

ANDREW T. GUZMAN

Berkeley Law School, University of California, Berkeley, Berkeley, CA 94720
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EMPLOYMENT

Berkeley Law School, University of California, Berkeley, 1998-present Berkeley, CA
Professor of Law
Associate Dean, International and Executive Education Programs, 2009-present
Director, Advanced Law Program (LL.M. and J.S.D. degree programs), 2008-present
Director, International Legal Studies Program, 2001-2007

Visiting Professor of Law, Harvard Law School, Fall 2003 Cambridge, MA
Visiting Assistant Professor of Law, University of Chicago Law School, 1997-1998 Chicago, IL
Visiting Positions (short term):
University of Toronto, Fall 2008 Toronto, Canada
University of Hamburg Law Faculty, Summers 2000, 2005-2007 Hamburg, Germany
Catolica Law School, Fall 2007 Lisbon, Portugal
University of California, Davis, Summers 2004, 2007 Davis, CA
Vanderbilt University Law School, Spring 2006 Nashville, TN
University of Virginia Law School, Spring 2005 Charlottesville, VA

United States Court of Appeals for the First Circuit, 1996-1997 San Juan, PR
Judicial Clerk Chambers of the Honorable Juan R. Torruella, Chief Judge
Shearman & Sterling, Summer 1994 New York, NY
Summer Associate Antitrust & International Finance Groups
Professor Lucian Bebchuk, Harvard Law School, 1993-1996 Cambridge, MA
Research Assistant
Jeffrey D. Sachs & Associates, Summer 1991 Warsaw, Poland
Economic Advisor to Polish Government

EDUCATION

J.D., Harvard Law School, *magna cum laude*, June 1996
Harvard Law Review, Books & Commentaries Editor
Ph.D., Harvard University, Department of Economics, June 1996 (M.A., June 1992)
Dissertation: Multinational Corporations and Foreign Direct Investment
B.Sc., University of Toronto, *high distinction*, June 1990

PROFESSIONAL ACTIVITIES

Editor-in-Chief, *Latin American Law and Economics Journal*
Board of Editors, *International Review of Law and Economics*; *Indian Journal of International Economic Law*
Board of Advisors, *Berkeley Journal of International Law*; *Berkeley Business Law Journal*; *Ecology Law Quarterly*
Academic Council, Institute for Transnational Arbitration
Treasurer and Advisory Board, ALACDE (Latin American and Caribbean Law and Economics Association)
Referee: *International Organization*, *International Review of Law and Economics*, *Journal of Law and Economics*, *Journal of Legal Studies*, *American Law and Economics Review*, *Harvard University Press*, *Oxford University Press*

LANGUAGES

Fluent in French and Spanish

RESEARCH

Books in Progress

CLIMATE CHANGE AND THE APOCALYPSE: HOW GLOBAL WARMING MAY CHANGE THE WAY WE LIVE

INTERNATIONAL TRADE LAW: CASES AND MATERIALS (forthcoming Aspen Publishers 2009) (with Joost Pauwelyn)

REGULATION AND COMPETITION IN THE GLOBAL ECONOMY: COOPERATION, COMITY, AND COMPETITION POLICY (ed.) (forthcoming Oxford University Press 2009)

Books

HOW INTERNATIONAL LAW WORKS: A RATIONAL CHOICE THEORY, Oxford University Press (2008)

RESEARCH HANDBOOK IN INTERNATIONAL ECONOMIC LAW, Edward Elgar Publishing (edited with Alan Sykes) (2007)

Articles in Progress

A Strategy for Cooperation in Global Competition Policy, in REGULATION AND COMPETITION IN THE GLOBAL ECONOMY: COOPERATION, COMITY, AND COMPETITION POLICY (Andrew T. Guzman, ed.) (forthcoming 2009)

Articles

Sea Walls are Not Enough: Global Climate Change and American Interests, COLUM. L. REV. (forthcoming 2009) (with Jody Freeman)

Explaining Soft Law, JOURNAL OF LEGAL ANALYSIS (forthcoming 2009) (with Timothy L. Meyer)

Studying How International Law Works, INT'L THEORY (forthcoming 2009)

Studying How International Law Works: Response to Commentators, INT'L THEORY (forthcoming 2009)

Regulating the Safety of Imports, in IMPORT SAFETY: GOVERNANCE CHALLENGES IN THE GLOBAL ECONOMY (Cary Coglianese & Adam Finkel, eds., forthcoming 2009) (with Kenneth Bamberger)

Standard of Review in WTO Dispute Resolution, CORNELL J. INT'L L. (forthcoming 2009)

