

R E S U M E

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EDUCATION:

Beth Medrash Elyon Talmudic Research Institute
A.B. Talmudic Law

Ner Israel Rabbinical College

University of Wisconsin - Milwaukee: B.S. Philosophy
Marquette University School of Law J.D. 1965
Student Editor Marquette Law Review for 1964-65

PROFESSIONAL EMPLOYMENT:

Irwin and Jill Cohen Professor of Law, Brooklyn Law School, (2007 to present)

Dean and Professor of Law Hofstra University School of Law, June 2005 to July 2007.

Professor of Law Brooklyn Law School, Sept. 1986 to May 2005.
Appointed Newell DeValpine Professor of Law September 1996.

Professor of Law Hofstra University School of Law, 1972-86
Interim Dean 1977-78 and Associate Dean 1975-77 of Hofstra
University School of Law

Professor of Law Duquesne University School of Law,
1967-71

Visiting Professor Cornell Law School, Spring 1976;
Boston University, 1982; University of Michigan, 1984

Teaching Fellow at Harvard School of Law, 1966-67

Trial Attorney with the United States Department of
Justice, Civil Rights Division - Honors Program, 1965-66

Bar Admissions: Wisconsin, Pennsylvania and New York

SPECIAL PROJECTS AND HONORS

William L. Prosser Award from Association of American Law Schools,
January 2016

Special Master in 9/11 Responder Litigation - Appointed by Judge
Alvin K. Hellerstein, 2006 to present.

American Bar Association, Robert C. McKay Law Professor Award
(2009)

Honorary, Doctor of Laws, Touro College, May, 2004

American Law Institute: Co-reporter with Professor James
Henderson, Jr. for Restatement (Third) of Torts Products
Liability. Approved at Annual Meeting, May 20, 1997. Published
May 1998.

Named R. Ammi Cutter Reporter (honor bestowed by the
American Law Institute for distinguished performance as a
Reporter) (1997)

PUBLICATIONS

Books

Cases and Materials for a Concise Course on Conflict of Laws, (co-
authored with Prof. Neil B. Cohen) West American Casebook Series
(2015)

Cases and Materials on the Law of Torts, (co-authored with Prof.
James A. Henderson, Jr.) Aspen Publishers (2003); Second Edition,
Aspen Publishers (2008); Third Edition, Aspen Publishers (2012)
(co-authored with Professor James A. Henderson, Jr. and W. Bradley
Wendell; Fourth Edition (to be published Winter 2016)

Products Liability: Problems and Process, (co-authored with Prof.
James A. Henderson, Jr.) Little Brown & Co. (1987) Supplement
(1989); Second Edition (1992); Third Edition, Aspen Publishers
(1997). Fourth Edition, Aspen Publishers (2000); Fifth Edition,
Aspen Publishers (2004); Sixth Edition, Aspen Publishers (2008);
Seventh Edition, Aspen Publishers (2011); Eighth Edition, Aspen
Publishers, co-authored with James A. Henderson and Douglas A.

Kysar (2016).

Comparative Negligence Law and Practice (Chapter in Treatise on Conflicts of Law) (Matthew Bender 1984) (Revised 1994)

Products Liability and the Reasonable Safe Product, (co-author) (1978)(John Wiley & Co.)

A Summary Analysis of Conflict of Laws, (1976) (Brackton Press)

Articles

Expanding Comparative Fault to Apparent and Implied Consent Cases (co-authored with Nina Farber) 81 Brook. L.Rev. ____ (Winter 2016)

Drug Design Liability: Farewell to Comment k (co-authored with Professor James A. Henderson, Jr.) 67 Baylor L.Rev. 522)(2015)

Fixing Failure to Warn (co-authored with James A. Henderson, Jr.)90 Ind. L.J. 237 (2015)

Sufficiency of the Evidence Does Not Meet Daubert Standards: A Critique of the Green-Sanders Proposal, 23 Widener L.Rev. 641 (2014) (Symposium Edition on Class Actions) (co-authored with Lior Sapir)

Optional Safety Devices: Delegating Design Responsibility to the Market, (co-authored with James A. Henderson, Jr.)45 Ariz. St.L.J. 1399(2014)

The 911 Litigation Database: A Recipe for Judicial Management, (co-authored with Judge Alvin K. Hellerstein and James A. Henderson Jr.) 90 Wash. U. L. Rev. 653(2013)

