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## **ACADEMIC PREPARATION**

Massachusetts Institute of Technology (1970-1980): Ph.D. in Urban Studies and Planning (specializing in Law and Social Policy); Columbia University Sociology Department (1968-1970): M.A., Faculty Fellow; Harvard Law School (1964-1967): J.D. *cum laude*, Harvard Legal Aid Bureau; Columbia College (1960-1964): A.B. *summa cum laude*, Phi Beta Kappa, Siff (University-wide) Prize in Philosophy of Science, Kinne Prize in Humanities, Regents Scholarship; Bronx High School of Science (1957-1960): Mathematics Award, Honor Society.

## **PROFESSIONAL EMPLOYMENT**

Northeastern University School of Law: Assistant Professor of Law (1969-1972); Associate Professor of Law (1972-1973); Professor of Law (1973-present); Associate Dean for Academic Affairs (2004 – present). Hon. Henry J. Friendly, United States Court of Appeals for the Second Circuit, New York City (July 1967-August 1968): Law Clerk; Columbia University School of Law (September 1968- June 1969): Associate in Law (teaching fellow); Tufts New England Medical Center: Instructor in Psychiatry (1976-1989). Consultant, Consumers Union, New York Office (1979); Consultant and Lecturer (1986-Present); Expert Witness before various state insurance commissions (1988).

## **BAR ADMISSIONS/RECOGNITION**

New York 1967; U.S. Court of Appeals, 6<sup>th</sup> Cir. 1986; U.S. Supreme Court 1986; U.S. Court of Appeals, 11<sup>th</sup> Cir. 1987, U.S. Court of Appeals, 5<sup>th</sup> Cir. 1996; Who's Who in American Law (6<sup>th</sup> ed. - to present); Who's Who in America (51<sup>st</sup> ed., 1997 - to present); Who's Who in the World (15<sup>th</sup> ed., 1998 - to present); Who's Who in Finance and Industry (31<sup>st</sup> ed., 1999); The Gleitsman Foundation Certificate of Special Recognition, (1998); Smoking or Health Award, American Lung Association of Massachusetts (1991); Middlesex County Bar Association Champion of Justice Award (1999).

## **PUBLIC HEALTH RESPONSIBILITIES INVOLVING TOBACCO AND OBESITY**

President, Group Against Smoking Pollution of Massachusetts (1983-); President, Stop Teenage Addiction to Tobacco (1995-1998), Vice President (1991-1995), Board of Directors (1990-); President, Clean Indoor Air Educational Foundation (1984-1992), Tobacco Control Resource Center, Inc. (1993-); Chairman, Tobacco Products Liability Project (1984-); Editor-in-Chief, *Tobacco Products Litigation Reporter* (1985-); Associate Editor, *Tobacco Control: An International Journal* (1998-); Member, Advisory Committee on Tobacco Policy and Public Health (Koop-Kessler Committee) (1997); Advisory Board, Tobacco Divestment Project (1990-1998); Member, American Society of Heating, Refrigeration and Air Conditioning Engineers, Standing Committee on Indoor Air Ventilation (SSPC-62), and Subcommittee on Health and Comfort (1992-1999); Member, National Coordinating Committee on Tobacco Policy Research (1990-1993); Secretary, Tobacco Control Council, National Association for Public Health Policy (1990-2000); Advisory Board, Foundation for a Smoke-Free America (1989-); Board of Directors, Americans for Nonsmokers Rights (1991-1998); Member, Harvard Institute for the Study of Smoking Behavior and Policy, Study Group (1986-1989); Chair, New England Tobacco Control Professionals Study Group (1989-1990); Governing Counsel of American Public Health Association (2000- ); Massachusetts Attorney General's Tobacco Settlement Advisory Committee (2000- ; Chair, 2001-2002); Board member, Chair, Law and Obesity Project, Public Health Advocacy Institute (2002- ).

