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American University, Washington College of Law

Faculty status: Assistant Professor, 1978-1980, Associate Professor, 1980-1983, Professor, 1983-present; Associate/Deputy Dean, 1988-June 1995; Acting Associate Dean, 1979-1981.

Primary Courses: Torts; Administrative Law; Government Litigation seminar; Advanced Administrative Law.

Primary administrative responsibilities: Director, Integrated Curriculum Program, 2000 – present (This program for first year courses highlights the interdependent nature of the curriculum through team-teaching, commons, and special substantive programs in diverse fields).

Chair, ADMINISTRATIVE LAW REVIEW Faculty Board, Liaison with ABA Section on Administrative Law, 2001-present.

Chair, Committee on Admissions, 2002-present.

Honors:

Academic:

American University Scholar/Teacher of the Year, 2010  
Baldwin-Wallace College Outstanding Alumni, 2010  
University Faculty Award for Outstanding Academic Program Development, 2005  
University Faculty Award for Outstanding Teaching (1999);  
Outstanding Service to the University Community (Law School Nominee), 1996;  
Outstanding Contribution to the Administrative Process, Federal Bar Association, 1992.  
Faculty/Administrator Award, Outstanding Service to the University Community, (University Award) 1991;  
Outstanding Service to University Community (Law School Nominee), 1990;  
University Faculty Award for Outstanding Contribution to Academic Program Development, (University Award) Spring 1985;  
Moore Public Law Scholar, (professorship awarded annually for research in administrative law), 1984-1985;  
Outstanding Scholarship, Research, and Other Professional Contributions (Law School Nominee), 1983;  
Outstanding Contribution to Academic Program, (Law School Nominee), 1980;

Professional: Robert B. McKay Law Professor Award for Outstanding Contributions in Tort and Insurance Law, 1996, American Bar Association, Section on Torts and Insurance Law; President's Award for Outstanding Service as Chair of the Administrative Law Section, Federal Bar Association, 1995;

Dean's Office Functions:

1988-1995: Deputy and Associate Dean for Faculty and Academic Affairs, responsible for curriculum, course scheduling, adjunct faculty, and development of new law school building (including litigation, zoning review, fundraising, coordination of architects and planners, negotiation with community groups, construction management, and oversight of all faculty, staff, and student space allocation).

1979-1981: Associate Dean, Chief of staff, Dean of Students; general budgetary and personnel responsibilities.

University and Institutional Activities:

Member, Authors Guild, 2010-present;

Member, Association of American Law Schools, Committee for the Annual Meeting of the Local Government Section (2007-2008);

Member, Committee on Sections and the Annual Meeting (2006-2008)

Resident Faculty in study abroad programs, Distinguished Visiting Faculty, Chuo University, Tokyo, Japan, Summer, 2001, Washington College of Law Program in Santiago, Chile, 1993 and 1994

Instructor, International Law and Business CLE Program, American University, Washington College of Law in Columbia, Panama, and Chile, 1998-2003

Law School Delegate, Association of American Law Schools, 1998-1999;

Law School Representative, American University Decennial Review, Middle States Accreditation Committee;

Vice-Chair, Committee on Government Relations, American Bar Association, Section on Legal Education and Admission to the Bar, 2001-2002

American Bar Association/Association of American Law Schools, Accreditation Site Visits:

University of Akron School of Law (AALS reporter, 2009)

Hofstra University, School of Law (AALS Reporter, 2008)

Valparaiso University, School of Law, AALS Reporter (2006)

University of Kentucky, AALS Reporter (2006)

University of Mississippi School of Law, AALS Reporter, (2005),

University of Miami, School of Law, Chair, (2000),

Cleveland State University, (AALS Reporter) (1999),

University of Montana School of Law, (1995),

Emory University School of Law (1994),

University of Southern California (1993),

Regent University School of Law (1993).

