

## Curriculum Vitae and Bibliography

### PETER HAY

Emory University  
School of Law  
Atlanta, Georgia 30322  
(404) 727-6896  
[phay@law.emory.edu](mailto:phay@law.emory.edu)

Born: September 17, 1935;  
Berlin, Germany.  
U.S. citizen.

Education: B.A., University of Michigan (with highest honors), 1958; Phi Beta Kappa (junior year);  
J.D., University of Michigan (with high honors), 1958;  
Order of the Coif; Ed. Bd., Michigan Law Review;  
Michigan Foreign Law Fellow at the Universities of Göttingen and Heidelberg, Germany, 1959-60.

Academic Positions:  
(reverse chronological order)

L.Q.C. Lamar Professor of Law, Emory University, *since* 1992;  
Interim Dean, 2001-2002;

Chair for Civil Law, Private International & Foreign Law, and Comparative Law, University of  
Dresden, Germany, 1994-2000; Dean of the Faculty, 1997-2000;

Professor of Law, Emory University, 1991-1992;

Honorary Professor (Honorarprofessor),  
University of Freiburg, Germany, *since* 1975;

Alumni Distinguished Professor of Law Emeritus, University of Illinois, since 1991.

Alumni Distinguished Professor of Law, University of Illinois, 1990-1991;

Professor of Law, University of Illinois, 1966-1990;

Dean, 1980-89;

Acting Dean, 1979-1980;

Associate Dean, 1974-1979;

Director, Office of Graduate and International Legal Studies, 1969-1974.

Associate Professor of Law, University of Illinois, 1964-1966.

Assistant Professor of Law, University of Illinois, 1963-1964; University of Pittsburgh, 1961-1963.

Instructor in Law, University of Michigan, 1960-1961.

#### Visiting Appointments:

Michigan (summer 1963); Stanford (spring 1966); Freiburg, Germany (summer 1964, summer 1966, fall 1970, summer 1973, summer 1976, spring and summer 1978, summers of 1983, 1986, 1987, 1988, fall 1989, spring 1990, spring 1993); Hague Academy of International Law (summer 1991); Bonn, Germany (spring 1993, spring 1994).

Budapest: Recurrent Visiting Professor of Law, Central European University, Budapest, Hungary, since 1996. Annual teaching assignments.

Hamburg: Commerzbank Visiting Professor of Law, Bucerius Law School, Hamburg, Germany, fall 2002; Visiting Professor of Law, Bucerius Law School, fall 2005, fall 2006, fall 2007.

Dresden: Dresden International University, lecturing in short courses, summer 2004, 2005, 2006.

#### Honors:

Titular Member, International Academy of Comparative Law (Associate Academician since 1979; Titular Member *since* 1999 - both by election).

Member, American Law Institute (*since* 1984, by election).

Member, American Academy of Foreign Law (*since* 1986, by election).

1989 Research Prize of the Alexander von Humboldt - Foundation (Germany). Tenure of Prize: September 1989-May 1990.

Fulbright Research Professor, University of Bonn (Germany), Jan.-July 1992.

*Jean Monne*-Professorship, University of Bonn (summer semester 1994).

*Ehrenmitglied* (honorary member), Deutsch-Amerikanische Juristenvereinigung (German-American Lawyers' Association).

Recipient of *Festschrift* – Liber Amicorum Peter Hay --, H.E. Rasmussen-Bonne et al., editors, Verlag Recht und Wirtschaft (2005).

#### Other Activities:

Member, Deutscher Rat für IPR [German Council for Private International Law], *since* 1996;

Member, German Society of International Law, since 1995;

Member, (German) Assn. of International Civil Procedure, since 1994;

U.S. Expert, Hague Conference on Private International Law (Agency Convention), 1974-1976;

Consultant, Department of State Advisory Committee on Private International Law, 1974-1978;  
1987-1991.

Associate, Center for Advanced Study, University of Illinois, 1970-1971, awarded to provide released time for research in Europe and North Africa;

Member, Board of Editors, American Journal of Comparative Law, *since* 1961;

Member, Board of Editors, Cahiers de Droit Européen, Brussels, *since* 1970;

Member, Board of Advisors, Columbia Journal of European Law, *ongoing*;

Chairperson, U.S. Selection Committee, Max-Rheinstein-Fellowships for Research and Study in Germany.

Member, Academic Advisory Board, German Legal Publishes, *since* 2006.