## **Grants, Contracts & Special Projects**

Principal Investigator, Robert Wood Johnson Foundation's Americans with Disabilities Act Smokefree Policy Research and Evaluation Project (1994-1995); Principal Investigator, Massachusetts Tobacco Control

Program's (MTCP) Legal Policy Research Project (1994); Principal Investigator, MTCP Americans with Disabilities Act Smokefree Demonstration Project (1994-96), Principal Investigator, National Cancer Institute, Legal Interventions to Reduce Tobacco Use (1995-1999); Principal Investigator, Robert Wood Johnson Foundation, Legal and Political Strategies and Local Tobacco Control; Principal Investigator, Substance Abuse Policy Research Program - Prohibiting Minors From Possessing Tobacco - a Comparison of Strategies from Eight Municipalities With Policy Recommendations based on Empirical Observation (1999-2000); Principal Investigator, Robert Wood Johnson Foundation's Analyzing Cigar Regulation and Other Legal Interventions to Reduce Cigar Use (1999-); Principal Investigator, National Cancer Institute, Influence of Legal Environment on Tobacco Industry Behavior (2002 – 2006); peer reviewer, medical and public health journals and book publishers, University of California Tobacco Related Disease Research Program, and 1995 Surgeon General's Report; submitted *amicus curiae* briefs in four appellate cases, as well as to the U.S. Supreme Court; wrote model for Massachusetts ordinances banning smoking in public places (1975).

### **Congressional Testimony & Media Appearances**

Testified (or submitted testimony) before congressional and state legislative committees, Federal interagency Committee on Smoking & Health, administrative agencies, and local governmental bodies in several states; Appeared on national television and radio programs (including "Nightline," "Today," "This Week with David Brinkley," "McNeil-Lehrer," "Frontline," "Crossfire," "Inside Business," CBS, NBC and ABC Evening News, and "All Things Considered"), on British, German, Japanese and Spanish television, on British, Canadian, Australian, New Zealand and Korean radio, and on local programs in many cities; extensively quoted in national magazines and newspapers (including *Time*, *Business Week*, *Barrons*, *New York Times*, *Washington Post*, and *Wall Street Journal*), in the international press, in wire service stories, in syndicated columns, in regional newspapers throughout the U.S., and in legal and medical publications; Subject of feature articles in *Wall Street Journal* (April 20, 1987), *New York Times* (February 14, 1988), and *Boston Sunday Globe* (May 1, 1994).

