

## MICHAEL NEWCITY

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2240 Lamont Norwood Road  
Pittsboro, NC 27312  
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### EMPLOYMENT

- July 1994 to present* ..... *Deputy Director*  
Center for Slavic, Eurasian, and East European Studies  
Duke University
- Adjunct Associate Professor*  
Department of Slavic and Eurasian Studies  
Duke University
- April 1994 to August 1995* ..... *Coordinator, Russian and East European Programs*  
Fuqua School of Business  
Duke University
- September 1992 to May 1994* ..... *Research Associate*  
Center on East-West Trade, Investment, and Communications  
Duke University
- September 1985 to August 1992* ..... *Associate Professor*  
University of Puget Sound School of Law  
Tacoma, WA
- September 1991 to November 1992* ..... *Of Counsel*  
Preston Thorgrimson Shidler Gates & Ellis  
Seattle, WA
- July 1990 to August 1991* ..... *Of Counsel*  
Garvey, Schubert & Barer  
Seattle, WA
- July 1982 to July 1985* ..... *Lecturer in Law*  
Macquarie University School of Law  
Sydney, Australia
- March 1979 to January 1982* ..... *Associate Attorney*  
Graham & James  
Singapore
- September 1975 to February 1979* ..... *Associate Attorney*  
Shearman & Sterling  
New York City

## EDUCATION

- 1975 .....J.D., The George Washington University “with honors”  
1975 .....M.A. (Russian Studies), The George Washington University  
1972 .....B.A. (Political Science), The George Washington University “with distinction” and “with special honors in political science”

## COURSES TAUGHT

*At Duke University (Trinity College, Duke Law School, Fuqua School of Business, Sanford Institute for Public Policy Studies):*

Linguistics and the Law  
Law and Globalization: Russia and the NIS  
Law and Constitutional Reform in Russia  
Law and Development in Transition Countries  
Law and Emerging Markets: Russia and the NIS  
Law, Culture, and the Russian Legal Tradition  
Eastern Europe in Transition: Markets, Media, and the Mafia  
The Struggle for Constitutional Government in Russia  
Doing Business in Russia

*At University of Puget Sound School of Law:*

A Survey of Russian Law  
English Legal History  
Contracts  
International Business Transactions  
International Law  
Soviet Law

*At Macquarie University School of Law:*

Remedies  
Contracts  
History and Philosophy of Law  
Transnational Business Transactions

*At National University of Singapore Faculty of Law:*

International Financial Law

## HONORS AND AWARDS

Order of the Coif  
Phi Beta Kappa  
National First Prize, 1974 Nathan Burkan Memorial Copyright Essay Competition, (sponsored by the American Society of Composers, Authors and Publishers)

## PUBLICATIONS

### Books

1. CENTRAL & EAST EUROPEAN LEGAL MATERIALS, Juris Publishing, Inc., New York, 17 volumes (editor)
2. TAXATION IN THE SOVIET UNION, Praeger Publishers, New York, 1986, 392 pages
3. COPYRIGHT LAW IN THE SOVIET UNION, Praeger Publishers, New York, 1978, 212 pages

### Monograph

4. SOVIET ADHERENCE TO THE UNIVERSAL COPYRIGHT CONVENTION...A TOOL OF CENSORSHIP?, Center for Public Interest, Washington, D.C., 1974, 53 pages

### Journal Articles and Book Chapters

5. *Legal Protection of the Traditional Knowledge and Cultural Expression of Russia's "Numerically-Small" Indigenous Peoples*, 15 TEXAS WESLEYAN LAW REVIEW 357 (2009)

