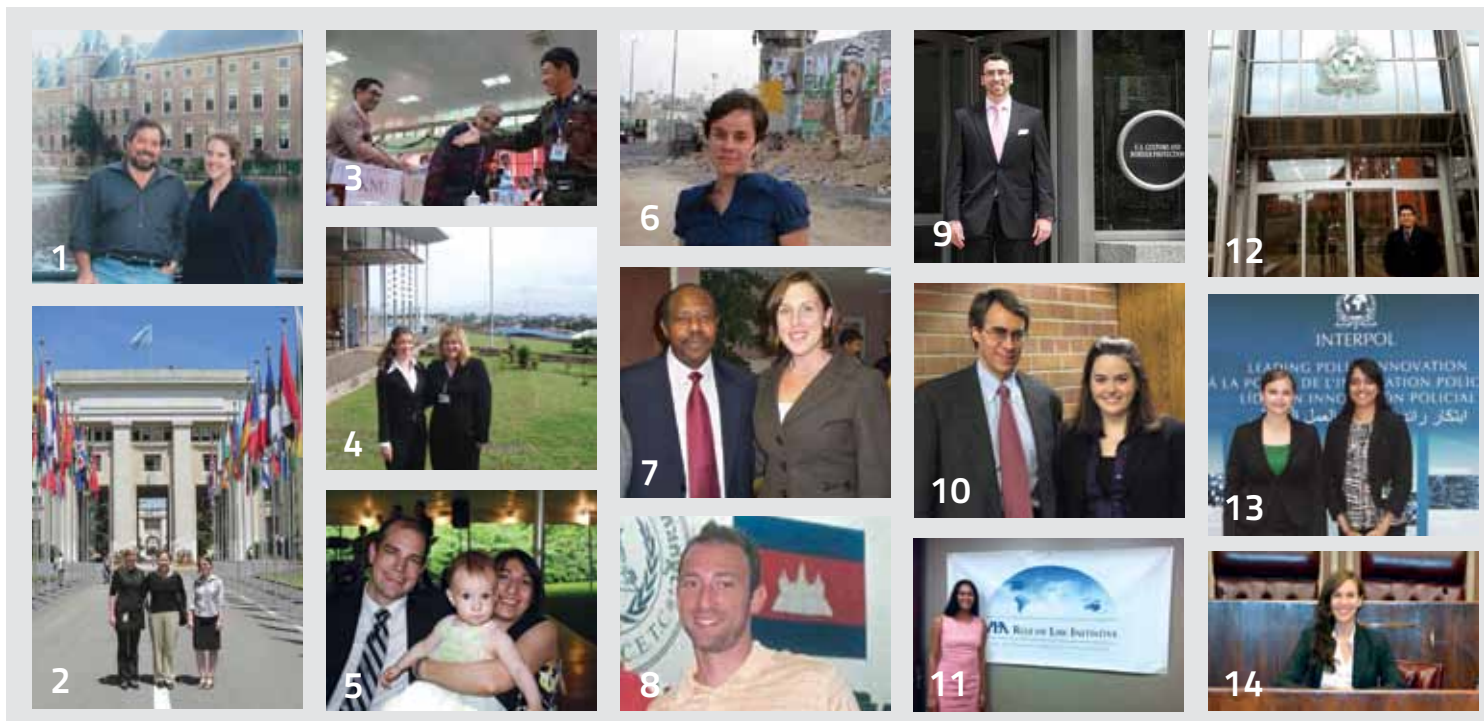


*Nate Quick and Case 1L intern Emily Gibbons at the ECCC.*



**Margaux Day** ('09) interned for a summer at the International Bar Association in London and externed for a semester at the Cambodia Genocide Tribunal (ECCC) in Phnom Penh. She was also a member of the Case Western Reserve's Jessup International Law Moot Court team that won the world championship in 2008. Day was awarded the Best Speaker Award in the World Championship Round. After graduating, Day clerked for a federal district court judge for two years and is now an Associate at Jones Day law firm's office in Shanghai, China, where she works on Foreign Corrupt Practices cases and pro bono public international law. She writes: "Case Western Reserve offered me amazing extracurricular and internship experiences. These opportunities introduced me to lawyers from around the world who I now count as some of my closest friends and colleagues."





## Other Recent Graduates whose International Law careers began with Cox Center-funded internships.

**1) Ruth Mary Hackler ('05)** interned for the Special Court for Sierra Leone (SCSL) and was then hired as a full-time member of the prosecution team that prosecuted Charles Taylor at The Hague.

**2) Ahran Kang ('05)** interned at the International Trade Center in Geneva and then went on to work in the Office of the General Counsel of the U.S. Department of Commerce.

**3) Thihan Nyun ('06)** interned for the United Nations and then went on to work in Burma as a Legal Officer for the World Health Organization.

**4) Chelan Bliss ('07)** interned at the Special Court for Sierra Leone (SCSL) and is now Vice Consul of the U.S. Embassy in Nairobi, Kenya.

**5) Braddock Stevenson ('07)** interned on a project for the World Bank and upon graduating landed a position in regulatory policy with the U.S. Department of the Treasury's Financial Crimes Enforcement Network.

**6) Kathleen Gibson ('08)** interned at Human Rights Watch under our Klatsky endowed fellowship and went on to a position in the Geneva Legal Office of the International Committee of the Red Cross, and is now Counsel to an NGO in Ramallah.

