

CURRICULUM VITAE

David Frederick Partlett

Asa Griggs Candler Professor of Law
Emory University School of Law
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Experience

Asa Griggs Candler Professor of Law, 2011-Present
Emory University School of Law

Dean and Asa Griggs Candler Professor of Law, 2006-2011
Emory University School of Law

Vice President, Dean, and Professor of Law, 2000-2006
Washington and Lee University School of Law

Professor of Law, Vanderbilt University School of Law; 1986-2000
Senior Fellow, Health Policy Center
Vanderbilt Institute for Public Policy Studies

Chief of Staff, Office of the Chancellor Search
Vanderbilt University, 1999-2000

Acting Dean, 1996-1997
Vanderbilt University School of Law

John Sparkman Distinguished Visiting Professor of Law, 1986-1987
University of Alabama, School of Law (including Summer, 1987)

Associate Dean, 1982-1985
Faculty of Law, Australian National University, Canberra A.C.T., Australia

Lecturer, Senior Lecturer, Reader (elect), 1978-1987
Faculty of Law, Australian National University, Canberra A.C.T., Australia.

Australian Government Service, 1974-1977

- (a) **Senior Legal Officer, 1974-1975**
Commonwealth Attorney-General's Department, Canberra
Responsible for policy advice on the Racial Discrimination Act, 1975, and other related Human Rights legislation.

- (b) **Principal Law Reform Officer, 1975-1977**
Australian Law Reform Commission (Justice Kirby, formerly of the High Court of Australia, Chairman). Direction of research and writing undertaken by the Commission. References on hand were:
- Privacy
 - Defamation
 - Human Tissue Transplants
 - Consumer Debts
 - Insurance

Solicitor, 1970-1971
Messrs Sly & Russell.

Solicitor, Articles of Clerkship, 1969-1970
Messrs Sly & Russell, Solicitors, 68 Pitt Street, Sydney, Australia. General litigation, conveyancing and company law.

Teaching

Teaching Subjects in the Last Ten Years:

Torts
Advanced Torts
Anglo American Tort Law
Professional Negligence
Remedies
Privacy, Reputation & Economic Interests in Tort Law

Education

LL.B. University of Sydney, School of Law, 1970
LL.M. University of Michigan, Law School, 1974
S.J.D. University of Virginia, School of Law, 1982

Professional Qualifications

Solicitor, Supreme Court of New South Wales (1971).
Solicitor and Barrister, Supreme Court of Australian Capital Territory (1978).

Distinctions and Honors

Fellow of the Australian Academy of Law, Australia
Committee Member on the Review of the TC Bernie School of Law University of Queensland
LSN Remedies eJournal, Vol. 6 No. 6 Advisory Board
Advisor to the ALI Third Restatement of the Law of Torts: Intentional Torts
Advisor to the ALI Third Restatement of the Law of Torts: Defamation and Privacy
Visiting Scholar, 2019, Melbourne Law School, Australia

Visiting Professor, 2018, at the Center of American Law Studies, Warsaw Poland
Visiting Scholar, 2017, Melbourne Law School, Australia
Visiting Professor and University Visiting Mentor at the Australian National University, March – May 2016.
Visiting Professor and University Visiting Mentor at the Australian National University, March – May 2014.
Visiting Professor at the University of Sydney Law School, March – June 2013.
Fellow Senior Common Room, University College Oxford University, September 2012 to January 2013.
Visiting Professor at the Université Paul Cézanne (Aix-Marseille III), Aix-en-Provence, France, May 2010.
Visiting Professor at the University of Sydney Law School, May and June 2008.
Visiting Fellow at the Fleming Centre at the Australian National University, June 2008.
The Thomas Jefferson Award for distinguished service to Vanderbilt through extraordinary contributions as a member of the faculty in the councils and government of the University, Vanderbilt University, 1998.
Distinguished Service Award, Vanderbilt University School of Law, 1996.
Paul Hartman Award for Excellence in Teaching, 1992-93.
Graduate Fellow, University of Virginia, 1971-1972.
Cook Graduate Fellow, University of Michigan, 1973-1974.
Visiting Scholar, University of Virginia, School of Law, 1982.
Visiting Fellow, Worcester College, Oxford, 1986.
Visiting Fellow, Department of Law & Philosophy, Research School of Social Sciences, Australian National University, 1992.
Visiting Scholar, 1982, University of Virginia, School of Law, Charlottesville, Va.

