

NORA FREEMAN ENGSTROM

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LEGAL EXPERIENCE

STANFORD LAW SCHOOL

Professor of Law (with Tenure) and Deane F. Johnson Faculty Scholar, 2014–present

Associate Dean for Curriculum, 2016–present

Associate Professor, 2012–2014

Assistant Professor, 2009–2012

- Research and teaching focusing on tort law and legal ethics, as well as related subjects including tort reform, alternative compensation mechanisms, RICO, complex litigation, mass torts, products liability, attorney advertising, and third-party litigation finance.
- Frequent contributor on related topics, including in: *The New York Times*, *Washington Post*, *Chicago Tribune*, *USA Today*, *Forbes*, *Congressional Quarterly*, *National Law Journal*, *Los Angeles Times*, *Associated Press*, *CNN*, *BBC*, and *ABC News*.

GEORGETOWN UNIVERSITY LAW CENTER

Research Dean's Scholar, 2007–2009

WILMER CUTLER PICKERING HALE & DORR, LLP

Litigation Associate, 2005–2007

Summer Associate, 2001 & 2002

- Represented clients before various appellate and trial courts.

HON. MERRICK B. GARLAND, U.S. COURT OF APPEALS FOR THE D.C. CIRCUIT

Law Clerk, 2003–2004

HON. HENRY H. KENNEDY, JR., U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Law Clerk, 2002–2003

U.S. DEPARTMENT OF JUSTICE, TERRORISM AND VIOLENT CRIME SECTION

Outstanding Scholar, 1997–1999

- Worked on domestic terrorism and national security issues.
- Recipient of the Attorney General's Award for Superior Service, 1998.

EDUCATION

STANFORD LAW SCHOOL

J.D. with distinction, 2002; Order of the Coif

- *Stanford Law Review*, 2000–2002; Articles Editor, 2001–2002
- Co-President, Stanford Law School Student Body, 2000–2001

DARTMOUTH COLLEGE

A.B. in Anthropology, *summa cum laude*, 1997; Phi Beta Kappa, National Merit Scholar

CASEBOOKS

LEGAL ETHICS (Foundation Press, 7th ed. 2016), *with* Deborah L. Rhode, David Luban, & Scott L. Cummings

TORT LAW AND ALTERNATIVES: CASES AND MATERIALS (Foundation Press, 11th ed., forthcoming 2021), *with* Marc A. Franklin, Robert L. Rabin, Michael D. Green, and Mark A. Geistfeld)

SCHOLARLY PUBLICATIONS

Retaliatory RICO and the Puzzle of Fraudulent Claiming, 115 MICH. L. REV. 639 (2017)

A Dose of Reality for Specialized Courts: Lessons from the VICP, 163 U. PA. L. REV. 1631 (2015)

Exit, Adversarialism, and the Stubborn Persistence of Tort Law, 6 J. OF TORT LAW 75 (2015)

Lawyer Lending: Costs and Consequences, 63 DEPAUL L. REV. 377 (2014)

3-D Printing and Product Liability: Identifying the Obstacles, 162 U. PA. L. REV. ONLINE 35 (2013)

Re-Re-Financing Civil Litigation: How Lawyer Lending Might Remake the American Litigation Landscape, Again, 60 UCLA L. REV. DISC. 110 (2013)

Attorney Advertising and the Contingency Fee Cost Paradox, 65 STAN. L. REV. 633 (2013)

An Alternative Explanation for No-Fault's "Demise," 61 DEPAUL L. REV. 303 (2012)

Sunlight and Settlement Mills, 86 N.Y.U. L. REV. 805 (2011)

Legal Access and Attorney Advertising, 19 J. OF GENDER, SOC. POL'Y & LAW 1083 (2011)

Run-of-the-Mill Justice, 22 GEO. J. OF LEGAL ETHICS 1485 (2009)

WORKING PAPERS

WHY NO FAULT FAILS (book manuscript)

The Trouble with Attorney Time Limits

The Information Forcing Function of Tort Law

OTHER WRITINGS

Questions and Answers on Soto v. Bushmaster Firearms Int'l LLC, LEGAL AGGREGATE, Apr. 20, 2017, available at <https://law.stanford.edu/2017/04/20/nora-freeman-engstrom-on-soto-v-bushmaster-firearms-intl-llc/>

