

SUSAN FRANCK

American University Washington College of Law
4300 Nebraska Ave NW Washington, DC 20016
+1 (202) 274-4362 sfranck@wcl.american.edu

EXPERIENCE

- AMERICAN UNIVERSITY,
WASHINGTON COLLEGE OF LAW**, Washington, DC
Professor of Law August 2016 - present
Edwin A. Mooers Scholar (2019, 2021)
- WASHINGTON & LEE UNIVERSITY SCHOOL OF LAW**, Lexington, VA
Professor of Law July 2013 - July 2016
Associate Professor of Law July 2008 - June 2013
Ethan Allen Faculty Fellowship (2011-2012, 2014-2015)
Lewis Prize for Excellence in Legal Scholarship (2013)
- FORDHAM UNIVERSITY LAW SCHOOL**, New York, NY
Visiting Professor of Law August 2015 - May 2016
- VANDERBILT UNIVERSITY LAW SCHOOL**, Nashville, TN
Visiting Associate Professor of Law August 2010 - December 2010
- UNIVERSITY OF NEBRASKA LAW COLLEGE**, Lincoln, NE
Ass June 2004 - May 2005

EDUCATION

- UNIVERSITY OF LONDON, QUEEN MARY CENTRE FOR
COMMERCIAL LAW STUDIES**, London, U.K. December 1999
LL.M., with merit, in Commercial Law
U.S.-U.K. Fulbright Scholar
- UNIVERSITY OF MINNESOTA LAW SCHOOL**, Minneapolis, MN May 1998
J.D., magna cum laude
Women's Law Students Association, Organizer of Women in the Law Seminar
Associate Articles Editor, *Minnesota Law Review*
Order of the Coif
Legal Writing Honors
- MACALESTER COLLEGE**, St. Paul, MN May 1993
B.A., summa cum laude
Polk Foundation Scholarship
Phi Beta Kappa
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PUBLICATIONS

Predicting Outcomes in Investment Treaty Arbitration, 65 DUKE L.J. 459 (2015) (with Lindsey Wylie).
Cited and Discussed in Report of the Investment Treaty Working Group of the International Arbitration Committee of the American Bar Association Section on International Law (Oct. 2016), <http://bit.ly/2iqhyUh>.

The Diversity Challenge: Exploring the “Invisible College” of International Arbitration, 53 COLUM. J. TRANSNAT’L L. 429 (2015) (with James Freda, et al.).

Reprinted in TRANSNAT’L DISPUTE MGMT. (2015).

Discussed and Quoted in Christine Simmons, *Where Are the Women and Minorities in Global Dispute Resolution*, N.Y. L.J. (Oct. 7, 2016), <http://bit.ly/2hsODqH>.

Discussed and Quoted in Sarah Vasani, *Inspired Arbitrator Choices: Addressing International Arbitration’s Diversity Deficit*, YOUNG ARB. REV. (Oct. 2016), <http://bit.ly/2hmnWgV>.

Cited and Discussed in Report of the Investment Treaty Working Group of the International Arbitration Committee of the American Bar Association Section on International Law (Oct. 2016), <http://bit.ly/2iqhyUh>.

International Arbitration: Demographics, Precision and Justice, in ICCA PROCEEDINGS 33 (Albert Jan Van Den Berg ed. 2015) (with James Freda, et al.).

Conflating Politics and Development in the Outcomes of Investment Treaty Disputes, 55 VA. J. INT’L L. 13 (2014).

Discussed and Quoted in William Mauldin, *Dispute-Resolution Systems Fuels Criticism of Pacific Trade Pact*, WALL ST. J. (Mar. 2, 2015).

Discussed and Quoted in *An Open Letter about Investor-State Dispute Settlement* (Apr. 2015), <http://bit.ly/1c7oT7b>.

Foreign Investments and the Market for Law, 2014 U. ILL. L. REV. 1617 (with Erin O’Hara O’Connor).

Using Investor-State Mediation Rules to Promote Conflict Management, 29 ICSID REV. 66 (2014).