Select Relevant Administrative Experience

Service to Universities and the Profession

- Treasurer and Past President, Southeastern Association of American Law Schools
- Service with American Bar Association in Law School Accreditation Process:
 - New York University Law School, ABA Accreditation Committee Member, 2009.
 - Northwestern Law School, ABA Accreditation Committee Member, October 2010.
 - University of Missouri, School of Law, ABA Accreditation Committee Member, October 2011.
 - Washburn University Law School, ABA Accreditation Committee Member, February 2015.
- Trustee and Director, Sydney University North America Foundation.

Membership of Relevant Organizations and Activities

Member of the American Law Institute Advisor Third Restatement of Torts: Intentional Torts, Economic Loss; Restatement of Law: Liability Insurance.

Personal

Married to Nannette Partlett, formerly, Director of Emeritus College, Emory University
Children: William and Anne
Hobbies: Tennis, Golf, Pottering About

Publications and Presentations

Books Authored

With Weaver and others: Remedies: Cases, Practical Problems and Exercises, 5th Edition
(Interactive Casebook Series) 2020

With Schwartz and Kelly, Prosser et al., Torts: Cases and Materials, 14th Edition, with Teacher's
Manual (Foundation Press, New York, 2020) (Co-author of last six editions).

With Weaver and others: The Right to Speak III: Defamation, Reputation and Free Speech,
(Carolina Academic Press, Durham, NC, 2006).

With Nurcombe, Child Mental Health and the Law (Macmillan Free Press, New York, 1994).

With Sloan and others, Suing for Medical Malpractice (University of Chicago Press, Chicago,
1993).

Professional Negligence (Law Book Company, Methuen, Sydney, 1985).

Books Edited

With J. Goldring, R. Hamilton, and N. Gunningham, "Access to Justice" (A.N.U. Press, 1979).

With J.L.R. Davis "Compensation for Personal Injuries" (A.G.P.S., 1985).

Articles

Tort Law and its Three Christian Pillars, Private Law and Christianity edited by Robert Cochran
and Michael Moreland (Routledge Press- forthcoming 2020)

The Spirit of the Common Law and the Rights of Women: A Review of Bernstein, the Common
Law Inside the Female Body, *Journal of Tort Law*, Vol.12(1), pp. 127-153 (2019).

New York Times v. Sullivan: The Great American Case, in *Landmark Cases in Defamation Law*,
David Rolph (editor). (editor), Hart Publishing (2019)

Reflections: Personal and Institutional, on the Past and Future Southeastern Association of Law
Schools, 86 *UMKC Law Review*, 559 (2018).

Remedies for Breach of Privacy: A Study of a Different Hedgehog, eds. Jason Varuhas and Nicole Moreham, *Remedies for Breach of Privacy Across the World*, Hart Publishing, (2018)

New York Times v. Sullivan at 50 Years: Defamation in Separate Orbits, in Andrew Kenyon (editor), *Comparative Defamation and Privacy Law*. (Cambridge University Press 2016).

Fifty Years Decline of Privacy: The Forgotten Right to Be Forgotten, in *Information and Law in Transition, Freedom of Speech, the Internet, Privacy and Democracy in the 21st Century*, LIBER (2015).

The Bible & Tort Law, in the *Oxford Encyclopedia of the Bible and Law: Two-Volume Set* (Oxford Encyclopedias of the Bible), 2015.

Apportionment and Tortfeasors in Australia: An Outside View, 22 *Torts Law Journal* (2014).

Remedies in a Wide-Angle Lens: Observations on Remedial Concilience”, 63 *Emory L.J. Online* 53 (2014).

Asbestos Wars: In Three Parts, 71 *Wash. & Lee L. Rev.* 759 (2014).

With Pascal Mbongo & Russell L. Weaver, “The Eras of American Legal Scholarship: The Making of a Priesthood, *AMERICAN LAW TODAY*, 2013.

With Russell Weaver, “Teaching Remedies: A Capstone Course”, 57 *St Louis U. L.J.* (2013).

With William W. Gill, “A Tale of Two Ironies; or, In Defense of Tort,” 25 *Pacific McGeorge Global Bus. & Dev. L.J.* 343 (2012).

“Protecting Privacy in the Digital Age”, with Russell Weaver and Mark Cole, in “The Right to Privacy in the Light of Media Convergence: Perspectives from Three Continents”, ed. Dieter Dorr and Russell Weaver, (De Gruyter, 2012).

With Russell Weaver, “BP Oil Spill: Compensation, Agency Costs, and Restitution,” 68 *Washington & Lee University Law Rev.* 1341 (2011).

