

## GREGORY C. KEATING

USC Gould School of Law • Los Angeles, CA 90089-0071 • Tel: 213.740.2565 • Fax: 213.740.5502  
E-mail: [gkeating@law.usc.edu](mailto:gkeating@law.usc.edu) • <https://gould.usc.edu/faculty/profile/gregory-keating/>  
06/26/24

### EMPLOYMENT

#### UNIVERSITY OF SOUTHERN CALIFORNIA LAW SCHOOL

Los Angeles, California

*William T. Dalessi Professor of Law and Philosophy, 2020-Present*

*Maurice Jones, Jr. – Class of 1925 Professor of Law and Philosophy, 2019-2020*

*William T. Dalessi Professor of Law and Philosophy, 2006-2019*

*Vice Dean for Faculty and Academic Affairs, 2014-2016*

*Associate Dean for Academic Affairs, 2007-2009*

*William T. Dalessi Professor of Law, 2001-2006*

*Professor of Law, 1996-2001*

*Associate Professor of Law, 1993-1996*

*Assistant Professor of Law, 1991-1993*

Subjects: Torts, Law and Philosophy, Legal Profession, Products Liability,  
Restitution

#### UNIVERSIDAD ADOLFO IBÁÑEZ LAW SCHOOL

Santiago, Chile

*Visiting Professor of Law, March 2023*

#### HARVARD UNIVERSITY

Cambridge, Massachusetts

*Fellow-in-Residence, Edmund J. Safra Center for Ethics, 2019-2020*

#### YALE LAW SCHOOL

New Haven, Connecticut

*Florence Rogatz Visiting Professor, Fall 2013*

#### UNIVERSITY OF BRESCIA, FACULTY OF JURISPRUDENCE

Brescia, Italy

*Visiting Professor of Law, December 2010*

#### TEL AVIV UNIVERSITY, BUCHMANN FACULTY OF LAW

Tel Aviv, Israel

*Visiting Professor of Law May 2009*

#### HARVARD LAW SCHOOL

Cambridge, Massachusetts

*Visiting Professor of Law, Fall 2003*

#### PALMER & DODGE

Boston, Massachusetts

*Associate Attorney, 1987-1990*

FOLEY, HOAG & ELIOT  
Boston, Massachusetts  
*Associate Attorney, 1985-1987*

## EDUCATION

HARVARD LAW SCHOOL  
*Juris Doctor, 1985*  
Magna cum laude

PRINCETON UNIVERSITY, Department of Politics  
*Doctor of Philosophy, 1993*  
(Program in Political Philosophy)  
*Master of Arts, 1981*  
(Fields: Political Philosophy, Public Law and Jurisprudence, American Politics)

AMHERST COLLEGE  
*Bachelor of Arts, 1979*  
Summa cum laude, Phi Beta Kappa

## BOOKS

CASES AND MATERIALS ON TORT AND ACCIDENT LAW, 5<sup>TH</sup> Ed.  
(with James E Fleming, Leonard D. Feldman & Lewis D. Sargentich) (West Group, 2023)

REASONABLENESS AND RISK (Oxford, 2022)

*Awarded the 2024 Civil Justice Scholarship Award*, awarded annually by the National Civil Justice Institute to work that supports the American Civil Justice system.

CASES AND MATERIALS ON TORT AND ACCIDENT LAW, 4<sup>TH</sup> Ed.  
(with Robert E. Keeton and Lewis D. Sargentich) (West Group, 2004)

*Teacher's Manual to Accompany Tort and Accident Law*, 4<sup>th</sup> ed. (with Robert Keeton & Lewis Sargentich) (West Group, 2005)

CASES AND MATERIALS ON TORT AND ACCIDENT LAW, 3<sup>RD</sup> Ed.  
(with Robert E. Keeton and Lewis D. Sargentich) (West Group, 1998)

*Teacher's Manual to Accompany Tort and Accident Law*, 3<sup>rd</sup> ed. (with Robert Keeton & Lewis Sargentich) (West Group, 1998)

## ARTICLES AND BOOK CHAPTERS

*Pouring New Wine into Old Skins: The Case of Self-Driving Cars*, Ellen Bublick & John Goldberg, eds. A RESEARCH AGENDA FOR TORTS (forthcoming, Edward Elgar 2025)

*Is the Third Restatement of Design Defect a Defective Product?* 52  
SOUTHWESTERN LAW REVIEW 399 (2024)

