

CURRICULUM VITA

Alan O. Sykes

PRESENT POSITION

Professor of Law, Stanford Law School
Senior Fellow, Stanford Institute for Economic Policy Research
Director, LL.M. Program in International Economic Law, Business and Policy

PAST POSITIONS

Robert A. Kindler Professor of Law, New York University Law School
2012-2014

James and Patricia Kowal Professor of Law, Stanford University
Senior Fellow, Stanford Center for International Development 2006-2012

Herman Phleger Visiting Professor of Law, Stanford Law School
2005-2006

Frank & Bernice Greenberg Professor of Law, University of Chicago, The Law School
1997-2006

Visiting Professor of Law, New York University Law School
Autumn 1996

Visiting Professor of Law, Harvard Law School
Autumn 1991

Professor of Law, University of Chicago, The Law School
1990-1996

Assistant Professor of Law, University of Chicago, The Law School
1986-1990

Associate, Arnold & Porter, Washington, D.C.
1983-1986

Instructor, Department of Economics, Yale University
1978-1982

National Science Foundation Graduate Fellow,
Department of Economics, Yale University
1976-1979

EDUCATION

Ph.D. Department of Economics, Yale University, 1987
J.D. Law School, Yale University, 1982
B.A. College of William and Mary, 1976

BAR ADMISSIONS

District of Columbia
Massachusetts

PROFESSIONAL ACTIVITIES

Reporter, American Law Institute Project on Principles of Trade Law: The WTO 2003-2014
Associate Editor/Editorial Board, Journal of International Economic Law, 1998 –
Board of Editors, American Journal of International Law 2011 -
Editorial Board, World Trade Review, 2006 --
Series Editor for Edward Elgar Press, International Economic Law Series, 2008 -
Co-Editor, Journal of Legal Studies, 2000 -- 2006
Co-Editor, Journal of Law and Economics, 1990 -- 2000
Member of the Board, University of Chicago Press, 1998 -- 2000
Board of Directors, American Law & Economics Association, 1999 -- 2002, Executive
Committee, 2001-02
Vice Chair, Section on International Trade, ABA Administrative Law Section, 1994
Chair, American Association of Law Schools, Section on Law & Economics, 1989

SUBJECTS TAUGHT

Antitrust
Contracts
Economic Analysis of Law
Insurance Law and Policy
International Investment Law
International Trade Regulation
Torts

FORTHCOMING PUBLICATIONS AND WORKS IN PROGRESS

The Law and Economics of International Trade (under contract with Harvard University Press).

The Economic Structure of International Trade in Services Agreements (with Robert Staiger)

The Economic Structure of International Investment Agreements with Implications for Treaty Interpretation and Design

Dispute Settlement in International Trade and Investment Treaties (with Ralph Ossa and Robert W. Staiger)

BOOKS

Economic Foundations of International Law (Harvard University Press 2013) (with Eric A. Posner).

Legal Problems of International Economic Relations, 6th Edition (Thomson West: 2013) (with John H. Jackson & William J. Davey).

Documents Supplement to Legal Problems of International Economic Relations, 6th Edition (Thomson West: 2013) (with John Jackson & William Davey).

The Genesis of the GATT (Cambridge University Press: 2008) (with Douglas A. Irwin and Petros C. Mavroidis).

Legal Problems of International Economic Relations, 5th Edition (Thomson West: 2008) (with John H. Jackson & William J. Davey).

The WTO Agreement on Safeguards: A Commentary (Oxford University Press: 2006).

Legal Problems of International Economic Relations, 4th Edition (West: 2002) (with John H. Jackson & William J. Davey).

Documents Supplement to Legal Problems of International Economic Relations, 4th Edition (West: 2002) (with John Jackson & William Davey).

Product Standards for Internationally Integrated Goods Markets (Brookings Institution: 1995).

Legal Problems of International Economic Relations, 3d Edition (West: 1995) (with John H. Jackson & William J. Davey).

Documents Supplement to Legal Problems of International Economic Relations, 3d Edition (West: 1995) (with John Jackson & William Davey).

EDITED VOLUMES

Economics of International Trade Law, Vols. I & II, (Edward Elgar Publishing 2012).

Economics of Tort Law, Volumes I and II (Edward Elgar Publishing 2007).

Research Handbook of International Economic Law (Edward Elgar Publishing: 2007) (Andrew T. Guzman, co-editor).

The WTO and International Trade Law/Dispute Settlement (Edward Elgar Publishing 2005) (Petros Mavroidis, co-editor).