Committee on Public Interest Representation Before Federal Agencies, American Bar Association, Administrative Law Section, 1996- 1999;  
Member, American Bar Association, Section on Legal Education and Admission to the Bar, Law School Facilities Committee, (1996-1999);  
Member, American Bar Association, Section on Legal Education and Admission to the Bar, Committee on Law School Administration, (1994-1996);  
Chair, Administrative Law Section, Federal Bar Association, 1993-1995;  
Chair, Committee on Associations, Federal Bar Association, 1988-1993;

Boards/Editorships:

Board of Advisors, PRODUCT SAFETY AND LIABILITY REPORTER (BNA), 1990-present. CENTER FOR JUSTICE AND DEMOCRACY, 2002-present  
Antitrust Editor, ICC PRACTITIONERS JOURNAL, 1982-1986;  
Editor, TRANSPORTATION ANTITRUST REPORTS (Newsletter) 1982-1986;

University of Denver College of Law, July 1976-July 1978.

Assistant Professor and holder of the MCLA Chair in Transportation Law.  
Director, Transportation Law Program; Faculty Advisor, Transportation Law Journal;  
Responsible for transportation law curriculum for lawyers and students.  
Courses: Administrative Law; Antitrust Law; Trade Regulation; Torts; Conflict of Laws;  
Transportation Law; Law and Economics.

George Washington University, National Law Center

Graduate Law Teaching Fellow, September 1974-May 1976.  
Courses: Legal research and writing course including appellate advocacy and ethics; Taught portions of Criminal Law and Criminal Procedure and Corporations in conjunction with senior faculty.  
Activities: Instructor, Foreign Legal Studies Program;  
Supervising Attorney, Community Legal Service Clinic.

Law Practice

Bar Admission

United States Supreme Court, United States Court of Appeals, District of Columbia, United States District Court for the District of Columbia, Illinois Supreme Court, District of Columbia Court of Appeals

## Employment

Appointed Mediator/Neutral, U.S. Justice Department, Antitrust Division and Federal Trade Commission for resolution of interagency disputes, 2003-2007.

Pro bono counsel to Consumers Union for five United States Supreme Court cases, 1987-1995;

Consultant: Representation of various public and private sector interests in the areas of torts, antitrust, trade regulation and dispute resolution, 1974-present;

Expert testimony for U.S. House of Representatives, U.S. Senate, a presidential study commissions, several state legislatures and various regulatory agencies on different aspects of tort reform and product liability, as well as pricing policy, data dissemination, antitrust immunity, product liability, consensual decision making (see below).

Staff Attorney, Honors Program, Antitrust Section, United States Nuclear Regulatory Commission, Office of the General Counsel, 1973-1974; Consultant, Antitrust Section, September 1974-October 1975. Administrative antitrust litigation related nuclear facility licensing in conjunction with the Antitrust Division, U.S. Department of Justice.

Law School employment: Legal Intern, Chicago Legal Aid Society, 1971-1973. Included representation of indigent clients in civil and criminal matters period pursuant to student practice rules; Legal Intern, Federal Defender Project, Northern District of Illinois, 1971. Involved research, limited client and courtroom contact; Law Clerk, Bradshaw, Speranza, Ververka, and Brumlik, Chicago, Illinois, 1971.

## Related Professional Experience

Social Worker, Chicago Youth Centers, Bridgeport Homes Housing Project, 1970.

Social Worker, Brooklyn Y.M.C.A., Cleveland, Ohio, 1968-1970.

## Publications

### Books

MATERIALS ON TORT REFORM (West, 2010). A full length text on tort reform issues including essays, a fictional narrative, cases, articles, and comments.

REDISCOVERING LONE PINE, West/Thomson-Reuters, 2009 [This is the first novel West has ever published] (First prize, Maryland Writer's Association Mainstream Fiction; Finalist, Washington Writer's Association, Outstanding Novel). Available in hard-copy and Kindle.

ADMINISTRATIVE LAW: A CONTEMPORARY APPROACH, 2D EDITION [casebook] with Gwendolyn M. McKee, Professor Anthony Varona, Professor Philip Harter, West/Thomson/Reuters (2010); TEACHING MANUAL FOR ADMINISTRATIVE LAW: A CONTEMPORARY APPROACH, 2D EDITION [casebook] with Gwendolyn M. McKee, Professor Anthony Varona, Professor Philip Harter, West/Thomson/Reuters (2010),

ADMINISTRATIVE LAW: A CONTEMPORARY APPROACH, [casebook] with Gwendolyn M. McKee, West Publishing (2008). A hardcover casebook with a complete interactive on-line version, including cases, commentary, and related materials in the field of Administrative Law.