*Putting "Duty" Back on Track*, 16 JOURNAL OF TORT LAW 301 (2023)

*Irreparable Injury and the Limits of the Law of Torts*, John Oberdiek & Paul Miller, (eds.) OXFORD STUDIES IN PRIVATE LAW THEORY: VOLUME II, 185-209 (2023)

*Enterprise Liability*, Martin Petrin & Christian Witting, eds. RESEARCH HANDBOOK ON CORPORATE LIABILITY, 330-349 (Edward Elgar 2023)

*Form and Function in Tort Theory*, 15 JOURNAL OF TORT LAW, 1 (2022)

*Form and Substance in the "Private" Law of Torts*, 14 JOURNAL OF TORT LAW 45 (2021)

*Foreword*, Ana Mercedes Lopez Rodriguez, Michael D. Green, Maria Lubomira Kubica, eds. LEGAL CHALLENGES IN THE NEW DIGITAL AGE, VII-IX (2021)

*Fair Precaution*, Hanoch Dagan & Benjamin Zipursky (eds.), RESEARCH HANDBOOK ON PRIVATE LAW THEORIES, 286-302 (2020)

*Corrective Justice: Sovereign or Subordinate?* Henry Smith et al. (eds.), THE OXFORD HANDBOOK OF THE NEW PRIVATE LAW, 37-52 (2020)

*Is Tort Law Private?* John Oberdiek & Paul Miller, (eds.) CIVIL WRONGS AND JUSTICE IN PRIVATE LAW, 351- 371 (2020)

*Between Absolutism and Efficiency: Reply to Professors Geistfeld, Grady, and Priel*, 39 Revus J. for Const. Theory & Phil. of Law, 37 (2019) available online at <https://journals.openedition.org/revus/5393>

*Justice for Guinea Pigs*, 11 L. INNOVATION & TECH. 1 (2019)

*Principles of Risk Imposition and the Priority of Avoiding Harm*, 36 REVUS J. FOR CONST. THEORY & PHIL. OF LAW 7 (2018)  
<https://journals.openedition.org/revus/4406>.

*Is Cost-Benefit Analysis the Only Game in Town?* 91 SOUTHERN CALIFORNIA L. REV. 195 (2018)

*Response to Fox: Impaired Conditions, Frustrated Expectations, and the Law of Torts*, 117 COLUMBIA L. REV. ONLINE 112 (2017)

*Products Liability as Enterprise Liability*, 10 J. TORT LAW 41 (2017).

*Duty or Right? A Comment on John Gardner's From Personal Life to Private Law*, 15 JERUSALEM REVIEW OF LEGAL STUDIES 152 (2017)

*Is There Really No Liability Without Fault?: A Critique of Goldberg & Zipursky*, 85 FORDHAM LAW REVIEW RES GESTAE 24 (2017)

*Comment on Avraham and Yuracko: Torts and the Paradox of Conservative Justice*, OHIO STATE LAW JOURNAL FURTHERMORE (2017)

*Must the Hand Formula Not Be Named?* 163 U. Pa. L. Rev. 367 (2015)

*The Ambiguous Standing of Suffering in Negligence Law*, Austin Sarat (ed.) KNOWING THE SUFFERING OF OTHERS: LEGAL PERSPECTIVES ON PAIN AND ITS MEANINGS, 78 - 121 University of Alabama Press (2014)

*Strict Liability Wrongs*, John Oberdiek (ed.), PHILOSOPHICAL FOUNDATIONS OF TORT LAW, 292 - 311 Oxford University Press (2014)

*When is Emotional Distress Harm?* Stephen G.A. Pitel, Jason W. Neyers and Erika Chamberlain (eds.), TORT LAW: CHALLENGING ORTHODOXY, Hart Pub. (2013)

*The Priority of Respect over Repair*, 18 LEGAL THEORY 293 (2012)

*Is the Role of Tort Law to Correct Wrongful Losses?* D. Nolan & A. Robertson, (eds.), RIGHTS IN PRIVATE LAW, Hart Pub. (2012)

*Nuisance as a Strict Liability Wrong*, JOURNAL OF TORT LAW, Vol. 4, Iss. 3, Article 2 (2012)

*Recovering Rylands*, 61 DEPAUL LAW REVIEW 543 (2012)

*Is Negligent Infliction of Emotional Distress a Freestanding Tort?* 44 WAKE FOREST LAW REVIEW 1131 (2009) (symposium on the Third Restatement of Torts)

