

# Peter Bowman Rutledge

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## Education

- University of Chicago Law School* 1994-1997
- J.D. with High Honors; Order of the Coif; Tony Patiño Scholar
  - Executive Editor, *The University of Chicago Law Review*
- University of Aberdeen (Scotland), Rotary Scholar* 1993-1994
- M. Litt. in Applied Ethics
- Harvard University* 1988-1992
- B.A. *magna cum laude* in Government (Honors thesis: Prescription for Repeal?)

## Academic Experience

- University of Georgia Law School*
- Associate Dean for Faculty Development* 2013-Present
- Herman E. Talmadge Chair of Law* 2012-Present
- Professor of Law* 2011-2012
- Associate Professor of Law* 2008-2011
- Awards: 2014 Faculty Marshall; 2010 Fulbright Grant; 2009 John C. O'Byrne Award for Furthering Faculty-Student Relations
  - Courses: International Litigation, Civil Procedure, International Arbitration, International Business Transactions; International Law Colloquium, Appellate Litigation Clinic, Federal Common Law
  - Committee Assignments: Speaker Series (Chair); Clerkship (Chair); Faculty Appointments; International Programs
  - University Service: Chaired nationwide search to hire the University's Executive Director for Legal Affairs
- University of Vienna Law School (Austria), Fulbright Visiting Professor* 2010-2011
- Spent year in residence at the Institut fuer Zivilverfahrensrecht supported partly by Fulbright Award
- Catholic University of America, Associate Professor of Law* 2003-2008
- Awards: Professor of the Year (2004, 2005, 2006, 2007); Faculty Marshall (2006)
  - Courses: International Litigation, Int'l Arbitration, Int'l Business Transactions, Criminal Procedure. Criminal Law
  - Committee Assignments: Clerkship, Admissions

## Other Professional Experience

- Wilmer, Cutler & Pickering, Associate* 2001-2003
- Drafted briefs, motions and pleadings in Supreme Court and lower court litigation
- Freshfields Bruckhaus Deringer, Associate (Austria)* 1999-2001
- Drafted pleadings and advised clients in German and English in ICC arbitrations
- Supreme Court of the United States* 1998-1999
- Law clerk to Associate Justice Clarence Thomas
- United States Court of Appeals for the Fourth Circuit* 1997-1998
- Law clerk to Chief Judge J. Harvie Wilkinson III

## PUBLICATIONS

### Books

- Arbitration and the Constitution (Cambridge University Press) (2012)
- International Civil Litigation in United States Courts (5th ed.) (Aspen 2011) (with Gary Born)
- International Civil Litigation in United States Courts (4th ed.) (Aspen 2006) (with Gary Born)

### Book Chapters

- *From Custom to Cooperative Federalism: The Case of Judicial Assistance Treaties in the United States* in a forthcoming book edited by Greg Fox and Paul Dubinsky (Cambridge University Press)
- *An Empirical Assessment of Arbitration Clauses in Credit Card Agreements*, in a forthcoming book edited by Samuel Estreicher and Joy Radice (Cambridge University Press)
- The Proportionality Principles and the (Amount in) Controversy, in *American Illness* (Yale University Press 2013)
- Forum Shopping in International Arbitration: *Forum Non Conveniens* and Lack of Personal Jurisdiction, in *Forum Shopping in the International Arbitration Context* (Seiler 2013)
- Guerilla Tactics at International Courts and Institutions, in *Guerilla Tactics in International Arbitration* (Kluwer 2013)
- Schiedsgerichte in Nordamerika, in *Hamburger Handbuch des Exportwirtschaftsrechts* (2d ed 2013) (with Inka Hanefeld)
- Zugang zum Hoehstgericht aus Sicht der USA, in *Zugang zum OGH in Zivil- und Strafsachen* (Judicial Conference of the Supreme Court of Austria) (Manz 2012)
- Schiedsgerichte in Nordamerika, in *Hamburger Handbuch des Exportwirtschaftsrechts* (2009) (with Inka Hanefeld)
- United States Arbitration Law, in *Practitioner's Handbook on International Arbitration* (Oxford University Press 2d ed. 2009) (with Rachael Kent and Christian Henel) (invited submission)
- Post-Hague Hangover: Three Predictions About the Future of the Law Governing the Enforcement of Foreign Judgments and Arbitral Awards, in *European Union Issues from a Portuguese Perspective* (2007) (invited submission)
- *Looking Ahead: October Term 2006*, in *Cato Supreme Court Review* (2006) (invited submission)

