

**Dominique M. Custos**  
**Judge John D. Wessel Distinguished Professor of Law**

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**PROFESSIONAL EXPERIENCE**

**In the U.S.A.**

Judge John D. Wessel Distinguished Professor of Law, Loyola University School of Law, **2008 - to present.**

Professor of Law, Loyola University School of Law, **August 2002 - to present.**

Teach courses in Administrative Law; Comparative Law; Advanced Comparative Law; Communications Law; Advanced European Law; Civil Law Conventional Obligations.

Member of the Executive Committee of the American Society of Comparative Law, **2008 - 2010**

Member of the Rulemaking Advisory Committee of the American Bar Association Project on the Restatement of the Administrative Law of the European Union, **2004 - 2008.**

Fulbright Visiting Scholar, Columbia University School of Law, New York, **January 1997 - August 1998.**

**In France**

Professeure agrégée de Droit Public (Professor of Public Law) University of Caen, France **1994 - 2002.**

University of Caen, France Taught courses in Advanced Administrative Law (Master's Degree) [6], Administrative Law (Second Year) [4], Public Utilities Law [3], European Community Law [7], Public Liberties (Master's Degree) [2]. [*Years taught for each course*].

University of Evry, France Comparative Law [2].

University of French Antilles and Guiana, Human Rights [1], Overseas Law [1], European Community Law [3].

University of Nanterre (Paris X), France, American Regulation [3].

Director of Caen University Research Center for Fundamental Rights, University of Caen, France **2000 -2002**. Contributed to the launch of a new periodical published by this center (*Les Cahiers de la Recherche sur les Droits Fondamentaux*).

Director of the Public Law Master's Degree Program, University of Caen, France **1996 - 1997**.

Director of the HUMANITIES Exchange Program, University of Caen, France **1995 - 1996**. *The HUMANITIES Program was launched by the Coimbra Group (25 Oldest Universities of Europe) and is based on the concept of virtual mobility.*

Vice-President of Hiring Committee, University of Caen, France **1995 - 1997**.

Attachée d'Enseignement et de Recherche (Teaching and Research Fellow), University of Paris I (Panthéon-Sorbonne), France, **1989 - 1991**. Taught courses in Administrative Law [2], Constitutional Law [1], Human Rights [1].

Allocataire d'Enseignement et de Recherche (Teaching and Research Fellow), University of Paris I (Panthéon-Sorbonne) France, **1988 - 1989**. Taught courses in Administrative Law [1].

### **In the French West Indies**

Maîtresse de Conférences de Droit Public (Associate Professor), University of French Antilles and Guiana, **1991 - 1994**. Taught courses in European Community Law [3], International Institutions [1], Overseas Law [3], International Public Law [3], Human Rights [3].

## **EDUCATION**

### **French Advanced *Agrégation* Degree**

Agrégation d'Enseignement Supérieur de Droit Public. **June 1994**. Ministry of Education, Paris. (*National Competitive and Multi-Step Examination resulting in the Highest Distinction in French Legal Academia*)

### **University of Paris I Panthéon-Sorbonne**

Habilitation à Diriger les Recherches (Accreditation to Supervise Ph.D. Research). **July 1991**.

Doctorat en Droit (Ph.D.), **December 1989**. *Summa Cum Laude*

Diplôme d'Etudes Approfondies d'Etudes Africaines, Anthropologie du Droit (Anthropology of Law LLM). **October 1989**. *Magna Cum Laude*

Diplôme d'Etudes Approfondies de Droit Public Interne (Public Law LLM). **June 1984**. *Cum Laude*. Selected to receive Ministry of Education Scholarship (Allocation de Recherche).

### **University of French Antilles and Guiana**

Maîtrise en Droit (BCL). **June 1983**. Majors in Private and Public Law. *Cum Laude*.

### **Academy of French Antilles and Guiana**

Baccalauréat A 2 (French Baccalaureate) (Major: Latin). **June 1979**. *Summa Cum Laude*.

## **FELLOWSHIPS AND AWARDS**

Best Research Award, Loyola University New Orleans, **2008**

Fulbright Scholarship, Franco-American Commission, Paris, France, **May 1996**.

