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John W. Wade Professor of Law, Pepperdine Caruso School of Law, 2004 to present.

- Professor of Law, Pepperdine Caruso School of Law, 1998 to 2004.
- Associate Professor of Law, Pepperdine Caruso School of Law, 1991 to 1998.

Vice Dean, Pepperdine Caruso School of Law, 2012 to 2013.

Associate Dean for Research, Pepperdine Caruso School of Law, 2005 to 2008.

Associate Dean for Academics, Pepperdine Caruso School of Law, 2002 to 2005.

Attorney, Gray, Cary, Ware & Friedenrich (now known as DLA Piper), San Diego, California, 1987 to 1989; Pepperdine Associate General Counsel, 1989 to 1991.

RESEARCH INTERESTS

Animals' legal and moral status, products liability, and torts.

SELECTED PROFESSIONAL AFFILIATIONS

- Member, American Law Institute, 1999 to present.
- Fellow, American Bar Foundation, 2018 to present.
- Member, Executive Committee, Association of American Law Schools Section on Animal Law, 2019 to present.
- Chair, Association of American Law Schools Section on Torts and Compensation Systems, 2006 to 2007 (member, Executive Committee, 2002 to 2007).
- Editorial Board Member, *The Brief* (27,000 subscriber quarterly magazine of the American Bar Association's Tort & Insurance Practice Section), 2001 to 2005.

SCHOLARSHIP CITATIONS

As of September, 2020: approximately 678 scholarly publication citations listed by Google Scholar, including approximately 22 court case citations (two of which are in Supreme Court of the United States cases). H-index: 16; i10-Index: 19.

BOOKS

- DAVID A. FISHER, WILLIAM C. POWERS, JR., RICHARD L. CUPP, JR., MICHAEL D. GREEN & JOSEPH SANDERS, *PRODUCTS LIABILITY CASES & MATERIALS* (5th ed., 2014).

LAW REVIEW AND OTHER SCHOLARLY PUBLICATIONS

- *Considering the Private Animal and Damages*, 98 WASH. U. L. REV. ___ (forthcoming 2021).
- *Edgy Animal Welfare*, 95 DENVER L. REV. 865 (2018).
- *Litigating Nonhuman Animal Legal Personhood*, 50 TEX. TECH. L. REV. 573 (2018).
- *Cognitively Impaired Humans, Intelligent Animals, and Legal Personhood*, 68 FL. L. REV. 465 (2017).
- *Animals as More than “Mere Things,” but Still Property: A Call for Continuing Evolution of the Animal Welfare Paradigm*, 84 CINN. L. REV. 1023 (2016) (solicited article).
- *Focusing on Human Responsibility Rather than Legal Personhood for Nonhuman Animals*, 33 PACE ENVTL. L. REV. 517 (2016) (solicited essay).
- *Human Responsibility, Not Legal Personhood, for Nonhuman Animals*, 16 ENGAGE Iss. 2 (2015) (solicited essay).
- *Children, Chimps, and Rights Arguments from “Marginal” Cases*, 45 AZ. ST. LAW J. 1 (2013).
- *Seeking Redemption for Torts Law: Review of HOLDING BISHOPS ACCOUNTABLE: HOW LAWSUITS HELPED THE CATHOLIC CHURCH CONFRONT CLERGY SEXUAL ABUSE*, 27 J. OF LAW & RELIGION 185 (2011-12) (solicited essay/book review).
- *In Praise of Moral Judgment: The RESTATEMENT (THIRD) OF TORTS and Flagrant “Bad Guy” Trespassers*, 1 WAKE FOREST L. REV. ONLINE 37 (2011) (solicited essay).
- *International Tobacco Litigation’s Evolution as a United States Torts Law Export: To Canada and Beyond?*, 38 PEPPERDINE L. REV. 283 (2011) (solicited article).