ISO the Missing Plaintiff, Review of DAVID M. ENGEL, THE MYTH OF THE LITIGIOUS SOCIETY: WHY WE DON'T SUE (2016), JOTWELL REV., Apr. 12, 2017, available at http://torts.jotwell.com/?wptouch_switch=desktop&redirect=/2013/09

Congressional Tinkering with the Civil Justice System is Misguided and Dangerous, LEGAL AGGREGATE, Mar. 14, 2017, available at <https://law.stanford.edu/2017/03/14/congressional-tinkering-with-the-civil-justice-system-is-misguided-and-dangerous/>

Trump Travel Ban Shines Light on Litigation Funding, DAILY JOURNAL, Feb. 14, 2017 (with Nathan Werksman)

Unresolved Issues in Uber Settlement, STANFORD REPORT, Apr. 25, 2016, available at <https://law.stanford.edu/2016/04/25/professor-nora-freeman-engstrom-clarifies-unresolved-issues-in-uber-settlement/>

Boilerplate and the Boundary Between Contract and Tort, Review of MARGARET JANE RADIN, BOILERPLATE: THE FINE PRINT, VANISHING RIGHTS, AND THE RULE OF LAW (2013), JOTWELL REV., Apr. 22, 2016, <http://torts.jotwell.com/boilerplate-and-the-boundary-between-contract-and-tort/>

Why Flint May Not Find Justice, L.A. TIMES, Mar. 10, 2016, available at <http://www.latimes.com/opinion/op-ed/la-oe-0310-engstrom-flint-water-lawsuits-20160311-story.html>

The Flint Water Crisis, STANFORD REPORT, Feb. 16, 2016, available at <https://law.stanford.edu/2016/02/16/the-flint-water-crisis-professor-nora-freeman-engstrom-answers-critical-legal-questions/>

Should Med-Mal Cases Be Removed from Court System?, CONN. L. TRIBUNE, Nov. 16, 2015, available at <http://www.ctlawtribune.com/id=1202742589571/Should-MedMal-Cases-Be-Removed-From-Court-System?mcode=0&curindex=0>

Heeding the Vaccine Court's Failures: Shortcomings of the Compensation Program do not Bode Well for Other Alternative Tribunals, NAT'L L.J., June 29, 2015, available at <http://www.nationallawjournal.com/id=1202730681760/OpEd-Heeding-Vaccine-Courts-Failures?slreturn=20150808194756>

Big Data and Deterrence, Review of Zenon Zabinski & Bernard Black, *The Deterrent Effect of Tort Law: Evidence from Medical Malpractice Reform*, JOTWELL REV., Mar. 4, 2015, available at <http://torts.jotwell.com/big-data-and-deterrence/>

What Prop. 46 Would Fix, L.A. TIMES, Oct. 28, 2014 (with Michelle M. Mello and Robert L. Rabin), available at <http://www.latimes.com/opinion/op-ed/la-oe-engstrom-prop-20141029-story.html>

"The Only Thing We Have to Fear is Fear Itself": How Physicians' Exaggerated Conception of Medical Malpractice Liability Has Become the Real Problem, Review of Myungho Paik et al.,

"The Receding Tide of Medical Malpractice Litigation: Part 1 – National Trends," JOTWELL REV., Apr. 9, 2014, available at <http://torts.jotwell.com/the-only-thing-we-have-to-fear-is-fear-itself-how-physicians-exaggerated-conception-of-medical-malpractice-liability-has-become-the-real-problem/>

Raise the Cap on Malpractice Awards, L.A. TIMES, Aug. 13, 2013 (with Robert L. Rabin), available at <http://articles.latimes.com/2013/aug/13/opinion/la-oe-engstrom-malpractice-damage-caps-20130813>

Bridging the Gap in the Justice Gap Literature, Review of Joanna Shepherd, *"Justice in Crisis: Victim Access to the American Medical Liability System,"* JOTWELL REV., May 6, 2013, available at <http://torts.jotwell.com/bridging-the-gap-in-the-justice-gap-literature/>

