

JONATHAN M. MILLER
Southwestern Law School
3050 Wilshire Blvd.
Los Angeles, California 90010-1106
(213) 738-6784
jmiller@swlaw.edu

DATE OF BIRTH: July 14, 1960

BAR ADMISSIONS: Admitted to New York Bar, January 1986, District of Columbia Bar, December 1988.

EDUCATION: Columbia University School of Law
Jervy Fellow for 1985-87, Parker School of Foreign and Comparative Law.

J.D., May 1985. Parker School Certificate in Comparative Law, May 1985. Stone Scholar (1982-83, 1984-85), Note Editor on Columbia Journal of Transnational Law, Teaching Fellow (Autumn 1984).

Columbia College, Columbia University
B.A. in Economics, Cum Laude, May 1982. Dean's List every semester.

The London School of Economics and Political Science
Fellowship for Study in Junior year abroad, September 1980 - June 1981.

St. Louis Park Senior High School
Minneapolis, Minnesota, September 1975 - June 1978.

LEGAL

EMPLOYMENT: Associate, Arent, Fox, Kintner, Plotkin & Kahn, Washington, D.C., October 1988 - January 1991. Worked on varied types of litigation, mostly commercial, primarily for foreign clients.

Summer Associate, Milbank, Tweed, Hadley & McCloy, New York, New York, May - August 1984. In addition to working on a variety of assignments as part of a formal rotation program through the banking, corporate and litigation departments, had the opportunity to work on private sector debt problems involving Mexican and Ecuadorian corporations.

Summer Associate, Baker & McKenzie, Caracas, Venezuela, June - August

1983. Worked exclusively with Venezuelan law, mainly answering questions concerning foreign investment and products liability for American clients.

TEACHING:

Professor of Law, Southwestern Law School, Los Angeles, California. (Associate Professor from July, 1991 - May, 1997. Promoted to Professor of Law and granted tenure in May, 1997.) Established and directed Southwestern's Summer Law Program in Argentina, 1993-1999. Research Leave in Buenos Aires, Argentina, 1994-95. Leave for Fulbright Teaching and Research Award in Buenos Aires, Fall Semester, 1997. Courses taught: Constitutional Law I & II; International Protection of Human Rights; Public International Law; Journal Seminar; Civil Procedure I & II; Latin American Laws and Institutions Seminar; Federal Courts; Comparative Law; European Union Law.

Visiting Scholar, Washington College of Law, American University, Washington, D.C., February - June, 1991.

Visiting Professor, School of Law, University of Buenos Aires, January 1986 - August 1987, January 1988 - July 1988. Taught courses as an Associate Professor (Temporary Appointment) in Constitutional Law, September 1986 - August 1987, and in Human Rights, January 1988 - August 1988, teaching using the case method. Visiting Investigator, Gioja Institute, School of Law, University of Buenos Aires.

**MAJOR
CONSULTING
PROJECTS:**

External consultant for Lexis Nexis Latin America for the development of online computer assisted legal research, March 2000 - July 2001.

MAJOR AWARDS: Decorated as an "Oficial" of the "Orden de Mayo" of the Argentine Republic, pursuant to Presidential Decree 1520/2007, signed Oct. 30, 2007, for pro bono work done on behalf of Víctor Hugo Saldaño, an Argentine citizen on death row in Texas.

Ciudadano Honorario de la Municipalidad de Córdoba, for international human rights work on behalf of Argentine citizens from the City and Province of Córdoba, Argentina, May 7, 2002.

**FELLOWSHIPS
AND GRANTS:**

U.S. Project Director, Partnership for Advocacy Training, September 2006 - September 2011. Initially a \$300,000 grant from the U.S. Agency for International Development, with over \$600,000 in cost-share from U.S. and Mexican institutions, to train Mexican attorneys in trial advocacy. The grant,

administered by Higher Education for Development through USAID's TIES program, involved a partnership between Southwestern Law School and the Law Department of Tecnológico de Monterrey – Monterrey Campus, to provide oral advocacy training in Mexico and scholarships at Southwestern. The grant was renewed in May 2009 with \$250,000 in additional funding, to establish a Center of Excellence in Trial Advocacy at Tecnológico de Monterrey – Monterrey Campus. The Center, called the *Centro para el Desarrollo para la Abogacía en el Litigio Oral*, CEDALIT, continued to operate after the grant.

