

SUSAN D. FRANCK

Washington & Lee University School of Law
Sydney Lewis Hall ■ Lexington, VA 24450-2116
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EDUCATION

UNIVERSITY OF LONDON, London, U.K. Dec. 1999
LL.M., with merit, in Commercial Law
■ U.S.-U.K. Fulbright Scholar

UNIVERSITY OF MINNESOTA LAW SCHOOL, Minneapolis, MN May 1998
J.D., magna cum laude
■ Women's Law Students Association, Organizer of Women in the Law Seminar
■ Associate Articles Editor, *Minnesota Law Review*
■ Order of the Coif
■ Legal Writing Honors

MACALESTER COLLEGE, St. Paul, MN May 1993
B.A., summa cum laude
■ Polk Foundation Scholarship
■ Phi Beta Kappa

EXPERIENCE

VANDERBILT UNIVERSITY LAW SCHOOL, Nashville, TN Aug. 2010-Dec. 2010
Visiting Associate Professor of Law

WASHINGTON & LEE UNIVERSITY SCHOOL OF LAW, Lexington, VA July 2008-present
Associate Professor of Law

UNIVERSITY OF NEBRASKA LAW COLLEGE, Lincoln, NE May 2005-July 2008
Assistant Professor of Law

UNIVERSITY OF MINNESOTA LAW SCHOOL, Minneapolis, MN June 2004-May 2005
Visiting Associate Professor of Law

PUBLICATIONS

ARTICLES, ESSAYS AND BOOK CHAPTERS

Rationalizing Cost Awards in Investment Treaty Arbitration, WASH. U. L. REV. (forthcoming 2011).

Empirically Assessing ICSID, VA. J. INT'L L. (forthcoming 2011).

Considering Recalibration of International Investment Agreements: Empirical Insights, in THE EVOLVING INTERNATIONAL INVESTMENT REGIME: EXPECTATIONS, REALITIES, OPTIONS (Eds. Jose E. Alvarez, et al. 2011).

Development and Outcomes of Investment Treaty Arbitration, 50 HARV. INT'L L.J. 436 (2009).

Empiricism and International Law: Insights for Investment Treaty Dispute Resolution, 48 VA. J. INT'L L. 767 (2008) (solicited essay).

Reconsidering Dispute Resolution Options in International Investment Agreements, in APPEALS MECHANISMS IN INTERNATIONAL INVESTMENT DISPUTES (Ed. Karl P. Sauvant 2008).

Integrating Investment Treaty Conflict and Dispute Systems Design, 92 MINN. L. REV. 161 (2007).

Empirically Evaluating Claims About Investment Treaty Arbitration, 80 N.C. L. REV. 1 (2007).

Cited in Report of the U.S. Department of State's Advisory Committee on International Economic Policy Regarding the Model Bilateral Investment Treaty (Sept. 30, 2009).

Foreign Direct Investment, Investment Treaty Arbitration and the Rule of Law, 19 PACIFIC MCGEORGE GLOBAL BUS. & DEV. L.J. 337 (2007) (symposium piece).

ICSID Institutional Reform: The Evolution of Dispute Resolution and the Role of Structural Safeguards, in INTERNATIONAL INSTITUTIONAL REFORM: PROCEEDINGS OF THE HAGUE JOINT CONFERENCE ON CONTEMPORARY ISSUES IN INTERNATIONAL LAW (Ed. Agata Fijalkowski) (2007).

The Nature and Enforcement of Investor Rights Under Investment Treaties: Do Investment Treaties Have A Bright Future, 12 U.C. DAVIS J. INT'L L. & POL'Y 47 (2005) (symposium piece).

International Decisions: Occidental Exploration and Production Company v. The Republic of Ecuador, 99 AM. J. INT'L L. 675 (2005) (peer reviewed).

Reprinted in 2 TRANSNAT'L DISPUTE MGMT. (Nov. 2005).

The Legitimacy Crisis in Investment Treaty Arbitration: Privatizing Public International Law Through Inconsistent Decisions, 73 FORDHAM L. REV. 1521 (2005).

Reprinted in 2 TRANSNAT'L DISPUTE MGMT. (June 2005).

