

# Jean Galbraith

University of Pennsylvania Carey Law School, 3501 Sansom Street, Philadelphia, PA 19104  
jgalbraith@law.upenn.edu • (215) 746-7824

## EXPERIENCE

---

<b>University of Pennsylvania Carey Law School</b>	
Professor of Law	2018 – present
Co-Director, Appellate Advocacy Clinic	2019-present
Assistant Professor	2014-2018
<b>Rutgers School of Law (Camden)</b>	
Assistant Professor	2013-2014
<b>University of Pennsylvania Law School</b>	
Sharswood Fellow in Law and International Affairs	2010-2012
<b>Hangley Aronchick Segal &amp; Pudlin</b>	
Associate, Philadelphia Office	2008-2010
<b>Faculty of Law, Oxford University</b>	
Academic Visitor	spring 2008
<b>Lauterpacht Centre for International Law, Cambridge University</b>	
Visiting Fellow	fall 2007
<b>American Inns of Court</b>	
Temple Bar Scholar	fall 2007
<b>International Criminal Tribunal for the former Yugoslavia</b>	
Associate Legal Officer for Judge Theodor Meron	2006-2007
<b>Supreme Court of the United States</b>	
Law Clerk for Justice John Paul Stevens	2005-2006
<b>Court of Appeals for the D.C. Circuit</b>	
Law Clerk for Judge David Tatel	2004-2005
<b>Altshuler Berzon LLP</b>	
Summer Associate	summer 2003
<b>Bay Area Legal Aid</b>	
Summer Law Clerk	summer 2002

## EDUCATION

---

### UC Berkeley School of Law

J.D., May 2004

Order of the Coif; Editor-in-Chief, *California Law Review*

### Harvard University

B.A. *summa cum laude* in Social Studies and the Comparative Study of Religion, June 1999

## JOURNAL PUBLICATIONS AND BOOK CHAPTERS

---

Deadlines as Behavior in Diplomacy and International Law, in INTERNATIONAL LAW AS BEHAVIOR (Harlan Grant Cohen & Timothy Meyers, eds. 2021) ([link](#))

From Scope to Process: The Evolution of Checks on Presidential Power in US Foreign Relations Law, in ENCOUNTERS BETWEEN FOREIGN RELATIONS LAW AND INTERNATIONAL LAW: BRIDGES AND BOUNDARIES (Helmut Philipp Aust and Thomas Kleinlein, eds. 2021) ([link](#))

The Fourth Restatement's Treatment of International Law and Administrative Law, in THE RESTATEMENT AND BEYOND: THE PAST, PRESENT, AND FUTURE OF U.S. FOREIGN RELATIONS LAW (Paul B. Stephan & Sarah A. Cleveland, eds. 2020)

Rejoining Treaties, 106 VA. L. REV. 73 (2020) ([link](#))

Quelques Observations sur la Pratique des États-Unis D'Amérique en Matière de Conclusion D'Accords Internationaux, 2019 ANNUAIRE FRANÇAIS DE DROIT INTERNATIONAL 3 (translated)

Gender Identity Protection, Trade, and the Trump Administration: A Tale of Reluctant Progressivism, 129 YALE L.J. F. 44 (2019) (with Beatrix Lu) ([link](#))

International Agreements and U.S. Foreign Relations Law: Complexity in Action, in THE OXFORD GUIDE TO COMPARATIVE FOREIGN RELATIONS LAW (Curtis A. Bradley, ed., 2019)

The Two Faces of Foreign Affairs Federalism and What They Mean for Climate Change Mitigation, 112 AJIL Unbound 274 (2018) ([link](#))

The President's Power to Withdraw the United States from International Agreements at Present and in the Future, 111 AJIL Unbound 445 (2018) ([link](#))

From Treaties to International Commitments: The Changing Landscape of Foreign Relations Law, 84 U. CHI. L. REV. 1675 (2017) ([link](#))

Making Treaty Implementation More Like Statutory Implementation, 115 MICH. L. REV. 1309 (2017) ([link](#))

Cooperative and Uncooperative Foreign Affairs Federalism, 130 HARV. L. REV. 2131 (2017) (book review) ([link](#))

Presidential War Powers as an Interactive Dynamic: International Law, Domestic Law, and Practice-Based Legal Change, 91 N.Y.U. L. REV. 689 (2016) (with Curtis Bradley) ([link](#))

What Should the Restatement (Fourth) Say About Treaty Interpretation?, 2015 BYU L. REV. 1499 (2016) (symposium article) ([link](#))

Ending Security Council Resolutions, 109 AJIL 806 (2015) (comment) (peer-reviewed) ([link](#))

Zivotofsky v. Kerry and the Balance of Power, 109 AJIL Unbound 16 (2015) ([link](#))

Temporary International Legal Regimes as Frames for Permanent Ones, in 2014 NETHERLANDS YEARBOOK OF INTERNATIONAL LAW (Monika Ambrus & Ramses Wessel, eds., 2015) ([link](#))

