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

ANNUAL REPORT 2019-2020

Berkeley Law
Miller Institute for Global Challenges and the Law
1  MILLER INSTITUTE FOR GLOBAL CHALLENGES AND THE LAW

12  PUTTING INTERNATIONAL SCHOLARSHIP AND POLICYMAKING ON THE MAP

13  STEFAN A. RIESENFELD AWARD AND SYMPOSIUM

14  ASIL FELLOWSHIP PROGRAM

15  CERTIFICATE OF SPECIALIZATION IN INTERNATIONAL LAW

19  INTERNATIONAL AND COMPARATIVE LAW FACULTY

20  MILLER INSTITUTE RESEARCH SUPPORT

32  FACULTY PUBLICATIONS (2018 - 2020)
Since 2007, The Honorable G. William and Ariadna Miller Institute for Global Challenges and the Law has been 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, climate and energy justice, anti-corruption, and human rights. Our work is guided by Berkeley Law’s distinguished international and comparative law faculty and informed by the expertise of scholars and practitioners worldwide. The approach is collaborative, interdisciplinary, and strategic. Our initiatives and advocacy work target critical situations where we are uniquely equipped to promote lasting change.

The Miller Institute is named as a tribute to the Honorable G. William Miller (’52) and his wife, Ariadna Miller.

A celebrated Berkeley Law alumnus, G. William Miller served as the U.S. Secretary of the Treasury under President Jimmy Carter and the 11th Chairman of the Federal Reserve. He was an officer in the U.S. Coast Guard and had 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 Berkeley Law 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.
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.

COMPARATIVE RESEARCH ON LAWYERS AND ACCESS TO JUSTICE: ASIAN PERSPECTIVES

July 24, 2019
Co-sponsored with the Berkeley Center on Comparative Equality & Anti-Discrimination Law and the Pro Bono Program

Helena Whalen-Bridge, Associate Professor at the National University of Singapore Faculty of Law, presented her research on the variety of factors that influence how lawyers support access to justice in different countries in Asia, such as professional identity and the interplay of legal aid and pro bono, as well as the different solutions which currently exist, such as mandatory pro bono programs in Japan and South Korea.

Professor Helena Whalen-Bridge

WELCOME RECEPTION FOR NEW STUDENTS INTERESTED IN INTERNATIONAL AND COMPARATIVE LAW

August 26, 2019

The Miller Institute held its annual reception to welcome incoming J.D., LL.M., J.S.D., and JSP students interested in international and comparative law. Students had the opportunity to meet faculty, hear from international law student groups, and learn about international law classes, programs, and events sponsored by the Miller Institute, Berkeley Law, and the American Society of International Law.
BOOK RECEPTION FOR “SOMEBEHERE: THE STORY OF IRV, LOIS, AND A WORLD AT WAR”

September 5, 2019
Co-sponsored with the Human Rights Center and the International Human Rights Law Clinic

"Somewhere: The Story of Irv, Lois, and a World at War" is the new book by Berkeley Law Clinical Professor Emerita Carolyn Patty Blum, the founding director of the International Human Rights Law Clinic. The book draws from over 1,300 letters between Professor Blum’s parents, Lois and Irv Blum, while her father was deployed overseas in World War II. Each of the six chapters, replete with timelines, historical introductions, and family photos, tells their story—on the home front and the war front—as Irv’s supply line unit follows the trail of the fight in Europe.

SOCIAL MEDIA + GLOBAL JUSTICE: COULD THAT TWEET BE EVIDENCE?

September 10, 2019
Co-sponsored with the Human Rights Center

Speakers:

Sam Dubberley, Amnesty International
Alexa Koenig and Lindsay Freeman, Human Rights Center
Raquel Vazquez-Llorente, eyeWitness to Atrocities

This event featured a provocative conversation about using photos, videos, and social media posts to document and investigate war crimes, and international protocol on open source investigations developed in part at Berkeley Law.

DOMESTIC REMEDIES FOR HUMAN RIGHTS VIOLATIONS: THE CANADIAN PERSPECTIVE

September 13, 2019
Co-sponsored with the Berkeley Journal of International Law

Joe Fiorante is one of the leading litigators against Canadian mining companies for human rights violations. He discussed his recent settlement against Pan American Silver using Canadian law to secure rights for those injured while protesting against a mine in Guatemala. He also talked about his case representing Eritrean refugees against the mining company Nevsun Resources for forced labor, torture, and other violations. This case is one of the first to bring international law claims as a common law tort in Canada.
INTERNATIONAL LAW AND HUMAN RIGHTS: A CAREER AND RESEARCH CONVERSATION

October 2, 2019
Co-sponsored with the Berkeley Journal of International Law

Berkeley Law Professor Saira Mohamed talked about her career in international law and her work with the U.S. government. She also discussed her research on the role of criminal law and armed forces in preventing and stopping widespread violence, as well as the logic behind responsibility and participation in mass atrocity crimes.

KASHMIR: PAST, PRESENT, & FUTURE

October 21, 2019
Co-sponsored with the Berkeley Law Muslim Student Association, the South Asian Law Student Association, and the Law Students for Justice in Palestine

Zainab Ramahi ('19), Huma Dar, and Suhail Rashid spoke about the injustices occurring in their native land. The panelists analyzed the role of state actors in the region, the history that created the turmoil, and the intersections between the plight of oppressed Kashmiris and those who are oppressed around the world.