**7) Amanda Perkett ('08)** interned at the Dominica Ministry of Legal Affairs, and went on to become Asylum Officer with the Department of Homeland Security's Refugee, Asylum and International Operations Division, adjudicating asylum cases. Amanda (R) appears with Paul Rusesabagana (L) who saved 1,268 Tutsis during the 1984 Rwandan Genocide, and was the subject of the movie "Hotel Rwanda."

**8) Zach Lampell ('08)** interned for a semester at the Extraordinary Chambers in the Courts of Cambodia (ECCC) in Phnom Penh and was hired upon graduation as an attorney in the ECCC Office of the Co-Prosecutors. He is now Deputy Director and Professor at the Royal University of Law and Economics in Cambodia.

**9) Alex Laytin ('08)** interned at the International Trade Center in Geneva and then went on to become an Attorney in the Department of Homeland Security, Office of Chief Counsel, Trade and Finance.

**10) Brianne Draffin ('08)** interned at the ECCC and SCSL and is now treaty negotiator for the U.S. Social Security Administration.

**11) Nikila Dasarathy ('09)** interned at the ECCC and is now Program Manager for the ABA Human Rights Rule of Law Program, headquartered in Washington, DC.

**12) Hyder Syed ('13)** interned at the UN Human Rights Council in Geneva and INTERPOL in Lyon France, and is now a Presidential management Fellow at the Office of Conflict Management and Mitigation at USAID in Washington, DC.

**13) Rachel Berman-Vaporis ('14)** interned at the General Counsel's Office of INTERPOL and is now judicial clerk for the Federal Immigration Court in San Francisco under the Attorney General's Honors Program.

**14) Heather Ludwig Doherty ('11)** interned at the International Bar Association and ECCC, and is now judicial clerk to a judge on the U.S. Court of International Trade.

**Kim Brown ('12)** interned at the International Law Institute - African Centre for Legal Excellence (ILI-ACLE) in Kampala, Uganda. The ILI-ACLE, which was founded by Case law alum SwithinMunyantwal, hired her after graduation as a Legal Adviser to the organization.

**Jon-Paul McConnell ('12)** interned for the SCSL and is now Chief Executive Officer of the Syrian Support Group (SSG), an NGO based in Washington, D.C. that provides support to protect civilians during the civil war in Syria.

# 2013-2014 MAJOR EVENTS ROUNDUP



On September 6, 2013, the Cox Center hosted "End Game! An International Conference on Combating Maritime Piracy." This day-long conference brought together two dozen of the world's foremost

counter-piracy experts to analyze the novel legal challenges and options related to the new phase in the fight against piracy. Best-selling author, former UN troop Commander, **General Romeo Dallaire**, presented the keynote speech.



On September 18, 2013, the Institute for Global Security Law and Policy hosted, "Security Council: The International Tribunals, Counter Terrorism and the Office of the Ombudsperson," a lecture featuring

**Kim Prost, Ombudsperson, United Nations Security Council al Qaeda Sanctions Committee.**



On September 24, 2013, the Institute for Global Security Law and Policy hosted, "A Conversation with the Chief Prosecutor of United States Military Commissions," featuring **Brigadier General Mark Martins**,

**Chief Prosecutor for the United States Military Commissions at Guantanamo Bay.** CBS's "60 Minutes" filmed the session for a broadcast about the Al Qaeda trials.

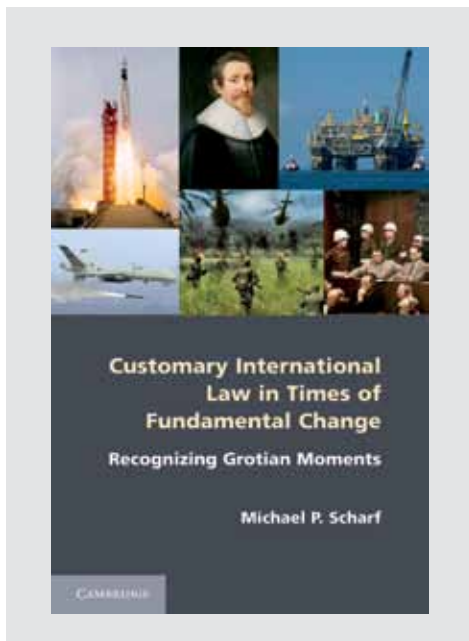


On September 27, 2013, the law school presented "U.S.-China Investment: Reimagining the Relationship," a lecture featuring the **Hon. Kevin G. Nealer, The Scowcroft Group.**



As a bookend to our September 24 lecture, on October 17, 2013, the Cox Center hosted "Eroding the Foundations of International Humanitarian Law: The United States Post-9/11," featuring

**Colonel (ret) Morris Davis, Assistant Professor, Howard University School of Law and former Chief Prosecutor for the Military Commissions at Guantanamo Bay.**



On November 20, 2013, the Cox Center presented "Targeted Killing, Humanitarian Intervention, and Accelerated Formation of Customary International Law," a book talk and signing at the Cleveland City Club presented by **Interim Dean Michael P. Scharf**, author of "Customary International Law in Times of Fundamental Change: Recognizing Grotian Moments" (Cambridge University Press, 2013); the event was broadcast nationally on C-SPAN.



