

The University of Richmond Law School
Presents Our 1990 Visiting Scholars

THE GEORGE E. ALLEN CHAIR IN LAW



1990 George E. Allen Chair in Law

The George E. Allen Chair in Law was endowed by his family and friends to honor this distinguished Virginia trial lawyer, founder of the highly-regarded Richmond civil litigation firm of Allen, Allen, Allen & Allen. Among the many citations Mr. Allen received during sixty years of practice was the first Award for Courageous Advocacy made by the American College of Trial Lawyers in 1965. The Award was presented for Mr. Allen's representation of a black law student from Harvard who, while serving a summer clerkship with a black law firm in this state, was charged with felonious assault with intent to kill police officers at a local courthouse where the young man had gone to file legal documents. Serving without fee and at the special request of Harvard Dean, Erwin Griswold, and the Lawyers' Committee for Civil Rights Under Law, Mr. Allen jeopardized his reputation in the community by successfully representing a most unpopular client at the height of massive resistance. Having a Chair named for this acclaimed attorney is a source of institutional pride, and a constant reminder to all in our Law School of the role of lawyers in the preservation of liberty.

The George E. Allen Chair in Law was established with the initial gifts of his sons, George E. Allen Jr. L'36, Ashby B. Allen R'43, and Wilbur C. Allen. Their continuing support along with the contributions of others accounted for the Chair becoming fully endowed in 1988. The Allen Chair allows the Law School to invite distinguished legal scholars to spend time in residence and interact with the students and faculty of The University of Richmond Law School.

This year the Allen Chair scholars teamed with Professor Okianer Christian Dark in teaching an advanced course, *Selected Topics in Tort Law*. The course examines four significant areas: *Mass Tort Suits and the Tort System; Moods, Methods, and Roles in Tort Law Making; Dignitary Torts; and The Future of Tort Law.*

Sheila L. Birnbaum

Mass Torts & The Tort System



Sheila L. Birnbaum is a partner in the New York City firm of Skadden, Arps, Slate, Meagher & Flom. As head of the Firm's product liability department, Ms. Birnbaum practices primarily in the areas of product liability, toxic torts and insurance coverage litigation. Prior to becoming a partner at Skadden, Arps, Ms. Birnbaum was a professor of law at New York University Law School. She also served as counsel to the firm while teaching at NYU. Ms. Birnbaum recently served on Governor Mario Cuomo's commission that studied problems relating to availability and cost of

liability insurance. Ms. Birnbaum lectures extensively across the country and has authored numerous articles including, "Foreign Plaintiffs and the American Manufacturer," for *Forum*, and "Unmasking the Test for Design Defect," in *Vanderbilt Law Review*.

Educated at Hunter College in New York, where she was elected to Phi Beta Kappa and earned both M.A. and A.B. degrees, Ms. Birnbaum earned her LL.B. at New York University Law School. She taught the section on Mass Tort Suits and the Tort System.

Robert E. Keeton

Methods & Roles in Tort Lawmaking



Robert E. Keeton, Langdell Professor *Emeritus* of Harvard Law School, is a United States District Court Judge for the District of Massachusetts. Prior to his work on the Bench, Judge Keeton served as Commissioner on Uniform State Laws in Massachusetts, on the Judicial Conference Committee on Admission of Attorneys to Federal Practice, and currently works on the Standing Committee on Rules. He is best known for his casebooks and treatises on insurance law, trial practice, and torts (with Prosser). In addition, Judge Keeton has published numerous law review articles, including pieces appearing

in the journals of the Pennsylvania, Minnesota, South Carolina, Vanderbilt, and Pittsburgh law schools.

Judge Keeton is a graduate of the University of Texas from which he received a B.B.A. and LL.B., and Harvard University where he earned a S.J.D. Prior to his law teaching career, Judge Keeton practiced law in Houston. He taught at Southern Methodist University before joining the Harvard faculty in 1953 where he served until his appointment by President Carter to the District Court bench in 1979.

Judge Keeton taught the section on Moods, Methods, and Roles in Tort Lawmaking. This section discussed the role of compensation systems in tort law, focusing on substitutes for the current tort system, such as workers compensation programs, no-fault automobile insurance, and Federal compensation plans.

Richard Delgado

Dignitary Torts



Richard Delgado is a Professor of Law at the University of Wisconsin where he teaches Civil Procedure, Civil Rights, and seminars in Biotechnology & Civil Rights and Civil Procedure. He formerly served on the faculty of the UCLA Law School and presently is a Distinguished Visiting Professor at the University of Colorado.

Among Professor Delgado's many published works are those appearing in the journals of such universities as Stanford, Michigan, Wisconsin, Harvard, Rutgers, and Vanderbilt. Professor Delgado has testified before the U.S. Senate on

the constitutionality of federal initiatives to regulate "fringe" religious sects and groups. He has also appeared before the House of Representatives' Foreign Affairs Committee to speak on legislative options concerning new religious groups and before the House International Relations Committee to provide advice on the operations of international religious organizations. He has served as advisor to the West German Minister of Justice on legislative options for regulating new reproductive technologies, including *in vitro* fertilization, cloning, and human-animal hybrids. Professor Delgado also has appeared on PBS's MacNeil/Lehrer Newshour to discuss new religious movements.

Professor Delgado received his A.B. from the University of Washington and his J.D. from the University of California at Berkeley. He taught the section on Dignitary Torts, addressing privacy, defamation, and the intentional infliction of emotional distress and their application to racist or sexist speech.

Deborah R. Hensler

The Future of Tort Law



Deborah R. Hensler is Research Director of the Institute for Civil Justice at the RAND Corporation, where she also serves as a faculty member. Since 1979 Dr. Hensler's research has focused on public policy issues in the civil justice area. Her empirical research on court-ordered arbitration for civil disputes has won national recognition. She also has played a key role in developing the research agenda on mass toxic tort litigation for the Institute for Civil Justice. She is currently co-Principal Investigator of a nationwide study of accidental injury.

At RAND Dr. Hensler has pursued a special interest in the role of public attitudes in the policymaking process. Her research has encompassed such diverse areas as views toward nuclear power plants, the impact of public attitudes on presidential decisionmaking during the Vietnam War, and the link between individual litigant's experience in court and views of the justice system. Her many published works include "What We Know and Don't Know About Court-administered Arbitration," in *Judicature*, and "Trends in Tort Litigation: Findings from the Institute for Civil Justice's Research," for the *Ohio State Law Journal*.

Dr. Hensler received her A.B. from Hunter College in New York where she was elected to Phi Beta Kappa. She received her Ph.D. in Political Science from the Massachusetts Institute of Technology. Dr. Hensler taught the section on The Future of Tort Law, discussing the influence of law & economics on tort theory.



"One of the key benefits of the Allen Chair was the opportunity for a team approach to teaching. Each of the scholars has an expertise in a given field of law, and together they, the students, and I participated in active discourse examining the facets of Tort Law. Working with the Allen Chair scholars has a great value for me as a professor of law; a value which, I believe, will make me a more proficient teacher. The Allen Chair has proven true the axiom that the sum is greater than the individual parts."

— Okianer Christian Dark, Esquire
Professor of Law



"The impact of the Allen Chair professors on the Law School community has been tremendous. They have stimulated our students, engaged our faculty, and informed our alumni. Their presence on campus adds greatly to the intellectual and professional atmosphere of the Law School."

— Joseph D. Harbaugh, Dean

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