

THE HONORABLE
G. WILLIAM AND ARIADNA
MILLER INSTITUTE FOR
GLOBAL CHALLENGES AND THE LAW



ANNUAL REPORT
2013-2014

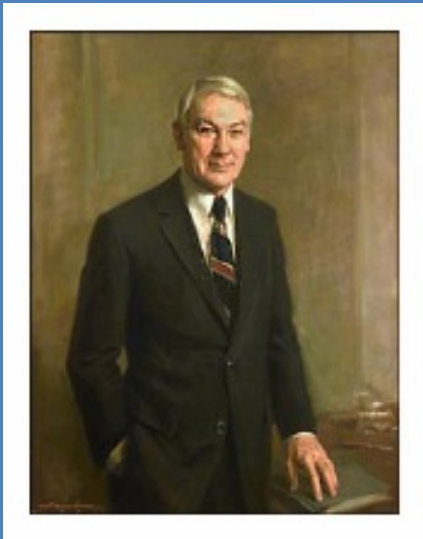
BerkeleyLaw
UNIVERSITY OF CALIFORNIA

THE HONORABLE G. WILLIAM AND ARIADNA MILLER INSTITUTE FOR GLOBAL CHALLENGES AND THE LAW

Since 2007, the Honorable G. William and Ariadna Miller Institute for Global Challenges and the Law has been at the heart of Berkeley Law's international enterprise. Founded and supported by the generosity of G. William and Ariadna Miller, the Institute is a research, teaching, and policy center on international and comparative law. Through interdisciplinary collaborations and institutional partnerships, the Miller Institute addresses urgent challenges that demand creative global approaches, including promoting the rule of law, advancing climate and energy justice, and reconceptualizing armed conflict and the use of force.



THE HONORABLE G. WILLIAM MILLER (1925-2006)



A celebrated Berkeley Law alumnus ('52), G. William Miller served as Secretary of the Treasury under President Carter and 11th Chairman of the Federal Reserve. He was an officer in the US Coast Guard, and led a distinguished career in business and investment banking.

Miller was a lifelong supporter of Berkeley Law, serving on the school's Campaign Cabinet. As national chairman of the Distinguished Professors Project in 1986, he helped raise \$1.2 million to endow chairs honoring Berkeley Law professors. Miller was also the 1979 recipient of the Citation Award, the Boalt Hall Alumni Association's highest honor, and was recognized with the UC Berkeley Foundation Trustee's Citation in 1987.

He was deeply committed to enabling work to promote the rule of law as a means to ensure that nations share a set of values without sacrificing their individual cultures. The Miller Institute seeks to further his vision.

Cover photo: Shahmeer Halepota ('14) giving remarks on behalf of students at the Certificate of Specialization in International Law Award Ceremony, Berkeley Law, May 9, 2014.

PUTTING INTERNATIONAL SCHOLARSHIP AND POLICYMAKING ON THE MAP

The Miller Institute provides opportunities for students and faculty to learn from and exchange ideas with a stellar array of scholars, policymakers, and practitioners.

“Political Movements as a Driving Force of Judicial Reform in the Dominican Republic” – September 9, 2013

Judge Jorge Subero Isa, former Chief Justice of the Supreme Court of the Dominican Republic
Co-sponsored with the Berkeley Law Advanced Degree Program

“Chevron in Richmond: Cooperation and Conflict Around the Bay Area’s Largest Oil Refinery” – September 11, 2013

Professor **Jamie O’Connell** moderated this panel discussion. Speakers included **John Gioia** (‘82), Board of Supervisors, Contra Costa County, and Member, California Air Resources Board.



*Judge Jorge Subero Isa,
former Chief Justice of the
Supreme Court of the
Dominican Republic*

“Judging Faith: An International Dialogue on the Jurisprudence on Religion in Courts” – September 20-12, 2013

Berkeley Law faculty and US judges met in Berkeley with European scholars and judges for the first of a series of conversations comparing US and European approaches to the role of religion in the public space. US participants included Professors **Jesse Choper**, **Christopher Kutz**, and **David Oppenheimer**, as well as Judges **Marsha Berzon** (‘73), **William Fletcher**, and Joseph Grodin. European participants included faculty from several European universities, and members of the European Court of Human Rights. The group will meet again next year at the European University Institute.