6. *Fighting Corruption in the Wild, Wild East: Foreign Corrupt Practices Act Prosecutions in the Former Soviet Union*, 1 JOURNAL OF EURASIAN LAW 1-66 (№ 1, 2008)
7. *Why is There No Russian Atticus Finch? Or Even a Russian Rumpole*, 12 TEXAS WESLEYAN LAW REVIEW 271-302 (2005)
8. *Current Issues in Russian Copyright Protection*, in T. VLAD AND L. BECKER (eds.), COPYRIGHT AND CONSEQUENCES: CENTRAL EUROPEAN AND U.S. PERSPECTIVES (Catskill, NJ: Hampton Press, 2003), 75-99
9. *Post-Soviet Russia for the Investor: Reliable Rule of Law and Associated Risks*, in D. RADDOK (ed.), NAVIGATING NEW MARKETS ABROAD: CHARTING A COURSE FOR THE INTERNATIONAL BUSINESSPERSON (Lanham, MD:Rowman & Littlefield, 2d ed., 2001), 119-146
10. *The Russian Legal Tradition and the Rule of Law*, in J. SACHS AND K. PISTOR (eds.), THE RULE OF LAW AND ECONOMIC REFORM IN RUSSIA (Westview Press, 1997), 41-53
11. *Russian Intellectual Property Reform: Toward a Market Paradigm*, 36 GERMAN YEARBOOK OF INTERNATIONAL LAW 328-369 (1993)
12. *Politicians, Defamation and the 'Public Figure' Defence* (with Brendan Edgeworth), 10 LAW IN CONTEXT 39-62 (1992)
13. *Tax Considerations in Foreign Trade and Investment in the USSR*, 24 VANDERBILT JOURNAL OF TRANSNATIONAL LAW 235-267 (1991)
14. *The Sociology of Defamation in Australia and America*, 26 TEXAS INTERNATIONAL LAW JOURNAL 1-69 (1991)
15. *Tax Issues in Soviet Joint Ventures*, 25 TEXAS INTERNATIONAL LAW JOURNAL 163-207 (1990)
16. *Perestroika, Private Enterprise and Soviet Tax Policy*, 28 COLUMBIA JOURNAL OF TRANSNATIONAL LAW 225-252 (1990) [reprinted in LEGAL REFORM IN THE USSR, Transnational Juris Publications, Ardsley-on-Hudson, New York, pp. 225-252]
17. *Libel Law Then and Now: A Review Essay*, 1989 WISCONSIN LAW REVIEW 359-402
18. *The Soviet Union's Other Tax Agreements*, 18 NEW YORK UNIVERSITY JOURNAL OF INTERNATIONAL LAW AND POLITICS 833-898 (1986)
19. *Recent Changes in Soviet Personal Taxation*, 12 REVIEW OF SOCIALIST LAW 175-196 (1986)
20. *Review Essay: Freedom of Speech in Australia: A Pessimistic Review*, 2 AUSTRALIAN JOURNAL OF LAW AND SOCIETY 161-176 (1984)
21. *The Universal Copyright Convention as an Instrument of Repression: The Soviet Experiment*, 9 THE JOURNAL OF INTERNATIONAL LAW AND ECONOMICS 285-324 (1974) [reprinted in slightly modified form in 24 ASCAP COPYRIGHT SYMPOSIUM 1-50 (1980)]

### Short Articles

22. *Constitution of Azerbaijan*, in SUPPLEMENT TO THE MODERN ENCYCLOPEDIA OF RUSSIAN, SOVIET AND EURASIAN HISTORY (Gulf Breeze, FL: Academic International Press, forthcoming)
23. *Constitution of Belarus*, in SUPPLEMENT TO THE MODERN ENCYCLOPEDIA OF RUSSIAN, SOVIET AND EURASIAN HISTORY (Gulf Breeze, FL: Academic International Press, forthcoming)
24. *Constitution of Tajikistan*, in SUPPLEMENT TO THE MODERN ENCYCLOPEDIA OF RUSSIAN, SOVIET AND EURASIAN HISTORY (Gulf Breeze, FL: Academic International Press, forthcoming)
25. *Legal System*, in ENCYCLOPEDIA OF RUSSIAN HISTORY (New York, NY: Macmillan Reference USA, 2004), volume 2, 840-842
26. *The New Russia-Cyprus Tax Treaty*, 10 SURVEY OF EAST EUROPEAN LAW 1 (October 1999)
27. *Russia's New Tax Code*, 9 SURVEY OF EAST EUROPEAN LAW 1 (November 1998)