## Articles in Academic Journals

- *Sticky Arbitration Clauses*, 67 Vanderbilt L. Rev. 955 (2014) (with Chris Drahozal)
- *Arbitration, the Law Market and the Law of Lawyering*, Int'l Rev. L. & Econ. (2013) (with Erin O'Hara) (peer reviewed)
- *Arbitration and Profit*, 2013 B.Y.U. L. Rev. 1 (with Chris Drahozal)
- *With Apologies to Paxton Blair*, 45 N.Y.U. J. Int'l L. & Pol. 1063 (2013) (invited symposium submission)
- *Arbitration Clauses in Credit Card Agreements: An Empirical Study*, 9 J. Empirical Legal Studies 536 (2012) (peer reviewed) (with Chris Drahozal)
- *Toward a Functional Approach to the Sovereign Equality of Nations*, 53 Va. J. Int'l L. 181 (2012) (invited symposium submission)
- *TRIPS and BITS: An Essay on Compulsory Licenses, Expropriation and International Arbitration*, 13 N.C. J. L. & Tech. 149 (2012) (invited symposium submission)
- *Convergence and Divergence in International Dispute Resolution*, 19 J. Dis. Res. 49 (2012) (invited symposium submission)
- *Samantar and Executive Power*, 45 Vand. J. Transnat'l L. 885 (2011) (invited symposium submission)
- *Contract and Procedure*, 94 Marquette L. Rev. 1103 (2011) (with Chris Drahozal)
- *Samantar, Official Immunity and Federal Common Law*, 14 Lewis & Clark L. Rev. 589 (2011) (invited symposium submission)
- *Arbitration and Kompetenz*, 3 Yearbook of Arbitration and Mediation 217 (2011) (invited symposium submission) (peer-reviewed)
- *Decisional Sequencing*, 62 Alabama L. Rev. 1 (2010)
- *Medellin, Delegation and Conflicts (of Law)*, 17 George Mason L. Rev. 191 (2009)
- *Introduction: The Constitutional Law of International Commercial Arbitration*, 38 Ga. J. Comp. & Int'l L. 1 (2009) (symposium)
- *Common Ground in the Arbitration Debate*, 1 Yearbook of Arbitration and Mediation 1 (2009) (peer reviewed)
- *Arbitration Reform: What We Know, What We Need to Know*, 10 Cardozo J. Conflict Res. 579 (2009) (invited symposium speaker)
- *Who Can be Against Fairness: The Case Against the Arbitration Fairness Act*, 9 Cardozo J. Conflict Res. 1201 (2008) (invited symposium submission)
- *Whither Arbitration?*, 6 Georgetown J. L. & Pub. Pol'y 549 (2008)
- *Arbitration and Article III*, 60 Vanderbilt L. Rev. 1189 (2008)

### Articles in Academic Journals (cont'd)

- *Clerks*, 74 U. Chi. L. Rev. 369 (2007)
- *Market Solutions to Market Problems: Re-examining Arbitral Immunity as a Solution to Unfairness in Securities Arbitration*, 26 Pace L. Rev. 113 (2005) (invited symposium speaker)
- *Miranda and Reasonableness*, 32 Am. Crim. L. Rev. 1011 (2005)
- *Apprendi, Blakely and Federalism*, 50 S.D. L. Rev. 427 (2005) (invited speaker to deliver the annual endowed Gunderson Lecture)
- *Toward a Contractual Approach to Arbitral Immunity*, 39 Ga. L. Rev. 151 (2004)
- *An End of Term Exam: OT 2003 at the United States Supreme Court*, 54 Cath. U. L. Rev. 151 (2004) (with Nicole Angarella) (expanded version of presentation given to Board of Visitors)
- *The Standard of Review for the Voluntariness of a Confession on Direct Appeal in Federal Court*, 63 U. Chi. L. Rev. 1311 (1996) (student note)