Fields:

Conflict of Laws (U.S. and German)  
Contracts; Sales (U.S., German, and Vienna Convention)  
International Litigation (U.S. and German)  
Comparative Law  
European Community Law  
International Civil Procedure  
Torts (German)  
Family Law (German)

Listed in:

*Who is Who in American Law, Who is Who in America, Wer ist Wer in Deutschland,  
Who is Who in the World*

## BIBLIOGRAPHY

### I. Books and Collections

- 1) Edited with Eric Stein: Law and Institutions of the Atlantic Area, 457 pp, with separate volume of Documents, 183 pp. Preliminary Edition: The Overbeck Co., Ann Arbor, Michigan (1963).
- 2) Federalism and Supranational Organizations, 335 pp.: The University of Illinois Press (1966). Some reviews of this book are listed in the Appendix to this bibliography.
- 3) Edited with Wayne R. LaFave: International Trade, Investment and Organizations, 506 pp.: The University of Illinois Press (1967). Some reviews of this book are listed in the Appendix.
- 4) Edited with Eric Stein: Law and Institutions in the Atlantic Area. Permanent Edition, 1159 pp, with separate volume of Documents, 322 pp.: The Bobbs-Merrill Co. (1967) [successor to No. 1, above].
- 5) Edited: Symposium on International Unification of Law, Vol. 16, Nos. 1-2, American Journal of Comparative Law (1968).
- 6) Einführung in das amerikanische Recht (Introduction to American Law), xiv and 234 pp.: Wissenschaftliche Buchgesellschaft, Darmstadt, Germany (1975).
- 7) An Introduction to United States Law (revised and enlarged edition of No. 6, above), xvi and 232 pp.: North-Holland Publishing Co., Amsterdam, The Netherlands (1976). Some reviews of this and of the German edition are listed in the Appendix. Translated: into Chinese, and published by Beijing University Press, 281 pp, 1983.
- 8) Edited and authored with Eric Stein and Michel Waelbroeck: European Community Law In Perspective, iv and 1132 pp, with separate volume of Documents, 525 pp.: The Bobbs-Merrill Company (1976) [revision of No. 4, above]. Some reviews of this book are listed in the Appendix.
- 9) Ungerechtfertigte Bereicherung im internationalen Privatrecht (Unjust Enrichment in the Conflict of Laws), published as Vol. 88 of: Arbeiten zur Rechtsvergleichung, 75 pp.: Metzner Verlag, Frankfurt (1978). English version: No. 32 under "Articles".
- 10) With E. Scoles: Conflict of Laws (Successor to: Goodrich on Conflicts), xxxvii, 1085 pp. (West Publishing Co., 1982, Hornbook Series).
- 11) With R. Rotunda: The United States Federal System: Legal Integration in the American Experience, xxvi, 366 pp. (Giuffrè & Oceana, 1982). See also Nos. 40 & 41 under "Articles."
- 12) With E. Scoles: Conflict of Laws - Lawyer's edition, xxxi, 1233 pp. (West Publishing Co., 1984) [enlarged edition of No. 10, above].
- 13) With E. Stein, M. Waelbroeck, & J. Weiler: Supplement to European Community Law in Perspective (No. 8 above), xvi and 508 pp. (Michie 1985).
- 14) 1986 Supplement to No. 12, 171 pp.
- 15) Einführung in das amerikanische Recht (2d ed. of No. 6 above, 1987), xv and 262 pp.
- 16) Edited with M. H. Hoeflich: Property Law and Legal Education: Essays in Honor of John E. Cribbet, 234 pp. (University of Illinois Press 1988).

