

Anita Bernstein

Anita and Stuart Subotnick Professor of Law
Brooklyn Law School
250 Joralemon Street, Brooklyn, New York 11201
718-780-7934 • fax 718-732-2887 • ab@brooklaw.edu

EDUCATION

YALE LAW SCHOOL, New Haven, Connecticut J.D., 1985
Article and Book Review Editor, Yale Law Journal (1984-85)
Editor, Yale Law Journal (1984)
After graduation: Class Co-Secretary, 1990-1995; Social Co-Chair, 2010 Reunion

QUEENS COLLEGE, Flushing, New York B.A., 1981
Phi Beta Kappa. Political science major. Honors in philosophy and history.
The John Golden Prize and the Clinton Oliver Memorial Prize for writing
After graduation: Distinguished Alumna award, Political Science Department,
May 2014

LAW SCHOOL FACULTY POSITIONS

BROOKLYN LAW SCHOOL, Brooklyn, New York
Anita and Stuart Subotnick Professor of Law September 2007-present
Visiting Professor Fall 2006

AUSTRALIAN NATIONAL UNIVERSITY and UNIVERSITY OF SYDNEY, Australia
Visiting Professor Spring 2009

EMORY UNIVERSITY SCHOOL OF LAW, Atlanta, Georgia
Sam Nunn Professor of Law September 2000-August 2007
Visiting Professor July 1999-August 2000

NEW YORK LAW SCHOOL, New York, New York
Wallace Stevens Professor of Law February 2005-June 2007
Visiting Professor Fall 2004

CORNELL LAW SCHOOL, Ithaca, New York
Visiting Professor Fall 2003

UNIVERSITY OF IOWA COLLEGE OF LAW, Iowa City, Iowa
Mason Ladd Distinguished Visiting Professor Spring 2002

CHICAGO-KENT COLLEGE OF LAW, Chicago, Illinois
Professor of Law 1997-2000

Norman & Edna Freehling Scholar	1995-1998
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Associate Professor (with tenure)	1995-1997
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Assistant Professor	1989-1995
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Elected Teacher of the Year by the student body, 1992

UNIVERSITY OF MICHIGAN LAW SCHOOL, Ann Arbor, Michigan

Visiting Professor	August 1998-May 1999
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Summer teaching at Christ Church College, Oxford University/University of San Diego, 2005; Fordham University School of Law, 2002; Seton Hall University School of Law, 2001

Courses: Torts, Legal Profession, Legal Malpractice, Family Law, Products Liability, Marriage and the Law, Justice and the Legal System. *Seminars:* Legal Malpractice, Gender and Law, Marriage, A Feminist Revisit to the First-Year Curriculum, Comparative Tort Law.

OTHER EMPLOYMENT

DEBEVOISE & PLIMPTON, New York, New York	October 1986-June 1989
Associate. Concentrated in products liability litigation and mergers & acquisitions.	

CHIEF JUDGE JACK B. WEINSTEIN, United States District Court, Eastern District of New York, Brooklyn: Law Clerk	September 1985-August 1986
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ASSEMBLYMAN SAUL WEPRIN, Bayside, New York	
District office manager	January-June 1982

PUBLICATIONS

2027

Punitive Damages Could Punish More, 107 DENVER L. REV. –

Semen-Sauce for the Gander, 18 ALABAMA CIVIL RIGHTS & CIVIL LIBERTIES L. REV. --

2026

[*So Much Regulation of Fluids and Emissions. Why Not Semen?*](#), BILL OF HEALTH,
Petrie-Flom Center, Harvard Law School, July 10

[*Male Supremacy as a Products Liability Defect*](#), JOTWELL, June 4 (reviewing
Melissa F. Wasserman, *Products Liability in a World Designed for Men*, 105 Tex. L.
Rev. -- (forthcoming 2027))

[*Pro Bono, Supplied and Demanded*](#), 16 ST. MARY'S J. LEGAL MALPRACTICE & ETHICS 95-147

