

RUSSELL J. WEINTRAUB

CURRICULUM VITAE

Current as of: June 1, 2009

Position: Professor of Law and holder of the Powell Chair Emeritus, The University of Texas School of Law, Austin, Texas 78705

Previous Faculty Appointments

University of Iowa College of Law, Iowa City, Iowa
(1957-1965)

Harvard Law School (1955-1957, Teaching Fellow)

Visiting Professorships

Overseas programs: Australian National University (2001), Institute for International & Comparative Law, London (2000), Barcelona (1999, 2002), Florence (1997), Dublin (1988), Oxford (1982, 1983, 1986, 1987, 1992, and 2003), Paris (1975); L.S.U., Aix-en-Provence (1993); Tulane, Spetses, Greece (1998).

U.S. law schools: Brooklyn (1990, 1995); University of Houston (1979-1980), Berkeley (1973-1974), U.C.L.A. (1967), University of Michigan (1965)

Subjects: Conflict of Laws, Contracts, International Litigation and Arbitration

Degrees: B.A., New York University (1950); J.D., Harvard (1953)

Published Writings

Books

Commentary on the Conflict of Laws, New York: Foundation Press (5th Ed. 2006, annual supplements)

(With Hay & Borchers) Cases & Materials on Conflict of Laws, New York: Foundation Press (13th ed. 2009, annual supplements)

(With Hay & Borchers) Comparative Conflict of Laws: Conventions, Regulations, and Codes, New York: Foundation Press (2009)

International Litigation and Arbitration: Practice and Planning, Durham: Carolina Academic Press (5th ed. 2006, annual supplements)

(With Hamilton & Rau) Cases & Materials on Contracts, St. Paul: West Publishing Co., (2d ed. 1992)

(With E. Scoles) Cases and Materials on Conflict of Laws, St. Paul: West Publishing Co., (2d Ed. 1972) (with 1987 supp.)

(With Peter Hay & Patrick Borchers), Comparative Conflict of Laws: Conventions, Regulations, and Codes (2009), Foundation Press, New York.

Chapters [last five years and prior most significant publications only]

"Rome II: Will it Prevent Forum Shopping and Take Account of the Consequences of Choice of Law?", in The Rome II Regulation on the Law Applicable to Non-Contractual Obligations: A New International Litigation Regime 47 (John Ahern & William Binchy eds.), Martinus Nijhoff Publishers, Leiden, (2009).

"Brussels I, the Italian Torpedo, and a Sense of Justice," in Justice in Particular 505, Ant. N. Sakkoulas Publishers, Athens, (2007)

"Judicial Guidance of Litigation to an Appropriate Forum," in Tradition and Innovation of Private International Law at the Beginning of the Third Millennium 251 (Leonel Perezniето Castro et al. eds; Huntington, NY: Juris Publishing, Inc., 2006)

"Parallel Litigation and Forum-Selection Clauses," in Law and Justice in a Multistate World: Essays in Honor of Arthur T. von Mehren 229 (James A.R. Nafziger & Symeon C. Symeonides eds), Transnational Publishers, Ardsley, N.Y. (2002).

"*Lex Mercatoria* and the UNIDROIT Principles of International Commercial Contracts." In International Conflict of Laws for the Third Millennium: Essays in Honor of Friedrich K. Juenger 141, (Patrick J. Borchers & Joachim Zekoll eds), Transnational Publishers, Ardsley, N.Y. (2001)

"The United States as a Magnet Forum and What, If Anything, to Do About It." Ch. IX in *International Dispute Resolution: The Regulation of Forum Selection* 213, Transnational Publishers, Irvington, 1997

"Functional Developments in Choice of Law for Contracts." In 187 *Recueil des Cours* 243, Hague Academy of International Law. Martinus Hijhoff Publishers, Dordrecht, Netherlands, 1985

"Choice of Law and Forum in Contracts in the United States." In *Proceedings of the Sixth International Symposium on Comparative Law* 141, University of Ottawa Press, Ontario, 1969

Articles [last five years and prior most significant publications only]

When It's Good It's Very, Very Good: The New European Union Regulation on the Law Applicable to Non-Contractual Obligations, 23 *Butterworths Journal of International Banking and Financial Law* 537 (2008).

