

**Thomas Hyukjin Lee**  
Leitner Family Professor of International Law  
Fordham University School of Law  
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## **Experience**

**Academic** (Research and teaching interests: international law, national security law, cyberlaw, law of war, federal courts, U.S. foreign relations law, constitutional law, legal history, Asian Americans and the law)

### **Fordham University School of Law**

Professor of Law, 2002 – present

Director of International and Graduate Studies, 2006 -12, 2013-19

Classes taught: Asian Americans and the Law, Civil Procedure, Constitutional Law, Constitutional Interpretation, Federal Courts, International Arbitration, International Law, International Law and International Relations Theory, International Trade Law, Law of War

### **Columbia Law School**

Visiting Professor of Law, 2017-18, 2005-06 (international law, civil procedure, federal courts, international arbitration)

### **New York University School of Law**

Adjunct Professor of Law, 2017-19, 2020-21 (U.S. foreign relations law)

### **Harvard Law School**

Visiting Professor of Law, 2012-13 (civil procedure, international law, civil law)

### **University of Virginia School of Law**

Visiting Professor of Law, fall 2007 (law of war)

## **Professional Associations**

Panel of Conciliators, International Centre for Settlement of Investment Disputes (ICSID)

Member of the American Law Institute (ALI)

Chair of the AALS Federal Courts Section 2010-11; Executive Board, 2010-20

American Society of International Law

Military Affairs Committee of the Association of the Bar of the City of New York

## **Legal Practice**

### **U.S. Department of Defense**

Special Counsel to the General Counsel, May 2019 - August 2020

Awarded Secretary of Defense Medal for Exceptional Public Service

**Hughes Hubbard and Reed**, New York NY

Of Counsel, 2016-19, 2020-

**Constitutional Court of Korea**

U.S. Constitutional Law Adviser, 2006-11

**Associate Justice David H. Souter**, U.S. Supreme Court

Law Clerk, 2001-2

**Chief Judge Michael Boudin**, U.S. Court of Appeals for the First Circuit, Boston MA

Law Clerk, 2000-1

**Wachtell, Lipton Rosen & Katz**, New York NY

Associate & Summer Associate, 2001, 1999

**Munger, Tolles & Olson**, Los Angeles CA

Summer Associate, 1999

**Weil, Gotshal & Manges**, Washington DC

Summer Associate, 1996

**Bar Admissions**

New York (2001), Massachusetts (inactive), U.S. Supreme Court, U.S. Court of Appeals for the D.C. Circuit, U.S. Court of Appeals for the Second Circuit, Southern District of New York

**Military**

United States Navy, Cryptology/Information Warfare Officer, 1991-95 (reserve 1995-99)

Active duty ashore in Korea, 1991-92, and afloat from Misawa Japan, 1993-95 (multiple deployments, primarily subsurface, as cryptologic direct support officer and as command-and-control warfare office for Battle Force, Seventh Fleet) Distinguished Graduate, Navy-Marine Corps Cryptologic Officers' Course, 1992 Decorations and qualifications include Navy Commendation Medal, Navy Achievement Medal (with 2 gold stars), Navy Expeditionary Medal (with service star), Navy Meritorious Unit Commendation, Sea Service Ribbon, Overseas Service Ribbon (with 2 service stars), Pistol Expert, Rifle Expert

United States Army Center of Military History

Summer Intern, 1990

**Languages**

English (native), Korean (proficient speaking, reading), French (reading), Latin (reading), Japanese (limited reading and speaking)

**Security Clearance**

**References** (contact information upon request)

Matthew Diller, Dean, Fordham University School of Law  
Carter Eckert, Professor, Harvard University  
Samuel Estreicher, Professor, New York University School of Law  
Noah Feldman, Professor, Harvard Law School  
Gregory L. Louis, Professor, CUNY School of Law, former GC of Communities Resist  
Christopher L. Mann, Partner, Sullivan & Cromwell  
Ted Mayer, Managing Partner, Hughes, Hubbard & Reed  
Rear Admiral Alexander A Miller, US Navy (retired), former chief of staff, NSA  
Henry P. Monaghan, Professor, Columbia Law School  
Eduardo Penalver, President, Seattle University  
Anne-Marie Slaughter, CEO, New America  
Hon. David H. Souter, U.S. Supreme Court (retired)  
Jeannie Suk-Gersen, Professor, Harvard Law School  
William Michael Treanor, Dean, Georgetown University Law Center