HEALTH BEHIND BARS

October 23, 2019
Co-sponsored with the Human Rights Center and the School of Public Health

An examination of the challenges and successes related to health care in prisons featuring Dr. Michele DiTomas, Chief Physician at the California Correctional Medical Facility, Dr. Homer Ventrers, formerly of Rikers Island, and Professor Keramet Reiter (J.D. ‘09/Ph.D. ’12) of UC Irvine. The panelists discussed Supermax prisons, solitary confinement, mental health, hospice and end-of-life care, and the role of prison doctors.
PROTECTING LAND RIGHTS IN THE FACE OF LARGE-SCALE DEVELOPMENT PROJECTS: CREATIVE STRATEGIES COMMUNITIES ARE USING TO PROTECT THEIR RIGHTS

October 29, 2019
Co-sponsored with the Berkeley Journal for International Law, Ecology Law Quarterly, the Field Placement Program, the Thelton E. Henderson Center for Social Justice, the Human Rights Center, and the International Human Rights Law Clinic

Panelists:
- Alfred Brownell, founder of Green Advocates International
- Sarah Singh, Communities Co-Director at Accountability Counsel
- Emily Jacobi, Executive Director and founder of Digital Democracy

Moderator:
- Katherine McDonnell, Director of Legal Advocacy at Corporate Accountability Lab

This event focused on how indigenous and other communities around the world are organizing against large-scale development projects that threaten their livelihood and basic human rights.

MEASURING THE IMPORTANCE OF LEGAL REPRESENTATIVES IN PROTECTING MIGRANT WORKER RIGHTS: A COMPARISON OF AUSTRALIA AND THE UNITED STATES

October 31, 2019
Co-sponsored with the Berkeley Center on Comparative Equality & Anti-Discrimination Law and the Thelton E. Henderson Center for Social Justice

Anna Boucher, Associate Professor in the Department of Government at the University of Sydney, presented findings from the new and innovative Migrant Worker Rights Database that traces the nature and extent of migrant worker rights abuses in Australia and the United States from 1996-2016.
HUMAN RIGHTS FELLOWSHIP CONFERENCE
November 1, 2019
Co-sponsored with the Human Rights Center

This conference featured TED-style talks from the 2019 Human Rights Center Fellows on human rights in Latin America, Africa, the Middle East, and California. Dr. Elizabeth Barnert of UCLA gave the keynote speech on the process of family reunification of the “disappeared” children of El Salvador.

“FOR SAMA” SCREENING AND PANEL DISCUSSION
November 4, 2019
Co-sponsored with the Human Rights Center

“For Sama” — a film produced for PBS’ Frontline — documents Waad al-Kateab’s life through the uprising in Aleppo, Syria, as she falls in love, gets married, and gives birth. A discussion with al-Kateab and Edward Watts, the filmmakers, and Eric Stover, Director of the Human Rights Center, followed the screening.

(L-R) Eric Stover, Waad al-Kateab, and Edward Watts

AALJ ANNUAL NEIL GOTANDA LECTURE
ASIAN MIGRANT WORKERS AND THE 13TH AMENDMENT: THE HISTORICAL ROOTS OF UNFREE LABOR IN THE UNITED STATES
November 6, 2019
Co-sponsored with the Asian American Law Journal, the International Human Rights Law Clinic, and Mayer Brown

Loyola Law School Professor Kathleen Kim gave the 13th Annual Neil Gotanda Lecture, where she discussed how the 13th Amendment and immigration laws fall short in protecting victims of race-based labor subordination, tracing history from the chattel slavery of Blacks to the modern-day exploitation of Asian migrant workers. The annual lecture is named in honor of Neil Gotanda (’72), who is widely considered to be the founder of Asian American jurisprudence.
BOOK TALK ON “INTERSECTIONAL DISCRIMINATION”

November 6, 2019
Co-sponsored with the Berkeley Center on Comparative Equality & Anti-Discrimination Law and the Thelton E. Henderson Center for Social Justice

Professor Shreya Atrey of the University of Oxford Faculty of Law spoke about her new book, which examines the concept of intersectional discrimination and why it has been difficult for jurisdictions around the world to redress it in discrimination law.

LITIGATING ATROCITY: US COURTS AND INTERNATIONAL HUMAN RIGHTS VIOLATIONS

November 6, 2019
Co-sponsored with the Berkeley Journal of International Law

Carmen Cheung, Executive Director of the Center for Justice & Accountability, talked about the challenges and strategies involved in investigating and litigating cases involving mass atrocities in a U.S. court, and the legal mechanisms unique to the U.S. that make it possible for victims and survivors of serious human rights abuses to bring civil claims against perpetrators of genocide, war crimes, torture, and extrajudicial killings.