The Choice-of-Law Rules of the European Community Regulation on the Law Applicable to Non-Contractual Obligations: Simple and Predictable, Consequences-Based, or Neither? 43 *Texas Int'l L.J.* 401 (2008),

Choice of Law for Quantification of Damages: A Judgment of the House of Lords Makes a Bad Rule Worse, 42 *Tex. Int'l L.J.* 311 (2007).

Rome II and the Tension between Predictability and Flexibility, 41 *Rivista di Diritto Internazionale Privato e Processuale* 561 (2005).

"Choice of Law as an Impediment to Certifying a National Class Action," 46 *South Tex. L. Rev* 893 (2005)

"'Equal Treaty Rights': A Response to Professor Paust," 27 *Hous. J. Int'l L.* 241 (2005)

"Jurisdictional Problems in Enforcing Foreign Arbitral Awards," 2 *Int'l Arbitration News* 2 (Summer 2002)

"Introduction to Symposium on International Forum Shopping," 37 *Texas Int'l Law Journal* 463 (2002).

"When and How to Demagnetise Magnet Forums," 12 King's College L. Rev. 195 (2001) (refereed journal)

"Getting the Conflict of Laws Y2K Ready," 37 Willamette L. Rev. 157 (2001) (symposium issue)

"Courts Flailing in the Waters of the Louisiana Conflicts Code: Not Waving but Drowning," 60 La. L. Rev. 1365 (2000) (symposium issue)

"The Restatement Third of Conflict of Laws: An Idea Whose Time Has Not Come," 75 Ind. L.J. 679 (2000) (symposium issue)

"Globalization's Effect on Antitrust Law," 34 New England L. Rev. 27 (1999) (symposium issue on international antitrust law)

"Recognition and Enforcement of Judgments and Child Support Obligations in United States and Canadian Courts," 34 Texas Int'l L.J. 361 (1999)

"Choice of Law for Products Liability: Demagnetizing the United States Forum," 52 Ark. L. Rev. 157 (1999) (symposium issue in honor of Robert Lefflar)

"Critique of the Hazard-Taruffo Transnational Rules of Civil Procedure," 33 Texas Int'l L.J. 413 (1998)

"Negotiating the Tort Long-Arm Provisions of the Judgments Convention," 61 Albany L. Rev. 1269 (1998)

"How Substantial Is Our Need For a Judgments-Recognition Convention and What Should We Bargain Away to Get It?," 24 Brooklyn J. Int'l L. 167 (1998)

"'At Least, To Do No Harm': Does the Second Restatement of Conflicts Meet the Hippocratic Standard?" 56 Maryland L. Rev. 1284 (1997)

"Comments on the Roundtable Discussion of Choice of Law," 48 Mercer L. Rev. 871 (1997)

"Admiralty Choice-of-Law Rules for Damages," 28 J. Maritime L. & Commerce 237 (1997)

"Establishing Incredible Events by Credible Evidence: Civil Suits for Atrocities that Violate International Law," 62 Brook. L. Rev. 753 (1996)

"How Are You Going to Keep Them Down on the Farm After They've Seen the Conflict of Laws?" 27 U. Toledo L. Rev. 681 (1996)

"A Map Out of the Personal Jurisdiction Labyrinth." 28 U.C. Davis L. Rev. 531 (1995). **INCLUDED IN "CIVIL PROCEDURE ANTHOLOGY," 88 (1998, David I. Levine et al. eds.)**

"Jurisdiction, Justice, and Choice of Law for the Twenty-First Century: Case One: Choice of Forum Clauses." 29 New Eng. L. Rev. 553; "Case Two: Extraterritorial Application of United States Law Against United States and Alien Defendants (Sherman Act)." Id. at 616; "Case Three: Personal Jurisdiction." Id. at 664; "Case Four: Choice of Law Theory." Id. at 682 (1995) [4 mock judicial opinions in symposium].

