

# Marshall S. Shapo

## VITA

Citizenship: United States

Married (Helene S. Shapo), two sons (Benjamin and Nathaniel)

### FULL-TIME EMPLOYMENT:

Law Faculty, Northwestern University

Frederick P. Vose Professor of Law since 1978

Law Faculty, University of Virginia

Joseph M. Hartfield Professor of Law 1976-78

Professor 1970-76

Visiting Professor 1969-70

Law Faculty, The University of Texas

Professor 1969-70 (on leave)

Associate Professor 1967-69

Assistant Professor 1965-67

Instructor in history, University of Miami 1960-61

Copy editor and background writer, The Miami News 1958-59

### LAW FIRM

Of Counsel, Sonnenschein Nath and Rosenthal 1991-2001

### SUMMER EMPLOYMENT:

Visiting Professor, Juristisches Seminar, University of Gottingen  
(Federal Republic of Germany), summer 1976

Law faculty, University of Michigan, summer 1973

Law clerkships with County Attorney, Dade County (Miami, Fla.), 1964

National Labor Relations Board (Washington, D.C.), 1962

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#### PRINCIPAL AREAS OF INTEREST:

Tort and Compensation Law, Consumer Protection (especially legal regulation of product hazards); Legal Control of Science and Technology

#### EDUCATION

A.B., University of Miami 1958 summa cum laude (Sigma Delta Chi scholarship)

Editor-in-Chief, student newspaper; president, men's leadership honorary; chair, daily editors discussion group, National Student Editorial Affairs Conference; chair, Subcommittee on Desegregation, United States National Student Association

A.M., History, Harvard 1961 (Woodrow Wilson National Fellowship 1959-60)

LL.B. (J.D.), University of Miami 1964 magna cum laude

First in class; Editor-Chief, Law Review

S.J.D., Harvard Law School 1974

Ford Fellow in Law Teaching at Harvard 1964-65

Nondegree program: Summer Economics Institute for Law Professors, University of Rochester 1971

#### FELLOWSHIPS AND PROFESSIONAL HONORS:

Robert B. McKay Law Professor Award, Tort Trial and Insurance Practice Section, American Bar Association, 2005

Distinguished Alumnus Award, University of Miami School of Law, 2005

Visiting Fellow, Wolfson College, Cambridge, Easter Term, 2001

Andrew C. Hecker Award of Federation of Insurance and Corporate Counsel, 2001, for outstanding article of the year in FICC Quarterly

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Stanford Clinton Sr. Research Professor, Northwestern University School of Law 1997-98

Visiting Fellow, Wolfson College, Cambridge, Lent and Easter Terms, 1992

Member, Center for Advanced Studies, University of Virginia 1976-77

Senior Fellow, National Endowment for the Humanities 1974-75

Sesquicentennial Associate, University of Virginia 1974-75

Visiting Fellow, Centre for Socio-Legal Studies, Wolfson College, Oxford, and Visiting Fellow of the College, Hilary and Trinity Terms 1975

#### PUBLIC SERVICE POSITIONS, CONSULTANTSHIPS, COMMITTEES:

Adviser, Restatement of the Law (Third): Torts: Products Liability.

Invitational Planning Conference, Restatement (Third) Torts: Products Liability, 1992.

Members' Consultative Group on Enterprise Liability Project, American Law Institute, 1991.

Reporter, Symposium on Legal and Scientific Perspectives on Causation, co-sponsored by Tort and Insurance Practice Section of American Bar Association and Center for Epidemiology and Public Policy, Johns Hopkins School of Hygiene and Public Health, March, 1990, proceedings published in 1 Courts, Health Science & the Law No. 3 (1991).

Consultant, Institute for Policy Studies, Vanderbilt University, on project of National Institute of Alcohol Abuse and Alcoholism, on "Heavy Drinking and Drunk Driving: Which Deterrents Work?," February 1991.

