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Roger Williams University
School of Law
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PROFESSIONAL EXPERIENCE

ROGER WILLIAMS UNIVERSITY SCHOOL OF LAW, Bristol, RI
Professor, 2002-present; Associate Professor, 1996-2002.

Courses: Advanced Torts, Products Liability,
Antitrust, Administrative Law, Evidence.

RUTGERS UNIVERSITY SCHOOL OF LAW-CAMDEN, Camden, NJ
Visiting Professor, 1992-96.

MESIROV GELMAN JAFFE CRAMER & JAMIESON, Phila., PA
Partner, 1985-91, Associate, 1983-85.

STEINBERG, GREENSTEIN, GORELICK & PRICE, Phila., PA
Partner, 1979-83, Associate, 1973-79.

In both firms, concentrated in complex commercial
litigation.

PUBLICATIONS

Books

WHY LAWSUITS ARE GOOD FOR AMERICA: DISCIPLINED DEMOCRACY,
BIG BUSINESS, AND THE COMMON LAW (NYU Press 2001).

THE SECOND AMENDMENT IN LAW AND HISTORY: HISTORIANS AND
CONSTITUTIONAL SCHOLARS ON THE RIGHT TO BEAR ARMS (The New
Press 2001) (Editor).

Law Review Articles

Heller and Insurrectionism, 59 SYRACUSE L. REV. 255
(2008).

*Gun Control and America's Cities: Public Policy and
Politics*, 1 ALB. GOV'T L. REV. 440 (2008).

Rescuing Burke, 72 Mo. L. REV. 387 (2007).

Fear-Mongering Torts and the Exaggerated Death of Diving, 28 HARV. J.L. & PUB. POL'Y 17 (2004).

Culture of Quiescence, 9 ROGER WILLIAMS U.L. REV. 351 (2004).

The Battle for Separation of Powers in Rhode Island, 56 ADMIN. L. REV. 77 (2004).

Abbreviated version appears as *Rhode Island's Radical Experiment: The Misfortunes of Repudiating Separation of Powers*, 30 ADMIN. & REG. L. NEWS 12 (2004).

What Does the Second Amendment Restrict? A Collective Rights Analysis, 18 CONST. COMMENT. 485 (2001).

Republished in GUNS, CRIME, AND PUNISHMENT IN AMERICA (Bernard E. Harcourt ed., 2003) (abr.).

Shootout, 79 TEXAS L. REV. 1641 (2001) (book review).

The History and Politics of Second Amendment Scholarship: A Primer, 76 CHI.-KENT L. REV. 3 (2000).

Republished in THE SECOND AMENDMENT IN LAW AND HISTORY (Carl T. Bogus ed., 2001).

Gun Litigation and Societal Values, 32 CONN. L. REV. 1353 (2000).

The Hidden History of the Second Amendment, 31 U.C. DAVIS L. REV. 309 (1998).

The Third Revolution in Products Liability, 72 CHI.-KENT L. REV. 3 (1996).

The Death of an Honorable Profession, 71 IND. L.J. 911 (1996).

War on the Common Law: The Struggle at the Center of Products Liability, 60 MO. L. REV. 1 (1995).

Excerpts appear in JAMES A. HENDERSON, JR. AND AARON D. TWERSKI, PRODUCTS LIABILITY: PROBLEMS AND PROCESS (4th ed. 2000); and DAVID G. OWEN, ET

AL., PRODUCTS LIABILITY AND SAFETY: CASES AND MATERIALS (3rd ed. 1996).

Race, Riots and Guns, 66 S.CAL. L. REV. 1365 (1993).

Republished in GUN CONTROL AND GUN RIGHTS (Andrew J. McClurg, et al. eds., 2002) (abr.)

Excessive Executive Compensation and The Failure of Corporate Democracy, 41 BUFF. L. REV. 1 (1993).

Pistols, Politics and Products Liability, 59 U. CIN. L. REV. 1103 (1991).

