

DAVID V. SNYDER
Professor of Law
Director, Business Law Program

American University
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Fields of expertise

- Contracts and Commercial Law
- International and Comparative Law
- International Supply Chains
- Contracts to Protect Human Rights and the Environment

LEGAL ACADEMIA

American University, Washington College of Law, Washington, D.C.

Professor of Law (since 2007); Director, Business Law Program (since 2008);
Visiting Professor (2006-2007)

University of Michigan School of Law, Ann Arbor

Visiting Professor of Law (January-May 2024)

Teaching areas: contracts (US, international, and comparative); commercial law (including secured transactions, sales, and bankruptcy); international business law; comparative and civil law; corporate social responsibility; human rights and environmental policies in business; legal history

Leadership responsibilities: direct broad-ranging Business Law Program with a large curriculum and multiple full-time and adjunct faculty; lead events and series; initiate new courses, certificates, and affiliated programs; manage publicity; supervise associate director

Fundraising experience: found and lead Advisory Council for Business Law and transform it to include expected giving levels; work with alumni and development staff to recruit new contributors and donations; help establish web-based program giving

Guest lectures (2023): Université de Paris II (Panthéon-Assas) (March), *see below*; Northwestern University, Pritzker School of Law (April 3); University of Chicago Law School (April 20)

Recent Law School Service (selective): Curriculum Committee (*chair*, 2022-2023); Appointments Committee (2017-2020); Library Committee (*chair*, 2021); Search Committee for Associate Dean of Finance (*chair*, 2018); Rank and Tenure Subcommittees for Professor of Practice (*chair*, 2018) and for Reappointment (*chair*, 2022); Scholarship Awards Committee (*chair*, 2016-2017); Center for International Commercial Arbitration and Dispute Settlement (*Board of Faculty Advisors*, since 2009); Advisor to *American University Law Review* and *American University Business Law Review* (until 2022)

National and International Appointments and Service (selective)

Université Paris II (Panthéon-Assas): *Professeur invité* (each March since 2012)

European University Institute, Florence, Italy: Fernand Braudel Senior Fellow (2021-2022)

Implementation Task Force, American Bar Association Policies and Principles on Forced and Child Labor: chair (since 2021)

Working Group to Draft Human Rights Protections in Supply Contracts, American Bar Association Section of Business Law: chair (since 2016)

European Working Group to Draft Human Rights Protections in Supply Contracts: co-chair (since 2021) (help lead teams from France, Germany, Italy, the Netherlands, Poland, Portugal, Spain, and the UK, with participation and input from the European Parliament and the European Commission)

Université Paris I Panthéon-Sorbonne: *Membre du jury pour l'obtention de grade de docteur en droit* (2017) (dissertation committee for Ph.D. in law at the Sorbonne)

International Academy of Comparative Law/Académie internationale de droit comparé: elected titular member (since 2015); elected associate member (2010-2015); chair, Steering Committee, XVIIIth Quadrennial Congress (2007-2011)

University of Edinburgh School of Law: MacCormick Fellowship; deliver Wilson Memorial Lecture (Spring 2014)

Contracts Section, Association of American Law Schools: chair (2005-2006)

Journal and Editorial Service (selective)

Board of Editors, American Journal of Comparative Law (since 2007)

Scientific Advisory Board, French Journal of Legal Policy (since 2023)

Editorial Council, Порівняльне правознавство [Comparative Jurisprudence] (since 2012; sometimes in hiatus) (Ukraine)

Peer reviewer for Cambridge University Press, Oxford University Press, *Business and Human Rights Journal*, *Columbia Law Review*, *Journal of Civil Law Studies*, *Harvard Law Review*, and *Yale Journal on Regulation* (all on an occasional basis)

Previous Full-Time Appointments

Tulane Law School, New Orleans (professor of law, 2004-2007)

Indiana University School of Law, Bloomington (professor of law, 2002-2004; visiting professor, 2001)

Cleveland State University, Cleveland-Marshall College of Law (associate professor with tenure, 2001-2002; assistant professor, 1996-2001)

Previous Visiting Appointments

Université Paris Ouest [Paris X] (Nanterre–La Défense) (*professeur invité* March 2011)

College of William & Mary School of Law (spring 2001)

Boston University School of Law (fall 2000)

Summer Teaching

Instituto Superior de Relaciones Internacionales (ISRI), Havana, Cuba (2023)

At the invitation of the Cuban Ministry of Foreign Affairs (MINREX), teach short course on “Select Comparisons in American Contract Law for a Civil Law Perspective,” sponsored by the Center for Inter-American Legal Education

American University European Summer Program
(London/Brussels/Paris, most summers 2014-2023)