Participant in Tort Law and the Public Interest, the 78th American Assembly (May 31-June 3, 1990).

Reporter, Special Committee on the Tort Liability System, American Bar Association, 1980-84.

Main Speaker, AALS Torts Round Table Council, 1969; Panelist, 1972, 1976; Paper, AALS Section on Torts and Compensation Systems, 1993, panelist, 2003, 2006.

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Chair, Torts Round Table Council, Association of American Law Schools 1970, Executive Committee, Torts-Compensation System Section, Association of American Law Schools, 1973, 1980-81; Secretary, 1981-82; Chair-Elect, 1982-83; Chair, 1983-84; Nominating Committee, 1989.

Planning Committee, Torts Teaching Clinic, Association of American Law Schools, 1983.

Member, Professional Issues Committee, Tort and Insurance Practice Section, American Bar Association, 1990-1991.

Member, Academic Advisory Subcommittee of Products, General Liability and Consumer Law Committee, Tort and Insurance Practice Section, American Bar Association, 1990- .

Vice-Chair, Committee on Communications, Member of Publications Editorial Board, A.B.A. Tort and Insurance Practice Section, 1990.

Vice-Chair, Committee on Tort Liability Study, A.B.A. Tort and Insurance Practice Section, 1987-88.

Co-Leader, Lawyers' Study Tour of People's Republic of China, December 1988-January 1989.

Delegation Leader, People to People Citizen Ambassador Program, Tort and Insurance Law Delegation to East Asia, 1986.

Newberry Library Lecture Series Planning Committee, 1984.

Consultant, President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, 1980-81.

Consultant on Medical Malpractice and Tort Law Reform, United States Department of Justice, 1978-79.

Panel on Food Safety Regulation and Societal Impact of Committee for a Study of Saccharin and Food Safety Policy, Institute of Medicine, National Academy of Sciences, 1978-79.

Adviser, Subcommittee on Infringement of Scientific Freedom in the United States -- Individual Appeals, 1977-78.

MEMBERSHIPS:

American Law Institute (elected 1977).

Florida Bar (admitted 1964); Virginia Bar (admitted 1977); Illinois Bar (admitted 1993).

EDITORIAL AND ADVISORY BOARDS:

Editorial Board, Zeitschrift fur verbraucherpolitik/Journal of Consumer Policy, c. 1979-1989.

Board of Editors, Products Liability Law Journal, c. 1989-1993.

Advisory Board, Loyola Consumer Law Reporter, c. 1989- \_\_\_\_.

BIOGRAPHICAL DIRECTORIES:

Who's Who in America; Who's Who in American Law; International Who's Who in Education; Directory of American Scholars; Directory of International Biography.

LECTURES, TESTIMONY AND PUBLIC SERVICE APPEARANCES:

Talk, An Essay on Torts: States of Argument, at Pepperdine Law School Torts Symposium, April 2010

Speech on The Restatement (Third) of Torts and What it Means to You, at Fourth Annual Judicial Symposium on Civil Justice Issues, NU Law Judicial Education Program, December 7, 2009

Lecture, Products Liability in the United States, Seminar, Il donne non patrimoniale, University LUISS Guido Carli, Roma, July 2009, sponsored by Association of Corporate Counsel Europe

Lectures, Compensation for Victims of Terrorism and Compensation for Misfortunes, Ius Gentium Conimbrigae, University of Coimbra (Portugal), July 2008

Lectures and seminars on torts and products liability at Kobe University, the Osaka Bar Association, Ritsumeikan University, and Tokyo University, May 2007

“Torts, Tort Reform, and the Judgment of History,” opening remarks, Searle Center program on

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Litigation and Tort Reform, Northwestern Univ. School of Law, March 2007

Commentator, Section on Tort and Compensation Systems, Association of American Law Schools Annual Meeting 2006: "What It Means to 'Compensate' an Injured Person"