With Professor Barbara McDonald, “International Publication and Protection of Reputation: A Margin of Appreciation but not Subservience?” 62 *Alabama Law Rev.* 477 (2011).

The Libel Tourist and the Ugly American: Free Speech in an Era of Modern Global Communications, 48 *U. Louisville L. Rev.* 629-1290 (2009).

A Tribute to Harold Berman, 22 *Emory Int’l L. Rev.* [i] (2008).

With Russell Weaver, “Remedies as a ‘Capstone’ Course,” 27 *Rev. of Litigation* 269 (2008), (Essay for AALS Workshop on Remedies).

“Defective Structures and Economic Loss in the United States; Law and Policy,” *Emerging Issues in Tort Law*, J. Neyers, Ed. (Hart Pub. 2007).

With Russell Weaver, "Remedies, Neutral Rules and Free Speech," 39 Akron L. Rev. 905 (2006)
(Essay for Fourth Remedies Discussion Forum.)

With Russell Weaver, "Defamation, Free Speech, and Democratic Governance," 50, New York L. Rev., 2005-2006.

Of Law Reform Lions and the Limits of Tort Reform, 27 Syd. L. Rev. 417 (2005).

Defamation Law and Free Speech: *Reynolds v. Times Newspapers* and the English Media, 37 Vand J. Trans. Law 1255 (2004).

The Republican Model and Punitive Damages, 41 San Diego L. Rev. 1409 (2004).

With Russell Weaver, "Defamation, the Media and Free Speech: Australia's Experiment with Expanded Qualified Privilege," 36 Geo. Washington Univ. J. of Interna. Law 377 (2004)

Misuse of Genetic Information: The Common Law and Professionals' Liability, 42 Washburn Law Journal 489 (Spring 2003); republished in Panorama Assicurativo (2004)

With Russell Weaver, "Restitution: Ancient Wisdom," 36 Loyola of Los Angeles L. Rev. 975 (Winter 2003)

"Introduction to Administrative Law Discussion Forum," 54 Admin. L. Rev. 565 (2002)

Equity, The Oxford Companion to American Law, (Oxford University Press 2002)

With Russell Weaver, "Filling Cavities," 39 Brandeis Law Journal 677 (Spring 2001)

With Barry Nurcombe, "Recovered Memories of Child Sexual Abuse and Liability: Society, Science, and the Law in a Comparative Setting," 4 Psychology, Public Policy, and Law 1253 (1998)

Punitive Damages: Legal Hot Zones, 56 La. L. Rev. 781 (1996)

Roaming in the Gloaming: The Liability of Professionals, 14 Sydney L. Rev. 261 (1992)

From Victorian Opera to Rock and Rap: Inducement to Breach of Contract in the Music Industry, 66 Tulane L. Rev. 771 (1992)

With Eric Szweda, "An Embattled Profession: The Role of Lawyers in the Regulatory State," 14 University of New South Wales L.J. 8 (1991)

From Red Lion Square to Skokie to the Fatal Shore: Racial Defamation and Freedom of Speech, 22 Vand. J. Trans. Law 431 (1989), reprinted in updated, revised, and expanded form in Freedman and Freedman (ed.) Group Defamation and Freedom of Speech (Greenwood Press under the auspices of Hofstra University 1995), 135

Professional Negligence in America, in P.D. Finn (ed.) Essays on Torts (Law Book Company, 1989), 98-149

With Jeffrey O'Connell, "An America's Cup for Tort Reform? Australia and America Compared," 21 Michigan Journal of Law Reform 443 (1988)

With Gregory Burton, "The Share Repurchase Albatross and Corporation Law Theory," 62 Australian Law Journal 139 (1988)

With J. Handmer, "Flood Warnings and Legal Liability: The Georges River Floods August 1986," CRES Working Paper 1988/8 ISBN 0-86740-331-4.

Forecasts, Warnings and Legal Liability: High Pressure and Gale Warnings for Weather Forecasting, CRES Working Paper 1987/7, ISBN 0-86740-283-0.

Liability for Floods and Failing Dams, CRES Working Paper 1986/41, ISBN 0-86740-266-0

Recovery of Damages for Loss of Future Earnings, in Tay (ed.) Law and Australian Legal Thinking in the 1980's, p.195 (1986), 12th International Congress of Comparative Law, Sydney & Monash Universities, 18-27 August 1986.

Economic Loss and the Limits of Negligence, (1986) 60 Australian Law Journal 64.