*Putting Duty in its Place*, with Dilan A. Esper, 41 LOYOLA OF LOS ANGELES LAW REVIEW 1225 (2008) (symposium on Frontiers of Tort Liability)

*The Heroic Enterprise of Asbestos Adjudication*, 37 SOUTHWESTERN LAW REVIEW 623 (2008) (symposium on Asbestos Litigation)

*Personal Inviolability and Private Law*, JOURNAL OF TORT LAW, Vol. 1, Iss. 2, Article 4 (2007)

*Strict Liability and the Mitigation of Moral Luck*, JOURNAL OF ETHICS & SOCIAL PHILOSOPHY Vol. 1, No. 4 (2006)

*Abusing "Duty,"* with Dilan A. Esper, 79 SOUTHERN CALIFORNIA LAW REVIEW 265 (2006)

*Property Right and Tortious Wrong in Vincent v. Lake Erie*, ISSUES IN LEGAL SCHOLARSHIP, Article 6 (2005) (symposium on Vincent v. Lake Erie Transportation Co. and the Doctrine of Necessity)

*Pricelessness and Life: An Essay for Guido Calabresi*, 64 MARYLAND LAW REVIEW 159 (2005) (symposium on Guido Calabresi, THE COSTS OF ACCIDENTS)

*Rawlsian Fairness and Regime Choice in Tort Theory*, 72 FORDHAM LAW REVIEW 1857 (2004) (symposium on Rawls and the Law)

*Pressing Precaution Beyond the Point of Cost-Justification*, 56 VANDERBILT LAW REVIEW 653 (2003)

*Irreparable Injury and Fair Precaution: The "Safety" and "Feasibility" Norms in American Accident Law*, 4 THEORETICAL INQUIRIES IN THE LAW 1 (2003)

*The Theory of Enterprise Liability and Common Law Strict Liability*, 54 VANDERBILT LAW REVIEW 1285 (2001) (symposium on the Third Restatement of Torts)

*A Social Contract Conception of the Tort Law of Accidents*, in PHILOSOPHY AND THE LAW OF TORTS, Gerald J. Postema, (ed.), Cambridge University Press, (2001).

*Distributive and Corrective Justice in the Tort Law of Accidents*, 74 SOUTHERN CALIFORNIA LAW REVIEW 193 (2000)

*The Idea of Fairness in the Law of Enterprise Liability*, 95 MICHIGAN LAW REVIEW 1266 (1997)

*Reasonableness and Rationality in Negligence Theory*, 48 STANFORD LAW REVIEW 311 (1996)

*Fidelity to Preexisting Law and the Legitimacy of Legal Decision*, 69 NOTRE DAME LAW REVIEW 1 (1993)

*Justifying Hercules: Ronald Dworkin and the Rule of Law*, 1987 ABF RESEARCH JOURNAL 585 (review essay) (1987)

## OTHER WORKS

“The New ABA Model Rule 1.6 and the Expansion of Duties of Mandatory Disclosure,” with Christine Kawasaki, *Proceedings of the ABA Forum on Air and Space Law*, ABA Annual Meeting, Fall 2004

“Vexing Situations: Ethics and International Practice,” with Neil Millard and Robert E. Lutz, *The California International Practitioner*, Vol. 13, No. 2, p. 10 (2004)

“Fairness and Two Fundamental Questions in the Tort Law of Accidents,” *Social Science Research Network Working Paper Series*, Spring 2000

“Restating or Misstating the Law of Products Liability?” *USC Law 16*, Spring 1999

## ONLINE CONTRIBUTIONS

*Shifting the Paradigm in Private Law Theory*, JOTWELL (September 29, 2023) (reviewing David Blankfein-Tabachnick & Kevin A. Kordana, *On Rawlsian Contractualism and the Private Law*, 108 Va. L. Rev. 1657(2022)), <https://torts.jotwell.com/shifting-the-paradigm-in-private-law-theory/>.

