International Trade: Isolationism, Trade Wars, & Trump

Friday, February 8, 2019
9 a.m. – 3:30 p.m.

Fordham Law School
Skadden Conference Center
150 West 62nd Street
8:30 - 9 a.m.  Check in and Coffee

9 - 9:15 a.m.  Welcome Remarks
Matthew Diller, Dean and Paul Fuller Professor of Law, Fordham Law School

9:15 - 10:45 a.m.  Setting the Stage: The Current Landscape of Trade Issues & the WTO
Julian Arato, Associate Professor of Law, Brooklyn Law School
Rachel Brewster, Jeffrey and Betty sue Hughes Professor of Law, Duke Law
Robert Howse, Lloyd C. Nelson Professor of International Law, New York University of Law School
Moderator: Andrew Kent, Professor of Law, Fordham Law School

10:45 - 11 a.m.  Break

11 am - 12:30 p.m.  Trade & National Security, Sanctions, Tariffs, and other Carrots and Sticks
Simon Lester, Associate Director, Herbert A. Stiefel Center for Trade Policy Studies, CATO Institute
Kathleen Claussen, Associate Professor of Law, University of Miami Law School
J. Benton Heath, Acting Associate Professor of Lawyering, New York University School of Law

12:30 - 1:45 p.m.  Lunch

1:45 - 3:15 p.m.  The United States & The Global Economy
Barry Appleton, Managing Partner, Appleton and Associates International Lawyers
William Jannace, Adjunct Professor of Law, Fordham Law School
Paul Tiffany, Senior Lecturer, Berkeley Haas School of Business, University of California Berkeley
Moderator: Thomas H. Lee, Leitner Family Professor of International Law; Director of Graduate and International Studies, Fordham Law School

3:15 p.m.  Closing Remarks

3:30 p.m.  Cocktail Reception

CLE CREDIT

CLE credit for the program is approved in accordance with the requirements of the New York State CLE Board for a maximum of 4.5 transitional and non transitional credits (4.5) professional practice.

CLE course materials available at: law.fordham.edu/clematerials

BARRY APPLETON
Managing Partner, Appleton and Associates International Lawyers
Barry Appleton is an Adjunct Professor of Law at New York Law School. Appleton is also an international lawyer with a focus on international investment treaty arbitration, international trade and international economic law, and he has worked extensively with government, both as an official and as an advisor.

Barry Appleton has authored a number of publications about international investment treaties, including books on the North American Free Trade Agreement (NAFTA). He is a frequent lecturer on international public law and international investment law at conferences and universities in the US, Canada and Europe, and is actively involved with the International Arbitration Committee of the American Bar Association.

Barry Appleton has acted as Advisor to sub-national governments on World Trade Organization, NAFTA and international economic law issues. Appleton has acted as lead counsel in frequently-cited international investment treaty arbitration decisions.

JULIAN ARATO
Associate Professor of Law
Brooklyn Law School
Professor Arato’s research and teaching interests include international economic law, public international law, international organizations, contracts, and private law theory. He has written extensively on the law of treaties and treaty interpretation, the law of international organizations, and the law of foreign direct investment. He is currently working on a long-term project on the private law dimensions of international investment law.

At Brooklyn Law School, Professor Arato serves as Co-Director for the Dennis J. Block Center for the Study of International Business Law. He also serves as a Co-Chair of the Junior International Law Scholars Association (JILSA); as Vice Chair for the American Society of International Law (ASIL) International Economic Law Interest Group; and as a member of the International Law Association Study Group on the Content and Evolution of the Rules of Interpretation.

Before joining the Brooklyn Law School faculty in 2015, Professor Arato served as an Associate-in-Law at Columbia Law School. He previously worked as an associate in the international arbitration group at Freshfields Bruckhaus Deringer, where his practice focused on international investment disputes and international commercial arbitration.

