

MARY J. DAVIS
University Research Professor
Stites & Harbison Professor of Law
University of Kentucky College of Law

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ACADEMIC AND ADMINISTRATIVE POSITIONS

University of Kentucky College of Law, Lexington, KY
University Research Professor, 2016-17

Stites & Harbison Professor of Law, 1999 to present

- Courses: Torts, Products Liability, Advanced Torts, Conflict of Laws, Comparative Law Seminar, and Complex Litigation Seminar

Associate Dean for Academic Affairs, July 2010 – June 2012

Associate Dean for Administration and Faculty Development, July 2008 to June 2010

Associate Professor of Law (with tenure), May 1995 to May 1999

Assistant Professor of Law, August 1991 to May 1995

The University of Texas School of Law, Austin, TX

Visiting Professor of Law, spring 2008

- Courses: Torts, Products Liability

Boston College School of Law, Newton, MA

Visiting Professor of Law, fall 2004

- Courses: Advanced Torts, Products Liability

Wake Forest University School of Law, Winston-Salem, NC

Visiting Professor of Law, spring 1999

- Courses: Torts II, Remedies

Adjunct Lecturer in Law, spring 1990 and spring 1991

- Courses: Products Liability and Alternative Dispute Resolution

College of William and Mary Marshall–Wythe School of Law, Williamsburg, VA

Visiting Professor of Law, fall 1997

- Courses: Torts

PUBLICATIONS

Books

PRODUCTS LIABILITY AND SAFETY: CASES AND MATERIALS (7th ed. 2015) (including annual CASE AND STATUTORY SUPPLEMENTS and TEACHER'S MANUAL) (with David G. Owen)

PRODUCTS LIABILITY AND SAFETY: CASES AND MATERIALS (6th ed. 2010, 5th ed. 2007 & 4th ed. 2004) (including annual CASE AND STATUTORY SUPPLEMENTS and TEACHER'S MANUAL) (with David G. Owen and John E. Montgomery)

DAVID G. OWEN & MARY J. DAVIS, OWEN & DAVIS ON PRODUCTS LIABILITY (4th ed. 2014).

DAVID G. OWEN, M. STUART MADDEN, & MARY J. DAVIS, *MADDEN AND OWEN ON PRODUCTS LIABILITY* (3d ed. 2001).

PAUL A. LEBEL, DAVID G. OWEN, & MARY J. DAVIS, *PRODUCTS LIABILITY PROBLEMS* (2d ed.1996) and accompanying *TEACHER'S MANUAL* (1996).

DAVID G. OWEN & MARY J. DAVIS, *CASE AND STATUTORY SUPPLEMENT (1997 - 2009)* and *TEACHER'S MANUAL* for use in conjunction with OWEN, MONTGOMERY AND KEETON, *PRODUCTS LIABILITY AND SAFETY: CASES AND MATERIALS* (3d. ed. 1996).

Book Chapters

DAVID G. OWEN, JOHN E. MONTGOMERY & W. PAGE KEETON, *PRODUCTS LIABILITY & SAFETY: CASES AND MATERIALS* (3d ed. 1996); primary responsibility for chapters on regulating product defectiveness, and special issues in toxic substances litigation.

Articles

The Case Against Preemption: Vaccines and Uncertainty, 8 Ind. Health L. Rev. 291 (2012)

The "New" Presumption Against Preemption, 61 Hastings L. J. 1217 (2010)

On Restating Products Liability Preemption, 74 Brooklyn L. Rev. 759 (2009)

The Battle Over Implied Preemption: Products Liability and the FDA, 48 Boston College L. Rev. 1089 (2007)

On Preemption, Congressional Intent, and Conflict of Laws, 66 U. Pitt. L. Rev. 181 (2004).

Unmasking the Presumption in Favor of Preemption, 53 S. C. L. Rev. 967 (2002).

Summary Adjudication in United States Civil Procedure, 46 Am. J. Comp. L. 229 (Supplement 1998) (National Report to the XVth International Congress on Comparative Law).

Toward the Proper Role for Mass Tort Class Actions, 77 Or. L. Rev. 157 (1998).

Mass Tort Litigation: Congress' Silent, But Deadly, Reform Effort, 64 Tenn. L. Rev. 913 (1997).

The Supreme Court and Our Culture of Irresponsibility, 31 Wake Forest L. Rev. 1075 (1996).

Individual and Institutional Responsibility: A Vision for Comparative Fault in Products Liability, 39 Vill. L. Rev. 287 (1995).

Design Defect Liability: In Search of A Standard of Responsibility, 39 Wayne L. Rev. 1217 (1993).

