

## TANYA J. MONESTIER

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### ACADEMIC APPOINTMENTS

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ROGER WILLIAMS UNIVERSITY SCHOOL OF LAW

*Professor (with Tenure)*

*Associate Professor*

Bristol, Rhode Island

July 2015 - Present

July 2009 - June 2015

Courses: Contracts I and II, Sales, Conflict of Laws, Class Actions, Contract Law Practicum

Honors: Voted "Professor of the Year" by the graduating class of 2018

Named Distinguished Research Professor of Law (2018-2020)

Service: Director, Honors Program (2014-present)

Co-Coach, Trial Team (2016-2018)

Academic Advisor, 1L students (2009-present)

Supervisor, Directed Research and Law Review Notes (2009-present)

Committee Member, Admissions (2010-present); Outcomes and Assessments (2010-2011); Library and Technology (2010-2011); Curriculum (2011-2014); Legal Writing (2012-2014); Honor Board (2014-2017); Appointments (2017-2018); Contract Faculty Evaluation (2018-2019); Dean's Council (2018-present); Adjunct Faculty Evaluation (2019-2020).

QUEEN'S UNIVERSITY FACULTY OF LAW

*Visiting Assistant Professor*

Kingston, Canada

July 2007 - June 2009

Courses: Conflict of Laws, Civil Procedure, Commercial Law (Sales and Secured Transactions)

Honors: Recipient of Queen's Law Students' Society Award for Excellence in Teaching (2009)

Service: Coach, Vis International Commercial Arbitration Moot (2007-2009)

Chair, Subcommittee on Mature Student Admissions (2007-2009)

Supervisor, Independent Study Projects (2007-2009)

Anonymous peer reviewer for University of British Columbia Law Review; Queen's Law Journal; University of Ottawa Law Journal; Alberta Law Review

### EDUCATION

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UNIVERSITY OF CAMBRIDGE (2003-2004)

Cambridge, England

Degree: LL.M. with first class Honors

Honors: Specialty designation in Commercial Law

Awards:

- Foundation Scholarship for first class standing in the LL.M. degree
- Queens' College Prize for first class standing in the LL.M. degree
- Commonwealth Scholarship for LL.M. studies in the United Kingdom (full academic scholarship)
- Mackenzie King Traveling Scholarship
- The Right Honorable Paul Martin scholarship (declined)

OSGOODE HALL LAW SCHOOL (1999-2002)

Toronto, Canada

Degree: LL.B., ranked 1<sup>st</sup> in class of 280

GPA: 3.9/4.0

Other: Studied at University of Bologna, specializing in Comparative Italian Law

Awards:

- Gold Medal for the student standing first in the graduating class
- Harley D. Hallett Renewable Entrance Scholarship (full academic scholarship)
- George Graham Sinclair Memorial Prize
- McCarthy Tétrault Prize for student standing second in the second year
- York University Faculty Association scholarship for the student with the highest cumulative standing in the second year
- McCarthy Tétrault Prize for the student standing first in the first year
- Carswell Prize for the student achieving the highest standing in the first year
- Canadian Italian Business and Professional Association Scholarship
- Subject matter awards for highest standing in: Contract Law; Tort Law; Criminal Law; Property Law; Family Law; Estate Law; Commercial Law, Business Association Law and Taxation Law (combined)

YORK UNIVERSITY (1996-1999)

Toronto, Canada

Degree: B.A., Political Science, with distinction

GPA: 3.8/4.0

Honors: Dean's Sessional Academic List (1997-1999) and Master's Honor Roll (1999)

Awards:

- York University Renewable President's Scholarship (full academic scholarship)
- York University Faculty Association Scholarship
- Carl E. Smith Prize for outstanding achievement in Political Science

## SCHOLARLY PUBLICATIONS

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*Damages as a Remedy for Breach of a Forum Selection Clause* (work in progress)

*When Forum Selection Clauses Meet Choice of Law Clauses* 69 AMERICAN UNIVERSITY LAW REVIEW 325 (2019).

*Fixer Upper: Buyer Deposits in Residential Real Estate Transactions*, 80 OHIO STATE LAW JOURNAL 1149 (2019).

*Forum Selection Clauses and Consumer Contracts in Canada*, 36 BOSTON UNIVERSITY INTERNATIONAL LAW JOURNAL 177 (2018).

*You're It! Tag Jurisdiction Over Corporations in Canada*, 50 VANDERBILT JOURNAL OF TRANSNATIONAL LAW 583 (2017).

*Whose Law of Personal Jurisdiction? The Choice of Law Problem in the Recognition of Foreign Judgments*, 96 BOSTON UNIVERSITY LAW REVIEW 1729 (2016).

Cited in: AO Alfa-Bank v. Yakovlev, 230 Cal. Rptr. 3d 214 (Ct. App. 2018).

*Registration Statutes, General Jurisdiction, and the Fallacy of Consent*, 36 CARDOZO L. REV. 1343 (2015).

