

STEPHEN D. SUGARMAN

PROFESSIONAL APPOINTMENTS:

Roger J. Traynor Professor of Law, Boalt Hall, School of Law, University of California, Berkeley (since 1972)

Associate Dean, School of Law, University of California, Berkeley July 1980 - June 1982, July 2004 – June 2009

Visiting Professor, Columbia Law School, Columbia University, New York 1996-97 and 2007

Visiting Professor Tel Aviv University Buchmann Faculty of Law, Tel Aviv, Israel 2010

Guest Professor, Kyoto University Faculty of Law, Kyoto, Japan 1998

Visiting Fellow, Kobe University School of Law, Kobe, Japan 1998

Visiting Fellow, European University Institute, Florence, Italy 1993

Visiting Fellow, University College, Faculty of Law, University of London, London, England 1986 and 1988

Visiting Professor, University of Paris, France 1983

Academic Visitor, Law Faculty, London School of Economics and the Institute for United States Studies, University of London, London, England, 1978-79

Director, New York State Commission on the Cost, Quality and Finance of Elementary and Secondary Education, 1970

Research Associate, Northwestern University School of Law (European Research) 1968

Attorney with O'Melveny & Myers, Los Angeles, California, 1967-72

EDUCATION:

J.D., Northwestern University School of Law, June 1967; summa cum laude

B.S. in Business Administration, Northwestern University, June 1964; with highest distinction

PUBLICATIONS:

BOOKS & MONOGRAPHS

18. Torts – A Wider View (Vandeplas 2014)
17. Family Security Insurance – A new Foundation for Economic Security, (Ann O’Leary, Angela Clements, Gillian Lester, Stephen Sugarman) Berkeley Center on Health, Economic & Family Security (2010)
16. Torts Stories, with Robert L. Rabin, Foundation Press, 2003
15. Regulating Tobacco, with Robert L. Rabin, Oxford University Press, 2001
14. School Choice and Social Controversy, with Frank Kemerer, Brookings Institution Press, 2000
13. Making School Choice Work for All Families, with John E. Coons, Pacific Research Institute, 1999
12. All Our Families: New Policies for a New Century, with Mary Ann Mason and Arlene Skolnick, Oxford University Press, 1998; revised and expanded Second Edition, 2002
11. Smoking Policy: Law, Politics & Culture, with Robert L. Rabin, Oxford University Press, 1993
10. "Pay at the Pump" Auto Insurance, Institute of Governmental Studies Press, Berkeley, 1993
9. Scholarships for Children, with John E. Coons, Institute of Governmental Studies Press, Berkeley, 1992
8. Divorce Reform at the Crossroads, with Herma Hill Kay, Yale University Press, 1990
7. Doing Away With Personal Injury Law, Quorum Books, Greenwood Press, 1989 (Selections reprinted in R. Rabin ed., Perspectives on Tort Law, 4th ed., Little Brown, 1995)
6. “Forcing Welfare Mothers to Cooperate with State Officials in Obtaining Child Support for Their Illegitimate Children,” an original case study published as four chapters in Mnookin et al, In the Interest of Children, W. H. Freeman & Co., 1985, reprinted by Harvard Law School Project on Negotiation, 1996
5. School Sorting and Disclosure: Disclosure to Parents as a School Reform Strategy, National

Institute of Education, 1982

4. Die Diskussion Um Die Reform Der Englischen Sozialhilfe (Social Security Reform in Great Britain) Universitat Bremen, 1982

3. Education by Choice: The Case for Family Control, with John E. Coons, University of California Press, 1978 (Japanese version translated by Y. Shiraishi and published in 1998)(1999 new edition published by Educator's International Press)

2. The Family Choice in Education Act, with John E. Coons, Institute of Governmental Studies Press, Berkeley, 1971

1. Private Wealth and Public Education, with John E. Coons and William H. Clune, Harvard University Press, 1970

ARTICLES, CHAPTERS, REPORTS, REVIEWS AND OCCASIONAL PIECES

195. "Restating the Tort of Battery" 10 Journal of Tort Law (2017)

194. "Is it Unconstitutional to Prohibit Faith-Based Schools from Becoming Charter Schools?" 32 Journal of Law and Religion (2017)

