

# MELISSA J. DURKEE

University of Georgia School of Law  
Athens, GA 30602  
mjdurkee@uga.edu / 203.605.9392 (cell)  
<http://ssrn.com/author=1563490>

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## ACADEMIC APPOINTMENTS

### University of Georgia School of Law, Athens, GA

*J. Alton Hosch Associate Professor of Law*, 2019-

*Associate Professor* (with tenure), 2018-19

*Courses*: Corporations, International Environmental Law, International Business Transactions

### University of Washington School of Law, Seattle, Washington

*Associate Professor* (with tenure), 2017-18

*Assistant Professor*, 2013-17

*Courses*: Business Organizations, International Law, Transnational Law, Comparative and International Law, Journal Seminar

*Honors and Awards*:

Richard O. Kummert Outstanding Contribution Award, Washington Law Review, 2018

Pacific Coast Banking School Award for Excellence in Faculty Scholarship, 2017

UW Faculty Scholarship Award for Excellence in Law Review Articles, 2016

### Columbia Law School, New York, NY

*Associate-in-Law*, July 2011- July 2013

*Course*: Legal Practice Workshop

### Yale University Philosophy Department, New Haven, CT

*Teaching Fellow*, 2003-2004

*Course*: Ancient Philosophy

## PUBLICATIONS

### ARTICLES:

*Interstitial Space Law*, 97 WASH U. L. REV. \_\_\_ (forthcoming 2019) (activities of private actors that are attributed to the state can have customary international lawmaking consequences)

*International Lobbying Law*, 127 YALE L.J. 1742 (2018) (diverse rules governing private sector access to international governance are best understood and reformed as a body of international lobbying law) ([SSRN](#))

*Astroturf Activism*, 97 STAN. L. REV. 201 (2017) (accreditation rules exclude businesses from consulting with international officials, with pernicious consequences) ([SSRN](#))

Featured on JOTWELL (*Journal of Things We Like (Lots)*): Verity Winship, *Business Lobbying Goes Global*, Jan. 18, 2017, at <http://intl.jotwell.com/business-lobbying-goes-global/>

*The Business of Treaties*, 63 UCLA L. REV. 264 (2016) (influence of business in international treaty-making is significant, sometimes beneficial, and under-regulated) ([SSRN](#))

Featured in *UCLA Dialectic* (Podcast), available at <http://www.uclalawreview.org/dialectic-episodes/>

*Persuasion Treaties*, 99 VA. L. REV. 63 (2013) (treaties have divergent compliance problems: “persuasion” treaties must attract support of relevant business entities) ([SSRN](#))

*Beyond the Guantánamo Bind: Pragmatic Multilateralism in Refugee Resettlement*, 42 COLUM. HUM. RTS. L. REV. 697 (2011) ([SSRN](#))

### SHORTER WORKS:

*Review: Global Lawmakers: International Organizations in the Crafting of World Markets*, Susan Block-Lieb & Terence C. Halliday (2017), 113 AM. J. INT’L L. 422 (2019) ([SSRN](#)).

*Industry Lobbying and “Interest Blind” Access Norms at International Organizations*, 111 AJIL UNBOUND 119 (2017) (standard rules international organizations use to govern lobbying access by industry associations and NGOs can have unexpected consequences) ([SSRN](#))

*Introduction to Symposium on Industry Associations in Transnational Legal Ordering*, 111 AJIL UNBOUND 103 (2017) (with Gregory Shaffer) ([SSRN](#))

*Parsing Teleglobe: Attorney/Client Privilege Rules for Jointly Represented Corporate Entities*, WALL ST. LAWYER, Nov. 2007 (with Lisa M. Schweitzer), *reprinted in* SEC. LITIG. REPORT, Jan. 2008 \*14

### IN PROGRESS:

*State-Adjacent Lawmaking* (observing business influence over treaty interpretation and customary international lawmaking through a variety of “state-adjacent” methods)

*Functional Sovereignty* (offering an account of private sector legal authority in global governance)

## EDUCATION

**Yale Law School**, J.D. 2004

*Yale Law Journal*, Editorial Board

*Yale Journal of International Law*, Submissions Editor

*Universidad de Chile*, summer 2003 (studied comparative law through Yale exchange program)

**Westmont College**, B.A. in Philosophy & English, *summa cum laude*, 2000

Honors Thesis in Philosophy

Highest Departmental Honors in each major

**Oxford University**, Keble College  
Oxford Honors Exchange Program, 1999

### **LEADERSHIP & CONTRIBUTIONS**

*Vice-Chair*, Membership Committee, American Society of International Law, 2019-20

*Managing Editor*, AJIL UNBOUND, 2016-2018  
*Associate Managing Editor*, 2015-16

*Book Awards Committee*, American Society of International Law, 2017-18

*Site Selection Committee*, American Society of International Law 9<sup>th</sup> Annual Research Forum, 2017-18

*Co-Chair*, American Society of International Law 7<sup>th</sup> Annual Research Forum, 2016

*Co-Chair*, Junior International Law Scholars Association, 2014-16  
*Host*, JILSA Annual Meeting, 2017