International Common Law: The Soft Law of International Tribunals, 9 CHI. J. INT'L L. 515 (2009) (with Timothy L. Meyer)

Keeping Imports Safe: A Proposal For Discriminatory Regulation Of International Trade, 96 CAL. L. REV. 1405 (2008) (with Kenneth Bamberger)

International Tribunals: A Rational Choice Analysis, 157 U. PA. L. REV. 171 (2008)

The Myth of International Delegation, 96 CAL. L. REV. 1693 (2008) (with Jennifer Landside)

Dispute Resolution in WTO Cases, in TEN YEARS OF WTO DISPUTE SETTLEMENT (Horowitz, Moulis, & Steger, eds., 2008)

Cooperation in International Antitrust, in RESEARCH HANDBOOK IN INTERNATIONAL ECONOMIC LAW (Edward Elgar Publishing) (2007)

Customary International Law in the 21st Century, in PROGRESS IN INTERNATIONAL ORGANIZATION (Bratspies & Miller eds., 2007) (with Timothy L. Meyer)

Competing For Capital: The Diffusion of Bilateral Investment Treaties: An Empirical Analysis, INTERNATIONAL ORGANIZATION, v. 60(3) (fall 2006) (with Beth Simmons & Zach Elkins)

The Promise of International Law, 92 VA. L. REV. 533 (2006)

Reputation and International Law, 34 GEORGIA J. INT'L COMP. L. 379 (2006)

Power Plays & Capacity Constraints: The Selection of Defendants in WTO Disputes, 34 J. LEG. STUD. 557 (2005) (with Beth Simmons)

The Design of International Agreements, 16 EUR. J. INT'L L. 579 (2005)

Saving Customary International Law, 27 MICH. J. INT'L L. 115 (2005)

Food Fears: Health and Safety at the WTO, 45 VA. J. INT'L L. 1 (2004)

Global Governance and the WTO, 45 HARV. INT'L L.J. 303 (2004)

The Case for International Antitrust, in COMPETITION LAW IN CONFLICT: ANTITRUST JURISDICTION IN THE GLOBAL ECONOMY (Michael Greve & Richard Epstein, eds. 2004) (reprinted in 22 BERKELEY J. INT'L L. 355 (2004))

Trade, Labor, Legitimacy, 90 CAL. L. REV. 88 (2003)

International Antitrust and the WTO: The Lesson from Intellectual Property, 43 VA. J. INT'L L. 933 (2003)

A Compliance Based Theory of International Law, 90 CAL. L. REV. 1823 (2002)

To Settle or Empanel? An Empirical Analysis of Litigation and Settlement at the WTO, 31 J. LEG. STUD. S205 (2002) (with Beth Simmons)

The Cost of Credibility: Explaining Resistance to Interstate Dispute Resolution Mechanisms, 31 J. LEG. STUD. 303 (2002)

Choice of Law: New Foundations, 90 GEO. L.J. 883 (2002)

Public Choice and International Regulatory Competition, 90 GEO. L.J. 971 (2002)

International Regulatory Harmonization, Introduction to Symposium, 3 CHI. J. INT'L L. 271 (2002)

Antitrust and International Regulatory Federalism, 76 N.Y.U. L. REV. 1142 (2001)

Choice and Federal Intervention in Corporate Law, 87 VA. L. REV. 961 (2001) (with Stephen Choi)

International Bankruptcy: In Defense of Universalism, 98 MICH. L. REV. 2177 (2000)

Arbitrator Liability: Reconciling Arbitration & Mandatory Rules, 49 DUKE L.J. 1279 (2000)

An Economic Analysis of Transnational Bankruptcies, 42 J.L. & ECON. 775 (1999) (with Lucian Bebchuk)

Capital Market Regulation in Developing Countries: A Proposal, 39 VA. J. INT'L L. 607 (1999)

Is International Antitrust Possible?, 73 N.Y.U. L. REV. 1501 (1998)

Portable Reciprocity: Rethinking the International Reach of Securities Regulation, 71 SO. CAL. L. REV. 903 (1998) (with Stephen Choi)

Why LDCs Sign Treaties that Hurt Them: Explaining the Popularity of Bilateral Investment Treaties, 38 VA. J. INT'L L. 639 (1998)

National Laws, International Money: Regulation in a Global Capital Market, 65 FORDHAM L. REV. 1855 (1997) (with Stephen Choi)

The Dangerous Extraterritoriality of American Securities Regulation, 17 NW. J. INT'L L. & BUS. 207 (1996) (with Stephen Choi)

How Would You Like to Pay for That? The Strategic Effects of Fee Arrangements on Settlement Terms, 1 HARV. NEGOTIATION L. REV. 53 (1996) (with Lucian Bebchuk)