### Other Publications

- *Arbitrating Disputes Between Companies and Individuals: Lessons from Abroad*, 65 Dispute Resolution Journal 30 (2010) (with Anna Howard)
- *The Case Against the Arbitration Fairness Act*, 16 Dispute Resolution 4 (2009)
- *Discovery, Judicial Assistance and Arbitration: A New Tool for Cases Involving American Entities?*, 25 J. Int'l. Arb. 171 (2008)
- *What is the Definition of an "Organ" Under the Foreign Sovereign Immunities Act?*, 34 ABA Supreme Court Preview 351 (2007) (invited submission)
- *Termorio and the Problem of Local Standards Annulments*, Transnational Dispute Management (September 2006) (w/ Barney Ford)
- *Apprendi and Federalism*, 18 Fed. Sent. Rep. 100 (Dec. 2004) (peer-reviewed)
- *Review of Douglas Walton's Legal Argumentation and Evidence*, 58 Rev. Metaphysics 208 (2004) (invited review)
- *Private Modifications of the Ground for Judicial Review of Arbitral Awards: A Question of Institutions*, 18 Mealey's Int'l Arb. Rep. 35 (Oct. 2003)
- *On the Importance of Institutions: Judicial Review of Arbitral Awards for Legal Errors*, 19 J. Int'l Arb. 81 (Apr. 2002)

## WORKSHOPS AND SPEECHES

### 2014

- Sticky Arbitration Terms – Columbia University Law School
- Whither Leviathan – Max Planck Institute (Heidelberg)
- Delay in Civil Proceedings – Supreme Court of Hungary
- Developments in International Arbitration – Georgia Arbitration Days
- Arbitration and the State – ATLAS Annual Meeting (Moderator)
- General Jurisdiction after *Bauman* – Pepperdine Law School
- From *Mitsubishi* to *Italian Colors* – Ohio State University

### 2013

- Arbitration and the Constitution – American Enterprise Institute (event featuring my book of the same title)
- Arbitrating with the Leviathan – ATLAS Annual Meeting (Moderator)
- Award Enforcement and the Law Market – New York University Law School
- Arbitrating Death – Southeast Association of Law Schools Annual Meeting
- Sticky Arbitration Terms – University of Florida Law School
- Reflections on the proposed revisions to the Federal Rules of Civil Procedure – Lawyers' for Civil Justice Annual Meeting

### 2012

- Arbitration, the Law Market and the Law of Lawyering – George Mason University Law School
- With Apologies to Paxton Blair – New York University Law School
- From Custom to Cooperative Federalism – Wayne Law School
- Developments in International Arbitration – Georgia Arbitration Days
- Forum Shopping and Arbitration – Southeast Association of Law Schools Annual Meeting
- Toward a Functional Approach to the Sovereign Equality of Nations – University of Virginia Law School
- Contract and Choice – Vanderbilt University Law School
- Judicial Assistance in International Arbitration – Vanderbilt University Law School
- Arbitration and Consumer Credit – University of North Carolina Law School
- Arbitration and Consumer Credit – University of California Davis Law School
- International Civil Litigation – University of California Davis Law School
- TRIPS and BITS – University of North Carolina Law School
- Arbitration and Consumer Credit – St. Thomas University Law School
- Judicial Assistance in International Arbitration – Atlanta International Arbitration Society (ATLAS)