193. "Torts and Guns," 10 Journal of Tort Law 1 (2017)

192. "Encourage Vaping to Help Reduce Smoking" RegBlog March 13, 2017

191. "Misusing the 'No Duty' Doctrine in Tort Decisions: Following the *Restatement (Third) of Torts* Would Yield Better Decisions," 53 Alberta Law Review 913 (2016) (Honoring Professor Lewis Klar)

190. "To Help Smokers Quit, Make Them Vapers," Los Angeles Times September 10, 2015

189. "Should Food Businesses Be Able to Use the First Amendment to Resist Providing Consumers with Government-Mandated Public Health Messages?" 5 Food and Drug Law Policy Forum (4) (April 2015)

188. "The United States, Chapter 10" in Regulating Tobacco, Alcohol and Unhealthy Foods: The Legal Issues, Tania Voon, Andrew Mitchell and Jonathan Liberman (eds.) Routledge, UK 193 (2014)

187. "Compelling Product Sellers to Transmit Government Public Health Messages" 29 Journal of Law and Politics 557 (2014)

186. "The Case for Performance-Based Regulation of Food and Beverage Retailers (RegBlog February 10, 2014)

185. “Outcome-Based Regulatory Strategies for Promoting Greater Patient Safety” 15 *Theoretical Inquiries in Law* 573-603 (2014)
184. “Enticing Business to Improve the American Diet” 36 *Law & Policy* 91 (2014)
183. “Tax Credit School Scholarship Plans” 43 *Journal of Law and Education* 1 (2014)
182. “Torts in Law” in International Encyclopedia of Social and Behavioral Sciences, Second Edition 429-433 (2015)
181. “Using Outcome Regulation to Contend with Lifestyle Risks in Europe: Tobacco, Unhealthy Diets, and And Alcohol” in Regulating Lifestyle Risks in Europe, Alemanno and Garde eds. Cambridge University Press (2014)
180. “Tort Damages for Non-Economic Losses” in Comparative Tort Law, Bussani and Sebok eds., Edward Elgar (2014). Italian translation: Anthony J. Sebok and Stephen D. Sugarman, Sani Dollari E Dolori (a cura di Marta Infantino and Mauro Bussani, Editoriale Scientifica, Napoli 2016).
179. “The Sugar Fix - Regulation at Retail Level” *San Francisco Chronicle* June 27, 2012
178. “Why We Need to Readjust the Tort System” *The Atlantic*, July 3, 2012
177. “Why No Duty?” 61 *DePaul Law Review* 669-696 (2012 Clifford Symposium)
176. “Income Security When Temporarily Away from Work” in Shared Responsibility, Shared Risk, J. Hacker and A. O’Leary eds. (Oxford University Press) 102 (2012)
175. “Compensation for Personal Injury: What Nations Might Learn From Each Other” 38 *Pepperdine Law Review* 597-622 (2011)
174. Fleming’s “The Law of Torts”, 10th edition (chapter 10 on the law of Damages, pp. 261-299) (2011)
173. “The Transformation of Tort Law” in Materials on Tort Reform (A. Popper ed.) 40 (2010)
172. “Jack Coons: School Choice Champion” 4 (2) *Journal of School Choice* 191(2010)
171. “Performance-based Regulation: Enterprise Responsibility for Reducing Death, Injury and Disease Caused by Consumer Products” 34 *Journal of Health Policy Politics and Law* 1035-1077 (2009)
170. “Land Possessor Liability in the Restatement Third of Torts: Too Much and Too Little” 44 *Wake Forest University Law Review* 1079-1092 (2009)
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167. "Innovative Legal Approaches to Address Obesity" 87 Milbank Quarterly 185-213 (2009) (with Pomeranz, Teret, Rutkow and Brownell)
166. "How Retailers Could Help Us Cut Salt Intake" SF Chronicle March 1, 2009
165. "No more business as usual: enticing companies to sharply lower the public health costs of the products they sell" 123 Public Health 275 (2009)
164. "Using Performance-Based Regulation to Reduce Childhood Obesity" 5 Australia and New Zealand Health Policy 26 (2008) (with Nirit Sandman)
163. "What Is A 'Family'? Conflicting Messages from Our Public Programs" 42 Family Law Quarterly 231-261 (2008)
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161. "How Gun Makers Can Help Us: make firearms manufacturers figure out how to reduce the 12,000 shooting deaths each year" Los Angeles Times June 29, 2008 (with Jeffrey Fagan)
160. "Should Tobacco Companies Be Required to Reduce Their Number of Customers?" <http://www.alternet.org/healthwellness/73783>
159. "Framing Public Interventions With Respect to Children as Parent-Empowering" in Raising Children (N. Gilbert and J. Berrick, eds., Oxford University Press 2008)
158. "The Case for Specially Compensating the Victims of Terrorist Acts: An Assessment" 35 Hofstra L. Rev. 901 (2007) (with Robert Rabin), reprinted in Victim: A Juridical Approach (A. Sabitha ed., Hyderabad, India 2008)
157. "Cases in Vaccine Court -- Legal Battles Over Vaccines and Autism" 357:13 New England Journal of Medicine 1275 (September 27, 2007)
156. "Fighting Childhood Obesity Through Performance-Based Regulation of the Food Industry" 56 Duke L. J. 1403-1490 (2007) (with Nirit Sandman)
155. "Who Counts as an American Family?" in Family and the Law in the 21st Century 943-963 (2007)
154. "Roles of Government in Compensating Disaster Victims" 2007 Issues in Legal Scholarship (Article 1) 1-35 reprinted as Ch 20 in Disaster Law, D Farber and M Faure, Elgar UK 2010.
153. "Ideological Flip-Flop: American Liberals Are Now the Primary Supporters of Tort Law" in Essays on Tort, Insurance, Law and Society in Honour of Bill W. Dufwa (Vol. II, 1105-22, 2006)