Human Rights Treaties in and Beyond the Senate: The Spirit of Senator Proxmire, in FOR THE SAKE OF PRESENT AND FUTURE GENERATIONS: ESSAYS ON INTERNATIONAL LAW, CRIME, AND JUSTICE IN HONOUR OF ROGER S. CLARK 507 (William Schabas, Gerry Simpson & Suzannah Linton eds., 2015) ([link](#))

Congress's Treaty-Implementing Power in Historical Practice, 56 WM. & MARY L. REV. 59 (2014) ([link](#))

Soft Law as Foreign Relations Law, 99 CORNELL L. REV. 735 (2014) (with David Zaring) ([link](#))

Review of Duncan Hollis, ed., *The Oxford Guide to Treaties*, 108 AM. J. INT'L L. 859 (2014) ([link](#))

Treaty Termination as Foreign Affairs Exceptionalism, 92 TEX. L. REV. SEE ALSO 81 (2014) (Response Essay) ([link](#))

Review of David Sloss et al., eds., *International Law in the U.S. Supreme Court*, 108 AM. J. INT'L L. 127 (2014) ([link](#))

International Law and the Domestic Separation of Powers, 99 VA. L. REV. 987 (2013) ([link](#))

Treaty Options: Towards a Behavioral Understanding of Treaty Design, 53 VA. J. INT'L L. 309 (2013) ([link](#) including additional data files)

Prospective Advice and Consent, 37 YALE. J. INT'L L. 247 (2012) ([link](#))

The Good Deeds of International Criminal Defendants, 25 LEIDEN J. INT'L L. 799 (2012) (peer-reviewed) (the subject of an online symposium [here](#), [here](#), and [here](#) on the *Opinio Juris* blog)

Custom, Codification, and the Verdict of History, 160 U. PA. L. REV. PENNUMBRA 349 (2012) (Response Essay) ([link](#))

The Ethic of High Expectations, 62 S. C. L. REV. 439 (2010) ([link](#)) (awarded the Warren E. Burger Prize by the American Inns of Court for scholarship promoting “the ideals of excellence, civility, ethics, and professionalism within the legal profession”)

The Pace of International Criminal Justice, 31 MICH. J. INT’L L. 79 (2009) ([link](#))

‘New Facts’ in ICTY and ICTR Review Proceedings, 21 LEIDEN J. INT’L L. 131 (2008) (peer-reviewed)

Nuremberg and Its Legacy, in INTERNATIONAL LAW STORIES 13 (John E. Noyes et al. eds., 2007) (with Theodor Meron)

The Bush Administration’s Response to the International Criminal Court, 21 BERKELEY J. INT’L L. 683 (2003) ([link](#))

## **BLOG POSTS, SHORT ONLINE PIECES, AND OP-EDS**

---

[Introduction to Symposium on New Challenges in Weapons Inspection](#), 115 AJIL Unbound 86 (2021)

[The President’s Authority to Rejoin the Open Skies Treaty](#), Lawfare Blog (Feb. 8, 2021)

[The US Cannot Withdraw from the WHO Without First Paying Its Dues](#), Just Security Blog (May 26, 2020)

[George Washington’s Advisors Agreed: Impeachment Did Away with Executive Privilege](#), Just Security Blog (Oct. 25, 2019) (with Michel Paradis)

[Impeachment Trumps Executive Privilege. Ask George Washington](#), WALL ST. J. (Oct. 23, 2019) (with Michel Paradis)

[Getting the Jay Treaty Right on Executive Privilege](#), Just Security Blog (Oct. 4, 2019)

[John Paul Stevens Defended the Rule of Law: Justice, Rights, and the War on Terrorism](#), ForeignAffairs.com (July 25, 2019)

[The Trump Administration and Executive Power: Evidence from Justice Department Views Letters](#), Lawfare Blog (Feb. 5, 2019) (with Benjamin Schwartz)

[Judge, Professor, Diplomat: Theodor Meron as a Leading Figure in International Criminal Justice](#), *Opinio Juris* Blog (January 2019)

[The End of the Iran Deal and the Future of the Security Council Snapback](#), *Opinio Juris* Blog (May 2018)

[The Separation of Powers Today](#), 18 ABA INSIGHTS 4 (2018)

[If President Trump Ends the Iran Deal, Can He Trigger the Security Council Snapback?](#), *Opinio Juris* Blog (Sept. 2017)

[The Legal Structure of the Paris Agreement](#), RegBlog (December 2015)

[The Security Council Resolution on the Iran Deal: A Way Around the “Reverse Veto,”](#) *Opinio Juris* Blog (July 2015)

[The Roberts Court and the Brink](#), 109 AM. SOC’Y INT’L L. PROC. 46 (2015)

[Presidents Act on International Agreements Because the Senate Doesn’t](#), N.Y. TIMES Room for Debate (April 2015)

[Silences in the Bond Case](#), *Opinio Juris* Blog (June 2014)

[The Scope of the Treaty Power](#), *Opinio Juris* Blog (March 2013)

[Comparing International and U.S. Approaches to Interpretation](#), *Opinio Juris* Blog (November 2012)

## **SELECTED APPELLATE LITIGATION AND *AMICUS* WORK**

---

Rranxburgaj v. Mayorkas (petition for certiorari filed in U.S. Supreme Court in 2021 and then voluntarily dismissed following settlement): co-counsel for petitioner, an immigrant in sanctuary. ([link](#) to petition)

Alvarado v. Superintendent Somerset SCI (pending in the Third Circuit in 2021): court-appointed appellate co-counsel for habeas petitioner.