Valedictorian Scholarship (Allocation de Recherche), Ministry of Education, University of Paris 1 (Panthéon-Sorbonne), **October 1984**.

## **THESES and DISSERTATION**

Doctorat en Droit (Ph.D.). "Adaptation of French Institutions to Overseas Departments".  
Advisor: Professor Georges DUPUIS (1932-1999), *Summa Cum Laude*, **1989**.

Diplôme d'Etudes Approfondies d'Etudes Africaines, Spécialité Anthropologie du Droit (African Studies Master's Degree, Anthropology of Law). "Importation of French Social Legislation into Overseas Departments", *Magna Cum Laude*, **1989**.

Diplôme d'Etudes Approfondies de Droit Public Interne (Public Law Master's Degree).  
"Institutionalization of the Cuban Revolution", *Cum Laude*, **1984**.

## **PUBLICATIONS**

*\*Titles translated from original French*

### **Book**

- \*"The Federal Communications Commission and the Regulation of the Information Superhighways", *L'Harmattan*, Coll, Logiques Juridiques; **1999**, 411 pages. *This scholarship was prepared during my Fulbright fellowship at Columbia University.*

## Book Chapters

- “French Independent Administrative Authorities (IAAs), agents of legal change at the intersection of Americanization, Europeanization and Gallicization” in Comparative Administrative Law, S. Rose-Ackerman and P. Lindseth, eds., *Edward Elgar Publishing Forthcoming*
- \* “The Public Official’s Status and the Reception of the Concept of ‘Accountability’” in J-B Auby (Ed.), *The Influence of European Law on Structural Concepts of French Public Law*, *Presses Universitaires d’Aix-Marseilles*, **Forthcoming**.
- \* "Regulatory Authorities and Metamorphosis of the Procedural Regime of Administrative Individual Decisions" in C. Prébissy-Schnall, G. Gugliemi, G. Koubi, eds: "Droit et Économie : Interférences et Interactions. Mélanges en l'honneur du Pr Michel Bazex", *LexisNexis, Litec*, **2009**, pp.65-72.
- \* "The Revelation of an Overseas European Union Law", in J-Y Faberon, L. Tésoka, J. Ziller, eds. : *Union Européenne et Outre-Mers, Unis dans leurs Diversités*, *Presses Universitaires d’Aix-Marseille*, **2008**, pp. 429-447.
- \* "The Status of French Overseas Departments in European Union Law". Part 2: "Reality of Status" *Jurisclasseur Europe (European Union Law Encyclopedia)*, n° 472, Third edition: **March 2008**
- \* "The Status of French Overseas Departments in European Union Law". Part 1: "Principles of Status" *Jurisclasseur Europe (European Union Law Encyclopedia)*, n° 471. 18 pp. + periodical update. Third edition: **January 2007**.
- \* " American Regulation" in G. Marcou (Ed.): "Regulated Industries, Public Service and National Integration", *L’Harmattan*, Coll, Logiques Juridiques, Vol.1 **2005**, pp.145-165.
- \* "French People and Overseas Populations" in J-Y Faberon, ed.: "French Overseas. The New Institutional Deal", *Documentation Française*, **2004**, pp. 57-66.
- \* "The Statute of Orientation: a Method" in J.-Y. Faberon, ed. : "La Loi d’Orientation pour l’Outre-mer. Quelles Singularités en France et en Europe?", *Presses Universitaires d’Aix-Marseille*, **2001**, pp. 93-105.
- \* "Freedom of Speech over the Internet in the USA and in France", in Université de Paris I, Ed. "L’Internet et le Droit", *Legipresse*, **2001**, pp. 257-270.
- \* "Puerto Rico or the Apparent Dual Sovereignty" in J.-Y. Faberon and G. Agniel, eds.: "La Souveraineté partagée en Nouvelle-Calédonie et en Droit Comparé", *Documentation Française*, **2000**, pp. 213-230.
- \* "The Strategy of Ultraperiphicity" in P. Grard, ed.: "Le Droit Communautaire et les Départements d’Outre-Mer", *Documentation Française*, **1998**, pp. 55-67.
- \* "Overseas Law : Death, Resurrection or Transfiguration?" in "Mélanges offerts à Georges Dupuis", *Librairie Générale du Droit et de la Jurisprudence*; **1997**. pp. 83-93.