RACHEL BREWSTER
Jeffrey and Betty sue Hughes Professor of Law
Duke Law School
In 2017-2018, Brewster received support from the Mellon Foundation to convene a year-long interdisciplinary seminar on the Corporation in International Law with Professor Phil Stern (Duke History). Brewster received her BA and JD from the University of Virginia. She has written articles on international law for the Virginia Law Review. She holds a PhD in political science from the University of North Carolina — Chapel Hill, where she received the John Patrick Hagan Award for Excellence in Undergraduate Teaching. She served as legal counsel in the Office of the United States Trade Representative in 2008. She has taught at several universities including Harvard Law School, the University of Chicago Law School, the University of Saint Gallen (Switzerland), and the University of Hamburg’s Institute of Law and Economics (Germany).

Kathleen Claussen
Associate Professor of Law
University of Miami Law School

Kathleen Claussen is an Associate Professor of Law at University of Miami Law School. Professor Claussen’s primary scholarly interests include trade and investment law, dispute settlement and procedure, international contracts and issues in cross-border business transactions, national security and public policy, and financial law, and federalism and conflict of laws. Prior to joining the Miami Law faculty in 2017, Professor Claussen was Associate General Counsel at the Office of the U.S. Trade Representative in the Executive Office of the President. There, she represented the United States in trade dispute proceedings and served as a legal advisor for the United States in international trade negotiations.

Professor Claussen has published in the print or online editions of the Yale Law Journal, the Minnesota Law Review, the American Journal of International Law, and the Yale Journal of International Law, among others. She has been a Branch Research Fellow at the University of Cambridge’s Lauterpacht Centre for International Law; a visiting scholar at the University of Copenhagen’s Centre of Excellence for International Courts; a visiting assistant professor at Indiana University’s Maurer School of Law; and, an invited seminar leader at the George C. Marshall Centre Studies. In 2018, Professor Claussen was one of eleven scholars selected to present research at the Melbourne/Nottingham/NYU Junior International Law Faculty Forum. Her work on cross-border ethical issues in international commercial arbitration was awarded the International Institute for Conflict Prevention and Resolution Paper Prize.

Professor Claussen holds a number of leadership positions within international law and arbitration professional associations. Among other activities, in 2018, she served as co-chair of the 112th American Society of International Law (ASIL) Annual Meeting. She is co-chair elect of the ASIL International Economic Law Interest Group, and serves on the Academic Council of the Institute for Transnational Arbitration. Professor Claussen has blogged at Lowfare, the International Economic Law & Policy Blog, and Opinio Juris, and been featured on or consulted as an expert for various media outlets including MarketPlace, CNBC, and The Financial Times. Earlier in her career, Professor Claussen was Legal Counsel at the Permanent Court of Arbitration in The Hague, where she advised on disputes between countries, and on investment and commercial arbitrations involving countries and international organizations. She also served as a law clerk to the Honorable David F. Hamilton of the U.S. Court of Appeals for the Seventh Circuit. At Yale, Professor Claussen served on the board of the Yale Law Journal and was Editor-in-Chief of the Yale Journal of International Law. She was awarded the Jerome Sayles Hess Fund Prize for excellence in international law and the Howard M. Holtzmann Fellowship in international dispute resolution. Claussen holds a J.D. from Yale Law School, a M.A. from Queens University Belfast (Mitchell Scholar), and a B.A. from Indiana University (Wells Scholar).

J. Benton Heath
Acting Associate Professor of Lawyering
New York University School of Law

J. Benton Heath is an Acting Assistant Professor of Lawyering at New York University School of Law. His primary research interests include international economic law, arbitration, international organizations, and national security. Prior to joining the NYU Lawyering Faculty, Professor Heath practiced international law and arbitration at the U.S. Department of State Office of the Legal Adviser and at Curtis, Mallet-Prevost, Colt & Mosle in New York, where he represented foreign governments and state entities. Professor Heath has represented states and state entities in cases before the International Court of Justice, the Iran–United States Claims Tribunal, other international arbitral tribunals, and US courts. His work at the State Department also included bilateral claims negotiations, matters relating to embargoes and sanctions, and litigation brought against foreign governments by victims of terrorism. He served as a judicial clerk for Judge Robert D. Sack of the Second Circuit Court of Appeals.

