

## RESUMÉ

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### PRESENT POSITION

UNIVERSITY OF CALIFORNIA, HASTINGS COLLEGE OF THE LAW  
SAN FRANCISCO, CALIFORNIA

Raymond Sullivan Professor of Law (2016- )  
Professor of Law (1988-2015)  
Associate Academic Dean (1989-1991)  
Associate Professor of Law (1985-1988)  
Assistant Professor of Law (1982-1985)  
Courses: Civil Procedure I and II, California Civil Procedure,  
Civil Litigation Concentration Seminar,  
Institutional Reform Through Litigation,  
Judicial Externship Seminar,  
Legal Method, Remedies, and Torts

### EDUCATION

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL, PHILADELPHIA, PA.

Degree: J.D. (1978)  
Activities: Editor, Law Review (1977-1978)  
Associate Editor, Law Review (1976-1977)  
Arthur Littleton Legal Writing Instructor (1977-1978)  
Undergraduate Residence Counselor (1976-1978)  
Secretary, Class of 1978

UNIVERSITY COLLEGE, LONDON, ENGLAND

Activities: Research in Developmental Psychology  
Scholarship: London Exchange Fellowship (1974-1975)

UNIVERSITY OF MICHIGAN, ANN ARBOR, MICHIGAN

Degree: A.B. (1974)  
Majors: Psychology and History  
Honors: Phi Beta Kappa  
High Honors in Psychology and  
High Distinction Overall  
London Exchange Fellowship  
William Branstrom Freshman Prize

CALASANCTIUS PREPARATORY SCHOOL, BUFFALO, NEW YORK

Honors: Graduated *Cum Laude* (1971)  
New York State Regents Scholarship  
National Merit Scholarship Finalist

## **OTHER PROFESSIONAL EXPERIENCE**

Spring 2013	New York Law School New York, NY Visiting Professor of Law
October 2013 & Dec. 2012	University of Law London, England Visiting Professor of Law
Summer 2010 & 2011	Pennsylvania State University Dickinson School of Law Summer Institute Florence, Italy Visiting Professor of Law
Fall 2003	University of California Berkeley (Boalt Hall) Visiting Professor of Law
Summer 2002	Tulane University Summer Institute Siena, Italy Visiting Professor of Law
Spring 1993	Leiden University Leiden, Netherlands Visiting Professor of Law
Fall 1991	St. John's University New York, New York Visiting Professor of Law
Summer 1991	Tulane University Summer Institute Siena, Italy Visiting Professor of Law
1979-1982	Morrison & Foerster San Francisco, California Associate (Litigation Department)
1978-1979	United States Court of Appeals for the Fifth Circuit New Orleans and Baton Rouge, Louisiana Law Clerk to Judge Alvin B. Rubin
Summer 1977	Manatt, Phelps, Rothenberg & Tunney Los Angeles, California Summer Associate
Summer 1976	S.U.N.Y. at Buffalo School of Law Research Associate to Professor Marc Galanter
1973-1974	University of Michigan Department of Psychology Crisis Intervention for the Police Project Associate Evaluator