BORDERING ON MADNESS: AN AMERICAN LAND USE TALE, SECOND EDITION, [novel] Carolina Academic Press, (2008) (First edition published with Vandepul Publishing and distributed by William S. Hein & Company, (2006).

A COMPANION TO BORDERING ON MADNESS: CASES, SCHOLARSHIP AND CASE STUDIES, [casebook] with David Avitable and Patricia Salkin, Carolina Academic Press (2008). Cases, commentary and scholarship on land use generally and on the novel, BORDERING ON MADNESS

#### Articles and other publications

“On Frozen Ground,” Poem, BLUE LAKE REVIEW, April 2011  
(<http://bluelakereview.weebly.com/on-frozen-ground.html>)

“The Two Trillion Dollar Carve-Out: Foreign Manufacturers of Defective Goods and the Death of H.R. 4678 in the 111th Congress,” 26 TOXIC LAW REPORTER 105 (2011).

“Capping Incentives, Capping Innovation, Courting Disaster: The Gulf Oil Spill and Arbitrary Limits on Civil Liability,” \_\_\_\_DePaul Law Review\_\_\_\_, Spring, 2011) (forthcoming).

Blog: “Leaping Forward--or Not--With the 2010 Foreign Manufacturer Legal Accountability Act,” September 13, 2010, available at:  
<http://lawprofessors.typepad.com/tortspof/2010/09/guest-blogger-andy-popper-leaping-forward-or-not-with-the-2010-foreign-manufacturer-legal-accountabi.html>

“Defective Foreign Products in the United States: Issues and Discussion,” 37 PRODUCT SAFETY AND LIABILITY REPORTER 45, January, 2009

“Unavailable and Unaccountable: A Free Ride for Foreign Manufacturers of Defective Goods,” 36 PRODUCT SAFETY AND LIABILITY REPORTER 219 (No. 9, March 3, 2008).

"Holding Foreign Manufacturers Accountable for Defective Products," Before the United States House of Representatives, 110<sup>th</sup> Congress, 1<sup>st</sup> Session, Committee on the Judiciary, Sub-Committee on Commercial and Administrative Law, November 15, 2007, published at <http://judiciary.house.gov/oversight.aspx?ID=395>. \_\_\_\_Product Safety and Liability Reporter\_\_\_\_(February, 2008).

Introductory Chapter, INTERNATIONAL ELECTION PRINCIPLES: DEMOCRACY AND THE RULE OF LAW, American Bar Association, Sections of Administrative Law & Regulatory Practice, State & Local Government and International Law and the Standing Committee on Election Law, (Fall, 2008).

"Giving a Break to the Producers of Unsafe Durable Goods: A Criticism of The United States House of Representatives Bill 3509," 4 S A B E R E S 2006, Revista de Estudios Jurídicos, Económicos y Sociales, VOLUMEN 4 ~ AÑO 2006, [http://www.uax.es/publicaciones/archivos/SABDER06\\_03.pdf](http://www.uax.es/publicaciones/archivos/SABDER06_03.pdf)

"A Perspective on Independent Judicial Review in Vietnam and the United States" 3 SABERES, Law Review of the Law School at Universidad Alfonso X El Sabio, [http://www.uax.es/publicaciones/archivos/SABDER05\\_016.pdf](http://www.uax.es/publicaciones/archivos/SABDER05_016.pdf), Fall, 2005.

"The Unpredictable Scope of Judicial Review," 2 SABERES, Law Review of the Law School at Universidad Alfonso X El Sabio, [http://www.uax.es/publicaciones/archivos/SABDER05\\_005.pdf](http://www.uax.es/publicaciones/archivos/SABDER05_005.pdf), January, 2005.

"U.S Tort Reform," 27 CIVIL AND COMMERCIAL LAW REV. OF HONG KONG 379 (2003).

"Restatement, Third, Goes to Court," TRIAL, April, 1999

"Tort Reform Policy More Than State Law Dominates Section 2 of the Third Restatement," 8 KANSAS JOURNAL OF LAW & PUBLIC POLICY 38 (1998).

"Averting Malpractice Through Information: Informed Consent in the Pediatric Treatment Environment," 47 DEPAUL LAW REVIEW 819 (1998).

"A One Term Tort Reform Tale: Victimizing the Vulnerable," 35 HARVARD JOURNAL ON LEGISLATION, 123 (1998).

