
Ralf Michaels

Duke University School of Law
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Academic Positions

Duke University School of Law

Professor of Law (since 2007); Associate Professor of Law (2002-07); Visiting Professor (Spring 2002)

Max Planck Institute for Comparative and International Private Law, Hamburg, Germany

Visiting Fellow (Spring 2006); Senior Research Fellow (*Wissenschaftlicher Referent*) (2001-2002); Research Fellow (*Wissenschaftlicher Mitarbeiter*) (1997-1999)

American Academy in Berlin

Lloyd Cutler Fellow (Fall 2005)
Lloyd Cutler Berlin Prize 2005

German National Academic Foundation (*Studienstiftung des deutschen Volkes*)

Lecturer, Summer University 2005, Salem, Germany

Harvard Law School

Joseph Story Fellow (1999- 2000)

University of Passau, Germany

Senior Research Assistant, Chair for Private Law, Conflict of Laws and Comparative Law (1994-1995, 1996-1997)

Education

University of Passau, Germany

Dr. iur. (SJD), 2000, summa cum laude
First state examination in law (JD), 1994, magna cum laude (12.83 points, “*gut*“)
Scholar of the German National Academic Foundation, 1992-1997

Oberlandesgericht (Court of Appeals), Hamburg, Germany

Second state examination in law, 2000, magna cum laude (12.54 points, “*gut*“)

Cambridge University, U.K. (King’s College)

LL.M., 1995, summa cum laude (“First”, highest grade)
CJ Hamson Prize in Comparative Law, Cambridge University
Hurst Prize for Law, King’s College

Subjects Taught

Comparative Law – The Western Legal Traditions; Conflict of Laws; Law and Globalization; Private Law Beyond The State; Current Issues in International and Comparative Law (method/theory seminar); Global Law Workshop (speaker series)

Membership on Editorial Boards

American Journal of Comparative Law (Executive Board)
German Law Journal
Maastricht Journal of European and Comparative Law (Advisory Board)

Peer Reviewer

European Commission; Ashgate Publishers; Cambridge University Press; Journal of Private International Law; *Rechts Zeitschrift für ausländisches und internationales Privatrecht*; Fritz Thyssen Foundation

Membership in Professional Associations

Académie internationale de droit comparé (elected associate member)
American Branch of the International Law Association
American Society of Comparative Law
American Society of International Law
American Society for Political and Legal Philosophy
German National Committee of Comparative Law
German Society for International Law
[German] Academic Association for International Procedural Law
Selden Society
Société de Législation Comparée (French Society of Comparative Law)

Service

Duke University School of Law:

Director, Center for International and Comparative Law (since 2007)
Co-Director and Director, JD/LLM Program in International and Comparative Law (2003-07)
Member, Executive Board, LENS Center for Law, Ethics and National Security (since 2008)
Faculty Advisor, Journal of Comparative and International Law (since 2006)

Entry-Level Appointments Committee (since 2007)
International and Comparative Legal Studies Committee (since 2002, chair 2003-4)
Journals Committee (since 2006)
Curriculum Committee (2006-7)
Administrative Committee (2004-5)
Workshop Committee (2002-4)

Dean's Award for Faculty Collaboration (2004)

Duke University:

Duke University Judicial Board (since 2007)
Advisory Committee, DUCIS Duke University Center for International Studies, (since 2007)
Academic Council (2003-5)
Faculty Hearing Committee (2003-4)

American Association of Law Schools:

Section on Comparative Law (Executive Committee since 2006, chair-elect 2007, chair 2008)

American Society of Comparative Law

Nominating Committee (since 2008)

Languages

German, English, French, Spanish, Latin

Publications and Presentations

Author of a book, co-editor of two books and two journal special issues; author of articles and book reviews in various American and European publications (see separate list).

2007 Duke Law Faculty Scholarship award.

Invited Academic Presentations, in English, German, and French, held in Belgium, Brazil, Canada, England, France, Germany, Hungary, Italy, Japan, Lebanon, Netherlands, Scotland, South Africa, Spain, and United States (see separate list)

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Publications and Select Presentations

(as of September 2008)

Books, Monographs and Edited Volumes

TRANSDISCIPLINARY CONFLICTS (special editor with Karen Knop and Annelise Riles), 71/3 (Summer 2008) LAW AND CONTEMPORARY PROBLEMS

BEYOND THE STATE? RETHINKING PRIVATE LAW (ed. with Nils Jansen), Mohr/Siebeck, Tübingen (forthcoming 2008)

