

John C. P. Goldberg
Eli Goldston Professor of Law
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EMPLOYMENT

Harvard Law School Eli Goldston Professor of Law Professor	2012- 2008-
Vanderbilt University Law School Professor (as of 9/00) Associate Dean for Research (5/05 - 6/08)	1995 - 2008
Harvard Law School Visiting Professor	Fall 2007
New York University School of Law Visiting Professor	Fall 2003
Hill and Barlow, Boston, MA Associate	1993 - 1995
Hon. Byron R. White, U.S. Supreme Court Law Clerk	1992 - 1993
Hon. Jack B. Weinstein, E.D.N.Y. Law Clerk	1991 - 1992

EDUCATION

New York University School of Law J.D. Editor-in-Chief, N.Y.U. Law Review; Frank H. Sommer Award; Paul D. Kaufman Award (co-recipient); Order of the Coif	1991
Princeton University M.A. Politics	1989
Oxford University M.Phil. Politics, St. Antony's College	1985
Wesleyan University B.A., High Honors, College of Social Studies	1983

WORKS IN PROGRESS

RECOGNIZING WRONGS (with B. Zipursky) (book ms.).

Wrongful Fusion: Equity and Tort (with H. Smith) (ms. for chapter in proposed book under consideration with Cambridge U. Press).

Hohfeld, Rights, and Realism (with B. Zipursky) (ms. for chapter in proposed book)

PUBLICATIONS (including pending publications)

Books

TORT LAW: RESPONSIBILITIES AND REDRESS (4th ed. 2016) (with A. Sebok & B. Zipursky).

OPEN BOOK: THE INSIDE TRACK TO LAW SCHOOL SUCCESS (2d ed. 2016) (with B. Friedman).

THE OXFORD INTRODUCTIONS TO U.S. LAW: TORTS (2010) (with B. Zipursky).

Book Chapters

Triangular Torts and Fiduciary Duties, in CONTRACT, STATUS, AND FIDUCIARY LAW (A. Gold & P. Miller, eds. forthcoming 2016) (with B. Zipursky).

Tort Law's Missing Excuses, in DEFENCES IN TORT (A. Dyson, J. Goudkamp & F. Wilmot-Smith, eds. 2015).

Tort Law and Responsibility, in PHILOSOPHICAL FOUNDATIONS OF THE LAW OF TORTS (J. Oberdiek, ed. 2014) (with B. Zipursky).

Rights and Responsibility in the Law of Torts, in RIGHTS AND PRIVATE LAW 251-274 (D. Nolan & A. Robertson, eds. 2012) (with B. Zipursky).

Tort, in THE OXFORD HANDBOOK OF LEGAL STUDIES 21-47 (P. Cane & M. Tushnet, eds. 2003).

Articles, Essays

The Strict Liability in Fault and the Fault in Strict Liability, 85 FORDHAM L. REV. 743-788 (2016) (with B. Zipursky).

The Myths of MacPherson, 9 J. TORT LAW ____ (2016) (with B. Zipursky).

Articles, Essays (con't)

The Supreme Court's Stealth Return to the Common Law of Torts, 64 DEPAUL L. REV. 433-456 (2016) (with B. Zipursky) (annual Clifford Symposium).

Inexcusable Wrongs, 103 CALIF. L. REV. 467-512 (2015).

Judging Responsibility, Responsible Judging, 64 DEPAUL L. REV. 475-494 (2015) (annual Clifford Symposium).

War for the Wrong Reasons: Lessons from Law, 11 JOURNAL OF MORAL PHILOSOPHY 454-475 (2014) (with G. Blum) (symposium on Frances Kamm's ETHICS FOR ENEMIES).

The Fraud-on-the-Market Tort, 66 VAND. L. REV. 1755-1805 (2013) (with B. Zipursky), reprinted in 56 CORP. PRAC. COMMENTATOR 355-407 (2014).