- *Tort Reform or Tort Restriction: Rhetoric as Scorekeeper*, in ANDREW POPPER, MATERIALS ON TORT REFORM (THOMPSON/WEST 2010) (solicited essay).
- *Preemption's Rise (and Bit of a Fall) as Products Liability Reform: Wyeth, Riegel, Altria, and the RESTATEMENT (THIRD)'s Prescription Product Design Defect Standard*, 74 BROOKLYN L. REV. 727 (2009).
- *Moving Beyond Animal Rights: A Legal/Contractualist Critique*, 46 SAN DIEGO L. REV. 27 (2009).
- *Bioethics and the Explosive Rise of Animal Law*, 9 AMERICAN J. OF BIOETHICS 1 (Issue 5, 2009) (solicited essay).
- *A Dubious Grail: Seeking Tort Law Expansion and Limited Personhood as Stepping Stones Toward Abolishing Animals' Property Status*, 60 SMU L. REV. 3 (2007).
- *Successor Liability for Defective Products: A Redesign Ongoing*, 72 BROOKLYN L. REV. 1173 (2007) (primary author; coauthored with Christopher J. Frost).
- *Believing in Products Liability: Reflections on Daubert, Doctrinal Evolution, and David Owen's PRODUCTS LIABILITY LAW*, 40 U.C. DAVIS L. REV. 511 (2006).
- *Asbestos Litigation and Bankruptcy: A Case Study for Ad Hoc Public Policy Limitations on Joint and Several Liability*, 31 PEPP. L. REV. 203 (2003) (solicited article).
- *The Rhetoric of Strict Products Liability versus Negligence: An Empirical Analysis*, 77 N.Y.U. L. REV. 874 (2002) (primary author; coauthored with cognitive psychologist Danielle Polage).
- *Proximate Cause, the Proposed Basic Principles Restatement, and Products Liability*, 53 SOUTH CAROLINA L. REV. 1085 (2002).
- *Vets in the Doghouse: Are Pet Suits Economically Viable?* 31 THE BRIEF 42 (2002) (coauthored with Amber E. Dean).
- *Product Design Safety and Tort Law: The Impact of Increasing Cohesion in Civil Liability Standards*, 8 INJURY CONTROL & SAFETY PREVENTION 37 (2001).
- *State Medical Reimbursement Lawsuits After Tobacco: Is the Domino Effect Fair Game?*, 27 PEPPERDINE L. REV. 685 (2000) (solicited article).
- *Redesigning Successor Liability*, 1999 UNIVERSITY OF ILLINOIS L. REV. 845.

- *The Continuing Search for Proper Perspective: Whose Reasonableness Should Be at Issue in a Prescription Product Design Defect Analysis?*, 30 SETON HALL L. REV. 233 (1999) (solicited article).
- *Liability of Successor for Harm Caused by Defective Products Sold Commercially by Predecessor*, 7 KANSAS JOURNAL OF LAW & PUBLIC POLICY 113 (1998) (solicited essay).
- *A Morality Play's Third Act: Revisiting Addiction, Fraud and Consumer Choice in "Third Wave" Tobacco Litigation*, 46 UNIVERSITY OF KANSAS L. REV. 465 (1998).
- *The "Uncomplicated" Law of Products Liability: Reflections of a Professor Turned Juror*, 91 NORTHWESTERN UNIVERSITY L. REV. 1082 (1997).
- *Defining the Boundaries of "Alternative Design" under the RESTATEMENT (THIRD): The Nature and Role of Substitute Products in Design Defect Analysis*, 63 TENNESSEE L. REV. 329 (1996).
- *Rethinking Conscious Design Liability for Prescription Drugs: The RESTATEMENT (THIRD) Standard versus a Negligence Approach*, 63 GEORGE WASHINGTON L. REV. 76 (1994).
- *Sharing Accountability for Breast Implants: Strict Products Liability and Medical Professionals Engaged in Hybrid Sales/Service Cosmetic Products Transactions*, 21 FLORIDA STATE L. REV. 873 (1994).
- Comment, *Religious Torts: Applying the Consent Doctrine as Definitional Balancing*, 19 U.C. DAVIS L. REV. 949 (1986).