University of Mainz, Germany (2008)

Tulane Summer Program at Queen Mary, University of London (2005)

LEGAL EXPERIENCE**Hogan & Hartson (now Hogan Lovells), Washington, D.C.**

Associate (1992-1996); Summer Associate (1990)

Litigation and arbitration of international and domestic business disputes in the US, the UK, and France, including matters involving contract issues, high technology, cable television, patents, intellectual property, international trade, and insurance coverage; appellate litigation of constitutional and business matters; counseling institutions of higher education on constitutional and regulatory matters. Worked primarily with A. Lee Bentley III, Gardner Gillespie, John G. Roberts, Jr., and David S. Tatel. Capital cases *pro bono publico* with the late E. Barrett Prettyman, Jr., Katherine Bradley et al.

United States Court of Appeals for the Fifth Circuit

Law clerk to the Honorable John M. Duhé Jr. (1991-1992)

EDUCATION**Tulane Law School, New Orleans, La.**

Juris Doctor *summa cum laude* May 1991

Class Rank: 1/305; Senior Managing Editor, *Tulane Law Review*

Yale University, New Haven, Conn.

Bachelor of Arts *cum laude* in History, May 1988; Teacher Preparation Program

National Merit Scholar

Senior Essay, "Sanctuary: The Law of Sacred Asylum in Medieval England"

PUBLICATIONS**Books**

CONTRACTS FOR RESPONSIBLE AND SUSTAINABLE SUPPLY CHAINS: MODEL CONTRACT CLAUSES, LEGAL ANALYSIS, AND PRACTICAL PERSPECTIVES (American Bar Association 2023) (edited with Susan A. Maslow)

INTERNATIONAL TRANSACTIONS IN GOODS: GLOBAL SALES IN COMPARATIVE CONTEXT (with Martin Davies) (Oxford University Press 2014). *Winner of the Guttman Book Award* (2016).

GENERAL REPORTS OF THE XVIIITH CONGRESS OF THE INTERNATIONAL ACADEMY OF COMPARATIVE LAW/RAPPORTS GÉNÉRAUX DU XVIIIÈME CONGRÈS DE L'ACADÉMIE INTERNATIONALE DE DROIT COMPARÉ (edited with Karen B. Brown) (Springer-Verlag 2012) (in English and French)

Journal Articles, Book Chapters, and Selective Presentations

Introduction, in CONTRACTS FOR RESPONSIBLE AND SUSTAINABLE SUPPLY CHAINS, *supra*

Contracts as an Instrument of International Management and Governance, in CONTRACTS FOR RESPONSIBLE AND SUSTAINABLE SUPPLY CHAINS, *supra*

Presented: University of Copenhagen (June 6, 2023); Max Planck Institute for Comparative and International Private Law, Hamburg (May 23, 2023); Erasmus University, Rotterdam (May 16, 2023); in the symposium, Sustainable Development and Supply Chain Governance: A New Framework for the EU, Università di Trento (Italy, remotely, Mar. 31, 2023)

International Trade and Forced Labor Compliance: Using Contracts to Avoid Prohibited Imports from China and the World (with Sydney H. Mintzer), in CONTRACTS FOR RESPONSIBLE AND SUSTAINABLE SUPPLY CHAINS, *supra*

Contracting for Process, 84 DUKE JOURNAL OF LAW & CONTEMP. PROBS. 255 (2022)

Presented at the symposium "Contract in Crisis," Duke Law & Contemporary Problems (July 20, 2021) (virtual); European University Institute, Florence (Dec. 2, 2021)

Bridges, 71 AM. U. L. REV. 832 (2022) (memorial tribute)

Balancing Buyer and Supplier Responsibilities: Model Contract Clauses to Protect Workers in International Supply Chains, Version 2.0, 77 BUS. LAW. 115 (2021) (with ABA Working Group that I chair); parallel web publication in BUSINESS LAW TODAY (April 2021), available at <https://businesslawtoday.org/2021/04/balancing-buyer-supplier-responsibilities-model-contract-clauses-protect-workers-international-supply-chains-version-2-0/>

Presented: British Institute of International and Comparative Law, London (Jan. 27, 2021) (virtual); Association of American Law Schools Annual Meeting (Jan. 5, 2021) (virtual); European University Institute, Florence (Nov. 16, 2021); ABA Business Law Section (Apr. 20, 2021) (virtual); L'Institut de recherches en droit des affaires (IRDA Paris) (Mar. 11, 2022)

Chapter 13, *Conditions*, and Chapter 14, *Breach* (both with Randy Barnett), in RANDY E. BARNETT & NATHAN B. OMAN, CONTRACTS: CASES AND DOCTRINE 859-902 (7th ed. 2021) (in the Aspen Casebook Series published by Wolters Kluwer)

