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Wake Forest University
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EMPLOYMENT

August 2000- Williams Professor of Law
Present Wake Forest University
Winston-Salem, NC 27109

Among the courses I regularly teach are Torts, Products Liability, Environmental Torts, Civil Procedure, Complex Litigation, and seminars on Mass Toxic Disasters and Tort Reform. I also taught in the clinical law program at Iowa, supervising students who represent prison inmates seeking medical care. Since 1996, I have regularly co-taught a course on Complex Litigation for state court judges at the National Judicial College in Reno, NV.

Jan. 1980- Professor (1985-2000) & Associate Professor (1980-85)
2000 University of Iowa
College of Law
Iowa City, Iowa 52242

In addition to Wake Forest University and the University of Iowa, I have taught as a visiting professor at Cornell University School of Law (1987-88) and NYU School of Law (Fall 2005).

Sept. 1976- Associate
Jan. 1980 Schnader, Harrison, Segal & Lewis
1600 Market Street
Philadelphia, Pennsylvania 19102

Sept. 1975- Law Clerk
Sept. 1976 Chief Judge Joseph S. Lord, III
United States District Court for the Eastern District of Pennsylvania

BAR ADMISSION:

Pennsylvania, 1975
Iowa, 1980

EDUCATION

LAW SCHOOL, UNIVERSITY OF PENNSYLVANIA

Degree: J.D. (May, 1975)
Awards: Graduated Magna Cum Laude; Order of the Coif
Activities: Law Review--Associate Editor (1973-74)
Comment Editor (1974-75)

TUFTS UNIVERSITY, MEDFORD, MASSACHUSETTS

Degree: B.S. (1972)
Major: Electrical Engineering
Awards: Graduated Summa Cum Laude; President, Eta Kappa Nu (Electrical Engineering Honor Society); Member, Tau Beta Pi (Engineering Honor Society).

PUBLICATIONS

BOOKS AND CHAPTERS IN BOOKS

TORT LAW AND ALTERNATIVES: CASES AND MATERIALS (8th ed. 2006) (with Marc Franklin and Robert Rabin).

PRODUCTS LIABILITY: CASES AND MATERIALS (4th ed. 2006) (with David Fischer, William C. Powers, and Joe Sanders).

Multiple Tortfeasors Under U.S. Law, in UNIFICATION OF TORT LAW: MULTIPLE TORTFEASORS 259 (W.V. Horton Rogers ed. 2004).

PRODUCTS LIABILITY: CASES AND MATERIALS (3d ed. 2002) (with David Fischer, William C. Powers, and Joe Sanders).

RESTATEMENT (THIRD) OF TORTS: APPORTIONMENT OF LIABILITY (2000) (with William C. Powers, Jr.).

Reference Guide on Epidemiology (with Michal Freedman and Leon Gordis), in REFERENCE MANUAL ON SCIENTIFIC EVIDENCE (2d ed. 2000) (published by the Federal Judicial Center for federal judges).

BENDECTIN AND BIRTH DEFECTS: THE CHALLENGES OF MASS TOXIC SUBSTANCES LITIGATION (U. Pa. Press 1996).

P. LeBEL, D. OWEN & M. GREEN, PRODUCTS LIABILITY PROBLEMS (1995).

Reference Guide on Epidemiology (with Linda Bailey and Leon Gordis), in REFERENCE MANUAL ON SCIENTIFIC EVIDENCE (1994).

P. KEETON, D. OWEN, J. MONTGOMERY & M. GREEN, CASE AND STATUTORY SUPPLEMENT TO PRODUCTS LIABILITY AND SAFETY (2d ed. 1993).

Tort Law, Deterrence and Innovation: Too Much or Too Little?, in National Academy of Sciences--Building Research Board, THE ROLE OF PUBLIC AGENCIES IN FOSTERING NEW TECHNOLOGY AND INNOVATION IN BUILDING (A. Lerner & D. Diner eds. 1992).

The Private Law Implications of Regulatory Risk Communication in the United States, in CORPORATE DISCLOSURE OF ENVIRONMENTAL RISKS (M. Baram & D. Partan eds. 1990).

P. KEETON, D. OWEN, J. MONTGOMERY & M. GREEN, TEACHER'S MANUAL FOR PRODUCTS LIABILITY AND SAFETY (1990).

P. KEETON, D. OWEN, J. MONTGOMERY & M. GREEN, PRODUCTS LIABILITY AND SAFETY (2d ed. 1989).

ARTICLES

Duty Wars, __ S. CAL. L. REV. ____ (forthcoming 2008) (with J. Cardi).

Second Thoughts on Asbestos Apportionment, __ SW. U. L.J. ____ (forthcoming 2008).

Substantial Factors and Factual Causation: A Tribute to David Fischer, __ MO. L. REV. ____ (forthcoming 2008) (with J. Sanders and W. Powers).

A Future for Asbestos Apportionment?, 12 CONN. INS. L.J. 315 (2006).