Extend Tort Principles to Tort Principals, in [A RESEARCH AGENDA FOR TORT LAW](#) 44-62
(Ellen M. Bublick & John Goldberg eds., Elgar Press)

[*Grant the Presumption of Innocence \(Only\) When It's Pertinent*](#), 18 DREXEL L. REV. 455-534

2025

[MAKING THE BEST OF SEMEN: PROSPECTS FOR LAW AND REGULATION](#) (NYU Press)

[*Beware of Shelter*](#), JOTWELL, July 21 (reviewing Betsy J. Grey, *Removing Torts*,
62 Harv. J. Legis. 135 (2024))

Roundtable, [*Thoughts on the Long Road to Regaining Abortion Rights*](#),
LIBER REVIEW, Winter issue (Jennifer Baumgardner, ed.)

2024

[*Renewing Products Liability with Semen*](#), 73 DE PAUL LAW REVIEW 211-40

Reviewed in Ellen M. Bublick, [*Mentioning the Unmentionable Parts of Tort Law:
Responding to Silence with Discourse*](#), JOTWELL, Sept. 18

The Torts Scholar as Disaggregator, in [TORTS ON THREE CONTINENTS: HONOURING JANE
STAPLETON](#) 41-62 (Kylie Burns et al. eds.)

[*Public Humiliation Meets Private Law*](#), JOTWELL, June 6 (reviewing Hila Keren, *Beyond
Discrimination: Market Humiliation and Private Law*, 95 U. Colo. L. Rev. 87 (2024) and
Hila Keren, *Market Humiliation*, 56 Loyola L.A. Rev. 565 (2023))

2023

[*An Ally Can Connect Tort Theory to International and Comparative Law*](#),
59 TEXAS INTERNATIONAL LAW JOURNAL 133-59

[*The Common Law Inside Social Media*](#), JOTWELL, May 22 (reviewing Leslie Y. Garfield Tenzer, *Social Media and the Common Law*, 88 Brooklyn L. Rev. 227 (2022))

[TORTS: QUESTIONS AND ANSWERS](#) (5th ed., Carolina Academic Press)

[UNDERSTANDING TORTS](#) (7th ed., Carolina Academic Press)
(with John L. Diamond and Lawrence C. Levine)

2022

[*Privacy 2.0 May Be Even Better for Tort Defendants*](#), 49 FLORIDA STATE UNIVERSITY LAW REVIEW 765-823

“Tampa Voters Respect a Pregnant Minor,” Tampa Bay Times, August 30

[*Alito’s Draft Opinion Obsesses Over 17th Century Abortion Law – And Gets It Completely Wrong*](#), Slate, June 9

2021

[*Without Religion, W\(h\)ither Family Law?*](#),
2021 MICHIGAN STATE LAW REVIEW 1489-1527

[*Q: What is Tort? A: Categorical Hurt*](#), 14 JOURNAL OF TORT LAW 261-78

[*Are You There, Law? It’s Me, Semen*](#), 41 COLUMBIA JOURNAL OF GENDER AND LAW 1-10

[*Three Deft Kicks to the Problem of Cyberbullying*](#), JOTWELL, February 15 (reviewing Ronen Perry, *Civil Liability for Cyberbullying*, 10 U.C. Irvine L. Rev. 1219 (2020))

Private Law as Unjust Enrichment, in [THE OXFORD HANDBOOK OF THE NEW PRIVATE LAW](#) 195-210 (Andrew S. Gold et al. eds.)

2020

Tort as Yet Another Locus of Gender Injustice in the Distribution of Money, in [RESEARCH HANDBOOK ON PRIVATE LAW THEORY](#) 303-20 (Hanoch Dagan & Benjamin Zipursky eds.)