LET'S TALK ABOUT THE BOTEROS: LAW, MEMORY, AND THE TORTURE MEMOS AT BERKELEY LAW

November 12, 2019
Co-sponsored with the Berkeley Journal of International Law

Berkeley Law Professor Laurel E. Fletcher presented her article, “Let's Talk about the Boteros: Law, Memory, and the Torture Memos,” which discusses the “Torture Memos,” the Abu Ghraib scandal, John Yoo, the Office of Legal Council, and what Berkeley Law should do to memorialize torture.
BOOK TALK ON “JUSTICE FOR SOME: LAW AND THE QUESTION OF PALESTINE”

November 12, 2019
Co-sponsored with The Middle East Children’s Alliance, Berkeley Law Students for Justice in Palestine, the Palestine Action Network, NorCal Friends of Sabeel, Jewish Voice for Peace, Bay Area Women in Black, Art Forces, Queers Undermining Israeli Terrorism, San Francisco Women in Black

Noura Erakat ('05), a human rights attorney and Assistant Professor in the Department of Africana Studies at Rutgers University, spoke about her new book in a conversation with Lara Kiswani, Executive Director of the Arab Resource and Organizing Center.

GLOBALIZATION FROM A LAW AND POLITICAL ECONOMY (LPE) PERSPECTIVE

November 18, 2019
Co-sponsored with the Berkeley Journal of International Law and the Law and Political Economy Society

Berkeley Law Professor David Singh Grewal discussed the value of using an LPE perspective in dealing with international trade issues, and the critical role international finance plays in the history and political economy of international trade.

REFUGEE AND MIGRATION LAW WORKSHOP

December 12-13, 2019
Co-sponsored with the Max Planck Institute for the Study of Religious and Ethnic Diversity, the American Society of International Law Migration Law Interest Group, the Institute of European Studies, and the German Academic Exchange Service (DAAD)

This workshop, co-organized by Berkeley Law Professor Katerina Linos, brought together scholars from the United States, Europe, Israel, and South Africa to examine current topics in refugee and migration law.
LESSONS FROM AUSTRALIA: THE GROWING MOVEMENT OF MIGRAPRENEURSHIP AND WHAT IT MEANS FOR THE CLIMATE REFUGEE CRISIS

January 31, 2020
Co-sponsored with the Berkeley Journal of International Law and the Human Rights Center

Usman Iftikhar, the co-founder and CEO of Catalysr, a startup pre-accelerator in Australia, spoke about his story as a "migrapreneur" and lessons from supporting migrant and refugee entrepreneurs in Australia. His talk highlighted the growing movement of migrant and refugee entrepreneurship across the globe and how it can play a pivotal role in addressing the climate refugee crisis.
LAWYERING FOR EQUALITY: AN OBSTACLE COURSE

February 5, 2020
Co-sponsored with the Berkeley Center on Comparative Equality & Anti-Discrimination Law

Naina Kapur is an India-based lawyer whose equality advocacy has influenced law reform on child sexual abuse, rape, and workplace sexual harassment in India. At this event, she explored the relationship that has emerged between sexual harm and equality in India over the past few decades.

DEVELOPMENTS IN SEXUAL HARASSMENT LAW

February 7, 2020
Organized by the Berkeley Center on Comparative Equality & Anti-Discrimination Law

Co-sponsored with the Alameda County Bar Association, the Human Rights Center, the Miller Institute for Global Challenges and the Law, the Equal Justice Society, the Legal Aid Association of California, the Civil Rights and Social Justice Section of the American Bar Association, and the Women in Business Law Initiative

Topics at this full-day CLE program included developments in California sexual harassment law, Title IX law, workplace investigation practice, and the worldwide #MeToo movement.
MOBILIZING AROUND SEXUAL VIOLENCE IN COLOMBIA: THE RECEPTION OF #METOO

February 10, 2020
Co-sponsored with the Berkeley Center on Comparative Equality & Anti-Discrimination Law

Isabel Cristina Jaramillo Sierra, a law professor at the University of the Andes, discussed the positive and negative interaction of the global #MeToo with the local context of mobilization against sexual violence in Colombia.

NEW FRONTIERS IN CORPORATE ACCOUNTABILITY: USING THE FCPA AND FCA AS HUMAN RIGHTS TOOLS

February 12, 2020
Co-sponsored with the Berkeley Journal of International Law

Attorney Sarah “Poppy” Alexander spoke about the use of the Foreign Corrupt Practices Act, the False Claims Act, and other U.S. whistleblower laws as a means of holding corporations accountable for human rights violations around the globe.

"A PLACE OUTSIDE THE LAW: FORGOTTEN VOICES FROM GUANTÁNAMO"

February 20, 2020
Co-sponsored with the Human Rights Center

Peter Jan Honigsberg, Professor of Law at the University of San Francisco, introduced his new book in a conversation with Berkeley Law Dean Erwin Chemerinsky. The book shares the stories of the people who lived and worked in Guantánamo and what has been done in the name of protecting the United States. Professor Honigsberg founded and directs Witness to Guantánamo, the world’s most comprehensive collection of filmed stories about the prison camps at the U.S. naval base in Cuba.
ANTI-TERRORISM, MARITIME TRANSPORTATION SECURITY, AND INTERNATIONAL LAW

February 27, 2020
Co-sponsored with the Institute for Legal Research

Lt. Cmdr. Nicholas Monacelli (‘16) of the U.S. Coast Guard discussed important issues related to maritime security: how the safety of ports, vessels, and cargo remains critical for sustaining maritime commerce; the threat of terrorism, cyberattack, natural disaster, and piracy; and how international law has evolved to provide solutions.

