

Gwynne Skinner
Associate Professor of Law
Willamette University College of Law
gskinner@willamette.edu
503-370-6140 (office)

Education

Master of International Human Rights Law (LL.M. equivalent), University of Oxford,
with Distinction*

J.D., University of Iowa College of Law, with High Distinction
Iowa Law Scholar (awarded based on 98th percentile of LSAT)

M.A., University of Iowa, American Studies Department (joint degree with law)

B.A., Political Science, University of Northern Iowa, with Highest Honors (*summa cum laude*)

Academic and Teaching Experience

Willamette University College of Law, Professor of Law, June 1, 2013 to present (Professor of Law as of June 1, 2017). Teach and direct the Human Rights and Immigration Clinic. Also teach Immigration, International Human Rights Law, and Refugee Law. Have represented Guantanamo Bay detainees in civil actions in U.S. federal court, clients before the European Court of Human Rights, clients before immigration court and the BIA, and other clients in U.S. federal and appellate courts. Regularly represent clients seeking asylum and withholding of removal before the USCIS and in immigration court. Have appeared and argued before the Ninth Circuit and Fourth Circuit Courts of Appeal. Have written numerous fact-finding reports. In August 2015, received the University's Jerry F. Hudson Award for Excellence in Teaching. In April of 2015, received the Raising the Bar award for access to justice advocacy by the student Public Interest Law organization.

Scholarly focus is on barriers in human and civil rights litigation, business and human rights, and barriers to judicial remedy.

Acting Director of Externship Program, 2014 and 2016

Advisor, International Corporate Accountability Roundtable, 2013 to present. Work with ICAR on a variety of issues involving business and human rights and access to

* Distinction is the highest award given at Oxford University.

remedy. Author of *Parent Company Accountability*, presented at the ICAR annual meeting in September 2015, and at the UN Fourth Annual Forum on Business and Human Rights in November 2015. Lead author for report addressing limited liability of parent corporations for subsidiary's extraterritorial human rights violations; lead author for report addressing barriers to judicial remedies for extraterritorial human rights abuses entitled *The Third Pillar - Access to Judicial Remedies for Human Rights Violations by Transnational Business* (co-author with Olivier De Schutter and Robert McCorquodale), presented at the United Nations Second Annual Forum on Business and Human Rights, December 2013; panel presentation and moderator at the United Nations Third Annual Forum on Business and Human Rights, December 2014.

Invited and participated in a high-level expert consultation regarding criminal liability of corporations, along with prosecutors with the U.S. DOJ and some State attorneys; investigators with the FBI, Interpol, and the International Criminal Court; retired judges; and high-level NGOs, May, 2016, Long Island, NY.

Invited and participated in high-level expert consultation regarding parent company liability with Amnesty International, December 7-8, 2015, London, England.

Invited and participated as expert at high-level roundtable consultation regarding barriers to access to remedy with the UN Working Group on Business and Human Rights, November 19-20, 2015, Geneva, Switzerland.

Seattle University School of Law, Visiting Professor, August 1, 2006 to May 2008 (06-07 and 07-08 academic years); **Distinguished Practitioner-in-Residence**, January 2005 to June 2006. Directed the International Human Rights Clinic, and taught the associated seminar. Represented the family of Rachel Corrie and Palestinian families against Caterpillar for aiding and abetting human rights violations; represented individuals in immigrant detention in a cutting-edge human rights litigation; represented clients before the European Court of Human Rights; represented clients seeking asylum. Also taught Women and International Human Rights Law, and Corporations and Human Rights, courses which I proposed and developed.