Special Symposium Issue: "Beyond the State? Rethinking Private Law" (special ed. with Nils Jansen), 56/3 AMERICAN JOURNAL OF COMPARATIVE LAW 527-843 (2008)

CONFLICT OF LAWS IN A GLOBALIZED WORLD (ed. with Eckart Gottschalk, Giesela Rühl, Jan von Hein), Cambridge University Press, 2007

Reviews: David P. Stewart, 79 ABILA NEWSLETTER 6-7 (January 2008); Bénédicte Fauvarque-Cosson, (2008) REVUE INTERNATIONALE DE DROIT COMPARÉ 787-788; Peter Hay, RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT (forthcoming)

EU LAW AS PRIVATE INTERNATIONAL LAW? RE-CONCEPTUALISING THE COUNTRY-OF-ORIGIN PRINCIPLE AS VESTED RIGHTS THEORY, ZERP Discussion Paper 5/2006, 51 pp.

SACHZUORDNUNG DURCH KAUFVERTRAG. KONSENSPRINZIP, TRADITIONSPRINZIP, IUS AD REM IN GESCHICHTE, THEORIE UND GELTENDEM RECHT [Assigning Ownership through Contracts of Sales. Consent, Delivery, *ius ad rem* in History, Theory, and Current Law], Berlin: Duncker & Humblot, 2002, 474 pp.

Reviews: Roland Dubischar, 11 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 229-233 (2003); Wolfgang Ernst, 72 THE LEGAL HISTORY REVIEW (TIJDSCHRIFT VOOR RECHTS-GESCHIEDENIS) 145-151 (2004); Christian Neschwara, 45 ZEITSCHRIFT FÜR RECHTS-VERGLEICHUNG 37 (2004); Astrid Stadler, 72 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 423-432 (2008); Hans Wieling, 120 ZEITSCHRIFT FÜR RECHTSGESCHICHTE (GERMANISTISCHE ABTEILUNG) 480-491 (2003)

Book Contributions

Entries '*Eigentum*', '*Gutgläubiger Erwerb*', '*Rechtsvergleichung*', '*Rechtskultur*', '*Restatements*', in HANDWÖRTERBUCH DES EUROPÄISCHEN PRIVATRECHTS (Jürgen Basedow, Klaus Hopt, Reinhard Zimmermann eds., Tübingen: Mohr/Siebeck, forthcoming)

Recognition and Enforcement of Foreign Judgments, in MAX PLANCK ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW (forthcoming)

Preamble I: Purposes, legal nature, and scope of the PICC; applicability by courts; use of the PICC for the purpose of interpretation and supplementation and as a model, in COMMENTARY ON THE UNIDROIT PRINCIPLES OF INTERNATIONAL COMMERCIAL CONTRACTS 2004, 21-80 (Stefan Vogenauer & Jan Kleinheisterkamp eds., Oxford University Press, forthcoming 2009)

Die europäische IPR-Revolution (The European Choice-of-Law Revolution), in DIE RICHTIGE ORDNUNG: FESTSCHRIFT FÜR JAN KROPHOLLER 151-173 (Dietmar Baetge, Jan von Hein, Michael von Hinden eds., Tübingen: Mohr, 2008)

Systemfragen des Schuldrechts (Systemic Issues in the Law of Obligations), in: II HISTORISCH-KRITISCHER KOMMENTAR ZUM BGB (Historical-Critical Commentary on the German Civil Code) 1-97 (Mathias Schmoeckel, Joachim Rückert, Reinhard Zimmermann ed., Tübingen: Mohr, 2007)

Retour aux sources ? Droit et politiques des sources du droit contemporain aux Etats-Unis [Back to the Sources? Law and Politics of Sources of Contemporary American Law], in LES SOURCES DU DROIT: ASPECTS CONTEMPORAINS 97-112 (Société de législation comparée & Cedroma eds., 2007)

Some Fundamental Jurisdictional Conceptions as Applied in Judgment Conventions, in CONFLICT OF LAWS IN A GLOBALIZING WORLD 29-62 (Eckart Gottschalk, Ralf Michaels, Giesela Rühl, Jan von Hein eds., Cambridge University Press, 2007)

Globalizing Savigny? The State in Savigny's Private International Law and the Challenge from Europeanization and Globalization, in DEZENTRALISIERUNG. AKTUELLE FRAGEN POLITISCHER UND RECHTLICHER STEUERUNG IM KONTEXT DER GLOBALISIERUNG 119-144 (Michael Stolleis & Wolfgang Streeck eds, Baden-Baden: Nomos, 2007)