"What's the Scoop on Tobacco?" 20 Legal Times 29, October 27, 1997. Modified and republished in: "What's the Scoop on Tobacco?" 150 *New Jersey Law Journal* 715 (November 24, 1997); "Media Coverage of Tobacco Cases: More Smoke Than Light," *Texas Lawyer*, November 3, 1997 ; "Trying to Read the Tobacco Leaves: News Coverage of Tobacco Sheds Little Light," *Fulton Co. Daily Report*, October 28, 1997; "The War is Far From Over," *Connecticut L. Trib.*, November 3, 1997.

"Preserve Rate Making Immunity," JOURNAL OF COMMERCE, October 3, 1997, 6A.

"Tobacco's Black April," 21 Legal Times 23 (May 5, 1997); modified and republished in: 148 N.J.Law J. 579 (May, 1997); *Texas Lawyer*, May 26, 1997 26; *Conn. L. Trib.*, May 12, 1997.

"Administrative Law in the 21st Century," 49 ADMINISTRATIVE LAW REVIEW 137 (1996).

"In Defense of Antitrust Immunity for Collective Ratemaking: Life After the ICC Termination Act of 1995," *The Transportation Journal of the American Society of Transportation and Logistics*, 35 TRANS. JOURNAL 26 (Vol. 4)(1996). (peer reviewed publication).

"The Uneasy Integration of Adjunct Law Professors Into American Legal Education," 47 JOURNAL OF LEGAL EDUCATION 83, (Spring), 1997.

"Federal Tort Reform Is Still a Bad Idea: A Comment on Senate Bill 687," 16 JOURNAL OF PRODUCTS AND TOXICS LIABILITY 105 (1994).

"Tort Reform--Commentary," 25 MARYLAND BAR JOURNAL 31 (1992).

"Haslip on Punitive Damages: A Political and Consumer Perspective," BUREAU OF NATIONAL AFFAIRS, TOXIC LAW REPORTER, March 27, 1991, p. 1359,

(Reprint of "Haslip on Punitive Damages...", supra) BNA PRODUCT SAFETY AND LIABILITY REPORTER, March 22, 1991, p. 353.

"Contract Rules Advance Public Policies," *Transportation Executive Update*, January/February 1991, p. 19.

A Tort Law Perspective Regarding Victims of Crime, (published by the American Bar Association, 1987). [Other sections of these materials were written by P. Rice, Crime Victims and Evidence, and D. Austern, Crime Victims and Legal Procedure.]

"Antitrust Commentary," 53 *Transportation Practitioners Journal* 183 (1986).

"Antitrust Commentary: Southern Motor Carriers," 52 *Transportation Practitioners Journal* 529 (1985).

"Antitrust Commentary," 52 *Transportation Practitioners Journal* 263 (1984).

"Antitrust Commentary," 52 *Transportation Practitioners Journal* 117 (1984).

"Antitrust Editorial Comment: The 1984 Supreme Court," 51 I.C.C. Practitioners Journal 609 (1984).

"The Profoundly Injured Child: How to Assess the Damages to the Family Unit," 20 *Trial* 28 (July 1984).

"Antitrust Commentary," 51 I.C.C. Practitioners Journal 287 (1984).

"The Antitrust System: An Impediment to the Development of Negotiation Models," 32 *American University Law Review* 1201 (1983).

"Comment: American Trucking Associations, Inc. v. ICC; United States v. Southern Motor Carriers Rate Conference; Ex Parte No. MC-166," 50 I.C.C. Practitioners Journal 79 (Nov.-Dec. 1983).

"Eliminating Immunity: The Antitrust Presumption," 50 I.C.C. Practitioners Journal 440 (1983).

"An Administrative Law Perspective On Consensual Decision making," 35 Administrative Law Review 255 (1983).

"Case Comment: Ex Parte No. MC-156," 50 I.C.C. Practitioners Journal 326 (December 1982).

"Shipper Antitrust Liability in a Rate-Deregulated Market; Fundamental Inquiries and Analysis," Davis, Collective Ratemaking in the Motor Carrier Industry: Implications to the Public, 45 (1980). [Chapter in book.]

"Did the Motor Carrier Act Alter Antitrust Immunity for Collective Ratemaking?" 26 Your Letter of the Law, No. 6 at 25 (March 1980).

