

CURRICULUM VITAE

Neil A.F. Popović

Professional Experience

- 2008-present: SHEPPARD, MULLIN, RICHTER & HAMPTON LLP, San Francisco: Equity Partner. International Litigation and Arbitration Team Leader and ESG and Sustainability Team Leader. Practice includes commercial arbitration, investment arbitration, transnational litigation, recognition and enforcement of foreign judgments and arbitral awards, environmental, social and governance counseling, consumer class action defense, complex commercial litigation, environmental and social marketing claims, appellate litigation, white collar criminal defense and internal investigations, climate change, human rights, international environmental law. Pro Bono Coordinator for San Francisco office. Law firm biography at <http://www.sheppardmullin.com/npopovic>.
- 1996-present: UNIVERSITY OF CALIFORNIA, BERKELEY LAW SCHOOL: Frank C. Newman Lecturer, International Litigation and Arbitration; International Environmental Law; Law, Politics and Policymaking (Rule of Law).
- 2015-present: EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, London: Ad Hoc Expert, Project Complaint Mechanism and Independent Project Accountability Mechanism. Appointed by Board of Directors to resolve complaints about Bank's compliance with environmental and social policies.
- 1996-2008: HELLER EHRMAN LLP, San Francisco: Shareholder. Practice included complex commercial litigation, international disputes, white collar criminal defense, international environmental law. Chair, San Francisco Pro Bono program; Community Service Committee; co-leader, Complex Commercial Litigation Group in San Francisco (including staffing and associate evaluations). Notable successes include *Af-Cap v. Chevron Overseas (Congo) Ltd.*, 475 F.3d 1080 (9th Cir. 2007), representing the Congo (Brazzaville); and *Colella v. Republic of Argentina*, 2007 WL 1545204 (N.D. Cal., May 29, 2007), representing Argentina.
- 1992-1996: SIERRA CLUB LEGAL DEFENSE FUND (now called Earthjustice), San Francisco: Attorney, International Program. International environmental law with emphasis on human rights and environment, representing environmental organizations in court, at the United Nations and in regional human rights forums. Co-drafter and *rapporteur*, 1994 UN Declaration of Principles on Human Rights and the Environment, U.N. Doc. E/CN.4/Sub.2/1994/9, annex I (1994).
- 1992-1996: VAN BOURG, WEINBERG, ROGER & ROSENFELD, Oakland: Of Counsel. Concurrent with employment at Sierra Club Legal Defense Fund, worked part-time on labor law matters in trial and appellate courts.

- 1988-1991: FRIEDMAN, SLOAN & ROSS, San Francisco: Associate. Complex civil and criminal litigation in state and federal courts at trial and appellate levels; also some family law. Continued to work with firm on contract basis while attending Fletcher School of Law and Diplomacy (1991-1992), and while employed at Sierra Club Legal Defense Fund (1992-1996).
- 1987-1988: HON. ALICEMARIE H. STOTLER, United States District Court, Central District of California: Law Clerk. One-year appointed clerkship with federal judge.

Education

ACADEMY OF EUROPEAN LAW, European University Institute, Fiesole, Italy
Sixth Annual Summer Session, 1995

THE FLETCHER SCHOOL OF LAW AND DIPLOMACY, Tufts University: M.A. International Relations
1992; Ford Foundation Fellow in Public International Law

UNIVERSITY OF CALIFORNIA, BERKELEY, SCHOOL OF LAW: J.D. 1987
Note & Comment Editor, *California Law Review*
Extern, Hon. Joseph R. Grodin, Supreme Court of California (1986)
Instructor, Street Law Project
Research Assistant, Professor Rachel Moran

GEORGETOWN UNIVERSITY LAW CENTER
Enrolled in J.D. program, 1984-1985 (subsequently transferred to Berkeley Law)
Dean's List (top 5% of class)
Editor in Chief, *Georgetown Law Weekly*
Invited to join *Georgetown Law Journal* (based on grades)

UNIVERSITY OF CALIFORNIA, BERKELEY: A.B. Political Science 1983
Four-year varsity letter winner in gymnastics
Bogie Bogart Scholar-Athlete Award