"International Litigation and Forum Non Conveniens." 29 Tex. Int'l L.J. 322 (1994)

"Response to Professor Robertson." 29 Tex. Int'l L.J. 381 (1994)

"Response to Reuland, *Hartford Fire Insurance Co.*, Comity and the Extraterritorial Reach of United States Antitrust Laws." 29 Tex. Int'l L.J. 427 (1994)

"Choosing Law With an Eye on the Prize." 15 Mich. J. Int'l L. 705 (1994) (review-essay: Juenger, Choice of Law and Multistate Justice)

"The Extraterritorial Application of United States Antitrust Laws: An Inquiry into the Utility of a 'Choice of Law' Approach." 3 Korean Forum Int'l Trade and Business L. 285 (1994) (In English and Korean) (updating and revision of 70 Tex. L. Rev. 1799 (1992))

"The Need for Awareness of International Standards When Construing Multilateral Conventions: The Arbitration, Evidence, and Service Conventions." 28 Texas Int'l L.J. 441 (1993)

"An Approach to Choice of Law that Focuses on Consequences." 56 Albany L. Rev. 701 (1993)

Extraterritorial Application of Antitrust and Securities Laws: An Inquiry into the Utility of a 'Choice-of-Law' Approach." 70 Tex. L. Rev. 1799 (1992)

"A Survey of Contract Practice and Policy," 1992 Wis. L. Rev. 1 (1992) **INCLUDED IN "A CONTRACTS ANTHOLOGY," 659 (2D ED. 1995, Peter Linzer ed.)**

"The Need for Forum Non Conveniens Legislation in Texas," 55 Tex. Bar J. 346 (1992)

"An Objective Basis for Rejecting Transient Jurisdiction," 22 Rutgers L.J. 611 (1991) [special symposium issue on *Burnham v. Superior Court*, 495 U.S. 604 (1990)]

"The Contributions of Symeonides and Kozyris to Making Choice of Law Predictable and Just: An Appreciation and Critique," 38 Amer. J. Comp. L. 511 (1990)

"The Ten Billion Dollar Jury's Standards for Determining Intention to Contract: *Pennzoil v. Texaco*," 9 Review of Litigation 371 (1990) **INCLUDED IN "A CONTRACTS ANTHOLOGY," 251 (2D ED. 1995, Peter Linzer ed.)**

"A Proposed Choice-of-Law Standard for International Products Liability Disputes," 16 Brooklyn J. Int'l L. 225 (1990)

"Methods for Resolving Conflict-of-Laws Problems in Mass Tort Litigation," 1989 Univ. of Illinois L. Rev. 129

"Obstacles to Sensible Choice of Law for Determining Marital Property Rights on Divorce or in Probate: *Hanau* and the Situs Rule," 25 Houston L. Rev. 1113 (1988)

"*Asahi* Sends Personal Jurisdiction Down the Tubes," 23 Texas Int'l L.J. 55 (1988)

"The Conflict of Laws Rejoins the Mainstream of Legal Reasoning," 65 Texas Law Rev. 215 (1986) [review of Moffat Hancock, *Studies in Modern Choice of Law: review-essay*]

"A Defense of Interest Analysis in the Conflict of Laws and the Use of That Analysis in Product Liability Cases," 46 Ohio St. L.J. 493(1985) **INCLUDED IN "A CONFLICT-OF-LAWS ANTHOLOGY," 107 (1997, Gene R. Shreve ed.)**

"Due Process Limitations on the Personal Jurisdiction of State Courts: Time for Change," 63 Oregon L. Rev. 485 (1984) (symposium issue in honor of Eugene Scoles)

"Interest Analysis in the Conflict of Laws as an Application of Sound Legal Reasoning," 35 Mercer L. Rev. 629 (1984) (symposium issue in honor of Brainerd Currie)

"How to Choose Law for Contracts, and How Not To: The EEC Convention." 17 Texas Int'l L.J. 155 (1982)

"Who's Afraid of Constitutional Limitations on Choice of Law?" (symposium issue) 10 Hofstra L. Rev. 17 (1981)