Scholarly Publications

Works-In-Progress

TRANSNATIONAL CORPORATIONS AND HUMAN RIGHTS: OVERCOMING BARRIERS TO JUDICIAL REMEDY (Cambridge Univ. Press, expected Spring 2018)

Law Review Articles

"Expanding General Personal Jurisdiction Over Transnational Corporations for Federal Causes of Action," 121 *Penn. St. L. Rev.* 617 (spring 2017)

“Rethinking Limited Liability of Parent Corporations for Foreign Subsidiaries’ Violations of International Human Rights Law,” 72 *Wash. & Lee L. Rev.* 1769 (December 2015) (also invited to write a summary for discussion on Columbia Law School’s *Blue Sky Blog*, February 10, 2016)

“Beyond *Kiobel*: Providing Access to Judicial Remedies for Corporate Accountability for Violations of International Human Rights Norms by Transnational Corporations in a New (Post-*Kiobel*) World,” 46 *Colum. Hum. Rts. L. Rev.* 158 (Fall 2014)

“Misunderstood, Misconstrued, and Now Clearly Dead: The ‘Political Question Doctrine’ as a Justiciability Doctrine,” 9 *J.L. & POL.* 427 (2014) (Univ. of Virginia)

“Roadblocks to Remedies: Recently-Developed Barriers to Relief for Aliens Injured by U.S. Officials, Contrary to the Founders’ Intent,” 47 *U. Rich. L. Rev.* 555 (2013)

“The Non-Justiciability of Palestine: Human Rights and the (Mis)Application of the Political Question Doctrine,” 35(1) *Hastings Int. and Comp. L. Rev.* 99 (Winter 2012)

“When Customary International Law Violations Arise Under the Laws of the United States,” 36 *Brooklyn Journal of International Law*, 205 (Fall 2010)

“Customary International Law, Federal Common Law, and Federal Court Jurisdiction,” 44 *Valparaiso Law Review* 825 (Spring 2010) (symposium publication)

“Reporting on Conditions of Immigrant Detention: A Clinical Model,” 7 *Seattle Journal for Social Justice* 649 (Summer 2009)

“Federal Question Jurisdiction for U.S. Citizens’ Claims for Human Rights Violations,” 37 *Georgia Journal of International and Comparative Law* 53 (2008)

“Bringing International Law to Bear on the Detention of Refugees and Conditions of Immigrant Detention in the United States,” 16 *Willamette Journal of International Law and Dispute Resolution*, 270 (2008) (published 2010 for presentation in March 2009) (symposium publication)

“Nuremberg’s Legacy Continues: The Nuremberg Trials’ Influence on Human Rights Litigation in U.S. Courts under the Alien Tort Statute,” 71 *ALB. L. REV.* 321 (December 2007)

“Intimate Association and the First Amendment,” 3 *Law and Sexuality* 1 (1993)

Book Chapter

“The Nuremberg Precedents and Their Impact on Civil Claims of War Crimes and Crimes Against Humanity in U.S. Courts under the Alien Tort Statute,” book chapter in *The Nuremberg War Crimes Trials and Their Policy Consequences Today*, (ed. Beth Griech-Polelle, Nomos, C. H. Beck, 2008)

Other Publications

Parent Company Accountability: Overcoming Obstacles to Justice for Human Rights Violations, International Corporate Accountability Roundtable (International Corporate Accountability Roundtable, (September 2015), found at <http://icar.ngo/initiatives/parent-company-accountability-project/>

The Third Pillar - Access to Judicial Remedies for Human Rights Violations by Transnational Business, International Corporate Accountability Roundtable, co-author with Olivier De Schutter and Robert McCorquodale, presented at the United Nations Second Annual Forum on Business and Human Rights, December 2013

Human Trafficking and Native Peoples in Oregon: A Human Rights Report, with the Human Rights and Immigration Clinic, 2014

Modern Slavery in Our Midst: A Human Rights Report on Ending Human Trafficking in Oregon, with Human Rights and Immigration Clinic, 2010