Board Service

EARTHRIGHTS INTERNATIONAL: Board of Directors (1999-2013; 2019-present)
CENTER FOR YOUTH DEVELOPMENT THROUGH LAW: Board of Directors (2004-2017)
CENTER FOR LAW, ENERGY AND THE ENVIRONMENT: Research Advisory Board
INTERNATIONAL WATERSHED PARTNERS: Advisory Board
JUSTICE & DIVERSITY CENTER, BAR ASSOCIATION OF SAN FRANCISCO: Board of Directors &
Leadership Council
INTERNATIONAL LAW SECTION OF THE STATE BAR OF CALIFORNIA: Executive Committee
INTERNATIONAL BAR ASSOCIATION: Public Law Committee
CALIFORNIA INTERNATIONAL ARBITRATION COUNCIL: Executive Committee

Organizational Memberships

State Bar of California
United States Supreme Court Bar
Bar Association of San Francisco
American Society of International Law
Northern California International Arbitration Club (Co-Chair)
International Bar Association

Honors

AV® Preeminent™ 5.0 out of 5, martindale.com
Best Lawyers in America, 2020-2021
Northern California Super Lawyers, 2012-2022 (International Law)
Leading Environmental Practices Lawyer, *The Recorder*, 2012
Top 10 Pro Bono Efforts of 2012, *The Recorder*, 2012
Robert G. Sproul, Jr. Award, 2015, Lawyers Committee for Civil Rights of the
San Francisco Bay Area

Personal

Married (to Susan Popović) since 1987; three children
Born October 2, 1960, in Berkeley, CA; citizen of USA

Publications

High Court's Foreign Discovery Question, Take 2, *Law 360*, December 21, 2021, [High Court's Foreign Discovery Question, Take 2](#)

What 9th Cir. Arbitration Case May Mean for Insurance, *Law 360*, October 4, 2021, [What 9th Circ. Arbitration Case May Mean For Insurance](#)

Pay attention: Discovery in international arbitration cases, *Daily Journal*, April 26, 2021

SCOTUS Finally Agrees to Address Discovery for Use in Foreign Arbitration, International Arbitration Law Blog (March 22, 2021), [SCOTUS Finally Agrees to Address Discovery for Use in Foreign Arbitration | Lex Arbitri \(internationalarbitrationblog.com\)](#)

Insisting on Live, In-person Arbitration Hearings During The Pandemic, International Arbitration Law Blog (March 8, 2020), [Insisting on Live, In-person Arbitration Hearings During The Pandemic | Lex Arbitri \(internationalarbitrationblog.com\)](#)

Supreme Court Opens the Door for Non-Signatories to Enforce Arbitration Agreements, Resolving Circuit Split, International Arbitration Law Blog (June 9, 2020), <https://www.internationalarbitrationblog.com/2020/06/articles/commercial/non-signatory-enforce-arbitration-agreement/>

Rolls-Royce Seeks to Resolve Circuit Split on Whether District Courts Can Order Discovery For Use in Private Arbitration, International Arbitration Law Blog (May 22, 2020), <https://www.internationalarbitrationblog.com/2020/05/articles/transnational/rolls-royce-circuit-discovery-private-arbitration/>

Major Arbitral Institutions Update Guidance Regarding COVID-19, International Arbitration Law Blog (April 28, 2020), <https://www.internationalarbitrationblog.com/2020/04/articles/coronavirus/major-arbitral-institutions-update/>

The Impact of COVID-19 on International Arbitration Hearings, International Arbitration Law Blog (March 20, 2020), <https://www.internationalarbitrationblog.com/2020/03/articles/coronavirus/the-impact-of-covid-19-on-international-arbitration-hearings/>

French Picasso Judgment is Abstract Expression to U.S. Law, International Arbitration Law Blog (September 24, 2019), <https://www.internationalarbitrationblog.com/2019/09/articles/transnational/french-picasso-judgment/>

Privacy and Confidentiality Are Siblings, Not Twins, International Arbitration Law Blog (June 27, 2019), <https://www.internationalarbitrationblog.com/2019/06/articles/commercial/privacy-confidential/>

Can a California Court Invalidate Agreements on International Service of Process, San Francisco Daily Journal (June 28, 2018)