OP-EDS (partial list)

- Law-related op-eds published in *The New York Times*, *The Los Angeles Times* (multiple), *USA TODAY*, *The Philadelphia Inquirer*, *The National Law Journal*, *The Conversation*, *The Indianapolis Star*, *The Oakland Tribune*, *The Sacramento Bee*, and *The L.A. Daily Journal*.

SELECTED PRESENTATIONS

- *Animal Rights Law: For or Against*, Cambridge Centre for Animal Rights Law (July 8th, 2020).
- *Victimhood, Personhood, and a Horse [Re]Named Justice*, Paris Remedies Discussion Forum, Université Paris Dauphine PSL Research University (Paris, France (June, 2019).

- Discussant, The Aspen Institute *Justice and Society Program*, Aspen, Colorado (July 6th-12th, 2018).
- *Edgy Animal Welfare*, University of Denver Sturm College of Law, Denver Law Review symposium, *Uproar, the Intersection of Animals and the Law* (Feb. 9th, 2018).
- *Future Directions for Laboratory Animal Law*, Harvard Law School, panel moderator and member of workshop planning committee; workshop convened by the Roundtable on Science and Welfare in Laboratory Animal Use of the National Academies of Science, Engineering and Medicine's Institute for Laboratory Animal Research, the Animal Law and Policy Program of the Harvard Law School, and the Petrie-Flom Center for Health Law Policy, Biotechnology and Bioethics of the Harvard Law School (Jan. 26th, 2018).
- *The Legal Rights of Animals*, debate on the podcast "Lawyer 2 Lawyer" addressing animal legal personhood, July 7th, 2017, (podcast available at <https://legaltalknetwork.com/podcasts/lawyer-2-lawyer/2017/07/the-legal-rights-of-animals/>).
- *Animal Legal Personhood Update*, "Excellence Beyond Compliance" teleconference for zoological professionals (Nov. 14th, 2017).
- *Cognitively Impaired Humans, Intelligent Animals, and Legal Personhood*, Irish Association of Law Teachers Annual Conference, Waterford, Ireland (Nov. 20th, 2016).
- *Animals as More than "Mere Things," but Still Property, Under an Evolving Animal Welfare Paradigm*, Inaugural Victor E. Schwartz Chair in Torts Lecture (University of Cincinnati School of Law, Cincinnati, Ohio, Oct. 21st, 2015).
- *What Zoologists Need to Know about Animal Legal Personhood*, national teleconference for zoologists hosted by *Excellence Beyond Compliance* (Sept. 7th, 2015).
- *Emotions-Based Damages for Tortious Death of a Companion Animal in California and Beyond*, Ventura County Bar Association Animal Law Section (August 20th, 2015, Ventura, California).
- *Are Some Animals Entitled to Legal Personhood?*, Idaho State Bar Animal Law Section (teleconference to Boise, Idaho, March 9th, 2015).
- *Animal Personhood: A Debate*, sponsored by the Federalist Society (National Press Club, Washington, D.C., Feb. 11th, 2015) (available at <https://www.youtube.com/watch?v=pm6aLlp7b0U>).

- *Medical Research and the Evolving Legal Personhood Battlefield*, Massachusetts Society for Medical Research (Boston, Mass., December 8th, 2014).
- *Animal Legal Personhood: What Neuroscientists Need to Know*, Society for Neuroscience Annual Conference, *Neuroscience 2014* (Washington, D.C., Nov. 15th, 2014).
- *A New Area of Animal Litigation: Animal Personhood*, Ventura County Bar Association Animal Law Section (August 20th, 2014, Ventura, California).
- *Understanding Animal Legal Personhood Issues*, National Association for Biomedical Research Webinar, (Washington, D.C., April 16th, 2014).
- *Live Chat: Should Animals be Granted Legal Rights?*, webcast chat/debate regarding animal legal personhood, sponsored and moderated by the magazine *Science* (Dec. 5th, 2013) (available at <https://www.youtube.com/watch?v=vXE-5rOpEKY>).
- *Regarding Legal Personhood, Are Chimpanzees (and Other Intelligent Animals) Children?*, presentation at Emory University conference entitled *An Uncomfortable Conversation: Human Use of Animals* (Atlanta, Georgia, March 31st, 2012).
- *Biomedical Research and State Sunshine Laws in the United States*, presentation for Institute of Medicine Forum on Neuroscience and National Academies of Science Committee on Science, Technology, and Law conference entitled *U.S. and European Animal Research Regulations: Impact on Neuroscience Research*, Kavli Royal Society International Centre, United Kingdom (July 26th, 2011).
- *Internationalizing United States Torts Law: Paths and Consequences*, presentation to the faculty of Saint Louis University School of Law (Saint Louis, Missouri, March 30th, 2011).
- *The Evolving Legal Status of Research Animals*, panel presentation at *Neuroscience 2010* (San Diego, California, November 15th, 2010).
- *Animal Rights Versus Contractualist Animal Welfare*, presentation for American Agricultural Law Association annual symposium (Omaha, Nebraska, October 9th, 2010).
- *Tobacco Litigation as Export*, presentation for *Pepperdine Law Review* symposium (Malibu, California, April 16th, 2010).
- *Enhancing Legal Scholarship as a Faculty*, presentation to the faculty of Faulkner Law School (Montgomery, Alabama, September 19th, 2009).