- 17) 1988/89 Supplement to No. 12, 229 pp.
- 18) With W. L. M. Reese and Maurice Rosenberg: 1989 Supplement to Reese & Rosenberg, Conflict of Laws, 8th ed. (1984), 85 pp.
- 19) Conflict of Laws, 330 pp. (Black Letter Series, West 1989).
- 20) With W. L. M. Reese and Maurice Rosenberg: Conflict of Laws - Cases and Materials, 9th ed. lxviii and 1021 pp. (Foundation Press 1990).
- 21) Einführung in das amerikanische Recht (3d ed. of No. 6, above, 1990; unchanged).
- 22) An Introduction to United States Law (2d ed. of No. 7 above), xix and 218 pp. (Butterworth 1991).
- 23) Flexibility versus Certainty and Uniformity in Choice of Law (monograph, Hague Academy of International Law, 226 Collected Courses 287-412 (1991-I)).
- 24) With E. F. Scoles, Conflict of Laws, 2d ed., xxvii and 1160 pp. (West Publishing Co., 1992, Hornbook Series).
- 25) With Maurice Rosenberg, 1992 Supplement to No. 20, above, 34 pp.
- 26) Una Introducción al Derecho de los Estados Unidos, 225 pp., Spanish ed. of No. 22 above, (Butterworth 1992)
- 27) With Maurice Rosenberg, 1993 Supplement to No. 20 above, 46 pp.
- 28) With Maurice Rosenberg, 1994 Supplement to No. 20, above, 47 pp.
- 29) Conflict of Laws, 2d ed. of No. 19, above, xxv and 317 pp. (1994)
- 30) With Maurice Rosenberg (†) & Russell J. Weintraub, 1995 Supplement to No. 20 above, 58 pp.
- 31) Fourth (reworked and expanded) edition of No. 6 above (1995)
- 32) [Rosenberg †], Hay & Weintraub, Conflict of Laws - Cases and Materials [substantially reworked from No. 20 above], 10th ed. (Foundation 1996), liv and 1022 pp., with Teacher's Manual, 155 pp.
- 33) Einführung in das amerikanische Recht, 2d Chinese ed. of No. 22 above, (Peking University Press 1997).
- 34) 1998 Supplement to No. 32 above.
- 35) Internationales Privatrecht, Prüfe dein Wissen Heft 28, Verlag C. H. Beck, München, Germany (1998), xxiii and 345 pp.
- 36) 1999 Supplement to No. 32 above (with Borchers).
- 37) 3d ed. of No. 24, as: Scoles, Hay, Borchers & Symeonides, Conflict of Laws xxxi and 1416 pp. (Westgroup 2000).
- 38) 11th ed. of No. 32, as: Hay, Weintraub & Borchers, Conflict of Laws – Cases and Materials lxxv and 1026 pp., with Teacher's Manual (Foundation 2000).
- 39) US-Amerikanisches Recht, xxi and 354 pp. (Verlag C. H. Beck, München, Germany, 2000).
- 40) Conflict of Laws, 3d ed. of No. 19, above, xxvii and 330 pp. (Westgroup 2000).

- 41) 2001 Supplement to No. 38 above (with Weintraub and Borchers), 36 pp.
- 42) 2002 Supplement to No. 38, above, (with Weintraub and Borchers), 99 pp.
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- 44) Law of the United States (English-language version of No. 43, above), xxii and 370 pp. (Verlag C.H. Beck München, Germany; with: Manz (Austria), Bruylant (Belgium), Dalloz (France), Giuffrè (Italy), 2002).
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## II. Articles

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- 3) "Frustration and Its Solution in German Law," 10 American Journal of Comparative Law 345-373 (1961)
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- 12) "Zum Wegfall der Geschäftsgrundlage im anglo-amerikanischen Recht (Frustration of Contract in Anglo-American Law)," 164 Archiv für die civilistische Praxis 231-269 (Germany, 1964).
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- 15) "Supranational Organizations and United States Constitutional Law," 6 Virginia Journal of International Law 195-251 (1966).
- 16) "Some Aspects of East-West Trade in Britain, Germany and the Common Market," I Studies in Law and Economic Development 122-139 (1966).
- 17) "Die Anwendung ausländischen Rechts im internationalen Privatrecht der USA (Proof of Foreign Law in American Conflict of Laws)," Vol. 10 of: Materialien zum ausländischen und internationalen Privatrecht 102-127 (Max-Planck-Institut, Hamburg, Germany, 1968).
- 18) "The Common Market Preliminary Draft Convention on the Recognition and Enforcement of Judgments - Some Considerations of Policy and Interpretation," 16 American Journal of Comparative Law 149-174 (1968).
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- 20) "Comments on Burdell v. Canadian Pacific Airlines and the Constitutionality of the Warsaw Convention," 58 Illinois Bar Journal 26-38 (1969).
- 21) "Unification of Law in the United States: Uniform State Laws, Treaties and Judicially Declared Federal Common Law," Legal Thought In the United States of America Under Contemporary Pressures (= U.S. Contributions to the VIIIth International Congress of Comparative Law, J. N. Hazard & W. Wagner, eds.) 261-293 (1970).
- 22) "The Building of the European Communities and Their Restrictive Practice Laws," IV Common Market and American Antitrust (James A. Rahl, ed.) 1-49 (1970).
- 23) "World Federalism: Regional," World Society, (Landheer, Loenen, Polak, eds.) 62-78 (1971).
- 24) "International and Interstate Conflicts Law in the United States: A Summary of the Case Law," 35 Rabels Zeitschrift 429-495 (1971). Translated into Japanese, with a 1978 Addendum, and reprinted in: 12

Comparative Law Review No. 2, 75-171 and 13 *id.* No. I, 41-76 (Japan 1979).