*The Expectations of Consumers*, JOTWELL (September 27, 2022) (reviewing Mark Geistfeld, *Strict Products Liability 2.0: The Triumph of Judicial Reasoning Over Mainstream Tort Theory*, 14 J. Tort Law 403 (2021)). <https://torts.jotwell.com/should-the-expectations-of-consumers-matter/>

*Accountability and Addictive Wrongs*, JOTWELL (October 26, 2021) (reviewing Nora Engstrom & Robert Rabin, *Pursuing Public Health Through Litigation: Lessons from Tobacco and Opioids*, 73. *Stan L. Rev.* 285 (2021)), <https://torts.jotwell.com/accountability-and-addictive-wrongs/>

*Authority, Vulnerability, and Strict Liability*, JOTWELL (August 30, 2020) (reviewing CHRISTINE BEUERMANN, RECONCEPTUALISING STRICT LIABILITY FOR THE TORT OF ANOTHER (2019)), <https://torts.jotwell.com/authority-vulnerability-and-strict-liability/>

*Why Reparation?*, JOTWELL (September 5, 2019) (reviewing Sandy Steel, *Compensation and Continuity*), <https://torts.jotwell.com/why-reparation/>

*Whatever Happened to Dignity?*, JOTWELL (October 12, 2018) (reviewing Kenneth S. Abraham & G. Edward White, *The Puzzle of the Dignitary Torts*, 104 *Cornell L. Rev.*\_\_ (forthcoming 2018)), <https://torts.jotwell.com/whatever-happened-to-dignity/>

*Is Systemic Risk Special?*, JOTWELL (October 5, 2017) (reviewing Aaron James, *The Distinctive Significance of Systemic Risk*, 30 **Ratio Juris** 239 (2017), available at SSRN), <https://torts.jotwell.com/is-systemic-risk-special/>.

*Are Corporations Responsible Agents?*, JOTWELL (September 29, 2016) (reviewing Benjamin Ewing, *The Structure of Tort Law, Revisited: The Problem of Corporate Responsibility*, 8 **J. Tort Law** 1 (2015)), <https://torts.jotwell.com/are-corporations-responsible-agents/>.

*Is Negligence Law Less Objective Than We Think?*, JOTWELL (September 14, 2015) (reviewing Avi Dorfman, *Negligence and Accommodation: On Taking Other People as They Really Are*, (2014), available at SSRN), <https://torts.jotwell.com/is-negligence-law-less-objective-than-we-think/>.

*Tort Liability as Compensation*, JOTWELL (October 22, 2014) (reviewing Mark Gesitfeld, *Compensation as a Tort Norm*, in *Philosophical Foundations of the Law of Torts* (John Oberdiek ed., 2014)), <https://torts.jotwell.com/tort-liability-as-compensation/>.

*Redressing the Harm of Death*, JOTWELL (September 27, 2013) (reviewing Sean Hannon Williams, *Lost Life and Life Projects*, 87 **Indiana L.J.** 1745 (2012)), <https://torts.jotwell.com/redressing-the-harm-of-death/>.

*The (Mis)alignment Debate*, JOTWELL (November 5, 2012) (reviewing Jules L. Coleman, *Mistakes, Misunderstandings, and Misalignments*, 121 **Yale L.J. Online** 541 (2012)), <https://torts.jotwell.com/the-misalignment-debate/>.

*Founding Editor for the Torts Section, THE JOURNAL OF THINGS WE LIKE LOTS (Jotwell), [www.jotwell.com](http://www.jotwell.com) available at [torts.jotwell.com](http://torts.jotwell.com).*

Jotwell's mission is to fill a gap in legal scholarship by creating a space where legal academics can go to identify, celebrate, and discuss the best new legal scholarship.

## DISSERTATION

"Legal Rationality and the Rule of Law," accepted by the Faculty of Politics, Princeton University, 1993.

## SELECTED SCHOLARLY PRESENTATIONS

"*Treating Autonomous Vehicles as Reasonable Persons*," presented at a conference on A Research Agenda for Torts, sponsored by Harvard and University of Arizona law schools, held on Zoom, June 17, 2024.

"*Irreparable Injury and the Limits of the Law of Torts*," presented to the Second International Workshop on Private Law at the University (Externado) in Bogota, Columbia, May 7, 2024.

"*Reasonableness and Risk*," book presentation to the first meeting of the Los Angeles Torts Group at Southwestern Law School in Los Angeles, April 26, 2024.

*Reply to Commentators*, Book Symposium on "Reasonableness and Risk: Right and Responsibility in the Law of Torts," Faculty of Law at the University de Girona, Spain, March 13, 2024.

*Reply to Commentators*, Book Symposium on "Reasonableness and Risk: Right and Responsibility in the Law of Torts," USC Gould School of Law, February 9, 2024.

"*Reasonableness and Risk*," book presentation to the Obligations Discussion Group, Oxford University. Marco Capelletti & Sandy Steel commented. November 17, 2023.

