

CHRISTOPH HENKEL

Professor of Law
Mississippi College School of Law
151 East Griffith Street, Jackson, Mississippi 39201
henkel.ck25@gmail.com (private) / henkel@mc.edu (work)
630.362.0607 (cell) / 601.925.7137 (office)

ACADEMIC EXPERIENCE

MISSISSIPPI COLLEGE SCHOOL OF LAW, JACKSON

Professor of Law, 2015 - Present

Associate Professor of Law (tenured), 2012 - 2014

Assistant Professor of Law, 2009 - 2011

- Courses taught: Banking Law, Financial Compliance, Contracts, Business Associations, M&A, Bankruptcy, Secured Transactions, e-Commerce, International Law, International Business Transactions, International Commercial Arbitration, Law of the European Union
- Committees and Activities:
 - Chair, Faculty Appointments Committee
 - Academic Program Committee
 - LL.M. Development Committee
 - Co-Director International and Comparative Law Center (Director 2010-2013)
 - Director Summer Program, Berlin, Germany
 - Director LL.M. Programs (2010-2011)
 - Director, American Society of Comparative Law
 - YCC Program Committee, Fifth Annual Conference 2016
 - U.S. National Reporter, Commercial Law, XIXth Int'l Congress of Comp. Law 2014
 - Coach, Philip C. Jessup International Law Moot Court Competition (2009-2013)
 - Faculty Advisor, MC Law International Law Society
 - Peer-Reviewer Springer Publishers
- Grants
 - COST Action Proposal OC-2015-2-20115 Global Legal Network: “Legal Risks in EU Law – Interdisciplinary Studies on Legal Risk Management and Better Regulation in Europe”
- Awards
 - The Mississippi Defense Lawyers Association Faculty Award 2014
 - 2013 Law School Nominee for Distinguished Professor of the Year Award at Mississippi College

CHICAGO-KENT COLLEGE OF LAW, CHICAGO

Adjunct Professor of Law, 2015 – Present

- Courses taught: Compliance in Financial Markets (as part of an online certificate program in financial compliance)

THE JOHN MARSHALL LAW SCHOOL, CHICAGO

Adjunct Professor of Law, 2007-2008

- Courses taught: Payment Systems and Financial Transactions (e.g. UCC §§ 3, 4, 4A, 5, 7, Regulations CC and J, EFAA, EFTA, TILA, UCP600).

INDIANA UNIVERSITY SCHOOL OF LAW, INDIANAPOLIS

Visiting Professor of Law, 2004-2005

- Courses taught: Secured Transactions, Sales and Leases of Goods, International Business Transactions, International Litigation and Commercial Arbitration.

CONCORDIA INTERNATIONAL UNIVERSITY SCHOOL OF LAW, TALLINN, ESTONIA

Visiting Professor of Law, 2001-2002

- Courses taught: International Business Transactions, Private International Law, Law of the European Union, Antitrust/Competition Law.
- Committees and Activities:
 - Academic Program Committee
 - Coach, European Union Law Moot Court Competition

JUSTUS-LIEBIG UNIVERSITY SCHOOL OF LAW, GIESSEN, GERMANY

Lecturer and Teaching Assistant to Professor Dr. Heinhard Steiger, LL.M. (wissenschaftlicher Mitarbeiter), 1995-1996

- Courses taught: Law of the European Union, Constitutional Law and Administrative Law.
- Committees and Activities:
 - European Communities/Union Erasmus and Tempus Program Coordinator
 - Advisor for International Exchange Students
 - Advisor European Union Law Society

PUBLICATIONS

“Compliance in Financial Markets: Course Materials” (with Felice Batlan et al.) West Academics, Casebook Series 550 pp. (forthcoming 2017)

“Dealing with Regulators,” in COMPLIANCE IN FINANCIAL MARKETS: COURSE MATERIALS, CHAPTER 6 (Felice Batlan et al.) (forthcoming 2017)

“A Comparative Analysis of Personal Guarantees in a Commercial and Consumer Context in the United States” in PERSONAL GUARANTEES BETWEEN COMMERCIAL LAW AND CONSUMER PROTECTION (Andreas Schwartze ed. Springer Publishers, Ius Comperatum Series) (forthcoming 2016)