The Liability of International Arbitrators: A Comparative Analysis and Proposal for Qualified Immunity, 20 NEW YORK LAW SCH. J. INT'L & COMP. L. 1 (2000).

Reprinted in 2 TRANSNAT'L DISPUTE MGMT. (Nov. 2005).

Christians v. Crystal Evangelical Free Church: Interpreting RFRA in the Battle Among God, The Government, and the Bankruptcy Code, 81 MINN. L. REV. 981 (1997).

BOOKS

Investor-State Disputes: Prevention and Alternatives to Arbitration II (UNCTAD, forthcoming 2011).

SHORTER WORKS

Empirical Modalities: Lessons for the Future of International Investment, 104 AM. SOC'Y INT'L L. PROC. (forthcoming 2011).

International Investment and ADR: The Way Forward, UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT (forthcoming 2011).

The Crossroads of Investment Arbitration, 103 AM. SOC'Y INT'L L. PROC. 477 (2010).

The Future of Law and Development: Investment Treaty Arbitration and Law & Development, 104 NW. U. L. REV. COLLOQUY 178 (2009).

International Investment Arbitration: Winning, Losing and Why, COLUMBIA FDI PERSPECTIVES, (Vale Columbia Center on Sustainable International Investment, New York, NY), Perspective No. 7, June 15, 2009.

An Empirical Analysis of Investment Treaty Awards, 101 AM. SOC'Y INT'L L. PROC. 214 (2007).

Foreword: A Symposium Exploring the Modern Legacy of William Jennings Bryan, 86 NEB. L. REV. 142 (2007).

Sanctions for Frivolous Challenges to Arbitration Awards, A.B.A. INT'L ARB. NEWS, Spring 2007, at 2.

Transforming into an International Lawyer, ILSA Q., Dec. 2006, at 23.

The Role of the International Arbitrator, 12 ILSA J. INT'L & COMP. L. 499 (2006).

Reprinted in 5 INSTITUTE OF CHARTERED FINANCIAL ANALYST OF INDIA'S J. ALTERNATIVE DISPUTE RESOLUTION 25 (2006).

"Borrowing" Help? Using Conflicts of Law to Aid Clients and Lawyers, NEB. LAW., Jan. 2006, at 13.

A Survival Guide for Small Businesses: Avoiding the Pitfalls in International Dispute Resolution, 3 MINN J. BUS. LAW & ENTREP. 19 (2004).

WORKS IN PROGRESS

The Future of Investment Dispute Resolution

Through the Looking Glass: Understanding Social Science Norms for International Investment Law

LECTURES, PRESENTATIONS AND SPEAKING ENGAGEMENTS

INVITED FACULTY PRESENTATIONS

Melbourne Law School, Melbourne, Australia, December 2010, presented: "Empirically Assessing ICSID."

Vanderbilt University Law School, Nashville, TN, November 2010, presented: "Empirically Assessing ICSID."

University of St. Gallen, 3rd Annual International Dispute Resolution Conference, St. Gallen, Switzerland, October 2010, presented: "Precedent and Costs in International Arbitration."

Max Planck Institute of International and Comparative Law, Heidelberg, Germany, May 2010, presented "International Investment Law and Diversity: Issues of Scale."

University of Buenos Aires Faculty of Law, and the Government of Argentina's Procuracion del Tesoro (Attorney General of the Treasury), Buenos Aires, Argentina, December 2009, presented "Legitimacy of Investment Arbitration: Empirical Assessments."

Seoul National University School of Law, Ministry of Justice of the Republic of Korea and the Center for International Economic & Business Law at Seoul National University, Seoul, Korea, May 2009, presented "Empirical Assessments of Trends in Investment Treaty Arbitration."

Columbia Law School, Columbia University, Vale Center on Sustainable International Investment, New York, NY, April 2009, presented "Empirical Insights for Investment Treaty Dispute Resolution."

University of Cincinnati, College of Law, Cincinnati, OH, October 2008, presented "Development and Outcomes of Investment Treaty Arbitration Awards."