Principal speaker, giving five lectures on various topics in tort and injury law, in inaugural Friendly and Informal Seminar, Observatori de Dret Privat Europeu I Comparat, Universitat de Girona, June 2005

Seminar talk, Tort Law and Culture, Universitat Pompeu Fabra, Barcelona, June 2005

Seminar talk, Tort Law and Culture, Facolta di Giurisprudenza, Universita di Pisa, May 2005

Speech, Civil Responsibility for Product Defects, Brazilian Bar Association, Rio de Janeiro, June 18, 2004

Speaker, Symposium on "The September 11th Compensation Fund and the Future of Civil Justice," DePaul College of Law, April 2003.

Panelist, Joint Program of Sections on Insurance Law and Torts and Compensation Systems, Association of American Law Schools, Annual Meeting, 2003.

Paper, Compensation for Victims of Terror: A Specialized Jurisprudence of Injury, Conference on the Law and Economics of Providing Compensation for Harm Caused by Terrorism, Georgetown Univ. Law Center, April 2002.

Lecture on American products liability law, Fachbereich Rechtswissenschaften, Universitaet Bremen, graduate seminar, May 2001.

Speech, "Millennial Torts," Louisiana Judicial College, December 8, 2000.

Keynote Address, Scribes Award Luncheon, March 2000.

Panelist at FDLI Symposium, Regulatory Compliance: Should It Ever Be a Bar to Tort Liability?, Georgetown University Law Center, Oct. 8, 1999.

Speech, "Defective Restatement Design," Judicial Symposium, University of Kansas June 1998.

Paper, Tort Law and Environmental Risk, Tort & Compensation Systems Section and

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Environmental Law Section, Association of American Law Schools Annual Meeting, January 1997.

Paper, "A Frontier Revisited, A Vision Redefined," first Washburn University Advanced Torts Symposium, September 1997.

Paper, "A Social Contract Tort," W. Page Keeton Symposium on Tort Law, University of Texas Law School, November 1996.

Speech, "Should Courts Buy the Proposed Restatement?," 1996 Forum for State Court Judges, Boston, July 1996.

Paper, "A New Legislation: Remarks on the Draft Restatement of Products Liability," Colloquy on Products Liability: Comprehensive Discussion on the Restatement (Third) of Torts: Products Liability, University of Michigan Law School, May 1996.

Speech, "The New Legislation: Should Courts Adopt the Restatement of Product Liability?," Univ. of Miami School of Law, January 19, 1996.

Commemorative speech on Martin Luther King, Jr., Northwestern University School of Law, January 1995.

Speech, "Products Liability Today: Peaks of Legal Tension," Torts Seminar, Louisiana Judicial College, New Orleans, December 1, 1994.

Testimony on federal products liability legislation, U.S. Senate Committee on the Judiciary, July 31, 1990.

Speech, "Products Liability, Plain and Simple; Tort Law Reform, Baroque and Messy," Conference on Products Liability, sponsored by Center for the Study of American Business and Washington University of Law, St. Louis, October 6, 1989, published in *Product Liability Reform: Debating the Issues 15* (Center for the Study of American Business, Formal Publication Number 98, 1990).

Paper, "Comments on the Civil Responsibility Sections of the Chinese Civil Code," delivered at Conference on Chinese Law, sponsored by Committee on Legal Education Exchange with China, Honolulu, May-June 1989.

Commentator, Conference on Punitive Damages, sponsored by Alabama Law Review and

University of Alabama Law School, Tuscaloosa, March 1989.

Commemorative Speech on Martin Luther King, Jr., Northwestern University School of Law, January 16, 1989.

Speech, "Corporate Counsel and the Consultant's Role in Litigation Avoidance and Defense," Illinois Institute for Continuing Legal Education, Chicago, December 1988.

Talk on AIDS law to Committee on Science, Technology and Law of Chicago Bar Association, June 2, 1988.