Other Publications

An Inalienable Right: Keeping and Bearing Arms, WASH. TIMES, March 18, 2008, at A19 (op-ed).

The Supreme Court Reaches the Rubicon: Do We Place Our Faith in Law or Guns?, PROVIDENCE J., December 4, 2007, at B4 (op-ed).

Also published by Riverside (CA) PRESS-ENTERPRISE.

Book Review of *The Rehnquist Legacy* by Craig Bradley (ed.), TRIAL, November 2006, at 70.

Filibuster Fight: Maybe It's About Bad Judges, PROVIDENCE J., May 17, 2005, at B5 (op-ed).

Book Review of *Though the Heavens May Fall* by Steven M. Wise, TRIAL, April 2005, at 66.

Research Counters Furor Over Malpractice Lawsuits, USA TODAY, March 24, 2004, at 13A (op-ed).

Don't Pollute Bay with 12 Lobbied Pols, PROVIDENCE J., May 15, 2003, at B3 (op-ed).

Separation of Powers End Game: House Must Enact Real Reform, PROVIDENCE J., April 4, 2003, at B7 (op-ed).

Guns in the Courtroom, NATION, March 31, 2003, at 36 (book review).

"To Vices, not to Names": Five Myths about Separation of Powers, PROVIDENCE J., October 5, 2002, at B6 (op-ed).

Responding to a Century of Change, BOSTON SUNDAY GLOBE, July 21, 2002, at D4 (book review).

Jefferson's Patsy?, NATION, July 8, 2002, at 30 (book review).

Speaker's Clout Enfeebles Members, PROVIDENCE J., May 22, 2002, at B6 (op-ed).

So, Sue Me: Contrary to Popular Perception, the Lawsuit System Often Leads to a Safer and Saner Society, BOSTON SUNDAY GLOBE, Dec. 16, 2001, at D-1 (lead article in Focus section).

A Verdict on the System, NATION, Dec. 10, 2001, at 25 (book review).

Exactly Why Judicial Silence is Golden, PROVIDENCE J., April 12, 2001, at B6 (op-ed).

Learning to Love the Gun, AM. PROSPECT, Dec. 18, 2000, at 42 (book review).

Rhode Island Faces a Political Crisis, PROVIDENCE J., Aug. 15, 2000, at B4 (op-ed).

A Radical Ruling from the R.I. Supreme Court, R.I. B.J., Nov. 1999, at 13.

Abbreviated version published as *Rhode Island's Radical Difference*, PROVIDENCE J., Aug. 9, 1999, at A9 (op-ed).

Ronald McDonald is a Bully, NATION, Nov. 24, 1997, at 31 (book review).

Prozac on Trial, NATION, Jan. 6, 1997, at 27 (book review).

The Contract and the Consumer, AM. PROSPECT, Spring 1995, at 53 (policy article).

Republished as *Liability Lawsuits Help Consumers in AMERICA'S VICTIMS: OPPOSING VIEWPOINTS* (Paul A. Winters ed., 1996) (abr.).

How Not To Be the NRA, TIKKUN, Jan./Feb. 1994, at 79 (review essay).

The Strong Case for Gun Control, AM. PROSPECT, Summer 1992, at 19 (policy article).

Republished in TAKING SIDES: CLASHING VIEWS ON CONTROVERSIAL POLITICAL ISSUES (Dushkin/McGraw Hill, 1998); MORALITY IN PRACTICE (James P. Sterba ed., 5th ed., 1997); as *Privately Owned Guns Decrease Security* in CRIME & CRIMINALS: OPPOSING VIEWS (Paul A. Winters ed., 1994) (abr.); and as *Reglementer la detention des armes a feu?* in PROBLEMES POLITIQUES ET SOCIAUX, 8 Jan. 1993, at 59 (abr., Fr.)

The Invasion of Panama and the Rule of Law, 26 INT'L LAW. 781 (1992).