28. *Russian Taxes: Rates Changed, Interpretations Clarified*, 6 SURVEY OF EAST EUROPEAN LAW 1 (May 1995)
29. *Russia Tries to Reduce Burden on Foreign Investors*, 21 TAX PLANNING INTERNATIONAL REVIEW 25-26 (August 1994)
30. *Russian Tax Developments: Recent Decrees Offer Tax Benefits to Foreign Investors*, 5 SURVEY OF EAST EUROPEAN LAW 1 (July 1994)
31. *Tax Reforms Follow Russian Legislative Elections*, 21 TAX PLANNING INTERNATIONAL REVIEW 15-17 (April 1994)
32. *Presidential Decrees Introduce Fundamental Changes in Russian Tax System*, 5 SURVEY OF EAST EUROPEAN LAW 7-8 (March 1994)
33. *Russia Combats Widespread Tax Evasion*, 4 PARKER SCHOOL SURVEY OF EAST EUROPEAN LAW 3 (December 1993)
34. *Law on Copyright and Neighboring Rights*. 4 PARKER SCHOOL SURVEY OF EAST EUROPEAN LAW 1-10 (October 1993)
35. *Kyrgyz Republic Leaves the Ruble Zone*, 4 PARKER SCHOOL SURVEY OF EAST EUROPEAN LAW 6 (July/August 1993)
36. *State Investment Corporation to Guarantee Foreign Investments*, 4 PARKER SCHOOL SURVEY OF EAST EUROPEAN LAW 11 (May 1993)
37. *Mandatory Medical Insurance Takes Effect*, 4 PARKER SCHOOL SURVEY OF EAST EUROPEAN LAW 4 (March 1993)
38. *Russian Tax Reform After 18 Months*, 20 TAX PLANNING INTERNATIONAL REVIEW 8-11 (June 1993)
39. *The New U.S.-Russia Tax Treaty*, 20 TAX PLANNING INTERNATIONAL REVIEW 23-26 (March 1993)
40. *Recent Russian Tax Legislation and Regulations*, 3 PARKER SCHOOL SURVEY OF EAST EUROPEAN LAW 11-12 (December 1992)
41. *Azerbaijan Personal Income Tax Law*, 3 PARKER SCHOOL SURVEY OF EAST EUROPEAN LAW 10-11 (December 1992)
42. *Convention Between the U.S.A. and the Russian Federation for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and Capital*, 3 PARKER SCHOOL SURVEY OF EAST EUROPEAN LAW 7-10,12-13 (October 1992)
43. *Taxation in the Former Soviet Union: An Interim Report*, 19 TAX PLANNING INTERNATIONAL REVIEW 3-6 (May 1992)
44. *Советская налоговая реформа: возможные последствия для иностранных инвесторов* [Soviet tax reform: possible consequences for foreign investors], ПРОБЛЕМЫ ТЕОРИИ И ПРАКТИКИ УПРАВЛЕНИЯ (Problems of the Theory and Practice of Administration), No. 3 (1991), pp. 54-56
45. *Amendments to 1990 Soviet Tax Law Drastically Reduce Tax Rates*, 2 PARKER SCHOOL BULLETIN ON SOVIET & EAST EUROPEAN LAW 10 (July 1991)
46. *RSFSR Asserts Autonomy in Tax Law*, 2 PARKER SCHOOL BULLETIN ON SOVIET & EAST EUROPEAN LAW 6 (February 1991)
47. *Joint Ventures in the USSR Must Pay Turnover and Import-Export Taxes*, 1 PARKER SCHOOL BULLETIN ON SOVIET & EAST EUROPEAN LAW 10 (January 1991)
48. *New Soviet Tax on Profits*, 17 TAX PLANNING INTERNATIONAL REVIEW 7-9 (November 1990)