### **Domestic & International Lectures**

Delivered Ford Hall Forum lecture with Surgeon General Koop (October 10, 1985); lectured on tobacco products liability to doctors at several local hospitals and at the Royal Society of Medicine, London, to attorneys in bar committee and continuing legal education meetings, to public health students at Harvard and Boston University, to meetings of local lung, public health, and civic associations, and to annual conferences of Stop Teenage Addiction to Tobacco (1986-); Mellon lecture at University Of Pittsburgh Law School (1987); presented papers at 6<sup>th</sup> World Conference on Smoking and Health (Tokyo, 1987); Keynote address at Asian-Pacific Conference on Control of Cigarette Smoking (Teipei, 1989); Keynote Address, 7<sup>th</sup> World Conference on Tobacco and Health (Perth, 1990); chaired 21 annual international conferences of the Tobacco Products Liability Project (plaintiffs' attorneys and public health advocates), two annual international conferences on Legal Approaches to the Obesity Epidemic, three ATLA section meetings, and several press conferences; invited speaker, American Public Health Association, 1986, 1988, 1989, 1990, 1992; 1996; 1997; 2000; American Society for Preventive Oncology (Washington, 1989); Commentator, Association for Consumer Research (New Orleans, 1989), on effects of cigarette advertising on smoking behavior; 15<sup>th</sup> International Cancer Congress (Hamburg, 1990); International Symposium on the Control of Tobacco-Related Cancer and Other Diseases (Bombay, 1990); Workshops on Passive Smoking and Nonsmokers' Rights, 7<sup>th</sup> World Conference on Tobacco and Health (Perth, 1990); World Conference on Lung Health (Boston, 1990); Faculty, Fifth Summer Conference, Stanford Center for Research in Disease Prevention (July, 1990); International Conference on Cancer Prevention (Bethesda, 1991); leader, Workshop on Legal Issues in Tobacco Control, "Tobacco Use: An American Crisis," Wash., D.C. (January 1993); Conference on "Tobacco Use: An American Crisis" (Washington, 1993) National Workers' Compensation and Occupational Medicine Seminar (Hyannis, 1993); American Society of Addiction Medicine (Atlanta, 1993); American Trial Lawyers Ass'n (Tucson, 1994); Mass. Tobacco & Youth Conference (Boston, 1994); President's Cancer Panel (Virginia, October 5, 1994); 9<sup>th</sup> World Conference on Tobacco and Health (Paris, 1994); European Conference on Tobacco and Health (Helsinki 1996); 10<sup>th</sup> World Conference on Tobacco and Health (Beijing 1997); lecturer to business executives on legal implications of smoking in the workplace at conferences sponsored by the New Hampshire, Massachusetts, Connecticut and Indiana Lung Associations (1986-); St. Louis ASSIST Coalition (1994), and at conferences in Connecticut, Rhode Island and Massachusetts sponsored by the Environmental Protection Agency (1994-); lectured to faculty seminar at Johns Hopkins University Department of Epidemiology (1995); National Dental Tobacco-Free Steering Committee (Bethesda, 1996); Harvard Law School Conference on the Tobacco Settlement: Should Tort Law Be on the

Table? (Cambridge, Mass. 1997); London School of Economics, the Colloquium on Public Health Law (Durban, South Africa); European Conference on Tobacco or Health (Gran Canaria, Spain); Turkish Conference on Smoking or Health (Istanbul); Fourth Annual National Conference on Tobacco & Health (St. Paul, Minnesota); Annual Conference of the National Consortium for Academics and Sports (Orlando, Florida); Moses Greeley Parker Lectures (Lowell, Massachusetts); University of Connecticut School of Medicine; colloquium -- on Lawyer Collaboration with Systems of Evil -- at Roger Williams Law School (Rhode Island); Panamerican Health Organization on Tobacco Litigation (Valparaiso, Chile), Control of Tobacco in Brazil, Brazilian Medical Association (Rio de Janeiro, Brazil) (1999); Debate with BAT Representative, West Indies Journalists Association (Trinidad, 2000); World Conference on Tobacco Or Health (Chicago, 2000); consultant on Tobacco Industry archives project at the University of California San Francisco (2000); consultation On Tobacco Litigation and Public Inquiries (Jordan, 2001); Expert Panel on Liability and Compensation Provisions in the Framework Convention on Tobacco Control (Geneva, 2001); Conference on Tobacco-related Legal Issues in the European Union (Luxembourg, 2001); Intervention at the 3rd International Negotiating Body Meeting of the Framework Convention on Tobacco Control (Geneva, Switzerland 2001); Presenter at Managing Globalization to Improve Health, "Riding East: The Global Tobacco Control Movement and the Role of Mass Media," Harvard Health Caucus at Harvard Medical School (Cambridge, MA, 2002); "Can Litigation Help End the Obesity Epidemic? A Comparison with Tobacco Litigation," talk given at the Harvard School of Public Health (Boston, MA, 2003).