Managerial Judging: The 9/11 Responders' Tort Litigation (co-authored with Judge Alvin K. Hellerstein and James A. Henderson, Jr.) 98 Cornell L. Rev. 127 (2012)

Reaching Equilibrium in Tobacco Litigation, (co-authored with James A. Henderson, Jr.) 62 S.Car. L. Rev. 67 (2010)

Resolving the Dilemma of Non-Justiciable Causation in Failure to Warn Litigation, (co-authored with Neil B. Cohen) 84 S. Calif. L. Rev. 125 (2010)

Manufacturers' Liability for Defective Product Designs: The Triumph of Risk-Utility, (co-authored with James A. Henderson,

Jr.) 74 Brooklyn L. Rev. 1061 (2009)

Negligence Per Se and Res Ipsa Loquitur: Kissing Cousins, 44 Wake Forest L. Rev. 997 (2009)

The Cleaver, the Violin and the Scalpel: An Essay on Duty and the Third Restatement of Torts, 60 Hastings L.J. 1 (2008)

Chasing the Illusory Pot of Gold at the End of the Rainbow: Negligence and Strict Liability in Design Defect Litigation, 90 Marquette L. Rev. 7 (2006)

From the Wrong End of the Telescope: A Response to Professor David Bernstein, (co-authored with Margaret A. Berger) 104 Michigan L. Rev. 1983 (2006)

Uncertainty and Informed Choice: Unmasking Daubert, (co-authored with Margaret A. Berger) 104 Michigan L. Rev. 257 (2005)

Liability For Direct Advertising of Drugs to Consumers: An Idea Whose Time Has Not Come, 33 Hofstra L. Rev. 1149 (2005)

A Fictional Tale of Unintended Consequences: A Response to Professor Wertheimer, (co-authored with James A. Henderson, Jr.) 70 Brooklyn L. Rev. 939 (2005)

Consumer Expectations= Last Hope - A Response to Professor Kysar, (co-authored with James A. Henderson, Jr.) 103 Columb. L. Rev. 1791 (2003)

Asbestos Litigation Gone Mad: Exposure-Based Recovery for Increased Risk, Mental Distress and Medical Monitoring, (co-authored with James A. Henderson, Jr.) 53 S. Car. L. Rev. 815 (2002)

Drug Designs Are Different, (co-authored with James A. Henderson, Jr.) 141 Yale L. J. 151 (2001)

Intent and Recklessness in Tort: The Practical Craft of Restating Law, (co-authored with James A. Henderson, Jr.) 54 Vand. L. Rev. 1133 (April 2001)

The Products Liability Restatement in the Courts: An Initial Assessment, (co-authored with James A. Henderson, Jr.) 27 Wm. Mitchell L. Rev. 7 (2000)

Liability Without Cause? Further Ruminations On Cause In Fact As

Applied To Handgun Liability (co-authored with Anthony J. Sebok)
32 U. of Conn. L. Rev. (Summer 2000)

Intuition and Technology in Product Design Litigation: An Essay on Proximate Causation (co-authored with James A. Henderson, Jr.) 88
Georgetown L. Rev. 659 (2000)

One Size Does Not Fit All: The Third Multi-Track Restatement of Conflicts of Laws, 75 Ind. L.J. 667 (2000)

Product Design Liability in Oregon and the New Restatement, (co-authored with James A. Henderson, Jr.) 78 Ore. L. Rev. 1 (1999)

The Second Revolution in Informed Consent: Comparing Physicians to Each Other, (co-authored with Neil B. Cohen) 94 Northwestern L. Review 1 (Fall 1999)

What Europe, Japan and Other Countries Can Learn from the New American Restatement of Products Liability, (co-authored with James A. Henderson, Jr.) 24 Tex. Int'l. L.J. 1 (1999)

Achieving Consensus on Defective Product Design, 83 Cornell L. Rev. 867 (1998) (co-authored with James A. Henderson, Jr.)

The Politics of the Products Liability Restatement, 26 Hofstra L. Rev. 667 (1998) (co-authored with James A. Henderson, Jr.).

Defending The Products Liability Restatement, University of Kansas Journal of Law and Public Policy, Vol. 8, Issue 1 (November 1998)

Inside the Restatement 24 Pepperdine L. Rev. 839 1997.

