

**MARJORIE FLORESTAL, ESQ.**  
m\_florestal@yahoo.com

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## **CAREER PROFILE**

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Marjorie Florestal is a Haitian-American lawyer with over 20 years of experience in international trade, business and commercial law. Previously, Ms. Florestal was a tenured Professor of Law at Pacific McGeorge Law School in Sacramento, California, where she taught contracts and advanced courses in international trade and commercial law. She is currently Visiting Professor at the University of California, Davis Law School and has also taught at Berkeley Law School.

Ms. Florestal began her career during the Clinton Administration at the White House Office of the U.S. Trade Representative. While at USTR, she represented the United States in legal disputes before the World Trade Organization, drafted numerous legal briefs on WTO law, and negotiated trade agreements with key U.S. trading partners. Ms. Florestal's work experience also includes stints at the U.S. Department of Commerce and a major U.S. law firm. In addition, she has consulted with a number of leading institutions, including, the U.S. Agency for International Development, U.S. State Department, and The African Development Bank. In 2009, Ms. Florestal served as an arbitrator in a NAFTA Chapter 11 dispute.

Ms. Florestal is a graduate of New York University School of Law where she served as a Root-Tilden-Snow Scholar, an International Law Fellow, and a staff editor at the Journal of International Law and Politics. After law school, Ms. Florestal completed a federal court clerkship and was subsequently awarded a Fulbright Scholarship to France. An award-winning writer and novelist, Ms. Florestal recently completed a Masters in Jungian Psychology with an emphasis on the power of storytelling.

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## TEACHING & LAW PRACTICE EXPERIENCE

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### **University of California, Davis School of Law**

*Visiting Professor*, Sept. 2015 — Present

*Courses*: International Business Transactions, International Trade Law, Contracts

### **University of California, Berkeley School of Law**

*Lecturer*, Jan. 2016 — May 2016

*Course*: International Trade Law

### **University of the Pacific, McGeorge School of Law**

*Professor of Law* (with tenure), Aug. 2010 — Aug. 2013

*Assistant & Associate Professor of Law*, Dec. 2003 – Aug. 2010

Sacramento, CA

*Courses*: International Trade Law, International Trade and Development, International Business Transactions, European Union Law, Contracts I & II, Commercial Law

*Research*: Contracts, International Trade Law, Critical Legal Studies

### **International Trade Law Consultant**

*Consultant*, Jan. 2002 - Dec. 2008

Africa

Created initiatives in partnership with government officials, entrepreneurs, donors, and community groups to harness the power of trade for development. Representative projects include:

- **Implemented campaign to achieve support** for Cape Verde's entry into the World Trade Organization. Launched programs to develop knowledge and inform policy discussions. Cape Verde became only the third least developed country to join WTO.
- **Designed workshop for thought leaders**, addressed Nigerian legislature and state government officials, provided training and interviews to journalists on benefits and challenges of trade.

- **Drafted grant proposals funded by USAID** and wrote comprehensive report for Government of Ghana with law and policy recommendations to increase trade opportunities in bananas, a critical export crop for the country.
- **Lived and worked** in South Africa, Senegal, and Cape Verde, and traveled extensively throughout continent.

**Commercial Law Development Program / Department of Commerce**

*Program Manager for Africa*, Sept. 2000 – Dec. 2001

Washington, D.C.

Designed programs to support domestically-driven reform efforts in North and West Africa. Administered \$3 million dollar training budget, and convened conferences and workshops to educate decision-makers on trade policy matters.

**Office of the U.S. Trade Representative**

**Executive Office of the President of the United States**

*Assistant General Counsel*, June 1998 – June 2000

Washington, D.C.

Coordinated U.S. trade policy working with key stakeholders to achieve consensus in highly- charged debates. Negotiated bilateral treaties on trade and investment and multilateral trade agreements, and litigated disputes before the WTO. Drafted Executive Orders and other presidential documents, and prepared rigorous policy impact analyses on controversial trade measures.

**Dewey Ballantine LLP**

*International Trade Associate*, March 1997 – June 1998

Washington, D.C.

Provided legal advice to multinational corporations and argued anti-dumping disputes before U.S. Department of Commerce.

**U.S. Federal District Court, Chief Judge John T. Nixon**

*Judicial Law Clerk*, June 1995 – June 1996

Nashville, Tenn.

Researched and drafted judicial decisions on diverse issues of law, including contract disputes, federal habeas corpus review of death penalty cases, and employment discrimination claims.