Civil Recourse Theory Defended: A Reply to Posner, Calabresi, Rustad, Chamallas and Robinette, 88 IND. L.J. 569-609 (2013) (with B. Zipursky) (civil recourse theory symposium).

Torts and Estates: Remediating Wrongful Interference with Inheritance, 65 STANFORD L. REV. 335-397 (2013) (with R. Sitkoff).

Convergence and Contrast in Tort Scholarship: An Essay in Honor of Robert Rabin, 61 DEPAUL L. REV. 467-502 (2012) (annual Clifford Symposium) (with B. Zipursky).

Do Promises Distinguish Contract from Tort?, 45 SUFFOLK. U. L. REV. 873-895 (2012) (with C. Bridgeman) (symposium in honor of Charles Fried's CONTRACT AS PROMISE).

Pragmatism and Private Law, 125 HARV. L. REV. 1640-1663 (2012) (symposium introduction).

Tort Law at the Founding, 39 FLA. ST. U. L. REV. 85-105 (2011).

Civil Recourse Revisited, 39 FLA. ST. U. L. REV. 342-371 (2011) (with B. Zipursky) (response to symposium devoted to civil recourse theory).

OPA and Economic Loss: A Reply to Professor Robertson, 28 MISS. C.L. REV. 203-216 (2011).

The Easy Case for Products Liability: A Response to Professors Polinsky and Shavell, 123 HARV. L. REV. 1919-1948 (2010) (with B. Zipursky).

Liberal Responsibility: A Comment on Justice for Hedgehogs, 90 B.U. L. REV. 677-689 (2010).

Torts as Wrongs, 88 TEX. L. REV. 917-986 (2010) (with B. Zipursky).

Articles, Essays (con't)

Intervening Wrongdoing in Tort: The Third Restatement's Unfortunate Embrace of Negligent Enabling, 44 WAKE FOREST L. REV. 1211-1246 (2009) (with B. Zipursky).

Ten Half-Truths About Tort Law, 42 VALPARAISO U. L. REV. 1221-1276 (2008) (Monsanto Lecture).

Tort Law and Moral Luck, 92 CORNELL L. REV. 1123-1175 (2007) (with B. Zipursky).

The Place of Reliance in Fraud, 48 AZ. L. REV. 1001-1026 (2006) (with A. Sebok & B. Zipursky).

Seeing Tort Law from the Internal Point of View: Holmes and Hart on Legal Duties, 75 FORDHAM L. REV. 1563-1592 (2006) (essay for symposium) (with B. Zipursky).

What Are We Reforming?: Tort Theory's Place in Debates Over Malpractice Reform, 59 VAND. L. REV. 1075-1084 (2006) (essay for symposium).

What Nobody Knows, 104 MICH. L. REV. 1461-1499 (2006) (review of Don Herzog's CUNNING).

Shielding Duty: How Attending to Assumption of Risk, Attractive Nuisance, and Other 'Quaint' Doctrines Can Improve Decision-Making in Negligence Cases, 79 S. CAL. L. REV. 329-361 (2006) (invited reply article) (with B. Zipursky).

Two Conceptions of Tort Damages: Fair v. Full Compensation, 55 DEPAUL L. REV. 435-468 (2006) (annual Clifford Symposium).

The Constitutional Status of Tort Law: Due Process and the Right to a Law for the Redress of Wrongs, 115 YALE L.J. 524-627 (2005).

Accidents of the Great Society, 64 MD. L. REV. 364-408 (2005) (with B. Zipursky) (article for symposium issue).

Tort Law for Federalists (and the Rest of Us): Private Law in Disguise, 28 HARV. J. L. & PUB. POLICY 3-16 (2004).

Comment: Rethinking Injury and Proximate Cause, 40 SAN DIEGO L. REV. 1315-43 (2003) (comment on S. Perry, *Harm, History, and Counterfactuals*, 40 SAN DIEGO L. REV. 1315 (2003)).