152. "A Comparative Law Look at Pain and Suffering Awards," 55 DePaul Law Review (Clifford Symposium) 399-434 (2006)
151. "Presenting the Fleming Award to Justice Allen Linden at Pepperdine University School of Law" 33 Pepperdine Law Review 925-927 (2006)
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148. "Let's Try Performance-Based Regulation to Attack Our Smoking and Obesity Problems," 38 Boalt Hall Transcript (#2) 30 (2005)
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146. "Comparing Tobacco and Gun Litigation" in Suing the Gun Industry 196 (T. Lytton ed. 2005)
145. "Conflicts of Interest in the Roles of the University Professor," 6 Theoretical Inquiries in Law 255 (2005)
144. "A New Diet Plan," 27 Legal Times, January 10, 2005 (Reprinted as "Slimming Fat Albert," The Recorder January 28, 2005)
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142. "The Promise of School Choice for Improving the Education of Low-Income Minority Children" 2004 California Law Review (special issue)
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138. "Introduction" (with Robert L. Rabin) in Torts Stories (R. Rabin & S. Sugarman eds.)

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133. "Rethinking Tort Doctrine: Visions of a Restatement (Fourth) of Torts" 50 UCLA L. Rev. 585-619 (2002) (translated into Chinese and reprinted in *Comparative Study on Torts* 797 (2006))

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131. "United States Tort Reform Wars" 25 University of New South Wales Law Journal 849-53 (2002) (reprinted in 8 University of New South Wales Law Forum 27-29 (2002))

130. "The United States Supreme Court and Education" Macmillan Encyclopedia of Education (Second Edition 2002)

129. "Mixed Results From Recent United States Tobacco Litigation" 10 The Tort Law Review 94-126 (2002)

128. "Charter School Funding Issues" 10 Education Policy Analysis Archives (#34, pp 1-15)(August 9, 2002) available at <http://epaa.asu.edu/epaa/v10n34.html>.