Note, *A Reformed Economic Model of Consumer Bankruptcy*, 109 HARV. L. REV. 1338 (1996)

Book Reviews & Other Writing

A Plan to Make Imports Safe, San Francisco Chronicle, Feb. 25, 2009 (with Kenneth Bamberger)

How Can We Protect Ourselves From Unsafe Foreign Goods, San Jose Mercury News, Jan. 27, 2009 (with Kenneth Bamberger)

An Insider's Guide to the WTO's Problems, BRIDGES, January 2005 (with Joost Pauwelyn)

The Road to Hull?: Review of M. SORNARAJAH, THE INTERNATIONAL LAW OF FOREIGN INVESTMENT, 6 EUR. J. INT'L L. 612 (1996)

No End in Sight: Review of WILLIAM A. SCHABAS, THE ABOLITION OF THE DEATH PENALTY IN INTERNATIONAL LAW, 108 Harv. L. Rev. 483 (1994)

ACADEMIC PRESENTATIONS

Keynote Address, Law and Economics Doctoral Meeting, St Gallen, Switzerland, *Where is the Law and Economics of International Law?*, July 2008.

Latin American and Caribbean Law and Economics Association Annual Meeting, Mexico City, Mexico, *Regulatory Challenges in a Global Economy*, May 2008.

Conference on Process and Procedure in WTO Dispute Settlement, Cornell Law School, *Burden of Proof in WTO Disputes*, April 2008.

Princeton-Yale Seminar on Reputations and International Agreements, Princeton University, Commentator, February 2008.

Conference on Empirical Legal Studies, New York University Law School, Commentator on *Danner & Simmons, Credible Commitments and the International Criminal Court*, November 2007.

Conference on the Protection of Foreign Investment, Puebla, Mexico, August, 2007.

International Law Seminar, FOM, University of Applied Science in Hamburg and Hamburg Chamber of Commerce, *Globalization and the Trading System*, July 2007.

Faculty Colloquium, Comparative Law and Economics Forum, New York University Law School, *International Tribunals: A Rational Choice Analysis*, April 2007.

International Law Workshop, Stanford Law School, *Judging International Tribunals*, March 2007.

Faculty Speaker Series, Stanford Law School, *When Do States Use Dispute Settlement at the WTO?*, January 2007.

Keynote Address, Asian Law and Economics Association Meeting, National University Law School, Bangalore, India, *What We Know About WTO Dispute Settlement*, December 2006.

International Law Seminar, Northwestern Law School, *Judging International Tribunals*, November 2006.

International Law Workshop, University of California, Los Angeles Law School, *Judging International Tribunals*, October 2006.

Latin American and Caribbean Law and Economics Association Annual Meeting, Universidad Torcuato Di Tella, Buenos Aires, Argentina, *The Diffusion of Bilateral Investment Treaties: An Empirical Analysis* (with Zach Elkins and Beth Simmons), May 2006.

Rationality and Reputation in International Relations, Princeton University, *Reputation and International Law*, April 2006.

Conference on Delegating Sovereignty: Constitutional and Political Perspectives, Duke University Law School, *The Myth of Delegation of Sovereignty*, March 2006.

Global Law Workshop, Duke University Law School, *The Diffusion of Bilateral Investment Treaties: An Empirical Analysis* (with Zach Elkins and Beth Simmons), March 2006.

Faculty Seminar, Arizona State Law School, *The Diffusion of Bilateral Investment Treaties: An Empirical Analysis* (with Zach Elkins and Beth Simmons), February 2006.

Faculty Workshop, Vanderbilt University Law School, *Reputation in International Law*, January 2006.

Symposium on THE LIMITS OF INTERNATIONAL LAW, Georgia Law School, *Reputation and International Law*, October 2005.

Conference on The Future of the State, University of Virginia Law School, *The Song Remains the Same* (with Kal Raustiala), October 2005.

Law and Economics Seminar, Boalt Hall School of Law, University of California, Berkeley, *The Diffusion of Bilateral Investment Treaties: An Empirical Analysis* (with Zach Elkins and Beth Simmons), September 2005.

Conference on WTO Dispute Settlement and Developing Countries: Use, Implications, Strategies, Reforms, University of Wisconsin, *Power Plays & Capacity Constraints: The Selection of Defendants in WTO Disputes* (with Beth Simmons), May 2005.

American Law and Economics Association Annual Meeting, NYU Law School, *Power Plays & Capacity Constraints: The Selection of Defendants in WTO Disputes* (with Beth Simmons), May 2005.