Cited in: *Brown v. Lockheed Martin Corp.*, 814 F.3d 619 (2d Cir. 2016); *In re Asbestos Prod. Liab. Litig. (No. VI)*, No. 18-3622, 2019 WL 2399738 (E.D. Pa. June 6, 2019); *Aybar v. Aybar*, 2019 WL 288307 (N.Y. App. Div. Jan. 23, 2019); *Am. Dairy Queen Corp. v. W.B. Mason Co.*, 2019 WL 135699 (D. Minn. Jan. 8, 2019); *Rodriguez v. Ford Motor Co.*, 2018 WL 6716038 (N.M. Ct. App. Dec. 20, 2018); *Murray v. Am. LaFrance, LLC*, 2018 PA Super 267 (Sept. 25, 2018); *DeLeon v. BNSF Ry. Co.*, 392 Mont. 446 (2018); *Gorton v. Air & Liquid Sys. Corp.*, 303 F. Supp. 3d 278 (M.D. Pa. 2018); *Mischel v Safe Haven Enterprises, LLC*, 2017 WL 1384214 (Sup. Ct. Apr. 17, 2017); *Amelius v. Grand Imperial LLC*, 64 N.Y.S.3d 855 (N.Y. Sup. Ct. 2017); *Wilderness USA, Inc. v. DeAngelo Bros. LLC*, 265 F. Supp. 3d 301 (W.D.N.Y. 2017); *Gulf Coast Bank v. Designed Conveyor Sys., LLC*, 2017 WL 120645 (M.D. La. Jan. 12, 2017); *Serov ex rel. Serova v. Kerzner Int'l Resorts, Inc.*, 52 Misc. 3d 1214(A) (N.Y. Sup. Ct. 2016); *Genuine Parts Co. v. Cepec*, 137 A.3d 123 (Del. 2016); *In re: Zofran (Ondansetron) Prod. Liab. Litig.*, No. 2016 WL 2349105 (D. Mass. May 4, 2016); *In re Asbestos Litig.*, 2015 WL 5016493 (Del. Super. Aug. 25, 2015).

*Where is Home Depot “At Home”?* *Daimler v. Bauman and the End of Doing Business Jurisdiction*, 66 HASTINGS LAW JOURNAL 233 (2014).

Cited in: *Burdette v Marriott Intern.*, 2016 WL 9107119 (Md.Cir.Ct. Sep. 22, 2016); *Kinsman v. Florida State Univ. Bd. of Trustees*, 2015 WL 11110542 (M.D. Fla. Apr. 27, 2015); *Presby Patent Trust v. Infiltrator Sys., Inc.*, 2015 WL 3506517 (D.N.H. June 3, 2015).

*Jurisdiction and the Enforcement of Foreign Judgments*, 42 THE ADVOCATES' QUARTERLY 107 (2013).

Cited in: *Chevron Corp. v. Yaiguaje*, 2015 SCC 42.

*(Still) A “Real and Substantial” Mess: The Law of Jurisdiction in Canada*, 36 FORDHAM INTERNATIONAL LAW JOURNAL 396 (2013).

Cited in: *Lapointe Rosenstein Marchand Melançon LLP v. Cassels Brock & Blackwell LLP*, 2016 SCC 30; *Chevron Corp. v. Yaiguaje*, 2015 SCC 42; *Goldbar v. Haaretz.com*, 2016 ONCA 515; *Trillium v. General Motors of Canada*, 2013 ONSC 2289.

Book Review, *Cross-Border Torts, Canadian-U.S. Litigation Strategies*, by Wyatt Pickett, 51 CANADIAN YEARBOOK OF INTERNATIONAL LAW (2013).

*Is Canada the New Shangri-La of Global Securities Class Actions?*, 32 NORTHWESTERN JOURNAL OF INTERNATIONAL LAW AND BUSINESS 305 (2012).

Cited in: *Paniccia v. MDC Partners Inc.*, 2017 ONSC 7298.

*Transnational Class Actions and the Illusory Search for Res Judicata*, 86 TULANE LAW REVIEW 1 (2011).

Honors: Recipient of the John Minor Wisdom Award for Academic Excellence in Legal Scholarship for best piece in current volume.

*A “Real and Substantial” Improvement?: Van Breda Reformulates the Law of Jurisdiction in Ontario*, eds. T. Archibald and R. Echlin, ANNUAL REVIEW OF CIVIL LITIGATION (2010).

Cited in: *Club Resorts Ltd. v. Van Breda*, 2012 SCC 17; *West Van Inc. v. Daisley*, 2014 ONCA 232 (Can. Ont. C.A.).

*Personal Jurisdiction Over Non-Resident Class Members: Have We Gone Down the Wrong Road?*, 45 TEXAS INTERNATIONAL LAW JOURNAL 537 (2010).

Cited in: *Airia Brands Inc. v. Air Canada*, 2017 ONCA 792.

*Lépine v. Canada Post: Ironing Out the Wrinkles in the Inter-provincial Enforcement of Class Judgments*, 34 THE ADVOCATES' QUARTERLY 499 (2008).