## PUBLICATIONS

### Books

- CIVIL PROCEDURE IN CALIFORNIA: STATE AND FEDERAL (St. Paul: West Academic, 2012-2018 annual eds.)
- CIVIL PROCEDURE IN CALIFORNIA: STATE AND FEDERAL (with Mary Kay Kane, through 17th ed., St. Paul: Thomson/West, 2011) (1st ed. 1989)
- CASES AND MATERIALS ON CALIFORNIA CIVIL PROCEDURE (with William R. Slomanson & Rochelle J. Shapell, 5th ed., St. Paul: West Academic, 2015) (with Teacher's Manual)
- CASES AND MATERIALS ON CALIFORNIA CIVIL PROCEDURE (with William R. Slomanson & Rochelle J. Shapell, 4th ed., St. Paul: Thomson/West, 2011) (with Teacher's Manual)
- CASES AND MATERIALS ON CALIFORNIA CIVIL PROCEDURE (with William R. Slomanson & Rochelle J. Shapell, 3d ed., St. Paul: Thomson/West, 2008) (with Teacher's Manual)
- CASES AND MATERIALS ON CALIFORNIA CIVIL PROCEDURE (with William R. Slomanson, C. Keith Wingate & Rochelle J. Shapell, 2d ed., St. Paul: Thomson/West, 2005) (with Teacher's Manual)
- CASES AND MATERIALS ON CALIFORNIA CIVIL PROCEDURE (with C.K. Wingate & W.R. Slomanson, St. Paul: West Publishing Co., 1991, with 1995 and 1998 Supps.) (with Teacher's Manual)
- O'CONNOR'S CALIFORNIA PRACTICE: CIVIL PRETRIAL (co-editor with Michol O'Connor & Peter J. Polos, Houston: Jones McClure Publishing, 2016-2018 annual eds.)
- O'CONNOR'S CALIFORNIA PRACTICE: CIVIL PRETRIAL (co-editor with Michol O'Connor & William R. Slomanson, Houston: Jones McClure Publishing, 2011-2015 annual eds.)
- QUICK REVIEW SUM AND SUBSTANCE OF CALIFORNIA CIVIL PROCEDURE (with Rochelle J. Shapell, 3d ed., St. Paul: West Academic, 2015)
- QUICK REVIEW SUM AND SUBSTANCE OF CALIFORNIA CIVIL PROCEDURE (with Rochelle J. Shapell, 2d ed., St. Paul: Thomson/West, 2011)
- QUICK REVIEW SUM AND SUBSTANCE OF CALIFORNIA CIVIL PROCEDURE (with Rochelle J. Shapell, St. Paul: Thomson/West, 2008)
- PSYCHOLOGICAL PROBLEMS, SOCIAL ISSUES AND LAW (with Murray Levine, Leah Wallach & Deborah Goldfarb, 3d ed., St. Paul: West Academic, 2019 (expected))
- PSYCHOLOGICAL PROBLEMS, SOCIAL ISSUES AND LAW (with Murray Levine & Leah Wallach, 2d ed., New York: Allyn & Bacon, 2007)
- CIVIL PROCEDURE ANTHOLOGY (with Donald L. Doernberg & Melissa L. Nelken, Cincinnati: Anderson Publishing Co., 1998)
- REMEDIES: PUBLIC AND PRIVATE (with David J. Jung & Tracy A. Thomas, 6th ed., St. Paul: West Academic, 2017 (with Teacher's Manual)
- REMEDIES: PUBLIC AND PRIVATE (with David J. Jung & Tracy A. Thomas, 5th ed., St. Paul: West, 2009 (with Teacher's Manual)
- REMEDIES: PUBLIC AND PRIVATE (with David J. Jung, David Schoenbrod & Angus Macbeth, 4th ed., St. Paul: Thomson/West, 2006) (with Teacher's Manual)

REMEDIES: PUBLIC AND PRIVATE (with D. Schoenbrod, A. Macbeth & D. Jung, 3d ed., St. Paul: West Group, 2002) (with Teacher's Manual)

REMEDIES: PUBLIC AND PRIVATE (with D. Schoenbrod, A. Macbeth & D. Jung, 2d ed., St. Paul: West Publishing Co., 1996, with 1999 Supp.) (with Teacher's Manual)

REMEDIES: PUBLIC AND PRIVATE (with D. Schoenbrod, A. Macbeth and D. Jung, St. Paul: West Publishing Co., 1990, with 1992 and 1994 Supps.) (with Teacher's Manual)

### Articles

*Remedies: A Course Fit for Civil Procedure Teachers*, 57 St. Louis U.L.J. 585 (2013)

*Declaratory Relief After MedImmune*, 14 LEWIS & CLARK L. REV. 491 (2010) (with Charles E. Belle)

ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (2008) (four brief articles on punitive damages)

*Supreme Court Gives Cautious Endorsement to Catalyst Theory*, S.F. Daily J. (Dec. 20, 2004)

*Public School Assignment Methods After Grutter and Gratz: The View from San Francisco*, 30 HASTINGS CONST.L.Q. 511 (2003)

*Reparations for Slavery: A Structure for Discussion and Consideration of U.S. Litigation Alternatives*, 22 WINDSOR YEARBOOK OF ACCESS TO JUSTICE 145 (2003)