127. "Tobacco Tort Litigation in California: A Better Understanding of Civil Code Section 1714.45" 38 San Diego Law Review 1051-1080 (2001)

126. "International Aspects of Tobacco Control and the Proposed WHO Treaty" in Regulating Tobacco, R. Rabin & S. Sugarman eds., 245-284, Oxford University Press (2001)

125. "Perspectives on Policy" (with Robert Rabin) in Regulating Tobacco, R. Rabin & S. Sugarman eds., 3-10, Oxford University Press (2001)

124. "Approving Charter Schools: The Gatekeeper Function" 53 Administrative Law Review 869-942 (2001)

123. "Hooking Children," Sacramento Bee, April 25,2001

122. “Liberals and the School Choice Debate” 67Congress Monthly 6 (No. 6 November/December, 2000)
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120. “Vouchers, Prop 38 – and a Populist Hope Betrayed” (with John E. Coons) Sacramento Bee, September 24, 2000
119. “It’s Not a Good Choice for Our Poor Families: A California Initiative on School Vouchers would Benefit Students who Least Need the Help” (with John E. Coons) Los Angeles Times, July 27. 2000
118. “Review of Viteritti *Choosing Equality: School Choice, the Constitution, and Civil Society*” 103 Teachers’ College Record 75 (2001)
117. “School Choice for Low Income Families,” Rutgers Journal of Law and Religion, 2000) www-camlaw.rutgers.edu/publications/law-religion/
116. “A Century of Change in Personal Injury Law” 88 California Law Review 2403-2436 (2000) (translated into Chinese and appearing in *Comparative Study on Torts* 317 (2006))
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114. “The Nature and Extent of School Choice” (with Jeffrey R. Henig) in School Choice and Social Controversy, S. Sugarman and F. Kemerer, eds., 13-35, Brookings Institution Press (2000)
113. “Introduction” (with Frank Kemerer) in School Choice and Social Controversy, S. Sugarman and F. Kemerer, eds., 1-9, Brookings Institution Press (2000)
112. “International Aspects of Tobacco Control” in Sociolegal Studies of Tobacco Litigations: Hermeneutics of the Contemporary Law, T. Tanese, ed., 170-182, Sekai-shiso Sha (2000) (in Japanese translated by Kayo Minamino)
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107. The Importance of Civil Procedure in the American Legal System, 1999-1 Amerika Ho (Japanese American Society for Legal Studies) 8-13 (in Japanese)
106. “School Choice in the U.S.” 5 Education Administration, Finance and Policy Review (March 1999, Kyoto University)
105. “Let Employees Control Their Paid Time Off” Knight-Ridder Syndicated Op-ed, carried May 22, 1999
104. “Florida’s Voucher Plan: Public Schools at Last?” (with John E. Coons) Knight-Ridder Syndicated Op-ed, carried May 13, 1999
103. “Liability Issues” in Proceedings of the Conference on the So-Called Global Tobacco Settlement: Its Implications for Public Health and Public Policy, Institute of Legal Studies, University of Wisconsin Law School, October 15-17, 1997 (1998)
102. “Single Parent Families” in All Our Families, M. Mason, A. Skolnick and S. Sugarman, eds., 13-38, Oxford University Press (1998) (reprinted in Shifting the Center (2nd ed), Susan J. Ferguson, ed., Mayfield Publishing Company 2001)
101. “Introduction” (with Mary Ann Mason and Arlene Skolnick) in All Our Families, M. Mason, A. Skolnick and S. Sugarman, eds., 1-12, Oxford University Press (1998)
100. “Suing the Tobacco Companies in U.S. and Japan” 15 Nihon University Comparative Law Institute 183-197 (1998)
99. “Personal Injury and Social Policy: Institutional and Ideological Alternatives” in Torts Tomorrow -- A Tribute to John Fleming, N.J. Mullany and A.M. Linden, eds., 290-304, The Law Book Company (1998) (3 Private Law Review 146-166 (2003) Chinese translation)
98. “The Smoking War and the Role of Tort Law” Oxford University Press The Law of Obligations: Essays in Celebration of John Fleming, P. Cane and J. Stapleton, eds., 343-360, Oxford University Press (1998) (republished in 1 Daito Bunka Comparative Law and Political Science Review 40-55 (2001))
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94. "Assumption of Risk" 31 Valparaiso U. Law Review 833-878 (1997) (1997 Monsanto Lecture on Tort Reform)
93. "Welfare Reform and the Cooperative Federalism of America's Public Income Transfer Programs" 1996 Yale Law and Policy Review/Yale Journal on Regulation 123-147
92. "Spousal Emotional Abuse as a Tort?" (with Ira Ellman) 55 Maryland Law Review 1269-1343 (1996), reprinted in 46 Defense Law Journal 459-538 (1997)
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88. "Smoking Guns" Review of Glantz "The Cigarette Papers," Hilts, "Smokescreen," and Kluger "Ashes to Ashes" 273 Science 744 (1996)
87. "Use U.S. Education Vouchers to Give Poor Families a Choice" (with John E. Coons) Sacramento Bee, June 21, 1995 reprinted in the Orange County Register
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78. "Reforming Welfare Through Social Security" 26 University of Michigan Journal of Law Reform 817-851 (1993)
77. "Les Projets de Reforme de la Responsabilite Medicale aux Etats-Unis" 16 Risques 117 (France), 1993
76. "Family Law for the Next Century" 27 Family Law Quarterly 175 (1993) (and editor of Special Conference Issue, Family Law Quarterly, Summer 1993)
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70. "Employer Discrimination Against Workers With 'Unhealthy Lifestyle' Indicators" in The Challenge of Financial Incentives and Risk Rating, S. Muchnick ed., (Washington Business Group on Health 1992)
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63. Review of Chubb and Moe "Politics, Markets and America's Schools" Momentum (February 1991)
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61. "Dividing Financial Interests on Divorce" in Divorce Reform at the Crossroads, S. Sugarman and H. Kay, eds. Yale University Press 1990
60. "The Private School Option in Systems of Educational Choice" (with John E. Coons) 48 Educational Leadership No. 4 at 54 (December, 1990)
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56. "Choosing Among Systems of Auto Insurance for Personal Injury" 27 University of San Diego Law Review 977 (1989)
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33. "Educational Tax Credits versus School Vouchers" (with John E. Coons) in Family Choice in Schooling M. Manley-Casimir ed., Lexington Books, 1982

