

## FRANK J. VANDALL

Emory University School of Law  
Atlanta, Georgia 30322  
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**Position:** Professor of Law, Emory University School of Law (1970 – present)

Visiting Professor, Georgia State University  
College of Law (Spring 1994)

**Education:** S.J.D., 1979, University of Wisconsin School of Law  
Madison, Wisconsin

LL.M., 1968, University of Wisconsin School of Law  
Madison, Wisconsin

J.D., 1967, Vanderbilt University School of Law  
Nashville, Tennessee

B.A., 1964, Washington and Jefferson College (Phi Beta Kappa, Magna cum Laude)  
Washington, Pennsylvania

### Publications:

#### Books:

TORTS: CASES AND PROBLEMS, with Wertheimer and Rahdert (Carolina Academic Press, Fourth Edition 2018)

TORTS: CASES AND PROBLEMS, with Wertheimer and Rahdert (LexisNexis, Third Edition 2012)

A HISTORY OF CIVIL LITIGATION: POLITICAL AND ECONOMIC PERSPECTIVES. (Oxford University Press, 2011).

THE POLICY DEBATE SURROUNDING GUN LITIGATION IN THE UNITED STATES: HANDGUNS: THE LAW AND ECONOMICS OF THE *HAMILTON V. BERETTA* SUIT AGAINST HANDGUN MANUFACTURERS, with co-author George Benston (deceased) of the Emory's Goizueta Business School. (Lambert Academic Publishing, 2010).

TORTS: CASES AND PROBLEMS, with Wertheimer and Rahdert (LexisNexis, Second Edition 2003)

PRODUCTS LIABILITY: CASES, MATERIALS, PROBLEMS, with Phillips, Terry and Wertheimer (LexisNexis, Second Edition, 2002).

TORTS: CASES AND PROBLEMS, with Wertheimer (Michie, 1997).

TEACHER'S MANUAL FOR TORTS (1997)

PRODUCTS LIABILITY: CASES, MATERIALS, PROBLEMS, with Phillips & Terry (Michie, 1994). Supplement, 1998.

TEACHER'S MANUAL FOR PRODUCTS LIABILITY (1994)

STRICT LIABILITY: LEGAL AND ECONOMIC ANALYSIS (Quorum, 1989).

POLICE TRAINING FOR TOUGH CALLS: DISCRETIONARY SITUATIONS (Emory University Center for Research in Social Change, 1976).

**Articles:**

“Suing the NRA for Damages, Emory Law Journal (Forthcoming Fall 2020)

“On Your First Day, President Trump, Please Repeal The Immunization of Gun Sellers Act”, Vol. 4, EMORY CORPORATE GOVERNANCE AND ACCOUNTABILITY REVIEW (ECGAR) (January 2017)

“A Comparative Study of the Political and Social Structure of Mexico (Bucerias), Cuba and the U.S. (Atlanta): A First Impression” (Loyola University Chicago School of Law (2016)

“An Economic Analysis of Lifting the Cuban Embargo” with Emily Quan –Selected Legal Issues in Economics, published by ATINER 2014 (ISBN: 978-618-5065-24-9).

“Guns, Congress and Children” SSRN (2011)

“Cuba Si! A Tribute to Professor David Bederman and a Letter to President Obama,” 61 EMORY LAW JOURNAL 1081, (2012)

“Tort Reform, A Power Play,” contribution to a book, Andrew F. Popper ed., MATERIALS ON TORT REFORM (2010).

“Should Manufacturers and Sellers of Lethal Products Be Subject to Criminal Prosecution,” Vol. 17, WIDENER LAW JOURNAL (Summer 2008).

“Why We Are Outraged: An Economic Analysis Of Internet Gambling”, RICHMOND JOURNAL OF GLOBAL LAW AND BUSINESS (Summer 2008).

“The Criminalization of Products Liability: An Invitation to Political Abuse, Preemption and Non-Enforcement”, 57 CATHOLIC LAW REVIEW 341 (2008).

“Legal Control over the Supply of Handguns: An Analysis of the Issues with Particular Attention to the Law and Economics of the *Hamilton v. Beretta* Suit Against Handgun Manufacturers” (with George Benston), 26 PACE LAW REVIEW 305, (Spring 2006).

“Winning at Craps: Are Casinos Vulnerable to State Suits for Social Costs? – A Further Analysis of Causation, Assumption of Risk and Sovereign Immunity”, published in *Resource Allocation and Institutions: Explorations in Economics, Finance and Law* 621 (Athens Institute for Education and Research, 2006)

“A Preliminary Consideration of Issues Raised in the Firearms Sellers Immunity Bill,” 38 Akron Law Review 113 (2005).