Popper and Barbara Entwistle, "Trying an Antitrust Case, Overview of Antitrust Law, Evidence, Settlement and Negotiation and New Developments," Manual, L.E.A.A.-Department of Justice Grant Publication, 1979.

"Collective Ratemaking: A Case Analysis of the Eastern Central Region and a Hypothesis for Analyzing Competitive Structure," 10 Transportation Law Journal 365 (1978).

"Workshop on Computerized Legal Research," 1978 Trans. Law Inst. 307.

"Antitrust Considerations in Motor Carrier Regulation," 1978 Trans. Law Conf., Papers, (Series 78-5) at 70-106.

"In the Matter of Consumers Power: Applying the Antitrust Laws to the Nuclear Electric Utility Industry," 4 Ohio Northern Law Review 499 (1977).

"Finance Transactions--Jurisdictional Requirements," 1977 Trans. Law Inst. 1.

Book Review, A Treatise on International Criminal Law, Crimes and Punishment, Jurisdiction and Cooperation, by Bassiouni and Nanda, 51 Denver Law Review 297 (1974).

#### Published Congressional Testimony

Before the United States House of Representative, 111th Congress, Second Session, Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, Testimony on the "Foreign Manufacturer Legal Accountability Act," H.R. 4678, June 16, 2010



Before the United States House of Representatives, 110<sup>th</sup> Congress, 1<sup>st</sup> Session, Committee on the Judiciary, Sub-Committee on Commercial and Administrative Law, "Holding Foreign Manufacturers Accountable for Defective Products," November 15, 2007, published initially at <http://judiciary.house.gov/oversight.aspx?ID=395>

Before the United States House of Representatives, used in December 5, 2006 floor debate on H.R. 1176, "The Nonprofit Athletic Organization Act of 2006," appearing in Congressional Record, H8691 with the full text (less footnotes) in Cong. Rec.E2214, Extensions, December 8, 2006.

Before the Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, United States House of Representatives, 109th Congress, First Session, March 14, 2006, Hearings on H.R. 3509, The "Workplace Goods Job Growth and Competitiveness Act of 2005", published initially at: <http://judiciary.house.gov/hearings.aspx?ID=133>.

"Increasing Volunteers by Reducing Legal Fears: Hearings on H.R. 1084, H.R. 3369, and H.R. 1787," Before the Committee on the Judiciary, United States House of Representatives, 180<sup>th</sup> Congress, July 20, 2004. [published Committee report, available at: [http://commdocs.house.gov/committees/judiciary/hju94918.000/hju94918\\_0.htm](http://commdocs.house.gov/committees/judiciary/hju94918.000/hju94918_0.htm)]

"Commentary on H.R. 911 and H.R. 1167: Should Volunteers and Charitable Organizations Be Immunized From Tort Liability?" Statement and Testimony Before the U.S. House of Representatives, Committee on the Judiciary, April 23, 1997

"Commentary on Proposed Changes in Tort Law Regarding Bio-materials and Related Topics," Formal Statement and Testimony Before the U.S. House of Representatives Sub-Committee on Telecommunications, Trade, and Consumer Protection of the House Commerce Committee, April 8, 1997.

"Commentary on H.R. 1910, The Fairness in Product Liability Act of 1993," Hearing and Statement Before the U.S. House of Representatives, Committee on Energy and Commerce (Subcommittee on Commerce, Consumer Protection, and Competitiveness), April 21, 1994.

"Commentary on S. 687, a Bill to Regulate Interstate Commerce by Providing for a Uniform Product Liability Law," Written Statement Before the U.S. Senate Committee on the Judiciary, March 15, 1994.

"Commentary on Senate Bill 283," Hearing and Statement Before the Senate Judiciary Committee of the State of Maryland, March 8, 1994.

"Commentary on House Bills 511 and 661," Written Statement Before the House Judiciary Committee of the State of Maryland, February 15, 1994.

"Commentary on Ex Parte No. MC-211 and Docket Nos. 40887 and 40888, a Revision of Tariff Regulations--Indexes," before the United States Interstate Commerce Commission, statement filed March 12, 1993.

"Commentary on H.R. 3030, a Bill to Establish Uniform Product Liability Standards," Hearing and Statement Before the U.S. House of Representatives Committee on Science, Space, and Technology, August 4, 1992.

