

STEPHEN D. SUGARMAN

PROFESSIONAL APPOINTMENTS:

Roger J. Traynor Professor of Law, Berkeley 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

201. "Influencing the Preferences of Children through Legal Impacts on Parenting Style" 22.1 Theoretical Inquiries in Law 328 (2021)

200. "The Failed Quest for Equal Educational Opportunity: Regulating Education the Way We Regulate Business" 50 Journal of Law and Education 1 (2021)

199. "Re-imagining the Dignitary Torts" with Caitlin Boucher, Journal of Tort Law 1-92 (2021)

198. "Peter Cane on Torts" book chapter Hart Publishing (2021 forthcoming)

197. "Justice Roger J. Traynor, Pragmatism, and the Current California Supreme Court Justice Roger J. Traynor, Pragmatism, and the Current California Supreme Court", 71 Hastings L.J. 975-1018 (2020)

196. Limited Inalienability Rules (with Ariel Porat), 107 Georgetown Law Journal 701-46 (2019)

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)
169. "Salt, High Blood Pressure, and Performance-based Regulation" 3 *Regulation and Governance* 84-102 (2009)
168. "Can Pro Baseball Save Itself?" *SF Chronicle* April 17, 2009 (with Jasper Rine)
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)
162. "Should we use regulation to demand improved public health outcomes from industry? Yes" *BMJ* 2008;337:a1750 (British Medical Journal Head to Head debate October 3, 2008)
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

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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)
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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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144. "A New Diet Plan," 27 *Legal Times*, January 10, 2005 (Reprinted as "Slimming Fat Albert," *The Recorder* January 28, 2005)
143. "Order Firms to Reduce Rate," *National Law Journal* (Feb 7, 2005)(Reprinted in *Broward*

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141, "Precise Justice and Rough Justice: Scientific Causation in Civil Litigation as Compared with Administrative Compensation Plans and Mass Tort Settlements" in Scienza e Diritto nel Prisma del Diritto Comparato (Comande and Ponzanelli eds) 139-148 (2004)

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139. "Vincent v. Lake Erie Transportation Co.: Liability for Harm Caused by Necessity" in Torts Stories (R. Rabin & S. Sugarman eds.) Foundation Press 259-290 (2003)

138. "Introduction" (with Robert L. Rabin) in Torts Stories (R. Rabin & S. Sugarman eds.) Foundation Press 1-10 (2003)

137. Review of *Alternative Compensation Mechanism for Damages - the Nordic Countries*, 51 American Journal of Comparative Law 205 (2003).

136. "Book Review Essay" (reviewing 3 books on tobacco control) 22 Journal of Policy Analysis and Management 712-717 (2003)

135. "A Balanced Tobacco Control Policy" 93 A.J. P.H. 416-18 (2003)

134. Review of Kip Viscusi's *Smoke-Filled Rooms*, 13 Law & Politics Book Review (No. 1) 1-9 (2003)

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))

132. "A New Approach to Tort Doctrine: Taking the Best from the Civil Law and Common Law of Canada" 17 Supreme Court Review 375-90 (2002) (reprinted in The Joy of Torts (Buttersworth 2002) and translated into Chinese and reprinted in 2005 International Business Law Review (I) 300-315)

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))

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129. "Mixed Results From Recent United States Tobacco Litigation" 10 *The Tort Law Review* 94-126 (2002)
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125. "Perspectives on Policy" (with Robert Rabin) in *Regulating Tobacco*, R. Rabin & S. Sugarman eds., 3-10, Oxford University Press (2001)
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122. "Liberals and the School Choice Debate" 67 *Congress 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)
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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)
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111. “Judges as Tort Law Un-Makers: Recent California Experience with ‘New’ Torts, 49 De Paul Law Review 455-487 (1999)
110. “Tobacco Litigation and the Anti-Smoking Movement” 8 Daito Hogaku (No. 2) 205-216 (1999) (The Journal of Law and Politics, Daito Bunka University, Tokyo) (in Japanese translated by Ruriko Fujino)
109. “Educational Adequacy and the Courts: The Promise and Problems of Moving to a New Paradigm” (with Paul A. Minorini) in Equity and Adequacy Issues in Education Finance: Issues and Perspectives, H. Ladd, R. Chalk, and J. Hansen, eds., 175-208 National Academy Press (1999)
108. “School Finance Litigation in the Name of Educational Equity: Its Evolution, Impact and Future” (with Paul A. Minorini) in Equity and Adequacy Issues in Education Finance: Issues and Perspectives, H. Ladd, R. Chalk, and J. Hansen, eds., 34-71, National Academy Press (1999)
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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
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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)

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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)

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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
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9. "San Antonio Independent School District v. Rodriguez: Issues for the Future" 2 *J. Law & Education* 472 (1973)

8. "A Judicial Prod to Legislative Reform of Educational Finance" 2 *Planning and Changing* 180 (1972)

7. "The Selling of Serrano" in 1972 National Tax Ass'n Annual Conference Proceedings, Washington, D.C. at 243.

6. "Dollars, Schools and Constitution" (with John E. Coons and William H. Clune, III) *The Nation*, October 16, 1972 at 338

5. "A First Appraisal of Serrano" (with John E. Coons and William H. Clune, III) 2 *Yale Review of Law and Social Action* 111 (1971)

4. "Reslicing the School Pie" (with John E. Coons and William H. Clune, III) 72 *Columbia Teachers College Record* 485 (1971)

3. "Recreating the Family's Role in Education" (with John E. Coons and William H. Clune, III) in New Models for American Education, J. Guthrie ed., Prentice-Hall, 1971

2. "British Antitrust Response to the American Business Invasion" (with Arnold B. Kanter) 22 *Stanford Law Review* 433 (1970)

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:

Advisor to the American Law Institute's Restatement of Torts projects on Economic Loss, Intentional Torts, and Concluding Topics.

Member, Executive Committee of the Berkeley Food Institute.

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 22, 2021]