Latin American and Caribbean Law and Economics Association Annual Meeting, Boalt Hall School of Law, University of California, Berkeley, *Power Plays & Capacity Constraints: The Selection of Defendants in WTO Disputes* (with Beth Simmons), April 2005.

Faculty Workshop, University of Virginia Law School, *Power Plays & Capacity Constraints: The Selection of Defendants in WTO Disputes* (with Beth Simmons), March 2005.

Institute for International Economic Law, Georgetown University Law Center, *Power Plays & Capacity Constraints: The Selection of Defendants in WTO Disputes* (with Beth Simmons), February 2005.

International Legal Theory Colloquium, Georgetown University Law Center, *The Design of International Agreements*, February 2005.

International Law West Conference, Whittier Law School, *Power Plays & Capacity Constraints: The Selection of Defendants in WTO Disputes* (with Beth Simmons), February 2005.

International Law Roundtable, Vanderbilt University Law School, *Power Plays & Capacity Constraints: The Selection of Defendants in WTO Disputes* (with Beth Simmons), November 2004.

Faculty Workshop, Chicago-Kent Law School, *Power Plays & Capacity Constraints: The Selection of Defendants in WTO Disputes* (with Beth Simmons), November 2004.

Faculty Workshop, University of Illinois Law School, *Power Plays & Capacity Constraints: The Selection of Defendants in WTO Disputes* (with Beth Simmons), November 2004.

Conference on International Dispute Resolution, University of Chicago Law School, *Power Plays & Capacity Constraints: The Selection of Defendants in WTO Disputes* (with Beth Simmons), October 2004.

Faculty Workshop, Lewis & Clark Law School, *Power Plays & Capacity Constraints: The Selection of Defendants in WTO Disputes* (with Beth Simmons), October 2004.

Center for American and International Law Annual Symposium, Dallas, TX, *Labor, Environment, and IP Protections in Trade Agreements*, and, *The WTO: Where We Are and Where We Are Going*, June 2004.

American Law and Economics Association Annual Meeting, Georgetown University Law Center, *The Design of International Agreements*, May 2004.

Globalization Workshop, Yale Law School, *The Design of International Agreements*, April 2004.

International Law Workshop, University of Chicago Law School, *The Design of International Agreements*, April 2004.

American Society of International Law Annual Meeting, Washington, D.C., *The Jurisdiction of the WTO* (panel moderator), March 2004.

International Law and Politics Workshop, University of California, Los Angeles, *The Design of International Agreements*, March 2004.

Boalt Hall School of Law School Faculty Workshop, University of California, Berkeley, *The Design of International Agreements*, March 2004.

Faculty Workshop, Loyola Law School, Los Angeles, *The Design of International Agreements*, February 2004.

Faculty Workshop, University of Toronto Law School, *Global Governance and the WTO*, November 2003.

Faculty Workshop, Harvard Law School, *Global Governance and the WTO*, October 2003.

Conference on the International Diffusion of Political and Economic Liberalization, Weatherhead Center for International Affairs, Harvard University, *The Diffusion of Bilateral Investment Treaties: An Empirical Assessment*, October 2003.

University of California, Berkeley International Antitrust Workshop, Boalt Hall School of Law, University of California, Berkeley, *The Case for International Antitrust*, June 2003.

Comparative Law and Economics Forum, Boalt Hall School of Law, University of California, Berkeley, *The Political Economy of Litigation and Settlement at the WTO*, June 2003.

Competition and Cooperation in Antitrust Law Conference, American Enterprise Institute, Washington, D.C., *The Case for International Antitrust*, April 2003.

Law and Economics Seminar, Boalt Hall School of Law, University of California, Berkeley, *The Political Economy of Litigation and Settlement at the WTO*, February 2003.

Faculty Workshop, Boalt Hall School of Law, University of California, Berkeley, *Global Governance and the WTO*, February 2003.

International Trade Roundtable, Boalt Hall School of Law, University of California, Berkeley, *Global Governance and the WTO*, January 2003.

Sokol Colloquium on Private International Law, University of Virginia Law School, *International Antitrust and the WTO: The Lesson from Intellectual Property*, October 2002.

Global Antitrust Law and Policy Conference, University of Minnesota Law School, *National Antitrust Laws and International Antitrust*, September 2002.

Canadian Law and Economics Association Annual Meeting, University of Toronto, *WTO Dispute Resolution: Why Complainants (Almost) Always Win*, September 2002.

Bay Area Law and Economics Group, Stanford Law School, *WTO Dispute Resolution: Why Complainants (Almost) Always Win*, May 2002.

Law and Economics Workshop, University of Virginia School of Law, *International Law: A Compliance-Based Theory*, March 2002.