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1. "Educational Opportunity: A Workable Constitutional Test for State Financial Structures" (with John E. Coons and William H. Clune, III) 57 California Law Review 305 (1969)

COURSES TAUGHT:

Torts, Tort Theory and Policy, Torts Stories, Sports Law, Sports Stories, Law and Social Justice, Welfare and Social Security Law, Community Law Practice, Educational Policy and the Law, Education Law Stories, Children and The Law, The Family in Public Programs, Critical Reading of Faculty Scholarship, Food Law and Policy

MAJOR UNIVERSITY SERVICE:

Associate Dean (and sometime Acting Dean), School of Law, University of California, Berkeley 1980-82, 2004-09

Faculty Director, Berkeley Law, Center on Health, Economic & Family Security (2008-11)

Faculty Director, Berkeley Law, International Executive and Legal Education program (IELE) (2011-14)

Board of the University of California Retirement System 1994-2002

UC Berkeley Budget Committee 2000-03

University Committee on Faculty Welfare, 1986-2001, chair 1988-89, vice chair 1987-88

UC Systemwide Academic Council 1988-89

Faculty Welfare Committee, Berkeley Division 1986-99, chair 1993-95 and 1997-98

Director of the Family Law Program of the Earl Warren Legal Institute, UC Berkeley 1988-99

Chair, Systemwide Health Sciences Committee to review the School of Optometry, Berkeley 1986-88

Chair of Law School Committees including Faculty Appointments, Admissions, LLM Program, Tenure Advisory Committee, Financial Aid, Curriculum Policy, and Budget

RECENT AND CURRENT UNIVERSITY AND PROFESSIONAL SERVICE:

Member, UC Berkeley Law School's Merit Review Advisory Committee

Chair, UC Berkeley Law School's John G. Fleming Prize and Lecture

Chair, UC Berkeley NAGPRA (Native American Graves Protection and Repatriation Act) Committee and UC Berkeley Representative to the System-wide NAGPRA Committee

Member, Faculty Advisory Committee to the Berkeley Art Museum and Pacific Film

Archive

Member, Faculty Advisory Committee to the UC Berkeley Center for Children and Youth Policy

Member, Academic Senate Committee on Memorial Resolutions

Trustee, ChangeLab/Solutions (an Oakland-based public health and law non-profit that I started some 20 years ago).

Consultant to several Robert Wood Johnson Foundation's public health law and policy programs

Advisor to several international grant-making organizations

[Information compiled as of July 15, 2017]