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Education

J.D. *cum laude*, Harvard Law School, 1976
B.A., College of Wooster, Wooster, Ohio, 1973
Liberal Arts/History major; Chemistry concentration.
Valedictorian, Phi Beta Kappa

Employment

University of Maryland School of Law

Edward M. Robertson Research Professor of Law, 2006-present
Professor of Law, 1999-present

Dean and Professor of Law, 1992 – 1999

Courses taught: Torts, Torts II, Advanced Torts, Mass Products Torts, Comparative Mass Products Torts, Insurance Law, Negotiation, Counseling and Negotiation.

Visiting Professor, LSU Summer Program in Lyon, France, June 2010.

Course taught: European and American Approaches to Mass Products Liability.

Visiting Professor, University Jean Moulin Lyon 3, Lyon, France, Fall 2000.

Course taught: An Introduction to American Tort Law.

West Virginia University College of Law

Dean and Professor of Law, 1989 - 1992

University of Florida School of Law

Professor of Law, 1984-1989.

Associate Director, Academic Task Force for Review of the Florida Insurance and Tort Systems,
Office of the Governor, State of Florida, 1986 – 1989

University of Toledo College of Law

Associate Professor (1982 - 1984) and Assistant Professor (1979 - 1982),

Private Practice, 1976-1979

Books

SUING THE TOBACCO AND LEAD PIGMENT INDUSTRIES: GOVERNMENT LITIGATION AS PUBLIC HEALTH PRESCRIPTION? (University of Michigan Press, 2010).

CASES AND MATERIALS ON THE LAW OF TORTS, Shulman, James, Gray & Gifford (5th ed. 2010 & 4th ed. 2003) (Thomson-West: Foundation Press) (with Professor Emeritus Oscar S. Gray).

Essay, *Tort Reform as a Two-Way Street*, included in Andrew F. Popper, TORT REFORM-COMMENTARY AND OTHER MATERIALS (West American Casebook Series, 2010).

LEGAL NEGOTIATION: THEORY AND PRACTICE (2d. ed., Thomson-West, 2007) (originally published under the title of *Legal Negotiation: Theory and Applications* (1989))

A COMPARATIVE STUDY OF LIABILITY LAW AND COMPENSATION SCHEMES IN TEN COUNTRIES AND THE UNITED STATES (co-editor and contributing author, 1992).

Selected Articles

Impersonating the Legislature: State Attorneys General and Parens Patriae Products Litigation, 49 B.C. L. REV. 913 (2008).

The Death of Causation: Mass Products Torts' Incomplete Incorporation of Social Welfare Principles, 41 WAKE FOREST L. REV. 943 (2006).

Market Share Liability Beyond DES Cases: The Solution to the Causation Dilemma in Lead Paint Litigation? (with Paolo Pasicolan), 58 S.C. L. REV. 115 (2006).

The Challenge to the Individual Causation Requirement in Mass Products Torts, 62 WASH. & LEE L. REV. 873 (2005)

The Peculiar Challenges Posed By Latent Diseases Resulting From Mass Products, 64 MD. L. REV. 613 (2005).

Foreword, Symposium: Calabresi's The Costs of Accidents: A Generation of Impact on Law and Scholarship, 64 MD. L. REV. 1 (2005).

Public Nuisance as a Mass Products Tort, 71 U. CIN. L. REV. 741 (2003).

Republished in 7 PEKING U. L. REV. 31-354 (2006) (Chen Xin, trans.) (Chinese translation).

The Causes of the Medical Malpractice Crisis: An Analysis of Claims Data and Insurance Company Finances, 76 GEO. L. J. 1495 (1988) (with David Nye, Bernard Webb and Marvin Dewar).

The Myth of the Insurance Claims Explosion, 41 VAND. L. REV. 909 (1988) (with David Nye).

Litigation Trends in Florida: Saga of a Growth State, 39 U. FLA. L. REV. 829 (1987) (with David Nye).

The Synthesis of Legal Counseling and Negotiation Models: Preserving Client-Centered Advocacy in the Negotiation Context, 34 UCLA L. REV. 811 (1987).

A Context-Based Theory of Strategy Selection in Legal Negotiation, 46 OHIO ST. L. J. 43 (1985).

Meaningful Reform of Plea Bargaining: The Control of Prosecutorial Discretion, 1983 U. ILL. L. REV. 37 (1983).

Abraham S. Goldstein's *The Passive Judiciary: Prosecutorial Discretion and the Guilty Plea*, 10 J. LEGIS. 435 (1983) (book review).

Equal Protection and the Prosecutor's Charging Decision: Enforcing an Ideal, 49 GEO. WASH. L. REV. 659 (1981).

Selected Other Writings

“Rhode Island Win is Just a Battle in the Public Nuisance War to Come,” 23 *The Corporate Counselor* 5 (February 2009).

“Tort,” *The Oxford Companion to the Supreme Court of the United States* (Kermit Hall, ed.) (1992 & 2d ed., 2004).