Apportionment, Victim Reliance, and Fraud: A Commentary, 48 ARIZ. L. REV. 1027 (2006)

The Impact of the Jury on American Tort Law, in EUROPEAN TORT LAW 2005 (Helmut Koziol & Barbara C. Steininger eds. (2006))

The Intersection of Factual Causation and Damages, 55 DEPAUL L. REV. 671 (2006).

The Future of Proportional Liability, in EXPLORING TORT LAW (Stuart Madden ed. (2005)).

The Magic of Gary's Scholarship, 50 UCLA L. REV. 337 (2002).

Ascertaining Customary Care in Malpractice Cases: Asking Those Who Know, 37 WAKE FOREST L. REV. 699 (2002) (with Tim Cramm and Arthur Hartz).

The Unanticipated Ripples of Comparative Negligence: Superseding Cause in Products Liability and Beyond, 53 S.C. L. REV. 1103 (2002).

Physician Surveys to Assess Customary Care in Medical Malpractice Cases, 17 J. GEN INT. MED. 546 (2002) (with Arthur Hartz et al.).

Apportionment of Liability, 10 KAN. J.L. & PUB. POL. 30 (2000) (with William C. Powers, Jr.).

A. Leo Levin: A Fond Tribute to the Master of the Classroom, 148 U. PA. L. REV. 1357 (2000).

Tort Law Deference to FDA Regulation of Medical Devices, 88 GEO. L.J. 2119 (2000) (with William B. Schultz).

Prescription Drugs, Alternative Designs, and the Restatement (Third): Preliminary Reflections, 30 SETON HALL L. REV. 207 (1999).

The Road Less Well Traveled (And Seen): Contemporary Law Making in Products Liability, 49 DEPAUL L. REV. 377 (1999).

Cipollone Revisited: A Not So Little Secret About the Scope of Cigarette Preemption, 82 IOWA L. REV. 1257 (1998).

Safety as an Element of Pharmaceutical Quality: The Respective Roles of Regulation and Tort Law, 42 ST. LOU. U.L. REV. 163 (1998).

Fairness and Successor Liability: The Limits of the Common Law Process, 8 KAN. J.L. & PUB. POL. 119 (1998).

The Impact of Daubert on Statistically-Based Evidence in the Courts, 1998 PROC. SEC. STAT. EPIDEM. 35.

Legacies of the Bendectin Case (book review), 278 SCI. 1574 (1997).

Negligence = Economic Efficiency: Doubts >, 75 TEX. L. REV. 1605 (1997).

Statutory Compliance and Tort Liability: Examining the Strongest Case, 20 U. MICH. J.L. REF. 461 (1997).

Science is to Law as the Burden of Proof is to Significance Testing (book review), 37 JURIMETRICS J. 205 (1997)

When Science Clashes With Law (book review), CHEM. & ENG. NEWS, at 63 (Nov. 25, 1996).

The Schizophrenia of Risk-Benefit Analysis in Design Defect Litigation, 48 VAND. L. REV. 609 (1995).

Successors and CERCLA: The Imperfect Analogy to Products Liability and an Alternative Proposal, 87 NW. U.L. REV. 897 (1993).

Relief at the Frying of Frye: Reflections on Daubert v. Merrell Dow Pharmaceuticals, 1 SHEP. EXPERT & SCI. EVID. Q. 43 (1993).

Expert Witnesses and Sufficiency of Evidence in Toxic Substances Litigation: The Legacy of Agent Orange and Bendectin Litigation, 86 NW. U.L. REV. 643 (1992).

The Supreme Court and the Products Liability Crisis: Lessons from Boyle's Government Contractor Defense, 63 S. CAL. L. REV. 637 (1990) (with R. Matasar).

When Toxic Worlds Collide: Prescriptions for Regulatory and Common Law Reform for Risk Communication, 13 HARV. ENVTL. L. REV. 209 (1989).

The Paradox of Statutes of Limitations in Insidious Disease Litigation, 76 CALIF. L. REV. 965 (1989).

Contingent Attorneys' Fees: Theory and Experience, 62 J.L. INST. VICT. 1182 (1988).
Successor Liability: The Superiority of Statutory Reform to Protect Products Liability Claimants, 72 CORNELL L. REV. 17 (1986).

The Inability of Offensive Collateral Estoppel to Fulfill Its Promise: An Examination of Estoppel in Asbestos Litigation, 70 IOWA L. REV. 141 (1984).

From Here to Attorney's Fees: Certainty, Efficiency and Fairness in the Journey to the Appellate Courts, 69 CORNELL L. REV. 207 (1984).

Comparative Fault and Damages in Relational Interest Tort Litigation (unpublished for Iowa CLE 1986).

WORK IN PROGRESS

Medical Technology and Products Liability

The *Daubert* Sleight of Hand: Substituting Reliability, Methodology, and Reasoning for an Old Fashioned Sufficiency of the Evidence Test.