Economic Dimensions in International Law (Cambridge University Press: 1998) (Jagdeep S. Bhandari, co-editor).

Implementing the Uruguay Round (Oxford University Press: 1997) (John H. Jackson, co-editor).

ARTICLES AND CHAPTERS

Collecting the Rent: The Global Battle to Capture MNE Profits, forthcoming in *Tax Law Review*, volume 72 (with Joseph Bankman & Mitchell Kane).

The Political Economy of the Foreign Corrupt Practices Act: An Exploratory Analysis, 9 *Journal of Legal Analysis* 153 (2017) (with Rebecca Perlman).

Regulatory Consistency Requirements in International Trade, 49 *Az. St. L. J.* 821 (2017).

Multilateral or Bilateral Trade Deals? Lessons from History, in *Economics and Policy in the Age of Trump* (Chad Bown ed.) (London: Centre for Economic Policy Research) (with Chad Bown & Robert W. Staiger).

How Important Can the Non-Violation Clause Be for the GATT/WTO?, *American Economic Journal: Microeconomics* 9: 149-87 (2017) (with Robert W. Staiger).

Economics of International Law, in *The Oxford Handbook of Law and Economics*, Volume 3 (Francesco Parisi ed.) 439-64 (Oxford University Press 2017) (with Andrew Guzman).

Legal Aspects of Commercial Policy Rules, in *Handbook of Commercial Policy Vol. 1A* 263-332, Kyle Bagwell & Robert W. Staiger eds. (Elsevier 2016).

Economic "Necessity" in International Law, 109 *American Journal of International Law* 296 (2015).

The Limited Economic Case for Subsidies Regulation, in E15 Task Force on Rethinking International Subsidy Disciplines, online version available at <http://e15initiative.org/publications/the-limited-economic-case-for-subsidies-regulation/>.

Antitrust Issues in Two-Sided Markets: Lessons from the VISA/MC Interchange Fee Litigation, 10:2 *Competition Policy International*, Autumn 2014, 120-38, available at <https://www.competitionpolicyinternational.com/file/view/7323>.

Voting Rules in International Organizations, 15 *Chicago Journal of International Law* 195 (2014) (with Eric A. Posner).

An Economic Perspective on As Such/Facial versus As Applied Challenges to Member States Policies in the WTO and U.S. Constitutional Systems, 6 *Journal of Legal Analysis* 1 (2014).

United States – Measures Affecting Trade in Large Civil Aircraft (Second Complaint): Some Comments, 13 *World Trade Review* 281 (2014) (with Damien Neven).

Non-Violations, 16 *J. Int'l Econ. L.* 741 (2013) (with Robert W. Staiger).

International Law and (the Failure of) Macroeconomic Cooperation, 86 *U. So. Cal. L. Rev.* 1025 (2013) (with Eric A. Posner).

When is International Law Useful?, 45 *NYU Journal of Int'l Law & Politics* 787 (2013).

Border Instruments, in *Legal and Economic Principles of World Trade Law*, Henrik Horn & Petros C. Mavroidis eds. (Cambridge University Press 2013) (with Kyle Bagwell & Robert W. Staiger).

International Cooperation on Migration: Theory and Practice, 80 *University of Chicago Law Review* 315 (2013).

Corporate Liability for Extraterritorial Torts Under the Alien Tort Statute and Beyond: An Economic Analysis, 100 *Georgetown Law Journal* 2161 (2012).

The WTO Dispute Resolution Mechanism: Ensuring Compliance?, in Martin J. Daunton, Amrita Narlikar, and Robert M. Stern (eds.), *The Oxford Handbook on the World Trade Organization* 560-84 (Oxford University Press 2012).

Efficient Breach of International Law: Optimal Remedies, "Legalized Noncompliance" and Related Issues, 110 *Michigan Law Review* 243 (2011) (with Eric A. Posner).

International Trade, National Treatment and Domestic Regulation, 40 *Journal of Legal Studies* 149 (2011).

Optimal Retaliation in the WTO – A Commentary on the *Upland Cotton* Arbitration, 10 *World Trade Review* 133 (2011) (with Gene M. Grossman).

Economic Foundations of the Law of the Sea, 104 *American Journal of International Law* 569 (2010) (with Eric A. Posner).

The Questionable Case for Subsidies Regulation: A Comparative Perspective, 2 *Journal of Legal Analysis* 473 (2010).