On March 18, 2014, at the Cleveland City Club, the Cox Center presented "Observations from the former State Department Legal Adviser," the Klatsky endowed Lecture featuring

**Yale Law Professor Harold Koh, formerly State Department Legal Adviser, Assistant Secretary of State for Human Rights, and Dean of Yale Law School.** Following his speech, Professor Koh was presented with the Cox Center Humanitarian Award for Advancing Global Justice.



On April 4-5, 2014 the Canada-U.S. Law Institute held its annual conference, "Continental Drift: Energy, Climate Change, and our Bi-National Economy," featuring speeches by **Ambassador Chas**

**Freeman**, former Assistant Secretary for Defense for International Security Affairs; **J. Robinson West**, former Assistant Secretary of the Interior and Director of the U.S. Institute for Peace; **Alexis Abramson**, Director of the Great Lakes Energy Institute; **Hon. James Blanchard**, former Governor of Michigan and U.S. Ambassador to Canada; and **Hon. James Peterson**, former Canadian Minister of International Trade; among others.

Events are webcast live at [law.case.edu/lectures](http://law.case.edu/lectures) and articles by the speakers are published in the *Case Western Reserve Journal of International Law*. Starting in Fall of 2014, Ohio lawyers can get CLE credit for watching archived video of our events online by registering at [law.case.edu/onlineCLE](http://law.case.edu/onlineCLE).



# UPCOMING INTERNATIONAL LAW EVENTS 2014-2015



**August 24-26, 2014**

**The Eighth International Humanitarian Law Dialogs: A New World (Dis)order – IHL in an Uncertain World. This event is at the Chautauqua Institute in New York; all other events are at the Law School Moot Courtroom**

Case Western Reserve University School of Law is pleased to once again co-sponsor this unique three day conference, which features lectures, panels, and "porch discussions" by the international prosecutors of five international criminal tribunals on the shores of Lake Chautauqua. Interim Dean Michael P. Scharf will co-lead a session on regulating cyber-warfare.



**September 5, 2014, 8:30-5:30 PM**  
**International Regulation of Emerging Military Technologies (5.25 hours of CLE)**

The day-long conference, organized by the Cox Center and the Consortium on Emerging Military Technologies, Military Operations, and National Security (CETMONS), will feature prominent experts in military technology, operations, and ethics, along with experts in international law and arms control, who will discuss appropriate ways to regulate four categories of emerging technology: autonomous robotic weapons, military use of genomic science, cyber-warfare, and non-lethal weaponry. Speakers include best-selling author **Peter Singer** of the Brookings Institution. Articles by the speakers will be published in a special double issue of the *Case Western Reserve Journal of International Law*.

**October 7, 2014, 4:30-5:30 PM**  
**Accountability, Justice, and the Legal Response to Military Sexual Assault (1 hour CLE)**



As Deputy Judge Advocate General for Reserve Affairs and Operations, **Rear Admiral Janet Donovan** is the highest ranking lawyer in the Navy Reserve and commands more than 600 Reserve Judge

Advocates and Legalmen practicing in the fields of military justice, international and operational law, legal assistance, admiralty, and other specialized areas. A 1983 graduate of our law school, Admiral Donovan is the first woman to head the JAG Corps of one of the branches of our military. She will deliver the Arthur W. Fiske distinguished lecture on "Accountability, Justice, and the Legal Response to Military Sexual Assault."

**October 14, 2014, 4:30-5:30 PM**  
**Shifting the Paradigm – Bringing to Justice those who Commit Human Rights Atrocities (1 hour of CLE)**



The Klatsky Lecture in Human Rights was endowed in 2001 by University Trustee, Bruce Klatsky. The 2014 Klatsky Lecture will be presented by **Dr. Mark Ellis** (JD/PhD), Executive Director

of the International Bar Association (IBA), an organization comprised of 205 national bar associations, major international law firms and 50,000 individual members from around the world. Dr. Ellis is the author of the recent book, "Sovereignty and Justice: Creating Domestic War Crimes Courts within the Principle of Complementarity" (Oxford University Press, 2014). His lecture will focus on the benefits and shortcomings of the growing use of social media for reporting atrocities. He will discuss a potential solution to these challenges through the creation of a method for documenting international crimes that could lead to increased accountability for international crimes, and ultimately, deter future atrocities.

**October 17, 2014, 3:00-4:30 PM**  
**Killer Bureaucracy: Inside America's Lethal Drone Program (at the Cleveland Museum of Art) (1.5 hours CLE)**



When the U.S. government kills people with drones — and it does so on a regular basis — bureaucrats play a key role in those killings. In this talk, sponsored by the Alumni Weekend Think Forum, Case

Law alum (2006), and current Pepperdine **Professor Gregory S. McNeal**, JD/PhD, will describe the U.S. practice of targeted killings. His talk is based in part on field research, interviews, and previously unexamined government documents.