- \*"Administrative Democracy in the European Communities" in C. Grewe, ed.: "Questions pour le Droit Européen", *Presses Universitaires de Caen*, **1996**. pp. 101-129.
- \*"The Status of French Overseas Departments in European Union Law". Part 2: "Reality of Status" *Jurisclasseur Europe (European Union Law Encyclopedia)*, n° 472. **1993, 2000** (2<sup>nd</sup> edition), 21 pp. + periodical update.
- \*"The Status of French Overseas Departments in European Union Law". Part 1: "Principles of Status" *Jurisclasseur Europe (European Union Law Encyclopedia)*, n° 471. **1993, 2000** (2<sup>nd</sup> edition), 15 pp. + periodical update.

### **Book reviews**

- "Book review: René Seerden, ed., *Administrative Law of the E.U., its Member States and the U.S.. A Comparative Analysis*, Intersentia, 2007", *Solicited Article*, 15 (4) *European Law Journal* (U.K.), 567 (**2009**).
- \*Book Review "L'Outre-Mer Français et le Droit Social Communautaire", I. Omarjee, LGDJ, Bibliothèque de Droit International et Communautaire, Tome 113, 2000, 643 p, *Solicited Article*, 3 *Revue Internationale de Droit Comparé*, 766 (**2001**).
- \*Book Review "L'Évolution du Statut de Département d'Outre-mer", sous la direction de J-Y Faberon et J-M Auby : Institut de Droit d'Outre-Mer, Presses Universitaires d'Aix-Marseille, 1999, 303 pages, *Solicited Article*, 1 *Revue Internationale de Droit Comparé*, 257 (**2001**).

### **Journal Articles**

*With one exception all the publications listed below are peer-reviewed articles*

- "Public-Private Partnerships", U.S. report to the 2010 International Congress of Comparative Law, **In progress**
- "Europeanization and Americanization. Process and Network. The Case of French Administrative Law" **In progress**.
- \*"The Firefighter-State at the end of G. W. Bush's Presidency or the Subtleties of American Nationalization" *Solicited Article*, 4 *Droit Administratif* 21 (**2009**).
- \* "The Administrative Law Case-law during the 2006 Term of the U.S. Supreme Court" *Article Solicited Article*, 1 *Droit Administratif* 7 (**2008**).
- \* "U.S. Administrative Law and French Administrative Law: Sources and Structures", 2 *Revue Internationale de Droit Comparé/International Review of Comparative Law*, 285 (**2007**).
- "New Caledonia, a Case of Shared Sovereignty Within the French Republic: Appearance or Reality?" 13 (1) *European Public Law* (U.K.), 97 (**2007**).
- \* "The European Court of First Instance and the Theory of the Shielding Regulation. Case C-217/99, 321/00, 222/01, Sociedade de Industrias Agrícolas Açoreanas (CINAGA) SA/ Commission, 2006", *Law and European Affairs* 571 (**2006**).