Recipient, 1991 Ross Essay Award from the American Bar Association.

WORK-IN-PROGRESS

WILLIAM F. BUCKLEY, JR. AND THE RISE AND FALL OF AMERICAN CONSERVATISM (Bloomsbury Press).

PAPERS PRESENTED

"Gun Control and America's Cities: Public Policy and Politics," presented at Symposium on Firearms, The Militia and Safe Cities, Albany Law School, October 19, 2007.

"The Hidden History of the Second Amendment," presented to:

- Faculty Colloquium, Washington College of Law of American University, October 11, 2002;

- Faculty Colloquium, Rutgers University School of Law, Newark, NJ, November 29, 2001;
- Faculty Colloquium, Syracuse University College of Law, October 16, 2000;
- Law & History Colloquium, Cumberland School of Law, October 20, 1997.

"What Does the Second Amendment Restrict? A Collective Rights Analysis," presented at Conference on Guns, Crime and Punishment, University of Arizona College of Law, January 27, 2000.

"Gun Liability and Societal Values," presented at Symposium on Guns & Liability in America, University of Connecticut School of Law, March 3, 2000.

"Interpreting the Second Amendment," presented at Second Amendment Symposium, University of Arizona College of Law, November 9, 1991.

AWARDS AND HONORS

Public Service Achievement Award (2002), Common Cause of Rhode Island, for work on separation of powers.

Ross Essay Award (1991), American Bar Association, for *The Invasion of Panama and the Rule of Law*.

EDUCATION

SYRACUSE UNIVERSITY COLLEGE OF LAW, J.D. 1972

Associate Editor, SYRACUSE LAW REVIEW
 Author, Note, *Delegate Apportionment to National Political Party Conventions*, 23 SYRACUSE L. REV. 919 (1972); and Recent Decision, 23 SYRACUSE L. REV. 950 (1972).

SYRACUSE UNIVERSITY, A.B. 1970 (Political Science)

BOARD AND ADVISORY PANEL MEMBERSHIPS

VIOLENCE POLICY CENTER, Washington, DC
National Advisory Panel, 1993-Present.

COMMON CAUSE OF RHODE ISLAND
State Governing Board, 1999-2001;
Chair, Task Force on Separation of Powers, 2000-2003.

RHODE ISLAND SEPARATION OF POWERS COMMITTEE,
Vice President, 2002-06.

SYRACUSE UNIVERSITY COLLEGE OF LAW
Board of Visitors, 1979-2001.

HANDGUN CONTROL, INC., Washington, DC
Board of Gov., 1992-93, Board of Directors, 1987-89.

THE CENTER TO PREVENT HANDGUN VIOLENCE, Washington, DC
Board of Directors, 1989-92.

LAWYERS ALLIANCE FOR WORLD SECURITY, Washington, DC
Board of Directors, 1987-89.

CONGRESSIONAL TESTIMONY

Witness, Hearing on the Second Amendment, U.S. Senate
Judiciary Committee, Subcommittee on the Constitution,
Federalism, and Property Rights, Washington, DC, Sept.
23, 1998.

SELECTED PUBLIC APPEARANCES

Debated Second Amendment with Alan Gura, Esquire, Columbia
Law School, October 6, 2008.

Guest, "Radio West," KUER (NPR affiliate), Salt Lake City,
UT, June 30, 2008 (one-hour segment devoted to Second
Amendment and *D.C. v. Heller*).

Guest, "On Point with Tom Ashbrook," NPR, March 17, 2008
(discussing Second Amendment).

Panelist, Briefing on the Second Amendment and the Supreme
Court, sponsored by the American Constitution Society,
National Press Club, Washington, D.C., March 13, 2008.
Broadcast on C-Span on March 14, 2008, and subsequent
dates.

Debated the Second Amendment with Professor Mark V. Tushnet of Harvard Law School, at Roger Williams University School of Law, February 20, 2008.