- *Engaging Veterinarians in the Animal Law Debate over Noneconomic Damages for Negligent Death of a Pet*, National Webinar hosted by the American Veterinary Medical Association (February 22nd, 2009).
- *The Restatement (Third) 's Prescription Drug Design Standard and Preemption's Rise*, presentation for *Brooklyn Law Review* symposium, (New York, New York; November 14th, 2008).
- *Scientific Research and the Rise of Animal Law*, presentation to the National Academy of Sciences Committee on Science, Technology and Law (Cape Cod, Massachusetts, October 20th, 2008).
- *Neuroscience Research and the Rise of Animal Law*, presentation to the National Academy of Sciences Committee on Neuroscience (Washington, D.C., October 16th, 2008).
- *Developing as a Legal Scholar*, presentation to the faculty of John Marshall Law School of Atlanta (Atlanta, January 31st, 2007).
- *Noneconomic Damages for Harm to Companion Animals*, presentation to AEI-Brookings Judicial Education Program Symposium on Civil Justice Issues (Washington, D.C.; December 8th, 2006).
- *Animal Ownership: Academia, Industry & Research*, presentation to the Indiana Bar Center (Indianapolis, Indiana; October 27th, 2006).
- *Animal Hospitals and Noneconomic Damages for Harm to Companion Animals*, presentation at the American Animal Hospital Association Board of Directors annual meeting (Denver, Colorado; October 20th, 2006).
- *Animal Law and Scientific Research*, presentation at the National Institutes of Health (Washington, D.C.; May 16th, 2006).
- *Animal Law and Scientific Research*, presentation at the National Association of Biomedical Research's annual meeting (Washington, D.C.; May 15th, 2006).
- *The Daubert Trilogy and Products Liability*, presentation to joint session of the Association of American Law Schools Section on Evidence and Section on Torts and Compensation Systems (Washington, D.C.; January 8th, 2006).
- *Tort and Remedies Issues Relating to Veterinary Malpractice*, presentation to American Veterinary Medical Association Task Force on Legal Remedies (Chicago, Illinois; September 19th, 2005).