Participant, planning meeting, Institute for Health Policy Analysis, for program on Financial Compensation for Disease and Disability, Aspen Institute, Wye Plantation, Md., March 1988.

Testimony in Products Liability Reform: Hearing before the Subcommittee on the Consumer, Senate Committee on Commerce, Science and Transportation, 100th Cong., 1st Sess., at 60-62, September 18, 1987.

Moderator, Final Panel of AALS Mini-Workshop on "The 'Tort Crisis' and Tort Reform," January 3, 1987.

Speech on tort law issues at symposium, Perspectives on Florida Tort and Insurance Systems, sponsored by The Academic Task Force for Review of the Insurance and Tort Systems, Tampa, October 30, 1986.

Testimony in Product Liability Reform Act: Hearings before the Senate Committee on the Judiciary, 99th Cong., 2d Sess. on S.2760, at 519-524, September 10, 1986.

Panelist, National Symposium on Civil Justice Issues, May 1, 1986.

Lectures on "Substantive Justice through Tort Law: The Contributions and Limitations of Economic Theory," at A.B.A. Appellate Judges Seminar, Austin, Tex., April 21, 1986.

Testimony in Products Liability Voluntary Claims and Uniform Standards Act: Hearings before the Subcommittee on the Consumer, U.S. Senate Committee on Commerce, Science and Transportation, 97th Cong., 1st Sess. on S.1999, at 73-74 & 92-104 passim, February 27, 1986.

Testimony, "Liability and Compensation for Vaccine Injuries," printed in National Childhood Vaccine Injury Compensation Act of 1985: Hearings before the Senate Committee on Labor and

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Human Resources at 44-49 & 67-71 passim, December 9, 1985.

Speech, Key Issues in Medical Malpractice, to Louisiana Judicial College, New Orleans, December 6, 1985.

Chair, A.B.A. Invitational Meeting on Medical Malpractice Issues, Chicago, September 23, 1985.

Speech at A.B.A. Presidential Showcase Program on Tort Law Reform, Washington, D.C., July 7, 1985.

Testimony in Product Liability Act Amendments: Hearings before the Subcommittee on the Consumer, U.S. Senate Committee on Commerce, Science and Transportation, 99th Cong., 1st Sess., at 100-04 & 104-11 passim, June 25, 1985.

Speech, "The Future of the System," at A.B.A. National Conference, The Tort Liability System -- Does it Serve the Public Interest?, Lexington, Ky., May 18, 1985.

Testimony in Product Liability Act: Hearing before the Subcommittee on the Consumer, U.S. Senate Committee on Commerce, Science, and Transportation, 99th Cong., 1st Sess., on S.100, at 136-39, March 21, 1985.

Testimony at Governor's Task Force on Medical Malpractice, Tampa, January 18, 1985.

Testimony at Medical Malpractice Subcommittee of Committee on Health Care & Insurance, Florida House of Representatives, Tallahassee, March 4, 1985.

Speech, "Tort in the Crystal Ball," American Corporate Counsel Association, Washington, D.C., October 23, 1984.

Talk, Scientific Progress and Personal Injuries: Responses by the Legal System, Symposium on Law and Technology, Univ. of Texas School of Law, Oct. 27, 1983

Speech, "Tort Law, Products Liability and Substantive Justice," at Eason-Weinmann Center for Comparative Law Colloquium, Rethinking Tort Law, Tulane University School of Law, November 5, 1982.

Testimony in Product Liability Reform: Hearings before the Subcommittee for Consumers, U.S. Senate Committee on Commerce, Science and Transportation, 97th Cong., 2d Sess. at S.2631, Serial No. 97-109 at 323-31 (1982).

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Speech, "Products Liability and Product Image," 18th Annual Corporate Counsel Institute, Northwestern University School of Law, 1979.