**October 22, 2014, 4:30-6:00 PM**  
**Probes and Bribes: Practitioners' Perspectives on the Foreign Corrupt Practices Act (1.5 hours CLE)**



Throughout its 37-year history, the Foreign Corrupt Practices Act (FCPA) has proven one of the most controversial tools in the United States' arsenal against corruption. However one views the FCPA,

it has certainly generated business for US law firms. This panel, featuring prominent Cleveland lawyers well versed in FCPA enforcement and advising, will provide an account of the current state of the FCPA. The panelists will reflect on their own experiences defending against FCPA investigations, discuss strategies that companies can use to avoid falling afoul of the FCPA, and provide suggestions as to how the law might be improved and clarified. A reception will follow the presentations. Speakers include **Kevin Barnes** of Taft Stettinius & Hollister, **Jim Wooley** (LAW 1982) of Jones Day, and **Colin Jennings** (LAW 1997) of Squire Patton; Professor Timothy Webster will moderate.

# UPCOMING INTERNATIONAL LAW EVENTS 2014-2015

**November 5, 2014, 4:30-4:30 PM**

**What is the role of International dispute settlement findings in interpreting domestic law? A case study based on the trade laws (1 hour of CLE)**



This lecture will be delivered by **Mark Barnett**, Judge of the U.S. Court of International Trade. He has previously served as Deputy Chief Counsel for Import Administration at the U.S. Department

of Commerce, where he represented the United States in more than 20 disputes before the WTO and NAFTA Arbitral panel. He also served as Trade Counsel of the U.S. House of Representatives Committee on Ways and Means. In this lecture, Judge Barnett will explore the relationship between the international trade agreements as interpreted through dispute settlement and the interpretation of domestic trade laws and the extent to which either one does or should inform the other.



Canada-United States  
LAW INSTITUTE

**March 19-20, 2015**

**The Digital Border: Annual Canada-U.S. Law Institute Conference (6 hours of CLE, pending approval)**

The Canada-U.S. Law Institute brings together academics, government entities, and the business communities to identify and confront issues affecting the relationship between the United States and Canada. The Institute's 2015 conference, which will take place from March 19-20, 2015, will explore "The Digital Border." The conference will address international issues surrounding the rise of information technology, including cyber-security, intellectual property protection, international information sharing, and privacy.

**March 31, 2015, Noon-1:00 PM**

**From Transitional Justice to the Rule of Law: Lessons from the Field (1 hour of CLE)**



**Elizabeth Andersen** is Director of the American Bar Association's Rule of Law Initiative, and former Executive Director of the American Society of International Law. Drawing on

the American Bar Association Rule of Law Initiative's experience from settings as diverse as the Balkans, the Democratic Republic of Congo, Mali, Burundi, the Philippines, and Cambodia, Andersen will provide a frank assessment of accountability efforts and outline lessons for bridging the gap between transitional justice and sustainable rule of law. Following her speech, Andersen will be presented with the Cox Center Humanitarian Award for Advancing Global Justice.

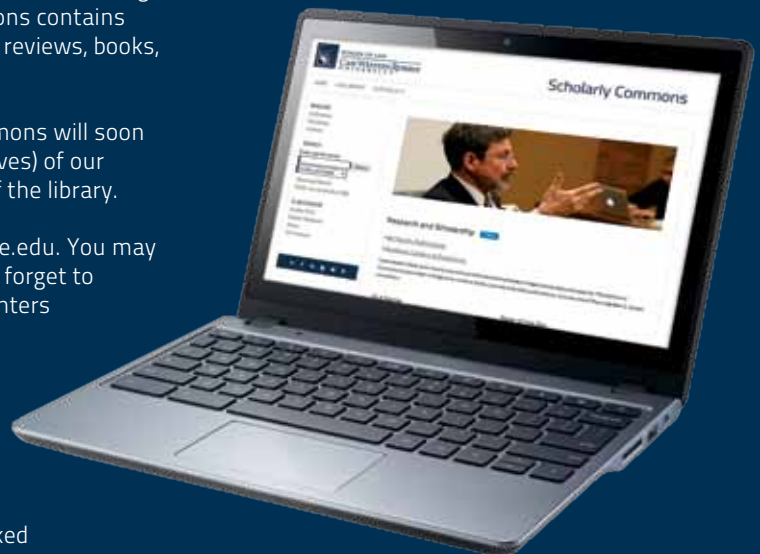
## Law library launches new Scholarly Commons

Case Western Reserve law faculty are national and international leaders in legal scholarship and research. Our new CWRU Law Scholarly Commons contains hundreds of downloadable faculty articles first published in law reviews, books, journals and other publications.

A service of The Judge Ben C. Green Law Library, Scholarly Commons will soon expand to include freely available online editions (with full archives) of our journals, as well as to feature archives and special collections of the library.

Scholarly Commons can be found at [scholarlycommons.law.case.edu](http://scholarlycommons.law.case.edu). You may browse articles by date or by a particular faculty member. Don't forget to select the follow button for your favorite faculty or academic centers to configure email or RSS notification of new articles. Or set up personalized email notifications to be alerted to our new scholarship that meets your own search criteria.

The Scholarly Commons boosts the visibility and accessibility of our faculty's wide-ranging scholarship, including both ground-breaking new work and many older articles of contemporary relevance. Rather than being locked between the covers of bound volumes or accessible only through commercial electronic retrieval services, these articles now rank well in internet search engine results for their subject, can be read and linked to online by a wide public and have been downloaded several thousand times in our first month and a half online.