“Currency Manipulation” and World Trade (with Robert W. Staiger) 9 *World Trade Review* 583 (2010).

Currency “Manipulation” and World Trade: A Caution, in The Sino-U.S. Currency Dispute: New Insights from Economics, Politics and Law (Simon Evenett ed.) (London: VoxEU.org 2010) (with Robert W. Staiger).

Optimal Sanctions in the WTO: The Case for Decoupling, in *The Law, Economics and Politics of Retaliation in WTO Dispute Settlement*, Chad Bown & Joost Pauwelyn eds. (Cambridge University Press 2010).

Safeguards, in Princeton Encyclopedia of the World Economy, Vol. II, 983-87, Kenneth A. Reinert & Ramkishen S. Rajan eds. (Princeton University Press 2009).

Transnational Forum Shopping as a Trade and Investment Issue, 37 *Journal of Legal Studies* 339 (2008).

The Zeroing Issue: A Critical Analysis of *Softwood V*, 7 *World Trade Review* 121 (2008), and in The WTO Case Law of 2004-2005, Henrik Horn & Petros Mavroidis eds. (Cambridge University Press: 2008) (with Chad Bown).

International Law, in Handbook of Law and Economics, Vol. I (A. Mitchell Polinsky & Steven Shavell eds.) (Elsevier Press 2007).

Strict Liability versus Negligence in *Indiana Harbor*, 74 *University of Chicago Law Review* 1911 (2007).

United States Courts and the Optimal Deterrence of International Cartels: A Welfarist Perspective on *Empagran*, 3 *J. Competition Law & Economics* 309 (2007) and in Antitrust Stories (Dan Crane & Eleanor Fox eds.) (Foundation Press 2007) (with Alvin Klevorick)

Lex Loci Delictus and Global Economic Welfare: *Spinozzi v. ITT Sheraton Corp.*, 120 *Harvard Law Review* 1137 (2007) (with Jack Goldsmith).

An Economic Analysis of State and Individual Responsibility Under International Law, 9 *American Law and Economics Review* 72 (2007) (with Eric Posner).

Trade Remedy Laws, in Research Handbook of International Economic Law (Andrew T. Guzman & Alan O. Sykes eds.) (Edward Elgar Press 2007).

Commentary on United States – Definitive Safeguard Measures on Imports of Certain Steel Products, 6 *World Trade Review* 89 (2007), and in The WTO Case Law of 2003, Henrik Horn & Petros Mavroidis eds. (Cambridge University Press: 2006) (with Gene M. Grossman).

The Fundamental Deficiencies of the Agreement on Safeguards: A Reply to Professor Lee, 40 *J. World Trade* 979 (2006).

A Preference for Development: The Law and Economics of GSP. 4 *World Trade Review* 41 (2005) (with Gene Grossman).

Commentary on European Communities – Conditions for the Granting of Tariff Preferences to Developing Countries, prepared for ALI Project on Principles of Trade Law, in The WTO Case Law of 2003, Henrik Horn & Petros Mavroidis eds. (Cambridge University Press: 2006) (with Gene M. Grossman).

Commentary on European Communities – Antidumping Duties on Imports of Cotton-Type Bed Linen From India: Recourse to Article 21.5 of the DSU, 5 *World Trade Review* 133 (2006), and in The WTO Case Law of 2003, Henrik Horn & Petros Mavroidis eds. (Cambridge University Press: 2006) (with Gene M. Grossman).

International Trade and Human Rights: An Economic Perspective, in Trade and Human Rights: Foundations and Conceptual Issues, Frederick M. Abbott, Christine Breining-Kaufmann and Thomas Cottier eds. (University of Michigan Press 2005).

Public Versus Private Enforcement of International Economic Law: Standing and Remedy, 34 *Journal of Legal Studies* 631 (2005).

Optimal War and *Jus Ad Bellum*, 93 *Georgetown Law Journal* 993 (2005) (with Eric A. Posner).

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Commentary on *India -- Measures Affecting the Automotive Sector*, prepared for ALI Project on Principles of Trade Law, in The WTO Case Law of 2002, Henrik Horn & Petros Mavroidis eds. (Cambridge University Press 2005) (with Kyle Bagwell).

Commentary on Chile -- Price Band System and Safeguard Measures Relating to Certain Agricultural Products, 3 *World Trade Review* 507 (2004) and in The WTO Case Law of

2002, Henrik Horn & Petros Mavroidis eds. (Cambridge University Press 2005) (with Kyle Bagwell),

The Persistent Puzzles of Safeguards: Lessons from the Steel Dispute, 7 *J. Int'l Econ. L.* 523 (2004).

