



NEW YORK STATE BAR ASSOCIATION
INTERNATIONAL SECTION

The International Section of
the New York State Bar Association
is proud to sponsor

NUCLEAR WEAPONS AND INTERNATIONAL LAW
The Renewed Imperative in Light of Russia's Invasion of Ukraine

Wednesday, November 8, 2023
9:00 a.m. – 6:00 p.m. via Zoom
(virtual reception to follow)

CO-SPONSORS

Fordham Law School, Center on National Security
U.S. Air Force Academy, Law, Technology and Warfare Research Cell
Georgetown Law School, *Journal of International Law*
Catholic Peacebuilding Network
Lawyers Committee on Nuclear Policy
Global Security Institute

AGENDA

9:00 – 9:30 a.m. Introductory Remarks

- **Prof. John D. Feerick**, Professor and Dean Emeritus, Fordham Law School
- **Prof. Charles J. Moxley, Jr.**, Professor (Adj.), Fordham Law School; Principal, Moxley ADR LLC
- **Richard C. Lewis**, President, New York State Bar Association
- **Mary L. Smith**, President, American Bar Association; Vice Chair, VENG Group
- **Prof. Jeffrey Biller**, [Deputy Director, Law, Technology and Warfare Research Cell, United States Air Force Academy](#)
- **Jonathan Granoff**, President, Global Security Institute; Senior Advisor, Permanent Secretariat of the World Summits of Nobel Peace Laureates
- **John Burroughs**, Senior Analyst, Lawyers Committee on Nuclear Policy

9:30 – 9:45 Opening Remarks

- **Hon. Oleksii Holubov**, Consul General of Ukraine in New York

- **Edward K. Lenci**, Partner, Hinshaw & Culbertson LLP (NYC); Founder and former Co-Chair, Ukraine Task Force of the New York State Bar Association

9:45 – 10:45 am Panel 1: Facts and Risks Associated with Nuclear Weapons Highlighted by Russia’s Threats to Use Nuclear Weapons in Ukraine

FACULTY:

- **Moderator: Charles Moxley**, Professor (Adj.), Fordham Law School; Principal, Moxley ADR LLC
- **Dr. Shane Smith**, Director, Institute for National Security Studies and Associate Professor, Dept. of Political Science, United States Air Force Academy
- **Alan Robock**, Distinguished Professor, Department of Environmental Sciences, Rutgers University
- **James Scouras**, Senior Scholar, Johns Hopkins University, Applied Physics Laboratory

10:45 – 11:00 a.m. Break

11:00 – 12:30 p.m. Panel 2: International Law Applicable to Potential Uses of Nuclear Weapons in Ukraine and Beyond

Addressing law of armed conflict principles of distinction, proportionality, necessity, and precaution and the law of reprisal applicable to potential uses of nuclear weapons, along with consideration of bases for per se rules under international law

FACULTY:

- **Moderator: John Burroughs**, Senior Analyst, Lawyers Committee on Nuclear Policy
- **Major Kenneth Daniel Jones**, Judge Advocate, Office of the Judge Advocate General, U.S. Army
- **David Koplow**, Professor, Georgetown University Law Center; Former Special Counsel for Arms Control to the General Counsel of the U.S. Department of Defense
- **Charles Moxley**, Professor (Adj.), Fordham Law School; Principal, Moxley ADR LLC
- **Colonel Theodore T. Richard**, United States Air Force Judge Advocate, Staff Judge Advocate at Space Operations Command

12:30 – 1:30 p.m. Lunch

**12:45 – 1:15 p.m. Keynote: *Role of International Law in Contemporary Times*
Prof. Oona Hathaway, Gerard C. and Bernice Latrobe Smith, Professor of International Law, Yale Law School**

1:30 – 2:50 p.m. Panel 3: The Role of Risk Analysis in the Application of International Law to Nuclear Weapons Use

Examining how, in applying LOAC to potential uses of nuclear weapons, various levels of probability of unlawful effects should be weighed and valued as to potential lawfulness.

FACULTY:

- **Moderator: Charles Moxley**, Professor (Adj.), Fordham Law School; Principal, Moxley ADR LLC
- **Prof. Jeffrey Biller**, Deputy Director, Law, Technology and Warfare Research Cell, United States Air Force Academy
- **Eirini Giorgou**, ICRC Legal Adviser covering nuclear weapons
- **David Koplow**, Professor, Georgetown University Law Center; Former Special Counsel for Arms Control to the General Counsel of the U.S. Department of Defense
- **Hans Liwång**, Associate Professor, Deputy Head of Department of Systems Science for Defence and Security, Swedish Defence University

2:50 – 3:00 p.m. Break

3:00 – 4:25 p.m. Panel 4: Nuclear Deterrence and the Law of Threat

Faculty:

- **Moderator: Jacqueline Cabasso**, Executive Director, Western States Legal Foundation; North American Coordinator, Mayors for Peace
- **John Burroughs**, Senior Analyst, Lawyers Committee on Nuclear Policy
- **Eirini Giorgou**, ICRC Legal Adviser covering nuclear weapons
- **Navy Commander Leigha Groves**, Deputy Staff Judge Advocate, U.S. Strategic Command
- **David S. Jonas**, Partner, Fluett; Former Nuclear Nonproliferation Planner, Joint Chiefs of Staff; LtCol, USMC (Ret.); Adjunct Professor at Georgetown and George Washington Law Schools
- **Allen S. Weiner**, Senior Lecturer in Law and Director, Stanford Program in International and Comparative Law, Stanford Law School

4:25 – 4:35 p.m. Break

4:35 – 4:50 p.m. Reflections on Policy and Law: Jonathan Granoff, President, Global Security Institute; Senior Advisor, Permanent Secretariat of the World Summits of Nobel Peace Laureates

4:50 – 6:00 p.m. Panel 5: Strategy Session: Things Lawyers and Others Can Do to Get Involved and Make a Difference in Addressing Nuclear Weapons Risks

FACULTY:

- **Moderator: Charles Moxley**, Professor (Adj.), Fordham Law School; Principal, Moxley ADR LLC
- **Jutta Bertram-Nothnagel, Vice-President** Lawyers Committee on Nuclear Policy; Representative to the UN, International Association of Lawyers Against Nuclear Arms
- **Jacqueline Cabasso**, Executive Director, Western States Legal Foundation; North American Coordinator, Mayors for Peace
- **Denise Duffield**, Steering Committee, Back from the Brink
- **David Gibson**, Fordham Center on Religion and Culture; Catholic Peacekeeping Network
- **Edward K. Lenci**, Partner, Hinshaw & Culbertson LLP (NYC); Founder and former Co-Chair, Ukraine Task Force of the New York State Bar Association
- **Gerald F. Powers**, Faculty, University of Notre Dame, Kroc Institute for International Peace Studies; Director, Catholic Peacebuilding Studies
- **Seth Shelden**, UN Liaison, International Campaign to Abolish Nuclear Weapons; Partner, Farkas & Neurman; Adjunct Professor, CUNY School of Law
- **Jules Zacher**, Board Chair, Council for a Livable World; Executive Board Member, the Center for Ethics and the Rule of Law at the Annenberg Public Policy Center at the University of Pennsylvania

6:00 – 7:00 p.m. Virtual reception