“Winning at Craps: Are Casinos Vulnerable to State Suits for Social Costs: A Preliminary Analysis, 25 Manag. Decis. Econ. 205 (2004).

Constricting Products Liability: Reforms in Theory and Procedure, 48 VILLANOVA LAW REVIEW 843 (2003).

A Call for an Accurate Restatement (Third): Design Defect,@ with J. Vandall, 33 MEMPHIS LAW REVIEW 4 (2003).

A Critique of *The Restatement (Third) Apportionment* as it Affects Joint and Several Liability,@ 49 EMORY LAW JOURNAL 565 (2000).

Economic and Causation Issues in City Suits Against Gun Manufacturers, 27 PEPPERDINE LAW REVIEW 719 (2000).

O.K. Corral II: Policy Issues in Municipal Suits Against Gun Manufacturers, 44 VILLANOVA LAW REVIEW 547 (1999).

An Examination of the Duty Issue in Health Care Litigation: Should HMOs Be Liable in Tort for Medical Necessity Decisions? 71 TEMPLE LAW REVIEW 293 (1998).

State Judges Should Reject the Reasonable Alternative Design Standard of the Restatement (Third), Products Liability, Section 2(b), 8 KANSAS JOURNAL OF LAW AND PUBLIC POLICY 62 (1998).

The American Law Institute is Dead in the Water, 26 HOFSTRA L. R. 801 (1998).

The Legal Theory and the Visionaries that Led to the Proposed \$368.5 Billion Tobacco Settlement, 27 SOUTHWESTERN U. L. R. 473 (1998).

"Constructing a Roof Before the Foundation is Prepared: The Restatement (Third) Products Liability: Section 2(b) Design Defect," 30 MICH. J.L.R. 261 (1997).

"Duty: The Continuing Vitality of Dean Green's Theory," 15 Q.L.R. 343 (1995).

"Restatement Third, Products Liability, Section 2(b): Design Defect," 68 TEMPLE LAW REVIEW 167 (1995).

"Suits by Public Hospitals to Recover Expenditures for the Treatment of Disease and Illness Caused by Tobacco and Alcohol" (with Gangarosa and Willis) 22 FORDHAM URBAN LAW JOURNAL 81 (1994).

"State-of-the-Art, Custom, and Reasonable Alternative Design," 28 SUFFOLK U.L.R. 1193 (1994).

"The Restatement, Third, Products Liability, Section 2(b): The Reasonable Alternative Design Requirement," 61 TENNESSEE LAW REVIEW 1407 (1994).

"Reallocating the Costs of Smoking: The Application of Absolute Liability to Cigarette Manufacturers," 52 OHIO STATE LAW JOURNAL 405 (1991).

"Our Product Liability System: An Efficient Solution to a Complex Problem," 64 DENVER LAW REVIEW 703 (1988).

"Criminal Prosecution of Corporations for Defective Products," 12 INTERNATIONAL LEGAL PRACTITIONER 66 (Sept., 1987). Reprinted in J. Abell and E. Sheehy, CRIMINAL LAW AND PROCEDURE 91 (1995). Reprinted in 14 VERDICT 9 (April, 1989).

"Applying Strict Liability to Pharmacists," 18 TOLEDO LAW REVIEW 1 (1986).

"Judge Posner's Negligence-Efficiency Theory: A Critique," 35 EMORY LAW JOURNAL 383 (1986).

"Applying Strict Liability to Professionals: Economic and Legal Analysis," 59 INDIANA LAW JOURNAL 25 (1984).

"DefectY in Products Liability: Rethinking Negligence and Strict Liability," 43 OHIO STATE LAW REVIEW 61 (1982). Reprinted in 31 DEFENSE LAW JOURNAL 517 (1982).

"Undermining Torts' Policies: Products Liability Legislation," 30 AMERICAN UNIVERSITY LAW REVIEW 673 (1981).

"Police Use of Force in Dealing with Juveniles," 17 CRIMINAL LAW BULLETIN 124 (March-April, 1981).

"Architects' Liability in Georgia: A Special Statute of Limitations," 14 GEORGIA STATE BAR JOURNAL 164 (1978).

"Tort Liability of Public Officials," 29 MERCER LAW REVIEW 303 (1977).

"Constitutional Issues in Federal No-Fault," 27 MERCER LAW REVIEW 273 (1975).