The Implications of Sutherland Shire Council v. Heyman for Building and Design Professionals, 2 Building and Construction Law 33 (1986).

Attorney-Client Privilege, the Professions, and the Common Law Tradition, 10 The Journal of the Legal Profession 9 (1986).

With Jeffrey O'Connell, "No-Fault Insurance for Australians? A Package of Possibilities, in Davis and Partlett, Compensation for Personal Injuries, (A.G.P.S. 1985).

Economic Analysis and Some Problems in the Law of Torts, 13 Melbourne University Law Review 398 (1982).

Economic Analysis in the Law of Torts, in Cranston and Schick (ed.), Law and Economics, (A.N.U. Press, 1982).

Does the Racial Discrimination Act adequately Fulfill Australia's obligations under the International Convention on the Elimination of all Forms of Racial Discrimination?, in Nettheim, Legislating for Human Rights (U.N.S.W., Faculty of Law, 1981).

The Caltex Case: Recovery of Economic Loss in Negligence, 9 Sydney Law Review 121 (1980).

Benign Racial Discrimination: Aborigines & Equality, 10 Federal Law Review 238 (1979).

Subrogation in Accommodation Bills of Exchange, 53 Australian Law Journal 699 (1979).

Recovery of Economic Loss in Negligence: The Australian High Court Strikes a New Trail, 9 California Western International Law Journal 563 (1979).

Liability of Auditors to Third Parties in Negligence, 17 Law Society Journal 93 (1979).

The Racial Discrimination Act, 1975 and the Anti-Discrimination Act 1977: Aspects and Proposals for Change, 2 University of New South Wales Law Journal 152 (1977).

Can You Legislate for Equality?, Proceedings of the Australian Institute of Criminology 1975.

Selected Scholarly Book Reviews and Commentaries

Foreword: David Fischer, the Fox, 73 Mo. L. Rev. 281 (2008) (Essay for *Symposium: A Tribute to Professor David Fischer*).

The American Dean Goes Abroad, 31 University of Toledo Law Review 689 (2000).

Legal Language, 38 Judges' J. Spring 1999, at 32. [This is an ABA publication.]

Tort Liability and the American Way: Reflections on Liability for Emotional Distress, 45 Am. J. Comp. L. 601 (1997). [This is a book review for *Tort Liability for Psychiatric Damage: The Law of 'Nervous Shock'*.]

A Careful Exposé: A Review of Civil Juries and the Politics of Reform, by Stephen Daniels and Joanne Martin, 79 Judicature 288 (1996).

The Common Law As Cricket: A Review Essay of Form and Substance in Anglo-American Law by Patrick S. Atiyah & Robert S. Summers, 43 Vand. L. Rev. 1401 (1990).

Child Abuse, 24 The Vanderbilt Lawyer 4 (1993).

Medical Malpractice, 19 The Vanderbilt Lawyer 9 (1988).

Law, Medicine, and the American Way, Centre for Independent Studies Policy Report, 1987.

Case Note, Mahony v. J. Kruschich (Demolitions) (High Court June 1985) 59 A.L.J. 621 (1985).

Case Note, Sidaway v. Bethlem Royal Hospital (The Times, February 22, 1985) 59 A.L.J. 341 (1985).

Case Note, Gould v. Vaggelas ((1984) 58 A.L.J.R. 560) 59 A.L.J. 228 (1985).

Case Note, Jaensch v. Coffey ((1984) 58 A.L.J.R. 426) 59 A.L.J. 44 (1985).

Economic Analysis of Law, by R. Posner (2nd Ed), 11 Federal Law Review 239 (1980).

A Matter of Justice, by C.D. Rowley, 10 Federal Law Review 108 (1979).

Scholarly Presentations (last 10 years)

A History of NYT v. Sullivan, Scholar Series at the University of Melbourne, 2019.

Non-Disclosure Agreements, Liquidated Damages and Arbitration in Context: Contracts Drawn for Good or Evil, Remedies Discussion Forum at Aix en Provence, June 26-30, 2018

95th ALI Annual Meeting – Economic Harm and Intentional Torts, May 21, 2018

Apple: Privacy, National Security & Surveillance, Elon University Symposium, March 4, 2016.

Property and the Constructive Trust, Southeastern Association of Law Schools, (SEALS), 68th Annual Meeting, August 2015.

Fifty Years Decline of Privacy: The Forgotten Right to Be Forgotten (Sept. 21- 23, 2014 Uppsala University, Sweden).