Works in Progress:

The Role of State Tort Law in a World of Certain Disaster

Time for a Fresh Look at First Principles for Pharmaceutical Liability

Section 402A at Fifty: The Continuing Role of Iconic Strict Liability Doctrine

Other Papers

Is the Presumption Against Preemption Still Valid?, Proceedings of the Pound Institute for Civil Justice, 2009 Forum for State Appellate Court Justices.

Comparative Colombian and United States Law of Civil Actions for Mass Injury (2002) with Victor M. Tafur, Pace University School of Law and M. Stuart Madden, Pace University School of Law, presented to the Sixth World Conference on Injury Prevention and Control (World Health Organization) on May 15, 2002, Montreal, Quebec

Handling Preemption Questions after *Geier v. American Honda Motor Co.*, Products Liability Advisory, Issue No. 137, at 1 (West Publ., July 2000).

Products Liability: Critical Issues and Current Developments; University of Kentucky College of Law Continuing Legal Education Seminar, 1993.

PRESENTATIONS

Invited Discussant, “The War on the Civil Justice System,” Emory Law School, sponsored by the Roscoe Pound Institute for Civil Justice (October 15, 2015)

Invited Speaker, New York University Tort Theory Workshop, presenting First Principles for Pharmaceutical Liability (October 3, 2014)

Panelist, Disaster Federalism, 2012 Workshop on Torts, Environment and Disaster, Joint Mid-Year Meeting, Torts and Compensation and Environmental Sections, Association of American Law Schools (University of California, Berkeley, CA, June 8–10, 2012)

Panelist, Issues in Preemption facing the Pharmaceutical Industry, Indiana University—Indianapolis School of Law, Annual Health Law Developments and Trends (October 11, 2011)

Panelist, Vaccines and Drugs: A Brave New Tort World, Association of American Law Schools 2011 Annual Meeting, Torts and Compensation Systems Section program. (San Francisco, CA, January 2011)

Keynote Speaker, Is the Presumption Against Preemption Still Valid?, Proceedings of the Pound Institute for Civil Justice, 2009 Forum for State Appellate Court Justices.

Invited Speaker, Restatement Third of Torts: Products Liability – The 10th Anniversary Symposium, Brooklyn Law School (Nov. 13-14, 2008)

Guest Lecturer, University of Louisville School of Law, Preemption in Products Liability, Products Liability course of Prof. Ron Eades (March 22, 2006)

Presenter, Southeastern Association of American Law Schools’ Annual Meeting, Teaching Tort Theory to One-Ls (July 27, 2008); Current Issues in Class Action Litigation (July 22, 2005).

Randall-Park Faculty Colloquium, University of Kentucky College of Law, April 15, 2005; December 4, 1998; October 15, 1992

W.T. Young Distinguished Scholar Lecture Series, University of Kentucky, March 30, 2004

Guest Lecturer, Complex Asbestos Litigation, University of Michigan School of Law, for Prof. Jim J. White and Prof. Kyle Logue, Asbestos Litigation Seminar, September 7, 2003

AALS Tort Teachers Conference, New York, New York, Co-Presenter on Teaching Torts through Complex Cases, with Prof. Susan Poser, University of Nebraska School of Law, June 18, 2003

Guest Lecturer on Products Liability for School of Public Health, University of Kentucky, March 25, 2011, February 16, 2004, April 4, 2002 and February 28, 2000

Faculty Scholarship Workshop, Marshall-Wythe School of Law, College of William and Mary, November 1997

Organizer, Regional Student Trial Competition for the American College of Trial Lawyers and Texas Young Lawyers' Association National Trial Competition, Region VI, Lexington, Ky. February 9 - 11, 1996

Guest Panelist, Nursing Malpractice Litigation, University of Kentucky College of Nursing, October 26, 1994, March 23, 1995, March 21, 1996

Guest Lecturer, Products Liability, University of Kentucky Marketing Department MBA course in Product Management, October 18, 1994, October 19, 1995

Products Liability Developments and Case Update, University of Kentucky Continuing Legal Education seminar, October 3, 1993

TEACHING AWARDS

University of Kentucky College of Law

Robert M. and Joanne K. Duncan Outstanding Teacher Award, 2011 and 1998

APPOINTMENTS

Torts and Compensation Systems Section, Association of American Law Schools

Executive Committee,
2016-2021

Roscoe Pound Institute for Civil Justice

Academic Fellow, appointed 2013

Phi Kappa Phi Honor Society

Initiated, April 28, 2011

American Bar Foundation

Fellow, appointed Dec. 1, 2014

UNIVERSITY COMMITTEES AND SERVICE

College of Law Committees

- Admissions, 2012-15; Chair, 2013-15; 1996-98, 1993-95
- Building Committee, 2015-present; Chair