## SELECTED PUBLICATIONS

"Test Case Litigation as a Source of Significant Social Change," 18 *The Catholic Lawyer* 1 (Winter 1972); "Tobacco Products Liability Litigation as an Antismoking Strategy," in Aoki, M. et. al, *Smoking and Health 1987*, 409-413; "Tobacco Liability Litigation as a Cancer Control Strategy," 80 *J. Nat. Cancer Institute* 9 (1988); "The Cipollone Documents," 24 *Trial* 11 (November, 1988) (with Laurie Morin); "Up from the Ashes: Cigarette Litigation and the Dewey Decision," 5 *Toxics Law Reporter* 630 (1990); "Proving Causation in Lawsuits Involving Environmental Tobacco Smoke," in *Proceedings of Pre-conference Workshop on Passive Smoking* (1990) 84-89; "Worldwide Litigation," in *Tobacco & Health 1990: The Global War*, 189-191; "What is ASHRAE, and Why Should We Care?" presented at a workshop on Nonsmoker's Rights at 7<sup>th</sup> *World Conference on Tobacco and Health* (revised September 10, 1990); "Product Warnings - Tobacco" (with Laurie Morin) in *Handling Product Warning Cases* (Wiley, 1991); "Health Hazards of Secondhand Smoke" (with Stanton Glantz), *Trial* (June 1991) 37-39; "Recent Developments in Tobacco Litigation - 1991," 1 *Tobacco Control: An International Journal*, 1992; 1:37-45; "Tobacco Litigation - Purpose, Performance, and Prospects," in National Cancer Institute Monograph: *International Conference on Cancer Prevention: Facts, Maybes, and Rumors* (1992, #12, 53); "Redress for Injury Caused by Environmental Tobacco Smoke" (with Edward Sweda), 28 *Trial* #3, 50 (March 1992); "Judicial Action for Tobacco Control," in Roemer, R., ed., *Legislative Action to Combat the World Smoking Epidemic* (1992); "Controlling Cancer by Suing Tobacco Companies: The Potential for India in the Light of the U.S. Experience," *Control of Tobacco-related Cancers and Other Diseases, International Symposium, 1990*, P.C. Gupta, J.E. Hamner, III and P.R. Murti, Eds. (Oxford University Press, Bombay, 1992); "Cipollone Ruling Sends Industry a Message: Say Goodbye to Federal License to Lie," 20 *Prod. Safety & Liab. Rptr.* 712 (1992); "Tobacco in Court" (edited special issue and wrote two articles), 17 *World Smoking and Health* #2 (1992); "When Cigarettes Start Fires: Industry Liability," (with Andrew McGuire) 28 *Trial* 411, 44 (1992); 23 *Trial Lawyers Quarterly* 22 (1993); "Report of the Tobacco Policy Research Study Group on Tobacco Litigation" (with others), 1 *Tobacco Control* 537 (Supp. 1992); "Tobacco Use as a Sociologic Carcinogen: The case for a Public Health Approach." (with Thomas Novotny, Patricia Shane, and Gregory Connolly), in *Cancer 1992* (V. DeVita, ed.); "Tobacco Policy," 12 *Health* 1:46-48 (1992); "Cipollone v. Liggett: Resounding Victory!" *Tobacco on Trial* (June 26, 1992); "Should You Sue a Cigarette Company for Cancer?" 12 *Lawyers Alert* 15:12-18 (July 20, 1992); "Workshop on Legal Issues in Tobacco Control" (December 1992); "Chipping Away at the Legal Immunity of Tobacco Companies," *Priorities* 11 (Summer 1993); "Smoking Out the Enemy: New Developments In Tobacco Litigation," 29 *Trial* 16 (November 1993); "Judicial Action for Tobacco Control," in *Legislative Action To Combat The World Tobacco Epidemic*, 2<sup>nd</sup> Ed. (1993); "Filter Tips: More Ways to Smoke the Tobacco Companies; Litigation," 25 *Washington Monthly* 18 (1993); "Tobacco Products Liability Suits in Massachusetts -- a Neglected Opportunity," 1 *J. Mass. Aca. Trial Attys* #3 50 (Jan. 1994) (with Friedman); "Second-hand Smoke and the ADA: Ensuring Access for Persons with Breathing and Heart Disorders," 13 *St. Louis Univ. Public Law Rev.* 635 (1994) (with Mark Gottlieb and Jennifer Lew); "Catastrophe Theory and