Contributory Negligence: From Substantive Defense to Remedy: From Rule to Discretion, presented at the Southeastern Association of Law Schools (SEALS), 67th Annual Meeting, August 2014.

Grimaldi and Secret Profits: The Province of Constructive Trust, Remedies Forum. Aix en Provence, June 18 and 19, 2014.

New York Times v. Sullivan and Defamation Law 50 years Beyond, CCML Melbourne University, April 23 and 24, 2014.

The Common Law and Defamation in America. Australian National University College of Law-Canberra, April 22, 2014.

Legal Education Under Stress, Australian National University College of Law, May, 2014.

From Invited Guest to Stranger: New York Times v. Sullivan's Overseas Peregrinations, Roger Williams School of Law, Bristol, RI, February 21, 2014.

Apportionment and Tortfeasors in Australia: An Outside View, Torts Forum on Apportionment and Attribution of Liability, Sydney, Australia, December 14, 2013

“The Constitution & Private Law Discussion”, Supreme Court of WA, Australian Federal Court, May 8, 2013.

“The State of the American Law School”, University of Western Australia Research Conversation,” May 7, 2013.

“Free Speech Defamation & Privacy in the American Setting”, United Nations Office on Drugs and Crime (UNODC), Experts Meeting, Vienna, April 2013.

“The Rating Agencies and the Financial Crisis.: The Curate’s Egg”, Sydney University Lecture Series, March 27, 2013.

“Developing a Common Core of Remedies”, Kentucky December 5, 2012.

“Where did all of Nuance go?”, Cambridge University, November 15, 2012.

“Fading of a Fragile Flower: Private Law in a Constitutional Law Vice”, Obligation Group at Oxford, November 1, 2012.

Practical Clinical Training in the American Law School, LSU Law Center, March 30, 2012.

“Protecting Privacy in a Digital Age,” Privacy Discussion Forum, Johannes Gutenberg-Universität, Mainz, Germany, with Russell Weaver and Mark Cole, June 8/9, 2011.

“A comparative view of fiduciary and other duties imposed by law: are they non-negotiable?” With Barbara McDonald, Remedies Discussion Forum, The University of Provence Aix-Marseille, Aix-en-Provence, France, June 23/24, 2011.

“A Tale of Two or More Ironies: Tort Liability and Free Speech,” “The Global Impact and Implementation of Human Rights Norms” Panel, at the University of the Pacific McGeorge Global Business & Development Law Journal Symposium, Pacific McGeorge School of Law, Sacramento, California, March 11-12, 2011.

“The Changing Nature of the 21st Century Law Faculty,” A.B.A. Deans’ Workshop, San Diego, California, March 3-5, 2011.

“Global Law School: Teaching/Studying Abroad, Bringing It Home,” Corporate Law Workshop, The Southeastern Association of Law Schools, 63rd Annual Meeting, August 2010.

“Plenary Session: Roundtable Discussion on the Future of Legal Education in Light of Difficult Economic Times,” Moderator of Panel Discussion, Southeastern Association of Law Schools, 62nd Annual Meeting, August 2009.

“International Publications and Protection of Reputation: A Margin of Appreciation?” with Barbara McDonald, Remedies Forum, Aix en Provence, France, June 2009.

“Changes in Legal Education,” Panel discussion presented to *Best Lawyers 25th Anniversary event*, April 2009.

“The Libel Tourist and the Ugly American: Free Speech in an Era of Modern Global Communications,” Keynote Address, U. Louisville L. Rev. Symposium: First Amendment Issues in Emerging Technology.

“Teaching Tort Theory to 1Ls: Benefits, Methods and Potential Pitfalls,” Moderator of panel discussion, Southeastern Association of Law Schools, 61st Annual Meeting, July-August 2008

Supporting Scholarship, Association of American Law Schools, January 2007.

Inaugural Speaker for Campbell University’s Norman A. Wiggins School of Law, Deans Speak Series, January 2007.

Newsgathering: Liability and Remedies, Remedies Forum, University of Louisville, Nov. 18-19, 2006.

Free Speech and Defamation, Tort and Compensation Interest Group Panel, Association of American Law Schools Annual Conference, January 2006.

Empirical Scholarship, Southeastern Association of Law Schools, Palm Beach, Florida, July 2006.

Liability for Defective Structures, Emerging Issues in Tort Law, University of Western Ontario School of Law, London, Ontario, June 2006.

Terrorism, Insurance, Compensation, Association of American Law Schools, January 2006.

--Updated May 2020