INTERNATIONAL PRACTICE AT A LAW FIRM: MAINTAINING AN INTERNATIONAL PRESENCE THROUGH WHITE COLLAR LITIGATION

March 3, 2020
Co-sponsored with the Berkeley Journal of International Law

Noha Moustafa, Associate at Skadden, Arps, Slate, Meagher & Flom LLP, talked about her work in government enforcement and white collar crime, and her ability to maintain an international presence through her work at Skadden.
STEFRAN A. RIESENFELD AWARD AND SYMPOSIUM

Since 2001, one of the great traditions at Berkeley Law is the annual Riesenfeld Symposium, which allows students, alumni, faculty, and staff to come together to recognize and celebrate achievement in international law. The symposium is organized by the Berkeley Journal of International Law (BJIL) with major support from the Miller Institute.

Each year, BJIL presents the Stefan A. Riesenfeld Memorial Award to a distinguished scholar or practitioner who has made outstanding contributions to the field of international law. The purpose of the award is to honor the memory of Professor Stefan A. Riesenfeld (’37), who devoted much of his life and career to the study and practice of international law, and to recognize a recipient who has demonstrated a commitment to the values and ideas that Professor Riesenfeld espoused and advocated.

2020 STEFAN A. RIESENFELD AWARD

The 2020 Riesenfeld Award was given to Guy Goodwin-Gill, Professor of Law at the University of New South Wales and Deputy director of UNSW’s Kaldor Centre for International Refugee Law. Widely recognized as the preeminent legal scholar in the field, he is an Emeritus Fellow at All Souls College and Emeritus Professor of International Refugee Law at Oxford University and practiced as a barrister at Blackstone Chambers in London. His distinguished career has encompassed various roles with the Office of United Nations High Commissioner for Refugees, advocacy before the courts in a number of prominent cases, and academic posts in Canada and throughout Europe. Since joining the Kaldor Centre in 2017, he has served as Acting Director, published widely and regularly comments in the media.

2020 RIESENFELD SYMPOSIUM - BORDERLINE: PROBLEMS AND PERSPECTIVES IN GLOBAL MIGRATION

Sponsors: Miller Institute for Global Challenges and the Law, American Society of International Law, White & Case LLP

Keynote Speaker:

• Professor Guy Goodwin-Gill, Kaldor Centre for International Refugee Law, University of New South Wales

Speakers:

• Bree Bernwanger, Lawyers’ Committee for Civil Rights of the San Francisco Bay Area
• Professor Richard Buxbaum, Berkeley Law
• Professor Dan Farber, Berkeley Law
• Andrea Guerrero (’90), Alliance San Diego
• Professor Kate Jastram (’87), UC Hastings College of Law
• Professor Katerina Linos, Berkeley Law
• Professor Jane McAdam, University of New South Wales
The Miller Institute-American Society of International Law (ASIL) Student Fellow is awarded funding to attend the ASIL Annual Meeting in Washington, D.C., the largest and most important gathering each year of international law practitioners, policymakers, and scholars. The ASIL Annual Meeting regularly features lectures and panels made up of the world’s most eminent international lawyers, including many Berkeley Law faculty and alumni. Attending the meeting is an unparalleled opportunity for students to expand their knowledge and build their network.

Since 2015 we have collaborated with Berkeley Law’s Advanced Degree Programs Office to give more students the opportunity to attend the meeting.

2020 MILLER INSTITUTE-ASIL FELLOWS

Ilya Akdemir (JSD ’21)
Zuzanna Buszman (LLM ’20)
Bonnie Cherry (JSP ’21)
Sarah Domenick (JD ’21)
Ivey Dyson (JD ’21)
Johannes Hegele (LLM ’20)
Christine Hulsizer (JD ’21)
Allaa Mageid (JD ’21)
Berkeley Law students may undertake a specialization in international law. The specialized curricular program ensures students develop a broad background in fundamental areas of law while receiving advanced training in international law. Students who meet the requirements are awarded a Certificate of Specialization in International Law at the end of their graduating year.

2020 RECIPIENTS

JD STUDENTS

- ALEC ALBRIGHT
- NORAH ARAFEH
- BERK BAHCECI
- ELISE BAKER
- KARIN BASHIR
- SARA BIRKENTHAL
- LARA HAKKI
- JULIA JACOVIDES
- AMANDA (AJ) JARAMILLO
- GRACE LEE
- EDWARD RICHTER
- DRU SPILLER
- ANITA SUEN
- ISAAC WEBB
- HILARY WONG
- NIKITA YOGESHWARUN
- ALEXANDRA ZARETSKY

LLM STUDENTS

- NORA ALTHENYAN
- ZUZANNA BUSZMAN
- CHRISTELLE DUBOUCHET
- OLIVIA DRIESE
- JOHANNES HEGELE
- MAASHA JIWAL
- MAHWISH MOAZZAM
- RAMITA SAREEN
- UДIT SETH
- UTSAV SINGHAL
- MALENE SKOETT
- AMREEN TANEJA
- KRISHNA VILAS
INTERNATIONAL AND COMPARATIVE LAW