49. *USSR Enterprise Tax Law Attempts to Unify Tax System: USSR Law on Taxes on Enterprises, Associations and Organizations*, 1 PARKER SCHOOL BULLETIN ON SOVIET & EAST EUROPEAN LAW 3, 7 (August 1990)
50. *Software Copyrighting in the USSR*, 1 TRADING PERSPECTIVES 1, 3, 11 (No. 6, September 1990)
51. *Soviet Personal Income Taxation Revisited*, 17 TAX PLANNING INTERNATIONAL REVIEW 8-10 (July 1990)
52. *New Law Overhauls Soviet Income Tax System: Law on the Income Tax on Citizens of the USSR, Foreign Citizens and Stateless Persons*, PARKER SCHOOL BULLETIN ON SOVIET & EASTERN EUROPEAN LAW 1-2 (June/July 1990)
53. *Recent Developments in Soviet Taxation*, 17 TAX PLANNING INTERNATIONAL REVIEW 31, 44 (June 1990)
54. *Personal Income Taxation in the USSR*, 17 TAX PLANNING INTERNATIONAL REVIEW 3-5 (April 1990)
55. *Tax Treatment of Soviet Joint Ventures*, 16 TAX PLANNING INTERNATIONAL REVIEW 15-17 (December 1989)
56. *Recent Soviet Tax Agreements*, 15 TAX PLANNING INTERNATIONAL REVIEW 8-13 (June 1988)
57. *Tax Treaty Developments: U.S.S.R.-Canada Double Taxation Agreement*, 13 TAX PLANNING INTERNATIONAL REVIEW 24-25 (February, 1986)
58. *The United Kingdom-U.S.S.R. Double Taxation Convention*, 13 TAX PLANNING INTERNATIONAL REVIEW 13-15 (October, 1986)
59. *Defamation, Public Figures & Free Speech*, CIVIL LIBERTY, № 117 (July-August, 1985), pages 19-28
60. *Ombudsman Heal Thyself*, 9 LEGAL SERVICE BULLETIN 175-178 (1984), and 10 LEGAL SERVICE BULLETIN 90-92 (1985)

### **Translations**

61. *Law of the USSR on the Taxes on Enterprises, Associations, and Organizations*, 1 USSR LEGAL MATERIALS (Pettibone and Smith Eds.)
62. *Law of the USSR on the Income Tax on Citizens of the USSR, Foreign Citizens, and Stateless Persons*, 1 USSR LEGAL MATERIALS (Pettibone and Smith Eds.)
63. *U.S.S.R. Decree on the Income Taxation of Foreign Persons*, 17 INTERNATIONAL LEGAL MATERIALS 1108-1114 (1978)
64. *Model Publishing Contract for Literary Works*, 14 SOVIET STATUTES AND DECISIONS 205-212 (1978)
65. *Contract on the Publication in Translation in the USSR of a Published Work of a Foreign Author*, 14 SOVIET STATUTES AND DECISIONS 220-223 (1978)
66. *U.S.S.R. Decree of the Presidium of the Supreme Soviet Concerning the Taxation of Income Derived from Royalties*, 11 INTERNATIONAL LEGAL MATERIALS 1517-1520 (1973)

### **Book Reviews**

67. Review of U. Procaccia, *Russian Culture, Property Rights, and the Market Economy*, 68 THE RUSSIAN REVIEW 176-177 (2009)
68. Review of O. Ioffe and M. Janis, *Soviet Law and Economy*, 48 THE RUSSIAN REVIEW 437-438 (1989)
69. Review of W. Butler, *Soviet Law*, 81 AMERICAN JOURNAL OF INTERNATIONAL LAW 817-820 (1987)

70. Review of G. Fricke, *Libels, Lampoons and Litigants*, 10 ADELAIDE LAW REVIEW 510-511 (1986)
71. Review of M. Kirby, *Reform the Law*, 9 LEGAL SERVICE BULLETIN 287-289 (1984)
72. Review of Organization of American States, *Copyright Protection in the Americas* (Binder 1), 76 AMERICAN JOURNAL OF INTERNATIONAL LAW 458-460 (1982)
73. Review of S. Levitsky, *Copyright, Defamation, and Privacy in Soviet Civil Law*, 22 HARVARD INTERNATIONAL LAW JOURNAL 260-264 (1981)
74. Review of J. Baumgarten, *U.S.-U.S.S.R. Copyright Relations Under the Universal Copyright Convention*, 8 THE JOURNAL OF INTERNATIONAL LAW AND ECONOMICS 319-323 (1973)