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## EDUCATION

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**Sonoma State University**, M.A. in Depth Psychology, 2016

Thesis: *Healing Racism's Psychic Wound: A Jungian Storytelling Approach*

**New York University School of Law**, J.D. 1995

Honors

Fulbright Scholar to France (1996-1997)

Root-Tilden-Snow Scholar, three year merit tuition scholarship for academic distinction and commitment to public interest

International Law Fellow, merit tuition scholarship for academic achievement in international law

Staff Editor, Journal of International Law and Politics

Marden Moot Court, second in division for best brief and oral

**New York University**, Bachelor of Arts in Political Science 1991

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## CONSULTING PROJECTS

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- Served as arbitrator in NAFTA Chapter 11 panel on investor-state disputes: *Melvin J. Howard, Centurion Health Corp. & Howard Family Trust v. The Government of Canada* (2009-10)
- Designed and taught workshop in Port-au-Prince on rules of origin in multilateral and bilateral agreements affecting Haitian trade (Dec. 2008)
- Drafted legal memorandum on European Union's banana importation regime and evaluated legal impediments to Ghana's exportation of bananas to Europe (Feb. 2007).

- Drafted recommendations on African Development Bank participation in ADB/World Trade Organization trade policy training course; presented seminar to bank officials on WTO law, implications of Doha Development Round for Africa, and mainstreaming trade issues in ADB lending practices (Nov. 2004).
- Worked closely with Cape Verde government under tight deadline to produce Memorandum on Foreign Trade Regime detailing all aspects of Cape Verde's trade policies and practices in support of application for WTO accession; liaised with diverse ministries to gather information, revised Memorandum, and provided legal and technical assistance (Feb.-May 2004).
- Conducted U.S. Embassy-sponsored lecture and training program in Ethiopia on WTO accession and benefits of membership; worked with government and academic community to build capacity, and collaborated with key business leaders to generate support within the private sector (Dec. 2003).
- Addressed members of Nigerian legislature and state government representatives on WTO issues for parliamentarians; designed and implemented trade policy training workshop for Nigerian journalists; partnered with Nigerian radio and print reporters to present WTO informational segments as part of local public awareness campaign sensitizing general audience on trade issues (Nov. 2003).
- Drafted proposal and designed \$90,000 USAID-funded training course for Nigerian officials on sound macroeconomic and trade policy practices; supervised implementation of program in partnership with International Law Institute, a research and training institution headquartered in Washington, D.C. (Oct. 2003).
- Authored series of WTO articles for U.S.-based Initiative for Policy Dialogue, a think tank training journalists from developing countries to report international trade-related news. (Sept. 2003).

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## PUBLICATIONS

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### Law Review Articles/Essays

A Tale of Two *Compadres*: Teaching International Trade and Development Across

Cultures, 1 Pac. McGeorge Global Bus. & Dev. L.J. 33 (2014)

Is A Burrito A Sandwich? Exploring Race, Class and Culture in Contracts, 14 Michigan Journal of Race and Law 1 (2008) (lead article)

On the Origin of Fear in the World Trade System: Excavating the Roots of the Berlin Conference of 1884-1885, 101 American Society of International Law Proceedings 143 (2008).

Terror on the High Seas: The Trade and Development Implications of U.S. National Security Measures, 72 Brooklyn Law Rev. 385 (2007) (lead article)

Technical Assistance Post-Doha: Is There Any Hope of Integrating Developing Countries into the Global Trading System? 24 Arizona Int'l L. J. 121 (2007) (symposium issue)

Preparing Cape Verde for the World Trade Organization, 18 Transnational Lawyer 47 (2004)

A Least Developed Country Seeks to Join the WTO: Would Accession Help Cape Verde? International Law News, American Bar Association (Vol. 33, No. 3, Summer 2004)

T. Reif and M. Florestal, Revenge of The Push-Me, Pull-You: The Implementation Process Under the WTO Dispute Settlement Understanding, 32 The International Lawyer 755 (1998)

### **Additional Writing**

Healing Racism's Psychic Wound: A Jungian Approach (Master's Thesis)

How Was the Play Mrs. Lincoln? Reflections on Race and Racism in the Jungian Psyche

The Legacy: A Novel What if Christopher Columbus had fathered a child with a Taino Indian woman from the New World? Five hundred years after a discovery that shocked the world, Chris Colón seeks his share of the vast Columbus fortune. But that might just get him killed. (Published Nov. 2015)

The Trial: A Novel Rose Fleurie flees a war-ravaged Haiti only to find herself on a leaking boat in the middle of the Caribbean Sea (work in progress)

My Life With Christopher Columbus (non-fiction book in progress) an exploration of how Christopher Columbus' encounter with the New World transformed international trade law and practice around the world—and the personal impact of the Columbus legacy on my own life

The Lawyer's Retreat (2013-2016) writer and editor of blog focused on the psychology of law and how lawyers can find renewal in and out of the legal profession <http://www.lawyersretreat.com>

Why? essay on “Why the Legal Profession is the Best Profession in the World,” Winner ABA Ross Essay Contest Award (2008) <http://www.abajournal.com/magazine/article/why/>