Judging Reputation: Realism and Common Law in Justice White's Defamation Jurisprudence, 74 U. COL. L. REV. 1471-1522 (2003) (summarized in THE WILSON QUARTERLY, Periodical Observer, Winter 2004).

Articles, Essays (con't)

What Clients are Owed: Cautionary Observations on Lawyers and Loss of a Chance, 52 EMORY L.J. 1201-13 (2003).

Twentieth-Century Tort Theory, 91 GEORGETOWN L.J. 514-83 (2003) (translated into Chinese and reprinted in 5 PRIVATE LAW REVIEW 268-344 (2005) (Peking University Press)).

Unrealized Torts, 88 VA. L. REV. 1625-1719 (2002) (with B. Zipursky).

Unloved: Tort in the Modern Legal Academy, 55 VAND. L. REV. 1501-1519 (2002).

The Restatement (Third) and the Place of Duty in Negligence Law, 54 VAND. L. REV. 657-750 (2001) (with B. Zipursky).

Concern for Cause: A Comment on the Twerski-Sebok Plan for Administering Negligent Marketing Claims Against Gun Manufacturers, 32 CONN. L. REV. 1411-23 (2000) (with B. Zipursky).

Rights and Wrongs, 97 MICH. L. REV. 1828-1856 (1999) (review of ARTHUR RIPSTEIN, EQUALITY RESPONSIBILITY, AND THE LAW).

The Life of the Law, 51 STAN. L. REV. 1419-1475 (1999) (review of ANDREW L. KAUFMAN, CARDOZO).

The Moral of MacPherson, 146 U. PA. L. REV. 1733-1847 (1998) (with B. Zipursky).

Let Liberals Be Liberals, 61 MODERN L. REV. 899-915 (1998) (reviewing David Dyzenhaus, LEGALITY AND LEGITIMACY: CARL SCHMITT, HANS KELSEN AND HERMANN HELLER IN WEIMAR).

Misconduct, Misfortune, and Just Compensation: Weinstein on Torts, 97 COLUM. L. REV. 2034-2063 (1997) (comment).

Style and Skepticism in The Path of the Law, 63 BROOK. L. REV. 225-278 (1997).

Note: *Community and the Common Law Judge: Reconstructing Cardozo's Theoretical Writings*, 65 N.Y.U. L. REV. 1324-1372 (1990).

Book Notices, Encyclopedia Entries, and Other Writings

Ronald Dworkin, 127 HARV. L. REV. 494-498 (2013).

Doing Justice in the Face of A Disaster, 45 AKRON L. REV. 583-589 (2012).

“Liability for Economic Loss in Connection with the Deepwater Horizon Spill,” Report Prepared for Gulf Coast Claims Facility (2010).

Comment on Meir Dan-Cohen, *Skirmishes on the Temporal Boundaries of States*, 72 L. & CONTEMP. PROBS. 115-122 (2009).

Wrongs Without Recourse: A Comment on Jason Solomon’s Judging Plaintiffs, 61 VAND. L. REV. EN BANC 9-28 (2008).

Entries on “William L. Prosser” and “Warren A. Seavey” for the YALE BIOGRAPHICAL DICTIONARY OF AMERICAN LAW (R. Newman, ed. 2009).

The Law Student’s Bill of Rights, 21 CONST. COMM. 633-640 (2004) (humor for “But cf.”).

Participant, Roundtable on Tort Litigation and the Public Good, 12 J.L. & POLICY 149 (2003).

“Easy Cases, Hard Questions,” 33 VAND. LAWYER 30 (2003).

Book Review, 65 MODERN L. REV. 954-958 (2002) (reviewing TORTURE AS TORT (Craig Scott (ed.), 2001)).

Entries on “Blackstone’s Commentaries,” “*Palsgraf v. Long Island R.R.*,” and “Roger Traynor” in THE OXFORD COMPANION TO AMERICAN LAW (K. Hall ed., 2002).