# NEWS OF OUR INTERNATIONAL LAW FACULTY

## Professor Michael Benza



On Nov. 14, 2013, the United States Court of Appeals for the Sixth Circuit granted habeas relief to Ronald Cauthern, a man sentenced to death in Tennessee. Cauthern is a German national and relief was ordered

in part because Cauthern's attorneys at trial failed to contact the German Consulate under the Vienna Convention on Consular Relations. Professor Benza represented the Republic of Germany as amicus counsel before the Sixth Circuit. The case is *Cauthern v. Colson*, 736 F.3d 465 (6th Cir. 2013).

## Professor Juscelino F. Colares



Juscelino F. Colares published two articles on climate change law's interface with domestic and international legal systems: "Pleading Patterns and the Role of Litigation as a Driver of Federal

Climate Change Legislation," 54.4 *Jurimetrics* \_\_ (forthcoming 2014) (peer reviewed) (presented as a call for papers entry in the AALS's Torts and Insurance Joint Section, January 2014) and "The Dynamics and Global Implications of Subglobal Carbon-Restricting Regimes," 25.3 *Georgetown International Environmental Law Review* 417 (winter 2013). He also published a *BNA Insight* on the controversy over natural gas exports and the compatibility of the current U.S. export licensing regime with WTO law, titled "Upholding U.S. Free Trade Advocacy Amid Controversy Over Natural Gas Exports," which was featured on *Bloomberg International Trade Reporter*, *WTO Reporter*, *Energy and Climate Report* and *Environment Reporter* (Jan. 14, 2014).

## Professor Avidan Y. Cover



Assistant Professor and Director of the Institute for Global Security Law & Policy Avidan Y. Cover published in the *Cardozo Law Review* "Presumed Imminence: Judicial Risk Assessment in the Post-9/11 World."

## Professor Shannon E. French



Shannon E. French presented at three international conferences this year, delivering a paper on drone warfare at the International Studies Association (ISA) conference in Toronto, Canada, co-presenting

a plenary address with Tony Jack on a new design for interdisciplinary military ethics training that incorporates insights from several fields (including neuroscience) at the Euro-ISME (International Society for Military Ethics) conference in Koblenz, Germany, and giving a talk on modern applications of and challenges to the warrior's code at the Security and Human Behavior conference in Cambridge, England. She also traveled to Kyoto and Tokyo, Japan with Diana Bilimoria to conduct research for a case study on the values and turnaround of Japan Airlines. Her latest book chapter on "Dehumanizing the Enemy: The Intersection of Neuroethics and Military Ethics," co-authored with Tony Jack, will appear this year in the book *Responsibilities to Protect: Perspectives in Theory and Practice*, edited by David Whetham, and she is completing a single-authored work on "Military Ethics in Variant Cultural Traditions," for the *Handbook on Military Ethics*, edited by George R. Lucas. She's also working on a further piece on "New Wars, Old Warriors: Preserving and Applying the Core Values of the Just War Tradition and the Warrior's Code in 21st Century Warfare," for a book edited by Daniel Brunstetter.

## Professor Peter Gerhart



Several of the articles that Peter Gerhart has written on international intellectual property and the role of the WTO have been cited regularly by scholars in a recent survey of articles

compiled by a visiting scholar from China, Ruibo Yan, shows that three of professor Gerhart's articles have been cited in a total of nine different articles. The three frequently cited articles are: The Tragedy of TRIPS, 2007 MICH. ST. L. REV. 143 (2007), Power and Preferences: Developing Countries and the Role of the Appellate Body, 30 N. C. J.

INT. L. AND COMM. (2005) (with Archana Seema Kella) and Distributive Values and Institutional Design for the Global Commons, in Keith E. Maskus and Jerome H. Reichman (ed.), INTERNATIONAL PUBLIC GOODS AND TRANSFER OF TECHNOLOGY UNDER A GLOBALIZED INTELLECTUAL PROPERTY REGIME (Cambridge University Press 2004)

## Professor Richard Gordon



In the past year Richard Gordon, along with Sean Watterson (LAW '99) trained securities regulators and brokers in Islamabad, Lahore, and Karachi, Pakistan. Gordon also taught international taxation

to law students at the Interdisciplinary Center in Hertzliya, Israel, and taxation and financial regulation to judges and registrars in Kigali, Rwanda. Along with his co-author Andy Morris, Gordon published the article Moving Money: International Financial Movements, Taxation, & Money Laundering, which was the subject of a round-table discussion at the London Capital Club and is currently the fifth most downloaded paper in the history of the Social Science Research Network in the field of international political economy.

## Professor Brian K. Gran



Brian K. Gran is publishing "Expanding the Human in Human Rights" with David Brunsma and Keri Iyall Smith. Gran serves on the Steering Committee of the Science and Human Rights Program of the

American Association for the Advancement of Science. He recently had the pleasure of participating in a colloquium on human rights indicators and business held at Cumberland Lodge. Gran is president of the thematic group on Global Justice and Human Rights of the International Sociological Association. He is a research affiliate of the Joint Center for Poverty Research of Northwestern University and the University of Chicago. Gran was a Robert Wood Johnson Foundation Scholar in Health Policy Research at Yale University.



# NEWS OF OUR INTERNATIONAL LAW FACULTY



## Avidan Y. Cover argues that judges regularly overstate the threat of terrorism in "Presumed Imminence"

Assistant Professor and Director of the Institute for Global Security Law & Policy Avidan Y. Cover recently published in the *Cardozo Law Review* "Presumed Imminence: Judicial Risk Assessment in the Post-9/11 World." The article examines how judges' opinions in terrorism cases are ultimately about their perceptions of risk, which are influenced by psychological, social and cultural biases.