*Thoughts on Teaching Remedies from a Public Law Perspective*, 39 BRANDEIS L.J. 557 (2001)

*The Chinese-American Challenge to Court-Mandated Quotas in San Francisco's Public Schools: Notes From a (Partisan) Participant-Observer*, 16 HARVARD BLACKLETTER L.J. 39 (2000)

*A Congratulatory Note*, 10 HASTINGS WOMEN'S L.J. 253 (1999)

*Compensation for Fear of Contracting Asbestos-related Diseases: Critical Reflections on an Important U.S. Supreme Court Opinion and its Relevance for Europe*, 1999-1 EUROPEAN REVIEW OF PRIVATE LAW 1 (with Carel J. Stolker)

*A Guide for Writing of Critiques*, in G. Hess & S. Friedland, TECHNIQUES FOR TEACHING LAW 238 (Durham: Carolina Academic Press, 1999) (with Adeline G. Levine)

*Aviation Products Liability for Manufacturing and Design Defects: Two Recent Developments*, 14 WORLD BULLETIN 93 (1998) (with C. Stolker)

*Professor Rudolf B. Schlesinger: An Affectionate Tribute*, 20 HASTINGS INT'L & COMP. L. REV. 219 (1997)

*Compensation for Damage to Parties on the Ground as a Result of Aviation Accidents*, 22 AIR & SPACE L. 60 (1997) (with C. Stolker)

*Een Onrechtmatig Bestaan in Nederland: Een Stand Van Zaken*, 1997-2 AANSPRAKELIJHEID EN VERZEKERING 38 (in Dutch) (with C. Stolker) (on wrongful life claims)

*The Reasonable Alternative Design Test: Back to Negligence?*, 5 CONSUMER L. J. 41 (1997) (with C. Stolker)

*AIDS-Phobia*, 71 NEDERLANDS JURISTENBLAD 882 (1996) (in Dutch) (with C. Stolker)

*Toestanden in Amerika*, 22 JUSTITIELE VERKENNINGER 61 (1996) (in Dutch) (with C. Stolker) (on litigiousness)

*The Latter Stages of Enforcement of Equitable Decrees in School Desegregation Cases After Dowell, Rufo and Freeman*, 20 HASTINGS CONST. L.Q. 579 (1993)

*The Modification of Equitable Degrees in Institutional Reform Litigation: A Commentary on the Supreme Court's Adoption of the Second Circuit's Flexible Test*, 58 BROOK. L. REV. 1239 (1993)

*The Seven Virtues of Judging: Alvin Rubin's Civil Rights Opinions*, 52 L.S.U. L. REV. 1499 (1992)

*Recent Trends in Desegregation Law in the Supreme Court of the United States*, 8 NIHON UNIV. COMP. L.J. 75 (1991)

*A Primer on Tort Liability of Primary Prevention Programs*, 8(2) PREVENTION IN HUM. SERVICES 65 (1990) (with Joanna K. Weinberg), reprinted in *ETHICAL IMPLICATIONS OF PRIMARY PREVENTION* (New York: Haworth Press, 1990)

*Early Neutral Evaluation: The Second Phase*, 1989 J. DISP. RESOL. 1

*Northern District of California Adopts Early Neutral Evaluation to Expedite Dispute Resolution*, 72 JUDICATURE 235 (1989)

*Proposition 103 Ruling Isn't a Total Victory*, LOS ANGELES TIMES (May 5, 1989, Op-ed page)

*Early Neutral Evaluation Works*, 2 ADR REPORT (BNA) 278, Part I and 294, Part II (1988)

*Shadows of a California "Insurance Crisis" Yet to Come*, LOS ANGELES TIMES (November 20, 1988, Op-Ed page)

*Early Neutral Evaluation: A Follow-Up Report*, 70 JUDICATURE 236 (1987)

*Exceptions to the Clearly Erroneous Test After the Recent Amending of Rule 52(a) for the Review of Findings of Fact Based Upon Documentary Evidence*, 10 AM. J. TRIAL ADVOC. 409 (1987) (with Hillary J. Salans)

