

## EVAN J CRIDDLE

Professor of Law  
William & Mary Law School  
613 South Henry Street, Williamsburg, Virginia, 23187-8795  
ejcriddle@wm.edu

### ACADEMIC APPOINTMENTS

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#### **WILLIAM & MARY LAW SCHOOL**

Professor of Law (2013-present)  
Cabell Research Professor (2016-2017)  
Tazewell Taylor Research Professor (2014-2015)

#### **SYRACUSE UNIVERSITY COLLEGE OF LAW**

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

### BOOKS

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**THE OXFORD HANDBOOK OF FIDUCIARY LAW** (Oxford Univ. Press, forthcoming 2019) (co-editor with Paul B. Miller & Robert H. Sitkoff)

**FIDUCIARY GOVERNMENT** (Cambridge Univ. Press, forthcoming 2018) (co-editor with Evan Fox-Decent, Andrew S. Gold, Sung Hui Kim & Paul B. Miller)

**FIDUCIARIES OF HUMANITY: HOW INTERNATIONAL LAW CONSTITUTES AUTHORITY** (Oxford Univ. Press 2016) (with Evan Fox-Decent)

**HUMAN RIGHTS IN EMERGENCIES** (Cambridge Univ. Press 2016) (editor)

### ARTICLES & ESSAYS

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***Liberty in Loyalty: A Republican Theory of Fiduciary Law***, 95 TEXAS L. REV. 993 (2017) (featured in *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)

***The Constitution of Agency Statutory Interpretation***, 69 VAND. L. REV. EN BANC 325 (2016) (solicited) (*Legal Theory Blog's* "download of the week")

***Customary Constraints on the Use of Force: Article 51 with an American Accent***, 29 LEIDEN J. INT'L L. 67 (2016) (with William Banks) (peer review) (solicited)

***Standing for Human Rights Abroad***, 100 CORNELL L. REV. 269 (2015)

***Three Grotian Theories of Humanitarian Intervention***, 16 THEORETICAL INQ. L. 473 (2015) (peer review) (solicited)

***Protecting Human Rights During Emergencies: Delegation, Derogation, and Deference***, 45 NETH. Y.B. INT'L L. 197 (2015) (peer review)

***Against Methodological Stare Decisis***, 102 GEO. L.J. 1573 (2014) (with Glen Staszewski)

***Humanitarian Financial Intervention***, 24 EUR. J. INT'L L. 583 (2013) (peer review) (selected for the inaugural 2012 Junior Faculty Forum for International Law)

***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) (peer review)

***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) (reprinted from the *Northwestern University Law Review Colloquy*)

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

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

***Deriving Peremptory Norms from Sovereignty***, 103 PROCEEDINGS OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW 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*)

***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) (comment)

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

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BOOK CHAPTERS

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***Fiduciary Principles in International Law***, in THE OXFORD HANDBOOK OF FIDUCIARY LAW (Evan J. Criddle, Paul B. Miller & Robert H. Sitkoff eds., Oxford Univ. Press, forthcoming 2018)

***Guardians of Legal Order: The Dual Commissions of Public Fiduciaries***, in FIDUCIARY GOVERNMENT (Evan J. Criddle et al. eds., Cambridge Univ. Press, forthcoming 2018) (with Evan Fox-Decent)

***Fiduciary Law's Mixed Messages***, in RESEARCH HANDBOOK ON FIDUCIARY LAW (Andrew S. Gold & D. Gordon Smith eds., Edward Elgar Publ., 2018)

***Protecting Human Rights During Emergencies: Delegation, Derogation, and Deference***, in HUMAN RIGHTS IN EMERGENCIES (Evan J. Criddle ed., Cambridge Univ. Press, 2016)

***Introduction: Testing Human Rights Theory During Emergencies***, in HUMAN RIGHTS IN EMERGENCIES (Evan J. Criddle ed., Cambridge Univ. Press, 2016)