Brief article, "Torts Teaching: Tribulations and Triumphs," Torts & Retorts No. 7 (Nov. 1978)

Testimony in Regulation of Recombinant DNA Research: Hearings before the Subcommittee on Science, Technology and Space, U.S. Senate Committee on Commerce, Science and Transportation, 95th Cong., 1st Sess., Serial No. 95-52, at 98-103, 110, 113-14, 116-17 (1977).

Speech, "New Waves and Established Beaches," to A.B.A. National Institute on The Tort Liability System -- Is it Time for a Change?, Minneapolis, 1977.

Speaker at A.B.A. Appellate Judges Seminars, 1977, 1983.

Transcript, The Implications of Strict Liability: A Class in Torts, Learning and the Law magazine, c. 1976

Testimony, Royal Commission on Civil Liability and Compensation for Personal Injury, London, 1975.

Lectures, Oxford and Cambridge Universities, 1975.

## PUBLICATIONS

### BOOKS:

PRINCIPLES OF TORT LAW, CONCISE HORNBOOK, 3d edition (West 2010)

LAW SCHOOL WITHOUT FEAR, 3d edition (with Helene Shapo)(Foundation Press 2009)

EXPERIMENTING WITH THE CONSUMER (Greenwood Publishing Group/ABC-CLIO, 2008)

TORT AND INJURY LAW, 3d edition (with Richard Peltz) (Carolina Academic Press 2006).

COMPENSATION FOR VICTIMS OF TERRORISM (Oceana Publications/Oxford Univ. Press 2005).

TORT LAW AND CULTURE (Carolina Academic Press 2003).

CONCISE HORNBOOK ON TORT LAW (Westgroup 2003).

LAW SCHOOL WITHOUT FEAR, 2d edition (with Helene Shapo) (Foundation Press 2002).

THE LAW OF PRODUCTS LIABILITY, 4th edition, with 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 Supplements (CCH/Wolters-Kluwer).

THE LAW OF PRODUCTS LIABILITY, 4th edition (2 volumes) (CCH 2001) (2,700 pages).

INTERNATIONAL eCOMMERCE: BUSINESS AND LEGAL ISSUES (co-editor with David Jacobson and Anne Nicholson Weber) (CCH 2001).

eBUSINESS AND INSURANCE: A LEGAL GUIDE TO TRANSACTING INSURANCE AND OTHER BUSINESS ON THE INTERNET (co-editor with Gary Hernandez, Kara Navarro and Paula Yost) (CCH 2001).

TORT AND INJURY LAW, 2d edition (Lexis Publishing, 2000, Carolina Academic Press 2002).

BASIC PRINCIPLES OF TORT LAW (West) (1999).

LAW SCHOOL WITHOUT FEAR (with Helene Shapo) (Foundation Press 1996).

THE LAW OF PRODUCTS LIABILITY, 3d edition (2 volumes) (Butterworths 1994).

THE LAW OF PRODUCTS LIABILITY, 1999 Supplement (2 vol.) (Lexis Law Publishing)

THE LAW OF PRODUCTS LIABILITY, 1998 Supplement (Lexis Law Publishing).

THE LAW OF PRODUCTS LIABILITY, 1997 Supplement (Michie).

THE LAW OF PRODUCTS LIABILITY, 1996 Supplement (Michie).

THE LAW OF PRODUCTS LIABILITY, 1995 Supplement (Michie-Butterworths).

PRODUCTS LIABILITY AND THE SEARCH FOR JUSTICE (Carolina Academic Press 1993).

THE LAW OF PRODUCTS LIABILITY, 1993 Supplement on European Products Liability Directive (Butterworth).

THE LAW OF PRODUCTS LIABILITY, 1992 Supplement (Butterworth).

THE LAW OF PRODUCTS LIABILITY, 1991 Supplement (Butterworth).

THE LAW OF PRODUCTS LIABILITY (2 vols.) (Butterworth, 1990).

TORT AND INJURY LAW (Matthew Bender, 1990).

THE LAW OF PRODUCTS LIABILITY, 1988 Supplement (Butterworth).