*Restating Conflicted Law: the Case of Design Defect*, presented to the USC Gould Law School Faculty Workshop, Robert Rasmussen Commentator, November 16, 2023.

*Comment on Jordan Wallace-Wolf*, "Deviations and Assumptions of the Risk," presented at the 10th Annual North American Workshop on Private



Law Theory (NAWPLT-X) held at Rutgers Law School in Camden, New Jersey, November 3, 2023.

*Enterprise Liability – Four Themes from American Law*, presented as part of a panel entitled “A Transatlantic Dialogue on Comparative Tort Law” at the 2023 Annual Meeting of American Society of Comparative Law, Florida International University in Miami, Florida, October 23, 2023.

*Reflections on Reasonableness and Risk*, presented as the 2023-24 Tort Law Research Group Lecture, Western Law, Ontario Canada (formerly the University of Western Ontario, September 28, 2023.

*Tort As Basic Justice*, presented at the Tenth Biennial Conference on the Law of Obligations, held in Alberta, Canada July 11-14, 2023.

*Reply to Commentators*, Conference on Reasonableness and Risk, Gould School of Law, University of Southern California, May 5, 2023.

*Whither Duty? Brown v. USA Taekwondo*, presented at a conference on “Reinventing the Canon: Great Torts Cases of the 21<sup>st</sup> Century” held at the University of Arizona Law School in Tucson on April 14 & 15, 2023.

*Can We ‘Restate’ Conflicted Law? The Case of Design Defect*, presented at a a Symposium at Southwestern Law School on "Concluding the Restatement of Torts", March 24, 2023.

*The Moral Vision of WHAT’S LUCK GOT TO DO WITH IT?*, presented at the Conference in Honor of Edward Kleinbard held by Zoom in lieu of at USC Gould, November 5, 2021.

*Irreparable Injury and the Incompleteness of Tort Law*, presented at the Oxford Studies in Private Law Theory II Conference held by Zoom in lieu of Singapore, August 7, 2021.

*The Coming Collision: Autonomous Vehicles and Individual Fault Liability* presented at the New Frontiers in Tort Law Conference, held at Southwestern Law School on February 7, 2020.

*Form and Substance in the “Private Law” of Torts*, presented to the Legal Philosophy Group and the Institute of European and Comparative Private Law, University of Girona, Spain, January 24, 2020.

*Enterprise Liability and Autonomous Vehicles*, presented at the 1<sup>st</sup> International Conference, ICT 2020, Law & Criminology in the New

Digital Era, Universidad Loyola Andaluca, Seville, Spain, January 20, 2020.

*Form and Substance in the "Private Law" of Torts*, presented to the Edmund J. Safra Center for Ethics, Harvard University, December 10, 2019.

*Is the Law of Torts "Private Law"?* presented to the Harvard Law School Private Law Theory Workshop, Harvard Law School, October 23, 2019.

*Corrective Justice: Sovereign or Subordinate?* presented at the Landscape of Private Law Conference, held at Harvard Law School, March 15-16, 2019.

*Comment on Margaret Gilbert, Rights and Demands*, presented at the Conference on Margaret Gilbert: *Rights and Demands*, held by the University of California at Irvine, Center for Legal Philosophy, at UCI, February 8-9, 2019.

*Is Modern Tort Law Private?*, presented at a conference on Civil Wrongs and Justice in Private Law, held by the Institute for Law and Philosophy at Rutgers Law School, October 5-6, 2018.

*Justice for Guinea Pigs*, presented to the University of Michigan Legal Theory Workshop, University of Michigan Law School, September 20, 2018.

*Value and Precaution*, presented at the Analytic Law and Philosophy Conference (ALPC), University of Toronto, April 27 -28, 2018.

*Principles of Risk Imposition and the Priority of Avoiding Harm*, presented to the Faculty Workshop, University of San Diego School of Law, February 23, 2018; presented to the Law School Faculty Seminar, Keele University, Newcastle Under Lyme, England, May 3, 2017.

*Negligent Wrongs: Responsibility for Avoidable Harm*, presented to the University of California, Irvine Jurisprudence Colloquium "Law, Reason and Value," October 12, 2017.

*Enterprise Liability for Sexual Wrongs*, presented at the Seminar on "The Not So Beautiful Game: The Liability of Football Clubs for Sexual Abuse," Newcastle Law School, Newcastle Upon Tyne, England, May 8, 2017.