The Functional Method of Comparative Law, in: THE OXFORD HANDBOOK OF COMPARATIVE LAW 339-382 (Mathias Reimann & Reinhard Zimmermann eds., Oxford University Press, 2006, revised paperback ed 2008)

Russian translation forthcoming in ВЕСТНИК ГРАЖДАНСКОГО ПРАВА ("Herald of Civil Law")

Arabic translation forthcoming

Two Economists, Three Opinions? Economic Models for Private International Law – Cross-Border Torts as Example, in: AN ECONOMIC ANALYSIS OF PRIVATE INTERNATIONAL LAW 143-184 (Jürgen Basedow, Toshiyuki Kono & Giesela Rühl eds., Tübingen: Mohr, 2006)

American Law (United States), in: ELGAR ENCYCLOPEDIA OF COMPARATIVE LAW 66-77 (Jan Smits ed., Cheltenham: Edward Elgar Publishing, 2006, paperback 2008)

Re-Placements. Jurisdiction for Contracts and Torts under the Brussels I Regulation when Arts. 5(1) and 5(3) do not Designate a Place in a Member State, in: INTERNATIONAL CIVIL LITIGATION IN EUROPE AND RELATIONS WITH THIRD STATES 129-156 (Arnaud Nuyts & Nadine Watté eds., Brussels: Bruylant, 2005)

Territorial Jurisdiction after Territoriality, in: GLOBALISATION AND JURISDICTION 105-130 (Piet-Jan Slot & Mielle Bulterman eds., Kluwer Law International, 2004)

Journal Articles and Essays

The Mirage of Non-State Governance, 2009 UTAH LAW REVIEW ____ (symposium issue)

Designers Guild: A Comment on Gillian Hadfield, 59 UNIVERSITY OF TORONTO LAW JOURNAL ____ (2009)

Global Legal Pluralism, 5 ANNUAL REVIEW OF LAW AND THE SOCIAL SCIENCES ____ (2009)

Foreword: Transdisciplinary Conflicts: Opening up the Theoretical Foundations of Private International Law (with Karen Knop & Annelise Riles), 71/3 (Summer 2008) LAW AND CONTEMPORARY PROBLEMS 1-17

Economics of Law as Choice of Law, 71/3 (Summer 2008) LAW AND CONTEMPORARY PROBLEMS 73-104

- Beyond the State? Rethinking Private Law. Introduction to the Issue* (with Nils Jansen), 56 *Am. J. Comp. L.* 527-539 (2008)
- The New European Choice-of-Law Revolution*, 82 *TULANE LAW REVIEW* 1607-1644 (2008)
- Public and Private International Law – German Perspectives on Global Issues* (review essay), 4 *JOURNAL OF PRIVATE INTERNATIONAL LAW* 121-138 (2008)
- The True Lex Mercatoria: Private Law Beyond the State*, 14 *INDIANA JOURNAL OF GLOBAL LEGAL STUDIES* 447-468 (2007)
- Private Law and the State. Comparative Perceptions, Historical Observations, and Basic Problems* (with Nils Jansen), 71 *RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT* 345-397 (2007)
- Max Planck Institute for Comparative and International Private Law, *Comments on the European Commission's Proposal for a Regulation of the European Parliament and the Council on the law applicable to contractual obligations (Rome I)* (co-author), 71 *RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT* 225-344 (2007)
- Private Law Beyond the State. Europeanization, Globalization, Privatization* (with Nils Jansen), 54 *AMERICAN JOURNAL OF COMPARATIVE LAW* 845-892 (2006)
- Two Paradigms of Jurisdiction*, 27 *MICHIGAN JOURNAL OF INTERNATIONAL LAW* 1003-1069 (2006)
- EU Law as Private International Law? Reconceptualising the Country-of-Origin Principle as Vested Rights Theory*, 2 *JOURNAL OF PRIVATE INTERNATIONAL LAW* 195-242 (2006)
- Romanian Translation forthcoming in *REVISTA DE DREPT INTERNATIONAL PRIVAT ȘI DREPT PRIVAT COMPARAT* ("Review of Private International Law and Comparative Private Law")
- US-Gerichte als Weltgerichte: Die Avantgarde der Globalisierung* [US Courts as World Courts: The Avant-garde of Globalization], 31 *DAJV-NEWSLETTER* 46-54 (2006)
- The Re-State-ment of Non-State Law. The State, Choice of Law, and the Challenge from Global Legal Pluralism*, 51 *WAYNE LAW REVIEW* 1209-1259 (2005)
- Profile: Arthur Taylor von Mehren*, 7 *INTERNATIONAL LAW FORUM DU DROIT INTERNATIONAL* 213-218 (2005)
- Welche Globalisierung für das Recht? Welches Recht für die Globalisierung?* [Which Globalization for the Law? Which Law for Globalization?] (review essay), 69 *RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT*, 525-544 (2005)
- US-Gerichte als Weltkartellgerichte?* [US Courts as World Antitrust Courts?] (with Daniel Zimmer), 24 *PRAXIS DES INTERNATIONALEN PRIVAT- UND VERFAHRENSRECHTS* 451-457 (2004)
- Fünf Minuten Rechtsvergleichung* [Five Minutes of Comparative Law] (review essay), 4 *RECHTSGESCHICHTE* 239-242 (2004)
- Die Auslegung und Fortbildung ausländischen Rechts* [Interpreting and Developing Foreign Law] (with Nils Jansen), 116 *ZEITSCHRIFT FÜR ZIVILPROZESS* 3-56 (2003)
- Hamburg Group for Private International Law, Comments on the European Commission's Draft Proposal for a Council Regulation on the Law Applicable to Non-Contractual Obligations* (co-author), 67 *RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT* 1-56 (2003)
- Three Paradigms of Legal Unification: National, International, Transnational*, *PROCEEDINGS OF THE 96TH MEETING OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW*, 333-336 (2002)

