Samuel P. Baumgartner

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Professional Experience

August 2011 – Present
Professor and Director, Faculty Research and Development, UNIVERSITY OF AKRON SCHOOL OF LAW
COURSES: International Law, Conflict of Laws, International Trade, International Business Transactions.

August 2004 – August 2011
Associate Professor, UNIVERSITY OF AKRON SCHOOL OF LAW
COURSES: International Law, Conflict of Laws, International Trade, International Business Transactions, International Investments.

August 2001 – August 2004
Deputy Head, Section of Private International Law, FEDERAL DEPARTMENT OF JUSTICE AND POLICE, Switzerland. Duties included:
(1) Negotiating private international law treaties for Switzerland and supporting the Executive in gaining ratification of those treaties in Parliament (in this capacity, head of Swiss delegation for the following projects: revision of the UNCITRAL Model Law on International Commercial Arbitration; UNCITRAL Legal Guide on Security Interests; UNCITRAL Convention on the Carriage of Goods by Sea; Hague Convention on the Law Applicable to Indirectly Held Securities; U.S.-Swiss Agreement on Support Payments).
(2) Deputy head of a group of six lawyers with the following duties: proposing and checking draft legislation to be introduced to Parliament by the Executive; providing litigation support to the Justice Department in matters of private international law; and acting as Central Authority in various Hague and Council of Europe Conventions.

Spring 2003
Visiting Professor, CORNELL LAW SCHOOL
COURSE: Comparative Law.

Fall 2002, Spring 2004
Adjunct Lecturer, UNIVERSITY OF LUCERNE SCHOOL OF LAW
COURSE: "Introduction to Anglo-American Legal Thinking" (in English).

Summer 2001
Director of Studies, HAGUE ACADEMY OF INTERNATIONAL LAW, Private International Law Section.

August 1998 – August 2001
Associate Lecturer, UNIVERSITY OF BERN LAW SCHOOL, Institute for Swiss and International Civil Procedure and Private International Law (director: Professor Gerhard Walter).
COURSES: *Klausurenkurs im Zivilprozess-, Schuldbetreibungs- und Konkursrecht und Internationalen Zivilprozessrecht*, advanced course discussing cases in the fields of (Swiss) civil procedure, international civil litigation, bankruptcy, creditors' and debtors' rights; *Zivilprozess, allgemeine Lehren* (Introduction to Swiss Civil Procedure); *Internationales Zivilprozessrecht* (International Civil Litigation).

1996–98
Assistant Lecturer, UNIVERSITY OF BERN LAW SCHOOL, Institute for Swiss and International Civil Procedure and Private International Law.
COURSE: U.S. Civil Procedure, Comparative and Transnational Aspects.

1990–92
Assistant Lecturer, *ibid*.

COURSES: *Uebungen im Schuldbetreibungs- und Konkursrecht*, advanced seminar discussing cases in the fields of (Swiss) bankruptcy, enforcement of money judgments and creditors' and debtors' rights.

1987–88 **Law clerk/associate** with the law firm *Bratschi, Emch, von Graffenried und Partner*, Bern.

1987 **Law clerk** to the district judge (*Amtsgerichtspräsident*) of Schwarzenburg.

Education

2002 **Dr. iur.**, UNIVERSITY OF BERN, Switzerland (*summa cum laude*). *Eduard Adolf Stein Preis* (best tenure piece). *Walther Hug Preis* (awarded to the authors of the best Swiss dissertations in law in a given year).

1995 **LL.M.**, UNIVERSITY OF WISCONSIN. Thesis title: "The Recognition of U.S. Judgments in Civil and Commercial Matters in Germany and Switzerland".

1993 **M.A. in Legal Institutions**, UNIVERSITY OF WISCONSIN, MADISON.
Swiss National Foundation Scholarship for Young Scholars, 1992-93.

1990 **Attorney at Law**, admitted to state bar of Canton Bern, Switzerland.

1990 **LL.B.**, UNIVERSITY OF BERN, Switzerland (*magna cum laude*).

Publications

BOOKS:

THE PROPOSED HAGUE CONVENTION ON JURISDICTION AND FOREIGN JUDGMENTS, TRANS-ATLANTIC LAWMAKING FOR TRANSNATIONAL LITIGATION (Mohr Siebeck, Tübingen, 2003).

3 CIVIL PROCEDURE IN EUROPE, THE RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS OUTSIDE THE SCOPE OF THE BRUSSELS AND LUGANO CONVENTIONS (Gerhard Walter & Samuel P. Baumgartner eds., Kluwer Law International, 2000).

