

TANYA J. MONESTIER

TEN METACOM AVENUE, BRISTOL, RI 02809
TEL: (401) 254-4518 | EMAIL: TMONESTIER@RWU.EDU

ACADEMIC APPOINTMENTS

ROGER WILLIAMS UNIVERSITY SCHOOL OF LAW

Bristol, Rhode Island

Professor (with Tenure)

July 2015 - Present

Associate Professor

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-present); Ad Hoc Pandemic Planning (2020).

QUEEN'S UNIVERSITY FACULTY OF LAW

Kingston, Canada

Visiting Assistant Professor

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

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)

Degree: LL.B., ranked 1st 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)

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

If It Walks Like a Duck: Amazon as a Seller of Marketplace Goods Under Article 2 (work in progress).

The Scope of Generic Choice of Law Clauses (work in progress).

Damages as a Remedy for Breach of a Forum Selection Clause, 59 AMERICAN BUSINESS LAW JOURNAL __ (forthcoming 2021).

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

Response Article (solicited): Kevin M. Clermont, *Reconciling Forum-Selection and Choice-of-Law Clauses*, 69 AM. U.L. REV. F. 171, 174 (2020) ("In 2019, Professor Tanya Monestier wrote an impressive article that came from a new direction. . . . Although I truly admire her other work, her new article is one with which I solidly disagree. I suppose that is not surprising, given that her article disagreed with my earlier article.").

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).

Response Article: Oscar G. Chase, *Consent to Judicial Jurisdiction: The Foundation of "Registration" Statutes*, 73 N.Y.U. ANN. SURV. AM. L. 159, 196 (2018).

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; *Stanway 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.

Response Article: Vaughan Black & Mat Brechtel, “Revising *Muscutt*: The Ontario Court of Appeal Takes Another Look” (2009) 36 ADV. Q. 35.

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

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

“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 1st 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

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 12th Annual Colloquium on Professionalism (2008).

BAR ADMISSIONS

New York (2006)