International Trade Stories (2008-2013) writer and editor of website filled with commentary, essays, and articles on issues related to international trade law and policy (defunct) <http://www.tradevoices.com>

International Law Grrls Blog (2008-2012) writer on law professors' blog reviewing current issues in international law and international trade (archived) <http://www.intlawgrrls.com/search/label/MF>

*“NAFTA's Burdens Don't Outweigh Trade Benefits,”* Sacramento Bee (March 2, 2008)

*The Law of Bananas: Navigating the European Union's Banana Importation Regime* (report funded by USAID for the Government of Ghana, Feb. 2007)

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## PRESENTATIONS

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“Healing Racism's Psychic Wound: A Jungian Approach,” Invited Speaker, Jungian Society for Scholarly Studies, 15th Conference of Research in Jung and Analytical Psychology: *Complexity, Creativity, and Action* (Jun. 2017)

“International Trade and Arbitration” (University of California, Davis King Hall School of Law), lecture for members of Sri Lanka's Supreme Court, Apr. 2017)

“The Power of Story” (Sonoma State University, Oct. 2016)

“Introduction to International Trade Law” (University of California, Davis King Hall School of Law, Master of Laws (LLM) Program, Aug. 2013)

“International Trade and Development Law” (University of California, Davis King Hall School of Law, Master of Laws (LLM) Program, Aug. 2012)

“Risk and Reward: The Gendered Implications of the Mutual Mistake Doctrine in Divorce Settlement Contracts” (Seattle University School of Law, June 2009)

“Kennedy’s Trade Legacy: Lessons for the Future?” (University of New Mexico School of Law, Oct. 2008)

Invited Speaker, “John F. Kennedy, Globalization and Development: A Legacy,” John F. Kennedy: History, Memory, Legacy (University of North Dakota, Sept. 2008)

Moderator, “Gender and Globalization” (AALS, Jan. 2008)

“On the Origin of Fear in the World Trade System” (American Society of International Law, March 2007)

“Are We At War? How the War on Terror is Transforming the World Trade System” (Chapman Law School, Orange, CA – April 2006)

“The Berlin West African Conference and the Origin of Fear in the World Trade System” (California Western Law School, San Diego, CA – April 2006)

“Terror on the High Seas: The Trade and Development Implications of U.S. National Security Measures” (Faculty Development Seminar, University of the Pacific, McGeorge Law School – Feb. 2006)

Moderator, “The World Trade Organization at 10 and the Road to Hong Kong” (ABA Section of International Law, Georgetown Law School – September 2005)

“A Crisis of Legitimacy? The World Trade Organization and Developing Countries at a Crossroads” (University of the West Indies – April 2004)

“Multilateralism vs. Bilateralism: The Impact of World Trade on Africa and the Caribbean” (International Law Symposium on The Role of Law and Policy: Africa, the Caribbean and the U.S., University of California, Berkeley – March 2004)

“Cape Verde and the Rule of Law: How Does WTO Accession Affect Small Economies in Transition?” (International Law Symposium on Markets in Transition: Reconstruction and Development, University of the Pacific, McGeorge School of Law – Feb 2004)

“Crisis of Legitimacy? The World Trade Organization and Its Impact on Africa” (University of the Pacific, School of International Studies – Feb. 2004)“The World Trade



Organization and Its Impact on Africa: Challenges, Opportunities and the Role of the African Development Bank” (ADB Staff Training Seminar in Tunis, Tunisia – Nov. 2003).

“It Depends on What the Meaning of the Word ‘Is’ Is: Why the WTO Dispute Settlement Understanding is Critically Important for Africa” (WTO-ADB Training Course for African Officials in Accra, Ghana – Oct. 2003).

“Globalization’s Impact on Developing Countries” (lecture and training workshop presented before government officials and journalists in Lagos, Kano & Abuja, Nigeria – Aug. 2002).

“The WTO Accession Process and the Benefits of Membership” (training seminar for government officials in Addis Ababa, Ethiopia – May 2002)

“The Role of Lawyers in the WTO” (seminar presented before academics and lawyers association in Addis Ababa, Ethiopia – May 2002).

“Enforcement Provisions of the WTO Dispute Settlement Mechanism” (speech presented before government and private sector officials in Cairo, Egypt – Oct. 2000).

“The Practice of Law” (speech presented before students at Howard University School of Law in Washington, D.C. – Feb. 1998).

“UN Intervention in Civil Wars at the Invitation of a State” (discussion paper presented before international legal experts in New York, N.Y. – Feb. 1994).

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## AFFILIATIONS & LANGUAGES

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- Admitted to the New York Bar
- English (native speaker); Haitian-Creole (fluent); French (advanced speaking and reading ability); Spanish (intermediate reading ability); Portuguese (beginner)

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