Joe C. Davis Workshops in Law and Economics, Vanderbilt University Law School, *International Law: A Compliance-Based Theory*, January 2002.

Keynote Speaker, Southern California International Law Professor's Dinner, Loyola Law School, *International Law: A Compliance-Based Theory*, November 2001.

International Law Workshop, University of California, Los Angeles Law School, *The Cost of Credibility: Explaining Resistance to Interstate Dispute Resolution Mechanisms*, November 2001.

International Law Workshop, Duke University Law School, *International Law: A Compliance-Based Theory*, November 2001.

Law and Economics Seminar, Georgetown University Law Center, *Choice of Law: New Foundation*, November 2001.

Canadian Law and Economics Association Annual Meeting, University of Toronto, *International Law: A Compliance-Based Theory*, September 2001.

Globalization and Jurisdiction Seminar, Stanford Law School, *Choice of Law: New Foundations and Portable Reciprocity: Rethinking the International Reach of Securities Regulation*, June 2001.

American Law and Economics Association Annual Meeting, Georgetown University Law Center, *International Law: A Compliance-Based Theory*, May 2001.

Rational Choice and International Law Conference, University of Chicago Law School, *To Settle or Empanel? An Empirical Analysis of Litigation and Settlement at the WTO*, April 2001.

Law and Economics Seminar, Columbia Law School, *The Cost of Credibility: Explaining Resistance to Interstate Dispute Resolution Mechanisms*, Spring 2001.

Berkeley Journal of International Law, Stefan A. Riesenfeld Symposium 2001, Boalt Hall School of Law, University of California, Berkeley, Fifty Years in the Making: World War II Reparation and Restitution Claims, moderator, *Finding the Owner: Unlawful Takings and Possession of Assets*, Spring 2001.

International Law and Politics Workshop, Boalt Hall School of Law, University of California, Berkeley, *International Law Rules: A Compliance-Based Theory*, February 2001.

University of Southern California Faculty Seminar, University of Southern California Law School, *Choice of Law: New Foundations*, September 2000.

Canadian Law and Economics Association Annual Meeting, University of Toronto, *Choice of Law: New Foundations*, September 2000.

Law and Economics Seminar, Stanford Law School, *Choice of Law: New Foundations*, September 2000.

American Law and Economics Association Annual Meeting, New York University, *Choice of Law: New Foundations*, May 2000.

University of Chicago Faculty Seminar, University of Chicago Law School, *Choice of Law Lessons*, April 2000.

Law and Economics Seminar, Boalt Hall School of Law, University of California, Berkeley, *The End of Banks*, February 2000.

Latin American Law and Economics Association Annual Meeting, Bogota, Columbia, *Arbitrator Liability: Reconciling Arbitration and Mandatory Rules*, June 1999.

University of California, Los Angeles Law School, Lake Arrowhead Conference on the Political Economy of Contractual Obligations: The Case of Bankruptcy Law, *An Economic Analysis of Transnational Bankruptcies*, April 1999.

Friedmann Conference on International Securities and Antitrust, Columbia Law School, *Arbitrator Liability: Reconciling Arbitration and Mandatory Rules*, March 1999.

Law and Economics Seminar, Boalt Hall School of Law, University of California, Berkeley, *Regulating Developing Country Capital Markets in a Global Economy*, October 1998.

Sokol Colloquium on Private International Law, University of Virginia Law School, *Developing Capital Markets: Choice of Law and Choice of Forum in Developing Country Financial Markets*, September 1998.

Latin American Law and Economics Association Annual Meeting, Quito, Ecuador, *Regulating Securities Markets in Developing Countries*, June 1998.

Harvard Faculty Seminar, Harvard Law School, *Portable Reciprocity: Rethinking the International Reach of Securities Regulation*, April 1998.

American Law and Economics Association Annual Meeting, Boalt Hall School of Law, University of California, Berkeley, *Portable Reciprocity: Rethinking the International Reach of Securities Regulation*, May 1998.

University of Pennsylvania Faculty Seminar, University of Pennsylvania Law School, *Is International Antitrust Possible?*, January 1998.

Fordham University Faculty Seminar, Fordham Law School, *Is International Antitrust Possible?*, January 1998.

University of Texas Faculty Seminar, University of Texas Law School, *Trade and Competition Law: The Grim Prospects for Cooperation*, December 1997.

University of Chicago Law and Economics Seminar, University of Chicago Law School, *Trade and Competition Law: The Grim Prospects for Cooperation*, November 1997.

American Law and Economics Association Annual Meeting, University of Toronto Law School, *An Economic Analysis of Transnational Bankruptcies*, May 1997.