University of New England Faculty of Law, Armidale, Australia, March 2008, presented “International Law and Empiricism: Reality Testing Claims About International Investment Disputes” (Endowed Kirby Lecture).

University of Sydney, Sydney School of Law, Sydney, Australia, March 2008, presented “International Law and Empiricism: Reality Testing Claims About International Investment Disputes” (Parsons Visitor).

University of Technology Sydney Faculty of Law, Sydney, Australia, March 2008, presented “Empirical Perspectives on Investment Treaty Dispute Resolution.”

Bond University Faculty of Law, Robina, Australia, March 2008, presented “Empirical Perspectives on Investment Treaty Dispute Resolution.”

George Washington University Law School, Washington, DC, September 2007, presented “Empirical Analysis of Investment Treaty Conflict.”

University of Wisconsin Law School and Global Legal Studies Center, Madison, WI, May 2007, presented: “Empirically Evaluating Claims About Investment Treaty Arbitration.”

Kansas University School of Law, Lawrence, KS, February 2007, presented: “Investment Treaty Conflict.”

University of Missouri-Columbia School of Law, Columbia, MO, January 2007, presented: “Integrating Investment Treaty Conflict and Dispute Systems Design.”

Catholic University of America, Columbus School of Law, Washington, DC, October 2006, presented: “Integrating Investment Treaty Conflict and Dispute Systems Design.”

University of Missouri-Columbia School of Law, Columbia, MO, January 2006, presented: “Foreign Investment and the Rule of Law.”

University of Minnesota Hubert H. Humphrey Institute of Public Affairs, International Trade Consortium, Minneapolis, MN, February 2005, presented: “The Legal Rights of Foreign Investors.”

University of Minnesota Law School, Faculty Works In Progress, Minneapolis, MN, October 2004, presented: “Privatizing Public International Law Through Inconsistent Decisions.”

Stockholm University, Department of Law, Stockholm, Sweden, October 2003, presented: “Investment Treaties and Arbitration.”

WORKSHOP AND CONFERENCE PAPERS PRESENTED

International Studies Association, Global Governance: Political Authority in Transition, Montreal, Canada, March 2011, will present: “An Empirical Assessment of the Integrity of the World Bank’s International Centre for the Settlement of Investment Disputes (ICSID).”

American Society of International Law, International Economic Law Interest Group, International Economic Law in a Time of Change: Reassessing Legal Theory, Doctrine, Methodology and Policy Prescriptions, Minneapolis, MN, November 2010, presented: “Using Web 2.0 to Foster Collaboration in International Economic Law”.

French Commission on Arbitration, Paris, France, June 2010, presented: “Rationalizing Costs in Investment Treaty Arbitration.”

CSMC Chambre Suisse de Médiation Commerciale, Petit Déjeuner de la Médiation, Geneva, Switzerland, April 2010, presented: “ADR and Investor-State Disputes.”

American Society of International Law's 104th Annual Meeting, Empirical Approaches to International Law, Washington, DC, March 2010, presented: "The Future of Empiricism in International Economic Law."

University of Sydney, Sydney School of Law, Investment Treaty Law and Arbitration, Sydney, Australia, February 2010, presented: "Costs and Investment Treaty Arbitration."

United Nations Conference on Trade and Development, International Investment Agreements Section, Geneva, Switzerland, February 2010, presented: "Costs and Investment Treaty Arbitration."

American Association of Law Schools 2010 Annual Meeting, Empiricism and Transformations in International Law, New Orleans, LA, January 2010, presented: "Empiricism and the Evolution of International Investment Law."

American University, Washington College of Law, Roundtable Discussion on Dispute Prevention and Preparedness, Washington, DC, October 2009, presented: "Systematic Considerations for Managing Investment Conflict."

Columbia Law School, Columbia University's Vale Center on Sustainable International Investment, Preventing and Managing Conflict in Energy and Other Natural Resource Investment Relations, New York, NY, May 2009, presented "Energy Disputes and Investment Arbitration: An Empirical Perspective on Conflict Management".

American Society of International Law's 103rd Annual Meeting, Washington, DC, March 2009, Poster Presentation "Development and Outcome of Investment Arbitration Awards."