Dinner Speaker, "William F. Buckley, Jr.," Quindecim Club, Naval War College, Newport, RI, February 19, 2008.

Featured Speaker, "The Second Amendment," Franklin Pierce Law Center, Concord, NH, January 29, 2008.

Speaker, "How to Defend the Torts System and Why Plaintiffs Lawyers Generally Get it Wrong," Governmental Affairs Conference, National Association of Trial Lawyer Executives, Providence, RI, November 14, 2007.

Debated "The Right to Bear Arms: A Surprising Split Among Liberals" with Professor Sanford Levinson of University of Texas School on "Justice Talking," broadcast on NPR stations during the week of June 18, 2007.

Debated the Second Amendment with Stephen P. Halbrook at "Bill of Rights Course 2007," State Bar of Texas, Dallas, TX, May 23, 2007.

Speaker, "Speaking to the Press: Implications for Your Case," Annual Institute, Indiana Trial Lawyers Assn., Indianapolis, IN, November 2, 2005.

Speaker, "The Right to Privacy," Constitution Day event, University of Massachusetts-Dartmouth, October 6, 2005.

Session Chair, "Gun Violence & Gun Regulation," Gun Control Conference sponsored by Second Amendment Research Center of Ohio State University and Stanford Criminal Justice Center, at Stanford Law School, Sept. 17, 2005.

Panelist, "Should Law Schools Train Students to be Social Engineers?" Rhode Island Bar Assn. Annual Meeting, Providence, RI, June 9, 2005.

Joint Presentations about Separation of Powers in Rhode Island with Jack M. Beermann of Boston University School of Law, at Roger Williams School of Law on March 2, 2005, and Boston University School of Law on April 2, 2005.

Debated the Second Amendment with Professor Sanford Levinson at the University of Chicago Law School, April 26, 2004, and Roger Williams University School of Law, October 11, 2005.

Featured Speaker, "The Politics of Tort Reform," Spring Membership Dinner, Connecticut Trial Lawyers Association, New Haven, CT, March 10, 2004.

Panelist, "Should Tort Law be a Form of Public Regulatory Law," Federalist Society Annual Student Symposium on Law and Public Policy, Vanderbilt Law School, Nashville, TN, Feb. 20, 2004.

Speaker, "Why Lawsuits Are Good for America," Annual Institute, Indiana Trial Lawyers Assn., Indianapolis, IN, Nov. 20, 2003.

Debated tort reform with Walter K. Olson, Senior Fellow of the Manhattan Institute, Albany Law School, Albany, NY, Oct. 21, 2003.

Debated "What Does the Second Amendment Protect?" with Akhil Reed Amar, Yale Law School, and Joyce Lee Malcolm, Bentley College, Social Law Library, Boston, MA, April 11, 2003.

Speaker, Forum on Separation of Powers, sponsored by Newport Chamber of Commerce and Newport Daily News, Newport, RI, Jan. 27, 2003.

Speaker, Forum on Separation of Powers, sponsored by Operation Clean Government, Rhodes on the Pawtuxet, RI, Jan. 20, 2003.

Speaker, Conference of Separation of Powers, co-sponsored by New Hampshire Judicial Council, St. Anselm College Institute for Politics, and Rutgers University Center for State Constitutional Studies, at St. Anselm College, Manchester, NH, Dec. 12, 2002.

Guest, "Radio Times," National Public Radio, Nov. 5, 2002 (discussing lawyer billing practices).

Speaker, Lambert Conference, Suffolk University Law School, Boston, MA, Nov. 1, 2002 (presented talk on

"Guns, Tobacco, Individual Responsibility and the Future of Tort Law").

Panelist, "Asbestos: What Went Wrong?" Association of the Bar of the City of New York, Oct. 21, 2002.

Guest, "Catherine Crier Live," Court TV, Oct. 21, 2002 (discussing *Why Lawsuits Are Good for America*).