[*\(Almost\) No Bad Drugs: Near-Total Products Liability Immunity for Pharmaceuticals Explained*](#), 77 WASHINGTON & LEE LAW REVIEW 3-96

[*Tort Meets Abortion! June Medical Services LLC v. Russo Oral Argument on Wednesday March 4*](#), The Faculty Lounge blog, March 2

[*There's Feminism in These Judgments*](#), 61 BOSTON COLLEGE LAW REVIEW: E. SUPP. I-112-24

[*Three Cohorts' Vulnerabilities on the Issue of Sexual Consent*](#), 73 OKLAHOMA L. REV. 1-14

2019

[*THE COMMON LAW INSIDE THE FEMALE BODY*](#) (Cambridge University Press)

[*Minding the Gaps in Lawyers' Rules of Professional Conduct*](#), 72 OKLAHOMA L. REV. 125-48

[*Negative Liberty Meets Positive Social Change*](#), 114 NORTHWESTERN UNIVERSITY LAW REVIEW ONLINE 195-211

"Particularity Pleading for Judiciary Law § 487 Complaints That Allege Attorney Deceit," New York Law Journal, January 30, p. 4 (with John Crain)

"Who's the Snowflake? We Tenured Professors, That's Who," Philadelphia Inquirer, March 15

2018

TORTS: QUESTIONS AND ANSWERS (4th ed., Carolina Academic Press)

UNDERSTANDING TORTS (6th ed., Carolina Academic Press)
(with John L. Diamond and Lawrence C. Levine)

Here's a Good Judiciary Law § 487 Question for the Second Circuit to Certify in 'Bounkhoun', New York Law Journal, December 2, 2018, p. 4 (with John Crain)

[*American Tort Law Tells Us How It Really Feels About Law and Economics*](#),
Law and Political Economy blog, November 7

2017

[*Rape is Trespass*](#), 10 JOURNAL OF TORT LAW 317-41

[*Working Sex Words*](#), 24 MICHIGAN JOURNAL OF GENDER AND LAW 221-63

"Treble Damages in New York: A Field Guide," New York Law Journal, April 13, p. 4

"Vicarious Liability for Judiciary Law § 487 Violations," New York Law Journal,
January 25, p. 4 (with Lauren Boulbol)

2016

[*The Reciprocal of MacPherson v. Buick Motor Company*](#), 9 JOURNAL OF TORT LAW 5-42

[*Just Jobs*](#), 45 UNIVERSITY OF BALTIMORE LAW REVIEW 209-51

"First Department Rolls Its Own Criteria for a Judiciary Law § 487 Claim,"
New York Law Journal, December 8, p. 4

"Damages of Legal Malpractice That Go Unrecovered," New York Law Journal,
March 4, p. 4

"Legal Malpractice in Defending Civil Actions," New York Law Journal, January 29,
p. 4

2015

[*Common Law Fundamentals of the Right to Abortion*](#), 63 BUFFALO LAW REVIEW 1141-1210

[*The Feminist Jurisprudence of Jack B. Weinstein*](#), 64 DE PAUL LAW REVIEW 341-72

"Legal Malpractice Liability for Criminal Defense: Rare, Yet Possible," New York Law
Journal, December 30, p. 4

"Judiciary Act § 487 Claims for Attorney Misconduct," New York Law Journal,
November 24, p. 4

"Matrimonial Malpractice Before, During and After a Client's Divorce," New York Law
Journal, October 30, p. 4

"Avoidable and Actionable Errors by Personal Injury Lawyers," New York Law Journal,
September 17, p. 4

"Nine Easy Ways to Breach Your Duty to a Real Estate Client," New York Law Journal,
August 11, p. 4

2014

[*Gender in Asbestos Law: Cui Bono? Cui Pacat?*](#), 88 TULANE LAW REVIEW 1211-1257

[*Abuse and Harassment Diminish Free Speech*](#), 35 PACE LAW REVIEW 1-30

[*Themes, Doctrine, and Pedagogy in the 2013-14 National Health Law Moot Court Competition Problem*](#), 35 AMERICAN JOURNAL OF LEGAL MEDICINE 345-84 (includes problem)

Restatement Of ..., 79:2 BROOKLYN LAW REVIEW (edited symposium)

[*Onlookers Tell an Extraordinary Entity What to Do*](#), 79 BROOKLYN LAW REVIEW 381-96

[*Taking on Rule 1.2\(d\)*](#), LegalEthicsForum.com, January 8, 2014

2013

UNDERSTANDING TORTS (with John L. Diamond & Lawrence C. Levine) (5th ed.)