**Education**

**Harvard University, Cambridge MA**

J.D., 2000

*cum laude*

Articles Chair of the Harvard Law Review

Laylin Prize in International Law

Semi-Final Oralist in the Ames Moot Court Competition

Resident Tutor in Government and Pre-Law Chair at Cabot House, 1996-99

Ph.D. Candidate in Political Science, 1996-98 (ABD)

Passed generals in international relations, political theory and comparative politics

Karl Deutsch Prize Fellowship for graduate study

Senior Honors Thesis Adviser in East Asian Studies Department

Bok Center award for undergraduate teaching (America & Vietnam)

Dissertation: *Who Fights? Explaining Multilateralism in Wars*

A.M. in Regional Studies East Asia, 1991

Fulbright Scholarship for Korean history at Seoul National University

A.B. in East Asian Languages & Civilizations and Government, 1991

*summa cum laude*

Phi Beta Kappa

Thomas T. Hoopes Prize for Senior Honors Thesis

Detur Prize for first-year academic achievement

**Saint Anselm's Abbey School**, Washington DC, 1981-87  
Austin Scholar (valedictorian)  
Foreign Languages Award for French and Latin

## **Community Service**

Pro bono litigation in state and federal courts specializing in civil rights, landlord-tenant disputes, federal habeas corpus petitions, Supreme Court practice, 2002-19, 2019-20  
President of the Rutherford Gardens Condominium, New York NY, 2004-present  
Harvard College alumnus interviewer, 2000-20 (on leave 2018-19, 2020-21)  
Co-Chair of Harvard Club of NYC Alumni/ae Interviews Subcommittee 2007-12  
Regional Referee for the American Youth Soccer Organization 2007-12

## **Publications**

**JUSTIFYING WAR** (Oxford University Press, forthcoming 2022)

*Civil Law Constitutionalism* (manuscript)

*The United States and Individual and Collective Self-Defense in Northeast Asia* in STRENGTHENING THE U.S.-JAPAN ALLIANCE (Masahiro Kurosaki and Matthew Waxman, eds., Columbia University Press, 2020)

*Customary International Law and U.S. Judicial Power: From the Third to the Fourth Restatements* in Sarah A. Cleveland & Paul B. Stephan, eds., THE RESTATEMENT AND BEYOND—THE PAST, PRESENT, AND FUTURE OF U.S. FOREIGN RELATIONS LAW (Oxford University Press, 2020)

*International Relations Theories and International Law*, available at:  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2606223](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2606223)

*In Defense of International Comity*, 93 So. Cal. L. Rev. 169 (2020) (with Samuel Estreicher)

*Toward an Interest Group Theory of Anti-Corruption Laws*, 2019 U. Ill. L. Rev. 1227 (2019) (with Sean J. Griffith)

*The Law of Nations and the Judicial Branch*, 106 Geo. L. J. 1707 (2018)

*Natural Born Citizen*, 67 Am. U. L. Rev. 327 (2017)

*International Arbitration of Patent Claims* in Arthur Rovine, ed., CONTEMPORARY ISSUES IN INTERNATIONAL ARBITRATION AND MEDIATION (Brill-Nijhoff 2017)

*Fair Winds and Following Seas, Shipmate*, 42 Ohio N. U. L. Rev. 877 (2016)

*Double Remedies in Double Courts*, 26 *European J. Int'l L.* 519 (2015) (with Sungjoon Cho)

*An Empirical Survey of International Commercial Arbitration Cases in the U.S. District Court for the Southern District of New York, 1970-2014*, 39 *Fordham Int'l L. J.* 307 (2015) (with Vera Korzun)

*The Law of War and the Responsibility to Protect Civilians: A Reinterpretation*, 55 *Harvard Int'l. L. J.* 251 (2014)

*The Three Lives of the Alien Tort Statute: The Evolving Role of the Judiciary in U.S. Foreign Relations*, 89 *Notre Dame L. Rev.* 1645 (2014)

*International Law and Institutions and the American Constitution in War and Peace*, 31 *Berkeley Int'l L. J.* 291 (2013)