UC-Davis School of Law, Symposium: ADR in International Business Transactions, Davis, CA, March 2009, presented: "The Future of Dispute Resolution and International Economic Law?"

Queen Mary School of International Arbitration, Issues Relating to Enforcement in International Arbitration, London, UK, December 2008, presented commentary on "Enforcement and State Entities."

Conference on Empirical Legal Studies, 3rd Annual Meeting, Ithaca, NY, September 2008, presented commentary on "Regulating Rifles: International Control of the Small Arms Trade."

Society of International Economic Law Inaugural Meeting, Geneva, Switzerland, July 2008, presented "Empirically Analyzing Variables Implicating the Outcomes of Arbitration Awards and the Repercussions for Designing Dispute Resolution Systems."

Law and Society Annual Meeting, Montreal, Canada, May 2008, presented "Investment Treaty Arbitration and Its Discontents: Analyzing Variables Implicating Outcomes of Arbitration Awards."

Vanderbilt Law School, International Law Scholarship Roundtable: The Law and Politics of International Cooperation, Nashville, TN, January 2008, presented: "Empiricism and International Law."

Columbia Law School, Symposium: Improving the International Investment Law and Policy System, New York, NY, October 2007, presented: "The Recalibration of International Investment Standards."

Hawaii International Conference on Social Sciences, Honolulu, HI, May 2007, presented: "Foreign Investment and Investment Treaty Dispute Resolution: An Empirical Analysis."

American Bar Association Section on Dispute Resolution's 9th Annual Spring Conference, Beyond Cases: Teaching Arbitration Creatively, Washington, DC, April 2007, presented: "Using Simulations and Empirical Research Effectively."

American Society of International Law's 101st Annual Meeting, Investment Law, Dispute Resolution and the Development Promise: Back to the Future, Washington, DC, March 2007, presented as New Voice: "Empirical Analysis of Arbitration Awards."

Yale Law School Junior International Law Scholars Roundtable, New Haven, CT, March 2007, presented: "Empirical Legal Studies and Investment Treaty Disputes."

University of Pennsylvania Law School, Symposium International Investment and Transnational Litigation: The Challenges of Growing and Expanding Investor Disputes, Philadelphia, PA, February 2007, presented: "Dispute Systems Design and Investment Treaty Disputes."

University of Nebraska Law College, Faculty Colloquium, Lincoln, NE, November 2006, presented: "Integrating Investment Treaty Conflict and Dispute Systems Design."

Hamline University School of Law and the International Law Student Association Annual Conference, ADR at the Nation-State Level: Trade, Treaties, and Tribunals, St. Paul, MN, October 2006, presented: "Exploring ADR and Dispute Systems Design."

British Institute of International and Comparative Law, Procedural Aspects of Investment Treaty Arbitration, London, UK, September 2006, presented: "Choice of Law and Investment Disputes."

Columbia Law School, Symposium: Transparency and Consistency in International Investment Law, New York, NY, April 2006, presented: "Principal Challenges Arising from International Investment Disputes."

University of Nebraska Law College, Faculty Colloquium, Lincoln, NE, November 2005, presented: "Foreign Direct Investment, Treaty Arbitration and the Rule of Law."

International Law Weekend 2005, International Arbitrators: Civil Servants? *Sub Rosa* Advocates? Men of Affairs?, New York, NY, October 2005, presented: "The Role of International Arbitrators."

McGeorge School of Law, Judicial Independence and Legal Infrastructure: Essential Partners for Economic Development, Sacramento, CA, October 2005, presented: "Investment Treaty Dispute Resolution, Foreign Investment and the Rule of Law."

South Eastern Association of Law Schools, Young Scholars Workshop, Hilton Head, SC, July 2005, presented: "The Future of Investment Treaty Arbitration and the Legacy of Inconsistent Decisions."

American Society of International Law's 7th Hague Joint Conference on Contemporary Issues of International Law, International Institutional Reform, The Hague, The Netherlands, July 2005, presented: "Minimizing a Legitimacy Crisis in Investment Treaty Arbitration."