Gerichtsverfassung und Verfahrensstrukturen in föderalen Gemeinwesen – Diskussionsbericht [Courts and Proceedings in Federal Systems – Discussion Report], 66 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 357-364 (2002)

Im Westen nichts neues? Zum Stand der Rechtsvergleichung 100 Jahre nach dem Pariser Kongress – Gedanken anlässlich einer Jubiläumskonferenz in New Orleans [Nothing new in the West? On the State of Comparative Law 100 Years after the Paris Congress – Reflections on the Occasion of a Centennial Conference in New Orleans], 66 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 97-115 (2002)

Grundlagen eines allgemeinen gemeinschaftlichen Richtlinienkollisionsrechts – „Amerikanisierung“ des Gemeinschafts-IPR? [Foundations of EC conflict of laws regarding community directives – „Americanisation“ of EC conflict of laws?] (with Hans-Georg Kamann), 12 EUROPÄISCHES WIRTSCHAFTS- UND STEUERRECHT 301-311 (2001)

Standortwettbewerb als Rechtsfigur – die Entscheidung des OVG Hamburg zum Airbus A 380 im Lichte der Globalisierungsdebatte [Institutional Competition as a Legal Concept – the Decision of the Hamburg Appeals Court in Administrative Matters on the Airbus A 380 in the Light of Globalization Debate], 34 KRITISCHE JUSTIZ 458-465 (2001)

Globale Wirtschaft und lokale Gesetzgebung – Zu einem neuen Urteil des US Supreme Court [Global Economy, Local Legislation – On a new judgment by the US Supreme court (Crosby v. National Foreign Trade Council)], 100 ZEITSCHRIFT FÜR VERGLEICHENDE RECHTSWISSENSCHAFT 182-195 (2001)

Pragmatismus und Realismus für die Haager Verhandlungen zu einem weltweiten Gerichtsstands- und Vollstreckungsübereinkommen [Pragmatism and Realism for the Hague Negotiations on a Worldwide Convention on Jurisdiction and Enforcement of Judgments] (with Arthur T. von Mehren), 25 DAJV-NEWSLETTER 124-128 (2000)

Anerkennung internationaler Schiedsprüche und ordre public – Anm zu OGH 23.2.1998 – 3 Ob 115/95, ZfRV 1999, 24 [Enforcement of International Arbitration Awards and ordre public], 40 ZEITSCHRIFT FÜR RECHTSVERGLEICHUNG 5-9 (1999)

Privatautonomie und Privatkodifikation – Zu Anwendbarkeit und Geltung allgemeiner Vertragsrechtsprinzipien [Party Autonomy and Private Codifications – On Applicability and Validity of Common Principles of Contract Law], 62 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 580-626 (1998)

Sharp Distinctions and Floating Transitions – a German View of Sharp v. Thompson (House of Lords), 1997 SLT 636, 4 EUROPEAN REVIEW OF PRIVATE LAW 407 (1998)

Vorzeitiger Erbausgleich und internationales Privatrecht [The illegitimate child's succession rights in the conflict of laws], 18 PRAXIS DES INTERNATIONALEN PRIVAT- UND VERFAHRENSRECHTS 192 (1998)