"Personal Liability of State Officials Under Georgia Law was published by the Institute of Government at the University of Georgia. The title of the book containing the article is PERSONAL LIABILITY OF PUBLIC OFFICIALS (1975).

"Riot Prevention: Police Training for the Street Gathering," 51 JOURNAL OF URBAN LAW 49 (1973).

"Survey of Torts," 25 MERCER LAW REVIEW 247 (1973).

"Training to Meet the Police Function," 1971 WISCONSIN LAW REVIEW 547 (1971).

#### **Work in Progress:**

A paper on "Trump's Ban on American Tourism To Cuba" to be submitted to the Journal for the Conference.

A Compensation System for Gun Deaths and Injuries

"AK 47 Chronicles," a political dialogue in the form of a play.

"Dining With Kalashnikov, Remington And Colt: A Constitutional Challenge To The Georgia "Carry Guns Everywhere" Act".

#### **Newspaper Articles:**

Quoted in New York Times and in St. Louis Post-Dispatch – April 24, 2020

Law Professor Lists 10 Reasons Why Governor Should Veto "Campus Carry", DAILY REPORT, March 29, 2016

"Constitutional Challenges to the 'Carry Guns Everywhere' Act" FULTON COUNTY DAILY REPORT (February 5, 2016).

"Second Amendment: We Should register Guns like Cars," ATLANTA JOURNAL CONSTITUTION, Thursday, January 13, 2011, Letter to Editor.

"Adrift in Georgia's Strict Liability: Mann v. Coast Catamaran," FULTON COUNTY DAILY REPORT (January 16, 1987).

"Disaster at Bhopal," ATLANTA JOURNAL-CONSTITUTION, Sunday, January 6, 1985.

**Service:**

Reviewed article for the Yale Journal of Health Law and Policy, Feb. 9, 2018.  
Carter Center Liaison  
Carter Center Board of Counselors (2002 – Present)

**University Committees:**

President, Emory University Senate and Chair, Faculty Council (2001-2002)  
Emory University Senate, Executive Committee (2002-2003)  
Emory University Senate, Past President (2002-2003)  
Emory University Faculty Counsel, Past President (2002-2003)  
President-Elect, Emory Senate and Faculty Council (2000-2001)  
Senate Executive Committee and Secretary to the Emory Senate (1999-2000)  
Senator (1997-2000)  
Faculty Relations Committee (1997-1998)  
Faculty Hearing Committee (1998-2001)

**Faculty Committees:**

Academic Standing Committee 2018, 2019, 2020  
Curriculum (2010-2011)  
Law School representative to the Emory University Senate 1997-2000.  
Library Technology Committee (1998-99).  
I have been a member of all of the faculty committees and have chaired most of them.

**Special Committees:**

Policy and Goals Committee, Member 1987.  
Dean Search Committee, Member 1980.  
Long Range Planning Committee, Chair 1979.

**Association of American Law Schools:**

Founding Chair, Environmental Law Section, 1972.  
Chair, Environmental Law Section, 1973, 1974.

**Fulton County, Georgia:**

1000 Lawyers for Justice, Volunteer (1992).

**Community**

Board of Directors, Oak Grove Child Development Center, 1989-92.  
Fund raising for the Lakeside High School Soccer and Wrestling Teams.  
YMCA Youth Soccer Coach.

**Academic Honors and Awards:**

Appointed to the Board of Academy of Business and Retail Management (ABRM), U.K. April 2, 2015.  
Keynote Speaker at the International Conference on Business and Economic Development, New York, March 30, 2015.  
Elected Member: American Bar Foundation Fellow (2011)  
Ben F. Johnson Award presented by Emory Law School for teaching excellence and commitment to legal education (2001)

Halle-Emory study trip to Germany (June, 2002)

Member, American Law Institute (October, 2000 to present)

Roger Traynor Research Professor, University of California, Hastings College of the Law (summer, 1993).

Criminal Justice Fellowship, University of Wisconsin Law School 1967-1968.

At Vanderbilt Law School, I was awarded a scholarship for academic achievement for all three years and was selected the Most Outstanding Third Year Justice.

I was elected to Phi Beta Kappa, graduated Magna Cum Laude, and earned the highest average in the Economics Department at Washington and Jefferson College.