Presentations/Panels

- “Practical Leverage of Law for Corporate Group Structures, Governance, and Human Rights,” United Nations Forum on Business and Human Rights, Tuesday, November 13, 2016 (co-sponsored by the British Institute of International and Comparative Law (BIICL))
- “Toward Universal Personal Jurisdiction over Transnational Corporations,” ASIL Research forum, invited to present work-in-progress, November 12-13, 2016, Seattle, Washington
- “Expanding General Personal Jurisdiction Over Transnational Corporations for Federal Causes of Action,” Second Annual Business and Human Rights Scholars, invited to present work-in-progress, September 2016, Seattle, Washington
- Advancing Parent Company Accountability: A Roadmap for Policy and Legal Reform, Presenter and Moderator, American University, College of Law (co-sponsored by ICAR), September 7, 2016
- Parent Company Liability, presentation and lead discussant, Annual Meeting, International Corporate Accountability Roundtable, September 8, 2016

- “Human Rights Due Diligence in Law and Practice,” panel presentation regarding Parent Company Liability, United Nations Fourth Annual Forum on Business and Human Rights, November 2015
- “Rethinking Limited Liability of Parent Corporations for Foreign Subsidiaries’ Human Rights Violations,” paper presentation at the Northwest Clinical Law Conference, October 2015
- “Rethinking Limited Liability of Parent Corporations for Foreign Subsidiaries’ Human Rights Violations,” scholarly work-in-progress, Business and Human Rights Scholars Conference (Inaugural Conference, sponsored by Rutgers University and University of Washington School of Law), Rutgers University, September 2015
- Parent Company Liability, ICAR Annual Meeting, Washington, D.C., September 2015
- Financial Barriers to Access Judicial Remedies, United Nations Third Annual Forum on Business and Human Rights, Geneva, December 2014 (Moderator and Presenter)
- Human Rights In the US, CLE sponsored by the Oregon Bar Association and the Oregon Chapter of the National Lawyers Guild, December 2014
- Moving Beyond *Kiobel*: Access to Judicial Remedies for Corporate Accountability for Violations of International Human Rights Law in a New (Post-*Kiobel*) World, AALS Annual Clinical Conference, scholarly work in progress, April 29, 2014
- Judicial Access to Remedies for Corporate Accountability for Violations of International Human Rights Law in a New (Post-*Kiobel*) World, AALS Annual Conference, International Human Rights Panel, January 3, 2014
- “The “The Third Pillar - Access to Judicial Remedies for Human Rights Violations by Transnational Business,” United Nations Second Annual Forum for Business and Human Rights (presentation on two panels), December 2013
- “The “The Third Pillar - Access to Judicial Remedies for Human Rights Violations by Transnational Business,” ICAR Annual Meeting September 2013
- “Accountability and Guantanamo: Defending Rights in the Post-9/11 Era,” Monday June 3, 2013, University of Washington Center for Human Rights, June 3, 2013
- “Refugee Status and Gang Violence,” *International Law of Migration and Treatment of Migrants in the United States*, Willamette University, March 2013
- “Litigating Civil Cases for Remedies Pursuant to the Alien Tort Statute and *Bivens*,” Guantanamo Bay and Beyond, Oregon CLE presentation, March 2013