***A Sacred Trust of Civilization: Fiduciary Foundations of International Law***, in PHILOSOPHICAL FOUNDATIONS OF FIDUCIARY LAW (Andrew S. Gold & Paul B. Miller eds., Oxford Univ. Press, 2014)

***Proportionality in Counterinsurgency: Reconciling Human Rights and Humanitarian Law***, in COUNTERINSURGENCY LAW: NEW DIRECTIONS IN ASYMMETRIC WARFARE (William C. Banks ed., Oxford Univ. Press, 2013)

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WORKS IN PROGRESS

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***Mandatory Multilateralism*** (with Evan Fox-Decent)

***Introduction***, in FIDUCIARY GOVERNMENT (Cambridge Univ. Press, forthcoming 2018) (with Evan Fox-Decent, Andrew S. Gold, Sung Hui Kim & Paul B. Miller)

***Introduction***, in THE OXFORD HANDBOOK OF FIDUCIARY LAW (Oxford Univ. Press, forthcoming 2019) (with Paul B. Miller & Robert H. Sitkoff)

**FIDUCIARY LAW: CASES AND MATERIALS** (Aspen Press, forthcoming 2019) (with Andrew S. Gold, Arthur Laby, Paul B. Miller & D. Gordon Smith)

***Solidarity Fiduciaries***, in *FIDUCIARIES AND TRUST: ETHICS, POLITICS, ECONOMICS, AND LAW*  
(Matthew Harding & Paul B. Miller eds., forthcoming 2019)

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FELLOWSHIPS, GRANTS & AWARDS

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**COLLEGE OF WILLIAM & MARY**

Plumeri Award for Faculty Excellence (2015-2017) (university-wide award)

**SOCIAL SCIENCE AND HUMANITIES RESEARCH COUNCIL**

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

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

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

**SYRACUSE UNIVERSITY**

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

**LEGAL AID SOCIETY OF NEW YORK**

*Pro Bono Publico* Award for Outstanding Service in Immigration Proceedings (2006)

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COURSES

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International Law

Civil Procedure

Refugee Law and Policy

Laws of War

Administrative Law

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EDUCATION

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**YALE LAW SCHOOL, J.D.** (2003)

Essays Editor, *Yale Law Journal*

Articles Editor, *Yale Journal of International Law*

Research Assistant, Professors Boris Bittker and Judith Resnik

**BRIGHAM YOUNG UNIVERSITY, B.A.** (2000)

*Magna cum laude* with University Honors

Trustees Scholarship (four years, full tuition); Writing Fellow; Outstanding Paper Award

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

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PROFESSIONAL EXPERIENCE

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**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)

SELECT CONFERENCES & WORKSHOPS ORGANIZED

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**International Law Roundtable**, William & Mary Law School (2015-present) (co-convener with Jay Butler and Nancy Combs)

**Fiduciaries of Humanity and International Law**, McGill Law Journal Symposium, McGill University, Montreal, Canada (Jan. 2018) (co-convener with Evan Fox-Decent)

**Fiduciary Law: Charting the Field**, Harvard Law School (Nov. 2017) (co-convener with Paul Miller and Robert Sitkoff)

**Fiduciary Government**, UCLA Law School (June 2017) (co-convener with Evan Fox-Decent, Andrew Gold, Sung Hui Kim and 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 (Sept. 8, 2014) (co-convener with Jörg Kammerhofer & Alexandra Kemmerer)

**Human Rights in Emergencies**, ASIL International Legal Theory Workshop, Washington, DC, (May 2014)

**Politics and Principle in International Legal Theory**, ASIL-ESIL-Rechtskulturen International Legal Theory Workshop, University of Michigan Law School (Nov. 15-16, 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 (Sept. 20-21, 2012) (co-convener with Jörg Kammerhofer & Alexandra Kemmerer)

SELECT PRESENTATIONS

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**Fiduciary Principles in International Law**, Conference on "Fiduciary Law: Charting the Field," Harvard Law School (Nov. 2017)