Final Fact-Finding Report on Insurance and Tort Systems, Report of Academic Task Force for Review of Insurance and Tort Systems (legislatively-created independent commission) (hereinafter “Academic Task Force”) to Florida Legislature (1988) (537 pages) (lead author with five others).

Final Recommendations, Academic Task Force (1988) (193 pages) (lead author with five others).

Preliminary Fact-Finding Report on Medical Malpractice, Academic Task Force (1987) (263 pages) (lead author with six others).

Medical Malpractice Recommendations, Academic Task Force (1987) (56 pages) (lead author with three others).

Selected Professional Service

Chair, University of Maryland School of Law Admissions Committee, 2003-2006 and 2008-Present.

Advisor on Childhood Lead Poisoning Prevention and Lead Litigation Issues to the National Paint and Coatings Association (2001-2007) and to DuPont (2000-2008). Drafted or revised childhood lead poisoning prevention legislation introduced in United States Congress and in state legislatures of New York, New Jersey (amended version enacted), Illinois, Florida (partial version enacted), Texas (partial version enacted), Rhode Island, Minnesota, Missouri, and Oregon; testimony before numerous legislative committees.

Faculty Coordinator, Symposium—Calabresi’s *The Costs of Accidents: A Generation of Impact on Law and Scholarship*, University of Maryland School of Law, Baltimore, Maryland, April 23 and 24 (2004).

Co-chair, American Bar Association, Section of Legal Education and Admissions to the Bar, Law School Development Committee, 1999-2001.

Vice-Chair, Maryland Alternative Dispute Resolution Commission Task Force, 1998-2000.

Member, American Law Institute and its Consultative Groups on Torts and Aggregate Litigation, 2000-

Chair, Federal Public Defender for the District of Maryland Selection Committee, 1997-1998.

Co-Chair, American Bar Association Section of Legal Education and Admissions to the Bar Deans' Workshop, 1995 and 1996.

Chair, State of Maryland Lead Poisoning Prevention Commission, 1992-1994.

* Recommendations adopted as Maryland Lead Poisoning Prevention Act

Advisory Board, *The Oxford Companion to American Law*, 1994.

Chair, Search Committee for Federal Public Defender for Southern District of West Virginia, 1990.

Member, Search Committee for West Virginia Attorney General, 1989.

Selected Recent Lectures

"The Combination of Public Nuisance and *Parens Patriae* Standing: Using Ancient Doctrines to Support Mass Products Liability," National Foundation for Judicial Excellence 2010 Annual Judicial Symposium, July 17, 2010, Chicago, IL.

"Expanding Public Nuisance Liability and the Limits of the Judicial Process," Northwestern Law Judicial Education Program Judicial Symposium on Expansion of Liability under Public Nuisance, April 26, 2010, Chicago, IL.

"Climate Change: The New Mass Tort for the 21st Century?" U.S. Chamber of Commerce Institute for Legal Reform, 10th Annual Legal Reform Summit, October 28, 2009, Washington, DC.

"Premature Burial? The Resuscitation of Public Nuisance Litigation," BNA Webinar (with two others), October 22, 2009.

"The Future of Public Nuisance Litigation," U.S. Chamber of Commerce—Institute for Legal Reform Webinar, December 11, 2008.

"Public Nuisance Litigation: Protecting the Public or Expanding Products Liability Law," National Center for State Courts Justice Roundtable, November 21, 2008, Washington, DC.

"Public Nuisance Litigation—The State's New Regulator," Program of Tort Trial and Insurance Practice Section, American Bar Association Annual Meeting (with two others), August 10, 2008, New York, NY.

"The Mouse Roars! Rhode Island Supreme Court Refuses to Expand Public Nuisance," Thomson Reuters Webcast (with three others), August 6, 2008.

“Public Nuisance for Private Gain? Lead Litigation as a Case Study in Abuse of Ancient Legal Principle,” Webcast Panel Discussion sponsored by Washington Legal Foundation (with Richard Faulk), March 21, 2007, Washington, DC.

“Panacea or Placebo: Using Public Nuisance Principles to Redress Environmental Harms,” BNA Audio-conference (with two others), February 27, 2007.

“Virtual Public Law and the Politics of Tort Law” (with Anthony Sebok), Panel on “Tort Litigation and Policy Making,” Law and Society Association Annual Meeting, July 6, 2006, Baltimore, Maryland.

Interviews with *The Economist* and National Public Radio’s *All Things Considered* following February 22, 2006 verdict in Rhode Island lead pigment litigation.

“The New Wave: Collective Actions and Responsibilities,” Thomas F. Lambert Tort Law Conference on Sophisticated New Tort Theories, Center for Advanced Legal Studies, Suffolk University Law School, Boston, October 29, 2004.

“Tobacco, Handguns, Lead Paint and Public Nuisance: The Mouse that Roared,” Faculty Workshop Presentation, University of Missouri-Columbia School of Law, February 17, 2003.

“Using Nuisance to Address Environmental Problems,” National Environmental Law Societies Conference (with two others), Baltimore, March 29, 2003.