“Too Big To Fail, Too Big To Bail: The Role of Central Counterparties in OTC Derivative Market Reform,” 11 JOURNAL OF INTERNATIONAL BANKING LAW AND REGULATION (forthcoming Fall 2016)

“Bankruptcy and Commercial Law,” CHAPTER 33, COMMERCIAL LAW AND PRACTICE GUIDE, COMMERCIAL LAW LEAGUE OF AMERICA, LEXIS/NEXIS (2016)

“Preparation of Contracts Governed by the Convention on Contracts for the International Sale of Goods,” CHAPTER 35, COMMERCIAL LAW AND PRACTICE GUIDE, COMMERCIAL LAW LEAGUE OF AMERICA, LEXIS/NEXIS (2016)

“The Law of Corporate Governance in Banks (eds. Iris Hse-Yu Chiu & Michael McKee),” a book review, 12 JOURNAL OF INTERNATIONAL BANKING LAW AND REGULATION (2015)

“Personal Guarantees Between Commercial Law and Consumers in the United States,” 62 AM. J. COMP. L. 333 (2014)

“Hydraulic Fracturing in the European Union: Leveraging the U.S. Experience in Shale Gas Exploration and Production,” 24 IND. INT’L & COMP. L. REV 133 (2014) (with Joanna Glowacki)

“Electronic Funds Transfers,” CHAPTER 19, COMMERCIAL LAW AND PRACTICE GUIDE, COMMERCIAL LAW LEAGUE OF AMERICA, LEXIS/NEXIS (2013)

“Harmonizing European Union Bank Resolution: Central Clearing of OTC Derivative Contracts Maintaining the Status Quo of Safe Harbors,” 21 TRANSNAT’L L. & CONTEMP. PROBS. 82 (2013)

“The Work Product Doctrine as a Means Towards a Judicially Enforceable Duty of Confidentiality in International Commercial Arbitration,” 37 N.C. J. INT’L L. & COM. REG. 1060 (2012)

“Contingent Capital with Sequential Triggers,” 49 SAN DIEGO L. REV. 221 (2012) (with Wulf Kaal)

“Contingent Capital in European Union Bank Restructuring,” 32 NW. J. INT’L. L. & BUS. 191, (2012) (lead article) (with Wulf Kaal)

“Attorney-Client Privilege for In-House Counsel in the European Union,” THE MISSISSIPPI LAWYER (Winter 2010/Spring 2011)

“Secured Transactions: A Step-by-Step Analysis of Article 9,” CHAPTERS 27, COMMERCIAL LAW AND PRACTICE GUIDE, COMMERCIAL LAW LEAGUE OF AMERICA, LEXIS/NEXIS (2010)

“Secured Transactions: The Scope of Article 9,” CHAPTER 28, COMMERCIAL LAW AND PRACTICE GUIDE, COMMERCIAL LAW LEAGUE OF AMERICA, LEXIS/NEXIS (2010)

“Secured Transactions: Creation of a Security Interest,” CHAPTER 29, COMMERCIAL LAW AND PRACTICE GUIDE, COMMERCIAL LAW LEAGUE OF AMERICA, LEXIS/NEXIS (2010)

“Secured Transactions: Perfection of Security Interests,” CHAPTER 30, COMMERCIAL LAW AND PRACTICE GUIDE, COMMERCIAL LAW LEAGUE OF AMERICA, LEXIS/NEXIS (2010)

“Secured Transactions: Priority Disputes,” CHAPTER 31, COMMERCIAL LAW AND PRACTICE GUIDE, COMMERCIAL LAW LEAGUE OF AMERICA, LEXIS/NEXIS (2010)

“Secured Transactions: Default,” CHAPTER 32, COMMERCIAL LAW AND PRACTICE GUIDE, COMMERCIAL LAW LEAGUE OF AMERICA, LEXIS/NEXIS (2010)