*Persons, Harm and Offsetting Risks*, presented at the Seminar on "Thinking Outside the Box: Strict Liability and Offsetting Risks, Conference on Liability versus Innovation: Unpacking Key Connections," Keele University, Newcastle Under Lyme, England, May 4, 2017.

*Products Liability as Enterprise Liability*, presented at the Obligations VII Conference, Downing College, Cambridge University, England, July 19-22, 2016.

*Is Duty the Master Concept of Private Law?* Comment on John Gardner's From Personal Life to Private Law, presented at the "Symposia on Arthur Ripstein's Private Wrongs and John Gardner's From Personal Life to Private Law," Department of Philosophy, Hebrew University in Jerusalem, June 26-27, 2016.

*The Priority of Avoiding Harm*, presented at the North American Workshop on Private Law Theory III, University of Toronto Law School, October 23-24, 2015; presented to the Legal Philosophy Group and the Institute of European and Comparative Private Law, University of Girona, Spain, March 11, 2016.

*Is Cost-Benefit Analysis the Only Game in Town?* Presented to the UCLA Legal Theory Workshop, October 19, 2017. Presented to the New York City Tort Theory Group at NYU Law School, September 28, 2015. Presented to a USC Faculty Workshop, November 5, 2015. Presented as the Third Annual Howard and Judith Udell Distinguished Lecture on the Law to the Buchmann Faculty of Law, Tel Aviv University, Israel, June 22, 2016.

Comment on Alan Schwartz, *Regulating for Rationality*, presented at "Who Knows? Law in an Information Society, a Festschrift in Honor of Richard Craswell," February 6-7, 2015, Stanford Law School.

*The Idea of Enterprise Liability*, presented to the University of California at Irvine Colloquium on Law and Philosophy, November 13, 2014.

*Prudence or Rationality?* Comment on Ben Zipursky, "Reasonableness in and Out of Negligence Law," University of Pennsylvania School of Law, Conference on "The New Doctrinalism," Philadelphia, Pennsylvania, October 24-25, 2014.

*Responsibility in Tort for Innocent and Justified Wrongs*, presented to the William and Mary Private Law Theory Workshop, William and Mary Law School, Williamsburg, Virginia, August 14-15, 2014.

*The Idea of Enterprise Liability*, presented to the Obligations VII Conference: The Common Law of Obligations: Divergence and Convergence, University of Hong Kong Faculty of Law, Hong Kong July 15-18, 2014.

*The Priority of Avoiding Harm*, presented to the Faculty Workshop at the University of California at Irvine Law School, April 11, 2014.

*Strict Liability Wrongs*, presented to the Yale Law School Law and Philosophy Speaker Series, December 12, 2013.

*When is Emotional Distress Harm?* presented to the Fordham Law School Legal Theory Workshop, December 4, 2013.

*The Justice of Strict Liability*, presented to the NYC Torts Group at New York University Law School, November 7, 2013.

*Rights, Wrongs and Harms in Strict Liability*, presented to the Harvard Law School Private Law Speaker Series, November 4, 2013.

*Strict Liability in Anglo-American Tort Theory*, Keynote Address, IX EnCuentro Internacional de Responsabilidad Civil – IARCE 2- Anos, Medellin, Colombia, September 5, 2013.

*Strict Liability Wrongs*, presented to the University of Toronto Law School Legal Theory Workshop, November 30, 2012, and to the Conference on the Philosophical Foundations of the Law of Torts, Rutgers School of Law, Camden, NJ, November 2-3, 2012.

*When is Emotional Distress Harm?*, presented to the Obligations VI Conference: Challenging Orthodoxy, Western University Law School, Ontario, Canada, July 18-20, 2012.

*Beyond Efficient Precaution: The Asymmetry of Harm and Benefit*, talk presented to the Association of American Law Schools Midyear Workshop on Torts, Environment and Disaster, Berkeley, CA, June 9 & 10, 2012.

*The Ambiguous Standing of Suffering in Negligence Law*, presented at “Knowing the Suffering of Others”, symposium held at the University of Alabama Law School, March 30, 2012.

*Recovering Rylands*, paper presented to the 17th Annual Clifford Symposium on Tort Law and Social Policy, DePaul University, Festschrift for Robert Rabin, 2012.

*Nuisance As a Strict Liability Wrong*, presented at the Conference on Property, Tort and Private Law Theory, USC Gould School of Law, October 22-23, 2010.