**The Moral and Legal Foundations of the Refugee Crisis**, Ethics Awareness Week, Utah Valley University (Sept. 2017)

**Guardians of Legal Order: The Dual Commissions of Public Authorities**, Workshop on “Fiduciary Government,” UCLA Law School (June 2017); Workshop on “Ideas in Fiduciary Law,” Notre Dame Law School (April 2017)

**International Law in Southeast Asia: Current Problems**, Mason School of Business, College of William & Mary (June 2017)

**Human Rights in Emergencies: Three Legal Models**, Case Western Reserve University (April 2017)

**States and Other International Institutions as Fiduciaries of Humanity**, American Society of International Law Symposium: “The Future of the State,” Washington, DC (Dec. 2016)

**Liberty in Loyalty: A Republican Theory of Fiduciary Law**, Transnational Law Workshop, Washington & Lee Law School (Oct. 2016); Fiduciary Law Workshop, Duke Law School (June 2016); Faculty Scholarship Slam, William & Mary Law School (Aug. 2015); Law and Society Annual Meeting, Seattle, WA (May 2015)

**The International Right to Refuge**, St. George Tucker Lecture, William & Mary Law School (Sept. 2016)

**Mandatory Multilateralism**, International Law Workshop, William & Mary Law School (May 2016)

**Humanizing International Sanctions and Countermeasures**, Canadian Council on International Law Annual Conference, Ottawa, Canada (Nov. 2015); International Law Weekend, Fordham Law School (Nov. 2015)

**The Syrian Refugee Crisis**, Graduate Student Union Professors Roundtable, College of William & Mary (Apr. 2016); Great Decisions Lecture Series, League of Women Voters, Deltaville and Williamsburg, VA (Mar. 2015)

**Cosmopolitan Citizenship: The Right to Refuge**, Southeastern Association of Law Schools Conference, Boca Raton, FL (July 2015)

**Fiduciary States in Armed Conflict**, International Law Workshop, William & Mary Law School (May 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 (June 2014); Fiduciary Law Workshop, Law and Society Annual Meeting, Minneapolis, MN (May 31, 2014)

**Human Rights Derogation: Regulating Ex Ante and Ex Post**, ASIL International Legal Theory Symposium: “Human Rights in Emergencies,” Washington, DC (May 16, 2014)

**Manuscript Workshop: “International Law and the Fiduciary Constitution of Sovereignty,”** McGill University Faculty of Law, Montreal, Canada (May 7, 2014)

**Standing for Human Rights Abroad**, Fiduciary Law Workshop, McGill University Faculty of Law, Montreal, Canada (May 6, 2014); ASIL Annual Research Forum, NYU Law School (Nov. 1, 2013)

**A Sacred Trust of Civilization: Fiduciary Foundations of International Law**, Philosophical Foundations of Fiduciary Law Conference, DePaul Law School (July 19-20, 2013)

**Creating Fiduciary States**, Fiduciary Law Workshop, Notre Dame Law School (Mar. 8, 2013); International Legal Theory Roundtable, McGill University Faculty of Law (Jan. 16, 2013); Law and Society Annual Meeting, Honolulu, HI (June 5, 2012)

**Humanitarian Financial Intervention**, Faculty Workshop, William & Mary Law School (Sept. 27, 2012); Southeast Association of Law Schools Annual Meeting, Amelia Island, FL (Aug. 1, 2012); Annual Junior Faculty Forum for International Law, NYU Law School (May 29-30, 2012); Faculty Colloquium and Global Justice Seminar, University of Utah (Mar. 2, 2012); Junior Faculty Workshop, Syracuse University College of Law (Feb. 21, 2012); Junior International Law Scholars Association Annual Meeting, University of Georgia (Feb. 11, 2012); J. Reuben Clark Law Society Faculty Conference, American University (Jan. 4, 2012)