Co-sponsored with the IIS Institutions and Governance Program; the Kadish Center for Morality, Law and Public Affairs; the Robbins Collection; the ReliogWest Project of the Robert Schuman Center; the Institute of Governmental Studies; the IGS Anglo-American Studies Program; and the Politics of Religious Freedom Contested Norms and Local Practices Project

“Mexico’s Greatest Transformations” – January 22, 2014

Andrés Roemer, Consul General of Mexico-San Francisco

Professor **Robert Cooter** also spoke on the panel, which focused on Mexico’s relationship with the United States and ongoing tensions surrounding immigration.

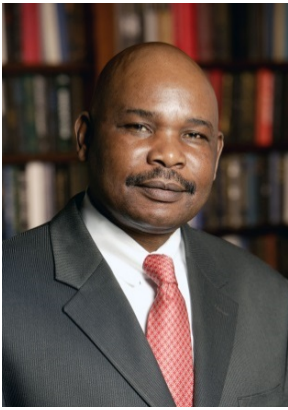
Organized by the La Raza Law Students Association and co-sponsored with the Henderson Center for Social Justice

International Journal of Transitional Justice Editorial Meeting – January 27-28, 2014

The Miller Institute once again hosted the annual meeting of the Editorial Board of the *International Journal of Transitional Justice*, chaired by editorial board member Professor **Laurel Fletcher**. This year’s guest editor is Makau Mutua, Dean of SUNY Buffalo Law School, for a special issue titled “Transitional Justice: Does It Have a Future?”



Andrés Roemer, Consul General of Mexico-San Francisco, addressing students, Berkeley Law, January 22, 2014



Makau Mutua,
Dean of SUNY Buffalo
Law School

“Will the International Criminal Court Survive Kenya?” – January 27, 2014

Makau Mutua, Dean, SUNY Buffalo Law School

Co-sponsored with the International Human Rights Law Clinic and the Henderson Center for Social Justice

Junior International Law Scholars Association Annual Meeting – January 31, 2014

Professor **Saira Mohammed** chaired the annual meeting of the Junior International Law Scholars Association, an informal network of scholars at US law schools who convene each year to present their works-in-progress.

“Civil Liberties, Privacy, and National Security: A Conversation with the Privacy and Civil Liberties Oversight Board” – February 26, 2014

Professor **Anne Joseph O’Connell** was one of the commentators on the Privacy and Civil Liberties Oversight Board’s recent report and recommendations on the NSA telephony metadata program and reform of the operations of the Foreign Intelligence Surveillance Court.

Co-sponsored with the UC Berkeley School of Information; Team for Research in Ubiquitous Secure Technology (TRUST); Berkeley Center for Law and Technology; Center for Information Technology Research in the Interest of Society (CITRIS); and Data and Democracy Initiative

THE RIESENFELD AWARD AND SYMPOSIUM

February 27, 2014

Organized by the Berkeley Journal of International Law

Stefan A. Riesenfeld (1908-1999)

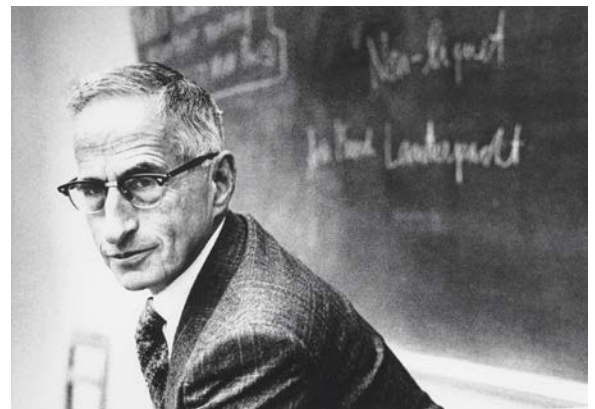
Stefan Riesenfeld (‘37) was a Berkeley Law professor and recognized authority in numerous legal specialties including international law, comparative law, property law, creditors’ remedies and bankruptcy, administrative law, and legal history. A native of Germany, he came to Berkeley in 1935 to earn a law degree. Speaking German, French, and Italian and with two European law degrees to his credit, he learned English only while studying at Boalt Hall. Nonetheless he graduated on time and near the top of his class, and went on to receive a doctorate in law at Harvard. Professor Riesenfeld joined the Berkeley faculty in 1952 after teaching at Harvard and the University of Minnesota.