REBECCA GOLBERT
EXECUTIVE DIRECTOR, BERKELEY INSTITUTE FOR JEWISH LAW AND ISRAEL STUDIES

MARCI HOFFMAN
LECTURER IN RESIDENCE
ASSOCIATE DIRECTOR, LAW LIBRARY

PROFESSOR DAVID SINGH GREWAL

ALEXA KOENIG
LECTURER IN RESIDENCE
EXECUTIVE DIRECTOR
HUMAN RIGHTS CENTER

PROFESSOR STAVROS GADINIS

PROFESSOR CHRISTOPHER KUTZ
The Miller Institute is pleased to have supported the following faculty members and centers to conduct international and comparative law research through our grants program:

- Roxanna Altholz
- Richard Buxbaum
- Mark Cohen
- David Singh Grewal
- Marci Hoffman
- Human Rights Center
- Mallika Kaur
- Alexa Koenig
- Saira Mohamed
- David Oppenheimer
- Russell Robinson
- Susan Schechter
- Harry N. Scheiber
- Eric Stover
FACULTY PUBLICATIONS (2018 - 2020)

ROXANNA ALTHOLZ
Clinical Professor of Law
Co-Director, International Human Rights Law Clinic

- Living with Impunity: Unsolved Murders in Oakland and the Human Rights Impact on Victims’ Family Members
  International Human Rights Law Clinic
  University of California, Berkeley, School of Law (2020)

- Brief of Amici Curiae of Catholic Legal Immigration Network, Inc., et al.
  Filed before U.S. Supreme Court (2019)

KENNETH A. BAMBERGER
The Rosalinde and Arthur Gilbert Foundation Professor of Law
Faculty Co-Director, Berkeley Center for Law and Technology
Faculty Co-Director, Institute for Jewish Law and Israel Studies

- Can You Pay for Privacy? Consumer Expectations and Mobile App Behavior
  Bamberger, Kenneth A.; Egelman, Serge; Han, Catherine; Elazari, Amit; Reyes, Irwin
  Forthcoming (2020)

- Do You Get What You Pay For? Comparing the Privacy Behaviors of Free vs. Paid Apps
  Bamberger, Kenneth A.; Han, Catherine; Reyes, Irwin; Elazari, Amit; Reardon, Joel; Feal, Alvaro; Egelman, Serge; Vallina-Rodriguez, Narseo

- Procurement as Policy: Administrative Process for Machine Learning
  Bamberger, Kenneth A.; Mulligan, Deirdre K.

- Berkeley and Israel: Past, Present and Future
  The Times of Israel (2018)

- Platform Market Power
  Bamberger, Kenneth A.; Lobel, Orly
• **Privacy Law - on the Books and on the Ground**  
  **Bamberger, Kenneth A.; Mulligan, Deirdre K.**  
in The Handbook of Privacy Studies: An Interdisciplinary Introduction (Bart van der Sloot, Aviva de Croot, eds., 2018)

• **Public Law Norms for Governance-by-Design**  
  **Bamberger, Kenneth A.; Mulligan, Deirdre K.**  

• **Saving Governance-By-Design**  
  **Mulligan, Deirdre K.; Bamberger, Kenneth A.**  
106 Calif. L. Rev. 697 (2018)

---

**RICHARD BUXBAUM**  
Jackson H. Ralston Professor of International Law (Emeritus)  
https://www.law.berkeley.edu/library/ir/faculty/?id=5983

• **National Implementation of the Cape Town Convention: Of Bankruptcy and Civil Procedure**  
in Festschrift Herbert Kronke (Gieseking Verlag, Bielefeld)  
Forthcoming (July 2020)  

• **The Long Life of Property Through War and Revolution**  
in Festschrift Christine Windbichler (de Gruyter Verlag, Berlin)  
Forthcoming (October 2020)  

---

**SETH DAVIS**  
Professor of Law  
https://www.law.berkeley.edu/library/ir/faculty/?id=46785

• **Percolation’s Value**  
  **Davis, Seth; Coenen, Michael**  

• **Theorizing Transnational Fiduciary Law**  
  **Davis, Seth; Shaffer, Gregory**  

• **Transnational Legal Orders and Fiduciary Law**  
(co-editor; volume in progress) (author of introductory chapter and chapters entitled The Colonial Trust and The Public Trust as Transnational Law, 2020)
- Tribalism and Democracy

- Cohen’s Handbook of Federal Indian Law (2019 supplement)
  (executive editor and co-author)

- Introduction: Global Dimensions of Indigenous Self-Determination
  2019 UCLA Indigenous Peoples’ Journal of Law, Culture & Resistance 1

- The New Public Standing
  71 Stan. L. Rev. 1229 (2019)

- The Private Rights of Public Governments
  94 Notre Dame L. Rev. 2091 (2019)

- The Thirteenth Amendment and Self-Determination

- Pluralism and the Public Trust
  in Fiduciary Government (Evan J. Criddle et al., eds., 2018)

- The Constitution of Our Tribal Republic

- The Private Law State

- State Remedies for Human Rights
  Davis, Seth; Whytock, Christopher A.