“Secured Transactions: Secured Creditors’ Exposure to Environmental Liability,” CHAPTER 32A, COMMERCIAL LAW AND PRACTICE GUIDE, COMMERCIAL LAW LEAGUE OF AMERICA, LEXIS/NEXIS (2010)

“The Evaluation of Privacy and Confidentiality in International Commercial Arbitrations by the English Court of Appeal in City of Moscow v. Bankers Trust,” 20 MEALEY’S INTERNATIONAL ARBITRATION REPORT 20 (2005)

“The Allocation of Powers in the European Union: A Closer Look at the Principle of Subsidiarity,” 20 BERKELEY J. INT’L L. J. 359 (2002) (lead article).
“Constitutionalism of the European Union: Judicial Legislation and Political Decision-Making by the European Court of Justice,” 19 WIS. INT’L. L. J.153-180 (2001)

“European Union: History, Legal Developments and Consequences,” DISSERTATION, UNIVERSITY OF WISCONSIN, 300 pp. (1999)

“Federalism and Accountability: The Mandate Phenomenon and the Spending Power,” THESIS (LL.M.), UNIVERSITY OF WISCONSIN, 110 pp. (1995)

PEER REVIEWED ARTICLES

“The System of American Product Liability Law,” PRODUKT- UND UMWELTHAFTPLICHT INTERNATIONAL - RECHT UND VERSICHERUNG (PHI), 1999, 144-152 and 188-195 (with Manfred Baumbach)

“BMW v. Gore: A Case Study for International Litigation and the Enforcement of Punitive Damages in Germany,” RECHT DER INTERNATIONALEN WIRTSCHAFT (RIW), 1997, 727 (with Manfred Baumbach)

WORKS-IN-PROGRESS

“Confidentiality Agreements as a Means to Retaliate against Whistleblowers: KBR and its Corollaries.” (work-in-progress)

“Regulatory Regression: The End of Self-Regulation for Benchmarks in the European Union and its impact on the United States and International Regulatory Environment.” (work-in-progress)

“OTC derivative regulation in Brazil, Singapore and Hong Kong: A threat to the implementation of a comprehensive international framework for crisis management in financial markets or an alternative?” (work-in-progress)

“Why Phantom Securities as a Means of Remuneration for Bank Examiners are a Bad Idea without Significant Amendments to the Bankruptcy Code.” (work-in-progress)

PRESENTATIONS AND GUEST LECTURES

Does the Single Point of Vulnerability for Failure and the Potential of Risk Propagation Outweigh the Benefits of Clearing Derivative Trades Through Central Counterparties (CCPs)?, Panel Section: Financial and Banking Institutions Beyond Borders, ICONN-S, International Society of Public Law Conference, Humboldt University, Berlin (June 19, 2016)

Regulatory Uncertainty and Conflicts of Law Questions Related to CCPs: The Risk that a Resolution Stay in the Resolution Forum will not be Recognized, American Association of Comparative Law 5th Annual Young Comparativist Conference, Tulane University Law School, New Orleans (March 19, 2016)

Corporate And Tax Law Globally: Theory and Practice (Moderator), American Association of Comparative Law 5th Annual Young Comparativist Conference, Tulane University Law School, New Orleans (March 18, 2016)

Designing and Teaching Online Courses: Challenges and Future Considerations, Faculty Forum Mississippi College School of Law, Jackson (February 24, 2016)

Confidentiality Agreements as a Means to Retaliate against Whistleblowers, SEALS Business Ethics and the Law Workshop, Southeastern Association of Law Schools 2015 Annual Conference, Boca Raton (August 2, 2015)

New Scholars Colloquium: International Law (Moderator), Southeastern Association of Law Schools 2015 Annual Conference, Boca Raton (August 1, 2015)

Too Big to Fail, Too Big to Bail: The Role of Central Counterparties in Over-The-Counter Derivative Market Reform in Europe and the U.S., American Association of Comparative Law, 4th Annual Young Comparativist Conference, Florida State University, Tallahassee (April 17, 2015).

The End of the Waterfall: The Role and Systemic Risk of Central Counterparties in Over-The-Counter Derivative Markets, International Association of Restructuring, Insolvency & Bankruptcy Professionals (INSOL), INSOL International Annual Regional Conference, San Francisco (March 24, 2015).