The Impact of Reform of Land Possessor Duties on Liability

ACTIVITIES AND AWARDS

Co-Reporter and R. Ammi Cutter Reporter (2001-06), Restatement (Third) of Torts: Liability for Physical and Emotional Harm, American Law Institute (2000-present)

Member, European Group on Tort Law (2002-05)

Fellow, European Centre of Tort and Insurance Law (2002-present)

Member, Board of Directors, Legal Aid Society of Northwest North Carolina (2002-present)

Co-Reporter, Restatement (Third) of Torts: Apportionment of Liability, American Law Institute (1993-99)

Member, Advisory Committee, Restatement (Third) of Torts: Products Liability, American Law Institute (1992-97)

Member, University of Iowa Presidential Search Committee (1995)

Member, National Academy of Sciences/National Research Council, Building Research Board Committee on Technology and Innovation (1990-92)

Member, Board in Control of Athletics, University of Iowa (1998-2000) and Chair, Student Welfare Committee (1998-99)

Member, Wake Forest School of Law Dean Search Committee (2006-07)

Chair, Section on Tort and Compensation Systems, AALS (1998)

Member, Steering Committee, AAAS Demonstration Project on Court Appointed Experts (1994-95)

Member and Chair (2004-05), Faculty Appointments Committee, Wake Forest School of Law (2000-06)

Member (2004-05) Wake Forest University Health Sciences Institutional Review Board
Joseph Branch Excellence in Teaching Award, Wake Forest School of Law (2003)

Teacher of the Year Award, University of Iowa College of Law (1999)
Member, American Law Institute (1988-present)
Member and Chair (2004-05), Finance Committee, Habitat for Humanity of Forsyth County (2003-05)
Presiding Officer, Faculty Judicial Commission, University of Iowa (1994-2000)
Chair, Task Force to Revise Faculty Dispute Procedures (1995-97)
Member, Issues Committee, National Association of Consumer Advocates (1996- 2001)
Member, Steering Committee, Literature Science and the Arts Program, University of Iowa (1996-2000)
Vice-Chair, Products, General Liability, and Consumer Law Committee, ABA Section on Tort and Insurance Practice (1996-99)
Co-Chair, Pharmaceutical and Medical Device Litigation Subcommittee, Mass Torts Litigation Committee, ABA Section on Litigation (2005-06)
Member, Committee on Sections, AALS (1998-2000) and Chair (1999-2000)
Member, Committee on Professional Development, AALS (2005-present)
Member, College of Engineering Review Committee (1998)
Ombudsperson, College of Law (1986, 1998)
Member, Faculty Senate, University of Iowa (1986-1989)
Member and Vice-President (1986-1987), Board of Directors, Iowa C.L.U. (1983-87)
Member, Board of Directors, Children's Living Foundation, Inc. (Iowa City Ronald McDonald House) (1986-93)
Member, Board of Directors, Iowa Pharmacy Service Corp. (a Blue Cross/Blue Shield Affiliate) (1984-1987)
Member, Faculty Council, University of Iowa (1986-89)
Member and Chair (1984-85), University Security Committee (1983-86)
Member, University of Iowa Hospitals & Clinics Director Search Committee (1993-94)
Member, University of Iowa General Counsel Search Committee (1992)
Member, Iowa City City Attorney Selection and Screening Committee (1984-85)
Member, University Council on Teaching (1981-84)
Consultant, Joint Interim Committee of Iowa Legislature on Comparative Fault (1983)
Consultant, American College Testing in preparation of LSAT (1981-82; 1988)
Lecturer and Presenter, numerous legal symposia and CLE programs (1980-present), including the ABA Section on Litigation Midyear Meeting and Committee on Products Liability; ABA Section on Tort and Insurance Practice; the Federal Judicial Center Programs on Scientific Evidence for Federal Judges; ALI/ABA; National Judicial College, Reno, NV; AALS Annual Meeting; Institute of Medicine, National Academies of Sciences; Committee on Alternative Models to *Daubert*, National Practice Institute; Defense Research Institute; Product Liability Advisory Council; United States District Court for the District of Nevada Annual Conference; The Annapolis Center; The Law and Organizational Economics Center, AEI-Brookings Joint Center on Regulatory Studies; University of Kansas; Health Law & Policy Program, Seton Hall University; University of Arizona, Project on Scientific Knowledge and Public Policy: Coronado Conference III, American Statistical Association Annual Meeting, Society for

Epidemiologic Research, Annual Meeting, United States Court of Federal Claims' Judicial Conference, Wyoming Bar Association Annual Meeting, Iowa Association of Trial Lawyers; Department of Epidemiology, University of North Carolina; Iowa Judicial Institute; Iowa Defense Counsel; North Carolina Association of Defense Counsel; North Carolina Academy of Trial Lawyers; Clifford Symposium, DePaul University College of Law; University of Connecticut School of Law, University of Kentucky College of Law; Pace University School of Law; Food, Drug, and Law Institute; University of Nevada Center for Democratic Culture; National Legal Center for the Public Interest; American Philosophical Association Annual Meeting; Trial Attorneys of America; Iowa State Bar Association; University of Iowa College of Medicine and College of Law; Indiana University School of Law; UCLA School of Law; Cornell University School of Law.

REFERENCES

Provided on Request