Introduction, Wade Conference on the Third Torts Restatement, 54 VAND. L. REV. 639-652 (2001).

Jurist: Books-on-Law, <http://jurist.law.pitt.edu> (review of Nan Goodman, SHIFTING THE BLAME: LITERATURE, LAW AND THE THEORY OF ACCIDENTS IN NINETEENTH-CENTURY AMERICA).

On The Merits: A Response to Professor Sherry, 50 VAND. L. REV. 537-553 (1997).

HONORS

Sibley Lecture, University of Georgia School of Law (2014).

American Association of Law Schools Annual Meeting, Section on Torts & Compensation Systems, Panel on Civil Recourse Theory (2012), proceedings published in 88 IND. L. J. 419-610 (2013).

Symposium on Civil Recourse Theory, 39 FLA. ST. U. L. REV. 1-371 (2011).

Monsanto Lecture, Valparaiso University School of Law (2007).

TEACHING

Four-time Recipient of Hall-Hartman Teaching Award, voted by Vanderbilt Law School students

Visiting Professor, Harvard Law School (Fall 2007)
4.92 / 5 for overall effectiveness in teaching (Torts)

Visiting Professor, NYU School of Law (Fall 2003)
6.8 / 7.0 for overall effectiveness in teaching (Torts)

First-Year Courses

Civil Procedure (Hall-Hartman Award, Fall 1997)
Contracts (Hall-Hartman Award, Fall 2000)
Criminal Law
Torts (Hall-Hartman Award, Fall 2002)

Upper-Level Courses

Law and Philosophy Colloquium (co-taught)
Philosophy of Law (Hall-Hartman Award, Spring 2005)
Private Law Workshop (co-taught)
Products Liability and Mass Torts
Responsibility, Liability and Punishment (co-taught)
Torts at the Supreme Court

Specialized/Short Courses

Democracy and Conviction (team taught)
Global Justice (co-taught)
Legal Problems of Y2K (team taught)
Political Science and the Courts (co-taught)
Rawls' Legacy (team-taught)

SERVICE

Harvard University

Member, Provost Advisory Committee (2015-16; 2016-17)
Chair, Electronic Communications Oversight Committee (2014-15; 2016-17)
Member, Electronic Communications Policy Task Force (2013-14)
Member, Academic Appointments Advisory Group (2010-12)
Member, Provost Search Advisory Committee (2011)
Member, Dean Search Advisory Group (2009)

Harvard Law School

Lateral Appointments Committee (Chair 2009-2012; member 2012-15; 2016-17)
Chair, Title IX Policy Implementation Committee (2014-15)

Vanderbilt University

Committee on Ethics Courses (Fall 2005)
Committee on the Integration of Professional Schools (2002-2004)
Committee on Moral Reasoning (2002-2004)
Committee on NCAA Certification, Co-Chair of Governance sub-committee (2002-03)

Vanderbilt Law School

Ad Hoc Tenure Committee (Chair) (2002-03)
Admissions Committee (Fall 1998)
Clerkship Advisor / Clerkship Committee (Class of 1998 / 1996-1997; 1995-1996)
Faculty Appointments Committee (Chair 2000-01; member 2007-08; 2006-07, 2005-06, 2004-05; Spring, 2004; Fall 2002; 1999-2000; 1997-98)
Faculty Self-Study Committee for A.B.A. Re-accreditation (2001)
Faculty Sponsor of Colloquy (student scholarship organization)

PROFESSIONAL ACTIVITIES

Advisory Board, RAND Center for Catastrophic Risk Management and Compensation (2013 -)

American Law Institute, Associate Reporter, Restatement (Fourth) of Property (2015 -)

American Law Institute, Members Consultative Group, Restatement (Third) of Torts (ongoing)

AALS Section on Torts and Compensation Systems

Chair (2009); Exec. Comm. Member (2004-08); Section Conference Organizer (June 2003)

Editor-in-Chief, Journal of Tort Law (2009-15)

Editorial Board, Legal Theory