6/10/10

SAMUEL ESTREICHER -- Dwight D. Opperman Professor of Law (formerly, Charles L. Denison Professor of Law), New York University School of Law. Director, NYU's Center for Labor and Employment Law and Co-Director, Opperman Institute of Judicial Administration, Inc. Chief, Reporter, Restatement (Third) of Employment Law (American Law Institute). Of Counsel, Jones Day (resident in New York office; labor & employment, international litigation, and issues & appeals practice groups).

Education: B.A. Columbia College, 1970; M.S. (Industrial Relations), Cornell University, 1974; J.D., Columbia University, 1975

Clerkships: Law Clerk to Mr. Justice Lewis F. Powell, Jr., Supreme Court of the United States, Washington, D.C. 20543 (1977-78); Law Clerk to Judge Harold Leventhal, U.S. Court of Appeals, Washington, D.C. 20036 (1975-1976)

International Law Appellate/Litigation Experience:

Cosigner:
-- Letter to International Criminal Court (ICC) Prosecutor (re: whether the Palestinian Authority or Palestine Liberation Organization is a "state" for purposes of ICC jurisdiction)

-- A Public Call For International Attention to Legal Obligations of Defending Forces As Well As Attacking Forces to Protect Civilians in Armed Conflict (Crimes of War Project, Mar. 21, 2003, Kenneth Anderson, principal drafter)

Author of briefs amicus curiae in:
-- Presbyterian Church of Sudan v. Talisman Energy, Inc., 07-0016 (2d Cir.) (also argued case on behalf of amici)
-- Bustillo v. Johnson , 05-51 (O.T.2005)
-- Sanchez-Llamas v. Oregon, 04-10566 (O.T. 2005)
-- Sosa v. Alvarez-Machain, 03-339 (O.T., 2003)
-- Rasul v. Bush, 03-334 & -343 (O.T., 2003)

Comparative and International Law and Global Human Resources and Employment Law Presentations:

Presenter, "Privileging Asymmetric Warfare?: Duties of Defenders under International Law, Research Conference on Israel and International Law (CAMERA and Northwestern University School of Law), Chicago IL May 17, 2010;

Presenter, Trade Unionism Under Globalization: Labor's Changing Relationship to the State, Panel on "Corporatism and Voluntarism in the Global Era," Law & Society Annual Mtg.. May 29, 2010, Chicago IL;

Panelist, Panel on "International Human Rights Law, Foreign Sovereign Immunity, and National

Courts," American Society for International Law , 104th Annual Meeting, March 25, 2010, Washington DC

Panelist, Conference on "Opting out of Customary International Law," Century for International & Comparative Law, Duke Univ. School of Law, Durham NC, Jan. 30, 2010

Presenter, "Reflections on Talisman Energy: Accessorial and Corporate Liability under the Alien Tort Statute," Workshop on Foreign Relations Law: The Alien Tort Statute, Harvard Law School, October 24, 2009, Cambridge MA;

Keynote Address, "Employee Representation that Makes Sense in Today's World," Competition in the Global Workplace: The Role of Law in Economic Markets, St. Louis University School of Law, Apr. 3, 2009, St. Louis MO

Presenter, "Workplace Relations and Bargaining Developments in the USA," National PIR Group Conference, Dec. 9, 2008, Canberra AU

Moderator, Panel on "Dealing with Unions in China: the U.S. Model, the European Model, or a New Paradigm?", Conference on "Doing Business in China:The Labor and Employment Story", NYU Center for Labor and Employment Law, May 9, 2008, New York NY

Moderator, "International Employee Privacy Issues," Mid-Year Mtg, Comm. on Technology in the Practice and Workplace, ABA Section on Labor and Employment Law, May 1, 2008, Chicago IL

Panelist, "The Labor Movement, NGOs, Global Commerce, Labor Standards and American Values," Federalist Society for Law & Public Policy Studies, Annul Lawyer Convention, Nov. 16, 2007, Washington, DC;

Presenter, "Cross Cultural Differences in Employment Law", Continental Tire 2007 HR Regional Conference, October 17, 2007, Charlotte NC