He served as a legal advisor in the Panama Canal treaty negotiations, the recognition of Taiwan, and the Iran hostage case. While in his 70s, he represented the United States in three major cases before the International Court of Justice. As civilian legal advisor with the US Office of the High Commissioner in the mid-1940s, he helped prepare the West German constitution. He also wrote the statute for Hawaii’s workers’ compensation regulations and helped develop human rights litigation in the United States.

Each year, the Miller Institute supports a symposium and an award in Professor Riesenfeld’s name to keep alive his commitment to rigorous scholarship in international law and his devotion to public service.

Stefan A. Riesenfeld Memorial Award 2014 – Steven Smith (‘83)

Each year the Riesenfeld Award is given to a distinguished scholar or practitioner who has made outstanding contributions to the field of international law and who has demonstrated a commitment to the values that Professor Riesenfeld espoused. This year’s Award was given to **Steven Smith (‘83)**, one of the world’s leading international arbitration attorneys. While at Berkeley Law, Mr. Smith founded and served as Editor-in-Chief of *International Tax and Business Lawyer*, the precursor of today’s *Berkeley Journal of International Law*. He focuses his practice on the arbitra-



Stefan Riesenfeld



Steven Smith (‘83) is presented with the Riesenfeld Award by (l-r) BJIL editors Megan Niedermeyer and Tara Capsuto, and Prof. Kate Jastram, Faculty Co-Director, Miller Institute

tion and litigation of complex international commercial disputes in a broad range of industries. In his more than 30 years of practice, he has handled matters for and against sovereign entities from the Middle East, Europe, Asia, Latin America, and Africa, and has served as counsel and arbitrator in numerous arbitrations around the globe.

Riesenfeld Symposium Panel – “Who’s Watching? Global Perspectives on Privacy”

Professor **Chris Hoofnagle** moderated the Riesenfeld Symposium Panel on global developments in privacy law. Panelists included Professor Colin Bennett, University of Victoria; James DeGraw, Partner, Ropes & Gray LLP; Michelle Dennedy, Vice President and Chief Privacy Officer, McAfee Inc.; and Professor Danilo Doneda, Fundação Getúlio Vargas-Rio de Janeiro, and Member, Brazil Ministry of Justice Committee on Electronic Commerce.



Prof. Chris Hoofnagle introducing the members of the Riesenfeld Symposium Panel, Berkeley Law, February 27, 2014

INITIATIVE ON ARMED CONFLICT AND INTERNATIONAL LAW

The Miller Institute’s Initiative on Armed Conflict and International Law, headed by Faculty Co-Director **Kate Jastram**, explores ways to engage scholars, practitioners, and students in reconceptualizing the law of armed conflict and developing new policies to adapt to emerging technologies and the changing battlefield. Programs this year included eminent speakers, a student workshop, participation in a student international humanitarian law competition, and an expert roundtable convened with the International Committee of the Red Cross.

