

EVAN J. CRIDDLE

Ernest W. Goodrich Professor of Law & W. Taylor Reveley, III Research Professor
William & Mary Law School
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ACADEMIC APPOINTMENTS

WILLIAM & MARY LAW SCHOOL

Ernest W. Goodrich Professor of Law (2019-present)
W. Taylor Reveley, III Research Professor (2021-2022)
Cabell Research Professor (2016-2017, 2018-2019)
Tazewell Taylor Research Professor (2014-2015)
Professor of Law (2013-2019)

SYRACUSE UNIVERSITY COLLEGE OF LAW

Associate Professor (2011-2013)
Assistant Professor (2007-2011)

EXPERTISE

International Law	Fiduciary Law
Immigration and Refugee Law	Administrative Law
Human Rights	Civil Procedure

BOOKS

THE OXFORD HANDBOOK OF FIDUCIARY LAW (Oxford U.P. 2019) (with Paul B. Miller & Robert H. Sitkoff, eds.)

FIDUCIARY GOVERNMENT (Cambridge U.P. 2018) (with Evan Fox-Decent, Andrew S. Gold, Sung Hui Kim & Paul B. Miller, eds.)

FIDUCIARIES OF HUMANITY: HOW INTERNATIONAL LAW CONSTITUTES AUTHORITY (Oxford U.P. 2016) (with Evan Fox-Decent) (response essays by Seth Davis, Chimène Keitner, Frédéric Mégret, Jens Ohlin, Kimberley Trapp & Edmund Robinson published in the *McGill L.J.*)

HUMAN RIGHTS IN EMERGENCIES (Cambridge U.P. 2016) (ed.)

ARTICLES & BOOK CHAPTERS

The Authority of International Refugee Law, 62 WM. & MARY L. REV. 1067 (2021) (with Evan Fox-Decent)

The Case Against Prosecuting Refugees, 115 NW. U. L. REV. 717 (2020)

Stakeholder Fiduciaries, in FIDUCIARIES AND TRUST: ETHICS, POLITICS, ECONOMICS, AND LAW (Matthew Harding & Paul B. Miller eds., Cambridge U.P. 2020)

Mandatory Multilateralism, 113 AM. J. INT'L L. 272 (2019) (with Evan Fox-Decent)

Fiduciary Principles in International Law, in THE OXFORD HANDBOOK OF FIDUCIARY LAW (Evan J. Criddle, Paul B. Miller & Robert H. Sitkoff eds., Oxford U.P. 2019)

- Introduction*, in *THE OXFORD HANDBOOK OF FIDUCIARY LAW* (Evan J. Criddle, Paul B. Miller & Robert H. Sitkoff eds., Oxford U.P. 2019) (co-authored with co-editors)
- The Internal Morality of International Law*, 63 *MCGILL L.J.* 765 (2018) (with Evan Fox-Decent) (symposium issue on *Fiduciaries of Humanity*)
- Guardians of Legal Order: The Dual Commissions of Public Fiduciaries*, in *FIDUCIARY GOVERNMENT* (Evan J. Criddle et al. eds., Cambridge U.P. 2018) (with Evan Fox-Decent)
- Introduction – Fiduciary Government: Promise, Provenance, and Pitfalls*, in *FIDUCIARY GOVERNMENT* (Evan J. Criddle et al. eds., Cambridge U.P. 2018) (co-authored with co-editors)
- Fiduciary Law’s Mixed Messages*, in *RESEARCH HANDBOOK ON FIDUCIARY LAW* (Andrew S. Gold & D. Gordon Smith eds., Edward Elgar Publ. 2018) (featured on the *Oxford Business Law Blog*)
- Liberty in Loyalty: A Republican Theory of Fiduciary Law*, 95 *TEXAS L. REV.* 993 (2017) (reviewed on *Jotwell*)
- Keeping the Promise of Public Fiduciary Theory: A Reply to Leib and Galoob*, 126 *YALE L.J. F.* 192 (2016) (with Evan Fox-Decent)
- Customary Constraints on the Use of Force: Article 51 with an American Accent*, 29 *LEIDEN J. INT’L L.* 67 (2016) (with William Banks)
- The Constitution of Agency Statutory Interpretation*, 69 *VAND. L. REV. EN BANC* 325 (2016) (response essay) (*Legal Theory Blog* “Download of the Week”)
- Protecting Human Rights During Emergencies: Delegation, Derogation, and Deference*, in *HUMAN RIGHTS IN EMERGENCIES* (Evan J. Criddle ed., Cambridge U.P. 2016)
- Introduction – Testing Human Rights Theory During Emergencies*, in *HUMAN RIGHTS IN EMERGENCIES* (Evan J. Criddle ed., Cambridge U.P. 2016)
- Standing for Human Rights Abroad*, 100 *CORNELL L. REV.* 269 (2015)
- Three Grotian Theories of Humanitarian Intervention*, 16 *THEORETICAL INQ. L.* 473 (2015)
- Protecting Human Rights During Emergencies: Delegation, Derogation, and Deference*, 45 *NETH. Y.B. INT’L L.* 197 (2015)
- Against Methodological Stare Decisis*, 102 *GEO. L.J.* 1573 (2014) (with Glen Staszewski)
- A Sacred Trust of Civilization: Fiduciary Foundations of International Law*, in *PHILOSOPHICAL FOUNDATIONS OF FIDUCIARY LAW* (Andrew S. Gold & Paul B. Miller eds., Oxford U.P. 2014)
- Humanitarian Financial Intervention*, 24 *EUR. J. INT’L L.* 583 (2013) (selected for the inaugural Junior Faculty Forum for International Law)
- Proportionality in Counterinsurgency: Reconciling Human Rights and Humanitarian Law*, in *COUNTERINSURGENCY LAW: NEW DIRECTIONS IN ASYMMETRIC WARFARE* (William C. Banks ed., Oxford U.P. 2013)
- Proportionality in Counterinsurgency: A Relational Theory*, 87 *NOTRE DAME L. REV.* 1073 (2012)