Legal Frameworks for Sustainability & Resilience, The Great Lakes Natural Resources Governance, Sixth Annual Environmental & Natural Resources Symposium, Robert H. McKinney School of Law, Indiana University, (Co-Presenter: “Hydraulic Fracturing in the U.S. and Europe a Comparative Study of the Legal Framework and Developments in the United States and Europe”), Indianapolis (March 1, 2013).

Central Clearing of OTC Derivatives: Shifting Systemic Risk from Banks to Clearinghouses in the U.S. and Abroad, Faculty Forum Mississippi College School of Law, Jackson (October 24, 2012)

The European Sovereign Debt Crisis: A Critical Assessment of the Euro and the EMU, The 2012 Annual International Law Symposium of The Journal of Transnational Law and Contemporary Problems (TLCP), A Journal at the University of Iowa College of Law, (Presenter: “The Importance of Harmonizing European Bank Insolvency Regimes to Avoid Future Debt Crisis in the European Union”), Iowa City (February 24, 2012)

Anticipating Dissension: When Legal Frameworks, US Commerce and Foreign Markets Intersect. The North Carolina Journal of International Law and Commercial Regulation (NCILJ) Symposium (Presenter: “Confidentiality in Commercial Arbitration: New International Trends”), Chapel Hill (January 27, 2012)

Taking Contingent Capital Seriously – The Prospect of Sequential Triggers in Europe and the United States, AALS Section on Financial Institutions & Consumer Financial Services Section, 2012 AALS Annual Meeting, Washington DC (January 8, 2012)

Taking Contingent Capital Seriously – The Prospect of Sequential Triggers in Europe and the United States, AALS Section on Securities Regulation, 2012 AALS Annual Meeting, Washington DC (January 6, 2012)

Post-Crisis International Financial Regulation: Fragmentation, Harmonization and Coordination, Suffolk University School of Law, International Economic Law Interest Group (IEcLIG) (Presenter: "The Role of Contingent Capital in Future Bank Restructuring, Reorganization and Capitalization"), Boston (December 2, 2011)

Who's in the House? The Changing Role and Nature of In-House and General Counsel, Wisconsin Law Review Symposium (Commenter: "In-house Counsel in Transnational Firms and Emerging Economies), Madison (November 18-19, 2011)

European Union Bank Resolution and Restructuring: From Bail-Out to Bail-In, The John Marshall Law School, Faculty Works In Progress, Chicago (September 28, 2011)

Bank Restructuring as a Systemic Necessity, Symposium: The Sovereign-Debt Crisis of 2010 - Implications for International Business Law, Northwestern University, Chicago (April 1, 2011)

Cross-Border Insolvency: Practical Implications of Chapter 15, Nuts & Bolts of Insolvency Presentation, ABA International Secured Transactions and Insolvency Committee, New York (March 29, 2011)

The Seventh Young Scholars Conference: "Non-State Actors and International Law," Yale Law School (Commenter: "An Experience Goods Theory of Trademark Value: Explaining Phillip Morris International's Hollow Investment Claim against Uruguay," article by Sam Halabi), New Haven (February 25-26, 2011)

The Structure and Dispute Resolution Mechanism of the WTO, Indiana University School of Law – Indianapolis (Guest Lecture) (February 9, 2007)

Quantitative Import Restrictions and Measures Having Equivalent Effect in the European Union, Indiana University School of Law – Indianapolis (Guest Lecture) (February 2, 2007)

Class-Action and the Unconscionability Defense in Commercial Arbitration, Indiana University School of Law – Indianapolis (January 25, 2007)

Confidentiality in International Commercial Arbitration, University of South Carolina – School of Law (January 12, 2006)

Antidumping Regulations and the Need to Harmonize Competition and Antitrust Laws on an International Level, Indiana University School of Law – Indianapolis (Guest Lecture) (October 26, 2005)

International Commercial Arbitration: New Developments, Trends and Future Implications, Indiana University School of Law – Indianapolis (Faculty Colloquium) (September 29, 2005)