"Commentary on S.640, a Bill to Regulate Interstate Commerce by Providing for a Uniform Product Liability Law," Statement Before the U.S. Senate Committee on Commerce, Science, and Transportation, September 16, 1991.

"Commentary on Ex Parte No. MC-196, an Investigation of Motor Carrier Collective Ratemaking and Related Procedures and Practices," before the United States Interstate Commerce Commission, statement filed August 24, 1990.

"Statement in Support of Senate Bill 464, The Government Workplace Safety Act," Hearing and Statement Before the Subcommittee on Courts and Administrative Practice, U.S. Senate Committee on the Judiciary, February 20, 1990.

"Commentary on S.1400, a Bill to Regulate Interstate Commerce by Providing for a Uniform Product Liability Law," Hearing and Statement Before the Senate Committee on the Judiciary, July 31, 1990.

"Commentary on Ex Parte No. MC-37 (Sub. No. 40), the Expansion of Commercial Zones," Before the United States Interstate Commerce Commission, statement filed July 16, 1987.

"An Analysis of Senate Bill 2805," Hearing and Statement Before the New Jersey Senate Judiciary Committee, December 15, 1986.

"The Residual Negligence System in S.1999," Hearing and Statement Before the Senate Subcommittee on Consumer Affairs of the Committee on Commerce, Science and Transportation, February 27, 1986, 99th Congress, 1st Session.

"An Analysis of the Proposed Use of Criminal Sanctions in Product Liability Cases," Hearing and Statement Before the House Subcommittee on Criminal Justice of the Judiciary Committee, July 25, 1985, 99th Congress, 1st Session.

"An Analysis of Product Liability Compensation," Hearing and Statement Before the Senate Committee on Commerce, Science and Transportation, June 25, 1985, 99th Congress, 1st Session.

"Wrongful Non-Disclosure of Product Safety Information: First Amendment and Public Policy Imperatives," Hearing and Statement Before the House Subcommittee on Health and the

Environment of the Committee on Energy and Commerce, May 6, 1985, 99th Congress, 1st Session.

"An Analysis of the Legal Implications of S. 44, The Uniform Product Liability Act," Hearing and Statement Before the Subcommittee on Consumer Affairs of the Senate Committee on Commerce, Science and Transportation, March 5, 1984, 98th Congress, 2nd Session, S. Hrg. 98-302 (Pt. 2) 443.

"An Analysis of H.R. 2367: Disclosure of Product Safety Data and Reauthorization of the Consumer Product Safety Commission," Hearing and Statement Before the Subcommittee on Health and the Environment of the Committee on Commerce and Energy, April 6, 1983, 98th Congress, 1st Session.

"Data Dissemination and Disclosure Issues Under Section 6(b) of the Consumer Product Safety Act," Hearing and Statement Before the Subcommittee on Consumer Affairs of the Senate Committee on Commerce, Science and Transportation, February 25, 1983, 98th Congress, 1st Session.

"An Analysis of Administrative Law and Antitrust Issues for Consensual Decision making from a Legal and Political Science Perspective" (with Kerwin), Hearing and Two-Volume Analysis Before the House and Senate Special Study Commission on Collective Ratemaking, March 19, 1982, 97th Congress, 2nd Session.

"An Analysis of the Antitrust Immunity Provisions of the Omnibus Maritime Regulatory Reform Act", Hearing and Statement Before the Subcommittee on Antitrust and Monopolies of the House Judiciary Committee on H.R. 6899, June 5, 1980, 96th Congress, 2nd Session, Serial 68, 123.

"General Administrative Law and Antitrust Law Implications of Deregulating Concentrated Markets," Joint Hearings Before the Subcommittee on Surface Transportation of the Committee on Public Works of the House, and the Commerce, Science and Technology Committee of the Senate, November 17, 1979, 96th Congress, 2nd Session, Serial 96-23 (Part 6), 345.

"Independent Action and Antitrust Consequences in the Common Carrier Price Establishment Arena," Hearing Before the Subcommittee on Antitrust and Monopolies of the Committee on the Judiciary, March 22, 1978, 96th Congress, 1st Session, Reprinted in October 16, 1981, Congressional Record, at S. 11548.