### 2010-2011

- International Civil Litigation: The Last Five Years – New York University Law School
- Foreign Wars – Wayne Law School
- Arbitration and the Constitution – Kansas University Law School
- Convergence in International Dispute Resolution – University of Missouri Law School
- Judicial Assistance in International Arbitration – Georgia Arbitration Days
- International Civil Litigation – Freshfields General Counsel Forum
- Arbitration and the Constitution – University of Oslo Law School
- Antisuit Injunctions in Arbitration – The “Twin Cities” Conference (Poland)
- International Arbitration – University of Ravenna

Workshops and speeches (cont'd)

2010-2011 (cont'd)

- Judicial Assistance in International Arbitration – University of Stockholm
- The Proportionality Principle and the (Amount in) Controversy – Oxford University Law School
- Arbitration and the Constitution – Cambridge University Law School
- International Civil Litigation – Schellenberg Wittmer (Switzerland)
- Arbitration and the Constitution – London School of Economics
- *Samantar* and Executive Power – Vanderbilt University Law School
- Comparative Civil Procedure – University of Malta Law School
- International Dispute Resolution – Mediterranean Academy of Diplomatic Studies
- Reinvigorating the Proportionality Principle – George Mason Law School
- Zugang zum OGH aus Sicht der USA – Austrian Supreme Court
- The Vanishing American Lawsuit – United States District Court for the Southern District of Georgia, Court Advisory Committee

2008-2009

- The Arbitration Fairness Act – ABA Section on Dispute Resolution
- The Future of Arbitration in the United States – Jagellonian University (Poland)
- The Arbitration Fairness Act – Cardozo School of Law Symposium
- The Future of Arbitration – US Chamber Institute for Legal Reform Annual Summit
- Trends in International Dispute Resolution – National Foreign Trade Council
- The New York Convention at 50 – McKenna, Long & Aldridge
- Best Practices in International Dispute Resolution – Conference Board
- Delegation and Conflicts (of Law) -- DePaul University Law School

2006-2007

- Delegation and Conflicts (of Law) – Pepperdine University Law School
- Panel on *Medellin* and Delegation – American Enterprise Institution
- Delegation and Conflicts (of Law) – University of Georgia Law School
- The Vision of Cass Gilbert – Mary Mirror of Justice Lecture
- Arbitration and Article III – Washington University Law School
- Arbitration and Article II – University of Georgia Law School
- Arbitration and Article III – Willamette Law School
- Arbitration and Article III – George Washington University Law School
- Arbitration and Article III – University of Nebraska Law School
- Arbitration and State Action -- Southeast Association of Law Schools Annual Meeting
- The Role of Clerks at the United States Supreme Court – Law and Society Conference
- *Miranda* after *Dickerson*, Judicial Conference - Court of Appeals of the Armed Forces

2004-2005

- Authority and Law: The Role of the United States Supreme Court – Ingersoll-Rand Symposium
- Recent Supreme Court Jurisprudence on the Fourth Amendment – IMLA Annual Meeting
- Preview of October Term 2005 at the Supreme Court – Cato Institute Constitution Day
- What's on the Docket? – St. Thomas More Society and Rhode Island Bar Association
- *Miranda* in the Supreme Court – IMLA Mid-year Meeting
- Recognition and Enforcement of Foreign Judgments, Conference on Portuguese and American Law
- Market Solutions to Market Problems – Pace Law School
- *Apprendi*, *Blakely* and Federalism – South Dakota Law School
- Death Penalty Work at the Supreme Court – Catholic Identity Lecture
- Response to the Red Mass of Cardinal Avery Dulles – Catholic University of America

## **LITIGATION EXPERIENCE**

### ***Supreme Court of the United States***

- Briefed and Argued as *Amicus Curiae* appointed by the Supreme Court in successful defense of the judgment below in *Irizarry v. United States*, 553 U.S. 708 (2008)
- Filed over thirty briefs, *amicus* briefs and petitions in a range of matters for corporate parties, industry associations and individuals in areas including international dispute resolution, arbitration and criminal law

### ***Other Courts***

- Filed over thirty-five briefs in federal appellate courts and state supreme courts on behalf of companies, industry associations and individuals in areas including international dispute resolution, arbitration, business torts and criminal law