Discussed and Quoted in EUROPEAN UNION COMMISSION, INVESTOR-TO-STATE DISPUTE SETTLEMENT (ISDS): SOME FACTS AND FIGURES (Mar. 12, 2015), <http://bit.ly/18GkSEw>.

Investor-State Mediation, 29 ICSID REV. 90 (2014) (with Anna Joubin-Bret).

Managing Expectations: Beyond Formal Adjudication, in PROSPECTS IN INTERNATIONAL INVESTMENT LAW AND POLICY 371 (Roberto Echandi & Pierre Suave, eds. 2013).

Book Review: The Public International Law Regime Governing International Investment, by Jose E. Alvarez, *The Hague: Hague Academy of International law, 2011*, Pp. 502, 106 AM. J. INT’L L. 890 (2012) (peer reviewed).

Rationalizing Costs in Investment Treaty Arbitration, 88 WASH. U. L. REV. 769 (2011).

The ICSID Effect: Considering Potential Variations in Arbitration Awards, 51 VA. J. INT’L L. 825 (2011).

Considering Recalibration of International Investment Agreements: Empirical Insights, in THE EVOLVING INTERNATIONAL INVESTMENT REGIME: EXPECTATIONS, REALITIES, OPTIONS (Jose E. Alvarez, et al. eds., 2011).

Costs in Investment Arbitration, in INTERNATIONAL DISPUTE RESOLUTION: THE ROLE OF PRECEDENT 65 (Carl Baudenbacher & Simon Planzer eds., 2011).

Through the Looking Glass: Understanding Social Science Norms for International Investment Law, 2010-11 Y.B. ON INT’L INVESTMENT L. & POL’Y 883 (2011) (co-authored) (peer reviewed).

Development and Outcomes of Investment Treaty Arbitration, 50 HARV. INT'L L.J. 436 (2009).

Empiricism and International Law: Insights for Investment Treaty Dispute Resolution, 48 VA. J. INT'L L. 767 (2008) (solicited essay).

Reconsidering Dispute Resolution Options in International Investment Agreements, in APPEALS MECHANISMS IN INTERNATIONAL INVESTMENT DISPUTES 143 (Karl P. Sauvant ed., 2008).

Integrating Investment Treaty Conflict and Dispute Systems Design, 92 MINN. L. REV. 161 (2007).
Reprinted in TRANSNAT'L DISPUTE MGMT. (2015).

Empirically Evaluating Claims About Investment Treaty Arbitration, 80 N.C. L. REV. 1 (2007).
Reprinted in AMERICAN CLASSICS IN INTERNATIONAL LAW: INTERNATIONAL INVESTMENT LAW (José E. Alvarez ed. 2017).
Reprinted in TRANSNAT'L DISPUTE MGMT. (2010).
Cited in Report of the U.S. Department of State's Advisory Committee on International Economic Policy Regarding the Model Bilateral Investment Treaty (Sept. 30, 2009).

Foreign Direct Investment, Investment Treaty Arbitration and the Rule of Law, 19 PACIFIC MCGEORGE GLOBAL BUS. & DEV. L.J. 337 (2007) (symposium piece).

ICSID Institutional Reform: The Evolution of Dispute Resolution and the Role of Structural Safeguards

MEDIA QUOTATIONS

Christine Simmons, *Where Are the Women and Minorities in Global Dispute Resolution*, N.Y. L.J. (Oct. 7, 2016), <https://bit.ly/2hsODgH>.

Lenore Adkins, *Law Degree Not Required: Reality Court Show with Sarah Palin*, BLOOMBERG LAW BUSINESS (Apr. 5, 2016), <https://bit.ly/2k0pdeL>.

William Mauldin, *Dispute-Resolution Systems Fuels Criticism of Pacific Trade Pact*, WALL ST. J. (Mar. 2, 2015), <https://on.wsj.com/1HXhx10>.