*Program Committee*, 110<sup>th</sup> Annual Meeting of the American Society of International Law, 2016

*Membership Committee*, American Society of International Law, 2013-14

*Referee*, Law & Society Review, American Journal of International Law

### **PRESENTATIONS**

*Commentator*, AJIL Southeast, Junior-Senior Scholarship Workshop, Washington & Lee Law School (May 2019)

*Presenter*, “Interstitial Space Law,” Faculty Workshop, Notre Dame Law School (April, 2019)

*Presenter*, “Interstitial Space Law,” International Law Colloquium, Loyola University Chicago School of Law (April, 2019)

*Presenter*, “Interstitial Space Law,” International Law Colloquium, Temple University Beasley School of Law (April, 2019)

*Presenter*, “Interstitial Space Law,” Faculty Workshop, University of British Columbia Allard School of Law (January, 2019)

*Presenter*, “Functional Sovereignty: Private Authority in Global Governance,” Vanderbilt International Law Roundtable, Vanderbilt Law School (November, 2018)

*Presenter*, “Functional Sovereignty: Private Authority in Global Governance,” Brooklyn Law School International Business Roundtable, Brooklyn Law School (November, 2018)

*Presenter*, “Functional Sovereignty: Private Authority in Global Governance,” American Society of International Law Research Forum, UCLA School of Law (November, 2018)

*Presenter*, “Functional Sovereignty: Private Authority in Global Governance,” Private Law and Transnational Legal Ordering Panel, Annual Meeting on Law & Society, Toronto (June, 2018)

*Discussant*, “Global Lawmakers: International Organizations in the Crafting of World Markets” Author-Meets-Reader book session, Annual Meeting on Law & Society, Toronto (June, 2018)

*Moderator/Discussant*, The Regulation of Corruption, Finance and Extractive Industries: The Transnational Context panel, Annual Meeting on Law & Society, Toronto (June, 2018)

*Presenter*, “International Lobbying Law,” Contemporary Scholars Workshop, Yale Law School (October, 2017)

*Presenter*, “International Lobbying Law,” American Society of International Law Seventh Annual Research Forum, Washington University School of Law, St. Louis (October, 2017)

*Discussant*, Non-State Actors Panel, American Society of Law Seventh Annual Research Forum, Washington University School of Law, St. Louis (October, 2017)

*Presenter*, “International Lobbying Law,” University of Georgia International Law Colloquium, University of Georgia School of Law (March, 2017)

*Presenter*, “International Lobbying Law,” UC Berkeley Colloquium on International Law & Politics, UC Berkeley School of Law (February, 2017)

*Presenter*, “Astroturf Activism & International Lobbying Law,” ASU International Law Colloquium, Arizona State University School of Law (February, 2017)

*Presenter*, “Astroturf Activism,” Brigham Young University Law, Entrepreneurship, and Innovation Colloquium, BYU Law School (February, 2017)

*Presenter*, “International Lobbying Law,” Junior International Law Scholars Association Annual Meeting, University of Washington School of Law (January, 2017)

*Host, Commentator*, Junior International Law Scholars Association Annual Meeting, University of Washington School of Law (January, 2017)

*Moderator/Discussant*, Treaties Panel, American Society of International Law Sixth Annual Research Forum, Seattle, Washington (November, 2016)

*Presenter*, “Astroturf Activism,” International Organizations & Governance Panel, American Society of International Law Seventh Annual Research Forum, Seattle, Washington (November, 2016)

*Presenter*, “Astroturf Activism,” Faculty Workshop, University of Illinois College of Law (October, 2016)

*Presenter*, “Astroturf Activism,” Plenary Session, Business and Human Rights Scholars Workshop, University of Washington School of Law (September, 2016)

*Panelist*, “Industry Associations and Law Making,” International Organizations Interest Group (IOIG) of the American Society of International Law and Rutgers Law School Center for Corporate Law and Governance: The Trade Associations and Transnational Governance Conference, Rutgers Law School (June, 2016)

*Presenter/Panelist*, “Astroturf Activism,” Rulemaking, National and International Panel, Corporate and Securities Law in Society Collaborative Research Network, Law and Society Association Annual Meeting, New Orleans, LA (June, 2016)

*Presenter*, “Astroturf Activism,” Faculty Colloquium, University of Washington School of Law (May, 2016)

*Co-Organizer/Commentator*, Junior International Law Scholars Association Annual Meeting, University of Pennsylvania School of Law (January, 2016)

*Presenter*, “Astroturf Activism and the Business of Treaties,” Junior International Law Scholars Association Annual Meeting, University of Pennsylvania School of Law (January, 2016)

*Presenter*, “Law for the (Private) Lawmakers: Regulating Business Roles in Treaty-making,” American Society of International Law Research Forum, Washington DC (October, 2015)

*Presenter*, “The Business of Treaties,” Faculty Workshop, Seattle University Law School (September, 2015)

*Delegate*, Law Schools Global League Plenary, University of Cape Town, South Africa (July, 2015)

*Presenter/Panelist*, “The Business of Treaties,” New Insights on Law and Regulation’s Evolution and Efficacy Panel, Corporate and Securities Law in Society Collaborative Research Network, Law and Society Association Annual Meeting, Seattle, WA (May, 2015)