Previous editions: *id.* at 835-71 (6th ed. 2017); *id.* at 839-75 (5th ed. 2012); *id.* at 857-91 (4th ed. 2008); *id.* at 839-75 (3d ed. 2003); *id.* at 925-51, 969-84 (2d ed. 1999)

New Parties in Arbitration, 8 AM. U. BUS. L. REV. 285 (2020) (panel transcript)

The New Social Contracts in International Supply Chains, 68 AM. U. L. REV. 1869 (2019); see also Oxford University Press post at <http://blog.oup.com/2015/08/new-social-contracts/>

Presented: European University Institute, Florence (March 15, 2018); American Bar Association Sections of Business Law (Orlando Apr. 13, 2018) and International Law (New York City Apr. 19, 2018); Association of American Law Schools annual meeting (New Orleans Jan. 4, 2019); American University Law Review annual symposium (Washington Jan. 25, 2019); Atelier des obligations [Workshop on the law of obligations] (Université de Paris II Panthéon-Assas, Mar. 19, 2019)

Human Rights in International Supply Chains—Protecting Workers and Managing Company Risk [MCCs 1.0], 73 BUS. LAW. 1093 (2018) (with Susan A. Maslow) (Report and Model Contract Clauses from the Working Group to Draft Human Rights Protections in International Supply Contracts, ABA Business Law Section), republished in BUSINESS LAW TODAY, available at <https://businesslawtoday.org/2018/11/human-rights-protections-international-supply-chains-protecting-workers-managing-company-risk/>

Comparative Law: Problems and Prospects, 26 AM. U. INT'L L. REV. 935 (2011) (with co-authors) (as presented to the closing plenary session of the XVIIIth International Congress of Comparative Law, Washington, July 31, 2010)

Hunting Promissory Estoppel, in MIXED JURISDICTIONS COMPARED: PRIVATE LAW IN LOUISIANA AND SCOTLAND ch. 10, at 281-321 (Edinburgh University Press, Vernon Valentine Palmer & Elspeth Christie Reid eds. 2009) (Vol. 6 in Edinburgh Studies in Law)

Contract Regulation, With and Without the State: Ruminations on Rules and Their Sources, 55 AM. J. COMP. L. 723 (2008), published jointly in BEYOND THE STATE: RETHINKING PRIVATE LAW ch. 13, at 301-20 (Nils Jansen & Ralf Michaels eds.) (Tübingen: Mohr Siebeck, 2008) (comment on Jürgen Basedow)

Presented: Max Planck Institute for Comparative and International Private Law, Hamburg (July 13, 2007)

Molecular Federalism and the Structures of Private Lawmaking, 14 IND. J. GLOBAL LEGAL STUD. 419 (2007), translated into Ukrainian as Молекулярний федералізм і структури приватного правотворення, 2013 Порівняльне правознавство 374 (O. Кресін ed. & O. Ткаченко trans.)

Presented at the Second International Workshop on Comparative Research in Law and Political Economy, Osgoode Hall Law School, Toronto (Nov. 2006)

Go Out and Look: The Challenge and Promise of Empirical Scholarship in Contract Law, 80 TUL. L. REV. 1009 (2006) (introduction to 2006 AALS Contracts Section Symposium)

Private Lawmaking, 64 OHIO St. L.J. 371 (2003) (lead article), translated in part into Mandarin Chinese as 民间立法何以被称为法律, 6 J. SHANDONG U. 1 (Jiang Shi-bo trans., 2006), and translated in full as 民间立法, 6 FOLK LAW 537 (Jiang Shi-bo trans., 2007)

Closing the Deal in Contracts: Introducing Transactional Skills in the First Year, 34 U. TOL. L. REV. 689 (2003) (transcript of presentation to AALS Contracts Section)

Language and Formalities in Commercial Contracts: A Defense of Custom and Conduct, 54 SMU L. REV. 617 (2001) (in Symposium on Revised Articles 1 and 2 of the Uniform Commercial Code)

The Law of Contract and the Concept of Change: Public and Private Attempts to Regulate Modification, Waiver, and Estoppel, 1999 WIS. L. REV. 607 (1999)

Roman Law After the Fall of Rome, H-Net Reviews in the Humanities and Social Sciences <http://www.h-net.org/reviews/showrev.cgi?path=25820942436877> (Oct. 25, 1999) (reviewing PETER STEIN, ROMAN LAW IN EUROPEAN HISTORY (1999))