Looking at post-9/11 case law through the lens of behavioral applied science on biases and cognitive errors, Cover makes a number of findings about these decisions. Because of the catastrophic nature of the 9/11 terrorist attacks, judges—as with the general population—are apt to respond more intuitively to government arguments supporting security measures that curtail civil liberties. Judges' findings of fact then often neglect the probability of an event's occurrence and seek out evidence that is not in the record to support their conclusions.

Despite judges' high-level deliberative reasoning, they may have difficulty

overcoming their intuitive reactions and cognitive errors because of their cultural and social views. Judges may therefore consciously overstate the potential harm and likelihood of a terrorist attack, consequently engineering evidentiary standards in their balancing to favor government counterterrorism policies. Cover also finds that these biases influence not only cases involving military, intelligence, or international matters, but increasingly in domestic and criminal cases that have an at best tenuous relationship to terrorism.

As a solution, Cover urges the adoption of fixed, demanding evidentiary standards in areas of high risk matters such as terrorism. In addition, Cover urges that judges should write opinions candidly, disclosing their own uncertainty and the potential impact of intuitive responses and concomitant biases on their findings. Such candor, Cover concludes, will better inform the political branches and the public in making what are ultimately policy decision about how to address catastrophic risks such as terrorism.

### Adjunct Professor Justin Herdman



Justin Herdman joined the Cleveland office of the global law firm Jones Day at the end of 2013. He is scheduled to co-teach "International Criminal Law" with Interim Dean Michael Scharf in the fall semester.

In May 2014, he was awarded the Judge Richard M. Markus Adjunct Faculty Award for Excellence in Teaching. He also continues to serve in the Judge Advocate General Corps of the United States Air Force Reserve, where he was recently promoted to the rank of Major.

### Adjunct Professor James C. Johnson



Co-Director of our Henry King War Crimes Research Office, Adjunct Professor James C. Johnson is the President and Chief Executive Officer of the Robert H. Jackson Center, located in Jamestown,

New York. Before joining the Jackson Center, Johnson was the Chief of Prosecutions for the Special Court for Sierra Leone. As such, he supervised trial and investigative teams, which prosecuted ten accused, including the former President of Liberia, Charles Taylor, for war crimes, crimes against humanity and other serious violations of international law.

### Professor Kenneth F. Ledford



Kenneth F. Ledford published "Jews in the German Legal Professions: Emancipation, Assimilation, Exclusion," in Ari Mermelstein, Victoria Saker Woeste, Ethan Zadoff, and Mark

Galanter, eds., *Jews and the Law*, 13-35 (Quid Pro Books, 2014). Ledford also completed a book review of Bernd Sösemann, ed., *Friedrich der Große in Europa – gefeiert und umstritten* (Stuttgart: Franz Steiner, 2012), *German Studies Review* 37 (2014) No. 3 September 2014.

#### Adjunct Professor Steve Lynch



Steve Lynch organized and spoke at the Coast Guard's biennial military legal assistance program held in Cleveland in spring 2014. Attorneys from around the country attended the three

day program. Guest speakers included retired Ohio Supreme Court Justice Evelyn

Stratton. In the spring, he also was a guest speaker at the Army Judge Advocate General's Legal Center and School in Charlottesville, VA. Last year Lynch received his second Distinguished Service Award from the American Bar Association for his work providing legal assistance to military personnel and their families. He continues to serve on the board of the Ohio Military and Veterans Legal Assistance Project, and was recently quoted in a national news article on legislation to address military identity theft.

#### Professor Kathryn Mercer



In May 2014, Kathryn Mercer co-presented with Jonathan Gordon at Global Legal Skills Conference IX in Verona, Italy. The title of their talk was "A Multi-Cultural Perspective on Plagiarism: Teaching

About an Age-old Problem in the New Age of the Global Student."

## Charles Korsmo named managing director of Canada-U.S. Law Institute

Charles Korsmo, a corporate law scholar, is the new managing director of the Canada-United States Law Institute. He will also serve as the Institute's U.S. National Director since Michael Scharf, who previously held that position, is now the Co-President of the Institute in his role as Interim Dean of Case Western.

Korsmo teaches courses in corporate law, corporate finance and torts. His articles have appeared in the William & Mary Law Review, Washington University Law Review, and Brooklyn Law Review, to name a few. His research has recently been cited by the U.S. Court of Appeals for the Second Circuit and in the New York Times and Wall Street Journal.

"The Canada-U.S. Law Institute doesn't just bring together academics and government entities; it engages the business community, as well. With my corporate law background, I hope to continue to foster a dialogue between these groups to help us identify and confront issues that affect the relationship between the U.S. and Canada," Korsmo said.

Case Western Reserve School of Law and the Faculty of Law at the University of Western Ontario jointly formed the institute in 1976. It sponsors conferences, forums, research opportunities, student internships, and the Niagara Moot Court Competition.

Its major conference last April – "Continental Drift" – focused on how the U.S. and Canada can come together to develop new energy resources and environmental policies, and analyzed the role of Asian markets in North American energy projects.

Korsmo said plans are underway for the Institute's 2015 conference, which will explore "The Digital Border," addressing such issues as cybersecurity, intellectual property protection, information sharing, and privacy.