- 25) "Une approche politique à l'application de l'article 177 du traité CEE par les juridictions nationales," 5 Cahiers de Droit Européen 503-521 (Belgium, 1971).
- 26) "The Warsaw Convention in Recent United States Case Law," Law in the United States of America in Social and Technological Revolution (= U.S. Contributions to the IXth International Congress on Comparative Law, J.N. Hazard & W. Wagner, eds.) 381-395 (Brussels, 1974).
- 27) (With Vicki Thompson), "The Community Court and Supremacy of Community Law: A Progress Report," 8 Vanderbilt J. of Transnational Law 651-70 (1975).
- 30) (With Robert J. Walker), "Le projet anglo-américain de convention sur la reconnaissance des décisions et la convention communautaire," 13 cahiers de Droit Européen 3 (Belgium, 1977).
- 31) "Die internationale Zuständigkeit amerikanischer Gerichte in Zivil- und Handelssachen" (International jurisdiction of American courts in civil and commercial matters), 32 Juristenzeitung 697-702 (Germany, 1977).
- 32) "Unjust Enrichment in the Conflict of Laws - A Comparison of German Law and the Restatement, Second," 26 American Journal of Comparative Law 1-49 (1978) (same as No. 9, under "Books").
- 33) (With W. Müller-Freienfels), "Agency in the Conflict of Laws and the 1978 Hague Convention," 27 American Journal of Comparative Law 1-49 (1979).
- 34) "The Interrelation of Jurisdiction and Choice-of-Law in U.S. Conflicts Law," 28 International and Comparative Law Quarterly 161-183 (England, 1979).
- 35) "Reflections on Conflict-of-Laws Methodology," 32 Hastings L. J. 1644-1677 and 1684-86 (1981).
- 36) "Comments on 'Self-Limited Rules of Law' in Conflicts Methodology," 30 Am. J. Comp. L. 129-41 (Supp. 1982).
- 37) "Full Faith and Credit and Federalism in Choice of Law," 34 Mercer L. Rev. 709-29 (1983).
- 38) "The Case for Federalizing Rules of Civil Jurisdiction in the European Community," 82 Mich. L. Rev. 1323-1337 (1984).
- 39) "Judicial Jurisdiction Over Foreign-Country Corporate Defendants Comments on Recent Case Law," 63 Ore. L. Rev. 431-454 (1984).
- 40) (With Giorgio Gaja and Ronald Rotunda), "Instruments for Legal Integration in the European Community," in: M. Cappelletti, M. Seccombe, J. Weiler, eds., Integration Through Law, Vol. 1, Book 2, pp. 113-160 (1986) (drawing in part on material in No. 11 under "Books").
- 41) (With Ole Lando and Ronald Rotunda), "Conflict of Laws as a Technique for Legal Integration," in: H. Cappelletti, H. Seccombe, J. Weiler, eds., Integration Through Law, Vol. 1, Book 2, pp. 161-258 (1986) (drawing in part on material in No. 11 under "Books").
- 42) "Refining Personal Jurisdiction in the United States," 35 International and Comparative Law Quarterly 32-62 (England, 1986).
- 43) "Auslandskonkurs und Inlandsfolgen aus Amerikanischer Sicht," [The Effect of Foreign Bankruptcy Proceedings on Debtors Assets in the United States] Festschrift für Müller-Freienfels 247-269 (Germany, 1986).