THE LAW OF PRODUCTS LIABILITY (Warren Gorham & Lamont, 1987).

TOWARDS A JURISPRUDENCE OF INJURY: THE CONTINUING CREATION OF A SYSTEM OF SUBSTANTIVE JUSTICE IN AMERICAN TORT LAW, Commentaries to the Report of the Special Committee on the Tort Liability System of the American Bar Association (A.B.A., 1984).

PRODUCTS LIABILITY (Foundation Press, 1980).

PUBLIC REGULATION OF DANGEROUS PRODUCTS (Foundation Press, 1980).

A NATION OF GUINEA PIGS (The Free Press, 1979).

THE DUTY TO ACT: TORT LAW, POWER AND PUBLIC POLICY (University of Texas Press, 1978).

TORT AND COMPENSATION LAW (West Publishing Company, 1976).

PRODUCTS & THE CONSUMER: DECEPTIVE PRACTICES (with Page Keeton) (Foundation Press, 1972).

PRODUCTS & THE CONSUMER: DEFECTIVE & DANGEROUS PRODUCTS (with Page Keeton) (Foundation Press, 1970).

BOOK-LENGTH LAW REVIEW ISSUE:

A REPRESENTATIONAL THEORY OF CONSUMER PROTECTION: DOCTRINE, FUNCTION AND LEGAL RESPONSIBILITY FOR PRODUCT DISAPPOINTMENT, 60 Virginia L. Rev. No. 7 (November 1974).

ESSAYS, ARTICLES AND COMMENTS:

Chapter, Tort and Regulatory Law in the United States of America, in European Centre of Tort and Insurance Law, TORT AND REGULATORY LAW, vol. 19 (van Boom and Lukas, eds.)(Springer-Verlag/Wien 2007).

Responsibility for Injuries: Some Sketches, 100 Nw. U. L. Rev. 481-500 (2006)

Are Babies Efficient?, 83 Oregon L. Rev.287 (2004).

Compensation for Victims of Terror: A Specialized Jurisprudence of Injury, 30 Hofstra L. Rev. 1245 (2002).

Products at the Millennium: Traversing a Transverse Section, 53 S.C. L. Rev. 1031 (2002).

Foreword to Thomas Eaton & Michael Wells, Civil Remedies for Violation of Constitutional Rights (Greenwood Press 2002).

E-Commerce and Products Liability: A Primer on Exposure at the Speed of Light, 51 FICC Quarterly 73 (2001) (with Kurtis Reeg) (awarded the Federation of Insurance Counsel 2001 Andrew C. Hecker Award).

Afterword to Symposium, Re-examining First Principles: Deterrence and Corrective Justice in Constitutional Torts, 35 Ga. L. Rev. 931 (2001).

The Power of the Representation in Products Cases, 37 Trial No. 12, at 56 (Nov. 2001).

On First Looking Into General Principles of Torts, 78 Neb. L. Rev. 891 (1999).

Millennial Torts, 33 Ga. L. Rev. 1021 (1999).

The Economic Loss Rule: Easier to State Than to Apply, 18 *Leader's Products Liability Law & Strategy* No. 2, at 5 (August 1999) (with Kurtis Reeg).

Judges and Products Law: Provisional Truths and Designated Designers, 49 *DePaul L. Rev.* 405 (1999).

Private Organization, Public Responsibilities, 23 *Law & Social Inquiry* 651 (1998).

Products Liability: The Next Act, 26 *Hofstra L. Rev.* 761 (1998)(in Symposium on the American Law Institute: Process, Partisanship, and the Restatements of the Law).

Knowing Foul From Fair: *Vosburg*, *Garratt*, and One Long Fly Ball, 37 *Washburn L. J.* 243 (1998).

Participant in Roundtable on Products Liability Litigation, *Trial*, November 1997, at 22.

A Social Contract Tort, 75 *Tex. L. Rev.* 1835 (1997).