Tobacco Litigation," 3 *Tobacco Control* 59 (1994); "The Third Wave of Tobacco Liability Cases," 30 *Trial* (November 1994); Daynard, RA. "Resisting tobacco industry abuse of the legal process," *Tobacco Control* 1995 4: 209; "The Third Wave of Tobacco Litigation in the U.S. and Beyond," *World Health Organization Tobacco Alert* (April 1995) (with Graham Kelder and Mark Gottlieb); "The Tobacco Industry Under Fire," *Trial* (November 1995) (with Kelder); "Tobacco Industry Tactics," *British Medical Bulletin* (January, 1996) (with Sweda) (reprinted in 1999, in Schaler, Smoking: Who Has the Right); "Waiting to Exhale: Tobacco Companies Hold Their Breath Over a New Legal Challenge That Could Have a Crushing Effect," *The Boston Sunday Globe* Focus Section (February 11, 1996) (with Kelder); "Tobacco Litigation as a Public Health and Cancer Control Strategy," *Journal of the American Medical Women's Association* (March 1996) (with Kelder); "The Physician's Role in Helping Smoke-Sensitive Patients to Use the Americans With Disabilities Act to Secure Smoke-Free Workplaces and Public Spaces," (276)(11) *The Journal of the American Medical Association* (September 11, 1996) (with Parmet and Gottlieb); "Blowing Smoke Out of the Workplace," 32 *Trial* 8 (1996) (with Gottlieb); "The Role of Litigation on the Effective Control of the Sale and Use of Tobacco: Litigation as Substitute for and Supplement to Conventional Means of Regulation Thwarted by the Tobacco Industry," 8 *Stanford Law & Policy Review* 1 (1997) (with Kelder); "Judicial Approaches to Tobacco Control: The Third Wave of Tobacco Litigation as a Tobacco Control Mechanism" 53 *Journal of Social Issues* 1 (1997) (with Kelder) (reprinted in 1998, in Schaler, Smoking: Who Has the Right); "Litigation by States Against the Tobacco Industry," Proceedings of the Tenth World Conference on Tobacco or Health, Beijing, China (August 1997); "Accommodating Vulnerabilities to Environmental Tobacco Smoke: A Prism for Understanding the ADA," *Journal of Law and Health* (1998) (with Parmet and Gottlieb); "Changes to the Civil Justice System Under the Proposed Tobacco Settlement," Working Paper #4 in a Series on Legal Issues in the Proposed Tobacco Settlement (August 1997) (with Rumpler); "The Many Virtues of Tobacco Litigation," *Trial* (November 1998) (with Kelder); "A Year of Living Dangerously: The Tobacco Control Community Meets the Global Settlement," *Public Health*, (November/December 1998) (with Michele Bloch and Ruth Roemer); "Tobacco Industry Tactics," in *Smoking: Who Has the Right?* ed. Jeffrey Schaler & Magda Schaler. New York: Prometheus Books (November 1998) (with Sweda); "Controle do Tabagismo No Brasil," *I Simposio Internacional Sobre Tabagismo* (August 1999); "Keys to Litigating Against Tobacco Companies," *Trial* (November 1999) (with Gottlieb); "Lawyer Management of Systems of Evil: The Case of the Tobacco Industry," 5 *Roger Williams University Law Review* (Fall 1999); "Q: Is Janet Reno's RICO Lawsuit Against Big Tobacco Legally Justified? - Yes: A Pattern of Deception is the Smoking Gun Evidence Against Cigarette Makers," *Insight* (November 8, 1999); "Should Tobacco Companies Reimburse the Federal Government for Health-Care Costs Related to Smoking? - A Response," 9 *CQ Researcher* 993 (November 12, 1999); Book Review: Stanton A. Glantz, John