Schiffsgläubigerrecht und Auslandsveräußerung – Anmerkung zu BGH, TranspR 1997, 156 [Security Rights in Ships Sold Abroad], 20 TRANSPORTRECHT 330 (1997)

Der Abbruch der Weiterverweisung im deutschen internationalen Privatrecht [Breaking the Circle of Second Degree Renvoi in German Conflict of Laws], 61 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 685-713 (1997)

Europäisches Verbraucherschutzrecht und IPR [European Consumer Law and Choice of Law] (with Hans-Georg Kamann), 52 JURISTENZEITUNG 601-610 (1997)

Untitled Book Reviews, Case Notes and Conference Reports

Conference Report: The New European Choice-of-Law Revolution: Lessons for the United States? A Conference at Duke Law School (with Catherine H. Gibson), ___ Praxis des Internationalen Privat- und Prozessrechts ____, also at www.law.duke.edu/cicl.

Book Review: Denationalisierung des Privatrechts? Symposium anlässlich des 70. Geburtstages von Karl Kreuzer (Eva-Maria Kieninger ed., Tübingen: Mohr Siebeck 2005), 72 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 397-403 (2008)

Book Review: Jan Smits (ed.), The Need for a European Contract Law: Empirical and Legal Perspectives, 15 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 950-952 (2007)

Book Review: Mistake, Fraud, and Duties to Inform in European Contract Law (Ruth Sefton-Green ed., 2005), <http://www.europeanlawbooks.org/reviews/detail.asp?id=81> (2005)

Case Note: F. Hoffmann-LaRoche Ltd. v. Empagran S.A., <http://www.law.duke.edu/publiclaw/supremecourtonline/commentary/fhovemp.html>

Book Review: Towards a European Ius Commune in Legal Education and Research (Michael Faure et al. eds., 2002), 12 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 874 (2004)

Conference Report: Epistemology and Methodology of Comparative Law in the Light of European Integration, Brüssel, 26. bis 28. Oktober 2002, 11 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 453 (2003)

Conference Report: 11. Tagung der International Academy of Commercial and Consumer Law (with Giesela Rühl), 67 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 353 (2003)

Book Review: Rethinking the Masters of Comparative Law (Annelise Riles ed., Hart 2001), 4 GERMAN LAW JOURNAL 411 (2003)

Book Review: Basil S. Markesinis, Always on the Same Path. Essays on Foreign Law and Comparative Methodology, Volume II, 10 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 903 (2002)

Book Review: Klaus Adomeit & Guillermo Frühbeck, Einführung in das spanische Recht: Das Verfassungs-, Zivil-, Wirtschafts- und Arbeitsrecht des Königreichs Spanien (Munich: Beck, 2nd ed. 1999, 18 INFORMACIONES 103 (2002)

Book Review: Sylvia Sella-Geusen, Doppelverkauf – Zur Rechtsstellung des ersten Käufers im gelehrten Recht des Mittelalters, Berlin 1999, 10 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 423 (2002)

Book Review: Peter A. Reichart, Der Renvoi im schweizerischen IPR, Zürich 1996; Hans Kuhn, Der Renvoi im internationalen Erbrecht der Schweiz, Zürich 1998, 65 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 320 (2001)

Book Review: Tony Weir, Economic Torts (Clarendon Lectures), Oxford 1997, 65 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 351 (2001)

Book Review: Petar Šarčević & Paul Volken (eds.), Yearbook of Private International Law, Volume I-1999, The Hague-London-Boston 1999, 48 NETHERLANDS INTERNATIONAL LAW REVIEW 108-112 (2001)

Book Review: Peter Cane & Jane Stapleton (eds.), The Law of Obligations – Essays in Celebration of John Fleming, Oxford 1998, 9 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 425 (2001)

Book Review: Cordula Thoms, Einzelstatut bricht Gesamtstatut. Zur Auslegung der „besonderen Vorschriften“ in Art. 3 Abs. 3 EGBGB (Studien zum ausländischen und internationalen Privatrecht 51), Tübingen 1996, 64 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 177 (2000)

Book Review: Heinrich Nagel & Peter Gottwald, Internationales Zivilprozeßrecht, 4th ed., Münster 1997, 6 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 1050 (1998)

Miscellaneous

The Attorney General Looks Abroad (Op-Ed), THE NEWS AND OBSERVER, August 31, 2006

Zu guter Letzt: Die Festschriften der Gesellschaft, 14 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 960-962 (2006)

Code vs. Code. Images of Code in the French Resistance to European Codification, in DOUBLE MAITRISE ASSOCIATION PARIS II / CAMBRIDGE UNIVERSITY, FIRST SPRING CONVENTION 26-28 (2006)