"The Future of Choice of Law for Torts: What Principles Should be Preferred?" 41 Law and Contemporary Problems 146 (issue published in Spring 1978 but dated Spring 1977)

"Beyond Depeçage: A 'New Rule' Approach to Choice of Law in Consumer Credit Transactions and a Critique of the Territorial Application of the Uniform Consumer Credit Code." 25 Case Western Reserve Law Review 16 (1974) (Symposium issue in honor of Maurice Culp)

"Disclaimer of Warranties and Limitation of Damages for Breach of Warranty under the U.C.C." 53 Texas Law Review 60 (1974), reprinted in Corporate Counsel's Annual - 1975 at 647-672 (Matthew Bender & Co.)

"The Emerging Problems in Judicial Administration of a State-Interest Analysis of Tort Conflict of Law Problems." 44 Southern California Law Review 877 (1971)

"Choice of Law in Secured Personal Property Transactions: The Impact of Article 9 of the Uniform Commercial Code." 68 Michigan Law Review 682 (1970)

"Choice of Law in Contract." 54 Iowa Law Review 399 (1968)

"The Impact of a Functional Analysis upon the Pervasive Problems of the Conflict of Laws." 15 UCLA Law Review 817 (1968)

"An Inquiry into the Utility of "Situs" as a Concept in Conflicts Analysis." 52 Cornell Law Quarterly 1 (1966).

"Choice of Law for Products Liability; the Impact of the Uniform Commercial Code and Recent Developments in Conflicts

Analysis." 44 Texas Law Review 1429 (1966), reprinted in 156 New York Law Journal #s 121, 122 and 123 (1966)

"Revolution in the Choice of Law for Torts." 51 American Bar Association Journal 441 (1965)

"An Inquiry into the Utility of 'Domicile' as a Concept in Conflicts Analysis." 63 Michigan Law Review 961 (1965)

"The Erie Doctrine and State Conflict of Laws Rules." 39 Indiana Law Journal 228 (1964)

"A Method for Solving Conflict Problems-Torts." 48 Cornell Law Quarterly 215 (1963)

"The Contracts Proposals of the Second Restatement of Conflict of Laws-A Critique." 46 Iowa Law Review 713 (1961)

"A Method for Solving Conflict Problems." 21 Pittsburgh Law Review 573 (1960)

"Due Process and Full Faith and Credit Limitations on a State's Choice of Law." 44 Iowa Law Review 449 (1959)

"Conflicting Choice-of-Law Rules." 43 Iowa Law Review 519 (1958)

Awards and Honors

Hague Lecturer on Private International Law, Hague Academy of International Law, Netherlands, 1984

Ronald Graveson Memorial Lecturer, King's College, London, 2000

First holder, Dougherty Chair for Faculty Excellence, The University of Texas, 1977 (Re-awarded 1987)

Teaching Excellence Award, The University of Houston School of Law, 1980

Teaching Excellence Award, The University of Texas School of Law, 1979

Certificates of Meritorious Service: Committee on Continuing Appellate Education of American Bar Association, 1977; Academia Mexicana de Derecho International Privado, 1981

Elected Life member of American Law Institute

Elected member of Scribes

Elected life member of American Bar Foundation

Elected life member of Texas Bar Foundation

Carl H. Fulda Award in International Law "in recognition of
outstanding achievement and scholarship," 1993

Professional Activities

Consultant Parliament of the European Union on drafting of
regulation dealing with choice of law for non-
contractual obligations (2005)

Consultant, U.S. State Department, Conventions dealing with
private international law (1987-1990)

Bar Memberships: Texas, New York (resigned), Iowa (retired)

Faculty Member, American Bar Association Appellate Judges'
Seminar Series (1977-81)

Faculty Member, State Bar of Texas Courses in Advanced
Family Law and Advanced Civil Trial

American Law Institute Consultative Committee for
Revision of Uniform Commercial Code, Article 2

American Law Institute Consultative Committee for
Revision of Uniform Commercial Code, Article 1