*The Use of Law for Prevention in the Public Interest*, 5(2) PREVENTION IN HUM. SERVICES 241 (1987) (with Murray Levine and Charles P. Ewing), reprinted in *PREVENTION: TOWARD A MULTIDISCIPLINARY APPROACH* (New York: Haworth Press, 1987)

*Whence Knowledge Intent? Whither Knowledge Intent?*, 20 U.C. DAVIS L. REV. 551 (1987) (with David J. Jung)

*Calculating Fees of Special Masters*, 37 HASTINGS L.J. 141 (1985)

*The Authority for the Appointment of Remedial Special Masters in Federal Institutional Reform Litigation: The History Reconsidered*, 17 U.C. DAVIS L. REV. 753 (1984)

*Preliminary Procedural Protection for the Press from Jurisdiction in Distant Forums After Calder and Keeton*, 1984 ARIZ. ST. L.J. 459

*Report of the President's Commission on Mental Health: The Development of Public Policy*, 1 HEALTH POL'Y Q. 179 (1981) (with M. Levine)

*Research on Logical Reasoning: Issues in Assessing the Role and Familiarity of Variables*, 6 INVESTIGATIONS IN SCI. EDUC. 57 (1980) (with Marcia C. Linn)

*Using the Freedom of Information Act as a Discovery Device*, 36 THE BUS. LAW. 45 (1980)

*Adolescent Reasoning: Influence of Question Format and Type of Variables on Ability to Control Variables*, 62 SCI. EDUC. 377 (1978) (with M. C. Linn)

*Scientific Reasoning Ability in Adolescence: Theoretical Viewpoints and Educational Implications*, 14 J. FOR RES. IN SCI. TEACHING 371 (1977) (with M. C. Linn)

*On White Liberals and Black Power in Negro Education*, 76 AM. HIST. REV. 581 (1971) (with M. Levine)

### **Chapters in Books**

*Defensive Bureaucracy? Rampen, de Overheid en de Preventieve rol van het Aansprakelijkheidsrecht* (with C. Stolker & C.L. de Bel) (in Dutch) (on liability of governmental officials in disasters); and

*Compensating for Psychiatric Damage After Disasters — A Plea for a Multifactor Approach* (with C. Stolker); both published in RAMPEN RECHT (Den Haag: Boom Juridische Uitgevers, 2001) (Disasters and the Law; chapters in Dutch or English)

*A Survey of Professional Liability of Accountants and Attorneys in the United States*, in Yamakawa, I. and Konda, M. (eds.) THEORY AND PRACTICE OF EXPERTS' LIABILITY: THE LIABILITY OF LEGAL AND ACCOUNTING EXPERTS AND INSURANCE (Tokyo: Shin Nippon Hoki Syuppan, 1994) (translated into Japanese)

### **Book Reviews**

J. Groner, HILARY'S TRIAL — THE ELIZABETH MORGAN CASE: A CHILD'S ORDEAL IN AMERICA'S LEGAL SYSTEM, 76 JUDICATURE 209 (1993)

W. D. Brazil, EFFECTIVE APPROACHES TO SETTLEMENT, 4 OHIO STATE J. ON DISP. RESOL. 123 (1988)

L. Matera, WHERE LAWYERS FEAR TO TREAD, 21(1) HASTINGS L. NEWS 4 (1987)

D. Rothman and S. Rothman, THE WILLOWBROOK WARS, 3 CONST. COMM. 270 (1986) (with Philip P. Frickey)

M. Rebell and A. Block, EDUCATIONAL POLICY MAKING AND THE COURTS, 34 HASTINGS L.J. 1325 (1983)

### **Other Publications**

REPORT OF THE CIVIL JUSTICE REFORM ACT ADVISORY GROUP OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA (Co-Reporter) (1993)

### **Unpublished Works**

Early Neutral Evaluation: The Second Phase. Report to the Northern District of California, (1988)

Early Neutral Evaluation: Status Report and Recommendations. Report to the Northern District of California (1986)

REMEDIES IN PUBLIC LAW (with D. Schoenbrod and A. Macbeth) (1986)