*Convener/Presenter*, International Law Scholarship Mentoring Session, ASIL Annual Meeting, Washington DC (April, 2015)

*Presenter*, “The Business of Treaties,” Northwest Junior Faculty Forum, Seattle University Law School (March, 2015)

*Co-Organizer/Commentator*, Junior International Law Scholars Association Annual Meeting, University of Miami (January, 2015)

*Presenter*, “The Business of Treaties,” Junior International Law Scholars Association Annual Meeting, University of Miami (January, 2015)

*Presenter*, “The Business of Treaties,” International Organizations Interest Group Workshop, American Society of International Law, Columbia Law School (December, 2014)

*Presenter*, International Congress of Comparative Law, Vienna, Austria (July, 2014)

*Discussant*, “Emerging International and Corporate Law Questions” panel, Corporate and Securities Law in Society Collaborative Research Network, Law and Society Association Annual Meeting, Minneapolis, MN (June, 2014)

*Convener/Presenter*, International Law Scholarship Mentoring Session, ASIL Annual Meeting, Washington DC (April, 2014)

*Moderator/Commentator*, Junior International Law Scholars Association Annual Meeting, UC Berkeley School of Law (February, 2014)

*Presenter*, “Corporate Chaos Theory,” Associates & Fellows Workshop, Columbia Law School (January, 2014)

*Invited Participant*, “International Business Transactions Roundtable,” Washington & Lee School of Law (January, 2014)

*Presenter*, “Persuasion Treaties,” Expressive Meaning of Silence in International Law Panel, International Conference on Law and Society, Boston, MA (June, 2013)

*Discussant/Panel Chair*, Expressive Meaning of Silence in International Law Panel, International Conference on Law and Society, Boston, MA (June, 2013)

*Commentator*, Junior International Law Scholars Association Annual Meeting, New York, NY (February, 2013)

*Presenter*, “Persuasion Treaties,” Moot Camp Workshop, Yale Law School (September, 2012)

*Presenter*, “Persuasion Treaties,” Associates & Fellows Workshop, Columbia Law School (August, 2012)

*Presenter*, “Treaty Commitments and Private Behavior,” Associates & Fellows Workshop, Columbia Law School (February, 2012)

*Presenter*, “Beyond the Guantánamo Bind: Pragmatic Multilateralism in Refugee Resettlement,” Faculty Workshop, Chicago-Kent College of Law (February, 2011)

## **LAW SCHOOL SERVICE**

### ***University of Georgia School of Law***

Advisor, *Georgia Journal of International and Comparative Law* (2019-

Member, Appointments Committee (2019-2020)

Member, Rusk Center Committee (2018-19)

***University of Washington School of Law***

Chair, Faculty Colloquium Committee (2017-18)  
Advisor, *Washington International Law Journal* (2015-18)  
Advisor, *Global Business Law Program* (2016-18)  
Member, Appointments Committee (2015-16)  
Member, Faculty Colloquium Committee (2016-17; 2013-14)  
Member, Curriculum Committee (2014-2015)  
Member, Joan Fitzpatrick Fellowship Selection Committee (2015-18)  
Member, Global Business Law Program Faculty Working Group (2014-15)  
Member, Visiting Assistant Professor Program Ad Hoc Committee (2014-15)  
Advisor, *Philip C. Jessup International Law Moot Court Team* (2015-16)  
Dissertation Committees: Fnu Herliana  
Yiwen Wang  
Wen-Ning Chang  
Huaxia Lai

***Columbia University School of Law***

Chair, Associates & Fellows Workshop, 2011-2012

**LEGAL PRACTICE**

**Cleary Gottlieb Steen & Hamilton, LLP**, New York, NY

*Associate*, International Litigation and Arbitration, 2007-2011

Selected matters: Defended the Republic of Argentina in extensive sovereign debt litigation in U.S. federal court; litigated a \$40 billion attempted hostile takeover in Canada by the world's largest mining company; represented Brazil Telecom in a corporate control dispute before an International Chamber of Commerce arbitral tribunal; represented a major energy company in a bankruptcy litigation challenging the transaction price of an oil and gas subsidiary; represented, pro bono, detainees held at the military base in Guantánamo Bay, Cuba.

**U.S. District Court for the SDNY**, New York, NY

*Law Clerk* to Sidney H. Stein, 2005-2006

**U.S. Court of Appeals for the 9th Circuit**, Pasadena, CA

*Law Clerk* to Kim McLane Wardlaw, 2004-2005

**Morrison & Foerster LLP**, New York, NY

*Summer Associate*, Summer 2003

**New York State Attorney General**, New York, NY

*Legal Intern*, Environmental Protection Bureau, Summer 2002

**PROFESSIONAL AFFILIATIONS**

Admitted to Practice in New York & California

American Society of International Law, *International Organizations Interest Group*, *International Economic Law Interest Group*, *Legal Theory Interest Group*

Law and Society Association, *Corporate and Securities Law in Society Collaborative Research Network*,  
*Transnational and Global Legal Ordering Collaborative Research Network*

European Society of International Law