- "Secularism in French Public Schools: Back to War? The French Statute of March 15, 2004", *54 American Journal of Comparative Law*, 337 (2006).
- \* "Statutory Interpretation in the U.S.: the Triumph of Agency Expertise over Stare Decisis", *Article Solicited Article*, 10 *Droit Administratif* 13 (2006).
- "The Rulemaking Power of American Independent Regulatory Agencies", U.S. report to the 2006 International Congress of Comparative Law, 54 (Suppl.) *American Journal of Comparative Law*, 615 (2006). *Excerpted* in Professor A. Popper and G. McKee, *Administrative Law: A Contemporary Approach, An Interactive Casebook Series*, West, 2009.
- "The Status of Jurisprudence in France and Louisiana", 51 *Loyola Law Review*, 73 (2005).
- \* "Decentralization in the French Overseas Departments, Between Continuity and Renewal", *Revue Française d'Administration Publique*, 2002. n. 101, pp. 15-24.
- \* "American Independent Regulatory Commissions and French 'Autorités Administratives Indépendantes (Independent Administrative Authorities)", *Politiques et Management Public* Vol. 20, 2002, n.1, pp. 66-84.
- \* "The French Overseas Departments Constitutional Status", *Actualité Juridique du Droit Administratif*, 2001, pp. 731-735.
- \* "Towards an Autonomization of the Institutional Evolution of Overseas Departments? ", *Revue Politique et Parlementaire*, n° 1009/1010 : "What Kind of State for Singular Regions?", 2001, pp. 47-60.
- \* "The Prefect in the French Overseas Departments over Half a Century", *Revue Française de Droit Administratif*, 2000, n° 4, pp. 778-789.
- \* "The American Telecommunications Universal Service, Past and Future", *Juris-PTT*, Issue 52. 1998, pp. 1-25 and *Computer and Telecoms Law Review*; Issues 3 and 4. 1998. *This scholarship was prepared during my Fulbright fellowship at Columbia University.*
- \* "Freedom of Speech of Adults and Protection of Minors on the Net before the U.S. Supreme Court. *Reno v. ACLU*, June 26 1997", *Revue du Droit Public*, Issue 6. 1997. pp. 1637-1664. *This scholarship was prepared during my Fulbright fellowship at Columbia University.*
- \* "The U.S. Supreme Court and the Right to Abortion". *Revue du Droit Public*, 1995, Issue 5. pp. 1119-1156.
- \* "The Appellate Jurisdiction of the US Supreme Court in Constitutional Matters". *Revue du Droit Public*, 1991, Issue 3. pp. 1017-1038.
- \* "The Legality of Regulation of Artificial Conception" (Casenote on a Decision by the Conseil d'Etat, July 21, 1989). *Actualité Juridique du Droit Administratif*, 1991, Issue 6. pp. 469-473.

## PROFESSIONAL PRESENTATIONS

International Congress of Comparative Law, International Academy of Comparative Law, Washington, July **2010**, “*Public-Private Partnerships*”.

International Conference on Bits of Europe Everywhere, University of Groningen, Netherlands, December 14-15, **2009**, “*Implications of the Construction of the E.U. Outside Continental Europe*”.

Annual Meeting of the American Society of Comparative Law, on Methodological Approaches of Comparative Law, Roger Williams University, October 1-3, **2009**, “*Caribbean Law and Comparative Law*”.

International Conference of the Law and Society Association on Placing Law, May 29 – June 1, **2008**, Montreal, Panel: Regulation beyond North America ; Presentation: “*Stakes and Constraints of the Mapping of the World Legal Systems: A Case Study of French Administrative Law*”.

International Conference of the Law and Society Association on Placing Law, May 29 – June 1, **2008**, Montreal, Panel: Competing Conceptualizations of Citizenship Across Time and Space ; Presentation: “*European Union Outside Continental Europe: A Case of Post-Colonial Law in an Age of Globalization*”.

International Conference of the Law and Society Association on Law and Society in the 21<sup>st</sup> Century, July 25-28 July **2007**, Humboldt University, Berlin, Panel: Toward a Regulatory Model , or Still Varieties of Regulatory Models; Presentation: “*Is there a Process of Americanization via Europeanization of French Regulatory Structure and Administrative Procedure?*”.

European University Institute of Florence, Conference on The E.U. and Overseas territories, United beyond their Diversities, April 12-13, **2007**, *Keynote Speaker (responsible for the general report of the conference)*.

European University Institute of Florence, Seminar on Regulation in Europe and in the US, “*Regulation and Law in a Comparative Perspective: the United States and French approaches*”, December, 5, **2006**.

European University Institute of Florence, Seminar on Public law-Private law distinction, “*Public law-Private law Distinction in Louisiana*”, December, 4, **2006**.

International Congress of Comparative Law, International Academy of Comparative Law, Utrecht, July 15-23, **2006**, “*The Rulemaking Power of American Independent Regulatory Agencies*”, (U.S. report).

Annual Meeting of the American Association of Comparative Law, on Multiple Sovereignties, University of Hawaii, October 27-29, **2005**, “*New Caledonia, a Case of Shared Sovereignty*”.