UC-Davis School of Law, Symposium: Romancing the Foreign Investor BIT by BIT, Davis, CA, March 2005, presented: "Where do Bilateral Treaties Go From Here?"

Institute for Transnational Arbitration and the American Society of International Law, Arbitration and the Involvement of Non-Parties: Transparency, Intervention and Appeal, Washington, DC, March 2005, presented: "Enhancing Integrity with Structural Safeguards."

SYMPOSIUMS, WORKSHOPS AND PANELS ORGANIZED

American Society of International Law, International Economic Law Interest Group, Conference Co-Organizer: International Economic Law in a Time of Change: Reassessing Legal Theory, Doctrine, Methodology and Policy Prescriptions, Minneapolis, MN, November 2010.

Washington & Lee Law School and United Nations Conference on Trade and Development, Joint Symposium on International Investment and ADR: Preventing and Managing Investment Treaty Conflict, Lexington, VA, March 2010.

American Society of International Law, International Economic Law Interest Group, Conference Co-Organizer: Risk, Science and Law in International Governance, Chicago, IL, December 2009.

South Eastern Association of Law Schools, Panel Organizer and Moderator: Comparative Contract Law, Palm Beach, FL, August 2009.

American Society of International Law, International Economic Law Interest Group, Committee Member and Moderator: The Politics of International Economic Law: The Next Four Years, Washington, DC, November 2008.

London Court of International Arbitration European User's Council Symposium, Panel Moderator: Jurisdictional Issues in Arbitration, The Grove, UK, September 2008.

Institute for Transnational Arbitration's 19th Annual Workshop: Damages in International Arbitration: Strategies, Techniques & Presentation, Presenter: Problems with Evidence in Valuation, Dallas, TX, June 2008.

Second Annual Investment Treaty Arbitration: A Debate and Discussion, Panel Moderator: Fair and Equitable Treatment – Evolution or Revolution, Washington, DC, April 2008.

Fourth International Conference on Contracts, Panel Moderator: Arbitrating Contract Disputes, Sacramento, CA, February, 2008.

University of Nebraska, Symposium Organizer: The Modern Legacy of William Jennings Bryan, Lincoln, NE, November 2006.

South Eastern Association of Law Schools, Panel Organizer: E-Commerce and Dispute Resolution, Palm Beach, FL, July 2006.

American Society of International Law, 7th Hague Joint Conference on Contemporary Issues of International Law, Panel Organizer: International Institutional Reform, The Hague, The Netherlands, July 2005.

EXPERT COMMENTARY PROVIDED

United Nations Commission on Trade and Development, World Investment Forum, International Investment Agreements Conference, Xiamen, China, September 2010: offered contributions related to interaction of investment treaty regime with public policy and its systematic evolution.

Asian Pacific Economic Council and U.S. Trade Representative, Conflict Prevention and Alternative Dispute Resolution, Washington, D.C., July 2010: presented "Trends in Treaty-Based Investment Disputes".

United Nations Commission on Trade and Development, Ad hoc Expert Meeting on the Scope and Definition of International Investment: Geneva, Switzerland, December 2009: provided commentary about the revision of international investment agreements.

Office of the U.S. Trade Representative: Washington, D.C., July 2009: provided commentary on empirical data related to investment treaty arbitration.

World Bank's International Centre for the Settlement of Investment Disputes: Washington, D.C., July 2009: provided commentary on empirical data related to investment treaty arbitration.

United Nations Commission on Trade and Development, Expert Meeting on the International Investment Agreements: Geneva, Switzerland, February 2009: provided commentary on the role of development on investment treaty arbitration.

United Nations Commission on Trade and Development, Expert Meeting on the International Investment System: Geneva, Switzerland, March 2007: provided commentary on alternative dispute resolution and an empirical assessment of investment treaty arbitration awards.

Inter-American Development Bank, Investor-State Dispute Settlement: Emerging Issues and Challenges for Latin American Countries and Investors, Washington, DC, October 2007, presented "Appropriate Dispute Resolution for Investment Treaty Disputes."

University of California at Berkeley, Boalt Hall School of Law, Investment Arbitration: Lessons From Practice a Discussion among Experts, Berkeley, CA, January 2007: provided commentary on the future investment agreements and dispute resolution.