Fulbright Scholar, Aug. - Nov., 1997, jointly funded by the Fundación Antorchas, for teaching and research in Argentina.

Grant from the J. Roderick MacArthur Foundation, March 1988, to write a casebook on Argentine civil liberties law.

Fulbright Scholar, Feb. - July, 1987, jointly funded by the Fundación Antorchas, for teaching in Argentina.

Intern, Argentine Supreme Court, July 1986 - November 1987, authorized by the Supreme Court to work in the Secretariat of Dr. Leopoldo Schiffrin as part of research on the political role of the Court, and wrote several legal memoranda for the Court.

Jervey Fellowship, Parker School of Foreign and Comparative Law, Columbia University, Sept. 1985 - Jan. 1987, Sept. - Dec. 1987, awarded for study in New York and Argentina.

Kohn Traveling Fellowship, Columbia College, Sept. 1980 - June 1981, awarded to a Columbia College junior each year for study in England.

**MAJOR
PRO BONO
PROJECTS:**

State of Texas v. Victor Hugo Saldaño -- In 2004 - 2005, with the help of a team of Southwestern students, drafted and argued pre and post-trial motions for the defense in connection with a new death penalty sentencing proceeding in McKinney, Texas. In 2006, argued the Direct Appeal before the Texas Court of Criminal Appeals, and prepared the central portions of the Direct Appeal, Reply and Supplemental Briefs. In 2007, filed a Motion for Rehearing, and filed a Brief for the Government of the Argentine Republic as *Amicus Curiae* in Support of Petitioner before the U.S. Supreme Court. Assisted local counsel in the Federal habeas corpus proceedings and presented the *Amicus Curiae* Brief of the Government of the Argentine

Republic in Support of Petitioner/Appellant before the Fifth Circuit Court of Appeals in 2017 and before the U.S. Supreme Court in 2019. Continue to appear in the proceedings in Texas on behalf of the Argentine Government.

Kiobel v. Royal Dutch Petroleum Co., Brief for the Government of Argentine Republic as *Amicus Curia* in Support of Petitioners before the U.S. Supreme Court (2013) – Drafted the brief as counsel of record.

Saldaño, Víctor v. Government of the United States of America, Case No. 12.254, Inter-American Commission on Human Rights, Merits Report No. 24/17, presently in enforcement/follow-up stage — Representing an Argentine on death row in Texas before the Inter-American Commission on Human Rights, arguing that illegal ethnic profiling and subsequent mental decline on Death Row when a prosecution expert testified that the defendant constituted a future danger to society because as a Latino he belonged to a group that committed more crime than the general population. The U.S. Department of State supported Saldaño by writing a letter in 2010 to the U.S. District Court for the Eastern District of Texas emphasizing the need for an evidentiary hearing on Saldaño's mental decline. (From 2014 - 2020 participation in the case before the Commission was limited and was at the behest of Scott Smith, federal habeas counsel.)

Birt, Guillermo Alberto c/Estado Nacional Argentino, Case No. 10.310, Inter-American Commission on Human Rights, 1989-1992 — Under the auspices of the Washington Office on Latin America, representing victims of human rights violations by the Argentine military government of 1976 - 1983, before the Inter-American Commission of Human Rights. The actions concluded with the first friendly settlement in the history of the Commission and substantial compensation for the victims and their survivors.

Siderman v. Republic of Argentina, U.S. District Court for the Central District of California, 1996 — Presented an extensive expert opinion on Argentine tort law and on the state of the Argentine judiciary during and after the military government of 1976-1983 in an action brought against the Argentine government for human rights violations committed during the military government. The case concluded with a settlement.