[*The Trouble with Regulating Microfinance*](#), 35 U. HAWAI'I LAW REVIEW 1-49

[*Voluntary Recalls*](#), 2013 UNIVERSITY OF CHICAGO LEGAL FORUM 359-407

[*What's Wrong with Stereotyping?*](#), 55 ARIZONA LAW REVIEW 655-721 (2013) (cited in G.M.M. ex rel. Hernandez-Adams v. Kimpson, 116 F. Supp. 3d 126 (E.D.N.Y. 2015))

2012

[*Real Remedies for Virtual Injuries*](#), 90 NORTH CAROLINA LAW REVIEW 1457-90

"Real Remedies" revised and abbreviated for the alumni magazine *BLS Law Notes*, fall 2012, p. 28

[*Diversity May Be Justified*](#), 64 HASTINGS LAW JOURNAL 201-55 (2012) (cited in G.M.M. ex rel. Hernandez-Adams v. Kimpson, 116 F. Supp. 3d 126 (E.D.N.Y. 2015))

[LegalEthicsForum.com, Symposium on Legal Education's Response to the Economic Realities Facing the Profession: two essays: *Downturn Awareness in Class* \(February 6\) and *American Law Professors as the 99%, Fortunate Division* \(February 8\)](#)

2011

[*Toward More Parsimony and Transparency for "the Essentials of Marriage,"*](#)
2011 MICHIGAN STATE LAW REVIEW 83-137

[*The 2x2 Matrix of Tort Reform's Distributions.*](#)

60 DE PAUL LAW REVIEW 278-310

[*Reparations, Microfinance, and Gender: A Plan, With Strategies for Implementation.*](#)

44 CORNELL INTERNATIONAL LAW JOURNAL 75-113 (with Hans Dieter Seibel)

UNDERSTANDING TORTS (with John L. Diamond & Lawrence C. Levine) (4th ed.)

QUESTIONS & ANSWERS: TORTS (2d ed.) (with David P. Leonard)

[*Civil Rights Violations = Broken Windows: De Minimis Curet Lex.*](#)

62 FLORIDA LAW REVIEW 895-950

[*"A Little Happier": David Leonard as Co-Author.*](#)

43 LOYOLA L.A. LAW REVIEW 727-31 (tribute)

[*Teaching Torts: Rivalry as Pedagogy.*](#) 18 TORTS LAW JOURNAL 187-201 (peer reviewed)

[*Distributive Justice Through Tort \(And Why Legal Sociologists Should Care\).*](#)

35 LAW AND SOCIAL INQUIRY 1099-1135 (essay discussing *Fault Lines: Tort Law as Cultural Practice* (David M. Engel & Michael McCann eds., 2009) and Tsachi Keren-Paz, *Torts, Egalitarianism and Distributive Justice* (2007))

[*Bernstein on Persuading.*](#) Torts Prof blog, February 22 (solicited essay, about integrating professional responsibility issues into a torts course)

2009

[*Pitfalls Ahead: A Manifesto for the Training of Lawyers.*](#) 94 CORNELL LAW REVIEW 479-517

(featured in [*Law Prof Says Students Should Be Forewarned About Practice Perils.*](#) ABA Journal Weekly Newsletter, Sept. 25)

Editorial, *Telling Law Students What's Ahead*, LEGAL WORKSHOP, May 14

[*Pecuniary Reparations Following National Crisis: A Convergence of Tort Theory, Microfinance, and Gender Equality.*](#) 31 U. PENNSYLVANIA JOURNAL INTERNATIONAL LAW 1-51

[*Fellow-Feeling and Gender in the Law of Personal Injury.*](#) 17 J. LAW & POLICY 295-381

[*Implied Reverse Preemption.*](#) 74 BROOKLYN LAW REVIEW 669-705 (symposium on the tenth anniversary of *Restatement (Third) of Torts: Products Liability*)