- Curriculum Committee, 2015-present
- Retention, Promotion and Tenure, 2012-13; 2007-2008: Chair; 2002-03
- Appointments/Personnel Committee, 2008-2010, 1999-2002, 2003-2004 (Chair)
- Lassiter Distinguished Visiting Professor Selection Committee, 2009-2012 (Chair)
- Strategic Planning Committee, 2006-2007
- ABA Self-Study Committee, 2005-06; 1998-99
- Executive Committee (faculty elected), 2013-15; 2005-2007, 2002-2003, 1998-2000, 1995-1997
- Ad Hoc Committee on the USNews Rankings, 2006-2007
- Ad Hoc Committee on Communications Policy, 2007-2008
- Ad Hoc Committee on the Honor Code, 1998-99
- Ad Hoc Committee on Academic Support Programs, 1993-94
- Dean Search Committee, 1992-1993

Other Advising and Service Activities

- Honor Council, Faculty Member, 2013-16; 2005-2008
- Honor Council, Faculty Advisor, 1994-1999, 2003-2004
- Faculty Advisor, Trial Advocacy Board, 2010-2011, 1991-1997
 - *Coach*, American Trial Lawyers Association Competition Team, 1992-1994
 - *Coach*, National Trial Competition Team, 1992-1994
 - *Coach*, National Criminal Justice Trial Competition Team, 1993

University Committees and Activities

- Provost Search Committee, 2012-13, appointed by the President
- Women's Career and Leadership Development Committee, co-chair; August 2013-Dec. 2014
- Center for Research on Violence Against Women, Internal Advisory Board member, 2013 to present
- Council of Endowed Professors and Chairs, Steering Committee, 2010-2013;
 - Presiding Secretary, 2011-12
- University Senate, Advisory Committee on Faculty Code, 2013-16
- College Business Management Institute, 2008-09,
 - Sponsored by Southeastern Association of Colleges and Schools
- Circles of Power, Leadership Development Institute for Women Faculty, 2005-2006 (by invitation)
- President's Commission on Women, 2003-2009 (appointed by the President)
 - Finalist for Chair, 2006
 - Faculty Diversity and Recruitment Committee, Chair, 2006-2007
 - Bylaws Committee, Nominating Committee, 2003-2006
 - NCAA Self-Study and Certification Committee, 2003-2005
 - A.H. Kirwan Faculty Award Committee, 2003-2004
- Futures Committee: Faculty for the Twenty-First Century, 2001-2002 (Appointed by the Provost)
- Member, University Senate, 1998-2001
 - Retroactive Withdrawal Appeals Committee, 1998-2001
 - Academic Organization and Structure Committee, 1998-2001
- Student Code Committee, 1994-2003
- Equal Opportunity Panel, 1998-2005

EDUCATION

Wake Forest University School of Law, Winston-Salem, NC

J.D., magna cum laude, 1985

- Wake Forest Law Review, Managing Editor, 1984–1985
- Dean's Scholar, 1982-1985
- Legal Bibliography Teaching Assistant to Prof. David A. Logan, 1983–1984

University of Virginia, Charlottesville, Virginia

Bachelor of Arts, History, with distinction (cum laude), 1979

- Intermediate Honors, Fall 1977
- Undergraduate History Steering Association, founding member
- Alpha Phi International Sorority, charter member and inaugural President

PROFESSIONAL EXPERIENCE

Womble Carlyle Sandridge & Rice, Winston-Salem, NC

Associate, January 1988 to August 1991

Summer Associate, 1983

- General commercial, insurance, products liability and aviation litigation defense; responsible for coordinating multi-jurisdictional products liability litigation for

McGuire Woods Battle & Boothe, Richmond, VA

Associate, September 1985 to December 1987

- Products and toxic substances defense, insurance defense, and commercial litigation responsible for coordinating national asbestos litigation defense

PROFESSIONAL AND CIVIC ACTIVITIES

American Law Institute

Member, elected May 2000

- Members Consultative Groups on Restatement (Third) of Torts, General Principles; Economic Torts and Related Wrongs; and Intentional Torts
- Members Consultative Group, Restatement (Third) Conflict of Laws
- Members Consultative Group, Principles of the Law of Aggregate Litigation
- Members Consultative Group, Principles of the Law of Liability Insurance

International Society of Comparative Law

Associate Member, elected 2002

American Society of Comparative Law

College of Law Representative, 1994-2002

American Bar Association

1985 to present

Association of Trial Lawyers of America (Association of American Justice)

1996-2003

Central Kentucky American Inn of Court

2013-present

- Master of the Bench and UK College of Law liaison
- Organizing Committee member
- Sub-committee on Structure, Practices and Procedures

Commentator and Contributor, National Law Journal, Miller-McCune Inc., Marketplace Business Report, American Public Radio, New York Times, Lexington Herald-Leader, Louisville Courier-Journal, assorted online and local television news broadcasts; contributor to TortProf blog, member of the Law Professor Blog network.