US Courts as World Courts, in FOR BOB MUNDHEIM 36-41 (American Academy in Berlin ed., 2006)

[In memoriam] Arthur Taylor von Mehren, 10. August 1922 – 17. Januar 2006 (with Giesela Rühl), 70 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 233-234 (2006)

George W. Schröder (Op-ed), DER TAGESSPIEGEL, September 22, 2005

Justice, thwarted by secrecy (Op-Ed), THE NEWS & OBSERVER, April 6, 2004

U.S. provides visitors not-so-warm welcome (Op-Ed), ATLANTA JOURNAL-CONSTITUTION, February 16, 2004

Same Sex Marriage: Canada, Europe, and the United States, ASIL INSIGHTS, JUNE 2003

Zu guter Letzt: Kannitverstaan in Zürich, 10 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 428 (2002)

Echo (Der praktische Fall – Internationales Privatrecht: Eine Düngemittelanlage für China), 40 JURISTISCHE SCHULUNG 936 (2000)

Welches europäische Vertragsrecht braucht die Wirtschaft?, in EUROPA ALS UNION DES RECHTS – EINE NOTWENDIGE ZWISCHENBILANZ IM PROZESS DER VERTIEFUNG UND ERWEITERUNG 158-159 (Hanns Martin Schleyer-Stiftung ed., 1999)

Zu guter Letzt: My Own Private Switzerland, 7 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 197 (1999)

Echo (Der praktische Fall – Internationales Privatrecht: Eine unsichere Sicherheit), 38 JURISTISCHE SCHULUNG 192 (1998)

Working Papers

US Courts as World Courts – The Avant-garde of Globalization

The Reluctant World Court. Three Readings of the Supreme Court Decision in Empagran

Code versus Code. The French Resistance to a European Civil Code and to the World Bank's Doing Business Reports

Amicus Curiae Brief

F. Hoffmann-La Roche, Ltd., et al. v. Empagran, S.A., et al., 542 U.S. 155 (2004) (with Hannah Buxbaum and Horatia Muir Watt)

http://supreme.lp.findlaw.com/supreme_court/briefs/03-724/03-724.mer.ami.intlawprofs.pdf

Conferences Organized

Multiple Identities and the Conflict of Laws (with Yko Nishitani), Spring/Summer 2009

The Doing Business Reports by the World Bank and the Legal Origins Thesis: Is Economics Replacing Comparative Law?, AALS Annual Meeting, San Diego, January 2009

The New European Choice-of-Law Revolution – Lessons for the United States?, Durham, February 2008.

Proceedings published as issue 82/5 TULANE LAW REVIEW (2008) (pp. 1607-2180).

Conflict of Laws in a Globalized World – In Memoriam Arthur T von Mehren (with Eckart Gottschalk, Giesela Rühl, Jan von Hein), Hamburg, November 2007.

Presentations based on contributions to CONFLICT OF LAWS IN A GLOBALIZED WORLD (CUP 2007)

Beyond the State? Rethinking Private Law (with Nils Jansen), Hamburg, July 2007, www.private-law.org.

Conference reports: Martin Flohr, *Beyond the State? Rethinking Private Law. Symposium in Hamburg am 12. und 13. Juli 2007*, 72 *RabelsZ* 391-96 (2008); Alexandra Kemmerer, *Auf dem globalen Basar – Juristen feilschen in Hamburg um den Wert des Privatrechts*, *Frankfurter Allgemeine Zeitung*, 30 August, 2007, p. 35; Jens Kleinschmidt, *Tagungsbericht – “Beyond the State? Rethinking Private Law,”* 62 *Juristenzeitung* 1044-45 (2007).

Proceedings published as issue 3/56 AMERICAN JOURNAL OF PRIVATE LAW (2008) (pp. 527-843) and in a book by Mohr (Siebeck), Tübingen.

2d Annual Workshop of the German Law Journal, Durham, October 2004.