Korsmo succeeds David Kocan, who led the institute as a visiting assistant professor for the past three years. Prior to joining the faculty at Case Western Reserve, Korsmo clerked for the Honorable Ralph K. Winter on the U.S. Court of Appeals for the Second Circuit, and practiced in the New York offices of Sullivan & Cromwell LLP. He worked at the Environmental Protection Agency and for the U.S.



House of Representatives as staff for the House Policy Committee and the Homeland Security Committee. President Barack Obama appointed him to the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation in 2011.

Korsmo holds a BS in physics from the Massachusetts Institute of Technology and a JD from Yale Law School.

Korsmo's wife is a Canadian, and his background also has something that most law professors can't claim: a childhood acting career. Korsmo starred in major motion pictures in the 1990s – "Hook," "Dick Tracy" and "What About Bob?" to name a few.

"It is really helpful to have a bit of a performance background as a lawyer, at least in theory. It helps because you don't get stage fright, and it's much easier to be persuasive in a genuine manner," he said. "Teaching a class or presenting at a conference can be kind of like giving a live theatrical performance. I get to write my own script, but you never know what people are going to ask. So really, it's more like improv theatre."

# NEWS OF OUR INTERNATIONAL LAW FACULTY

In July 2014, she traveled to Beijing, China where she taught a two-week course on American Criminal Procedure and Law at the China University of Political Science and Law, with which Case Western Reserve School of Law has a newly developed agreement to exchange students and faculty.

## Professor Dale Nance



Dale Nance, our John Homer Kapp Professor, is nearing completion of a long-term project: a monograph addressing burdens of proof. Although much of the book concerns decision theory and the

philosophy of adjudication, significant attention is given to the differences between Anglo-American "adversarial" trials and European "inquisitorial" trials and how these differences relate to an aspect of the burden of proof that has been poorly understood – the duty and capacity of the tribunal to assure that the package of evidence upon which the fact-finder bases a decision is as good as it can be. Applications are suggested for thinking about the assessment of international tribunals that blend Anglo-American and European forms of litigation.

## Adjunct Professor Gregory P. Noone



Long-time Adjunct Professor Dr. Gregory P. Noone was promoted by Fairmont State University to Associate Professor of Political Science and Law, awarded tenure and granted sabbatical to conduct research

in Australia on multinational operations and International Humanitarian Law. While in Australia, Noone taught International Dispute Resolution at the University of New South Wales Law School.

## Adjunct Professor Jenna Peyton



Jenna Peyton continues to practice immigration law full-time and to hold an adjunct professor position, teaching the Immigration Practicum. In March 2013, she won the inaugural Judge

Markus Adjunct Faculty Award for Excellence in Teaching, for the Immigration Practicum.

She is Ohio AILA Treasurer (American Immigration Lawyer's Association), and continues her involvement in pro bono efforts. Due to the humanitarian crisis in the southern border areas, she has focused recently on juvenile immigrants at the southern border, and working on single parent special immigrant juvenile cases. She was invited to speak in October 2013 on juvenile court issues and the intersection with immigration law. In February 2014, Peyton won an asylum grant before the Cleveland Immigration Court that incorporated the recent "social distinction" component of particular social group to a Guatemalan victim of domestic violence. This case also challenged Customs & Border Patrol boilerplate language in documents from the initial border encounter, and was highlighted at a gender based asylum panel at the National AILA conference at Boston.

## Professor Cassandra Burke Robertson



Cassandra Burke Robertson published two articles addressing the globalization of legal practice: *Private Ordering in the Market for Professional Services*, 94 B.U. L. REV. 179 (2014), and

*Regulating Electronic Legal Support across State and National Boundaries*, 47 AKRON L. REV. 37 (2014) (selected for reprinting by the National Organization of Bar Counsel). Her research on self-represented litigants seeking online legal assistance from foreign attorneys was featured in the *Economic Times*: "Middle Class Americans Reach Out To Lawyers In India Via Internet For Legal Aid." Robertson spoke on trends in international litigation in state courts at the 2014 American Society of International Law (ASIL) meeting in April.

## Interim Dean Michael P. Scharf



Michael P. Scharf just completed his seventeenth book, *Prosecuting Maritime Piracy: Domestic Solutions to International Crime* (with Milena Sterio and Mike Newton) to be published by

Cambridge University Press in fall 2014. His presentation at the Cleveland City Club about his recent book, *Customary International Law in Times of Fundamental Change: Recognizing Grotian Moments*

(Cambridge University Press, 2013), was nationally broadcast on C-SPAN Book TV on Dec. 21 and Dec. 30, 2013. Scharf has been appointed Chairman of the Advisory Board of the International Criminal Court Moot Court Competition run by the Grotius Center at Leiden University. His International Criminal Law MOOC (offered twice a year via Coursera) has surpassed 50,000 enrolled students from 137 countries.

## Visiting Professor Dalindyebo Shabalala



Dalindyebo Shabalala continued his work as co-chair of the Climate Action Networks Technology Working Group, participating in UNFCCC meetings and providing advice to civil society groups and countries on

technology issues in the negotiations. As part of the Institute for Globalization for International Regulation (IGIR), in a consortium led by LSE, he will be participating in a framework contract to provide Foreign Policy advice to the European Parliament from 2014 – 2018. In March 2014, he was a panellist in the World Universities Network Joint 4th Public Health/Responding to Climate Change Global Challenge Conference "Global Health and Climate Change: An Interdisciplinary and Transgenerational Approach" in Cape Town, South Africa.