“Palestine Refugees and the Quest for Peace Amidst Times of Conflict” – November 4, 2013

Filippo Grandi, Commissioner General, United Nations Relief and Works Agency for Palestine Refugees in the Near East

“Prospects for Peace: An Assessment by Ambassador Dennis Ross” – November 14, 2013

Ambassador Dennis Ross, Counselor, Washington Institute for Near East Policy; Former White House Special Middle East Envoy; Former Special Adviser to Secretary of State Hillary Clinton for the Persian Gulf and Southwest Asia

Co-sponsored with the Berkeley Institute for Jewish Law and Israeli Law, Economy, and Society; the Institute of Governmental Studies; the Institute of International Studies; the Religion, Politics, and Globalization Program; the Olive Tree Initiative; and Berkeley Hillel



*Filippo Grandi,
Commissioner General,
UN Relief and Works Agency for
Palestine Refugees in the
Near East, Berkeley Law,
November 4, 2013*



*Zainab Bangura (right) in conversation with
Kim Thuy Seelinger, Director of the Sexual Violence
Program, Human Rights Center, Berkeley Law,
February 18, 2014*

“Terror Detentions and the Rule of Law: US and UK Perspectives” – January 29, 2014

Robert Wagstaff presented a comparative analysis of US and UK law on “war on terror” detentions based on his new book.

Co-sponsored with the Berkeley Journal of International Law

Zainab Bangura, Special Representative of the UN Secretary-General on Sexual Violence in Conflict – February 18, 2014

Co-sponsored with the International Human Rights Law Clinic; the Human Rights Center; and the Boalt Hall Committee for Human Rights

“Investigating Crimes of Conflict-Related Sexual Violence Against Men: Challenges and Achievements in the Great Lakes Region of Africa” – March 10, 2014

Dr. Chris Dolan, Director, Refugee Law Project, School of Law, Makerere University (Uganda)

Co-sponsored with the International Human Rights Law Clinic and the Human Rights



Final simulation exercise, IHL Workshop for Students, Berkeley Law, January 20, 2014

International Humanitarian Workshop for Students – January 17-20, 2014

The workshop brought together forty-five students from thirteen law schools across the country for lectures and hands-on exercises on international humanitarian law, or the law of war. The workshop was led by Professor **Kate Jastram** and faculty from the International Committee of the Red Cross, the US Army Judge Advocate General's Legal Center and School, and law professors who specialize in IHL. Applications for the January 2015 workshop will open this fall.

Co-sponsored with the International Committee of the Red Cross and the American Red Cross

Clara Barton International Humanitarian Law Competition – March 12-15, 2014

Shahmeer Halepota ('14), **Ido Kilovaty (LLM '14)**, and **Mirella Nieto ('14)** competed in the inaugural Clara Barton International Humanitarian Law Competition, held in Washington DC. The team was coached by Professor **Kate Jastram**. Their participation was made possible by the Miller Institute and the American Red Cross.

"The Use of Force and Security Cooperation" – October 4-5, 2013

Professors **Kate Jastram** and **Saira Mohamed** participated in this invitation-only roundtable for military and other government attorneys, ICRC lawyers, and prominent scholars, for a candid discussion of two critical issues in armed conflict law: the use of force, in particular remotely piloted aerial vehicles, or drones, and the handover of military operations to local partners when US and allied forces return home.

Co-sponsored with the International Committee of the Red Cross



(l-r) Ido Kilovaty (LLM '14), Shahmeer Halepota ('14), and Mirella Nieto ('14), Berkeley Law team members for the Clara Barton IHL Competition, with Prof. Kate Jastram, Washington DC, March 12-14, 2014

PARTNERSHIP WITH THE AMERICAN SOCIETY OF INTERNATIONAL LAW



*Mariel Bird ('15),
2014 Miller-ASIL Fellowship
winner*

Berkeley Law, through the Miller Institute, is an Academic Partner of the American Society of International Law (ASIL), which provides recognition, participation, promotion, education, and access opportunities for our students and faculty. **Mariel Bird ('15)** was this year's recipient of the Miller-ASIL Fellowship, which enabled her travel to and participation in ASIL's Annual Meeting in Washington DC in April 2014.

Faculty holding key leadership positions in ASIL include Professor **Andrew Guzman**, Executive Council member; Professor **Katerina Linos**, Co-Chair of the Research Forum to be held in conjunction with ASIL's Midyear Meeting in Chicago in November 2014 and Research Forum Program Committee Member for the Midyear Meeting held in New York in November 2013; Professor **Saira Mohamed**, Co-Chair of the Human Rights Interest Group; and Professor **Kate Jastram**, Vice-Chair of the Lieber Society for Armed Conflict Interest Group.