LECTURES, PRESENTATIONS, AND SPEAKING ENGAGEMENTS

PRESENTATIONS AND WORKSHOPS

2022

International Council for Commercial Arbitration, XXV Congress, Edinburgh, UK, September 2022, will present and moderate: “Progress Made / Progress to be Made – Exploring the Ways Forward.”

United Nations Commission on International Trade Law (UNCITRAL), UNCITRAL Working Group III on ISDS Reform: Academic Forum, June 2022, will present: “Costs in International Investment Dispute Settlement.”

Hong Kong Ministry of Justice and United Nations Commission on International Trade Law, Forum for Further Preparatory Work on Investment Mediation, Hong Kong, China, May 2022, presented: “Key Considerations in the Design of Effective Investment Mediation Clauses and Rules.” (Presentation begins at 33:00, <https://aail.org/past-event-2022-05-uncitral-wgiii-forum/> with comments on the presentation by Secretary of Justice Teresa Cheng at 3:09:00.)

American University, Washington College of Law, LLM Board’s Coffee Conversations, Washington, DC, April 2022, presented: “Considering Careers in International Dispute Settlement and Arbitration.”

Chartered Institute of Arbitrators, Washington, DC, March 2022, organizer and moderator (via Zoom): “Launching the DC Chapter of the Chartered Institute of Arbitrators: Rethinking Kompetenz-Kompetenz in the United States.”

University of Virginia School of Law, Social Science Colloquium, Charlottesville, Virginia, February 2022, presented: “Heterogeneity in International Arbitration.”

2021

Center for Arbitration and Mediation of the Chamber of Commerce Brazil-Canada (CAM-CCBC), VIII CAM-CCBC Arbitration Congress, São Paulo, Brazil (via online conferencing platform), October 2021, presented: “Legitimacy of Arbitration: Is Winter Really Coming?”

American University, Washington College of Law, International Trade and Investment Law Society, Washington, DC, April 2021, moderator and methodologist (via Zoom): “Investor-State Arbitration: Here Today, Gone Tomorrow?”

College of Commercial Arbitrators, CCA Annual Meeting, Minneapolis, MN, October 2017, presented: "Conflicts of Law, Attorney-Client Privilege, and Confidentiality in International Arbitration."

American University, Washington College of Law, Business Law Roundtable, Washington, DC, September 2017, presented: "Costs in International Investment Law."

American University, Washington College of Law, The Duties, Rights, and Powers of International Arbitrators, Washington, DC, September 2017, presented: "Duties and Responsibilities of Arbitrators: Psychological Dimensions."

American Arbitration Association, the International Centre for Dispute Resolution and Columbia Law School Conference: The Future of Arbitration—Challenges, Opportunities, and Expectations, New York, NY, May 2017, presented: "Getting the Facts Straight—Empirical Data Relating to Arbitration."

American University, Washington College of Law, Center for International Arbitration, Washington, DC, May

Institute for Transnational Arbitration and the American Society of International Law, A Spotlight on Ethics in International Arbitration: Advocates, Arbitrators and Awards, Washington, DC, March 2016, presented: "Integrating Ethics and International Arbitration."

Fordham Law School, New York, NY, February 2016, presented "Inside the Arbitrator's Mind."

St. John's University School of Law, Queens, NY, February 2016, presented "Inside the Arbitrator's Mind."

2015

Freshfields Bruckhaus Deringer, DC Women in International Arbitration, December 2015, presented: "The Diversity Challenge in International Arbitration."

American University, Washington College of Law, Washington, DC, November 2015, presented: "Inside the Arbitral Mind."

Texas A&M Law School, Fort Worth, TX, November 2015, presented: "Inside the Arbitral Mind."

University of Ottawa, Canadian Council on International Law: International Law: Coherence or Chaos, Ontario, Canada, November 2015, presented: "The Diversity Challenge in International Arbitration."

University of St. Thomas School of Law, Dispute System Design: Justice, Accountability, and Impact, Minneapolis, MN, November 2015, presented: "Sisyphus, Dispute Systems Design, and International Investment Law."