ARTICLES, ESSAYS, AND BOOK CHAPTERS:

Does Access To Court Improve Countries' Human Rights Performance? – An Empirical Study, 44 CORNELL J. INT'L L. __ (forthcoming Fall 2011).

Civil Procedure Reform in Switzerland and the Role of Legal Transplants, in COMMON LAW, CIVIL LAW, AND THE FUTURE OF CATEGORIES (Janet Walker & Oscar Chase eds., 2010).

Switzerland, 622 ANNALS OF THE ACADEMY OF POLITICAL AND SOCIAL SCIENCE 179 (2009).

How Well Do U.S. Judgments Fare in Europe?, 40 GEORGE WASH. INT'L L. REV. 173 (2008).

Transnational Litigation in the United States: The Emergence of a New Field of Law, 55 AM. J. COMP. L. 793 (2007) (book review essay).

Class Actions and Group Litigation in Switzerland, 27 NW. J. INT'L L. & BUS. 301 (2007).

Is Transnational Litigation Different?, 25 U. PA. J. Int'l Econ. L. 1297 (2004).

Die Anerkennung und Vollstreckung ausländischer Zivilurteile in der Schweiz: Neuere Entwicklungen, in RECHTSHILFE UND VOLLSTRECKUNG 111 (Christoph Leuenberger & Jacques-André Guy eds., 2004).

Human Rights and Civil Litigation in United States Courts: The Holocaust-Era Cases, 80 WASH. U.L.Q. 835 (2002).

The Proposed Hague Convention on Jurisdiction and Foreign Judgments: Where We Are and the Road Ahead, 4 EUR. J.L. REF. 219 (2002).

Rechtsprechung zum Wiener Kaufrecht in der Schweiz, 12 SCHWEIZERISCHE ZEITSCHRIFT FÜR INTERNATIONALES UND EUROPÄISCHES RECHT 139 (2002).

Class Actions im schweizerischen Zivilprozess?, in AUF DEM WEG ZU EINEM EINHEITLICHEN VERFAHRENSRECHT 111 (Benjamin Schindler & Regula Schlauri eds., 2001).

Improving the Prospects of the Transnational Rules of Civil Procedure Project: Some Thoughts on Purpose and Means of Implementation, 18 RITSUMEIKAN L. REV. 169 (2001) (with Gerhard Walter).

Debates over Group Litigation in Comparative Perspective, 2 INT'L L.F. 254 (2000) (conference review essay).

Recognition and Enforcement of Foreign Judgments Outside the Scope of the Brussels and Lugano Conventions, General Report in 3 CIVIL PROCEDURE IN EUROPE (see above) (with Gerhard Walter).

Utility and Feasibility of Transnational Rules of Civil Procedure: Some German and Swiss Reactions to the Hazard and Taruffo Project, 33 TEX. INT'L L.J. 463 (1998) (with Gerhard Walter).

Related Actions, 3 ZEITSCHRIFT FÜR ZIVILPROZESS INTERNATIONAL 203 (1998).

Zur Zulässigkeit und Bemessung von Punitive Damages, 52 JURISTENZEITUNG 156 (1997) (Germany).

Selected Lectures and Papers

"Does Access to Justice Improve a Country's Compliance With Its Human Rights Obligations?", Northeast Ohio Faculty Colloquium, Cleveland State University Law School, Cleveland, Ohio, April 1, 2010.

"Does Access to Justice Improve a Country's Compliance With Its Human Rights Obligations?", panel "New Voices in Human Rights," AALS Annual Meeting, New Orleans, LA, January 9, 2010.

"Procedural Reform in Switzerland and the Role of Legal Transplants," Panel "Country Studies from Across the Divide: The Impact of Reform on Convergence," International Association of Procedural Law Conference, Toronto, June 5, 2009.

Chair and Commentator, Panel "Transnational Litigation as a Response to Global Challenges: Promises and Perils," Law & Society Conference, Montreal, June 1, 2008.

"Does Access to Courts Improve Compliance with Human Rights?" Paper presented at Capital Law School, Columbus OH, Jan. 25, 2008.

"Class Actions in Switzerland," paper presented at the conference "Class Actions Around the World: A Special Project," co-organized by Stanford Law School and Oxford University, Oxford, England, December 13, 2007.