Panelist, "The Future of the World Labor Movement: Current Trends, Future Goals, and How Trade Unions are Grappling with Representation of Employees in a Global Economy" (Employment Law Alliance, Annual Mtg., October 5, 2007, Washington DC;

Panelist, "HR Challenges in China: New Pressures in a Growth Economy," HR Policy Association, July 31, 2007, Washington, DC

Presenter, "Global Labor Rights: The Challenge of Compliance," Coca Cola Global HR and Legal Departments, June 29, 2007, Atlanta GA

Presenter "International Law Pertaining to the Arab-Israeli Conflict," Gratz College, Dechert LLP and CAMERA) Dec. 8, 2006, Phila. PA; Jones Day and CAMERA, Feb. 8, 2007, New York, NY; Jones Day and CAMERA, June 8, 2007, Washington, DC

Presenter, "Think Global, Act Local': Employee Representation in a World of Global Labor and Product Market Competition," Governing the Global Workplace: An International Symposium, Hubert H. Humphrey Institute of Public Affairs, University of Minnesota, April 14-16, 2005, Minneapolis, MN

Presenter, "International Law as Persuasive Authority in U.S. Public Law," Program on International Law for Federal Judges, NYU Opperman Institute of Judicial Administration & Federal Judicial Center, NYU School of Law, Nov. 14-15, 2003

Presenter, Civil Procedure, Administrative Law, and Labor Law, Training and Education Program for the Chinese Judiciary, Opperman Institute of Judicial Administration, NYU School of Law, 2004-2006, New York, NY.

Presenter, "Of Jaguars, Rickshaws and Saturns: The Tortification of U.S. Employment Law and the Emerging Mediation/Arbitration Alternative," Industrial Law Society Spring Conference on "Employment Dispute Resolution," Kennedy Lecture Theatre, Institute of Child Health, May 10, 2003, London, UK.

Panelist, "Overnight Global Restructuring: The Legal, Cost and Resource Planning Considerations in Transferring People in 50 Countries," XBHR (Cross-Border Human Resources) Roundtable Conference, March 6-9, 2003, Hanbury Manor Hotel & Country Club, Ware, Hartfordshire SG 12 OSD, UK

Presenter, "Rethinking the Binding Effect of Customary International Law," Research Conference on Exploring the Limits of International Law (New York and University of Virginia Schools of Law), November 15-16, 2002, New York, NY.

Presenter, "The International Criminal Court: Problems of Legitimacy," Conference on the "Culture of Peace: Foundations of Peace in Philosophy, Religion, Economy and Law," Hebrew University of Jerusalem & Intl. Academy of Philosophy, Religion for Peace Organization, Van Leer Jerusalem Institute, Autonomous Province of Trento, Italy, August 29-Sept. 1, 2002, Rhodes, Greece

Presenter, "Deregulating Union Democracy," Conference on Transatlantic Perspectives on Labor and Employment Law, cosponsored by St. John's University School of Law and University College, Dublin, July 22, 2000, Dublin, IR

Presenter, "International Labor and Employment Law," before IBM Legal Department, July 23, 1999, Armonk, NY

Keynote Address, "The Challenge for Private Sector Unionism in a World of Global Competition," The Interdisciplinary Center, December 27, 1998, Herzylia, Israel

Presenter, "Taking the Full Measure of Man: Challenges to the `Rational Choice' Model of Law and Economics," The Interdisciplinary Center, December 29, 1998, Herzylia, Israel

Presenter, "Models of Trade Unionism," University of Paris X, Dept. of Law, International Institute CNIF, Dec. 14, 1998, La Defense, Nanterre, Fr.