Garland v. Dai & Garland v. Alcaraz-Enriquez (consolidated) (U.S. Supreme Court 2021): co-counsel on *amicus* brief for the American Immigration Lawyers Association and the National Immigrant Justice Center. ([link](#) to brief)

United States v. California, 444 F. Supp. 3d 1181 (E.D. Cal. 2020): one of two lead authors of *amicus* brief for a group of professors of foreign relations law. ([link](#) to brief, which was cited in the district court opinion)

Balderas-Dominguez v. Attorney General (Third Circuit 2020): court-appointed appellate co-counsel for immigrant petitioner.

Commonwealth v. Possinger, 2020 WL 649858 (Pa. Super. Ct. 2020): appellate co-counsel for defendant who had been held in contempt by the trial court for failure to pay fines and costs.

Commonwealth v. DiNardo, 2020 WL 5700732 (Pa. Super. Ct. 2020): co-counsel on *amicus* brief for the ACLU of Pennsylvania and the Public Defender Association of Pennsylvania.

Philadelphia Community Bail Fund v. Arraignment Court Magistrates (Pa. Supreme Court 2020): co-counsel on *amicus* brief for the Quattrone Center for the Fair Administration of Justice. ([link](#) to brief)

## **CONTEMPORARY PRACTICE OF THE UNITED STATES**

---

Editor, *Contemporary Practice of the United States relating to International Law* section of the *American Journal of International Law* (2018 – 2020).

[Contemporary Practice of the United States Relating to International Law](#), 114 AJIL 757 (2020)

[Contemporary Practice of the United States Relating to International Law](#), 114 AJIL 494 (2020)

[Contemporary Practice of the United States Relating to International Law](#), 114 AJIL 288 (2020)

[Contemporary Practice of the United States Relating to International Law](#), 114 AJIL 124 (2020)

[Contemporary Practice of the United States Relating to International Law](#), 113 AJIL 812 (2019)

[Contemporary Practice of the United States Relating to International Law](#), 113 AJIL 600 (2019)

[Contemporary Practice of the United States Relating to International Law](#), 113 AJIL 376 (2019)

[Contemporary Practice of the United States Relating to International Law](#), 113 AJIL 131 (2019)

[Contemporary Practice of the United States Relating to International Law](#), 112 AJIL 734 (2018)

[Contemporary Practice of the United States Relating to International Law](#), 112 AJIL 486 (2018)

[Contemporary Practice of the United States Relating to International Law](#), 112 AJIL 295 (2018)

[Contemporary Practice of the United States Relating to International Law](#), 112 AJIL 94 (2018)

## **TEACHING AWARDS**

---

Harvey Levin Memorial Award for Teaching Excellence (2020) (by vote of the graduating 3L Penn Law class)

Harvey Levin Memorial Award for Teaching Excellence (2017) (by vote of the graduating 3L Penn Law class)

Robert A. Gorman Award for Excellence in Teaching at Penn Law (2016)

## **PROFESSIONAL ACTIVITIES, MEMBERSHIPS, AND SERVICE**

---

American Journal of International Law, Board Member (2020-present)

American Law Institute, Member (2019-present)

Member, ASIL Honors Committee (2021-2022)

University of Pennsylvania Law School Inn of Court, Participant (2010-2012, 2014-present)

Philadelphia Bar Association, Member (2019-present) (Rule of Law Commission member in 2019)

Chair, ASIL Book Prize Committee (2019)

Co-Chair, ASIL International Law in Domestic Courts Interest Group (2016-2019)

ASIL Annual Meeting Program Committee Member (2016-2017)

Term Member, Council on Foreign Relations (2012-2017)

Co-Chair, Junior International Law Scholars Association (2013-2015)

Member, 2014 ASIL Research Forum Committee

Service, University of Pennsylvania Carey Law School:

Tenure & Promotions Committee (2020-2021)

Academic Freedom and Responsibility Committee (2016-2020; chair 2019-2020)

Clerkships Committee (2014-2021; co-chair 2018-2019)

Academic Careers Committee (2014-2016, 2019-2020)

Appointments Committee (2018-2019)

Student Engagement Committee (2017-2018)

International Programs Committee (2016-2018)

Penn Law Representative at PA Board of Bar Examiners Meeting (2014).

Service, University of Pennsylvania:

Faculty Senate Committee on Academic Freedom and Responsibility (2021-present)

Disciplinary Appellate Officer for the University (2018-2020)

Disciplinary Hearing Panelist (2015-2017)

Service, Rutgers School of Law (Camden):

Educational Policy Committee (2013-2014)

Academic Petitions Committee (2012-2013)

Bar Memberships: Pennsylvania; Third Circuit; Supreme Court of the United States; California (inactive)