- “The Constitutionality of Same Sex Marriage,” Westar Spring Conference, Salem, Oregon, March 21, 2012 (co-sponsored by Willamette’s Center for Religion, Law and Democracy)
- “Human Rights Fact-Finding and Reporting in the Domestic Context: Holding Government’s Accountable for Domestic Human Rights Violations,” 6th Global Alliance for Justice Education Worldwide Conference, Valencia, Spain, July, 2011
- “A Treaty to Secure the Right to Food,” 6th Global Alliance for Justice Education Worldwide Conference, Valencia, Spain, July, 2011
- “Human Rights Litigation, *Hamad v. Gates et al*,” Poster Presentation, AALS Conference on Clinical Education, June 2011
- “Political Questions? Litigating Human Rights Issues in Palestine,” Litigating Palestine Conference, Hastings College of Law, March 25, 2011
- Asylum Claims, Panel Moderator, conference on Immigration, American Immigration Law Association (AILA), Oregon Chapter, March 11, 2011
- “Is There an International Human Right to Water?” Panel Moderator, Willamette University, Conference on the Right to Water, February 2011
- “Human Rights Litigation, *Hamad v. Gates et al*,” Poster Presentation, AALS Annual Meeting, January 4-8, 2011
- “Federal Courts’ Jurisdiction Over Claims for Violations of Customary International Law,” Conference on the Application of International Law in the Domestic Context, Valparaiso University School of Law, Valparaiso, Indiana, April 3, 2009
- “Bringing International Law to Bear on the Detention of Refugees,” American Branch of the International Law Association, West Conference, Salem, Oregon, March 6-7, 2009 (also served as a panel moderator for panel on litigation under the Alien Tort Statute)
- “Incorporating International Law into Domestic Advocacy,” Global Alliance for Justice Education, Manila, Philippines, December 2008
- “Investigating Conditions of Immigrant Detention,” Poster Presentation, AALS Clinical Law Annual Meeting, May 2008
- “The Emerging Legal Landscape of Sustainability: The Role of Corporate Compliance,” Supporting Sustainable Business Practices Through Law Conference, February 2008, Seattle University, Seattle, Washington Practices Through Law

- “What are the Applicable Legal Frameworks: International Law, U.S. Constitutional Law, Others?” panel moderator, for What is to be Done with Terrorists Conference, February, 2008, Seattle University, Seattle, Washington
- “The Nuremberg Precedents and Their Impact on Civil Claims of War Crimes Against Individuals and Corporations in U.S. Courts,” The Nuremberg War Crimes Trial and Its Policy Consequences Today, University of Toledo College of Law, October 2006
- “War Crimes and Litigation: The Caterpillar Case,” 2005 Palestine Center Annual Conference, *Palestine and the Middle East in a Global Context*, Washington D.C., November 2005
- “The Case of *Corrie v. Caterpillar*,” Seattle University School of Law, September 27, 2005
- “Human Rights Litigation,” Washington D.C. Human Rights Seminar, University of Washington, Bothell, September 2005
- “*Corrie et al v. Caterpillar* – A Civil Suit Concerning Aiding and Abetting International Human Rights Violations,” Washington State Bar Association (CLE presentation), June 2005
- “International Fora for Practicing Human Rights: What are the Options?” ABA Section of International Law Spring Meeting (CLE Co-Chair), April 2005
- “Human Rights and Violence Against Women in Conflict and War,” Third Western Annual Regional International Health Conference, Puget Sound Partners for Global Health, February 19, 2005

Media

KATU News interview, discussing the same-sex marriage decision, June 26, 2015

“Congress must make amends to illegal capture and torture,” editorial, The Oregonian, January 12, 2015

Guest on Oregon Public Broadcast’s *Think Out Loud*, regarding the U.S. Senate Intelligence Report on Torture, December 2014

Guest on Oregon Public Broadcast’s *Think Out Loud*, regarding President Obama’s executive order regarding deferred prosecutions, November 2014

Guest on Oregon Public Broadcast’s *Think Out Loud*, regarding Human Trafficking and the vulnerability of the Native American community, April 2014

Guest on Oregon Public Broadcast's *Think Out Loud*, regarding Guantanamo Bay closure and President Obama's national security speech, May 2013

Guest on Oregon Public Broadcast's *Think Out Loud*, regarding Guantanamo Bay cases, January, 2012

"Changes Can Help Save Minors from Sex Trade," Editorial, The Oregonian, August 21, 2010

Guest on Oregon Public Broadcasting's *Think Out Loud*, regarding Human Trafficking, August 4, 2010

Other (Pre-Academia) Work Experience

Founding Partner, Public Interest Law Group, PLLC, Seattle, Washington, June 2003 to April 2007. Founded Seattle's Public Interest Law Group, and served as managing partner until leaving in April 2007. Practiced public interest litigation in the areas of civil rights and international law. Represented family of Rachel Corrie in cutting-edge case against Caterpillar, Inc. for aiding and abetting human rights violations in the Occupied Palestinian Territory. Appeared before the Ninth Circuit Court of Appeals and the Washington Supreme Court.