ACADEMIC

PUBLICATIONS: Books

Constitución, poder político y derechos humanos. vol. 3 — *Garantías Constitucionales en el Proceso Penal* (Buenos Aires: La Ley, 2002). As lead author and editor. Co-authored with M.A. Gelli, S. Cayuso and H. Gullco.

Constitución y derechos humanos, 2 vols. (Buenos Aires: Editorial Astrea, 1991). As lead author and editor. Co-authored with M.A. Gelli and S. Cayuso.

Constitución y poder político, 2 vols. (Buenos Aires: Editorial Astrea, 1987).
- As lead author and editor. Co-authored with M.A. Gelli and S. Cayuso.
(Underwent three printings.)

Articles, chapters, book reviews and published presentations

Adding Some Baby Teeth to U.S. Participation in the Inter-American Human Rights System: A U.S. Corollary to Hernán Gullco's Observations, 27 Sw. J. Int'l L. 342-367 (2021)

Book Review, 58 Am. J. Legal Hist. 284-285 (2018), (reviewing M.C. Mirow, *Latin American Constitutions: The Constitution of Cádiz and its Legacy in Spanish America* (2015))

“The Influence of Human Rights and Basic Rights in Private Law in the United States.” In *The Influence of Human Rights and Basic Rights in Private Law*, edited by Verica Trstenjak and Petra Weingerl, 577-593. Heidelberg: Springer, 2016. This chapter is virtually identical to the article by the same name immediately below.

The Influence of Human Rights and Basic Rights in Private Law in the United States, 62 Am. J. Comp. L. Supp. 133-149 (2014) (U.S. contribution to the report on The Influence of Human Rights and Basic Rights in Private Law for the 19th International Congress of Comparative Law held in Vienna, Austria in July 2014)

Echoes from the South: Argentina's Early Legislative Debates on U.S.-Style Judicial Review, 48 Willamette Law Review 473-496 (2012).

Transplants, Legal Exports as, in the 3 *Encyclopedia of Law and Society* 1512 (David Clark, editor, Sage Publications, 2007).

Inter-American Law (co-editor with Meaghan McGrath Beaumont), in *International Legal Developments in Review: 2003*, 38 Int'l Lawyer 665-690 (2004).

A Typology of Legal Transplants: Using Sociology, Legal History and Argentine Examples to Explain the Transplant Process, 51 Am. J. Comp. L. 839 (2003).

Soluciones imperfectas en una democracia imperfecta, in Jorge Pedro

Busti et al., *El Caso Bussi: El voto popular y las violaciones a los derechos humanos* 29-43 (2002).

Evaluating the Argentine Supreme Court Under Presidents Alfonsín and Menem (1983-1999), 7 Sw. Journal of Law & Trade in the Americas 369 (2001). A Spanish translation was published as *Evaluando la Corte Suprema de Alfonsín y Menem (1983-1999)* in *LA CORTE Y SUS PRESIDENCIAS: LA CORTE ENRIQUE SANTIAGO PETRACCHI I* 179-260 (Paula Gaido & Laura Clérico eds., Claudina Orunesu volume editor, Celina Giraudy trans. Ad-Hoc, 2021).

Litigating Human Rights (with Laurence R. Helfer), California Lawyer, Feb. 2000, at 69.

Judicial Review and Constitutional Stability: A Sociology of the U.S. Model and its Collapse in Argentina, 21 Hastings Int'l & Comp. L. Rev. 77 (1997). A Spanish translation was published as *Control judicial de constitucionalidad y estabilidad constitucional: Sociología del modelo estadounidense y su colapso en la Argentina*, Revista de teoría jurídica, vol. 1 issue 1, published online by the Universidad Torcuato DiTella at <http://www.utdt.edu/departamentos/derecho/publicaciones/rjt1/pdf/miller.pdf>.