Interest Balancing vs. Fiduciary Duty: Two Models for National Security Law, 13 GERMAN L.J. 542 (2012) (with Evan Fox-Decent) (peer review) (solicited)

Human Rights, Emergencies, and the Rule of Law, 34 HUM. RTS. Q. 39 (2012) (with Evan Fox-Decent)

When Delegation Begets Domination: Due Process of Administrative Lawmaking, 46 GA. L. REV. 117 (2011)

Mending Holes in the Rule of (Administrative) Law, 104 NW. U. L. REV. 1271 (2010)

Fiduciary Administration: Rethinking Popular Representation in Agency Rulemaking, 88 TEXAS L. REV. 441 (2010) (response essays by Richard Pierce and Glen Staszewski in *Texas Law Review* See Also)

The Fiduciary Constitution of Human Rights, 15 LEGAL THEORY 301 (2009) (with Evan Fox-Decent)

Deriving Peremptory Norms from Sovereignty, 103 ASIL PROC. 71 (2009) (with Evan Fox-Decent)

A Fiduciary Theory of Jus Cogens, 34 YALE J. INT'L L. 331 (2009) (with Evan Fox-Decent) (Farsi translation published in the Iranian *International Law Review* (2012))

Chevron's Consensus, 88 B.U. L. REV. 1271 (2008)

Fiduciary Foundations of Administrative Law, 54 UCLA L. REV. 117 (2006)

The Vienna Convention on the Law of Treaties in U.S. Treaty Interpretation, 44 VA. J. INT'L L. 431 (2004)

Chevron Deference and Treaty Interpretation, 112 YALE L.J. 1927 (2003) (student comment)

Review, Susan Marks, The Riddle of All Constitutions: International Law, Democracy, and the Critique of Ideology, 26 YALE J. INT'L L. 882 (2001) (student comment)

CURRENT RESEARCH

SOVEREIGN EQUALITY THROUGH INTERNATIONAL LAW (with Evan Fox-Decent)

Refugees, Reciprocity, and the Rule of Law

Migration by Necessity

EDUCATION

YALE LAW SCHOOL, J.D. (2003)

Essays Editor, *Yale Law Journal*

Articles Editor, *Yale Journal of International Law*

Research Assistant, Professors Judith Resnik and Boris Bittker

BRIGHAM YOUNG UNIVERSITY, B.A., *magna cum laude* with University Honors (2000)

Trustees Scholarship (four years, full tuition), Writing Fellow

Russian Department Outstanding Paper Award

Teaching Assistant, Professors David Hart, Beth Hedengren, Liisa London and Thomas Rogers

PROFESSIONAL EXPERIENCE

CLEARY GOTTLIEB STEEN & HAMILTON LLP

Litigation Associate, New York, NY (2004-2007)