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The Safeguards Mess: A Critique of WTO Jurisprudence, 2 *World Trade Review* 261 (2003), reprinted in The WTO, Safeguards, and Temporary Protection from Imports Chad P. Bown ed. (Cheltenham, UK: Edward Elgar 2006).

The Least Restrictive Means, 70 *U. Chi. L. Rev.* 403 (2003).

Terrorism and Insurance Markets: A Role for the Government as Insurer?, 25 *Regulation* 44 (2003), unabridged version in Symposium: The Law and Economics of Providing Compensation for Harm Caused by Terrorism, 36 *Ind. L. Rev.* 447 (2003) (with Anne Gron).

Domestic Regulation, Sovereignty and Scientific Evidence Requirements: A Pessimistic View, 3 *Chi. J. Int'l L.* 353 (2002), reprinted in The WTO and International Trade Law/Dispute Settlement (co-edited with Petros Mavroidis) (Edward Elgar Publishing 2005) and in Trade and Human Health and Safety, George Bermann & Petros Mavroidis eds. (Cambridge, UK: Cambridge University Press 2006).

TRIPs, Pharmaceuticals, Developing Countries and the Doha "Solution," 3 *Chi. J. Int'l L.* 47 (2002).

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The Economic Structure of Renegotiation and Dispute Settlement in the World Trade Organization, 31 *Journal of Legal Studies* S179 (2002) (with Warren F. Schwartz), reprinted in The WTO and International Trade Law/Dispute Settlement (co-edited with Petros Mavroidis) (Edward Elgar Publishing 2005).

The Assault on Managed Care: Vicarious Liability, Class Actions and the Patient's Bill of Rights, 30 *J. Legal Stud.* 625 (2001) (with Richard Epstein).

"Efficient Protection" Through WTO Rulemaking, in Efficiency, Equity and Legitimacy: The Multilateral Trading System at the Millennium 114, Roger Porter, Pierre Sauve, Arvind Subramanian & Americo Zampetti eds. (Brookings Institution: 2001).

Subrogation and Insolvency, 30 *J. Legal Stud.* 383 (2001).

The Dormant Commerce Clause and the Internet, 110 *Yale L.J.* 785 (2001) (with Jack Goldsmith).

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Impossibility Doctrine in Contract Law, The New Palgrave Dictionary of Economics and the Law, Vol. 2, 264 (Macmillan 1998).

International Sanctions, The New Palgrave Dictionary of Economics and the Law, Vol. 2, 352 (Macmillan: 1998) (with Jonathan Eaton).

Most Favoured Nation Obligations in International Trade, The New Palgrave Dictionary of Economics and the Law, Vol. 2, 660 (Macmillan: 1998) (with Warren Schwartz).

Vicarious Liability, The New Palgrave Dictionary of Economics and the Law, Vol. 3, 673 (Macmillan 1998).

Capital Structure, Priority Rules and the Settlement of Civil Claims (with Kathryn E. Spier), 18 *Int'l Rev. L. & Econ.* 187 (1998).

Comparative Advantage and the Normative Economics of International Trade Policy, 1 *J. Int'l. Econ. L.* 49 (1998).

Corporate Crime, 25 *J. Legal Stud.* 319 (1996) (with Daniel R. Fischel), reprinted in Milestones in Management Vol. X: Management and Law (Felix Ehrat & Eric Stupp eds.) (Basel: Helbing & Lichtenhahn 2003).

"Bad Faith" Breach of Contract by First-Party Insurers, 25 *J. Legal Stud.* 405 (1996), reprinted in *Law & Economics of Insurance* 419 (Daniel Schwarcz ed.) (Edward Elgar Press 2012).

The Economics of "Injury" in Antidumping and Countervailing Duty Cases, 16 *Int'l Rev. L. & Econ.* 5 (1996), reprinted in The WTO and Antidumping (Douglas Nelson & Hylke Vandenbussche eds., (UK: Edward Elgar Press 2005). Extended version published in Economic Dimensions in International Law 83 (J. Bhandari & A. Sykes eds.) (Cambridge University Press: 1998).