They are joined by alumni/ae including, on the Executive Council, **David Bowker ('99)**, **David Caron ('83)**, **Joan Donoghue ('81)**, and **Cymie Payne ('97)**; and serving as Interest Group Chairs, **Brian Israel ('09)** and **Naomi Roht-Arriaza ('90)**.

In addition, Professors **Kate Jastram** and **Saira Mohamed** served as Mentors in the inaugural year of ASIL's Women in International Law Mentoring Program.

REACHING OUT TO INTERNATIONAL LAW STUDENTS AND ALUMNI

The Miller Institute works to help students launch their international law careers from Berkeley, starting with making all-important contacts with faculty, fellow students, and alumni.

Welcome Reception for Incoming International Law Students – August 26, 2013

We begin the year with a welcome reception for incoming IL and LLM international law students. International law faculty and 2/3Ls introduced themselves and presented the many opportunities available. This year's reception will be held on September 2, 2014.

Alumni Reception – WilmerHale, Washington DC – April 10, 2014

David Bowker ('99), chair of WilmerHale's International Litigation/Controversy Working Group, hosted an alumni reception at WilmerHale where Professor **Kate Jastram** gave an update on international law developments at Berkeley Law.

"Careers in International Law" Brown Bag Lunch Talk – January 14, 2014

Elizabeth Andersen, Executive Director, American Society of International Law

"Pathways to Careers in International Law" – February 12, 2014

This panel featured attorneys practicing international law in California, including **Monique Liburd ('08)**, Associate Trademark Counsel of Google, in practice areas including intellectual property, litigation, trade, and corporate law.

Sponsored by the American Bar Association's Section of International Law and the California Bar's Section of International Law, with the Berkeley Law Career Development Office



Prof. Richard Buxbaum (left) and JSP student Julian Boakye-Nyarko at the reception for incoming IL law students, Berkeley Law, August 26, 2013



Prof. Kate Jastram and David Bowker ('99), Berkeley Law Alumni Reception, WilmerHale, Washington DC, April 10, 2014



*Elizabeth Andersen
Executive Director
American Society of International Law*



*Monique Liburd ('08)
Associate Trademark Counsel
Google*

CERTIFICATE OF SPECIALIZATION IN INTERNATIONAL LAW

In May 2014, the Miller Institute was proud to host a reception in honor of the twenty-eight graduating J.D. and LL.M. students who were awarded the Certificate of Specialization in International Law. The honorees were addressed by Professor **Richard Buxbaum** and **Shahmeer Halepota ('14)**.

2014 Recipients

Saba Ahmed
Amy Belsher
Theresa Cheng
Anna Christensen
Vittorio Davide De Medici-Rodrigues
Sylvia Laura DeTar
Phil Djambazoff
Esayas H. Gezahegne
Lelia M. Gomez
Shahmeer Halepota

Elizabeth Jiménez
Guneet Kaur
Shayan Khan
Ido Kilovaty
Anna Kidangalil Mathew
Mario Morales
Leyla Sadat Mostafavi
Sana Noor Munasifi
John Muse-Fisher

Megan K. Niedermeyer
Alma Mirella Nieto
Amber Victoria Phillips
Chitra Rentala
Elliot Shackelford
Sophie Catherine Sitter
Akshay Sreevatsa
Ioana Tchoukleva
Kelly Camille Woolfolk



*2014 certificate honorees – LL.M. class (top) and JD class (bottom)
with Berkeley Law professors Jamie O'Connell, Kate Jastram, Allison Davenport, Richard Buxbaum,
Laurel Fletcher, Marci Hoffman, Saira Mohamed, and Eric Stover*

EXCELLENCE RECOGNIZED

Stavros Gadinis received an award from the Hellman Fellows Fund at UC Berkeley for his project on Global Technocrats, which examines how informal international bodies (distinguishing between networks of private parties, regulators and ministry executives) organize their internal governance and drafting process to best promote their standards. The Hellman Fellows Fund was established by the late Warren Hellman in 1995 “to support substantially the research of promising assistant professors who show capacity for great distinction in their research.”