Arriving at Reasonable Alternative Design: The Reporters' Travelogue, 30 U. of Mich. J. of Law Reform, 563 (Spring 1997) (co-authored with James A. Henderson, Jr.).

A Sheep in Wolf's Clothing: Territorialism in the Guise of Interest Analysis in Cooney v. Osgood Machinery, Inc., 59 Brook. L. Rev. 1351 (1994)

Symposium on Punitive Damages Punitive Damages: Through the Five Prisms, 39 Villanova Law Review 353 (1994)

From a Reporter's Perspective: A Proposed Agenda, 10 Touro Law Review 5 (1993)

Will a New Restatement Help Settle Troubled Waters: Reflections,

(co-authored with James A. Henderson, Jr.), 42 American University L.Rev. 1257 (1993)

Comparing Medical Providers: A First Look at the New Era Of Medical Statistics, (co-authored with Neil B. Cohen), 58 Brooklyn L.Rev. 5 (1992)

The Unworkability of Court-Made Enterprise Liability: A Reply to Geistfeld, (co-authored with James A. Henderson, Jr.), 67 N.Y.U. L. Rev. 1174 (1992)

A Proposed Revision of Section 402A of The Restatement (Second) of Torts, 77 Cornell Law Review, (co-authored with James A. Henderson, Jr.) 1512 (September, 1992)

Star Gazing: The Future of American Products Liability Law, (co-authored with James A. Henderson, Jr.), 66 N.Y.U. L.Rev. 1332, (1991)

Closing the American Product Liability Frontier: The Rejection of Liability Without Defect, (co-authored with James A. Henderson, Jr.) 66 N.Y.U. L.Rev. 1263 (Nov. 1991)

Some Obvious Truths About Obvious Danger Warnings, 19 Prod. Safety & Liability Rep. 77 (1991) (co-authored with James A. Henderson, Jr.)

State Choice of Law in Mass Tort Cases: A Response to "A View From the Legislature" co-authored with Robert Sedler, 73 Marq. L.Rev. 625 (1990)

Doctrinal Collapse in Products Liability: The Empty Shell of Failure to Warn co-authored with James A. Henderson, Jr. 65 N.Y.U. L. Rev. 601 (1990)

The Case Against All Encompassing Federal Mass Tort Legislation: Sacrifice Without Gain, co-authored with Robert Sedler, 73 Marq. L. Rev. 76 (1989)

Market Share - A Tale of Two Centuries 55 Brooklyn L. Rev. 869 (1989)

The Baby Swallowed the Bathwater: A Rejoinder to Professor Wright, 31 University of Calif-Davis L. Rev 1161 (1989)

The Joint Tortfeasor Legislature Revolt: A Rational Response to the Critics, 31 Univ. of Calf-Davis L. Rev 1125 (1989)

Informed Decision-Making And the Law of Torts: The Myth of Justiciable Causation. 1988 University of Illinois Law Review 607 (1988) (Co-authored with Neil B. Cohen)

With Liberty and Justice for All: An Essay on Agent Orange and Choice of Law, 52 Brooklyn L. Rev. 341 (1986)

Review of New York Court of Appeals Torts Decisions in the 1986-87 Term, New York Law Journal September 28, 1987

A Moderate and Restrained Products Liability Bill: Targeting The Crisis Areas for Resolution, 18 Univ. of Mich. J. of L. Reform 575 (1985)

From Risk-Utility to Consumer Expectations: Enhancing the Role of Judicial Screening in Product Liability Litigation, 11 Hofstra L. Rev. 861 (1983)

Seizing the Middle Ground Between Rules and Standards in Design Defect Litigation: Advancing Directed Verdict Practice in the Law of Tort, 57 N.Y.U. L. Rev. 297 (1982), reprinted in 6 Journal of Product Liability 297 (1983)

National Products Liability Legislation: In Search of the Best of All Possible Worlds, 18 Idaho L. Rev. 411 (1982)

On Territoriality and Sovereignty: System Shock and Constitutional Choices of Law, 10 Hofstra L. Rev. 194 (1981)

Post-Accident Design Modification Evidence in a Manufacturing Defect Setting: Strict Liability and Beyond, 4 Journal of Product Liability 143 (1981)

In Defense of Process, 56 N.Y.U. L. Rev. 616 (1981) (co-author)

Shifting Perspectives in Product Liability: From Quality to Process Standards, 55 N.Y.U. L. Rev. 347 (1980) (co-author)