**Proportionality in Counterinsurgency**, Law and Society Annual Meeting, San Francisco, CA (June 3, 2011); International Law Colloquium, University of Georgia (Feb. 18, 2011); Workshop on Interdisciplinary Approaches to Transnational Law, Arizona State Univ. (Jan. 14, 2011); Syracuse University College of Law Faculty Workshop (Oct. 28, 2010); World Summit on Counterterrorism, Interdisciplinary Center Herzliya, Israel (Sept. 14, 2010)

**When Delegation Begets Domination**, Northeast Regional Scholarship and Teaching Development Workshop, Albany Law School (Feb. 5, 2011); Syracuse University College of Law Junior Faculty Workshop (Aug. 6, 2010); Junior International Law Scholars Association Workshop, Brooklyn Law School (July 29, 2010)

**Human Rights, Emergencies, and the Rule of Law**, International Legal Theory Workshop, European Society of International Law Biannual Meeting, University of Cambridge, UK (Sept. 1, 2010); Workshop on Fiduciary Aspects of Public Law, McGill University, Montreal, Canada (June 2, 2010); Workshop on Non-Ideal Political Theory, Canadian Political Science Association Annual Meeting, Concordia University, Montreal, Canada (June 1, 2010); Junior International Law Scholars Association Annual Meeting, U.C. Hastings (Feb. 26, 2010); Syracuse University College of Law Junior Faculty Workshop (Feb. 11, 2010)

**A Fiduciary Theory of Jus Cogens**, *Opinio Juris* Blog online symposium (Oct. 19, 2009; American Society of International Law Annual Meeting, Washington, DC (Mar. 26, 2009) (selected for presentation in a panel dedicated to “New Voices in International Law”)

**Fiduciary Administration**, Institute for the Study of the Judiciary, Politics and the Media, Syracuse University (Jan. 29, 2009); Queen’s University Faculty of Law Colloquium, Kingston, Canada (Jan. 19, 2009); J. Reuben Clark Law Society Faculty Conference, Thomas Jefferson School of Law (Jan. 6, 2009)

**Chevron’s Consensus**, Joint Annual Meetings of the Law and Society Association and the Canadian Law and Society Association, Montreal, Canada (May 31, 2008); Syracuse University College of Law Junior Faculty Workshop (Nov. 29, 2007)

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#### ASSOCIATIONS

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##### AMERICAN SOCIETY OF INTERNATIONAL LAW

Chair, International Legal Theory Interest Group (2017-2020)

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EVAN J CRIDDLE

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Vice-Chair, International Legal Theory Interest Group (2014-2017)  
Executive Committee, International Legal Theory Interest Group (2010-2014)

**EUROPEAN SOCIETY OF INTERNATIONAL LAW**

Member (2010-present)

**INTERNATIONAL LAW ASSOCIATION**

Member, Study Group on International Sanctions (2015-2016)

**AMERICAN BAR ASSOCIATION**

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

PEER REVIEW

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Cambridge University Press

Edward Elgar Press

Ethics and International Affairs

Harvard Law Review

Journal of National Security Law and Policy

Law and Philosophy

National Science Foundation

Northwestern University Law Review (board)

Regulation and Governance

Routledge Press

University of Toronto Law Journal

Yale Law Journal

SELECT UNIVERSITY SERVICE

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**WILLIAM & MARY LAW SCHOOL**

Chair, Faculty Status (Retention, Promotion & Tenure) Committee (2015-2016)

Co-Chair, Faculty Enrichment Committee (2013-2015)

Chair, Dean's Advisory Committee (Fall 2014)

Chair, Faculty Retreat Committee (2014)

Faculty, W&M Study Abroad in Madrid, Spain (July 2014)

**SYRACUSE UNIVERSITY COLLEGE OF LAW**

Chair, Junior Faculty Workshop (2011-2012)

Appointments Committee (2009-2013)

Academic Standards Committee (2008-2012)

University Senate (2008-2012)

BAR ADMISSIONS

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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

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English (native)



Russian (fluent reading, proficient speaking)  
Ancient Greek (intermediate reading)  
German (beginning reading)  
French (beginning reading)

*Last revised: January 2018*