Tort Theory, Microfinance, and Gender Equality Convergent in Pecuniary Reparations, in [THE GENDER OF REPARATIONS: UNSETTLING SEXUAL HIERARCHIES WHILE REDRESSING HUMAN RIGHTS VIOLATIONS](#) 291-323 (Ruth Rubio-Marín ed., Cambridge U. Press)

2008

Editor, *Lawyers With Disabilities*, 69:3 UNIVERSITY OF PITTSBURGH LAW REVIEW (symposium)

[Lawyers With Disabilities: L'Handicapé C'est Nous](#),
69 UNIVERSITY OF PITTSBURGH LAW REVIEW 389-411

[Sanctioning the Ambulance Chaser](#), 41 LOYOLA L.A. LAW REVIEW 1545-83

[Asbestos Achievements](#), 37 SOUTHWESTERN UNIVERSITY LAW REVIEW 691-715

2007

[Subverting the Marriage-Amendment Crusade with Law and Policy Reform](#),
24 WASHINGTON UNIVERSITY JOURNAL OF LAW AND POLICY 79-120

Introduction to Symposium on the Plaintiffs' Bar, 51 NEW YORK LAW SCHOOL LAW REVIEW 209-212 (with Marc Galanter and Tanina Rostain)

An Information Prescription for Prescription Drug Regulation, MEDICAL PROGRESS TODAY, Aug. 31 (with Joseph Bernstein, M.D.) (short version of 2006 Buffalo Law Review article)

[Enhancing Drug Effectiveness and Efficacy Through Personal Injury Litigation](#), 15 JOURNAL OF LAW AND POLICY 1051-1101 (cited in *Lance v. Wyeth*, 85 A.3d 434 (Pa. 2014))

2006

Editor, [MARRIAGE PROPOSALS: QUESTIONING A LEGAL STATUS](#)
(New York University Press)

Introduction: Questioning Marriage and Afterword: Narrowing the Status of Marriage, in MARRIAGE PROPOSALS: QUESTIONING A LEGAL STATUS 1-25, 217-35

[The Zeal Shortage](#), 34 HOFSTRA LAW REVIEW 1165-1205
[On Nourishing the Curriculum with a Transnational Law Lagniappe](#),
56 JOURNAL OF LEGAL EDUCATION 578-95

[*An Information Prescription for Prescription Drug Regulation,*](#)

54 BUFFALO LAW REVIEW 569-618 (with Joseph Bernstein, M.D.)

[*What We Talk About When We Talk About Workplace Privacy,*](#)

66 LOUISIANA LAW REVIEW 923-43

[*Keep It Simple: An Explanation of the Rule of No Recovery for Pure Economic Loss,*](#)

48 ARIZONA LAW REVIEW 773-811 (cited in LAN/STV v. Martin K. Eby Const. Co., Inc., 435 S.W. 3d 234 (Tex. 2014))

2005

[*Whatever Happened to Law and Economics?*](#), 64 MARYLAND LAW REVIEW 303-36

(excerpted and discussed in Emma Coleman Jordan & Angela P. Harris, *Economic Justice: Race, Gender, Identity and Economics* 324-35 (2005); cited in In re Titanium Dioxide Antitrust Litigation (U.S.D.C., D. Md., May 1, 2013))

[*Question Autonomy, With an Asterisk,*](#) 54 EMORY LAW JOURNAL 239-59

2004

TORTS: QUESTIONS & ANSWERS (with David P. Leonard)

[*The Enterprise of Liability,*](#) 39 VALPARAISO U. LAW REVIEW 27-63 (Monsanto Lecture)

[*Muss es Sein? Not Necessarily, Says Tort Law,*](#) 67 LAW & CONTEMP. PROBLEMS 7-26

2003

[*For and Against Marriage: A Revision,*](#) 102 MICHIGAN LAW REVIEW 129-212 (2003)

Editor, *What Do Clients Want?*, 52 EMORY LAW JOURNAL, No. 5 (symposium)

[*What Clients Want, What Lawyers Need,*](#) 52 EMORY LAW JOURNAL 1053-63

Hymowitz v. Eli Lilly and Co.: *Markets of Mothers*, in [TORTS STORIES](#) 151-78
(Robert L. Rabin & Stephen D. Sugarman eds.)