Summer Associate, New York, NY & Moscow, Russia (Summer 2002)

U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT

Law Clerk, Honorable J. Clifford Wallace, San Diego, CA (2003-2004)

U.S. ATTORNEY'S OFFICE, EASTERN DISTRICT OF NEW YORK

Legal Intern, Andrew Weissmann, Chief of the Criminal Division, Brooklyn, NY (Summer 2001)

U.S. DEPARTMENT OF JUSTICE, ANTITRUST DIVISION

Legal Intern, Civil Task Force, Washington, DC (Summer 2001)

FELLOWSHIPS, GRANTS & AWARDS

COLLEGE OF WILLIAM & MARY

Blackstone Lecturer (2017)

Plumeri Award for Faculty Excellence (2015) (university-wide award conferred on twenty faculty)

SOCIAL SCIENCE AND HUMANITIES RESEARCH COUNCIL OF CANADA

Insight Grant, "International Law and Cosmopolitan Justice," C\$189,411 (2017-2022) (with Evan Fox-Decent)

Insight Grant, "The Fiduciary Constitution of International Law," C\$153,390 (2012-2016) (with Evan Fox-Decent)

Standard Grant, "The Fiduciary Constitution of the Rule of Law," C\$95,000 (2009-2012) (with Evan Fox-Decent & Malcolm Thorburn)

U.S. NATIONAL SCIENCE FOUNDATION

RAPID Grant, "COVID-19 and Derogation of Human Rights," \$76,797 (2020-2022) (consultant on an interdisciplinary empirical research project with Brian Gran and others)

SYRACUSE UNIVERSITY

Research Fellowship, Institute for the Study of the Judiciary, Politics & the Media (2008-2009)

LEGAL AID SOCIETY OF NEW YORK*Pro Bono Publico* Award for Outstanding Service in Immigration Proceedings (2006)**CONFERENCES & WORKSHOPS ORGANIZED**

William & Mary International Law Workshop

William & Mary Law School (2015-present) (annual co-convener with Nancy Combs)

The Future of Fiduciary Law

William & Mary Law Review Symposium, William & Mary Law School (2020)

New Perspectives on International Legal Theory Roundtable

ASIL Annual Meeting, Washington, DC (2018, 2019) (co-convener with Harlan Grant Cohen)

Fiduciaries of Humanity and International Law

McGill Law Journal Symposium, McGill University, Montreal, Canada (2018) (co-convener with Evan Fox-Decent)

Fiduciary Law: Charting the Field

Harvard Law School (2017) (co-convener with Paul Miller & Robert Sitkoff)

Fiduciary Government

UCLA Law School (2017) (co-convener with Evan Fox-Decent, Andrew Gold, Sung Hui Kim & Paul Miller)

Authority in International Law: New and Traditional Approaches

ASIL-ESIL-MPIL International Legal Theory Workshop, Vienna University of Economics and Business, Vienna, Austria (2014) (co-convener with Jörg Kammerhofer & Alexandra Kemmerer)

Human Rights in Emergencies

ASIL International Legal Theory Workshop, Washington, DC (2014)

Politics and Principle in International Legal Theory

ASIL-ESIL-Rechtskulturen International Legal Theory Workshop, University of Michigan Law School (2013) (co-convener with Jörg Kammerhofer & Alexandra Kemmerer)

Transatlantic Debates in International Legal Theory

ASIL-ESIL-Rechtskulturen International Legal Theory Workshop, Lauterpacht Centre for International Law, University of Cambridge, UK (2012) (co-convener with Jörg Kammerhofer & Alexandra Kemmerer)

JUDICIAL CITATIONS

Nevsun Res. Ltd. v. Aruya, 2020 SCC 5 (37919) (Sup. Ct. of Canada) (citing *A Fiduciary Theory of Jus Cogens*)

El Pueblo de Puerto Rico v. Santiago Cruz, 2020 TSPR 99 (P.R. Sept. 8, 2020) (Sup. Ct. of Puerto Rico) (Justices Martínez and Asociado, dissenting) (citing *Human Rights, Emergencies, and the Rule of Law*)

Cabeda v. Attorney General, 971 F.3d 165 (3d Cir. Aug. 18, 2020) (citing *Against Methodological Stare Decisis*)