Proceedings published in 5 GERMAN LAW JOURNAL 1413-1520 (2004)

Select Presentations

Presenter, *Global Legal Pluralism*, Comparative Law Symposium, Villanova University, February 18, 2009

Panelist, *What is Non-State Governance?*, Symposium: Non-State Governance, University of Utah, February 9, 2009

Presenter, *Equivalent Norms in the Conflict of Laws*, Workshop of the Study Group on Multi-Sourced Equivalent Norms, University of Amsterdam, December 5, 2008

Presenter, *The New European Choice-of-Law Revolution*, Fundação Armando Alvares Penteado (FAAP), Department of International Relations, Sao Paulo, November 6, 2008

Presenter, *US Courts as World Courts*, Fundação Armando Alvares Penteado (FAAP), Department of Law, Sao Paulo, November 5, 2008

Presenter, *US Courts as World Courts*, Faculty Workshop, Stanford Law School, August 28, 2008

Presenter, *New Functionalism in Comparative Law*, Yale Law School, Seminar: Advanced Comparative Law, February 26, 2008

Presenter, *Three Questions to the Panelists (Introduction)*, Conference: Public and Private Law in the Global Adjudication System, Duke Law School. February 15, 2008

Presenter, *The New European Choice-of-Law Revolution*, Conference: A New European Conflicts Revolution? Lessons for the United States, Duke Law School, February 9, 2008

Presenter, *Global Legal Pluralism*, Max Planck Institute for Social Anthropology, Halle, November 26, 2007

Panelist, *The Return of Private Law*, Panel: The Culture of Public & Private, Annual Meeting of the American Society of Comparative Law, Cornell University, November 9, 2007

Presenter, *From Conflict of Laws to Private International Law as Global Governance* (with Karen Knop and Annelise Riles), Globalization, Law & Justice Workshop Series, University of Toronto, November 1, 2007

Presenter, *Globalizing Savigny? The State in Savigny's Private International Law and the Challenge from Europeanization and Globalization*, Panel: Episodes in the History of Modern Territorialism, Annual Meeting of the American Society of Legal History, Tempe, AZ, October 27, 2007

Presenter, *Evolution and Differentiation of Legal Systems – Towards a Constructal Theory of Law?*, Workshop: Constructal Theory and Social Dynamics, Duke University Dept. of Engineering, April 23, 2007

Keynote Speaker, *Functionalist Comparative Law – Bottom Up or Top Down?* Conference: The "Bottom-Up-Approach" to Comparative Law. Leuven, December 21, 2006

Presenter, *The True New Lex Mercatoria*. Conference contribution: Governing Contracts – Public and Private Perspective, Osgoode Hall Law School, Toronto, November 10, 2006

Presenter, *The Reluctant World Court. Three Readings of the Supreme Court Decision in Empagran*. Conference: International Law after the Three Worlds. American University, September 15, 2006

Presenter, *The Applicability of the UNIDROIT Principles*. Workshop on the UNIDROIT Principles of International Commercial Contracts, Oxford University, July 7, 2006

Keynote Speaker, *Old Functionalism, New Functionalism and the Common Core of European Private Law*. 11th Annual Meeting of the Common Core of European Private Law Project, Trento, June 30, 2006

Presenter, *EU Law as Conflict of Laws – The Return of Vested Rights?*, Invited Lecture: Centre of European Law and Politics at the University of Bremen Centre of European Law and Politics at the University of Bremen, May 19, 2006

Presenter, *La mixité du droit américain. Développements actuels en théorie et pratique des sources du droit (The Mixed Character of American Law. Current Developments in theory and practice of Sources of Law)*. Conference: Les sources du droit: aspects contemporains, Université St. Joseph, Beirut, Lebanon, May 11, 2006

Presenter, *Europarecht und Vested Rights Theory (EU Law as Conflict of Laws – The Return of Vested Rights?)*, Max Planck Institute for Comparative Private Law and Private International Law, Hamburg, May 7, 2006

Presenter, *What Concept of Law is Required for Comparative Arguments in Judicial Decisions?*, Workshop, Max Planck Institute for Comparative Private Law and Private International Law, Hamburg, May 5, 2006

Two Paradigms of Jurisdiction, Faculty Workshop, Cornell Law School, April 11, 2006

Economics of Law as Choice of Law: Repetition and Replication, Conference contribution: "Rethinking the Private in Private International Law", Cornell University, April 8, 2006

The Return of Vested Rights, Conference contribution: "Rethinking the Private in Private International Law", Cornell University, April 7, 2006

Code versus Code: Images of Code in the French Resistance to European Codification of Contract Law, conference contribution, Université Paris II, March 22, 2006

US-Gerichte als Weltgerichte – die Avantgarde der Globalisierung (US Courts as World Courts: The Avant-Garde of Globalization), Lisa and Heinrich Arnhold Lecture, Dresden, Dec 2, 2005

US Courts as World Courts: The Avant-Garde of Globalization, Lloyd Cutler Lecture, American Academy in Berlin, Nov 15, 2005

Die Globalisierung des US-Kartellrechts (The Globalization of US Antitrust Law), invited presentation, Wilmer Cutler Pickering Berlin, Germany, Oct 5, 2005