Pursuing and Responding to Discovery Requests Under 28 U.S.C. § 1782, International Arbitration Law Blog (with Shin Hahn) (March 29, 2019), <https://www.internationalarbitrationblog.com/2019/03/articles/transnational/discovery-requests/>

The Singapore Convention Allows for Recognition of Settlement Agreements Made Outside of Court or Arbitral Proceedings, International Arbitration Law Blog (February 9, 2019), <https://www.internationalarbitrationblog.com/2019/02/articles/commercial/the-singapore-convention-allows-for-recognition-of-settlement-agreements-made-outside-of-court-or-arbitral-proceedings/>

US Law Allows Discovery for Foreign Proceedings, International Arbitration Law Blog, (February 8, 2019), <https://www.internationalarbitrationblog.com/2019/02/articles/transnational/us-law-allows-discovery-for-foreign-proceedings/>

Contracts with Foreign Companies May Require a Rewrite, Corporate and Securities Law Blog (June 13, 2018), <https://www.corporatesecuritieslawblog.com/2018/06/contracts-foreign-companies-rockefeller/>

["Can a California Court Invalidate Agreements on International Service of Process," San Francisco Daily Journal \(June 28, 2018\)](#)

"Justice with International Human Rights and State Constitutions." *Global Network for the Study of Human Rights and the Environment* (April 16, 2016)

Data Loss Issues, in **Cloud Computing Deskbook** (Thompson Reuters 2013; updated 2014, 2015, 2016, 2017, 2018)

Sovereign Litigation in Latin America: Top Five Issues To Think of When Doing Business With a Latin American Country, Latin American Blog (Sheppard Mullin, Aug. 18, 2014) (with Alejandro Moreno & Juan Castaneda),
<http://www.latinlawblog.com/2014/08/articles/other/sovereign-litigation-in-latin-america-top-five-issues-to-think-of-when-doing-business-with-a-latin-american-country/>

'All-Natural' Litigation, Food & Drink, Summer 2014 (with Paul Seeley)

Corporate Liability for Human Rights Violations After Kiobel: Judge Scheindlin Opens the Door, Travaux (blog of Berkeley J. Int'l L., Apr. 25, 2014),
<http://berkeleytravaux.com/corporate-liability-human-rights-violations-kiobel-judge-scheidlin-opens-door/>

Environmental Litigation Against Corporations: Where Now?, in **Corporate Responsibility for Human Rights Impacts: New Expectations and Paradigms** (ABA 2014)

Proposition 37 Permits "Natural" Labeling for Non-GMO Processed Food (with Peter S. Hecker & Robert J. Uram) (Sheppard Mullin, Oct. 8, 2012)

Hotspots and Trends in International Discovery, in *Inside the Minds: Complying with International Discovery Regulations* (Aspatore 2012)

[The Chevron Ecuador Saga Continues as Second Circuit Overturms Anti-Enforcement Injunction](http://www.latinlawblog.com/2012/03/articles/crossborder-insolvency/the-chevron-ecuador-saga-continues-as-second-circuit-overturms-antienforcement-injunction/), Latin American Blog (Sheppard Mullin, Mar. 12, 2012) (with Rachel Tarko Hudson),
<http://www.latinlawblog.com/2012/03/articles/crossborder-insolvency/the-chevron-ecuador-saga-continues-as-second-circuit-overturms-antienforcement-injunction/>

Court of Appeal Reminds Litigants That Settling With Named Plaintiff Does Not Necessarily End Putative Class Action, Class Action Defense Strategy Blog (Sheppard Mullin, Jan. 3, 2012) (with Lai Lam Yip),
<http://www.classactiondefensestrategy.com/2012/01/articles/settlements/court-of-appeal-reminds-litigants-that-settling-with-named-plaintiff-does-not-necessarily-end-putative-class-action/>

In Pursuit of Environmental Human Rights: Commentary on the Draft Declaration of Principles on Human Rights and the Environment, in Dinah L. Shelton, ed., **Human Rights and the Environment** (Edward Elgar 2011), *reprinted from* 27 Columbia Human Rights Law Review 487 (1996)

Sometimes the System Works, Daily Journal, Jan. 25, 2011, at 1.