### **CONFERENCE PAPERS AND PRESENTATIONS**

75. "Legal Protection of Russia's 'Numerically-Small' Indigenous Peoples," VIII World Congress of the International Council for Central and East European Studies, Stockholm, Sweden, July 31, 2010
76. "The Legal Status of Russian and Russian-Speakers in the Near Abroad," Conference on "The Russian Language Outside the Nation: Speakers and Identities," University of Edinburgh, Scotland, April 1, 2010
77. "The Right of Russia's Indigenous Peoples to Self-Government and Their Lands, Territories and Resources," Spring 2009 International law Symposium "Legal Issues in Post-Communist Countries," Gonzaga University School of Law, Spokane, Washington, March 20, 2009
78. "Digitizing the General's Photos: Performing Copyright Due Diligence," 40<sup>th</sup> National Convention, American Association for the Advancement of Slavic Studies, Philadelphia, November 20, 2008
79. "Legal Protection of the Traditional Cultural Knowledge and Cultural Expression of Russia's 'Numerically-Small' Peoples," Texas Wesleyan Law Review Symposium on Intellectual Property and Indigenous Peoples, October 24, 2008
80. "Performing Copyright Due Diligence: How to Analyze Legal Compliance of Projects and Programs," 39<sup>th</sup> National Convention, American Association for the Advancement of Slavic Studies, New Orleans, Thursday, November 15, 2007
81. "International Copyright: Perspectives on the Law of the Russian Federation," 38<sup>th</sup> National Convention, American Association for the Advancement of Slavic Studies, Washington, D.C., November 16, 2006
82. "Languages and the Law: National Identity versus Minority Rights," 37<sup>th</sup> National Convention, American Association for the Advancement of Slavic Studies, Salt Lake City, Utah, November 3, 2005
83. "Orthodoxy and the Russian Legal Tradition," 35<sup>th</sup> National Convention, American Association for the Advancement of Slavic Studies, Toronto, Ontario, Canada, November 20, 2003
84. "Protecting Intellectual Property in Russia and the CIS," CIS and Eastern Europe Business Forum, University of Arizona, November 3-4, 2000
85. "Russia's Tax Treaties," Conference on Tax Reform in Russia, Duke University, Durham, NC, June 31, 1997
86. "The Russian Legal Tradition and the Rule of Law," 1994-95 John M. Olin Seminar Series, Russian Research Center, Harvard University, Cambridge, MA, February 14, 1995
87. Roundtable Seminar on "Problems and Issues in Transferring and Patenting Russian Technology," sponsored by the Russian-American Chamber of Commerce, New York, May 4, 1994

88. Presenter at Corporate Tax Training Program for the Russian State Tax Service, sponsored by the Organisation for Economic Co-operation and Development, Moscow, March 21-25, 1994
89. "Intellectual Property Protection," Conference on Doing Business in Russia, sponsored by the American Conference Institute, New York (February 24-25, 1994), Chicago (October 24-25, 1994), New York (March 15-16, 1995; October 30-31, 1995)
90. "Tax Law Reform in Russia," Ninth Annual International Law Symposium: Law and Economy After the Disintegration of the USSR, sponsored by the Whittier College School of Law and the UCLA Center for Russian and East European Studies, Los Angeles, California, June 12-13, 1992
91. "Soviet Tax Reform in a Time of Change," Conference on the Transformation of the Soviet Economy, sponsored by the Foundation for Soviet/American Business Cooperation, Seattle, Washington, November 17, 1991
92. "Tax Considerations in Foreign Investment in the USSR," Symposium on Trade and Foreign Investment in Eastern Europe and the Soviet Union, sponsored by Vanderbilt University School of Law, Nashville, Tennessee, March 15, 1991
93. "Soviet Tax Reform and its Implications for Joint Ventures and Foreign Investment," Seminar on Reform of Soviet Law on Foreign Investment, sponsored by the Center on East-West Trade, Investment and Communications and School of Law, Duke University, Durham, North Carolina, February 9, 1991
94. "Politicians, Public Figures and Defamation Law" (with Brendan Edgeworth), 8th Australian Law & Society Conference, sponsored by Griffith University, Brisbane, Australia, December 7-10, 1990
95. "Soviet Tax Reform and its Implications for Joint Ventures," Conference on East-West Joint Ventures in the Changing World, sponsored by the Center for the Study of Joint Ventures, Moscow State University, November 14, 1990
96. Participant, Presentation on Suing Foreign Governments and their Former Leaders, Annual Meeting, Washington State Bar Association, Spokane, September 14, 1990
97. Participant and moderator, U.S.-Soviet Conference on Computer Software: Legal and Business Aspects, sponsored by the Seattle Organizing Committee of the Goodwill Games, Seattle, July 25-27, 1990
98. "The United States' War Against Manuel Noriega and the International Rule of Law," presented as part of a program on Alternatives to Unilateral Action: The Panama Case, sponsored by the United Nations Association, Seattle, May 1, 1990
99. Participant, Panel Presentation on Doing Business in the Soviet Union and Eastern Europe, Annual Spring Meeting, American Bar Association Section of International Law and Practice, New York City, April 27, 1990
100. Participant, Panel Presentation on The Causes and Effects of Reform in the Soviet Bloc, in a program sponsored by the Washington State Bar Association on "Law in the Soviet Bloc: The Legal and Political Impact of Reform," Seattle, March 16, 1990
101. "The Sociology of Defamation in Australia and America," 7th Australian Law & Society Conference, sponsored by La Trobe University, Melbourne, Australia, December 14, 1989
102. "Tax Issues in Soviet Joint Ventures," First International Conference--Recent Developments in East-West Joint Ventures, sponsored by the Center for the Study of Joint Ventures, State University of New York (Plattsburgh), October 19, 1989
103. Participant, Panel Presentation on Significant Legal and Commercial Developments: The Soviet Union, Annual Spring Meeting, American Bar Association Section of International Law and Practice, Washington, D.C., April 27, 1989