Robert Howse
Lloyd C. Nelson Professor of International Law
New York University School of Law

Robert Howse is the Lloyd C. Nelson Professor of International Law at NYU School of Law. Professor Howse received his B.A. in philosophy and political science with high distinction, as well as an LL.B., with honours, from the University of Toronto, where he was co-editor in chief of the Faculty of Law Review. He also holds an LLM from the Harvard Law School.

He has been a visiting fellow at the London School of Economics and visiting professor at Harvard Law School, Tel Aviv University, Hebrew University of Jerusalem, the University of Paris 1 (Pantheon-Sorbonne), Tsinagha University, and Osgoode Hall Law School in Canada and taught in the Academy of European Law, European University Institute, Florence.

Professor Howse has been a member of the faculty of the World Trade Institute, Berne, Master’s in International Law and Economics Programme. He is a frequent consultant or adviser to government agencies and international organizations such as the OECD, the World Bank, UNCTAD, the Inter-American Development Bank, the Law Commission of Canada and the UN Office of the High Commissioner for Human Rights. He was a contributor to the American Law Institute WTO project. He is a co-founder and co-convenor of the New York City Area Working Group on International Economic Law and serves on the American Bar Association Working Group on Investment Treaties. Professor Howse serves on the editorial boards of the London Review of International Law, Transnational Legal Theory, The Journal of World Trade and Investment, among others. Professor Howse’s article with Ruti Teitel “Beginning the ‘Re-thinking of International Law Really Matters’” was awarded the Global Policy Best Article Prize 2010 (shared with Joseph Stiglitz et al.). Prior to pursuing legal studies, Howse held a variety of posts with the Canadian foreign ministry, including as a member of the Policy Planning Secretariat and a diplomat at the Canadian Embassy in Belgrade.

Howse is the author, co-author, or co-editor of numerous books, including Leo Strauss Man of Peace, Trade and Transitions; Economic Union, Social Justice, and Constitutional Reform; The Regulation of International Trade; Yugoslavia the Former and Future; The World Trading System; and The Federal Vision: Legitimacy and Levels of Governance in the EU and the U.S. He is also the co-translator of Alexander Kojève’s Outline for a Phenomenology of Right and the principal author of the interpretative commentary in that volume.

William Jannace
Adjunct Professor of Law
Fordham Law School

William Jannace has worked nearly 30 years in the securities industry at the American and New York Stock Exchanges and FINRA. He managed FINRA’s Sales Practice Policy department. Mr. Jannace also worked in the Enforcement Department where he investigated violations of federal securities laws. Jannace was an accomplished external auditor of the New York International Arbitration Center, is also a research affiliate with the Fletcher Network for Sovereign Wealth and Global Capital. Mr. Jannace received his JD from New York Law School in 1992, his LL.M. in Corporate, Banking, and Finance Law from Fordham Law School in 1996, is a member of the State Bars of New York and Connecticut; received a Certificate in Global Affairs at New York University and Environmental, Social and Governance investment training from the International Corporate Governance Network.

Mr. Jannace is a member of the Bretton Woods Committee and the NGO Committee To Stop Trafficking in Persons. He is also active in raising funds and other resources for humanitarian purposes and an active supporter of education through the establishment of the Anthony E. Jannace scholarship at New York Law School and the Susan M. Jannace scholarship at Fordham University.