2002

[*Products Liability in the United States Supreme Court: A Venture in Memory of Gary Schwartz,*](#) 53 SOUTH CAROLINA LAW REVIEW 1193-1223

[*The Communities That Make Standards of Care Possible,*](#)

77 CHICAGO-KENT LAW REVIEW 735-69

[Review](#) of *Philosophy and the Law of Torts* (Gerald J. Postema ed., 2001)

12 PHILOSOPHY IN REVIEW 354-56

2001

[*Reciprocity, Utility, and the Law of Aggression,*](#) 54 VANDERBILT LAW REVIEW 1-67

[*Engendered by Technologies,*](#) 80 NORTH CAROLINA LAW REVIEW 1-113, revised, abridged, and reprinted in *THE TECHNOLOGY OF HUMANITY: CAN TECHNOLOGY CONTRIBUTE TO THE QUALITY OF LIFE?* 37-49 (M. Ellen Mitchell ed.)

[*Restatement \(Third\) of Torts: General Principles and the Prescription of Masculine Order,*](#)

54 VANDERBILT LAW REVIEW 1367-1411

[*Conjoining International Human Rights Law with Enterprise Liability for Accidents,*](#)

40 WASHBURN LAW JOURNAL 382-412

2000

Editor, *Unfinished Feminist Business*, 75:3 CHICAGO-KENT LAW REVIEW (symposium)

[Foreword: Still Unfinished, Ever Unfinished,](#) 75 CHICAGO-KENT LAW REVIEW 641-57

[Complaints,](#) 32 MCGEORGE LAW REVIEW 37-62 (Distinguished Speakers series)

1999

[*The Representational Dialectic \(With Illustrations from Obscenity, Forfeiture, and Accident Law\),*](#) 87 CALIFORNIA LAW REVIEW 305-70

[*The New-Tort Centrifuge,*](#) 49 DE PAUL LAW REVIEW 413-33

Precaution and Respect, in [PROTECTING PUBLIC HEALTH AND THE ENVIRONMENT](#) 148-58 (Carolyn Raffensperger & Joel Tickner eds.)

1998

[*An Old Jurisprudence: Respect in Retrospect,*](#) 83 CORNELL LAW REVIEW 1231-44

1997

[*Treating Sexual Harassment with Respect*](#), 111 HARVARD LAW REVIEW 445-527
(excerpted in Katharine T. Bartlett & Deborah L. Rhode, *Gender and Law* 418
(4th ed. 2006); cited in *Butler v. Ysleta Independent School District*, 161 F.3d
263 (5th Cir. 1998))

[*Formed by Thalidomide: Mass Torts as a False Cure for Toxic Exposure*](#),
97 COLUMBIA LAW REVIEW 2153-76 (cited in *Johnson v. SmithKline Beecham
Corp.*, 724 F.3d 337 (3d Cir. 2013))

[*How to Make a New Tort: Three Paradoxes*](#), 75 TEXAS LAW REVIEW 1539-65

1996

[*Better Living Through Crime and Tort*](#), 76 BOSTON UNIVERSITY LAW REVIEW 169-92

[*"Weightier Than a Mountain": Duty, Hierarchy, and the Consumer in Japan*](#),
29 VANDERBILT JOURNAL OF TRANSNATIONAL LAW 45-73 (with Paul Fanning)

[*A Feminist Revisit to the First-Year Curriculum*](#),
46 JOURNAL OF LEGAL EDUCATION 217-32 (peer reviewed)

For What Has One Profited?, CHICAGO BAR ASSOCIATION RECORD, September 1996, p. 39
(review of Leo Katz, *Ill-Gotten Gains*)