## **CONGRESSIONAL TESTIMONY**

- Senate Judiciary Committee (Dec. 2013)
- Senate Judiciary Committee, Subcomm. on the Constitution: Arbitration Fairness Act (Dec. 2007)
- House Judiciary Committee, Subcomm. on Commercial and Administrative Law: Arbitration Fairness Act (Oct. 2007)

## **ARBITRATOR EXPERIENCE**

- Sole arbitrator in a US\$ 16 million licensing dispute under the WIPO Rules

## **EXPERT WORK**

- Consulting expert to a commodities company in connection with the interpretation of a forum selection clause in a multi-forum proceeding
- Consulting expert to a major national financial services company in connection with the enforceability of an arbitration clause
- Consulting expert to a major airport services corporation in connection with an international bid dispute
- Consulting expert to major international bank concerning issues of choice of law in arbitration (including preparation of filed affidavits)
- Consulting expert to investors in suit against foreign government on issues of sovereign immunity
- Consulting expert for several major European corporations in enforcement proceedings following international commercial arbitration (including preparation of filed affidavits)
- Consulting and potential testifying expert for foreign government in U.S.-based dispute over enforceability of arbitration agreement (including preparation of filed affidavits)
- Consulting expert for a major European corporation in an international commercial arbitration arising out of an investment in Eastern Europe
- Consulting expert for a major German telecommunications company concerning validity of service of process under Hague Service Convention and specialized federal statute governing non-resident patent holders.
- Consulting and potential testifying expert for an international business consortium concerning issues of sovereign immunity and diplomatic immunity

### **PEER-REVIEW WORK**

- Oxford University Press
- Aspen Publishers
- Stanford Law Review
- Modern Law Review
- Peer Reviewed Scholarship Marketplace (PRISM)
- Melbourne Journal of International Law
- Searle Civil Justice Institute
- Social Science and Humanities Research Council of Canada (SSHRC)
- Studies in Law, Politics & Society (Amherst College)

### **MEDIA APPEARANCES**

- Regular appearances in national and local broadcast and print media on topics including the Supreme Court, international dispute resolution, arbitration and criminal law

### **OUTSIDE ACTIVITIES**

- Listed Arbitrator, International Centre for Dispute Resolution (2013-Present)
- Listed Arbitrator, London Court of International Arbitration (2010-Present)
- Listed Arbitrator, Vienna International Arbitral Center (2011-Present)
- Listed Arbitrator, International Chamber of Commerce (2012-Present)
- Listed Arbitrator, World Intellectual Property Organization (2013- Present)
- Listed Arbitrator, Chamber of Commerce and Industry of Slovenia (2012-Present)
- AAA Delegation to the UNCITRAL Working Group on Arbitration (2008-2012)
- Institute of Transnational Arbitration, Academic Council (2009-2012)
- Athens Rotary Club (2012-Present)
- Board of Directors, Atlanta International Arbitration Society (2011- Present)
- Lawyers for Romney and Law Professors for Romney (2012)
- McCain '08 Judicial Advisory Committee (2008)
- United States Court of Appeals for Veterans Claims, Rules Advisory Committee (2009-2013)
- United States Court of Appeals for the Armed Forces, Rules Advisory Committee (2005-2008)
- Annual Fund Chair, St. Joseph's School (2009-2010)
- Alexandria Community Criminal Justice Board, 2004-2006 (Chairman 2005-2006)
- Treasurer, Valley Drive Preschool (2005-2007)
- Volunteer, Alexandrians Living Ecumenically(2003-2008)

### **MEMBERSHIPS**

- American Law Institute (2010-present)
- Joseph Henry Lumpkin Inn of Court (2009-Present)
- Thurgood Marshall American Inn of Court (2004-2008)
- Maryland Bar (1999-Present)
- District of Columbia Bar (2002-Present)
- Supreme Court Bar (2002-Present)
- Admitted to the United States Courts of Appeals for the Second, Fourth, Seventh, Ninth and Eleventh Circuits and the Court of Appeals for the Armed Forces