Mr. Jannace also lectures internationally, conducting training programs for foreign stock exchanges, including seminars on Corporate Governance and Securities Regulation for the Russian Securities Commission and Stock Exchange in Moscow, and on Capital Market Development and Oversight for the East African Securities Regulatory Authority in Uganda. He has participated in technical assistance missions for several foreign regulators including the Saudi Arabian Capital Markets Authority in Riyadh; the Securities and Exchange Board of India in Mumbai and New Delhi; the Ukrainian Securities and Stock Market State Commission in Kiev; the Romanian Securities Commission in Bucharest, the Jordanian Securities Commission in Amman, the Capital Markets Authority in Istanbul, the Albanian Financial Supervisory Authority in Tirana, the Central Bank of Burundi in Bujumbura, and the East African Secretariat in Arusha, Tanzania. In addition, he conducted training programs for the New York Institute of Finance in Beijing, China and in Taipei, Taiwan for the Taiwan Stock Exchange. Mr. Jannace also trains programs domestically for foreign regulators who participate in the United States Department of State’s International Visitor Leadership Program. He is also a research affiliate with the Fletcher Network for Sovereign Wealth and Global Capital.
Mr. Jannace received his JD from New York Law School in 1992, and his LL.M. in Corporate, Banking, and Finance Law from Fordham Law School in 1996, where he wrote his Masters Thesiss on Corporate Governance and Institutional Shareholder Activism. He is a member of the State Bars of New York and Connecticut. He also received a Certificate in Global Affairs at New York University and Environmental, Social and Governance Investment training through the International Corporate Governance Network.

Andrew Kent
Professor of Law
Fordham Law School
Andrew Kent teaches and writes about constitutional law, foreign relations law, federal courts and procedure, national security law, public international law, professional responsibility and legal ethics. He received the Dean’s Distinguished Research Award (2016-17) for his scholarship.

After graduating from Yale Law School, Professor Kent clerked for the Hon. Robert A. Katzmann of the U.S. Court of Appeals for the Second Circuit and the Hon. Carol B. Amon of the U.S. District Court for the Eastern District of New York. Before joining Fordham’s faculty, he was a Climenko Fellow at Harvard Law School and an attorney at both Sullivan & Cromwell and WilmerHale.

From 2014-2015, Professor Kent served as Senior Counsel to the Solicitor General, State of New York, Office of the Attorney General.

Kent is a member of the New York City Bar’s Professional Responsibility Committee. He provides appellate representation to the indigent as a member of the Pro Bono Panel of the U.S. Court of Appeals for the Second Circuit.

Thomas H. Lee
Leitner Family Professor of International Law; Director of Graduate and International Studies
Fordham Law School
Thomas Lee teaches and writes in the fields of international law, international commercial and investor-state arbitration, comparative and U.S. constitutional law, civil procedure, legal history, and U.S. federal courts and jurisdiction. He has also taught International Trade Law and Telecommunications Law and Data Privacy, and seminars on Asian Americans and the Law (with Judge Denny Chin, U.S. Court of Appeals for the Second Circuit), Civil Law and Common Law, and the U.S. Supreme Court.

Professor Lee has been a Visiting Professor at Columbia Law School (2017-18, 2005-6), Harvard Law School (2012-13), and the University of Virginia School of Law (2007); and an Adviser to the Constitutional Court of Korea (2006-12).

Before joining Fordham in 2002, Professor Lee clerked for Judge Michael Boudin of the U.S. Court of Appeals for the First Circuit and for Justice David Souter of the U.S. Supreme Court, and practiced with Wachtell, Lipton, Rosen & Katz, and Munger, Tolles & Olson. From 1991 to 1995, he served as a U.S. naval signals-intelligence officer deployed at sea in the Western Pacific and Indian Oceans and ashore in Korea and Japan and with the National Security Agency. He is a graduate of Harvard College and Law School, where he was Articles Chair of the Law Review.

Professor Lee is Of Counsel at Hughes, Hubbard & Reed, and a Member of the Panel of Conciliators of the International Centre for Settlement of Investment Disputes (ICSID) and the American Law Institute (ALI).

Professor Lee also maintains an active Supreme Court practice in matters of public interest implicating constitutional rights, data privacy, federal courts and jurisdiction, and U.S. foreign relations and national security.