1995

[*Editor, A PRODUCTS LIABILITY ANTHOLOGY \(Anderson Publishing Company\)*](#)

[*How Can a Product Be Liable?*](#), 45 DUKE LAW JOURNAL 1-83

[*Restatement Redux*](#), 48 VANDERBILT LAW REVIEW 1663-95
(essay discussing Jane Stapleton, *Product Liability* (1994) and *Restatement (Third) of
Torts: Products Liability*)

1994

[*Law, Culture, and Harassment*](#), 142 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 1227-1311

[*Heirs of Leonardo: Cultural Obstacles to Strict Products Liability in Italy*](#),
27 VANDERBILT JOURNAL OF TRANSNATIONAL LAW 1-32 (with Paul Fanning)

1993

[*Perspectives on a Torts Course*](#), 43 JOURNAL OF LEGAL EDUCATION 289-300 (peer reviewed)

[*A Model of Products Liability Reform*](#), 27 VALPARAISO UNIVERSITY LAW REVIEW 639-85

1992

[*A Letter to a Female Colleague*](#), 68 CHICAGO-KENT LAW REVIEW 317-29

Product Dynamism and the Law, in [MEANING, MEASURE, AND MORALITY OF MATERIALISM](#) 113-20 (Floyd Rudmin & Marsha Richins eds.)

[*Looking at Europe for the Difference Between Strict and Fault-Based Liability*](#),
14 JOURNAL OF PRODUCTS LIABILITY 207-15 (peer reviewed)

1991

[L'Harmonie Dissonante: Strict Products Liability Attempted in the European Community](#),
31 VIRGINIA JOURNAL OF INTERNATIONAL LAW 673-715

[*A Duty to Warn: One American View of the EC Products Liability Directive*](#),
20 ANGLO-AMERICAN LAW REVIEW 224, reprinted in *PRODUCT LIABILITY* 42
(Geraint G. Howells & Jerry J. Phillips eds., 1991) (peer-reviewed)

1990

[*Statesmanship*](#), 58 GEORGE WASHINGTON LAW REVIEW 802-19
(review of Russell L. Caplan, *Constitutional Brinksmanship:
Amending the Constitution by National Convention* (1988))

1989

[*How to Assess Litigation Exposure*](#), PRACTICAL LAWYER, April issue, p. 13

1985

[*Executive Targeting of Congressmen as a Violation of the Arrest Clause*](#),
94 YALE LAW JOURNAL 647-69

AWARDS, GRANTS, TITLES, FELLOWSHIPS

William L. Prosser Award, Association of American Law Schools Section on Torts and Compensation Systems, January 2020

International Research: Visiting Scholar, University of Cologne, April 2023; Visiting Professor, Freie Universität, Berlin, March 2023; Visiting Scholar in Residence, Paul-André Crépeau Centre for Private and Comparative Law, McGill University Faculty of Law, February 2017; Fulbright Scholar, European Community Affairs Research Program, European University Institute, Florence, 1992-93; Jean Monnet Fellow, European University Institute, 1992-93

First Prize, Association of American Law Schools Call for Scholarly Papers, October 1993

International Exchange: Elected Associate Member of the Common Room, Christ Church College, Oxford, September-October 2015; Guest of the Rector, Wissenschaftskolleg zu Berlin (Institute for Advanced Study), Berlin, December 1992; Fellow, Salzburg Seminar, Salzburg, Austria, July-August 1993; Berlin Seminar, March-April 1993 (selected among Fulbright scholars)

PROFESSIONAL ACTIVITIES

Admitted to the Bar of New York and of the United States District Court, Southern District of New York

American Law Institute, elected member since 1995; Life Member since 2024; Adviser, Intentional Torts, 2014-2021; Remedies, 2019-2026

Monday Night Law (volunteer lawyer program that meets at the New York City Bar for legal assistance to participants of low and moderate means)

LegalEthicsForum.com (one of its “Who We Are” occasional co-bloggers)

Contributing Editor, Torts, Jotwell (torts.jotwell.com)