- Conference on The Bicentennial of the French Civil Code, September 8, **2004**, Loyola University New Orleans and Louisiana Supreme Court, *Co-Organizer and Session Moderator. The Chief Justice of the French Cour de Cassation, Guy Canivet (Member of the Conseil Constitutionnel since 2007) and Justice Alain Lacabarats, who had just been elevated to this court, participated in that historic event.*
- Conference on Comparative Regulation, University of Paris I (Panthéon-Sorbonne), April 29-30, **2004**, "*American Regulation*".
- Conference on Overseas Territories and the 2003 Constitutional Amendment on the Decentralized Organization of the French Republic, University of Montpellier, IDOM, November 28-29 **2003**, "*French People and Overseas Populations*".
- Conference on Public Action Reconfiguration: Big Bang or Reform?, University of Nice-Sophia Antipolis, Public Management Institute, October 4-5, **2001**, "*American Independent Regulatory Commissions and French 'Autorités Administratives Indépendantes (French Independent Administrative Authorities)'*".
- Conference on The Statute of Orientation for Overseas, University of Montpellier I, IDOM, May 29-31, **2001**, "*The Statute of Orientation: a Method*".
- Conference on the Future of the European Convention of Human Rights, University of Caen, March 22-23, **2001**, "*European System of Human Rights and Inter-American System of Human Rights*".
- Conference on First Assessment of December 13, 2000 Statute, Association Française de Droit Constitutionnel and French Senate, Paris, February 1, **2001**, "*The French Overseas Departments between art 72 and art 73 of the Constitution*".
- Conference on Internet and Law, University of Paris I (Panthéon-Sorbonne), September 25-26, **2000**, "*Freedom of Speech over the Internet in the USA and in France*".
- Conference on The Bicentennial of the Prefectoral Institution, University of Caen, February 16, **2000**, "*The Prefect in the French Overseas Departments over Half a Century*".
- Conference on Dual Sovereignty in New Caledonia and in Comparative Law, Nouméa, New Caledonia, November 17-19, **1999**, "*Puerto Rico or the Apparent Dual Sovereignty*".
- Lecture on "*Constitutional Interpretation in France*", Columbia University School of Law, New York, February 18, **1997**.
- Conference on European Community Law and Overseas Departments, University of Le Havre, May 10, **1996**, "*The Strategy of Ultraperiphericity*".
- Conference on European Law, University of Caen, February 23, **1996**, "*Administrative Democracy in European Communities*".
- Conference on Decentralization in France, University of French Antilles and Guiana, March 26-27, **1991**, "*Evaluation of Decentralization and Deconcentration Law since 1982*".

## **VISITING SCHOLAR EXPERIENCE IN THE UNITED STATES**

Fulbright Visiting Scholar at Columbia University School of Law, New York, **1/97 - 8/98**. Topic : "*The Federal Communications Commission and the Information Superhighways*".

Tulane Law School Comparative Studies Center, New Orleans, **7/94 - 8/94**. Topic: "*The Right to Abortion in the USA*".

Tulane Law School Comparative Studies Center, New Orleans, **6/90 - 9/90**. Topic: "*The Federal Supreme Court as a Constitutional Court*".

## **LANGUAGES**

French (native).

English (fluent).

Spanish (fluent reading).

## **PROFESSIONAL MEMBERSHIPS**

American Society of Comparative Law, ASCL: Loyola University School of Law Delegate (since 2003); Younger Comparatists Committee, (2003-2005); Nominating Committee (since 2005), Congress Site Committee (site of the 2010 International Congress of Comparative Law), 2006, Executive Committee (2008-2010), USA.

American Bar Association: Member of the Rulemaking Advisory Committee of the ABA Project on the Restatement of the Administrative Law of the European Union. 2004 - 2008, USA

American Association of Law Schools, Executive Committee of Comparative Law Section, 2004 – 2006, USA

Association Française du Droit des Collectivités Locales, AFDCL, Paris, France.

Centre de Recherche sur les Droits Fondamentaux, CRDF, Université de Caen, France.

Commission pour l'Etude des Communautés Européennes, CEDECE, Paris, France.

European Union Studies Association, EUSA, Pittsburgh, USA.

Institut de Droit d'Outre-Mer, IDOM, Université d'Aix-Marseille, France.

Institut Français de Science Administrative, IFSA, Paris, France.

Société d'Etudes Nord Américaines, SENA, Paris, France.

Société de Législation Comparée, SLC, Paris, France.