Simon Lester
Associate Director
Herbert A. Stiefel Center for Trade Policy Studies, CATO Institute
Simon Lester is the associate director of the Cato Institute’s Center for Trade Policy Studies. His research focuses on WTO disputes, regional trade agreements, disguised protectionism and the history of international trade law. Before joining the Cato Institute, he worked for the trade law practice of a Washington, D.C., law firm, and also as a legal affairs officer at the Appellate Body Secretariat of the World Trade Organization. In 2001 he founded the international trade law website WorldTradeLaw.net. He has written a number of law journal articles, which have appeared in such publications as the Stanford Journal of International Law, the George Washington International Law Review and the Journal of World Trade. In addition, he has taught courses on international trade law at American University’s Washington College of Law and the University of Michigan Law School. He has a JD from Harvard Law School.

Paul Tiffany
Senior Lecturer
Berkeley Haas School of Business
University of California Berkeley
Paul Tiffany has served as a Senior Lecturer at the Haas School of Business of the University of California, Berkeley for 25 years. His teaching includes courses in competitive strategy, business and public policy, leadership and management, the global economy, and global strategy and management. He also currently serves as a Visiting Professor at SASIN Graduate Institute of Business in Thailand and several universities in China where he teaches in summer programs. He has taught previously at the Stanford University Graduate School of Business, the Wharton School, CEIBS (China-Europe International Business School) in Shanghai, AVT Business School in Denmark, and the University of Geneva in Switzerland. His degrees include a BA from Loyola Marymount University, an MBA from Harvard University, and a PhD from the University of California at Berkeley.

Prior to entering academia, Paul Tiffany worked as a consultant with several national management consulting firms, as an assistant to the president of a large national financial services firm, and as an organizational analyst for a large public services agency. In addition to his academic work, he heads Paul Tiffany & Associates, a multi-specialty consulting and training organization based in Northern California that offers management services to firms throughout the world. Recent clients have included PTT Exploration & Production (Thailand), Stock Exchange of Thailand, Public Investment Fund (PIF) Saudi Arabia, Wells Fargo Financial Advisors, Morgan Stanley Smith Barney, U.S. Steel, Raymond James, Royal Bank of Canada, Johnson & Johnson, Fidelity Investments, Securities Industry Association (US), YPO of Austin TX, Newcom Group Ltd. (Mongolia), Bank of America, GE Oil & Gas, Qualcomm, Cisco Systems, Isuzu (Japan); Deutsche Post DHL, UT Starcom (China), Statoil (Norway), American Chamber of Commerce (Hong Kong), the Government of Dubai, SCG (Thailand), PTTEP & (Thailand), Coca-Cola, PepsiCola of Thailand, Krungsri Bank (Thailand), Zoetsi SEA (South East Asia), Mohegen Sun Resort and Casino, Nippon Steel (Japan), Cooper Health System, Delaware Investments, U.S. GSA (Federal Government Services Administration), Magellan Health, Siam City Cement Corporation (Thailand), and AXA (France), among many others.

Paul Tiffany has published his research in various journals. His book The Decline of American Steel was published by Oxford University Press and later offered in a Japanese edition. His book Business Plans for Dummies (John Wiley & Sons), co-authored with Steven Peterson, was a world-wide top-five finalist in the annual Booz Allen/Financial Times “Best Business Book of the Year” award. The book went through fifteen printings in ten languages, prior to the release of a 2nd Edition in 2005. Dr. Tiffany has commented extensively on television, radio, and in the popular press on topics about business and economics, and is a frequent keynote speaker at conferences. He is also a past president of the Economic and Business History Society of America.

Professor Tiffany is the recipient of awards for both his research and teaching, including the Anvil Award, presented annually to the outstanding professor in Wharton’s graduate program, the Lindback Award as the outstanding professor at the University of Pennsylvania, and the Cheit Award as the outstanding professor in the Executive MBA program at the University of California, Berkeley.

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Please note: no audio or video recording is permitted at the Symposium.