Kisor v. Wilkie, 139 S. Ct. 2400 (2019) (Justices Gorsuch, Thomas, and Kavanaugh, concurring) (citing *Against Methodological Stare Decisis*)

Saleh v. Bush, 848 F.3d 880 (9th Cir. 2017) (citing *A Fiduciary Theory of Jus Cogens*)

American Farm Bureau v. E.P.A., 792 F.3d 281 (3d Cir. 2015) (citing *Against Methodological Stare Decisis*)

Yousuf v. Samantar, 699 F.3d 763 (4th Cir. 2012) (citing *A Fiduciary Theory of Jus Cogens*)

PRESENTATIONS

The Case Against Prosecuting Refugees

Colloquium on International Law and Cosmopolitan Justice, McGill University (via Zoom) (2021)

ASIL Virtual Annual Meeting (2020)

ASIL International Law in Domestic Courts Workshop, Lewis & Clark Law School (2019)

The Authority of International Refugee Law

International Legal Theory Workshop (via Zoom), hosted by University of Michigan & University of Oslo (2020)

China's Approach to International Law: Historical and Contemporary Perspectives

U.S. Army/Interagency Strategic Broadening Seminar, William & Mary (2020)

Performance Rules: Supervisory Jurisdiction in Private Law and International Law

William & Mary Law Review Symposium, William & Mary Law School (2020)

Mandatory Multilateralism

Workshop on "Sovereignty, Justice, and International Law," European Consortium for Political Research, Université catholique de Louvain, Mons, Belgium (2019)

European Society of International Law Annual Meeting, University of Manchester, UK (2018)

International Law Workshop, William & Mary Law School (2017, 2018)

Faculty Scholarship Slam, William & Mary Law School (2018)

Human Rights in Emergencies: Three Legal Models

Case Western Reserve University (via skype) (2017, 2019)

Stakeholder Fiduciaries

Second International Fiduciary Law Workshop, Hong Kong University (2018)

Conference on "Fiduciaries and Trust," University of Melbourne (2018)

Guardians of Legal Order: The Dual Commissions of Public Authorities

Workshop on "Fiduciary Government," UCLA Law School (2017)

Workshop on "Ideas in Fiduciary Law," Notre Dame Law School (2017)

Fiduciary Principles in International Law

Conference on "Fiduciary Law: Charting the Field," Harvard Law School (2017)

The Moral and Legal Foundations of the Refugee Crisis

Ethics Awareness Week, Utah Valley University (2017)

States and Other International Institutions as Fiduciaries of Humanity

ASIL Symposium: "The Future of the State," Washington, DC (2016)

Liberty in Loyalty: A Republican Theory of Fiduciary Law

Transnational Law Workshop, Washington & Lee Law School (2016)

Fiduciary Law Workshop, Duke Law School (2016)

Faculty Scholarship Slam, William & Mary Law School (2015)

Law and Society Annual Meeting, Seattle, WA (2015)

The International Right to Refuge

St. George Tucker Lecture, William & Mary Law School (2016)

Humanizing International Sanctions and Countermeasures

Canadian Council on International Law Annual Conference, Ottawa, Canada (2015)

International Law Weekend, Fordham Law School (2015)

Cosmopolitan Citizenship: The Right to Refuge

Southeastern Association of Law Schools Conference, Boca Raton, FL (2015)

Fiduciary States in Armed Conflict

International Law Workshop, William & Mary Law School (2015) (co-organizer)

Reclaiming the Grotian Theory of Humanitarian Intervention

Conference on "Sovereignty as Trusteeship for Humanity: Historical Antecedents and their Impact on International Law," Tel Aviv University Faculty of Law, Israel (2014)

Fiduciary Law Workshop, Law and Society Annual Meeting, Minneapolis, MN (2014)

Human Rights Derogation: Regulating Ex Ante and Ex Post

ASIL International Legal Theory Symposium: "Human Rights in Emergencies," Washington, DC (2014)

Manuscript Workshop: "Fiduciaries of Humanity"

McGill University Faculty of Law, Montreal, Canada (2014)

Standing for Human Rights Abroad

Fiduciary Law Workshop, McGill University Faculty of Law, Montreal, Canada (2014)

ASIL Annual Research Forum, NYU Law School (2013)

A Sacred Trust of Civilization: Fiduciary Foundations of International Law

Philosophical Foundations of Fiduciary Law Conference, DePaul Law School (2013)

Creating Fiduciary States

Fiduciary Law Workshop, Notre Dame Law School (2013)