- 44) "Judicial Jurisdiction and Choice of Law: Constitutional Limitations," 59 U. Colo. L. Rev. 9-35 (1988).
- 45) "The Situs Rule in European and American Conflicts Law: Comparative Notes," in P. Hay & M. H. Hoeflich, eds., *Legal Essays in Honor of John E. Cribbet* 109-132 (1988).
- 46) "Die Anwendung US-amerikanischer jurisdiction-Regeln als Verweisungsnorm bei Scheidung von in Deutschland wohnhaften Amerikanern," [The Use of U.S. jurisdictional rules as choice-of-law rules in divorce cases of U.S. citizens resident in Germany], 1988 IPRax. 265-268 (Germany). [Reviewed by Lagarde in 78 Rev. crit. dr. internat. privé 245 (1989).]
- 47) "Die Qualifikation der Verjährung im US-amerikanischen Kollisionsrecht," [The Characterization of Statutes of Limitation in U.S. Conflicts Law], 1989 IPRax 197-202 (Germany).
- 48) "Transient Jurisdiction, Especially Over International Defendants: Critical Comments on Burnham v. Superior Court of California," 1990 U. Ill. L. Rev. 593-603.
- 49) "The Recognition and Enforcement of American Money - Judgments in Germany -The 1992 Decision of the German Supreme Court," 40 Am. J. Comp. L. 729 - 750 (1992).
- 50) "Zivilprozeß, seine Reform und außergerichtliche Streitbeilegung in den USA," Veröffentlichungen der Deutsch-Japanischen Juristenvereinigung, Vol. 3, pp. 17 et seq. (1992).
- 51) (With Ellis), "Bridging the Gap Between Rules and Approaches in Tort Choice of Law in the United States," 27 Int. Lawyer 369 - 395 (1993).
- 52) "Environmental Protection and Civil Liability in the United States," in: C.v.Bar, ed., *Internationales Umweltshaftungsrecht I* (1995), pp. 129-168 [in: 48 Osnabrücker Rechtswissenschaftliche Abhandlungen].
- 53) "Fremdwährungsansprüche und -urteile nach dem US-amerikanischen Uniform Act," [=Foreign Money Claims and Judgments and the *Uniform Foreign Money Claims Act*], 41 Recht der Internationalen Wirtschaft 113-119 (1995).
- 54) Carney and Hay, "Die Gründung einer Tochtergesellschaft in den USA," [=Establishing a Subsidiary in the USA], in: M. Lutter, ed., *Die Gründung einer Tochtergesellschaft im Ausland* 942-964 (3d. ed., 1995, = Special issue no. 3 of: *Zeitschrift für Unternehmens- und Gesellschaftsrecht*).
- 55) "Zivilrechtliche Eigenhaftung staatlicher Mitarbeiter für DDR-Unrecht [Anm. zu LG Rostock]," [= Civil Liability of State Employees for Injustice Suffered in the German Democratic Republic (= former East Germany)], IPRax 1996, 95- 99;
- 56) "Informationsbeschaffung über schriftliche Unterlagen und Augenscheinsobjekte im Zivilprozeß" [= Production of Documents and Inspection of Tangibles in Civil Litigation (with particular consideration of pretrial discovery in Common Law legal systems), in P. Schlosser, ed., "Die Informationsbeschaffung für den Zivilprozeß - Die verfahrensmäßige Behandlung von Nachlässen, ausländisches Recht und Internationales Zivilprozeßrecht", 1-61 (= Vol. 8 of the Veröffentlichung der Wissenschaftlichen Vereinigung für Internationales Verfahrensrecht e.V., Giesecking Verlag Bielefeld 1996)
- 57) Zur extraterritorialen Anwendung US-amerikanischen Rechts - Zugleich eine Anmerkung zu der Entscheidung in *Hartford Ins. Co. v. California*" [= On the extraterritorial application of US law - Comments on *Hartford Ins. Co. v. California*], *RabelsZ* 60 (1996) 303-319.
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- 59) With Köster, "Gewagte Spekulationen im Ausland," *JuS* 1998, pp. 526-531 [Vienna Sales practice problem for student use];

- 60) With Hampe, "Nichtmittelbarkeit ausländischen Rechts und Forum Non Conveniens", *Recht der Internationalen Wirtschaft* 760-765 (1998).
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- 63) "On Comity, Reciprocity and Public Policy in U.S. and German Judgments Recognition Practice," in: Basedow et al. (eds.), *Private Law in the International Arena – Liber Amicorum Kurt Siehr* 237-249 (T.M.C. Asser Press 2000).
- 64) "Zivilprozeßrecht" = Chapter 8 of Assmann & Bungert, *Handbuch des US-amerikanischen Handels-, Gesellschafts- und Wirtschaftsrechts*, Vol. I, pp. 525-638 (Beck 2001).
- 65) "Zur konsensualen Streitbeendigung in Zivil- und Handelssachen in den USA," in: Breidenbach, Coester-Waltjen, Heß, Nelle, Wolf (eds.), *Konsensuale Streitbeilegung – Akademisches Symposium zu Ehren von Peter F. Schlosser*, (Vol. 13 of the Veröffentlichungen der Wissenschaftlichen Vereinigung für Internationales Verfahrensrecht e.V., Giesing 2001), pp. 101-119.
- 66) "Entschädigung und andere Zwecke - Zu Präventionsgedanken im deutschen Schadensersatzrecht, punitive damages und Art. 40 Abs. 3 Nr. 2 EGBGB -," in: Hohloch, Frank, & Schlechtriem (eds.), *Festschrift für Hans Stoll* 521-31 (2001).
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### III. Book Reviews

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#### Appendix

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