*International Law as an Interpretive Tool in the Supreme Court, 1861-1900*, in David L. Sloss et al., eds., *INTERNATIONAL LAW IN THE U.S. SUPREME COURT: CONTINUITY AND CHANGE* (Oxford 2011) (with David L. Sloss)

*The Story of the Prize Cases: Executive Action and Judicial Review in Wartime*, in Curtis Bradley & Chris Schroeder, eds., *PRESIDENTIAL POWER STORIES* (Foundation Press, 2009) (with Michael D. Ramsey)

*The Civil War in U.S. Foreign Relations Law: A Dress Rehearsal for Modern Transformations*, 53 *St. Louis L. J.* 53 (2008)

*The Safe-Conduct Theory of the Alien Tort Statute*, 106 *Colum. L. Rev.* 830 (2006)

*Countermajoritarian Federalism*, 74 *Fordham L. Rev.* 2123 (2006)

*The Augustinian Just War Tradition and the Problem of Pretext in Humanitarian Intervention*, 28 *Fordham Int'l L. J.* 756 (2005)

*The Supreme Court of the United States as Quasi-International Tribunal: Reclaiming the Court's Original and Exclusive Jurisdiction over Treaty-Based Suits by Foreign States against States*, 104 *Colum. L. Rev.* 1765 (2004)

*University Dons and Warrior Chieftains: Two Concepts of Diversity*, 72 *Fordham L. Rev.* 2301 (2004)

*International Law, International Relations Theory, and Preemptive War: The Vitality of Sovereign Equality Today*, 67 *Law & Contemp. Probs.* 147 (Autumn 2004)

*Making Sense of the Eleventh Amendment: International Law and State Sovereignty*, 96 *Nw U. L. Rev.* 1027 (2002)

## **Presentations**

Executive Privilege and the Trump Administration, Symposium on the Trump Presidency (virtual), hosted by Bocconi University, November 2020

International Law and National Security Issues in the Transition from the Trump to the Biden Administrations (with Oona Hathaway, moderated by Monica Hakimi), American Society of International Law (virtual), October 2020

Panelist, Fordham International Law Journal symposium on Martin Flaherty, Restoring the Global Judiciary, Fordham Law School, February 21, 2020

Panel, National Security and Religious Rights Conference, American University School of Law, February 10, 2020

Public Rights and Non-Article III Adjudication, University of Texas Law School Faculty Workshop, October 24, 2019 (with John Golden, University of Texas)

Public Rights and Non-Article III Adjudication, Fordham Law Faculty Workshop, September 19, 2019 (with John Golden, University of Texas)

The United States and the Customary Jus ad Bellum, U.S.-Japan Alliance Conference, Tokyo Japan, March 2018

Terrorism and Targeted Killing, International Law Weekend, New York NY, October 2016

International Arbitration of Patent Validity Disputes, Seoul Korea, October 2016

The Obama Presidency, Bocconi University, Milan Italy, October 2016

International and U.S. Law of Terrorism, Current Trends in International Law Conference, Seoul Korea, September 2016

“Natural Born Citizen” and Constitutional Interpretation, Georgetown Law Constitutional Colloquium, April 2016

Civil Law Constitutionalism, University of Virginia Law School Faculty Workshop, April 2016

The Political Economy of Global Foreign Corruption Regulation, International Law Weekend, hosted by Brigham Young University School of Law, January 2016

Should the United States Still Join Multilateral Treaties? Faculty Workshop, Fordham Law School, November 2015

International Trade and Investment, Discussion Leader, Templeton Fund and Federalist Society International Trade and Investment Seminar, Marina del Ray, CA, October 2015

Discussant, John F. Scarpa Conference on Law, Politics and Culture at Villanova University School of Law honoring Henry Monaghan, Harlan Fiske Stone Professor of Law at Columbia Law School (with John Manning, Harvard; Gillian Metzger, Columbia; Jim Pfander, Northwestern; Jeff Powell, Duke), October 2015

Senior Scholar Commentator, Annual Federal Courts Junior Scholars Works-in-Progress conference, University of California-Irvine Law School (with Dean Erwin Chemerinsky, Evan Lee (Hastings), Jim Pfander (Northwestern)), September 2015

Should the United States Still Join Multilateral Treaties?, Federalist Society Conference on International Law and Institutions, Washington DC, March 2015

The U.S. Supreme Court and Sovereign Debt Controversies, Faculty Workshop, St. John's University Law School, February 2015