International Legal Theory Roundtable, McGill University Faculty of Law (2013)

Law and Society Annual Meeting, Honolulu, HI (2012)

Humanitarian Financial Intervention

Faculty Workshop, William & Mary Law School (2012)

Southeast Association of Law Schools Annual Meeting, Amelia Island, FL (2012)

Annual Junior Faculty Forum for International Law, NYU Law School (2012)

Faculty Colloquium and Global Justice Seminar, University of Utah (2012)

Junior Faculty Workshop, Syracuse University College of Law (2012)

Junior International Law Scholars Association Annual Meeting, University of Georgia (2012)

J. Reuben Clark Law Society Faculty Conference, American University (2012)

Proportionality in Counterinsurgency

Law and Society Annual Meeting, San Francisco, CA (2011)

International Law Colloquium, University of Georgia (2011)

Workshop on Interdisciplinary Approaches to Transnational Law, Arizona State Univ. (2011)

Syracuse University College of Law Faculty Workshop (2010)

World Summit on Counterterrorism, Interdisciplinary Center Herzliya, Israel (2010)

When Delegation Begets Domination

Northeast Regional Scholarship and Teaching Development Workshop, Albany Law School (2011)

Syracuse University College of Law Junior Faculty Workshop (2010)

Junior International Law Scholars Association Workshop, Brooklyn Law School (2010)

Human Rights, Emergencies, and the Rule of Law

International Legal Theory Workshop, European Society of International Law Biannual Meeting, University of Cambridge, UK (2010)

Workshop on Fiduciary Aspects of Public Law, McGill University, Montreal, Canada (2010)

Workshop on Non-Ideal Political Theory, Canadian Political Science Association Annual Meeting, Concordia University, Montreal, Canada (2010)

Junior International Law Scholars Association Annual Meeting, U.C. Hastings (2010)
Syracuse University College of Law Junior Faculty Workshop (2010)

A Fiduciary Theory of Jus Cogens

Opinio Juris Blog online symposium (2009)
American Society of International Law Annual Meeting, Washington, DC (2009)

Fiduciary Administration

Institute for the Study of the Judiciary, Politics and the Media, Syracuse University (2009)
Queen's University Faculty of Law Colloquium, Kingston, Canada (2009)
J. Reuben Clark Law Society Faculty Conference, Thomas Jefferson School of Law (2009)

Chevron's Consensus

Joint Annual Meetings of the Law and Society Association and the Canadian Law and Society Association, Montreal, Canada (2008)
Syracuse University College of Law Junior Faculty Workshop (2007)

PEER REVIEW

Alberta Law Review	National Science Foundation
American Journal of International Law	New Zealand Law Review
Cambridge University Press	Northwestern University Law Review (external board)
Edward Elgar Press	Oxford University Press
Ethics and International Affairs	Regulation and Governance
Harvard Law Review	Routledge Press
Journal of National Security Law and Policy	University of Toronto Law Journal
Law and Philosophy	Yale Law Journal
Legal Theory	

PROFESSIONAL SERVICE

AMERICAN SOCIETY OF INTERNATIONAL LAW

International Legal Theory Interest Group: Chair (2017-2020), Vice-Chair (2014-2017), Executive Committee (2009-2014, 2020-present)

AMERICAN BAR ASSOCIATION

Justice Sonia Sotomayor's Nomination to the U.S. Supreme Court: Academic Reading Group Member (2009)

SELECT UNIVERSITY SERVICE

WILLIAM & MARY LAW SCHOOL

Chair, Faculty Status Committee (2015-2016, 2019-2020)
Chair, Dean's Advisory Committee (2014)
Co-chair, Faculty Enrichment Committee (2013-2015)
Faculty Member, William & Mary Study Abroad in Madrid, Spain (2014)

SYRACUSE UNIVERSITY COLLEGE OF LAW

Chair, Junior Faculty Workshop (2011-2012)

Member, Appointments Committee (2009-2013)

Member, Academic Standards Committee (2008-2012)

Delegate, University Senate (2008-2012)

BAR ADMISSIONS

New York State (inactive)

U.S. Court of Appeals for the Second Circuit

U.S. District Court for the Southern District of New York

U.S. District Court for the Eastern District of New York

LANGUAGES

English (native)

Russian (highly proficient)

Ancient Greek (intermediate reading)

Last revised: May 2021