- State Standing for Equality

---

**HOLLY DOREMUS**

James H. House and Hiram H. Hurd Professor of Environmental Regulation
Co-Director, Law of the Sea Institute
Co-Faculty Director, Berkeley Institute for Parks, People, and Biodiversity

[https://www.law.berkeley.edu/library/ir/faculty/?id=5959](https://www.law.berkeley.edu/library/ir/faculty/?id=5959)

---

  Green Nylen, Nell; Kiparsky, Michael; Owen, Dave; Doremus, Holly D.; Hanemann, Michael

- Addressing Institutional Vulnerabilities in California’s Drought Water Allocation, Part 2: Improving Water Rights Administration and Oversight for Future Droughts
  Green Nylen, Nell; Kiparsky, Michael; Owen, Dave; Doremus, Holly D.; Hanemann, Michael

- California’s Stream Flow Monitoring System is Essential For Water Decision Making
  Miller, Kathleen; Green Nylen, Nell; Doremus, Holly D.; Fisher, Andrew; Fogg, Graham;
  Owen, Dave; Sandoval Solis, Samuel; Viers, Joshua; Kiparsky, Michael
• Foreword
Doremus, Holly D.; Infelise, Robert D.

• Foreword: Oceans & Climate Change: Calling for Holistic Conversation
Diamond, Jordan; Doremus, Holly D.; Long, Ronán

• When Is Groundwater Recharge a Beneficial Use of Surface Water in California?
Miller, Kathleen; Green Nylen, Nell; Doremus, Holly D.; Owen, Dave; Fisher, Andrew

• Why Dan Tarlock Is My Hero
Chi.-Kent L. Rev. 983 (2018)

LAUREL E. FLETCHER
Clinical Professor of Law
Incoming Director of the Clinical Program
Co-Director, International Human Rights Law Clinic
Faculty Co-Director, Miller Institute for Global Challenges and the Law

https://www.law.berkeley.edu/library/ir/faculty/?id=5800

• Opening Reflection: The Elegance of International Law

• What Can International Transitional Justice Offer to U.S. Social Justice Movements?
46 N. Kentucky L. Rev. 132 (2019)

• How Power Dynamics Influence the "North-South" Gap in Transitional Justice
Fletcher, Laurel E.; Weinstein, Harvey

• International Criminal Law and the Subordination of Emancipation: The Question of Legal Hierarchy in Transitional Justice
in Oxford Handbook of International Criminal Law (Kevin Jon Heller, Frédéric Mégret, Sarah Nouwen, Jens Ohlin, Darryl Robinson, eds., 2018)

• North-South Dialogue: Bridging the Gap in Transitional Justice - Workshop Transcript
Fletcher, Laurel E.; Weinstein, Harvey

• United States Torture Law and Policy
Koenig, Alexa; Stover, Eric; Fletcher, Laurel
in Torture: Towards an Evidence-Based Definition (Metin Basoglu, ed., 2018)

• U.S. Law School Clinics as Sites of International Law Reform
Waseda Comp. L. Rev. (2018)
The Hidden Power of Compliance
Gadinis, Stavros; Miazad, Amelia
103 Minn. L. Rev. 2135 (2019)

Unintended Agency Problems: How International Bureaucracies Are Built and Empowered
Bradford, Anu; Gadinis, Stavros; Linos, Katerina

Building a Law-and-Political-Economy Framework: Beyond the Twentieth Century Synthesis
Grewal, David Singh; Britton-Purdy, Jedediah; Kapczynski, Amy; and Rahman, Sabeel
129 Yale Law Journal 1784 (2020)

A Research Agenda for Trade Policy in the Trump Era
44 Yale J. Intl L. Online (2019)

The Original Meaning of Constitutionalism
Grewal, David Singh; Purdy, Jedediah

Three Theses on the Current Crisis of International Liberalism

International Legal Research in a Nutshell (3rd ed.)
West Academic Publishing, Forthcoming (2020)
Digital and Open-Source Information Can Play a Critical Role in Improving the Overall Efficiency and Efficacy of the International Criminal Court
ICC Forum (2020)

Digital Witness: Using Open Source Information for Human Rights Investigation, Documentation, and Accountability
Koenig, Alexa; editor with Dubberley, Sam; Murray, Daragh
Oxford University Press (2020)

Human Rights, Psychology and Artificial Intelligence
Koenig, Alexa; Nonnecke, Brandie
in Cambridge Handbook on Psychology and Human Rights
Cambridge University Press, Forthcoming (2020)

'Half the Truth is Often a Great Lie': Deep Fakes, Open Source Information, and International Criminal Law

ICTs, Social Media, and the Future of Human Rights
Koenig, Alexa; Mehandru, Nikita

Open Source Evidence and the International Criminal Court
Koenig, Alexa; Mehandru, Nikita

The Human Rights Investigations Lab: Reflections from Our Pilot Year
Koenig, Alexa; Lampros, Andrea
U. Cambridge, Centre for Governance and Human Rights Practitioners' Papers (2019)

A Learning Theory Approach to Detainee Experiences in Guantánamo
in Torture: Towards an Evidence-Based Definition (Metin Basoglu, ed., 2018)