**Employment:**

September, 1970 - Present	Emory University School of Law Atlanta, Georgia -- Professor of Law, since 1976 Associate Professor of Law, 1973-76 Assistant Professor of Law, 1970-73
September, 1968 - June, 1970	Ohio Northern University School of Law, Ada Ohio -- Assistant Professor of Law
Summer, 1967	Office of State Attorney General Atlanta, Georgia -- Law Clerk

**Courses Taught:**

Present: Torts, Products Liability, Products Liability Seminar

Past: Administrative Law, Agency and Partnerships, Business Organizations, Environmental Law, Labor Law, Legal Method, Legal Research and Writing, Police and Society, Relational Torts

**Recent Conferences Attended:**

Virtual Conference in Croatia 2020

Keynote Speaker at the Academy of Business and Retail Management (ABRM), Apr. 9 2017, New York.

Keynote Speaker at the 2015 Academy of Business and Retail Management (ABRM) and International Management Research Academy (IMRA), NY International Conference - Restructuring of the Global Economy (March, 2015)

Panel Discussion – *Gun Rights and Wrongs: Balancing the Interests*. A panel discussion on the Safe Carry Protection Act of 2014, October 6, 2014 the Atlanta's John Marshall Law School.

The 2014 Academy of Business and Retail Management (ABRM) and International Management Research Academy (IMRA), UK International Conference - Restructuring of the Global Economy

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(June, 2014)

Law, Economics and Business, Athens Institute, Athens, Greece (July, 2013)

Global Humanitarian Summit, Atlanta (2011)

Indiana Trial Lawyers Association, Indianapolis, Indiana (2007)

Law, Economics and Business, Athens Institute, Athens, Greece (June, 2005)

Tort Reform, Georgia C.L.E. (2004)

Tobacco Litigation, @ Richmond, 2000.

Pepperdine Law Review, "Beyond Tobacco" in Los Angeles, March, 1999.

Southwestern University Law Review, Suits by States Against the Manufacturers of Tobacco (1998).

Law and Organizational Economics Center at the University of Kansas, Restatement (Third) Products Liability (1998).

University of Michigan Journal of Law Reform, Ann Arbor (1996).

Suffolk University Law School, Consumers in the Civil Justice System, Boston (1995).

Products Liability: The Restatement (Third), University of Tennessee (1994).

American Trial Lawyers Association, San Francisco (1993).

People to People, London, England (1984).

Law and Economics Center's Advanced Economics Course for Law Professors on Tort Law and Products Liability (1982).

Law and Economics Institute for Law Professors (1981).

### **Congressional Testimony:**

Testified before the Georgia Senate Judiciary Committee: HB 859, "Guns on College Campuses are a Bad Idea", March 2, 2016.

Testified before the Georgia Senate on the Constitutionality of Health Courts, December 2013.

I testified before the U.S. Senate Judiciary Committee on whether Products Liability should be criminalized. (March, 2006)

### **Presentations:**

Virtual presentation by Video – June 18, 2020; Trump's Ban on American Tourism to Cuba.

Spoke on Compensation System for Gun deaths Thrower Symposium, Feb. 7, 2020

"Tort Litigation as a Solution to the Opioid Epidemic", Speaker at the Emory Corporate Governance and Accountability Review Symposium, February 14, 2020, Emory University School of Law

After Parkland: The Future of Gun Laws with Dr. Jordan Hill and Professor Frank Vandall, April 11, 2018, at Emory University School of Law. Hosted by the American Constitution Society and the Civil Rights Society.

March For Our Lives, Georgia State University, on panel with U.S. Representative John Lewis, April; 7, 2018.

Emory University Walkout Speaker, March 14, 2018.

Spoke to the Federalist Society on the Police Decision to Shoot, Emory University, January 25, 2017.

“Biometrics and Guns: Security Challenges on Campus” Panel Discussion at the Jean Beer Blumenfeld Center for Ethics, Georgia State University, March 2, 2016.

Presented Arguments to the Emory Senate against “Guns on Campus: HB 859” with Thomas Remington, Feb. 23, 2016.

Press Conference at the Central Presbyterian Church, Atlanta, House Bill 859, allowing the carrying of guns on Campus, Feb. 4, 2016.

“Georgia Statute: Carry Guns Everywhere is Unconstitutional”, Emory Faculty Colloquium, Feb. 10, 2016.

Presented a Play “AK 47 Chronicles” at the Faculty Colloquium, Feb. 15, 2016.

Presented Keynote address at ABRM Conference, New York City, March 2015.

“AK 47 Chronicles” was presented at Cambridge University, England on June 24, 2014 and August 8, 2014 in Oakland, Maryland.