Slade, Lisa A. Bero, Peter Hanauer, and Deborah E. Barnes. *The Cigarette Papers*, 24.6 *Journal of Health Politics, Policy and Law*, 1400 (December 1999); "The New Public Health Litigation," 12:8 *Annual Review of Public Health* 1 (January 2000) (with Parmet); "Tobacco Litigation Worldwide," 320 *British Medical Journal* 111 (January 2000) (with Bates, Francey); Special Feature, World's Best Practice in Tobacco Control - "Litigation: USA," 9 *Tobacco Control* 6 (2000); "Casting Blame on the Tobacco Victim: Impact on Assumption of the Risk and Related Defenses in U.S. Tobacco Litigation," (with Gottlieb) 374 *Vedlegg* 1 (Nov. 2000: Tobakkindustriens Erstatningsansvar); "The Engle Verdicts and Tobacco Litigation," 321 *British Medical Journal* 312 (5 August 2000); "Reducing Tobacco Use: A Report of the Surgeon General," (contributing author) (2000); "Tobacco Litigation: a Mid-Course Review," 12 *Cancer Causes and Control* 383-386 (2001); "A Question of Intent, Book Review," *Trial* 76 (June 2001); "Tobacco Class Actions Fire Up," (with Gottlieb), *Trial* 18 (November 2001); "Implications for Tobacco Control of the Multistate Tobacco Settlement" (with Parmet, Kelder and Davidson), 91 *American Journal of Public Health* 1967 (December 2001); "'Hired Guns', Adversaries, or White-Collar Killers: Comment on Professor Green's and Redish's Views of Tobacco Lawyers," 51 *DePaul Law Review* 449 (Winter 2001); "Will Big Tobacco Seek Bankruptcy Protection? A \$145 Billion Verdict Poses the Question," 26:2 *William and Mary Environmental Law and Policy Review* 359 (Winter 2001); Chapter entitled "Tobacco use-related diseases" on legal issues in tobacco control in "Law and Public Health Practice" (with Davis, Gottlieb, Kline, and Sweda) (Oxford Press 2002); "Regulating Tobacco: The Need for a Public Health Judicial Decision-Making Canon," 30 *Journal of Law, Medicine & Ethics* 281 (2002); Comments from Conference on Law and Public Health: A Partnership in Action, 23:2 *Journal of Public Health Policy* 208 (Summer 2002); "Food Litigation: Lessons From the Tobacco Wars," 288:17 *JAMA* 2179 (November 6, 2002); "Why Tobacco Litigation?" 12:1 *Tobacco Control* (March 1, 2003); "Race, Poverty, and New Strategies to Control the Obesity Epidemic." (with Robbins & Parmet), *Poverty & Race Research Action Council* (May/June 2003); "Stop Blaming the Customer" (with Kelley), op ed in *USA Today* (May 13, 2003); "Legal Approaches to the Obesity Epidemic" 13:5 *Consumer Policy Review* (September/October 2003); "Commentary: Lessons from Tobacco Control for

the Obesity Control Movement." 24:3&4 *Journal of Public Health Policy* (2003); "Obesity Litigation: Who's to Blame." 18:1 *Health Law News* (May 2004); Chapter entitled "Roles of Tobacco Litigation in Societal Change" in "Tobacco: Science, Policy and Public Health" (Oxford University Press) August 2004; "Private Enforcement: Litigation as a Tool to Prevent Obesity." (with Howard and Wilking), 25:3&4 *Journal of Public Health Policy* (2004); "Remedies for Document Destruction: Tales from the Tobacco Wars."(with Guardino and Friedman), 12.1 *VA. Journal of Social Policy & Law* 1, 3 (2004); Chapter entitled "The Cigarette Industry" in "It's Legal but It Ain't Right: Harmful Social Consequences of Legal Industries." (Nikos Passas & Neva Goodwin, eds.) (University of Michigan 2004).