Attorney, Dorsey & Whitney LLP, Seattle, Washington, January 2000 to June 2003. Attorney in the Trial Group. Practiced extensive civil litigation, including complex litigation, in areas including employment law, securities fraud, and intellectual property. Lead counsel in all employment litigation matters, and second chair in other litigation matters, primarily in U.S. federal court. **Attorney, Littler Mendelson, LLP**, Seattle, Washington, 1998-2000. Attorney in the Trial Group. Practiced extensive civil litigation, primarily in the area of employment law. Conducted trainings in the area of employment law for companies and the State of Washington. Left with group to join Dorsey & Whitney, LLP.

Attorney, Frank and Rosen, LLP (now Frank, Freed, Subit, and Thomas), Seattle, Washington, 1995-1998. Practiced employee-side employment law and civil rights, primarily in litigation.

Deputy Prosecuting Attorney, King County Prosecutor's Office, Seattle, Washington, 1994-1995. Prosecuted serious juvenile sex crimes and felonies in juvenile court. Prosecuted misdemeanors in district court. Served as Gang Liaison with Seattle Police Department.

Trial Attorney, U. S. Department of Justice, Washington D.C., Criminal Division, Honors Program, 1991-1992. Served in the Appellate Section. Wrote briefs in opposition to certiorari to the United States Supreme Court. Also served as a Special Assistant U.S. Attorney in the District of Minnesota, prosecuting crimes such as Mann

Act violations, ERISA violations, social security fraud, and postal theft. Argued before the 8th Circuit Court of Appeals; appeared before the 4th Circuit Court of Appeals.

Other Relevant Experience

- Bridges Across Borders SE Asia (BABSEA) Clinical Legal Education project in Vietnam, assisting in the initial stages of establishing clinical education in Vietnam, summer 2010
- Legal observer in the trial of *Corrie v. Israel Defense Forces*, Israel, March 2010
- Conducted fact-finding report on conditions of immigrant detention at immigration facility, 2006-2007
- Conducted fact-finding involving gender violence in Swaziland with Georgetown's International Women's Human Rights Clinic, Spring 2006
- Conducted fact-finding involving genocide and other grave human rights abuses in Asia, 2003
- Worked with PeaceTrees Vietnam in working to rid Vietnam of unexploded ordnance and to begin reforestation, 2000
- Conducted domestic violence and gender discrimination training to lawyers and community activists in Russia and Siberia, 1998
- Have represented and continue to represent numerous refugees seeking asylum

Honors and Awards

- *Willamette University's Jerry F. Hudson Award for Excellence in Teaching*, 2015
- *Raising the Bar Award*, from Willamette University Law Schools' Public Interest Law Project (WUPILP) (March 2015). The award recognizes individuals who the WUPILP board believes have gone above and beyond to promote public interest law and address access to justice issues.
- *Seattle Human Rights Advocate of the Year*, 2008 (awarded by Seattle University School of Law)
- *Law in Justice Award*, awarded by Hate Free Zone (now OneAmerica) for representation of Somali workers who suffered religious discrimination, April 2005
- Named one of Seattle's top civil rights lawyers by *Seattle Magazine*, January 2005
- Named a Superlawyer by *Washington Law and Politics*, 2006 and 2007

Organizations and Memberships

American Association of Immigration Lawyers
American Society of International Law (ASIL)
American Bar Association
OGALLA (Oregon's LGBTQ bar association)
Oregon Bar Association
Washington State Bar Association

Licensed to practice in Oregon, Washington and Iowa (inactive), and before the United States District Courts, Western and Eastern Districts of Washington, District of Oregon, and District of Minnesota, and before the Fourth, Eighth, and Ninth Circuit Courts of Appeal, and the United States Supreme Court.