- Hank Hannah Memorial Lecture, *Pet Loss Damages & Litigation*, presentation to annual meeting of American Veterinary Medical/Legal Association (Minneapolis, Minnesota; July 17th, 2005).
- *Of Human Suffering and Animal Death: Analyzing the Trend Toward Noneconomic Damages Claims by Humans for Tortious Harm to Companion Animals*, presentation at symposium sponsored by the Animal Health Institute (Washington, D.C.; September 15th, 2004).
- *Asbestos Litigation and Bankruptcy: A Case Study for Ad Hoc Public Policy Limitations on Joint and Several Liability*, faculty chair and presenter at conference and symposium sponsored by the *Pepperdine Law Review* (Malibu, California; April 5th, 2003).
- *Awarding a Portion of Punitive Damages Judgments to the State: If It Worries Both the Defense Bar and the Plaintiffs' Bar, It Must Be a Good Idea*, presentation at 2000 American Legislative Exchange Council national conference for state legislators (San Diego, California; July 7th, 2000).
- *Product Design Safety and Tort Law: The Impact of Increasing Cohesion in Civil Liability Standards*; 5th World Conference on Injury Prevention & Control (New Delhi, India; March 7th, 2000).
- *Future Trends in Malpractice Liability for Veterinarians*, presentation at the 1999 Wild West Veterinary Conference, a conference of veterinarians from Western states (Reno, Nevada; October 12th, 1999).
- *Cigarette Litigation's Offspring: Assessing Tort Issues Related to Guns, Alcohol, and Other Controversial Products in Light of the Tobacco Wars*, faculty chair and moderator at conference and symposium sponsored by the *Pepperdine Law Review* (Los Angeles, California; March 6th, 1999).
- *Healing Prescription Product Design Liability: Continuing Progress Toward a Middle Ground Cure*, presentation at a *Seton Hall Law Review* symposium entitled *Proving Defect After the RESTATEMENT (THIRD): An Academy/Bench/Bar Dialogue* (Newark, New Jersey; February 12th, 1999).
- *Successor Liability for Defective Products: Some Thoughts on the RESTATEMENT (THIRD)'s Approach*, presentation at University of Kansas conference for judges organized by the Center for Organizational Economics entitled *The RESTATEMENT (THIRD) OF TORTS: PRODUCTS LIABILITY: Is it a Defective Product?* (Lawrence, Kansas; June 26th, 1998).
- *Redesigning Successor Liability*, presented as part of the Pepperdine University School of Law's Scholars' Workshops Series (Malibu, California; April 23rd, 1998).

NEWS MEDIA APPEARANCES AND INTERVIEWS

National Television

- Interviews on CBS Evening News; CNN; Fox News Network; MS-NBC; Court TV; Lifetime Television Network, Lifetime News; quoted in many other television news reports.

Radio

- Numerous interviews on national, international, and local radio programs; quoted in many other radio news programs.

Print and Digital Media

- Quoted in numerous national, international, and local newspapers and magazines, and in numerous digital media sources, addressing law-related issues.

SELECTED EXPERIENCE

- Advising many organizations on aspects of animals' legal status, including the National Academy of Sciences Committee on Science, Technology and Law, the National Academy of Sciences Committee on Neuroscience, the American Veterinary Medical Association, the National Association for Biomedical Research, the Animal Health Institute, and the American Animal Hospital Association.
- Co-Author, 2010 Pepperdine University School of Law Self-Study for ABA/AALS Accreditation Process.
- Faculty Chair, *Pepperdine Law Review* 2010 Symposium, *Does the World Still Need Torts Law (Or Did it Ever)?*; Faculty Chair for two other *Pepperdine Law Review* symposia addressing torts issues in 1999 and 2003.
- Coordinator, Pepperdine University School of Law successful preparation for and application for membership in Order of the Coif, 2002 to 2008.
- Rick J. Caruso Research Fellow, 1996 to 1997, 2005 to 2006.

SELECTED AWARDS

- Appointed as John W. Wade Professor of Law in recognition of scholarly excellence, 2004.

- Pepperdine Caruso School of Law Dean's Award for Excellence in Scholarship, 2018.
- 2009 Best Professional Scholarship Award, American Agricultural Law Association (for *Moving Beyond Animal Rights: A Legal/Contractualist Critique*, 46 San Diego L. Rev. 27 (2009)).

EDUCATION

J.D., University of California, Davis, School of Law, 1987

- Editor-in-Chief, *U.C. Davis Law Review*

B.A., History, Pepperdine University (*magna cum laude*), 1983

ADDITIONAL ACTIVITIES AND AFFILIATIONS

- Member, Board of Directors, Meals on Wheels West, 2009 to 2018.
- Member, State Bar of California (active).
- Admitted to practice, United States Ninth Circuit Court of Appeals.
- Admitted to practice, United States District Court, Southern District of California.
- Adviser, Pepperdine Caruso School of Law Student Animal Legal Defense Fund, 2009 to present.