*Is Tort a Remedial Institution?*, paper presented to the USC Faculty Workshop, January 2010; to the UCLA Legal Theory Workshop, February 2010; and to the New York City Tort Law Group, March 2010.

*Existence of Obligation and Extent of Liability in the Law of Negligent Infliction of Emotional Distress*, paper presented to the Symposium on the Third Restatement of Torts, Wake Forest University School of Law, April 2-3, 2009.

*Putting Duty in its Place*, paper presented to the Conference on "Frontiers of Tort Liability," Loyola of Los Angeles Law School, January 2008. Earlier versions presented to faculty workshops at Boston College Law School and Boston University Law School.

*Comment on Geistfeld*, presentation to the Symposium on Asbestos Liability at Southwestern Law School, January 2008.

*Is the Role of Tort Law to Repair Wrongful Losses?*, paper presented at the Obligations V Conference, St. Anne's College, Oxford University, July 2007.

*Must Liberal Tort Law Be "Private"?*, paper presented to the Conference on Tort Law and the Modern State, Columbia Law School, September 15-16, 2006.

*Strict Liability and the Mitigation of Moral Luck*, paper presented to the USC Center for Law and Philosophy Conference on "The Morality of Fortune," March 24-25, 2006.

*Property Right and Tortious Wrong in Vincent v. Lake Erie*, paper presented to the University of Southern California Law School Faculty Workshop, February 3, 2006.

*Abusing "Duty": The Emerging Torts Jurisprudence of the California Courts*, (co-authored with Dilan A. Esper) paper presented to the University of Southern California Law School Faculty Workshop, January 26, 2004; to the New York Law and Philosophy Group at NYU School of Law, March 12, 2004; and to the Florida State University Law School Faculty Workshop, February 3, 2005.

*Sacrificing Lives: An Essay for Guido Calabresi*, paper presented at "A Symposium on Calabresi's The Costs of Accidents: A Generation of Impact on Law and Scholarship," University of Maryland School of Law, April 23-24, 2004.

*Rawlsian Fairness and Regime Choice in the Law of Accidents*, paper presented at "A Conference on Rawls and the Law," Fordham University School of Law, November 7-8, 2003.

*Fairness, Reciprocity of Risk and Regime Choice in the Law of Accidents*, paper presented to the Harvard Law School Faculty Workshop, October 29, 2003.

*Commentary on Ravit Reichman, "'Let us Not Desert One Another': The Lessons of Torts,"* USC, Columbia & Georgetown, Humanities Junior Scholars Workshop, USC School of Law, June 16, 2002.

*Beyond Cost-Justified Precaution*, paper presented to the International Conference on "Negligence in the Law," Cegla Institute for Comparative and Private International Law, Tel Aviv University, Buchmann Faculty of Law, Tel Aviv, Israel, April 5, 2001, and to the Northwestern University Law School Faculty Workshop, April 26, 2001.

*Devastating Injury and Due Care*, paper presented to the University of Southern California Law School Faculty Workshop, March 15, 2001.

*The Worker's Compensation Acts and Common Law Strict Liability*, paper presented to the John W. Wade Conference on the "Third Restatement of Torts: General Principles," Vanderbilt University Law School, September 15-16, 2000.

*Legal Ethics and Strategic Litigation*, paper presented to the Conference on "Professionalism in the Age of Self-Interest," Institute for Ethics and Public Policy, Cal Poly Pomona, April 29, 1999.

*Ethical Issues in the "New Corporate Tax Shelters,"* with Michael Knoll; paper presented to the USC Tax Institute, January 1999.

*Freedom and Fairness in the Tort Law of Accidents*, paper presented to the University of Michigan Law School Workshop in Legal Theory, November 1998.

*Accident Law as a Realm of Equal Freedom and Mutual Benefit*, paper presented to the University of North Carolina Workshop in Law and Philosophy, National Humanities Center, Chapel Hill, North Carolina, September 26-28, 1997.

*Economic and Non-Economic Conceptions of Damages*, paper presented to the Conference on Law, Risk and Risk Management at the Gruter Institute, University of California at Berkeley, September 26-30, 1996.

*Freedom and Fairness in the Law of Enterprise Liability*, paper presented to the University of Southern California Faculty Workshop, April 1994.

*The Economic Interpretation of the Hand Formula*, paper presented to the University of Southern California Faculty Workshop, December 1993.