The Positive Economics of the Most-Favored Nation Obligation and its Exceptions in the WTO/GATT System, 16 *Int'l Rev. L. & Econ.* 27 (1996), reprinted in The Global Trading System Vol. II 222-48 (Kym Anderson & Bernard Hoekman eds.) (London: Tauris 2002) and in The WTO's Core Rules and Disciplines (Kym Anderson & Bernard Hoekman eds.) (UK: Edward Elgar Press 2005). Extended version published in Economic Dimensions in International Law 43 (J. Bhandari & A. Sykes eds.) (Cambridge University Press: 1998) (with Warren Schwartz).

The Welfare Economics of Immigration Law: A Theoretical Survey with an Analysis of U.S. Policy, in Justice in Immigration (Cambridge University Press: 1995).

Judicial Limitations on the Discretion of Liability Insurers to Settle or Litigate: An Economic Critique, 72 *Tex. L. Rev.* 1345 (1994), reprinted in *Insurance Law Anthology*, Vol. VIII (1995) and in *Law & Economics of Insurance* 602 (Daniel Schwarcz ed.) (Edward Elgar Press 2012).

Bad Faith Refusal to Settle by Liability Insurers: Some Implications of the Judgment Proof Problem, 23 *J. Legal Stud.* 77 (1994).

Civil RICO After *Reves*: An Economic Commentary, 1993 *Sup. Ct. Rev.* 157 (with Daniel R. Fischel).

Comment: The Real Estate Puzzle, 36 *J. L. & Econ.* 541 (1993).

Constructive Unilateral Threats in International Commercial Relations: The Limited Case for Section 301, 23 *L. & Pol. Int'l Bus.* 263 (1992), reprinted in The WTO and

International Trade Law/Dispute Settlement (co-edited with Petros Mavroidis) (Edward Elgar Publishing 2005).

Protectionism as a "Safeguard": A Positive Analysis of the GATT "Escape Clause" with Normative Speculations, 58 *U. Chi. L. Rev.* 255 (1991).

Safeguards Reform: The Injury Test, in Fair Exchange: Reforming Trade Remedy Laws 203, M. Trebilcock & R. York eds. (C.D. Howse Institute: 1990).

"Mandatory" Retaliation for Breach of Trade Agreements: Some Thoughts on the Strategic Design of Section 301, 1990 *B. U. Int'l. L.J.* 301.

Second-Best Countervailing Duty Policy: A Critique of the Entitlement Approach 21 *L. & Pol. Int'l Bus.* 699 (1990).

The Doctrine of Commercial Impracticability in a Second-Best World, 19 *J. Legal Stud.* 43 (1990).

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The Antitrust Guidelines for International Operations: An Economic Critique in 1988 Corporate Law Institute: North American and Common Market Antitrust and Trade Laws 4-1, B. Hawk, ed. (with Janusz Ordover).

The Boundaries of Vicarious Liability: An Economic Analysis of the Scope of Employment Rule and Related Legal Doctrines, 101 *Harv. L. Rev.* 563 (1988).

Municipal Liability Under § 1983: A Legal and Economic Analysis, 1987 *Sup. Ct. Rev.* 249 (with Larry Kramer).

Nonprice Anticompetitive Practices by Dominant Firms Toward the Producers of Complementary Products, in Antitrust and Regulation, F. Fisher, ed. (MIT Press: 1985) (with Janusz Ordover and Robert Willig).

The Economics of Vicarious Liability, 93 *Yale L. J.* 1231 (1984).

Unfair International Trade Practices, 15 *N.Y.U. J. Int'l. & Pol.* 323 (1983) (with Janusz Ordover and Robert Willig).

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Herfindahl Concentration, Rivalry and Mergers, 95 *Harv. L. Rev.* 1857 (1982), excerpted in Economic Analysis and Antitrust Law 122, T. Calvani & Siegfried eds., 2d ed. (1988) (with Janusz Ordover and Robert Willig).

Note, An Efficiency Analysis of Vicarious Liability Under the Law of Agency, 91 *Yale L. J.* 168 (1981).

COMMENTARIES AND REVIEWS

The Trump Trade Team's Vocabulary Problem, *Wall Street Journal* May 15, 2017 (with Chad Bown).

The Law, Economics and Politics of Preferential Trading Arrangements, 46 *Stanford Journal of International Law* 171 (2010).

Review of Fair Trade and Harmonization: Prerequisites for Free Trade (Jagdish Bhagwati & Robert Hudec eds.), 7 *Rev. Int'l Econ.* 769 (1999).

For John: A Tribute to a Scholar and Friend, 20 *Mich. J. Int'l L.* 171 (1999).

International Law and Economics, 1996 *Proceedings Am. Soc. Int'l. Law* 109.

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