“A Critique of Tort Reform in Georgia,” CLE, Georgia Bar Association (March, 2013)

“Guns, Children and Congress,” Global Humanitarian Summit, Atlanta, 2011.

“An Economic Analysis of Online Gambling,” Emory Law School, May 21, 2008.

“Public Nuisance Theory,” Northwestern University Law School, April 7, 8, 2008.

“Why We Are Outraged: An Economic Analysis of Online Gambling,” Richmond Law School, March 19, 2008.

“Crimtorts,” Widener Law School, February 25, 2008.

“The Criminalization of Products Liability,” Indiana Trial Lawyers Association, Indianapolis, Indiana (2007)

“Winning at Craps: Suits Against Casinos, A Further Analysis” Athens Institute, Athens Greece (June, 2005)

“An Analysis of the Law and Economics of *Hamilton v. Bretta*” was presented to the Emory faculty, Fall 2004.

Medical Mal-practice Debate Ga. C.L.E., Spring 2004

The Second Amendment: Reflection on the Right to Bear Arms,@ American Society of Criminology (Chicago, Fall 2002)



- Proposed Changes in Joint and Several Liability,@ Pennsylvania Legislature (Harrisburg, Spring 2002).
- History of Tobacco Litigation in the United States,@ Free University of Berlin (2001).
- What Next After Tobacco,@ University of Richmond School of Law (2000).
- The Restatement (Third) Apportionment,@ Philadelphia (2000).
- Cause in Fact and Proximate Cause Issues in Municipal Suits Against Gun Manufacturers,@ Pepperdine University (1999).
- The Legal Theory That Led to the Tobacco Settlement,@ Southwestern University (1998).
- Flaws in the Restatement (Third) Products Liability,@ University of Kansas (1998).
- "Informed Consent," Emory University School of Medicine, March 1997.
- "Recalibrating the Scales of Justice," Products Liability Colloquy, The University of Michigan, March, 1996.
- "Consumers in the Civil Justice System," Legislative and Judicial Developments, Boston, 1995.
- "Design Defect, Restatement (Third)," Knoxville, Tennessee, 1994.
- "The New Restatement of Torts, Third, Products Liability," Hastings College of the Law Colloquium, February, 1994.
- "Evidence: Critical Legal Issues (State of the Art, Alternative Design)," National College of Advocacy, New Orleans, April, 1994.
- "The Restatement, Third, Products Liability: The Reasonable Alternative Design Requirement," University of Tennessee, Strict Products Liability Symposium, August, 1994.
- "Council Draft of the Restatement, Third, Products Liability," Association of Trial Lawyers of America, Chicago, December, 1993.
- "Tort Reform at the American Law Institute," Emory Law School Colloquium, Fall, 1993.
- Emory Law School Recruitment Program, Model Class, Spring 1991, 1992, 1993, 1994, 1996, 1997, 1998.
- "Preemption in Cigarette Litigation," Tort and Insurance Practice Section of the American Bar Association, at the Annual A.B.A. Meeting, August, 1991.
- "Civil Litigation," Graduate Nursing School, Emory University, February, 1989, January, 1990 and 1991.
- "Informed Consent," Department of Physical Therapy, Emory University, December, 1987.
- "Criminal Prosecution of Corporations for Defective Products," International Bar Association Conference, Montreux, Switzerland, June, 1987.
- "Suing the Pharmacist for Malpractice," American Society for Pharmacy Law, San Francisco, California, March, 1986.
- "Application of Strict Liability to Professionals," University of Newcastle Upon Tyne, Newcastle, England, April, 1984.

"The Future of Professional Liability," Tort and Insurance Practice Section of American Bar Association, at the Annual A.B.A. Meeting, August, 1983.

"Model Acts Dealing with Products Liability," Atlanta Bar Association, 1983.

"Using Economics to Teach Torts," Southeastern Conference of Law Teachers, 1982.

"Rebuilding the Citadel," American Law Institute -- American Bar Association, 1979.

"Carter's View of the Environment," Vanderbilt University, 1978.

**Sabbatical:**

Scholar in Residence, Institute of Advanced Legal Studies,  
London School of Economics, London, England (January-June, 1984).

Research for torts casebook 1995.

Gun Control Through Litigation 2004

Atlanta, Spring 2010, research and writing for Oxford book.

**Bar Admission:** Tennessee, 1967

**Personal:** Two Children  
Born: Pittsburgh, Pennsylvania

I enjoy one-design sailboat racing, and classic car restoration.

**References Upon Request**