Presenter, "Models of Trade Unionism," University of Essex, Dept. of Law, Dec. 10, 1998, Colchester, UK

U.S. Expert, "The Adjustment of Multinationals to Each Country's National Environment, and How Unions Deal with Multinationals," Conference on Labor-Management Relations in North American Multinationals: Legal, Cultural and Economic Environments, sponsored by U.S. National Administrative Office, North American Agreement on Labor Cooperation, U.S. Department of Labor, Oct. 29, 1998, Washington, DC

Moderator, "Labor Rights Under International Agreements," National Lawyers Guild - NYU Chapter, Mar. 10, 1998, New York, NY

Commentator, "Some Questions Concerning Trans-National Labor Market Regulation," panel on "A Union Concerned for its Citizens: Social and Employment Policy, Conference on "The European Union and the United States: Constitutional Systems in Evolution," Fordham Univ. School of Law's Center on European Union Law and International Antitrust, Feb. 26, 1998, New York, NY

Presenter, "Flexibility in Labour Law," Law Faculty, the Interdisciplinary Center, Radzyner School of Law, Herzliya, Israel, Dec. 23, 1997; The Hebrew University Faculty of Law, Jerusalem, Israel, December 24, 1997; and Tel-Aviv University School of Law, Tel-Aviv, Israel, Dec. 30, 1997

Presenter, "Labor Law Models for Developing Countries," 1993 Cardozo Institute in Budapest, co-sponsored by Yeshiva Univ.'s Cardozo School of Law and the Central European Univ., July 21, 1993, Budapest, Hungary

Moderator, "Roundtable on Labor and International Trade Policy," New York University's 46th Annual National Conference on Labor, June 3, 1993, New York, NY

Presenter, "Multinational Collective Bargaining and Disclosure: Can It Work?," Conference on The Multinational Enterprise in the Twenty-First Century, sponsored by the New York University School of Law and Cegla Instit. for Comparative and Private International Law of Tel-Aviv University School of Law, Jan. 19-21, 1987, Tel-Aviv, Israel

Presenter, "Labor-Management Cooperation in the United States," Conference on "Japanese Labor Law and Labor Relations: A Comparative Inquiry, Parker School of International Law and Diplomacy of Columbia Univ. School of Law, March 28-29, 1985, New York, NY

Luncheon Address, "An Overview of Employment Protection in Other Countries," luncheon speech for Mid-Winter Meeting of Committee on Development of Law of Individual Rights and Responsibilities in the Work Place, ABA Section of Labor and Employment Law, March 2, 1984, Scottsdale, AZ

Comparative and International Law and Global Human Resources Law Conferences Organized:

Research Conference on Israel and International Law (CAMERA and Northwestern University School of Law), Chicago IL May 17, 2010, Chicago IL

"Doing Business in China: The Labor and Employment Law Story" (Center for Labor and Employment Law, NYU), May 9, 2008, New York NY

"Workplace Privacy: Here and Abroad" (58th NYU Annual Conference on Labor, Center for Labor and Employment Law, NYU), May 19-20, 2005, New York NY

"Global Human Resources: A Transactional Perspective" (Center for Labor and Employment Law, NYU), Nov. 15-18, 2005

"The Politics of the Geneva Conventions" (NYU & University of Virginia Schools of Law), Mar. 28-29, 2005 , Charlottesville, VA

"Program on International Law for Federal Judges" (Opperman Institute of Judicial Administration at NYU School of Law & Federal Judicial Center), Nov. 14-15, 2003, New York, NY

"The Legal and Socio-Economic Status of Arab Citizens in Israel" (NYU School of Law), April 3, 2003, New York, NY

"Research Conference on Exploring the Limits of International Law" (New York and University of Virginia Schools of Law), November 15-16, 2002, New York, NY

"Research Conference on Domestic and International Arbitration" (Opperman Institute of Judicial Administration, NYU), Sept. 19-20, 2002, New York, NY

"The International Judge: Independence and Accountability" (Opperman Institute of Judicial Administration & Project on International Courts and Tribunals, NYU), June 24-25, 2002, Villa La Pietra, Florence, Italy

"Cross Border Human Resources, Labor and Employment Issues" (54th Annual Conference on Labor, Center for Labor and Employment Law at NYU School of Law, May 17-18, 2001, New York NY

Challenges for Legal Systems in the 21st Century," cosponsored by NYU School of Law and Hebrew University, Dec. 17-20, 2000, Jerusalem, Israel