#### Select Amicus Briefs

Brief, Amicus Curiae in the United States Supreme Court in *TXO Production Corp. v. Alliance Resources Corp.*, (Fourteenth Amendment analysis of punitive damages), Counsel for Consumers Union, S. Ct. Doc. No. 92-479, March 31, 1993.

Brief, Amicus Curiae in the United States Supreme Court in *Pacific Mutual Life Insurance Company v. Haslip* (Fourteenth Amendment analysis of punitive damages), Lead Counsel for Consumers Union, pro bono, S. Ct. Doc. No. 89-1279, October 4, 1990.

Brief, Amicus Curiae in the United State Supreme Court in *Browning-Ferris Indus. v. Kelco* (historical and policy analysis of punitive damages), Counsel for seven consumer groups, pro bono, S. Ct. Doc. No. 88-556, February 14, 1989.

Brief, Amicus Curiae in the United States Supreme Court in *Bankers Life v. Crenshaw* (historical analysis of Eighth Amendment concerns regarding punitive damages), Counsel for Consumers Union, Consumers League, Consumer Federation of America, pro bono, S. Ct. Doc. No. 85-1765, July 13, 1987.

### Select Speeches and Presentations

*[This is a limited listing and does not include most of the speeches given at the Washington College of Law. Since joining the faculty, I have delivered well over 100 different presentations at WCL for CLE programs, Law School Founders events, and Integrated Curriculum events, mostly focused on torts and administrative law. Between 2008 and 2010, I spoke in 15 different programs on tort reform, international human rights and tort law, curricular integration, and the evolution of the administrative/ regulatory state. I have listed some additional presentations below.]*

Congressional Briefing, “An Overview of the Legal Issues: H.R. 5, A Medical Malpractice Tort Reform Bill,” 112th Congress, 1st Session, Presented to select representatives and committee staff from the House Committee on the Judiciary, April 4, 2011.

“Regulatory Failures: The Toyota Example,” American Bar Association and Administrative Law Review, *Symposium on Regulatory Failures*, January 2011.

“Tort Law and Human Rights,” American University, Washington College of Law, Washington DC, September, 2010

“Commentary on the Regulatory State,” American University, Washington College of Law, October 2010

“Commentary on Tort Reform: Narrowing the Gap Between Scholarship and Theory,” Civil Justice Task Force Director, American Legislative Exchange Council, Washington, DC, December 2010.

“Scholar-Teacher Fall Commencement Address to the University Entering Class,” August, 2010, American University.

“Commentary: Teaching With Interactive Casebooks – Distractions and Opportunities,” AALS Annual Meeting, January 2010.

“Comments on scholarship of Professor Ericka Kelsaw.” 2009 LatCrit Conference, Washington College of Law, Washington, DC

“Human Rights and Tort Law – Connection,” Washington College of Law Celebration of International Legal Studies, September, 2009

“Commentary: Accessing Original Sources Using the Interactive Casebook in Administrative Law,” AALS Annual Meeting, January 2009.

“Defective Foreign Products – Current Issues,” American Association for Justice/Washington College of Law Program, *Dangerous Products: From Lead Toys to Tainted Drugs, A Discussion for Consumer Protection Professionals and the Media*, Washington, DC November 14, 2008.

“ADR in Administrative Practice: Overview,” National Association of Administrative Law Judiciary, October, 2007

“Integrated and Transcurricular Legal Education,” Monash University, Melbourne, Australia, August, 2007.

“Unlocking the Door: Law School Admissions in 2007,” CLEO (Council on Legal Education Opportunities), Washington, DC, July 2007.

“An Overview and Comparison, the Japanese and U.S. Legal System,” Chuo University Exchange Program, July 2007, Washington, DC.

“Should There Be Uniform Standard for Election Observers?” Roundtable, American Bar Association, Section on Administrative Law, Washington, D.C., October 26, 2006.

“Questions Candidates Should– And Should Not– Ask,” Association of American Law School, Conference, November 10, 2005.

“Is Judicial Review in Vietnam Sufficiently Independent to Meet WTO Fairness Requirements?” ASEAN/U.S. AID Forum, August 3, 2005.

Courts, Legislatures, and a Response to Walter Dellinger,” Brookings/American Enterprise Institute Judicial Symposium, April 29, 2005.

“Scope of Review and Agency Discretion,” U.S Embassy Seminar, Mexico City, October 10, 2003.