ARGENTINA – Introductory Notes: Constitutional History and Political Background and (with Fang Lian Liao) translation of the *Constitution of the Argentine Nation, 1994* in *Constitutions of the Countries of the World* (Oceana, 1997 release).

The Constitutional Authority of a Foreign Talisman: A Study of U.S. Practice as Authority in 19th Century Argentina and the Argentine Elite's Leap of Faith, 46 Am. U. L. Rev. 1483 (1997).

Courts and the Creation of a "Spirit of Moderation": Judicial Protection of Revolutionaries in Argentina, 1863-1929, 20 Hastings Int'l & Comp. L. Rev. 231 (1997).

Prefacio, in *Jerarquía constitucional de los tratados internacionales* (Juan Carlos Vega & Marisa Graham, eds., Buenos Aires: Editorial Astrea, 1996).

Published presentation, *The Latin American Reformer's Stake in U.S. Human Rights Policy, in Transition to Democracy in Latin America: The Role of the Judiciary* 155 (Irwin Stotzky, ed., Boulder: Westview Press, 1993).

El método de casos y la educación legal en la Argentina, 48 Lecciones y ensayos 339 (Buenos Aires, 1987). Republished in *1 Saber Abierto* 99 (Buenos Aires, 1988). A revised version of this article was published as *El método de casos y la educación jurídica en América Latina*, *Revista de Ciencias Jurídicas* (San Salvador: 1992).

Untitled published presentation on the constitutionality of the American Convention of Human Rights, *in Asociación Argentina de Derecho Constitucional, Jornadas sobre el Pacto de San José de Costa Rica* (Buenos Aires: 1988).

Control de constitucionalidad: El poder político del poder judicial y sus límites en una democracia, 120 *El Derecho* 919 (Buenos Aires, 1987).

Responsabilidad del fabricante en la Argentina desde la perspectiva del derecho comparado, *Revista del derecho comercial y de las obligaciones* (Buenos Aires), no. 111, June 1986, at 347.

Products Liability in Argentina, 33 *Am. J. Comp. L.* 611 (1985).

**NON-ACADEMIC
PUBLICATIONS:**

Missing the boat to Argentina, *Christian Science Monitor*, May 27, 2003, at 11 (arguing that the U.S. should have sent a high-ranking representative to Néstor Kirchner's Presidential inauguration in Argentina).

U.N. Should Rule Post-War Iraq, *San Diego Union-Tribune*, March 28, 2003, at B-9 (Op Ed Page) (arguing that the U.N. can better manage an Iraqi democratic transition than the U.S. because of its greater legitimacy in the Arab world).

No cuesta cumplir, *La Opinion*, March 18, 2003, at 7-A (Op Ed page) (Modified translation of *Now Who's the Scofflaw?* -- cited below).

Even America Must Respect the World Court, *San Diego Union-Tribune*, Feb. 28, 2003 at B-7 (Op Ed page) (analyzing the International Court of Justice's order staying the execution of three Mexicans on death row in the United States.)

Now Who's the Scofflaw?, *Legal Times* (Washington, D.C.), Feb. 24, 2003 at 62 (Op Ed page) (analyzing the International Court of Justice's order staying the execution of three Mexicans on death row in the United States); subsequently republished in *Texas Lawyer* and the *Fulton County Daily Report*.

'Tough on Crime' May Backfire, *Los Angeles Times*, Nov. 17, 2002 at M5

(Opinion Section, Op Ed page) (analyzing Mexico's refusal to extradite individuals facing possible life sentences in the U.S. and California's failure to adopt legislation that could offer adequate assurances through a maximum sixty year sentence).

Argentine Crisis Won't End Until Corruption Does, Los Angeles Times, Jan. 15, 2002 at B11 (Op Ed page) (analyzing the Argentine political crisis as a crisis of political accountability); reprinted in the Buenos Aires Herald.