Fordham University ,

London School of Economics and Political Science, Workshop on the Political Economy of Investment Treaties, April 2012, presented, "Collaboration on Empirical Research and the Costs of Investment Agreements."

Pepperdine University School of Law, Malibu, CA, January 2012, presented: "Investment Treaty Dispute Resolution: Myths, Reality and ADR."

2011

University of Nevada-Las Vegas, Las Vegas, NV, November 2011, presented: "Investment Treaty Dispute Resolution: Myths, Reality and ADR."

American Society of International Law, International Economic Law Interest Group Safe Spaces Roundtable, Brooklyn, NY, October 2011, commentator for "Microinvestment Disputes."

World Trade Institute, 2011 World Trade Forum: New Directions & Emerging Challenges in International Investment Law and Policy, Bern, Switzerland, September 2011, presented "Managing Expectations: Beyond Formal Adjudication."

International Studies Association, Global Governance: Political Authority in Transition, Montreal, Canada, March 2011, presented: "An Empirical Assessment of the Integrity of the World Bank's International Centre for the Settlement of Investment Disputes (ICSID)."

2010

Melbourne Law School, Melbourne, Australia, December 2010, presented: "Empirically Assessing ICSID."

Vanderbilt University Law School, Nashville, TN, November 2010, presented: "Empirically Assessing ICSID."

American Society of International Law, International Economic Law Interest Group, International

University of Sydney, Sydney School of Law, Sydney, Australia, March 2008, presented "International

Hamline University School of Law and the International Law Student Association Annual Conference, ADR at the Nation-State Level: Trade, Treaties, and Tribunals, St. Paul, MN, October 2006, presented: "Exploring ADR and Dispute Systems Design."

British Institute of International and Comparative Law, Procedural Aspects of Investment Treaty Arbitration, London, UK, September 2006, presented: "Choice of Law and Investment Disputes."

Columbia Law School, Symposium: Transparency and Consistency in International Investment Law, New York, NY, April 2006, presented: "Principal Challenges Arising from

SYMPOSIA,

World Bank, Law Justice and Development Week 2011: Legal Innovation and Empowerment for Development, Panel Moderator: What Will This Fight Cost? Mediation vs. Arbitration vs. Litigation?, Washington, D.C., November 2011.

American Society of International Law, International Economic Law Interest Group, Conference Co-Organizer: International Economic Law in a Time of Change: Reassessing Legal Theory, Doctrine, Methodology and Policy Prescriptions, Minneapolis, MN, November 2010.

Washington & Lee Law School and United Nations Conference on Trade and Development, Joint Symposium on International Investment and ADR: Preventing and Managing Investment Treaty Conflict, Lexington, VA, March 2010.

<https://www.youtube.com/watch?v=6XMzRS2vOXk>

<https://www.youtube.com/watch?v=QSMt5KMAvK4>

<https://www.youtube.com/watch?v=2vQtMVge-iM>

<https://www.youtube.com/watch?v=Tlpvtf7mGkk>

<https://www.youtube.com/watch?v=ZWq4r-RQNRs>

<https://www.youtube.com/watch?v=e12L4QbJ6s4>

American Society of International Law, International Economic Law Interest Group, Conference Co-Organizer: Risk, Science and Law in International Governance, Chicago, IL, December 2009.

South Eastern Association of Law Schools, Panel Organizer and Moderator: Comparative Contract Law, Palm Beach, FL, August 2009.

American Society of International Law, International Economic Law Interest Group, Committee Member and Moderator: The Politics of International Economic Law: The Next Four Years, Washington, DC, November 2008.

London Court of International Arbitration European User's Council Symposium, Panel Moderator: Jurisdictional Issues in Arbitration, The Grove, UK, September 2008.

Institute for Transnational Arbitration's 19th Annual Workshop: Damages in International Arbitration: Strategies, Techniques & Presentation, Presenter: Problems with Evidence in Valuation, Dallas, TX, June 2008.