US Courts Order Discovery for Use Overseas in Chevron-Ecuador Disputes, <http://bjil.typepad.com/publicist/2011/03/publicist07-popovic-hudson.html>, reprinted in Law 360 as *In Context: The Chevron-Ecuador Litigation* (Dec. 17, 2010) (with Rachel Tarko Hudson)

Ninth Circuit Makes CAFA Jurisdiction Stick, Class Action Defense Strategy Blog (Sheppard Mullin, Apr. 2010), <http://www.classactiondefensestrategy.com/2010/04/articles/-federal-class-action/ninth-circuit-makes-cafa-jurisdiction-stick/>

Don't Cry (Too Much) For Us, Transcript (University of California, Berkeley, School of Law, Spring-Summer 2009)

Foreign Matters: How to obtain recognition of foreign-court judgments, The Recorder, Litigation Supplement 6 (Summer 2009)

How a U.S. Climate Change Bill Could Lead to Trouble at the WTO, Real Estate and Construction Law Blog/Global Climate Change blog (Sheppard Mullin, Mar. 2009), <http://www.realestateandconstructionlawblog.com/cat-global-climate-change.html>

"Do you recognize this?" Domestication of Foreign-Country Money Judgments in California, 2 Berkeley Journal of International Law Publicist (2009), <http://bjil.typepad.com/publicist/2009/09/popovicpublicistv2.html>

Recovery Tactics Outlined for Foreign Takeover Losses, Oil and Gas Journal, June 25, 2007, at 20 (with Alex Lathrop)

BIT Implications of Recent Government Activities in Bolivia and Venezuela, Heller Ehrman Bulletin (September 2006)

Some Thoughts on KOREA SUPPLY—Monetary Remedies Under Section 17200, Heller Ehrman Bulletin (April 15, 2003)

Some Thoughts on Kraus and Cortez, Heller Ehrman Bulletin (Summer 2000)

Human Rights, Environment & Community: A Workshop: Presentation by Neil A.F. Popović, 7 Buffalo Environmental Law Journal 239 (1999-2000)

Women and the Environment, in Kelly Askin & Dorean Koenig, eds., *Women and International Human Rights Law* (Transnational Publishers 1999)

Environmental Injustice on United States Bases in Panama: International Law and the Right to Land Free from Contamination and Explosives, 38 Virginia Journal of International Law 401 (1998) (with J. Martin Wagner)

The Myth of Objectivity, in Human Rights, Environmental Law, and the Earth Charter (Boston Research Center for the 21st Century 1998)

CCRI's Hidden Conflict: Prop. 209 Would Violate Human Rights Treaties Recently Ratified by the U.S. Senate, *The Recorder*, Oct. 9, 1996, at 4

Environmental Racism in the United States and the Convention on the Elimination of Racial Discrimination, 14 *Netherlands Quarterly of Human Rights* 277 (1996)

Pursuing Environmental Justice With International Human Rights and State Constitutions, 15 *Stanford Environmental Law Journal* 338 (1996)

U.N. Special Rapporteur on Toxic Dumping, 8:1 *International Toxics Investigator* 9 (1966)

Humanitarian Law, Protection of the Environment and Human Rights, 8 *Georgetown International Environmental Law Review* 67 (1995)

The Game of the Name, *Ms. Magazine*, November-December 1994, at 96

Lawmaking in the United Nations: The UN Study on Human Rights and Environment, 3 *Review of European Community and International Environmental Law* 197 (1994) (with Adriana Fabra Aguilar)

Sex, Violence & Rock 'n' Roll: The First Amendment at the Close of the Millennium (St. Hieronymus Press 1994) (with David Lance Goines)

Using Environmental Law for Effective Environmental Management—Hungary (Sierra Club Legal Defense Fund/Environmental Management and Law Association 1994) (editor)

The Right to Participate in Decisions that Affect the Environment, 10 *Pace Environmental Law Review* 683 (1993)

Comment, *A Human Rights Approach to the Labor Rights of Undocumented Workers*, 74 *California Law Review* 1715 (1986) (published under pre-marriage name Neil A. Friedman)