Privacy and Confidentiality Issues in Arbitration, Dispute Resolution Colloquium, Indiana Continuing Legal Education Forum, (October 21, 2004)

The Merging of Civil and Common Law Against the Background of Supranational and International Legal Developments, International Law Society Estonia, Quarterly Meeting (April 11, 2002)

The Impact of European Union Membership on Legal Systems in Eastern Europe, International Law Society Estonia, Quarterly Meeting (January 24, 2002)

Direct Effect and Other Supranational Challenges in the European Union, Duquesne University School of Law (December 14, 2001)

BAR MEMBERSHIP

MICHIGAN, *active*

EDUCATION

UNIVERSITY OF WISCONSIN LAW SCHOOL, MADISON

Doctor of Juridical Science (S.J.D.), 1996-1999

- Dissertation: “*European Union: History, Legal Developments and Consequences*”
- Honors & Activities:
 - Project and Research Assistant to Professors Heinz Klug and Gregory Shaffer

UNIVERSITY OF WISCONSIN LAW SCHOOL, MADISON

Master of Legal Law (LL.M.), 1994-1995

- Thesis: “*Federalism and Accountability: The Mandate Phenomenon and The Spending Power*”
- Honors & Activities:
 - University of Wisconsin Graduate Research Fellow (1994-1995)

DEPARTMENT OF JUSTICE, STATE OF HESSE, GERMANY

Assessor iur. (2nd. German State Exam in Law/Bar Exam), 1991-1994

JUSTUS-LIEBIG UNIVERSITY LAW SCHOOL, GIESSEN, GERMANY

J.D. (1st. German State Exam in Law), 1987-1991

- Honors & Activities:
 - Top 10% class standing throughout law school
 - Top student in criminal and international law
 - Teaching and Research Assistant to Professor Dr. Heinhard Steiger, LL.M (1988-1991)
 - Edited faculty law review articles
 - Founder European Union Law Society

OTHER PROFESSIONAL EXPERIENCE

FINRA, FINANCIAL INDUSTRY REGULATORY AUTHORITY, CHICAGO, ILLINOIS

Public Arbitrator 2016-Present

- Practice Area: Arbitrate and handle the resolution of securities-related disputes.

SCHOPF & WEISS LLP, CHICAGO, ILLINOIS

Attorney 2007-2008

- Practice areas: Commercial litigation and international patent prosecution.

ECKERT SEAMANS CHERIN & MELLOTT, LLC, PITTSBURGH, PENNSYLVANIA

Attorney 2003-2004

- Practice areas: International commercial and product liability litigation with a focus on health care law, pharmaceutical and medical device licensing in the U.S. and Europe.

DAIMLERCHRYSLER SERVICES NORTH AMERICA LLC, LISLE, ILLINOIS

Uniform Commercial Code Coordinator, 2001

- Practice areas: Compliance review and risk evaluation of equipment, inventory and receivables financing.

UNIVERSITY OF WISCONSIN LAW SCHOOL, MADISON

Research Assistant to Professors Gregory Shaffer and Heinz Klug, 1996-1997

- Research areas: International trade law, environmental law, property and constitutional law.

BANFF & PARTNERS, BUTZBACH, GERMANY

Associate, 1995-1996

- Practice areas: Domestic and international commercial and corporate litigation.

ENGELBACH & PARTNERS, HERBORN, GERMANY

Law Clerk, 1991-1994

- Practice areas: Domestic and international commercial and corporate litigation, large and small business bankruptcy filings and administration.

ENVIRONMENTAL PROTECTION AGENCY, STATE OF HESSE, GERMANY

Law Clerk, 1993-1994

- Practice areas: European and domestic administrative, environmental and biotechnology law.

DISTRICT COURT OF APPEALS, LIMBURG, STATE OF HESSE, GERMANY

Law Clerk, 1991-1992

- Practice areas: Commercial, corporate, employment and business law.

PROFESSIONAL MEMBERSHIPS

State Bar of Michigan

American Bar Association

American Society of Comparative Law

American Society of International Law

Society of International Economic Law

International Association of Restructuring, Insolvency & Bankruptcy Professionals