

# GEORGE K. FOSTER

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## Curriculum Vitae

Professor of Law  
Lewis & Clark Law School  
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## ACADEMIC POSITIONS

- 2009-present      **Lewis & Clark Law School**, Portland, Oregon  
                         *Professor of Law* (2015-present); *Associate Professor of Law* (2009-15)  
                         Courses:    International Business Transactions  
                                        International Dispute Resolution  
                                        International Investment Law  
                                        Business Associations II
- 2003-2005        **University of Southern California Law School**, Los Angeles, California  
                         *Adjunct Professor of Law*  
                         Course:     International Business Transactions

## LEGAL EXPERIENCE

- 2005-2009        **Dechert LLP**, New York, New York  
                         *Partner* (2009); *Counsel* (2008); *Associate* (2005-2007)

Represented private and sovereign clients in arbitrations around the world under most of the major arbitration rules, including several investment treaty cases before the International Centre for the Settlement of Investment Disputes. Acted as counsel in court litigation in New York and the District of Columbia in cases involving securities law, arbitration agreements, and the enforcement of judgments and awards. Advised private and sovereign clients on the Foreign Sovereign Immunities Act, trade law, sanctions regimes, the Foreign Corrupt Practices Act, and transactional matters relating to foreign investments.

- 1997-2005        **Coudert Brothers LLP**, Los Angeles, California and Paris, France  
                         *Associate* (1998-2005); *Summer Associate* (1997)

Represented private and sovereign clients in arbitrations in the United States, Europe and Asia under the rules of many different arbitration institutions. Served as counsel in state and federal courts in California in cases involving arbitration agreements and awards, securities law, production and distribution of motion pictures, intellectual property, and maritime law, among other matters.

## EDUCATION

- 1995-1998        **UCLA School of Law**, J.D. 1998, Los Angeles, California  
                         Order of the Coif (top 10%)  
                         Editor-in-Chief, *UCLA Journal of International Law & Foreign Affairs*
- 1990-1994        **University of California**, B.A. Political Science 1994, Berkeley, California  
                         Highest Distinction in General Scholarship; Phi Beta Kappa

SELECTED PUBLICATIONS

*Indigenous Participation in Resource Development: The Promise and Limitations of International Safeguards* (book chapter, Edward Elgar, 2022)

*The Participation Principle and the Dialectic of Sovereignty-Sharing*, 44 SEATTLE UNIVERSITY LAW REVIEW 109 (2021)

*Essential Preconditions for an Indigenous-Industry Agreement with Community Legitimacy*, in INDIGENOUS-INDUSTRY AGREEMENTS, NATURAL RESOURCES AND THE LAW 31 (Ibironke T. Odumosu-Ayanu & Dwight Newman eds., 2020)

*Investor-Community Conflicts in Investor-State Dispute Settlement: Rethinking “Reasonable Expectations” and Expecting More from Investors*, 69 AMERICAN UNIVERSITY LAW REVIEW 105 (2019)

*Community Participation in Development*, 51 VANDERBILT JOURNAL OF TRANSNATIONAL LAW 39 (2018)

*Combating Bribery of Indigenous Leaders in International Business*, 54 COLUMBIA JOURNAL OF TRANSNATIONAL LAW 59 (2015)

*When Commercial Meets Sovereign: A New Paradigm for Applying the Foreign Sovereign Immunities Act in Crossover Cases*, 52 HOUSTON LAW REVIEW 261 (2014)

*Investors, States, and Stakeholders: Power Asymmetries in International Investment and the Stabilizing Potential of Investment Treaties*, 17 LEWIS & CLARK LAW REVIEW 361 (2013)

*Recovering “Protection and Security”: The Treaty Standard’s Obscure Origins, Forgotten Meaning, and Key Current Significance*, 45 VANDERBILT JOURNAL OF TRANSNATIONAL LAW 1095 (2012)

*Foreign Investment and Indigenous Peoples: Options for Promoting Equilibrium between Economic Development and Indigenous Rights*, 33 MICHIGAN JOURNAL OF INTERNATIONAL LAW 627 (2012)

*Striking a Balance between Investor Protections and National Sovereignty: The Relevance of Local Remedies in Investment Treaty Arbitration*, 49 COLUMBIA JOURNAL OF TRANSNATIONAL LAW 201 (2011)

*Collecting From Sovereigns: The Current Legal Framework for Enforcing Arbitral Awards and Court Judgments Against States and Their Instrumentalities, and Some Proposals for Its Reform*, 25 ARIZONA JOURNAL OF INTERNATIONAL & COMPARATIVE LAW 665 (2008)

*Managing Expropriation Risks in the Energy Sector*, 23 J. ENERGY & NATURAL RESOURCES LAW 36 (2005)