Comparative Law in Action: Promissory Estoppel, the Civil Law, and the Mixed Jurisdiction, 15 ARIZ. J. INT'L & COMP. L. 695 (1998), reprinted in full in LOUISIANA: MICROCOSM OF A MIXED JURISDICTION (Vernon V. Palmer ed., Carolina Academic Press 1999)

The Case of Natural Obligations, 56 LA. L. REV. 423 (1995)

Ancient Law and Modern Eyes, 69 TUL. L. REV. 1631 (1995) (rejoinder)

Possession: A Brief for Louisiana's Rights of Succession to the Legacy of Roman Law, 66 TUL. L. REV. 1853 (1992)

Comment, *Disclosure of Medical Information Under Louisiana and Federal Law*, 65 TUL. L. REV. 169 (1990)

Recent Development, *Coliseum Square Association v. City of New Orleans: Streets for Rent, or Public Things and the Doctrine of Inalienability*, 64 TUL. L. REV. 1280 (1990)

Works in Progress

Contractual Legalization of Human Rights Due Diligence, in NEW LEGAL NORMS ON HUMAN RIGHTS DUE DILIGENCE (Larry Catá Backer & Claire Methven O'Brien eds., forthcoming from Routledge in 2024) (with Susan A. Maslow & Patrick Miller)

Presented at Pennsylvania State University/University of Dundee book conference on Human Rights Due Diligence (virtual, Apr. 4, 2023; anticipated Sept. 6, 2023)

Measuring Contractual Commitment: A Comparative Inquiry into Promises to Try (assessment of institutional competence and contractual capacity with respect to promises to try, “best efforts” and similar clauses, and *obligations de moyens, de résultat, and de garantie*)

Presented at: Faculty Conference of the Federalist Society (anticipated Washington, Jan. 4, 2024); Max Planck Institute for Comparative and International Private Law, Hamburg (May 22, 2023); L’Institut de recherches en droit des affaires de Paris (IRDA Paris) (Mar. 13, 2023)

Metamorphoses in the Law of Contract: Mythological Lectures, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3722323

Delivered as the *Wilson Memorial Lecture* at the University of Edinburgh School of Law *sub nom.* *Metamorphoses in the Law of Contract: Mythological Reflections* on Apr. 30, 2014), see http://www.centreforprivatelaw.ed.ac.uk/w_a_wilson_memorial_lectures

Pascal’s Corporate Wager: A Cold, Hard, Cash-Conscious Look at Human Rights in Supply Chains

Other Presentations (selective)

Judicial Review and Reformation of Contracts, delivered at a conference of the Instituto Justiça e Cidadania [Brazil-U.S. Legal & Judicial Studies Program] on “Legal Aspects of Agribusiness: Brazil, the US, and China” (Washington, Feb. 2016)

The Toxic Cocktail: On Executive Compensation and the Upward Redistribution of Income, delivered at the Federalist Society Faculty Conference at the annual meeting of the Association of American Law Schools (New York, Jan. 2016)

Commercial Law Perspectives on Losing Control: Who Owns Devices Connected to the Internet?, delivered at the American Bar Association Section of Business Law (San Francisco, Apr. 2015)

LAW REFORM, BARS, AND ASSOCIATIONS

American Law Institute (elected member since Oct. 18, 2002)

Members Consultative Group for:

Restatement (Third) of US Law of International Commercial and Investor State Arbitration (pub. 2023)

Restatement (Third) of Consumer Contracts (approved May 17, 2022)

Restatement (Third) of Restitution and Unjust Enrichment (pub. 2011)

Principles of the Law of Software Contracts (pub. 2010)

Restatement (Third) of Agency (pub. 2006)

Joint Review Committee, Uniform Commercial Code Article 9 (observer; amendments passed 2010)

Uniform Commercial Code Subcommittee on Article 1

American Bar Association Section of Business Law

Chair, 2000-2004, 2015-2018; member since 1996; vice chair 2013-15.

Chaired subcommittee during the conclusion of the revision of UCC Article 1, the beginning of passage in the states, and the education of the bar regarding the revisions. Reports and projects include numerous publications in the *Commercial Law Newsletter*; citations available upon request.

Louisiana State Law Institute (member of the Council 2004-2008)

Bar Memberships

Maryland; Louisiana (inactive); District of Columbia (inactive); Supreme Court of the United States; United States Courts of Appeals for the Fourth, Fifth, and D.C. Circuits; United States District Court for Arizona

Other Associations

Washington Foreign Law Society (board member 2010-2014); Selden Society

Note also national and international appointments, supra, page 2

PERSONAL

Born in Louisiana on January 5, 1966

Married to Jane L. Snyder

Children: Abigail H. Snyder (b. Jan. 15, 2000), Caroline A. Snyder (b. Feb. 26, 2002)