

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* 2008-2012
- Awards: 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
 - 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. __ (forthcoming 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)

- *Clerks*, 74 U. Chi. L. Rev. 369 (2007)

Articles in Academic Journals (cont'd)

- *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

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
- 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

Workshops and speeches (cont'd)

2010-2011 (cont'd)

- *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 twenty-five 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 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)
- 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