“Academic Critique and Comments in Section 5a Application No. 118 (amendment 1) Surface Transportation Board, U.S. Department of Transportation, Filed August, 1998, Reply filed February, 1999.

"The Restatement (Third): An Unfortunate Homage to Tort Reform Politics," Organization of Economic and Legal Policy, Lawrence, Kansas, June 26, 1998.

"Political, Emotional, and Technical Challenges Associated with the Construction of a New Law School Facility," American Bar Association, Section on Legal Education and Admission to the Bar, Conference on Bricks and Bytes, III, Washington University, March, 1997.

"The Necessity of Punitive Damages," University of Wisconsin, School of Law, Institute for Legal Studies, Madison, Wisconsin, October 27, 1996, (paper on file with the University of Wisconsin, Institute for Legal Studies).

"Core Issues Regarding Hiring, Training, and Evaluation of Law School Adjuncts," American Bar Association, Section on Legal Education and Admission to the Bar, Jackson Hole, Wyoming, June 6, 1996.

"Protecting Speech, Free Exercise, and Avoiding Establishment All With 'No Law': Who Were the Founders Trying to Kid?" United Methodist Church Educational Program, Bethesda, Md., April 28, 1996.

"Antitrust Immunity After the ICC Termination Act of 1996", Eastern Central-Middle Atlantic Conference Board Meeting, April 10, 1996.

"Teaching and Testing: Guidelines and Suggestions for Prospective Law Faculty," American Intellectual Property Association, Washington, D.C., October 28, 1995.

"Unlocking the Secrets of the Employment Market: Lawyers CAN be Teachers," American Intellectual Property Association, Washington, D.C., October 24, 1994.

"The Most Delicate Task: Hiring, Re-Evaluating, and Dismissing Adjunct Law Faculty," Association of American Law Schools, Law School Administration Workshop, Washington, D.C., October, 1994.

"The Clinton Administration After One Year, The First Annual Checkup," Federal Bar Association Senator Robert Byrd Conference, Washington, D.C., January 27, 1994.

Co-author. A Critique of the Administrative Conference Report, "The Federal Administrative Judiciary," Federal Bar Association, August 1992.

"The Impact of Law Schools on Incivility in the Practice of Law," D.C. Inns of Court, April 1992.

"Product Liability Laws and Malpractice," speech and paper, National Press Foundation, July 17, 1991.

"Expanding the Resource Pool: Families as Plaintiffs in Traumatic Head Injury Cases," Joint Program of the Maryland Trial Lawyers Association and the Maryland Head Injury Foundation, May 31, 1991.

"Tort Reform: A Masterpiece of Public Deception," Irving A. Levine Memorial Lecture, Montgomery Continuing Legal Education Institute, April 17, 1991.

"Post-Maislin Legislative Options," speech and paper, Northeastern Transportation Association, October 10, 1990.

"Coincident Pricing and Common Carriage on a Collision Course," Regular Route Common Carriers Conference, February 12, 1990.

"A Policy Analysis of Trigger Tariffs and Other Forms of Nonstandard Pricing," paper and presentation, Southeast Transportation Association, April 14, 1989.

"Is There a Clear Policy Directing Discounting or Adoption of the Master Tariff Based on Supreme Court Decisions?" paper and presentation before the Eastern Central Motor Carrier Association, July 16, 1988.

"Freedom of Speech: First Amendment Concerns for a Censors Conscience," National Issues Forum, Washington, D.C., September 30, 1987.

"Legal Considerations of the Family Unit as Litigant," Maryland Head Injury Foundation, April 25, 1987.

"Panel and Commentary: A Tort Reform Perspective for Journalists," Foundation for American Communication, November 9, 1986.

"Corporate Responsibility and Tort Reform," Bureau of National Affairs, September 22, 1986.

"Legal Implications of Catastrophic Injury: Case Study on Depressed Skull Fractures," Bryn Mawr Rehabilitation Conference, March 15, 1986.

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### EDUCATION

LL.M. (With Highest Honors) George Washington University, National Law Center, 1976.  
Thesis, "The Competitive Legal Implications of Government Regulated Coordination."  
J.D. (With Honors) DePaul University School of Law, 1973.  
B.A. Baldwin-Wallace College, June 1970.