## **SELECTED PROFESSIONAL PRESENTATIONS**

- University of Minnesota Law School, “Long-arm Jurisdiction Over the Press” (November 1981)
- State University of New York at Buffalo, Baldy Center for Law and Social Policy, “Remedial Special Masters in Institutional Reform Litigation” (March 1984)
- American Psychology-Law Society, “Early Neutral Evaluation” (March 1986, Tucson, Arizona)
- Law and Society Association, “Early Neutral Evaluation” (May 1986, Chicago, Illinois)
- Law and Society Association, “Organization of Dispute Resolution” (June 1987, Washington, D.C.) (Chair and Discussant)
- American Psychological Association, “Law and Prevention in the Public Interest” (August 1987, New York, New York)
- Law and Society Association, “Early Neutral Evaluation: Is It Working?” (June 1988, Vail, Colorado)
- Nihon University, Faculty of Law, “Desegregation: Recent Trends in the Supreme Court of the United States” (September 1990, Tokyo, Japan)
- St. John’s University Law School, “Early Neutral Evaluation Works” (February 1991, New York, New York)
- Groningen University, Faculty of Law, “After the Verdict” (May 1993, Groningen, The Netherlands)
- State University of New York at Buffalo School of Law, “The Chinese-American Challenge to School Desegregation in San Francisco” (October 1995)
- City University of New York at Queens College School of Law, “The Chinese-American Challenge to School Desegregation in San Francisco” (November 1995)
- University of Auckland School of Law, “The Chinese-American Challenge to School Desegregation in San Francisco” (March 1996, Auckland, New Zealand)
- Law and Society Association, “The Chinese-American Challenge to School Desegregation in San Francisco” (July 1996, Glasgow, Scotland)
- Pacific Judicial Conference, “Federal Jurisdiction” (April 1998, Koror, Palau)
- Guam Bar Association, “Recent Developments in Civil Procedure” (May 1998, Agana, Guam)
- Leiden University, Faculty of Law “The Chinese-American Challenge to School Desegregation in San Francisco” (June 1999, Leiden, The Netherlands)
- Guam Superior Court/District Court Conference, “Current Developments in Civil Procedure” and “Punitive Damages and Other Civil Punishments” (August 1999, Agana, Guam)
- American Psychological Association, “School Desegregation Cases: The Continuing Need for Social Science Research” (August 2000, Washington, D.C.)
- University of Windsor School of Law, “Reparations for Slavery: U.S. Litigation Alternatives” (June 2003, Windsor, Ontario)
- University of Florida School of Law, “The Future of Public School Assignments: The San Francisco Experience” (March 2004, Gainesville, FL)

University of Akron School of Law, “Public School Assignments After *Parents Involved*” (October 2008, Akron, Ohio)

Lewis & Clark School of Law, “Declaratory Relief After *MedImmune*” (October 2009, Portland, OR)

Law and Society Association, “Accessing Civil Justice” (June 2012, Honolulu, HI) (Chair and Discussant)

### **PROFESSIONAL MEMBERSHIPS**

State Bar of California  
U.S. Court of Appeals for the Fifth Circuit  
U.S. Court of Appeals for the Ninth Circuit  
U.S. District Court for the Northern District of California  
American Law Institute  
Law and Society Association

### **COMMUNITY AND PROFESSIONAL SERVICE**

Bar Association of San Francisco  
Attorney-Client Fee Dispute Arbitrator (1984-1995)

United States District Court for the Northern District of California, Independent Analyst of Early Neutral Evaluation Program (1985-1988)

Hastings Public Interest Law Foundation  
Board of Directors (1985-1988)

American Arbitration Association  
Panel of Arbitrators (1988-2000)

Congregation Beth El, Berkeley  
Board of Directors (1988-1989)

United States District Court for the District of Nevada, Reporter for Advisory Committee on Implementation of the Civil Justice Reform Act of 1990 (1991-1994)

Ho v. San Francisco Unified School District (Northern District of California and U.S. Court of Appeals for the Ninth Circuit) (co-counsel representing 16,000 school children of Chinese descent) (1994-2005)

Financial Industry Regulatory Authority (formerly NASD Regulation)  
Panel of Arbitrators (1998- )

Congregation Netivot Shalom, Berkeley  
Board of Directors (1998-2001; 2006- 2007)

Association of American Law Schools  
Executive Committee, Section on Remedies (2007- 2009)