Private Law Beyond the State (with Nils Jansen), Summer University, German Scholarship Foundation, Salem, Germany, Aug 24, 2005

EU Law as Conflict of Laws – The Return of Vested Rights?, Keynote Speech at International Conference to launch the Journal of Private International Law, Aberdeen, UK, Mar 29, 2005

Economic Analysis of Choice of Law in Torts, Conference Presentation, „An economic analysis of private international law“, Naoshima, Japan, Mar 15, 2005

Cosmopolitan Choice of Law, 19th Century Style, Conference Presentation, Joint Meeting of the Private International Law and the Law and Anthropology Interest Groups, American Association of Law Schools, Annual Meeting, San Francisco, Jan 6, 2005

The Latest Conflict of Laws Revolution? A Primer in EU Conflict of Laws, Guest Lecture, Cornell Law School, Nov 19, 2004

Comparative Law and Human Rights – The Transatlantic Dimension: The Death Penalty, Panel Contribution, Annual Meeting, American Society of Comparative Law, Annual Meeting, Michigan University School of Law, Oct 22, 2004

Code vs. Code. European Civil Code, French Cultural Resistance, and the Pluralism of European Private Law, Lecture, European Legal Research Center, Harvard Law School, European Private Law Speaker Series, Sep 24, 2004

La délocalisation de compétence judiciaire pour contrats et délits (De-Placing Jurisdiction for Contracts and Torts), Conference Presentation, Symposium, “Transnational Civil Litigation in the European Judicial Area and in Relations with Third States”, ULB, Brussels, Jan 23, 2004

Territorial Jurisdiction after Territoriality, Max Planck Institute for Foreign and International Private Law, Workshop Presentation, Hamburg, Germany, Nov 17, 2003

Globalization and the Brussels Regulation, Workshop Presentation, “Judicial Cooperation between European and Third States”, Barcelona University, Oct 24, 2003

Double Sales, Single Doctrines – Towards a Reconciliation of the Relation Between Property and Obligations, Workshop Presentation, Universitat Pompeu Fabre, Barcelona, Oct 23, 2003

The Globalization of US Jurisdiction, Lecture, “Internationalisation of Law”, German Scholarship Foundation, Munich, May 31, 2003

The Globalization of US Jurisdiction, Augsburg University, Dec 11, 2002

Globalization and Jurisdiction – New Problems and Techniques, Conference Presentation, “Judicial Cooperation between the United States and Europe”, New York City Bar Association, May 19, 2003

Jurisdiction and Globalization, Europa Institute Lustrum Seminar on Globalisation and Jurisdiction, Leiden, Dec 5, 2002

Common Core? Conference on Epistemology and Methodology of Comparative Law in the Light of European Integration, Katholieke Universiteit, Brussels, October 26, 2002

Convergence in Civil Justice? Antisuit Injunctions as an Example, Law and Justice in a Multistate World – Symposium in Honor of Arthur Taylor von Mehren, Harvard Law School, Cambridge MA, Sep 27, 2002

Structures of the Legal Unification Debate, Symposium National Legislation under the Influence of International Model Laws and European Rule-Making, Eötvös Loránd University, Budapest, May 23, 2002

Three Paradigms of Legal Unification, Private International Law Interest Group in the American Society of International Law – Annual Meeting, The American Society of International Law, Washington, D.C., March 15, 2002

Common Cores or Common Corpses – Promises and Pitfalls of the Common Core Approach for European Private Law, Workshop “Law Beyond the Nation State”, Bielefeld University, October 9, 2001

Globalisierung und klassisches internationales Privatrecht [Globalization and Classical Conflict of Laws], Workshop “Recht und Politik unter den Bedingungen der Globalisierung und Dezentralisierung” (Law and Politics under Conditions of Globalization and Decentralization), Max Planck Institute for European Legal History, Frankfurt, June 8, 2001

Richtlinienkollisionsrecht nach der Ingmar-Entscheidung des EuGH [EC Directives in Conflict of Laws after the ECJ Judgment in Ingmar], Max Planck Institute for Foreign Private Law and Private International Law, Hamburg, April 25, 2001

European Private Law: Not If, But How, Visiting Researchers Program, Harvard Law School, Cambridge MA, April 13, 2000

Privatautonomie und Privatkodifikation – Zur Frage der Geltung allgemeiner Vertragsrechtsprinzipien [Party Autonomy and Private Codification – On the Question of Validity of Common Contract Law Principles], Max Planck Institute for Comparative Public Law and International Law, Heidelberg, July 23, 1998