Second Annual Investment Treaty Arbitration: A Debate and Discussion, Panel Moderator: Fair and Equitable Treatment – Evolution or Revolution, Washington, DC, April 2008.

October 2017, moderated and presented: "Investment Dispute Prevention Strategies: Context, Avoidance, and Anti-Escalation."

The Executive Office of the President (EOP), Washington, DC, October 2016, provided commentary on the Trans-Pacific Partnership and Models of Dispute Settlement.

United States Trade Representative (USTR), Washington, DC, June and July 2015, presented "Variables Affecting Investment Treaty Arbitration."

Embassy of Denmark, Washington, DC, February 2015, presented "Predicting Outcomes in Investment Treaty Arbitration."

United States Trade Representative (USTR), Washington, DC, February 2015, presented "Predicting Outcomes in Investment Treaty Arbitration."

Center for Strategic and International Studies (CSIS), Washington, DC, October 2014, presented "An Evidence Based Approach to International Investment Law," <http://bit.ly/2iqzG0j>.

Asia-Pacific Economic Cooperation (APEC) and Free Trade Area of the Asia-Pacific, Free Trade Agreement Dispute Settlement Proceedings: New Challenges and Opportunities for APEC Economies, Seoul, South Korea, November 2013: presented "Trends in Investment Treaty Disputes: Myth, Reality and Cost".

Joint Presentation to the United States Department of State, Office of the Legal Advisor and the Office of the United States Trade Representative, Washington, DC, November 2012, presented, "Boom, Bust or Business as Usual? Tracking Trends in Investment Disputes."

World Bank's International Centre for the Settlement of Investment Disputes: Washington, D.C., November 2012, presented, "An Evidence-Based Approach to International Investment."

United Nations Conference on Trade and Development, Geneva, Switzerland, November 2012, presented, "Boom, Bust or Business as Usual? Tracer 22 (h t)-4 (o l)-4 (nt7 0994 (at)-4 (e).9 (tA83.9 3.6 (us.5 (Sn4

Society for International Economic Law

Committee Member, Planning Committee for the Fourth Biennial Conference (2013-2014)

Committee Member, Planning Committee for the Third Biennial Conference (2011-2012)

Co-Chair, Women in International Economic Law (2008-2010)

PEER-REVIEW COMMITTEES

United States National Science Foundation, Law and Social Science Program

External Reviewer (2010-present)

Swiss National Science Foundation, Division of Humanities and Social Science (Schweizerischer Nationalfonds zur Förderung der Wissenschaftlichen Forschung)

External Reviewer (2011-present)

Journal of International Dispute Settlement

External Reviewer (2017-present)

Journal of Empirical Legal Studies (JELS)

External Reviewer (2011-present)

American Political Science Review (APSR)

External Reviewer (2013-present)

Time-Sharing Experiments for the Social Sciences (TESS)

External Reviewer (2011-present)

Oxford University Press

External Reviewer (2011-present)

Tel Aviv University, Ph.D. Committee

External Reviewer (2011-present)

UNIVERSITY AND COMMUNITY SERVICE

American University, Washington College of Law

Chair – Faculty Scholarship and Speaker Series (2019-2022)

Chair – Technology Committee (2016-2019)

Section Leader – Integrated Curriculum Committee, Section Leader (2017-2019)

Committee Member – Intellectual Life Committee (2021-2022)

Committee Member – International and Foreign Recruitment Committee Meeting (2017-2019)

Committee Member – Lu-4.8 (i (ee M)-3r R0.0i(ee,)-4((9)T)-4 (O4 (e11)-(20)-6 (19-0.00gn)9 (m)201)-6 (7)I)9

MEMBERSHIPS

American Bar Association
American Society of International Law
Chartered Institute of Arbitrators, A.C.I. Arb.
Institute for Transnational Arbitration

American Law Institute (elected)
Arbitral Women
London Court of International Arbitration

BAR ADMISSIONS

Minnesota (1998, inactive)
New York (2001, inactive)

Ontario (1999)