Featured Speaker, *Why Lawsuits are Good for America*, Harvard Law School Association of Rhode Island, Providence, RI, May 7, 2002.

Author Series Lecture about *Why Lawsuits are Good for America*, Social Law Library, Boston, MA, March 6, 2002.

Guest, "The Ruth Koscielak Show," broadcast on WEZU, KDAL, KRWC and KDWA radio stations in Minnesota, Jan. 22, 2002 (discussing airlines compensation fund versus litigation for 9-11 claims).

Guest, "One Union Station," WRNI (NPR affiliate), Providence, Rhode Island, Aug. 9, 2001 (half-hour segment devoted to *Why Lawsuits are Good for America*).

Guest, "The Connection," National Public Radio, Aug. 2, 2001 (one-hour segment devoted to *Why Lawsuits are Good for America*).

Panelist, "Firearm Regulation: Present and Future," Conference on Second Amendment, sponsored jointly by Stanford Humanities Center and Stanford Law School, Stanford Law School, April 21, 2001.

Panelist, "How Should We Decide Punitive Damages," Symposium on Reforming Punitive Damages, sponsored by Harvard Journal on Legislation, Harvard Law School, March 13, 2001.

Panelist, "Is Tort Litigation Over Tobacco and Firearms Inconsistent with Democracy?" Federalist Society, Faculty Division Conference, San Francisco, Jan. 4, 2001.

Debated the Second Amendment with David B. Kopel, Research Director of the Independence Institute, at Middle Tennessee State University, Nov. 14, 2000.

Panelist, Symposium on Gun Control, Temple Society of Concord, Syracuse, NY, Oct. 15, 2000.

Panelist, "Firearms Litigation, Tort Liability, and The Second Amendment," Federalist Society, National Lawyers Convention, Washington, DC, Nov. 11, 1999.

Panelist, "Gun Violence Liability: Taking Aim at the Gun Industry - Are Guns the Next Tobacco," American Bar Association, Annual Meeting, Atlanta, GA, Aug. 9, 1999.

Debated gun control with John R. Lott at Carpenters' Hall, Philadelphia, PA, June 28, 1999; broadcast on public radio stations on various dates during the fall 1999 for Justice Talking series, produced by the Annenberg Center, University of Pennsylvania.

Presenter, National Conference on Gun Violence Liability, American Bar Association, Washington, DC, June 4-5, 1999; broadcast on C-Span, June 7, 1999.

Panelist, "The Constitutionality and Criminology of Gun Control," The Federalist Society, Faculty Division Conference, New Orleans, LA, Jan. 7, 1999.

Debated gun control policy with John R. Lott at Boston University School of Law, Oct. 15, 1998.

Presenter, Press Briefing on "Hidden History of the Second Amendment," National Press Club, Washington, DC, May 12, 1998.

Debated the Second Amendment with Professor Randy E. Barnett of Boston University Law School, at Roger Williams University School of Law, April 2, 1998.

Debated the Second Amendment with Sanford Levinson, "Heads Up With Michael Kinsley," CNN, May 28, 1995.

Debated gun control and the Second Amendment at the Annual Meeting of the Pennsylvania Bar Association, in Philadelphia, PA, May 11, 1994.

Debated gun control with Professor Nicholas J. Johnson of Fordham Law School, at University of Pennsylvania Law School, March 18, 1992.

Debated gun control with Dr. Paul Blackman, Research Coordinator of NRA, "The Deborah Norville Show," ABC Radio Network, Feb. 18, 1992.

- Often interviewed and quoted by media, including CBS Evening News, National Public Radio, *New York Times*, *Wall Street Journal*, *U.S. News & World Report*, *USA Today*, *Los Angeles Times*, *Chicago Tribune*, *Boston Globe*, *Newsday*, *Christian Science Monitor*, *Providence Journal*, *Financial Times* (London), *Rolling Stone*, *National Law Journal*, *Chronicle of Higher Education*.

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