

In Memoriam: David D. Caron (1952-2018)



Many of you have heard the tragic news of David Caron's unexpected and untimely passing. Already over the last few days, scores of emails have crossed my desk expressing shock, grief, and a profound sadness at his death. It is clear that David touched many lives and that his reach was multigenerational.

For some of us in the Society, David was a protégé. For others, he was a mentor and teacher. For all of us, academic and practitioner alike, he was a treasured colleague who left us far too soon and will be sorely missed.

David was President of the Society in 2010-12, in between Lucy Reed and Donald Donovan. Some of you will recall that David took a leave from Berkeley so that he and his wife Susan could move to Washington during his presidency. He made Tillar House his base of operations so that he could devote himself to the work of the Society. And the Society would remain at the core of his professional identity for the rest of his life.

When he assumed the presidency, David was the C. William Maxeiner Distinguished Professor of Law at his alma mater, the University of California at Berkeley's Boalt Hall School of Law, where he had served on the faculty since 1987. Before joining the Boalt Hall faculty, he practiced with the San Francisco firm of Pillsbury Madison & Sutro. From 1985 to 1986, he was a senior research fellow at the Max Planck Institute for Comparative Public and International Law. A Fulbright Scholar and former navigator and salvage diver in the U.S. Coast Guard, David graduated from Boalt Hall in 1983. He then served as a legal assistant to Judges Richard Mosk and Charles Brower at the Iran-United States Claims Tribunal in The Hague.

In 2013, David became Dean and Professor at Law at Dickson Poon School of Law at King's College London. In 2015, he was appointed by the U.S. government to the Iran-U.S. Claims Tribunal, succeeding Judge Brower. At the time of his death, he was sitting not only as a judge in the massive set of B1 claims in the Tribunal, but also as an ad hoc judge on the International Court of Justice, and in several ad hoc arbitrations.

Others will write in more detail in the coming months about David's contributions to the field of international law. Here, I will focus on David's contributions to the Society and to our community.

David brought his innovative and inclusive approach to governance of the Society. As president, he undertook a strategic planning exercise, involving the Executive Council in the process. When I embarked on a strategic refresh coming into my own presidency, it was David's work to which I first turned.

David developed the concept of the Research Forum, both as a vehicle for geographic outreach for the Society, and to tap into new ideas and innovative scholarship. He ascribed great importance to both aspects of the Forum; even reaching out to me last year to express an (unfounded) concern that we might not proceed with the Forum as planned. I assured him the leadership of the Society shared his commitment to outreach and we were going forward.

But David's commitment to the Society was far deeper and broader. His active membership in the Society has been traced back to 1979. As a law student at Boalt Hall, he served as President of the Association of Student International Law Societies (now ILSA) and thus served ex officio as a member of the Executive Council. He returned to the ASIL Executive Council as an elected member in 1990, the same year that he won the American Journal of International Law's Francis Deák Prize for best article by an author under 40. He served as a vice president of the Society, and as a member of the Program Committee, Outreach Committee, Honors Committee, Executive Committee, and Nominating Committee. He was a member of the AJIL Board of Editors from 2008-2017, and an Honorary Editor from April 1, 2017 until his death. From 2005 to 2007, he served as Vice President of the Society. He participated in two Interest Groups, on Disaster Law and International Environmental Law, and co-chaired the ASIL West Interest Group from 2008-2009. He supported the Society not only intellectually but financially, becoming an Elihu Root Patron in 2011.

David's intellectual passions and professional work as a practitioner, adjudicator and scholar focused on two major strands: dispute resolution and environmental protection. The latter was associated with his service in the Coast Guard. He was an arctic diver, and had some harrowing stories of near escapes when complications arose during some of his dives. He had a particular interest and expertise in the Arctic, and legal issues associated with that area.



David's work in the dispute resolution arena stemmed from the Iran-U.S. Claims Tribunal, where he served as Charlie Brower's first law clerk. He also taught in the area, wrote a major commentary on the UNCITRAL Arbitration rules, and served on a number of NAFTA and other investor-state tribunals, where his decisions included *Glamis Gold v. U.S.* and *Cargill v. Mexico*, to name just two.

Sometimes those strands intersected with his scholarly interests, as when he handled claims involving environmental issues or transboundary harm; at other times they did not.

David was last with us at the 2017 Annual Meeting, where he gave the Fifth Charles N. Brower Lecture on International Dispute Resolution (see photo above).

When David assumed the Deanship at the Dickson Poon School of Law at the end of his ASIL Presidency, he and Susan moved to London. Among the memorable events during his tenure was the 80th birthday party he hosted for Judge Brower at the Inner Temple (see photo right). After assuming the Tribunal position, he took up residence in The Hague, and commuted from there to London. But David was truly a citizen of the world. I recall a chance encounter with him in Hong Kong, in the hotel where he, Susan and I all happened to be staying; I was there on business and he was there to give a lecture.



David Caron with, from left, Mark Agrast, Arthur Rovine, Charles N. Brower, and Lucinda Low at a special event honoring Brower in 2015.

Susan accompanied and supported him on his travels and in his many endeavors, and was an integral part of his life and contributions. Our thoughts are with her and with David's children, Peter and Marina, as they confront the loss of a husband and father who was still in his prime. We send our condolences also to his colleagues and wide circle of friends, to whom he had given so much and had so much more to contribute.

Messages of sympathy are being received by the family at stories@davidcaron.life. Information and remembrances will be posted at www.davidcaron.life. As we have information about memorials or commemorations, we will share them.

The Society will pause to remember David's life and work at our upcoming Annual Meeting. We have also begun to consider ways to honor his memory. It goes without saying that this needs to be something sustainable--in keeping with David's environmental interests—as well as reflective of his values as a human being and broad intellectual sweep.

Lucinda A. Low
President of the American Society of International Law