Conference on "Global Human Resources: Human Resources Management in a World without Borders," Center for Labor and Employment Law at NYU School of Law, June 15-18, 1999, Surrey UK

Conference on “The Multinational Enterprise in the Twenty-First Century,” sponsored by the NYU School of Law and Cegla Instit. for Comparative and Private International Law of Tel-Aviv University School of Law, Jan. 19-21, 1987, Tel-Aviv, Israel

Conference on "Japanese Labor Law and Labor Relations: A Comparative Inquiry, Parker School of International Law and Diplomacy of Columbia Univ. School of Law, March 28-29, 1985, New York, NY

Comparative and International Law Courses:

--Comparative Labor and Employment Law (with Manfred Weiss), spring 2000
-- International Law and the Israel-Palestine Dispute, fall 2001 (with David Golove), fall 2002, fall 2003 & spring 2011
-- Labor Law: The Global Dimension, fall 2008
-- International Law Litigation in the U.S. Courts, fall 2009.

Comparative and International Law Publications:

Books

Global Issues in Labor Law (West/Thomson, 2007)

Global Issues in Employment Discrimination Law (West/Thomson 2007) (with B. Landsberg)

Global Issues in Employment Law (West/Thomson, 2008) (with M.Cherry)

Global Issues in Employee Benefits Law (West/Thomson 2009) (with P. Secunda & R. Connor)

Articles

Opting Out of Customary International Law: Some Cautionary, __ Duke J. Intl. & Comp. L. __ (2010)

Privileging Asymmetric Warfare? (Part I): Duties of Defenders under International Law, ___ U. Chi. J. Intl L. ___ (Winter 2011), available ssrn.com

Privileging Asymmetric Warfare? (Part II): The ‘Proportionality’ Principle in the Law of Armed Conflict, __ U.Chi. J. Intl. L. ___ (Spring 2011)

Privileging Asymmetric Warfare II: The ‘Proportionality’ Principle in the Law of Armed Conflict, __ U.Chi. J. Intl. L. ___ (Spring 2011)

‘Think Global, Act Local’: Employee Representation in a World of Global Labor and Product

Market Competition, 4 Va. J. of Law & Business (No. 1, May 2009)

Preparing for China's New Employment Contract Law, Metropolitan Corporate Counsel, Nov. 2007, p. 33 (with M.J. Gray and W. Zhao)

Hamdan's Limits and the Military Commissions Act, 23 Constitutional Commentary 403 (2006) (with Hon. Diarmuid O'Scannlain)

The Limits of *Hamdan v. Rumsfeld*, 9 Green Bag 353 (No. 4, Summer 2006) (with Hon. Diarmuid O'Scannlain)

Arab Citizens of Israel: The Challenge for Israel and its Critics, Foreword: Conference on the Legal and Economic Status of Arab Citizens in Israel, 36 N.Y.U. J. Int'l L. & Pol. 673 (2005)

Introduction: The Politics of the Geneva Convention – Anxiety as the Beginning of Insight, 46 Va. J. Intl. L. 1 (No. 1, Fall 2005) (with Paul B. Stephan)

Rethinking the Binding Effect of Customary International Law, 44 Va. L.J. Intl. L. 5 (2003);

Foreword: Taking International Law Seriously, 44 Va. J. Intl. L. 1 (2003) (with Paul B. Stephan);

<u>Materials in Edited Volumes</u>

Labor Law: Cases, Materials and Problems (6th ed., Aspen, 2007) (with M. Harper & J. Flynn) (including comparative references throughout to Canadian and European experience).

Foundations of Labor and Employment Law (Foundation Press, 2000) (with Stewart J.. Schwab) (several chapters on comparative labor and employment law)

Global Competition and the American Employment Landscape: Proceedings of NYU's 52d Annual Conference on Labor (Kluwer Legal International, 2005) (with Andrew J. Morriss) (several chapters on comparative labor and employment law)

The Internal Governance and Organizational Effectiveness of Trade Unions: Essays in Honor of George W. Brooks (Kluwer Legal International, 2000) (with Harry C. Katz & Bruce E. Kaufman) (several chapters on Canadian and European union democracy and union security law)