Access Denied? The International Criminal Court, Transnational Discovery, and The American Servicemembers Protection Act
Koenig, Alexa; Hiatt, Keith; Alrabe, Khaled

Open-Source Factfinding in Preliminary Investigations
Koenig, Alexa; McMahon, Felim; Mehandru, Nikita; and Bhattacharjee, Shika Silliman
in Quality Control in Preliminary Examination Volumes 1 and 2 (CILRAP 2018)

Police Interrogation and Coercion in Domestic American History: Lessons for the War on Terror
Koenig, Alexa; Leo, Richard
(Scott A. Anderson and Martha C. Nussbaum, eds., 2018)
- **Procedural Justice in Transnational Contexts**  
  Koenig, Alexa; Cody, Stephen  

- **United States Torture Law and Policy**  
  Koenig, Alexa; Stover, Eric; Fletcher, Laurel  
  in Torture: Towards an Evidence-Based Definition (Metin Basoglu, ed., 2018)

- **George Stigler on His Head: The Consequences of Restrictions on Competition in (Bank) Regulation**  
  35 Yale J. on Reg. 823 (2018)

---

**KATERINA LINOS**  
Professor of Law  
Faculty Co-Director, Miller Institute for Global Challenges and the Law

- **Fundraising for Stigmatized Groups: A Text Message Donation Experiment**  
  Linos, Katerina; Jakli, Laura, and Carlson, Melissa  
  American Political Science Review, Forthcoming (2020)

- **The Global Dominance of European Competition Law over American Antitrust Law**  
  Bradford, Anu; Chilton, Adam; Linos, Katerina; Weaver, Alexander  

- **Diverse Pre-Treatment Effects in Survey Experiments**  
  Linos, Katerina; Twist, Kimberly  

- **Refugees Misdirected: How Information, Misinformation, and Rumors Shape Refugees’ Access to Fundamental Rights**  
  Carlson, Melissa; Jakli, Laura; Linos, Katerina  

- **Rumors and Refugees: How Government-Created Information Vacuums Undermine Effective Crisis Management**  
  Carlson, Melissa; Jakli, Laura; Linos, Katerina  

- **Unintended Agency Problems: How International Bureaucracies Are Built and Empowered**  
  Bradford, Anu; Gadinis, Stavros; Linos, Katerina  
LAURENT MAYALI
Lloyd M. Robbins Professor of Law
Faculty Director, Comparative Legal Studies Program
Faculty Director, Robbins Religious and Civil Law Collection
Co-Faculty Director, Korea Law Center

Resolution of Territorial Disputes in East Asia: The Case of Dokdo
Mayali, Laurent; Yoo, John

SAIRA MOHAMED
Professor of Law

From Machinery to Motivation: The Lost Legacy of Criminal Organizations Liability
In Oxford Handbook of International Criminal Law (Kevin Jon Heller et al., eds., 2020)

Engaging Accountability Mechanisms: Innovative or Ineffective - Introductory Remarks

Legitimacy in International Law and Institutions: A Comment on Carrying Forward the Work of
David D. Caron


The Contours and Controversies of Perpetrator Trauma
In The Routledge Handbook of Perpetrator Studies (Zachary Goldberg and Susanne Knittel, eds., 2019)

Essential Surgery as a Component of the Right to Health: A Call to Action

DAVID OPPENHEIMER
Clinical Professor of Law
Faculty Co-Director, Pro Bono Program
Director, Berkeley Center on Comparative Equality & Anti-Discrimination Law

Comparative Equality & Anti-Discrimination Law: Cases, Codes, Constitutions & Commentary
Oppenheimer, David Benjamin; Foster, Sheila R.; Han, Sora; and Ford, Richard
The Globalization of the #MeToo Movement
Oppenheimer, David Benjamin; co-edited with Noel, Ann (2020)

The Ubiquity of Positive Measures for Addressing Systemic Discrimination and Inequality:
A Comparative Global Perspective

A U.S. Perspective on the Relationship of Immigration Restrictions and Racism
Oppenheimer, David Benjamin; Prakash, Swati; Burns, Rachel; Rea, Andrea; Bribosia, Emmanuelle; Rorive, Isabelle
in The "Others" in Europe and Beyond (2018)

Comparative Perspectives on the Enforcement and Effectiveness of Antidiscrimination Law:
Challenges and Innovative Tools (Springer 2018)
Oppenheimer, David Benjamin; co-edited with Mercat-Bruns, Marie and Sartorius, Candy

Reflections on choosing an avenue of redress for discrimination at work in the United States
Oppenheimer, David Benjamin; Afrouzi, Amin Ebrahimi

Russell Robinson
Professor of Law, Distinguished Haas Chair in LGBT Equity
Faculty Director, Center on Race, Sexuality & Culture
https://www.law.berkeley.edu/library/ir/faculty/?id=6781

Justice Kennedy’s White Nationalism

LGBT Equality and Sexual Racism
Robinson, Russell K; Frost, David M
86 Fordham L. Rev. 2739 (2018)

Playing It Safe with Empirical Evidence: Selective Use of Social Science in Supreme Court Cases about Racial Justice and Marriage Equality
Robinson, Russell K; Frost, David M