"The Central Authority Mechanism under the Hague Service Convention," lecture at ABA CLE telephone seminar entitled "Update on International Service of Process: Issues With the Hague Service Convention," October 12, 2006.

"Compliance with Human Rights Norms," Cathryn Carroll Taliaferro Lecture Series, University of Akron Women's Club, Akron, OH, Sept. 25, 2006.

"Cross-border treatment of global class actions," Panel on Global Class Actions, International Bar Association Annual Meeting, Chicago, IL, Sept. 19, 2006.

"The Recognition and Enforcement of U.S. Judgments in Europe." Paper presented to the AALS Section on Conflicts, AALS Annual Meeting, Washington, D.C., January 6, 2006.

"Human Rights and International Civil Litigation – What Can We Learn From the Hague Negotiations?" Paper presented at the conference "The Political Economy of Jurisdiction for Human Rights: A US-European Dialogue," Duke Law School, October 29, 2004.

Panelist, Panel "International Issues in National Courts," International Law Weekend, American Branch of the International Law Association, New York, October 15, 2004.

Commentator, Panel on "The European Union Action Plan on Contract Law: How Should Switzerland Position Itself?" Conference on International and European Contract Law, Lucerne, April 16, 2004.

"Recent Developments in Judicial Cooperation," Presentation to the Association for the Continuing Legal Education of Swiss Judges, Lucerne, Sept. 18, 2003.

"Is Transnational Litigation Different?" Paper presented at a faculty workshop at Cornell Law School on Mar. 25, 2003.

Commentator, Panel on Holocaust and Other Human Rights Litigation in U.S. Courts, Institute for Law and Economic Policy, Hollywood, Florida, March 15-16, 2002.

"The Hague Project on Jurisdiction and Judgments: Where We Are and the Road Ahead," Paper presented at the Conference on Civil Procedure Reform in Europe, University of Basel School of Law, June 5-6, 2001 (in German).

Co-presenter, Fundamentals of Procedure in Civil-Law Systems, Conference on Group Litigation in Comparative Perspective, Duke Law School and University of Geneva School of Law, Geneva, July 21–22, 2000.

Co-presenter, "Third Interim Report: Declining & Deferring Jurisdiction in International Litigation", International Law Association, 69th Conference, London, July 17, 2000.

"Jurisdiction Over World-Wide Partnerships," Paper presented to the Committee on International Civil and Commercial Litigation, International Law Association, March 19, 2000.

Legal Activities

Assistant Editor, International Journal of Procedural Law/Journal international du droit de procédure (Belgium) (since 2010).

Member, ad hoc group of experts to draft a new Swiss act on indirectly held investment securities (May 2003-August 2004).

International Consultant, ALI/UNIDROIT Transnational Rules and Principles of Civil Procedure (January 2002-August 2005).

Member, Canton of Bern, ad hoc law revision commission in charge of adapting cantonal court organization, administrative and civil procedure to the new federal Family Law Act (November 1998- November 2000).

Research Coordinator, Project on Jurisdiction Over Corporations and Partnerships, International Law Association (ILA), Committee on International Civil and Commercial Litigation (May 1999-June 2002).

ILA Observer, Hague Conference on Private International Law (June 1999-August 2001).

Memberships

International Association of Procedural Law (since 2010).

American Branch of the International Law Association (since 2009).

Society for Empirical Legal Studies (since 2008).

Wissenschaftliche Vereinigung für Internationales Verfahrensrecht (Association of International Procedural Law) (Germany) (since June 2005).

Swiss Association of International Law (since 1999).

International Law Association (London) (since 1999).

Law School Service at Akron

Chair, Summer Research Grants Committee (since Fall 2011, member since Fall 2008); Chair, Faculty Research & Development Committee (since Fall 2011, member since Spring 2007); Chair, Rules and Bylaws Committee (Fall 2010 – Spring 2011; member since Fall 2008; Fall 2005-Spring 2006). Member, Planning and Resources Committee (Fall 2008-Spring 2010); Curriculum Committee (Fall 2004- Spring 2008); Academic and Disciplinary Committee (Spring 2006-Spring 2008).

Faculty Adviser, International Law Society (since Fall 2005).

Alternate AALS representative (2005-2006).

University Service at Akron

Member, Law Group, Academic Assessment Initiative (appointed by Provost) (Summer-Fall 2007).

Languages

Bernese (Swiss-German dialect, mother tongue), English (native proficiency), German, French, Italian (passive knowledge), (Latin).

SB Aug. 2011