Nebraska Legislature, Judiciary Committee, Lincoln, NE, February 2006: provided oral testimony on LB1135 to introduce the Uniform Conflict of Laws Limitations Act in Nebraska.

COURSES

Courses Taught: Alternative Dispute Resolution, Conflicts of Law, International Economic Law, International Litigation and Arbitration, International Trade, Investment Treaty Arbitration, Mediation, and Professional Responsibility

Areas of Interest: Civil Procedure, Contracts, International Business Transactions, International Law, and Law and Popular Culture

OTHER LEGAL EXPERIENCE

UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT, Geneva, Switzerland
Scholar in Residence January 2010-July 2010

ALLEN & OVERY, London, U.K.
Senior Associate Jan. 2002-June 2004

WILMER, CUTLER & PICKERING, Washington, D.C.
Associate Dec. 1999-Dec. 2001

U.S. ATTORNEY'S OFFICE, DISTRICT OF MINNESOTA, Minneapolis, MN
Intern Jan. 1998-July 1998

U.S. DISTRICT JUDGE, DISTRICT OF MINNESOTA THE HONORABLE JAMES R. ROSENBAUM, Minneapolis, MN
Extern Sep. 1997-Dec. 1997

SKADDEN, ARPS, SLATE, MEAGHER & FLOM, Washington, D.C.
Summer Associate May 1997-August. 1997

AWARDS

- International Bar Association's Who's Who of Commercial Arbitration (2008-2011)
- Best Article of the Year, OGEMID (2008)
- "New Voices" American Society of International Law (2007)
- Fulbright Scholar to United Kingdom (1998-1999)
- Excellence in Social Sciences Award (1991)

EDITORIAL POSITIONS AND PROFESSIONAL APPOINTMENTS

EDITORIAL POSITIONS

- Editorial Board, JOURNAL OF INTERNATIONAL DISPUTE SETTLEMENT (2009-present)
- Associate Editor, TRANSNATIONAL DISPUTE MANAGEMENT (2006-present)

PROFESSIONAL APPOINTMENTS

American Society of International Law

- Co-Chair, International Economic Law Interest Group (2009-2011)
- Committee Member, Honors Committee (2009-2010)
- Committee Member, Awards Committee (2008-2009)

Society for International Economic Law

- Co-Chair, Women in International Economic Law (2008-2010)

Institute for Transnational Arbitration

- Member of the Academic Council (2008-2010)

American Bar Association, Section of International Law

- Steering Group Member, Committee on Commercial Dispute Resolution, (2008-present)

American Association of Law Schools, Section on Alternative Dispute Resolution

- Executive Committee (2008-2009)

UNIVERSITY AND COMMUNITY SERVICE

Washington & Lee University Law School

- Mentor – Faculty Mentoring Program (2009-present)
- Faculty Advisor – Middle-Eastern and North African Law Students Society (2009-present)
- Faculty Advisor – International Law Students Association (2008-present)
- Faculty Advisor – W&L Law Runners
- Committee Member – Library Committee (2008-present)
- Committee Member – Independent Projects Committee (2008-2009)

National Science Foundation, Law and Social Science Program, Division of Social and Economic Sciences

- External Reviewer (2010-present)

Foreign Direct Investment International Moot Court Competition

- Arbitrator (2008-present)

Big Brothers, Big Sisters

- Volunteer – Lincoln, Nebraska (2006-present)

University of Nebraska

- Founder and Organizer – Young Scholars Roundtable (2006-2008)
- Board of Directors – Women’s Law Caucus (2005-2008)
- Committee Member – Speaker’s Committee (2005-2008)

University of Minnesota

- Committee Member – Building Committee (2004-2005)

MEMBERSHIPS

- American Bar Association
- International Bar Association
- Chartered Institute of Arbitrators, A.C.I. Arb.
- American Society of International Law
- London Court of International Arbitration
- LCIA Young International Arbitrator’s Group

BAR ADMISSIONS

- Minnesota (inactive)
- England and Wales (inactive)
- District of Columbia

REFERENCES

- Available upon request