The Afterlife of Homophobia
Robinson, Russell K; Frost, David M
60 Ariz. L. Rev. 213 (2018)
HARRY N. SCHEIBER
Stefan A. Riesenfeld Professor of Law and History (Emeritus)
Chancellor's Emeritus Professor
Faculty Director, Institute for Legal Research


- **California - Laboratory of Legal Innovation**
  13 Cal. Legal Hist. 413 (2018)

- **The "Commons" Discourse on Marine Fisheries Resources: Another Antecedent to Hardin's "Tragedy"**

---

RACHEL STERN
Professor of Law and Political Science

- **Mass Digitization of Chinese Court Decisions: How to Use Text as Data in the Field of Chinese Law**
  Stern, Rachel E.; Liebman, Benjamin; Roberts, Margaret; and Wang, Alice
  Journal of Law and Courts (2020)

- **State Adjacent Professionals: How Chinese Lawyers Participate in Political Life**
  Stern, Rachel E.; Liu, Lawrence
  The China Quarterly, Forthcoming (2020)

- **The Good Lawyer: State-Led Professional Socialization in Contemporary China**
  Stern, Rachel E.; Liu, Lawrence J.
  Law & Social Inquiry 45:1, 226-248 (2020)
• **Joining Forces: National War Crimes Unites and the Pursuit of International Justice**
  Stover, Eric; Baker, Elise; Hakki, Lara; Jacovides, Julia; Steinmetz, Kristina; Tang, Victoria; Unser-Nad, Fabian

• **Safer Viewing: A Study of Vicarious Trauma Mitigation Techniques in Open Source Investigations**
  Stover, Eric; Baker, Elise; Haar, Rohini; Lampros, Andrea; Koenig, Alexa
  Health and Human Rights Journal (2020)

• **Silent Witness: Forensic DNA Analysis in Criminal Investigations and Humanitarian Disasters**
  Stover, Eric; edited with Erlich, Henry and White, Thomas J.
  Oxford University Press, Forthcoming (2020)

  Stover, Eric; Koenig, Alexa, Freeman, Lindsay
  Office of the United Nations High Commissioner for Human Rights
  Human Rights Center, University of California, Berkeley School of Law
  Forthcoming (2020)

• **"We Will Not Go Away": Participation of Victims in International Criminal Trials**
  Stover, Eric; Cody, Stephen
  in The President on Trial: Prosecuting Hissène Habré (Sharon Weill, Kim Thuy Seelinger, Kerstin Bree Carlson, eds., 2020)

• **My Child's Journey Home: Perspectives of Adult Family Members on the Separation and Reunification of the “Disappeared” Children of El Salvador**
  Stover, Eric; Barnert, Elizabeth; Lopez, Natalie; Bourgois, Philippe; Ryan, Gery; Chung, Paul J.
  41 Hum. Rts. Q. 91 (2019)

• **Safer Cash in Conflict: Exploring Protection Risks and Barriers in Cash Programming for Internally Displaced Persons in Cameroon and Afghanistan**
  Stover, Eric; Fraccone, Julie; Taylor, Audrey; Ortega, Joanna; Buda, Zabihullah; Awah, Paschal Kim; Blackwell, Alexandra; Cordero, Ricardo Pla
  101 IRRC 685 (2020)
CHARLES WEISSELBERG
Yosef Osheawich Professor of Law
Faculty Director, Sho Sato Program in Japanese and U.S. Law

- Appellant's Opening Brief (with co-counsel), Bowers v. U.S. Parole Comm'n (Bowers III)

- Appellant's Reply Brief (with co-counsel), Bowers v. U.S. Parole Comm'n (Bowers III)

JOHN YOO
Emanuel S. Heller Professor of Law
Co-Faculty Director, Korea Law Center
Director, Public Law & Policy Program

- Rules for the Heavens: The Coming Revolution in Space and the Laws of War
  2020 Univ. Ill. L Rev. 123 (2020)

- A Defense of the Electoral College in the Age of Trump
  46 Pepperdine L. Rev. 835 (2019)

- Asian Territorial Disputes and the 1951 San Francisco Peace Treaty: The Case of Dokdo
  Yoo, John; Schwartz, Thomas

- The Executive Power of Reversal

- Franklin Roosevelt and Presidential Power

- Presidential Authority to Revoke or Reduce National Monument Designations
  Yoo, John; Gaziano, Todd
  35 Yale J. on Reg. 617 (2018)

- Resolution of Territorial Disputes in East Asia: The Case of Dokdo
  Mayali, Laurent; Yoo, John

- The Influence of the States in Constitutional Change: A Comparison of American and Korean Approaches to Constitutional Amendment
  18 J. Korean L. 157 (2018)
FACULTY CO-DIRECTORS

LAUREL E. FLETCHER
Clinical Professor of Law

KATERINA LINOS
Professor of Law

**********************************************************************

CAROLINE CHENG
Program Administrator

KAREN CHIN
Institute Administrator

TONI MENDICINO
IL Certificate Program Administrative Coodinator

**********************************************************************

UC BERKELEY SCHOOL OF LAW
255 Law Building
Berkeley, CA 94720-7200

510-642-9919
mgcl@law.berkeley.edu