*A Revolution in International Patent Protection: The U.S. and India in the Uruguay Round and Its Aftermath*, 3 UCLA JOURNAL OF INTERNATIONAL LAW & FOREIGN AFFAIRS 283 (1998) (winner of UCLA’s Benjamin Aaron Award)

SELECTED PRESENTATIONS

*Sustainable Protein in Context: The Importance of Transforming our Food System and Sustainability Criteria for Alt Proteins*, Business & Food Law Forum on Sustainable Protein: The Legal, Business, and Ethical Dimensions, Feb. 18, 2022 (Portland)

*International Dispute Resolution: Controversies and Recent Cases*, Multnomah Bar Association, Dec. 9, 2021 (Portland)

*Industry-Community Conflicts and Cooperation*, Meeting of the Environmental Law & Sustainability Section of the Academy of Legal Studies in Business (ALSB), ALSB Annual Conference, Aug. 13, 2018 (Portland)

*Essential Preconditions for an Indigenous-Industry Agreement with Community Legitimacy*, Conference on The Law & Politics of Indigenous-Industry Agreements at the University of Saskatchewan College of Law, Oct. 14, 2017 (Saskatoon, Canada)

*Community Participation in Development*, Works-in-Progress Conference of the American Society of International Law's Rights of Indigenous Peoples Interest Group, Apr. 13, 2017 (Washington, D.C.)

*Trends in Local-level Influence over Corporate Conduct*, Lewis & Clark Law School Business Law Fall Forum on Innovating Corporate Social Responsibility: From the Local to the Global, Oct. 7, 2016 (Portland)

*Resources, Rights and Revenue-Sharing: Redefining Standards for Consultations with Indigenous Peoples*, Annual Meeting of the American Society of International Law, Mar. 31, 2016 (Washington, D.C.)

*Counter-Intuitive Theories of Liability under the FCPA*, 2016 Lewis & Clark International Law Symposium, Mar. 4, 2016 (Portland)

*Combating Bribery of Indigenous Leaders in International Business*, Works-in-Progress Conference of the American Society of International Law's Rights of Indigenous Peoples Interest Group, George Washington University Law School, Apr. 11, 2015 (Washington, D.C.)

*International Law Issues in Domestic Litigation*, Multnomah Bar Association, Feb. 17, 2015 (Portland)

*The Coming Mega-Regional Trade and Investment Treaties*, Business Law Society, Nov. 13, 2014 (Portland)

*Challenges to Arbitrators: Should the Challenge Process Be Overhauled?*, 8<sup>th</sup> Annual Juris Investment Treaty Arbitration Conference, Mar. 28, 2014 (Washington, D.C.)

*Power Asymmetries in International Investment and the Stabilizing Potential of Investment Treaties: The Oil Sands as Case Study*, University of Saskatchewan College of Law, Jan. 21, 2013 (Saskatoon, Canada)

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### Curriculum Vitae

*Investors, States and Stakeholders: Power Asymmetries in International Investment and the Stabilizing Potential of Investment Treaties*, 17<sup>th</sup> Annual Lewis & Clark Business Law Fall Forum on Balancing Investor Protections, the Environment and Human Rights, Oct. 12, 2012 (Portland)

*Recent Developments in International Investment Law*, Lewis & Clark Alumni CLE, Nov. 8, 2011 (Portland)

*Foreign Investment and Indigenous Peoples*, Lewis & Clark Symposium on the Future of International Law in Indigenous Affairs, Apr. 15, 2011 (Portland)

*Striking a Balance between Investor Protections and National Sovereignty: The Relevance of Local Remedies in Investment Treaty Arbitration*, Public International Law Workshop, Annual Meeting of the Southeastern Association of Law Schools (SEALS), July 31, 2010 (Palm Beach)

*Recent Developments in Investment Treaty Arbitration*, conference hosted by the International Centre for Dispute Resolution (ICDR) and the Association of International Petroleum Negotiators (AIPN), October 21, 2008 (Rio de Janeiro, Brazil)

*The Rights, Duties, and Role of an Arbitrator*, conference on International Commercial Arbitration: How to Handle Oil and Gas Industry Cases, American University Washington College of Law, Oct. 11, 2007 (Washington, D.C.)

*The Role of Arbitrators; Witness Testimony, Experts; and Evidence & Privileges*, ICDR conference, July 27, 2007 (São Paulo, Brazil)

### SELECTED SERVICE

American Society of International Law, Rights of Indigenous Peoples Interest Group: Co-Chair (2015-18); Newsletter Editor (2014-15)

Lewis & Clark Law School: Co-Director of the Center for Business Law & Innovation and Business Law Committee Co-Chair (2019-present); International Law Committee Chair (2012-2019; 2021-present); Faculty Advisor to the International Law Society (2010-present)

### BAR MEMBERSHIPS & COURT ADMISSIONS

Member of the Bars of New York, California (inactive), and the District of Columbia (inactive)