He is the fourth law professor to achieve this recognition – the two immediately before him were **Karen Tani** and **Katerina Linos**.



Katerina Linos has been honored with two awards for her book on *The Democratic Foundations of Policy Diffusion: How Health, Family and Employment Laws Spread Across Countries*:

- The 2014 Chadwick Alger Book Prize for the best work published in 2013 in the area of multi-lateralism and global governance. The Prize is awarded annually by the International Organization Section of the International Studies Association.
- The 2014 Giovanni Sartori Book Award from the American Political Science Association, which recognizes excellence in the development or application of qualitative methods.

In addition, Professor Linos and her co-author, Kim Twist, a Ph.D. student in Political Science, have won the best conference paper from the Law and Courts Section of the American Political Science Association for their article on “The Supreme Court, the Media and Public Opinion: Comparing Experimental and Observational Methods.”

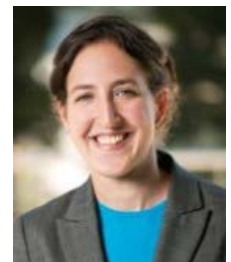


Saira Mohamed was awarded a fellowship with UC Berkeley’s Townsend Center for the Humanities for her research on deviance in international criminal law. The Fellowship seeks to further the research of the recipients and to enable faculty and graduate students within the humanities to interact with colleagues in other disciplines. She was one of four assistant professors throughout the campus who were awarded the fellowship for 2013-2014.

Professor Mohamed was also honored with UC Berkeley’s 2014 Robert O. Collins Award for junior faculty research in African studies for her work on “Leadership Crimes: The Case of Rwanda.”



Rachel Stern received an Honorable Mention for the Herbert Jacob Book Award from the Law & Society Association for her first book, *Environmental Litigation in China: A Study in Political Ambivalence* (Cambridge, 2013). Established in 1996, the award is intended to recognize new, outstanding work in law and society scholarship.



Stanley Lubman, Senior Fellow at the Miller Institute and Distinguished Lecturer in Residence (emeritus) at Berkeley Law, was selected for the 2014 Distinguished Columbian in Teaching Award, which is presented annually by Columbia Law School to a graduate who, through excellence in teaching, scholarship, and writing, and through achievements in the graduate’s chosen field, has brought distinction both to the Law School and to the faculties on which the graduate has served. Professor **Sanford Kadish** is a former award winner.

New Publications from Our Faculty (partial list)

Kenneth A. Bamberger

"Privacy in Europe: Initial Data on Governance Choices and Corporate Practices," 81 *George Washington Law Review* (2013) (with Deirdre Mulligan)

Richard M. Buxbaum

"Keeping Secrets," in *Festschrift zu Ehren von Christian Krichner* (Kaal, Schmidt, and Schwartz, eds., Tübingen, 2014) (with Robert D. Cooter)

Daniel A. Farber

"Catastrophic Risk, Climate Change, and Disaster Law," 16 *Asia Pacific Journal of Environmental Law* (2013)

Laurel Fletcher

"Refracted Justice: The Imagined Victim and the International Criminal Court," in *Contested Justice: The Politics and Practice of International Criminal Court Interventions* (De Vos, Kendall, Stahn, eds., Cambridge University Press, forthcoming 2014)

Stavros Gadinis

- "From Independence to Politics in Financial Regulation," 101 *California Law Review* (2013)
- "The Financial Stability Board: The New Politics of International Financial Regulation," 48 *Texas International Law Journal* (2013)

Andrew Guzman

- "Application Law in International Investment Disputes," *Yearbook on International Investment Law and Policy* (Oxford University Press, 2013) (with Jan Dalhuisen)
- "Doctor Frankenstein's International Organizations," 24 *European Journal of International Law* (2014)
- "The Economics of International Law," *Oxford Handbook of Law and Economics* (Parisi, ed., Oxford, 2014)
- "Expropriatory and Non-Expropriatory Takings Under International Investment Law," 10 *Transnational Dispute Management Journal* (2013) (with Jan Dalhuisen)
- "Human Rights Backsliding," *California Law Review* (forthcoming 2014) (with Katerina Linos)