*A "Real and Substantial" Mess: The Law of Jurisdiction in Canada*, 33 QUEEN'S LAW JOURNAL 179 (2007)

Cited in: *Lapointe Rosenstein Marchand Melançon LLP v. Cassels Brock & Blackwell LLP*, 2016 SCC 30; *Chevron Corp. v. Yaiguaje*, 2015 SCC 42; *Fernandes v Wal-Mart Canada Corp.*, 2017 MBCA 96; *Goldbar v. Haaretz.com*, 2016 ONCA 515; *Van Breda v. Village Resorts Limited*, 2010 ONCA 84; *Stamway v. Wyeth Pharmaceuticals Inc.*, 2009 BCCA 592; *Bouch v. Penny*, 2009 NSCA 80; *Fewer v. Ellis*, 2010 NLTD 35, *aff'd Fewer v. Sayisi Dene Education Authority* 2011 NLCA 17; *Universal Helicopters Newfoundland Limited v. Rolls-Royce Corporation*, 2009 NLTD 125; *Josephson v. Balfour Recreation Commission*, 2010 BCSC 603; *Black v. Breeden*, [2009] 309 D.L.R. (4th) 708 (Ont. S.C.J.).

Honors: Selected for inclusion in *Jurisdiction and Private International Law* as one of the most influential articles on the topic of personal jurisdiction.

*Foreign Judgments At Common Law: Rethinking the Enforcement Rules*, 28 DALHOUSIE LAW JOURNAL 163 (2005).

*Nothing Comes of Nothing ...Or Does it? A Critical Re-Examination of the Doctrine of Separability in American Arbitration*, 12 AMERICAN REVIEW OF INTERNATIONAL ARBITRATION 223 (2001).

*A Win-Win Proposition: The Viability of a Rule 23(B)(1)(b) Class Action in the American Mass Tort Context*, CLASS ACTION: A JOURNAL DEVOTED TO CLASS PROCEEDINGS, PROCEDURE AND LEGISLATION, Vol. I, No. 3, 2002.

## **OTHER PROFESSIONAL EXPERIENCE**

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PURDUE PHARMA LP <i>Associate Attorney</i>	Jan. 2005 – June 2007
UNIVERSITY OF CAMBRIDGE <i>Research Assistant to Professor Richard Fentiman</i>	Sept. 2004 – Dec. 2004
SUPREME COURT OF CANADA <i>Law Clerk to the Honorable Justice Frank Iacobucci</i>	July 2002 – July 2003
SULLIVAN & CROMWELL LLP <i>Summer Associate (London, England)</i>	June 2002 – July 2002
SIMPSON THACHER & BARTLETT LLP <i>Summer Associate (New York, New York)</i>	May 2001 – Aug. 2001
Blake, Cassels & Graydon LLP <i>Summer Student (Toronto, Ontario)</i>	May 2000 – Aug. 2000

## **MEDIA**

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“Supreme Court Clamps Down on State-Court Forum Shopping,” Rhode Island Lawyer’s Weekly (July 13, 2017) (discussing potential impact of *Bristol Myers Squibb* decision).

“Freeze Order on Omar Khadr Payout Needs Proof of Risk: Experts,” *The Globe and Mail*, (July 11, 2017) (discussing the enforceability of a Utah civil judgment against former Guantanamo detainee in Canada).

“Lawsuit over Fatal Motorcycle Crash Not Barred by Settlement,” *Rhode Island Lawyer’s Weekly* (Jan. 7, 2016) (discussing Rhode Island case in which court found that there was no valid offer and acceptance in settlement negotiations).

“Suit vs Kansas Employer can Proceed in 1<sup>st</sup> Circuit,” *Rhode Island Lawyer’s Weekly* (Oct. 9, 2015) (discussing First Circuit judgment finding that court had personal jurisdiction in contract dispute over employer based in Kansas).

“The Global Lawyer: *Daimler v. Bauman* One Year Later,” *The American Lawyer* (Jan. 4, 2015) (discussing ways for litigators to avoid the *Daimler* decision).

“Canadian co. subject to state’s jurisdiction,” *Rhode Island Lawyer’s Weekly* (Nov. 20, 2014) (discussing First Circuit ruling finding that Massachusetts court had personal jurisdiction over Canadian corporate defendant).

“Expert: Facebook Lawsuit Has Better Chance than Others,” *GoLocalProv.com* (May 26, 2010) (interview discussing the likely fate of a proposed class action brought in Rhode Island by users of the social networking site Facebook).

## **PROFESSIONAL ACTIVITIES**

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Member, Planning Committee, Federal Judicial District Court Conference (2017).

Assisted in the defense of PFC Bradley (Chelsea) Manning, the soldier convicted of disclosing classified documents to WikiLeaks (2010-2013).

Speaker, Rhode Island Bar Association, *The Future of Law School Education* (2013).

Member, Ontario Law Reform Commission’s Working Group of Specialists in Private International Law on codification of judicial jurisdiction in Ontario (2008).

Member, Organizing Committee, Ontario Chief Justice Advisory Committee’s 12<sup>th</sup> Annual Colloquium on Professionalism (2008).

## **BAR ADMISSIONS**

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New York (2006)