Fact/Opinion = Evidence/Argument, 91 *Nw. U. L. Rev.* 1108 (1997).

Tort Law and Environmental Risk, 14 *Pace Env. L. Rev.* 531 (1997).

A New Legislation: Remarks on the Draft Restatement of Products Liability, 30 *U. Mich. J. L. Reform* 215 (1997).

Freud, Cocaine and Products Liability, 77 *B. U. L. Rev.* 421 (1997).

Should Courts Buy the Proposed Restatement?, 32 *Trial* No. 11, at 22 (1996).

In the Looking Glass: What Torts Scholarship Can Teach Us About the American Experience, 89 *Nw. U. L. Rev.* 1567 (1995).

In Search of the Law of Product Liability: The ALI Restatement Project, 48 *Vand. L. Rev.* 631 (1995).

Lead and Litigation, 17 *J. Products & Toxics Liab.* 1 (1995).

Advertising and the Liability of Product Sellers: Part I, 21 *Prod. Safety & Liab. Rep.* (BNA) 510 (May 7, 1993); Part II, 21 *Prod. Safety & Liab. Rep.* (BNA) 542 (May 14, 1993).

An ALI Report Markets a Defective Product: Errors at Retail and Wholesale, 30 San Diego L. Rev. 221, and Rejoinder: Advances in the Analysis, 30 San Diego L. Rev. 365 (1993).

Comparing Products Liability: Concepts in European and American Law, 26 Cornell Int'l L. J. 279 (1993).

Bashing the Law, 65 N.Y. State Bar J. No. 3 at 46 (March-April 1993), reprinted in Forum No. 5 (California Trial Lawyers Ass'n) at 11 (1993).

Risk, Loss and Liability in the Transportation of Hazardous Materials, in Proceedings, Hazmat Transport '91, National Conference on the Transportation of Hazardous Materials and Wastes 10-3 (1991), formally published as Risk, Loss and Liability in the Transportation of Hazardous Materials, chapter in TRANSPORTATION OF HAZARDOUS MATERIALS: ISSUES IN LAW, SOCIAL SCIENCE AND ENGINEERING 215 (Leon Moses ed.) (Kluwer Academic Publishers 1993).

The Law and the Science of Causation: A Complex Synthetic, 1 Courts, Health Science & the Law 289 (1991).

Tort Reform: The Problem of the Missing Tsar, 19 Hofstra L. Rev. 185 (1991).

Propositions of Opposition: A Guide for Faculty Members Engaged in the Assessment of Prospective and Present Colleagues, 37 J. Legal Ed. 364 (1987).

Pamphlet, Towards a Jurisprudence of Injury (1986).

Some Legal Perspectives Toward Personal Injury Compensation, in COMPENSATING FOR RESEARCH INJURIES: The Ethical and Legal Implications of Programs to Redress Injured Subjects, Vol. 2 (Appendixes), at 205-38 (President's Commission for the Study of Ethical Problems in Medicine, Biomedical and Behavioral Research (1982)).

Some Thoughts About a Tort Perspective on Power: Ideas for Dean Green, 56 Tex. L. Rev. 503 (1978).

Legal Responsibilities at Issue -- Emphasis on Informed Consent, 13 In Vitro 610 (1977).

Clash of Precedents Vs. Clash of Principles, Vol. 3 No. 4, Learning and the Law 38 (Winter 1977).

Swine Flu and Legal Policy, simultaneously published in 40 PHAROS 1 (January 1977) (Journal of Alpha Omega Alpha, the medical honor society), and 63 A.B.A. J. 50 (1977).

Examining Workmen's Compensation the New Torts Way, 49 Florida Bar J. No. 1 at 20 (January 1975).

Surgical Grand Rounds: Legal, Moral and Ethical Dilemmas in the Newborn Nursery (with Anthony Shaw, M.D.), 101 Virginia Medical Monthly 1059 (December 1974).