Kate Jastram

"Warm world, cold reception: Climate change, national security and forced migration," *Vermont Journal of Environmental Law* (forthcoming 2014)

Prasad Krishnamurthy

"Public Distribution System Reforms and Consumption in Chhattisgarh: A Comparative Empirical Analysis," 49 *Economic and Political Weekly* (2014) (with Vikram Pathania and Sharad Tandon)

Katerina Linos

- *The Democratic Foundations of Policy Diffusion: How Health, Family and Employment Laws Spread Across Countries* (Oxford University Press, 2013)
- "Human Rights Backsliding," *California Law Review* (forthcoming 2014) (with Andrew Guzman)
- "Modeling Domestic Politics in International Law Scholarship," *Chicago Journal of International Law* (forthcoming 2014) (with Jerome Hsiang)

David B. Oppenheimer

"Religiosity and Same-Sex Marriage in the United States and Europe," *Berkeley Journal of International Law* (Fall 2013) (with Alvaro Oliveira and Aaron Blumenthal)

Rachel Stern

Environmental Litigation in China: A Study in Political Ambivalence (Cambridge, 2013)

John Yoo

- "Lincoln at War," 38 *Vermont Law Review* (2014)
- *Point of Attack: War and Law for the 21st Century* (Oxford University Press, 2014)

THANK YOU TO ARIADNA MILLER

The Miller Institute is named as a tribute to the Honorable G. William Miller ('52) and his wife Ariadna Miller. We wish to thank Mrs. Miller for her continued generous support of the Institute.

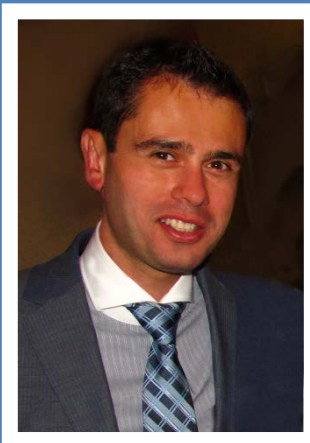


Ariadna and G. William Miller



Faculty Co-Director Christopher Edley and Ariadna Miller

IN MEMORIAM: ZURAB GURGENADZE (LL.M. '13)



The Berkeley Law community was deeply saddened by the passing in February 2014 of LL.M. alumnus Zurab Gurgénadze. Zura, as he was known to friends, was raised in Tbilisi, Georgia, and was inspired to study law in order to help the post-Soviet Georgian democracy develop a principled and just legal system. After graduating from Tbilisi State University Law School in 2001, he worked as a legal advisor with the Ministry of Justice where he helped draft the new Georgian tax code, and later as a senior lawyer in the Georgian government's anti-money laundering agency. In 2005 he immigrated to the United States. In the ensuing years he became a US citizen and a decorated member of the US Marine Corps serving in Afghanistan.

With the goal of becoming a Judge Advocate General, Zura enrolled in Berkeley's LL.M. program, where he participated in the *Berkeley Journal of International Law* and earned a Certificate of Specialization in International Law upon his graduation in 2013.

The Honorable G. William and Ariadna Miller Institute for Global Challenges & the Law

Faculty Co-Directors

Christopher Edley, Jr.
The Honorable William H. Orrick, Jr. Distinguished Chair

Kate Jastram
Lecturer in Residence

Senior Fellows

Stanley Lubman
Distinguished Lecturer in Residence (Emeritus)

Jamie O'Connell
Lecturer in Residence

Institute Administrator

Karen Chin



381 Boalt Hall ▪ UC Berkeley School of Law ▪ Berkeley CA 94720-7200
Phone: 510-642-5125 ▪ Fax: 510-643-2698
mgcl@law.berkeley.edu ▪ www.law.berkeley.edu/mgcl.htm