An Empirical Survey of International Commercial Arbitration Cases in the U.S. District Court for the Southern District of New York, 1970-2014, International Lawyers Association of Vietnam, Ho Chi Minh City, Vietnam, December 2014

Commentator on David L. Sloss book manuscript *The Death of Treaty Supremacy: An Invisible Constitutional Change* (forthcoming Oxford University Press, 2016), Santa Clara University School of Law, Santa Clara CA, December 2014

The Constitutional Court of Korea, Columbia Law School, Korea Law Society, March 5, 2014

The U.S. Supreme Court and the Use of International and Foreign Law, Visit of the Israeli Bar Association, New York, New York, February 7, 2014

The Responsibility to Protect Civilians and the Laws of War: A Reinterpretation, Harvard International Law/International Relations Theory Workshop, May 2013

The Civil Law Tradition and American Constitutionalism, Faculty Workshop, Harvard Law School, March 2013

The Civil Law Tradition and American Constitutionalism, Faculty Workshop, University of Michigan Law School, November 2012

The Constitution and Delegations to International Institutions, American Enterprise Institute, June 2012

Legality and War in Libya, International Law Weekend, New York, October 2011

Originalism and the Foreign Affairs Constitution, Originalism Conference, University of San Diego School of Law, San Diego, California, February 2010

The Balance of Power and the U.S. Foreign Affairs Constitution, Georgetown Law School Faculty Colloquium, Washington DC, October 2009

Attaching Conditions on U.S. Federal Government Grants to the States: Lessons in Comparative Federalism, Center for Constitutional Inquiry and the University of Barcelona, Barcelona Spain, October 2009

Jurisdiction Stripping: A Primer, Presentation for Second Circuit Judges, New York NY, December 2008

Commentator on K. Anthony Appiah's "Against Law, Against Reason, Against Morality: The Life of Honor," Fordham Law School, November 12, 2008

"The Korean Constitutional Court Today: An Assessment," Annual Meeting of the International Association of Korean Lawyers, Philadelphia PA, September 2008

The Reversal of the Presumption of Self-Executing Treaties in U.S. Foreign Relations Law, Lecture at the Korean Constitutional Court for Justices and Researchers, Seoul Korea, June 2008

The Civil War in U.S. Foreign Relations Law: A Dress Rehearsal for Modern Transformations, St. Louis University School of Law, St. Louis Missouri, March 2008

Theorizing the Foreign Affairs Constitution. University of Texas Law School, Austin, Texas. September 2007

The Current State of U.S. Telecommunications Law. Korean Antitrust Lawyers' Association, Seoul Korea, October 2006

The Second-Image Reversed: The Influence of World Politics on U.S. Foreign-States Law. Vanderbilt University School of Law, American Society of International Law, International Law in U.S. Courts Interest Group Conference, December 2005

The Safe-Conduct Theory of the Alien Tort Statute, Columbia Law School (faculty workshop), October 2005

Counter-majoritarian Federalism, Fordham Law School (Conference on the Jurisprudence of Justice Stevens), October 2005

The Laws of War and Korea, Committee on Military Affairs and Justice, Association of the Bar of the City of New York, February 2005

Genocide in Rwanda, Crowley Center for International Human Rights, Fordham Law School, February 2005

The Laws of War and the Korean War, Weatherhead Institute, Columbia University School of International and Public Affairs, December 2004

The Safe-Conduct Theory of the Alien Tort Statute and Its Implications for Human-Rights Litigation in U.S. Federal Courts Today, University of Virginia Law School



(faculty workshop), September 2004

The Augustinian Just War Tradition and the Modern Laws of War, Fordham Law School, Natural Law Colloquium, September 2004

The Supreme Court and American Politics: Cases Concerning Terrorism and Civil Liberties, Princeton University, May 2004

North Korea and the Six-Nation Talks, International Affairs Committee of the Association of the Bar of the City of New York, April 2004

International Law and the North Korean Pursuit of Nuclear Weapons, Georgetown Law School, April 2003

Legal Issues Implicated in the Stand-Off on North Korea, Fordham Law School, February 2003

The Doctrine of Preemptive Strike, Progressive and Conservative Trends in Public Law Conference, Duke Law School, December 2002

The Legality of Prospective War in Iraq, Fordham Law School, October 2002