Toward a Selective Use of Comparative Fault in Product Liability, Trial Magazine (Nov. 1980)

Rebuilding the Citadel - The Legislative Assault on the Common Law of Products Liability, Trial Magazine (Nov. 1979)

Multistate Conflict-of-Law Rules: Continuing the Dialogue with Professors Trautman and Sedler, 7 Hofstra L.Rev. No. 4 (1979)

Toward a Pragmatic Solution of Choice-of-Law Problems: At the

Interface of Substance and Procedure, 74 Nw. L.Rev. 501 (1979)
(co-author)

A Critique of the Uniform Product Liability Law - A Rush to Judgment, 28 Drake L. Rev. 221 (1979) (co-author)

The Many Faces of Misuse: An Inquiry Into the Emerging Doctrine of Comparative Causation, 29 Mercer L. Rev. 403 (1978)

The Use and Abuse of Comparative Negligence in Products Liability, 10 Ind. L. Rev. (1977)

From Defect to Cause to Comparative Fault - Rethinking Some Product Liability Concepts, 59 Marq. L. Rev. Vol. 3 (1977)

The Use and Abuse of Warnings: Design Defect Litigation Comes of Age, 61 Cornell L. Rev. 495 (1976) (co-author)

Products Litigation, ASTM Standardization News, Vol. 3, No. 10, October 1975 (co-author)

Product Liability and the Technical Expert, Science, December 1974, p. 1083 (co-author)

The Technical Expert, 52 Tex. L. Rev. 1303 (1974) (co-author)

Old Wine in a New Flask: Restructuring Assumption of the Risk for the Product Liability Era, 60 Iowa L. Rev. 1 (1974)

From Codling to Bolm to Velez: Triptych of Confusion, 2 Hofstra L. Rev. 489 (1974)

Neumeier v. Kuehner: Where are the Emperor's Clothes?, 1 Hofstra L. Rev. 104 (1973)

To Where Does One Attach the Horses? - Symposium on Foster v. Leggett, 61 Kent. L. J. 393 (1973)

Choice of Law in Contracts: Some Thoughts on The Weintraub Approach, 57 Iowa L. Rev. 1239 (1972)

Debate, The Right to Treatment: Encounter and Synthesis, 10 Duquesne L. Rev. 554-578 (1972)

Treating the Untreatable: A Critique of the Proposed Right to Treatment Law, American Journal of Hospital and Community Psychiatry (September 1971)

Common Sense and Conflict of Laws: A Welcome Change, 38 Insurance Council Journal (July 1971)

Enlightened Territorialism and Professor Cavers: The Pennsylvania Method, 9 Duquesne L. Rev. 373 (1970), Symposium on Conflict of Law. See response of Professor Sedler at 394

Treating the Untreatable: A Critique of the Proposed Pennsylvania Right to Treatment Law, 9 Duquesne L. Rev. 220 (1970)

A Return to Jurisdictional Due Process: The Case for the Vanishing Defendant, 8 Duquesne L. Rev. 220 (1970) and reprinted in 37 Insurance Council Journal 265 (April 1970)

Court Scrutiny of Medical Commitment: Collusion on Delusion, Juris, Vol. 3, No. 4 (reprinted in Pittsburgh Legal Journal)

The Independent Doctrine of Ratification v. The Restatement and Mr. Seavey, 42 Temple Law Quarterly 1 (1968)

Commentary, An Ode to Rejection, 7 Duquesne L. Rev., Student Case Notes in Marquette L. Rev. (1964-65)

RESEARCH:

Co-principal investigator on National Science Foundation Research Project, Product Liability: A Study of the Interaction of Law and Technology, 12 Duquesne L. Rev. 425 (1974)

MEMBER:

Board of Directors Community Action for Legal Services (CALs), representing the new Legal Aid Service for the Jewish Community (1974-75)

Association of American Law Schools Round Table on the Conflict of Laws (1973)

Association of American Law Schools Round Table on Product Liability (1980)

Senior Research Associate - Carnegie Institute of Technology at Carnegie Mellon University (1974-78)

Chairman - Commission on Legislation and Civic Action Agudas Israel (1979 to present)

Member, Board of Trustees, Maimonides Hospital, Brooklyn, New York
(1995 - to present)

Chairman, Mishkon Community Board (1991 - to present)