Page Keeton and the Revolution in Products Law: Toward Stability, A Quest for Fairness, 52 Tex. L. Rev. 1065 (1974).

Materia Medica and Products Liability: Problems Inherent in Progress, in New Developments in Law/Medicine 105 (Mich. Inst. Continuing Legal Ed., 1974).

Defective and Dangerous Products: A Personalized Instruction Guide, 42 U. Cincinnati L. Rev. 403 (1973).

Changing Frontiers in Torts, 22 Stanford L. Rev. 330 (1970).

"Thou Shalt Not Ration Justice": The Law and the Poor Man in the Sixties, 55 Cornell L. Rev. 44 (1969).

Media Injury to Personality: An Essay on Legal Regulation of Public Communication, 46 Tex. L. Rev. 650 (1968).

An Internship Seminar in Legal Education: A Test of Theory, a Critique of Practice, 46 Tex. L. Rev. 479 (1968).

Constitutional Tort: *Monroe v. Pape* and the Frontiers Beyond, 60 Northwestern U. L. Rev. 277 (1965).

Florida's New Marketable Title Act: Prospects and Problems (with Ralph Boyer), 18 U. Miami L. Rev. 103 (1965).

Restraints on Alienation and Devise of Homestead: Monsters Unfettered from Florida's Past, 19 U. Miami L. Rev. 72 (1964).

Municipal Liability for Police Torts: An Analysis of a Strand of American Legal History, 17 U. Miami L. Rev. 475 (1963); reprinted in large part at Vol. 13, No. 6 of Law Review Digest at 42 (1963).

Note, Labor Law -- Inflammatory Racial Propaganda in Representation Elections, 17 U. Miami L. Rev. 75 (1962).

Communication, Law Under the Pressure of the Glacier, 74 Northwestern U. L. Rev. 226 (1979).

Brief Review of Proceedings, Harvard Conference on Law and Poverty, 61 Law Libr. J. 107 (1969).

Unpublished papers include a 100-page seminar paper on American foreign correspondents in Europe before World War II, done for Professor Arthur Schlesinger, Jr., and a 65-page seminar paper on Adams, Jefferson and political liberty, done for Professor Clarence Ver Steeg.

NEWSPAPER ARTICLES, LETTERS TO EDITOR:

Letter to the Editor, "We're All Guinea Pigs," N.Y. Times, August 11, 2004.

Ugly Ways in Play at the Old Ballgame, Chicago Tribune, Op-Ed page, October 25, 2000.

"Making a Federal Case" Out of a Tort Reform, Chicago Tribune, Op-Ed page, March 22, 1995.

Letter to the Editor, "Staying Power is the Secret," N.Y. Times Arts & Leisure Section, September 18, 1994, sec. 2, at 4 (on Beethoven).

The Invasion of Moral Decay, Chicago Tribune, Op-Ed page, September 14, 1994, sec.1, at 15.

Essay describing TV coverage of a criminal investigation, "Big Time News," Evanston Review, Aug. 19, 1993, at 21.

Letter on a memory of Allard Lowenstein, New Republic, November 29, 1993, at 7.

Letter to the Editor, "An Obligato of Titters," critique of Lyric Opera Production of Tannhauser, N.Y. Times Arts & Leisure section, Nov. 6, 1988, at 3.

"Confronting the AIDS Challenge" (with Rubinowitz), National Law J., March 7, 1988, at 13-14.

"How About a Safety Agenda, Too?," Chicago Tribune, Op-Ed page, January 1, 1988.

"McMahon v. Martin: Rozelle's the Law in This Town," Chicago Tribune, Op-Ed page, December 1, 1986.

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Letter to the Editor, "Comment on Kilpatrick," Charlottesville Daily Progress, Oct. 10, 1974, at A4.

Letter to the Editor, "Users of 'Iron Curtain,' " N.Y. Times, May 25, 1962.