New York State Bar Association, Committee on Standards of Attorney Conduct (2015-2018) Chair, confidentiality subcommittee; Subcommittee on the intersection of confidentiality and lateral moves for lawyers

Institutional Animal Care and Use Committee, Long Island University, 2017-2019

New York City Bar, Ethics Committee, 2010-2012;
Professional Responsibility Committee, 2008-2010

Editorial Board, *Journal of Legal Education*, 2010-2013

Chair, Executive Committee, Association of American Law Schools,
Section on Torts and Compensation Systems, 2003-2004

COLLOQUIA, WORKSHOPS, and other PRESENTATIONS

Distinguished lectures at Emory School of Law (on assuming the Sam Nunn professorship); Emory University (Great Teachers Lecture Series); McGeorge School of Law (Distinguished Lecture Series); Western University (Ontario) (Distinguished Speaker Series); and Valparaíso University School of Law (Monsanto Lecture). **Faculty workshops** at Alabama, Albany, Arizona, Arizona State, Australian National University, British Columbia, Brooklyn, Case Western, Charleston, Chicago-Kent, Cleveland State, College of Management (Israel), Colorado, Cornell, UC Davis, Denver, Edinburgh, Emory, Florida International, Florida State, Fordham, Hastings, Hawai'i, Indiana-Indianapolis, Iowa, Keele (U.K.), Kentucky, Lewis & Clark, Louisville, Loyola-Los Angeles, Maine, McGeorge, McGill, Michigan, Michigan State, Minnesota, Mississippi, Missouri-Columbia, Missouri-Kansas City, Ottawa and Carleton (Canada, jointly), Nevada, New Mexico, New York, Northwestern, Ohio State, Oxford (U.K.), Pace, Pepperdine, Rutgers, San Diego, Seton Hall, Sheffield (U.K.), Southern Methodist, Stanford, Stetson, Temple, Torcuato di Tella (Buenos Aires), Touro, Valparaíso, University of Washington, Washington University, Wayne State, Western University (London, Ontario), Widener Commonwealth, and Windsor (Canada) law schools; also the **Tort Theory Reading Group** of New York and **New York Area Family Law Scholars**. **Conference presentations** at Baltimore, Boston University, Brooklyn, Buffalo, Chicago-Kent, Columbia, De Paul, Denver, Duke, Externado (Colombia), Emory, Georgia, Harvard, Hofstra, Louisiana State, Loyola-Los Angeles, Maryland, Michigan State, New York, Northwestern, Oklahoma, Oxford, Pace, Southwestern, St. Mary's, Suffolk, Sydney (Australia), Texas, Touro, U. Chicago, Vanderbilt, and Washburn law schools. Presentations **outside the United States** and out of law schools in Glasgow, Toronto, and Oñati (Spain). **Interdisciplinary** presentations at Emory University, Illinois Institute of Technology, Queen's University (Kingston, Ontario), Washington University economics department, the Avon Global Center for Women and Justice, and Wingspread (Racine, Wisconsin). Wrote the problem and served as Associate Justice for the **National Health Law Moot Court Competition**, Southern Illinois University School of Law. Addressed **law student audiences** at Albany, Brooklyn, Chicago-Kent, Cincinnati, Cornell, Denver, Emory, Grotius/Leiden University (lecture to Dutch law students, delivered in New York), Harvard, Houston, Köln (Germany), New York, Penn State/Dickinson, and Washington University law schools, also the Lavender Law

conference. Addressed **undergraduate students** at Emory University, University of Montana, and New York University/Tel Aviv. Appearances on panels at **AALS** annual meetings; also the **SEALS** (AALS's southeastern division) meeting and the **APRL** (Association of Professional Responsibility Lawyers) annual meeting; the **ABA Conference on Professional Responsibility**; the **NOBC** (National Organization of Bar Counsel) biannual meeting, the **New York City Bar Association**, the **New York County Lawyers' Association**, the **National Constitution Center**, and the **Law and Society Association** annual meeting. Ongoing **CLE instruction** in ethics and professional responsibility.