*The Rule of Law and the Legitimacy of Legal Decision*, paper presented to the USC-Oxford Legal Theory Institute, Balliol College, Oxford University, July 31, 1992, and to the University of Southern California Law School Faculty Workshop, May 21, 1992.

## COURSES

Torts (required first-year course); Advanced Accident Law; Torts II; Legal Profession (required first-year course); Law, Language & Values (required first-year course); Restitution; Seminars on topics in political and legal philosophy.

## CONFERENCES AND WORKSHOPS

Co-Organizer, Memorial Conference for Ed Kleinbard, November 5, 2021.

Co-Organizer, Book Launch Event, Ed Kleinbard, "What's Luck Got to Do With It?," March 31, 2021.

Commentator and Co-Referee for Jurisprudence Section Papers at the Harvard/Stanford/Yale Junior Faculty Forum, June Jurisprudence Section of the Harvard-Stanford-Yale Junior Faculty Forum, June 27-28, 2014.

Commentator and Co-Referee for Torts Section Papers at the Stanford/Yale Junior Faculty Forum, June 24-25, 2011.

Organized Conference on Property, Tort and Private Law Theory, held at the USC Gould School of Law, October 22-23, 2010.

Co-Moderator with Dr. Ezekiel Emanuel, Director of the Division of Bioethics at the National Institutes of Health, The Aspen Institute, Socrates Seminar "Professional Roles and Individual Integrity," February 18-20, 2006.

## PROFESSIONAL SERVICE

USC Law School:

Member, Faculty Appointments Committee, 2023-24  
Member, Subcommittee on Promotion of Jeesoo Nam, 2023-34  
Co-Chair, Center for Law and Philosophy, 2023-24  
Member, Admissions Committee, 2022-23  
Chair, Board of Review, 2022-23  
Member, Administration and Finance Committee, 2021-22  
Co-Chair, Law and Philosophy Workshop with Jonathan Quong, 2021-22  
Chair, Faculty Appointments Committee, 2020-21  
Coordinator, Faculty Workshop Series, 2020-21  
Co-Organizer with Jonathan Quong of the Law and Philosophy Workshop, 2020-21  
Co-Organizer with Felipe Jimenez of the Private Law Theory Workshop, Spring 2021.  
Chair, Board of Review, Member, Academic Affairs Committee;  
Member, Subcommittee on the Promotion of Sam Erman, 2018-19  
Chair, Academic Affairs Committee; Member Administration and Finance Committee, 2017-18  
Member, ex officio, Academic Affairs Committee, Administration and Finance Committee, Faculty Appointments Committee, 2014-15  
USC Gould School of Law Dean Search Committee, 2014-15  
Chair, Faculty Appointments Committee, 2012-13  
Chair, Administration and Finance Committee, 2012-13  
Chair, Faculty Recognition Committee, 2011-2013  
Chair, Promotion and Tenure Committee, 2011-12  
Chair, Subcommittee on Promotion of Jonathan Barnett, 2011-12  
Chair, Administration and Finance Committee, 2010-11  
Faculty Representative to Academic Senate, 2010-11  
Member Academic Affairs Committee, Spring 2010  
Chair, Subcommittee on Promotion of Kim Shayo Buchanan, Fall 2009  
Chair Clinical and Service Learning Committee, 2007-2009  
Chair, Academic Affairs Committee, 2007-2009  
Faculty Appointments Committee, 2006-2009  
Chair, Administration and Finance Committee, Fall, 2006  
Board of Review, 2005-2006  
USC Gould School of Law Dean Search Committee, 2005-2006  
University Committee Advising the Provost on Tenure, 2000-2004  
Administration and Finance Committee, 1998-1999  
Promotion and Tenure Subcommittee for Ariela Gross, 1997-1998  
Faculty Appointments, 1997-2003, 2005-2006  
Clerkship Committee, 1996-1997, 2003-2005  
Faculty Workshop Coordinator, 1996-1997, 2004-2005



Academic Affairs Committee, 1993-1994  
Admissions and Financial Aid, 1991-1993; 1994-1996

Editorial Boards:

*Journal of Legal Theory*, 2009-present

*Journal of Tort Law*, 2007-present

*Law and Philosophy*, 2013-present

MEMBERSHIPS

Phi Beta Kappa, American Law Institute, AALS Section of Jurisprudence (Treasurer, 1995), AALS Torts and Compensation Section, Los Angeles Law and Philosophy Discussion Group.

OTHER

Married (Dr. Carol McCleary); two children (Lindsay McCleary Keating and Emily McCleary Keating).