## Professor Timothy Webster



Tim Webster finished two articles for publication in leading law journals. "Paper Compliance: China's Implementation of WTO Rulings" is forthcoming from the *Michigan Journal of International Law*;

and "The Legal Precedents of American Orientalism," a book review of Teemu Ruskola's *Legal Orientalism*, is forthcoming from the *American Journal of Comparative Law*. He also taught international commercial law in Case's innovative Rwanda Judicial Training Program. Webster also received a competitive grant from the Asia Foundation on The Domestic Dimension of International Affairs. He will spend part of summer 2015 researching China's outbound investment policy at the East China University of Political Science and Law (one of Case's partner schools) in Shanghai.



# Barriers to Environmental Change

Professor Juscelino Colares' research explains why litigation won't influence climate change legislation any time soon, and discusses why the U.S. is not a major natural gas exporter.

## Colares' research explains why litigation won't influence climate change legislation any time soon

When litigation is a threat, industries prefer preemptive federal laws to protect themselves from costly lawsuits, even if those laws impose new restrictions on emissions.

With this Elliott-Ackerman-Millian theory in mind, Professor Juscelino Colares sifted through 178 federal and state judicial filings related to climate-change issues since 1990. Through this census, he sought to determine whether litigation could motivate major greenhouse gas emitters to embrace preemptive legislation.

With climate change such a hot button issue, especially in recent years, one may assume climate-related legal claims are on the rise.

"But what I found was that litigation is not increasing," Colares said. "Rather, litigation is not a threat."

Furthermore, Colares found that tort claim pleading – often the most dangerous and costly to industries – is rare. In 178 cases, torts claims amounted to just over 3 percent of all claims pleaded. The vast majority – almost 93 percent of claims – were regulatory.

"In tort claims, plaintiffs have to show causation," Colares said. "It's very difficult to prove causation due to the diffuse nature of climate change effects."

The paper, titled "Pleading Patterns and the Role of Litigation as a Driver of Federal Climate Change Legislation," was honored as one of the three best submissions at the Southeastern Association of Law Schools Annual Meeting on Aug. 2. Kosta Ristovski, a data mining expert, helped Colares with the clustering analysis of the claims in each case filed. This research is forthcoming in *Jurimetrics* this fall.

This article also demonstrates why the recently announced EPA rules on existing

power plants (requiring 30 percent emission reductions by 2030) represent a bigger threat to industries than litigation.

Colares specializes in the intersystemic and procedural aspects of the law on international economic relations and climate change. Recently, the Office of the United States Trade Representative reappointed him to the United States roster of NAFTA panelists.

## Colares discusses why the U.S. is not a major natural gas exporter, despite production boom

With the current shale gas production boom, the U.S. should be a major natural gas exporter, except for one big problem.

Natural gas exports are still governed by the Energy Policy Act of 1992, a time when the U.S. was a major importer and depended more heavily on foreign energy.

Times have changed, Professor Juscelino Colares wrote in a 2014 *Bloomberg Insight*, "In Search of Policy Coherence: Upholding U.S. Free Trade Advocacy Amid Controversy Over Natural Gas Exports." Colares also spoke on the issue at the Utrecht Centre for Water, Oceans and Sustainability Law Spring Luncheon in the Netherlands in May 2014.

"U.S. laws create barriers for the export of natural gas, do not comply with WTO laws and stand in stark contrast to the position the U.S. has been arguing in litigation at the WTO," he said.

The permitting system for natural gas exports is lengthy and difficult. Applicants must seek approval from two agencies: the Department of Energy and the Federal Energy Regulatory Commission. Exports must satisfy a public interest test, which is both convoluted and lengthy. Application approvals can take years.

As a result, producers have sought relief through changes in existing law, yet some gas consumers and distributing industries are fighting changes for fear that more exports would increase domestic prices.



As a WTO member, the U.S. is prohibited from enacting export restrictions. The U.S. is violating GATT Article XI because this lengthy, arbitrary permitting process amounts to an "export license," which is explicitly prohibited.

"Worse, limiting exports [is] profoundly inconsistent with the U.S.' overall stance on free trade, and, especially, with the litigation positions it has often taken before the WTO," Colares wrote in the Bloomberg article.

In two recent cases, the U.S. successfully challenged China's export restrictions, including licensing procedures that imposed restrictions on exports of raw materials and rare earths (chemicals that are used in modern batteries).

"Washington knows its trade partners are watching," Colares wrote. "It is time to reconcile sound economic policy with pro-environment and WTO-compliant trade positions."



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## BY THE NUMBERS

**\$3.7 million**

Our international law program endowment

**15**

Ranking of our international law program

**1**

Jessup Moot Court World Championship

**1**

Nobel Peace Prize Nomination  
of our program



*Our Case Global Team.*

*(Top row, L to R) Richard Gordon, Cassandra Burke Robertson, Michael Scharf, Jessica Berg, Tim Webster, Michael Benza, Charles Korsmo.*

*(Bottom row, L to R) Juscelino Colares, Lewis Katz, Liz Woyczynski, Jack Turner, Avidan Cover*