104. “Cui Bono Defamation Law?,” 2d Australian Law & Society Conference, sponsored by Macquarie University, North Ryde, Australia, December 5, 1984

### **EXPERT WITNESS TESTIMONY**

1. *Bridas Corporation v. Unocal Corporation et al.*, No. 94144 (268<sup>th</sup> Jud. Dist., Texas) (issues of Soviet and Turkmenistan tort law)
2. *EA Oil Service, Inc. v. Mobil Exploration and Producing Turkmenistan, Inc.*, No. 98-14778 (113<sup>th</sup> Jud. Dist., Texas) (issues of Soviet and Turkmenistan tort law)
3. *Films By Jove, Inc. v. Berov*, 154 F. Supp.2d 432 (EDNY 2001), 250 F. Supp.2d 156 (EDNY 2003), 341 F. Supp.2d 199 (EDNY 2004) (issues of Russian copyright law, foreign investment, privatization)
4. *FKP “Soiuzplodoimport” v. Spirits International N.V.*, Supreme Federal Court of Brazil (issues of Soviet and Russian economic, corporate, and trademark law)
5. *Hospital Corp. Int’l, Ltd. v. Pepsico, Inc.*, Superior Court of North Carolina, 94 CvS 888 (issues of Russian trade secrets laws)
6. *ITAR-TASS Russian News Agency v. Russian Kurier, Inc.*, 42 U.S.P.Q.2d 1810 (SDNY 1997) (issues of Russian copyright law)
7. *Phillips Petroleum v. Exxon Corp.*, No. 98-638-JJF, D. Delaware (Russian-law related aspects of U.S. patent dispute)
8. *Pompano Air Center, Inc. v. Sukhoi Design Bureau et al.*, 96-2883 CIV-Atkins, S.D. Fl. (issues of Russian tort law)
9. *Spirits International N.V. v. FKP Sojuzplodoimport*, Court of Appeal of The Hague, The Netherlands, case number 2006/0895 (issues of Soviet and Russian economic, corporate, and trademark law)
10. *Uspensky v. Cheburashka Japan, Ltd.*, Tokyo District Court, Civil Case Division No. 46, Case 25547 (2003) (issues of Russian copyright law)

### **PROFESSIONAL ACTIVITIES**

Editor-in-chief, *Journal of Eurasian Law* (2008-present)  
Editor, *Central and East European Legal Materials*  
Managing Editor, *Survey of East European Law* (1994-present)

### **PERSONAL INFORMATION**

Foreign Languages:.....Russian  
Professional Affiliations: .....Member of the Bar, New York and District of Columbia