International Law May Halt the Bombing, Los Angeles Times, May 11, 1999 at B7 (Op Ed page) (on the NATO bombing of Serbia); subsequently reprinted in Newsday, The Record (Bergen County, New Jersey), and other U.S. and foreign newspapers.

Ignoring Political Influences, Legal Times, week of August 14, 1995 at 51 (debate with William Rogers of Arnold & Porter regarding the ethics of a book authored by Rogers on the Argentine Supreme Court).

A Missed Opportunity, The Christian Science Monitor, April 21, 1992, at 18.

**UNIVERSITY
SERVICE:**

Southwestern -- Faculty Advisor to the Spanish Legal Round-Table, 1992-94, 2002-2003. Director of Southwestern's Summer Law Studies in Buenos Aires, 1993 to 1998, Co-Director 1999. Faculty Advisor to the Journal of Law and Trade in the Americas, subsequently the Journal of International Law, 1993-2010, 2012-2013, 2016-present. In 1998, organized two separate programs at Southwestern, taught in Spanish, for Argentine judges, prosecutors and public defenders, in collaboration with the Argentine Consulate in Los Angeles and the Asociación Argentina de Magistrados y Funcionarios de la Justicia Nacional. Faculty Advisor to the Jessup International Moot Court Team, 2001-2002. Organized symposia in 1993, 2000, 2007, 2008, 2016 and 2019. Regularly handle student exchanges with Argentine universities and visits to Southwestern by Argentine scholars, including the Siderman-Fulbright Human Rights Fellowship since 2009, that has enabled sixteen Argentine human rights lawyers to spend one year completing an LLM at Southwestern and working over the summer at the ACLU. Project Director, Partnership for Advocacy Training (USAID grant), 2006-2011. Faculty Advisor for the LLM program, 2021-present. Committee Assignments: Admissions Committee, 1998-2000, 2013-2015, 2018-2021; Curriculum Committee, 1991-93, 1996-00, Chair in 1999; Externship Committee, 1993-94, 1995-98, 2001-2018; Placement Committee, 2018-2021; Public Interest Law/Financial Aid Committee, 1995-96, 2001-2010; Sabbatical

Committee, 2001-03; Tenure Committee, 2022-present; Co-Chair, Ad Hoc Committee on Establishing a Clinic, 2005. Ad Hoc LLM Committee, 2009-2020.

RECENT

PRESENTATIONS: December 1, 2022 – Keynote speaker at the presentation of the book Alberto F. Garay et al., *La Corte Suprema y los Precedentes Obligatorios* (Buenos Aires: Ad Hoc, 2022) (The Supreme Court and Obligatory Precedents) – presenting recent changes in *stare decisis* practice by the U.S. Supreme Court. Event organized by INECIP, the Institute for Comparative Studies in Criminal Justice and Social Science, at the Law School of the University of Buenos Aires.

PROFESSIONAL

REVIEWS: Have acted as an outside reviewer for Higher Education for Development on USAID grant proposals; have reviewed manuscripts and book proposals for Cambridge University Press; the University of Texas Press; Wolters Kluwer; the American Journal of Comparative Law; the Journal of Human Rights (Routledge); the International Journal of Constitutional Law (I.CON – Oxford); Journal of Law and the Courts; Latin American Politics and Society; Law and History Review; Law and Social Inquiry; Law and Society Review; and other journals.

PROFESSIONAL

ASSOCIATIONS: American Bar Association — Latin American and Caribbean Law Committee, Section of International Law, Chair, 2004-2005, Co-Chair, 2003-2004, Vice-Chair, 2001-2003; American Society of Comparative Law – Annual Meeting Program Committee, 2006-2015; Law and Society Association – Law & Society Summer Institute Committee, 2006-2008; Occasional involvement: American Society for Legal History; Latin American Studies Association.

COMMUNITY: Knesset Israel Congregation of Beverlywood, Board Member since 2017; Co-President, 2018-2019; President, 2019-2020; Co-President, 2020-2021.