Damage Caps – and Why Fein May No Longer Be Good, Guest Blog for the Torts Prof Blog, Dec. 5, 2012, available at <http://lawprofessors.typepad.com/tortsprof/2012/12/nora-freeman-engstrom-damage-caps-and-why-fein-may-no-longer-be-good.html>

Shining a Light on Shady Personal Injury Claims, 2 J. OF INS. FRAUD OF AM. 13 (2011)

SELECT APPELLATE BRIEFS

Brief of Professors of Law as Amici Curiae in Support of Petitioners, Conn. Sup. Ct., *Soto v. Bushmaster Firearms Int'l, LLC*, Case No. 19832 (April 2017)

Brief for Human Rights Campaign et al., as Amici Curiae in Support of Appellants, Conn. Sup. Ct., *Kerrigan v. Comm'r of Public Health*, Case No. 17716 (Jan. 2007)¥

Brief for Equality Maryland, Inc. et al., as Amici Curiae in Support of Appellees, Md. Ct. of App., *Conaway v. Polyak*, Case No. 24-C-04-005390 (Oct. 2006) (Counsel of Record)¥

Brief for the ACLU et al., as Amici Curiae in Support of Petitioners, U.S. Supreme Court, *Lopez v. Gonzales*, Case Nos. 05-547, 05-7664 (June 2006)¥

Brief for Professors of Law as *Amici Curiae* in Support of Respondents, U.S. Supreme Court, *Gonzales v. Oregon*, Case No. 04-623 (July 2005)‡

SELECT PRESENTATIONS

“Health Courts and the VICP,” ABA Section on Dispute Resolution Spring Conference, San Francisco, California (Apr. 2017)

“Civil Justice Under Siege: Tort Reform in its Fourth Decade, Gaining Momentum While Changing Course,” Michigan Law Review Author Workshop, University of Michigan Law School (Mar. 2017)

“The First Thing You Do Is Kill All the Lawyers,” The Inner Circle of Advocates, San Francisco (Feb. 2017)

“Retaliatory RICO and the Puzzle of Fraudulent Claiming,” North American Workshop in Private Law Theory IV, Fordham Law School (Nov. 2016)

“Retaliatory RICO and the Puzzle of Fraudulent Claiming,” Loyola L.A. Law School Faculty Workshop (Oct. 2016)

“Veterans’ Courts in Context,” Veterans Treatment Court Conference, Stanford Law School (May 2016)

“Retaliatory RICO and the Puzzle of Fraudulent Claiming,” Workshop on Courts and the Legal Process, Columbia Law School (Mar. 2016)

“Retaliatory RICO and the Puzzle of Fraudulent Claiming,” New York Torts Group, NYU Law School (Mar. 2016)

“Retaliatory RICO and the Puzzle of Fraudulent Claiming,” Stanford Law School Faculty Workshop (Mar. 2016)

7th Annual Stanford International Junior Faculty Forum, Judge and Commentator, Stanford Law School (Oct. 2015)

“Retaliatory RICO and the Puzzle of Fraudulent Claiming,” Legal Ethics Schmooze, Stanford Law School (July 2015)

Participant, Comptroller General Forum on Additive Manufacturing, U.S. Government Accountability Office (GAO), Washington, D.C. (Oct. 2014)

- The Forum culminated in the GAO’s publication of REPORT TO THE CHAIRMAN, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, HIGHLIGHTS OF A FORUM: 3D PRINTING: OPPORTUNITIES, CHALLENGES, AND POLICY

‡ These four briefs were written while I was an Associate at Wilmer Hale.

“The Plaintiffs’ Bar: Where It’s Been, Where It’s Going,” *The Inner Circle of Advocates*, Washington, D.C. (Aug. 2014)

“No-Fault’s Failure and the Persistent Durability of Tort,” AALS Annual Meeting, Insurance Law and Torts Compensation Systems Joint Program, New York, New York (Jan. 2014)

“Medical Malpractice Litigation: How Does It Work? What Do We Know? How Are Radiologists at Risk?,” Stanford Medical School (Nov. 2013)

“Lawyer Lending: Costs and Consequences,” Works-in-Progress Roundtable for Third-Party Funding Scholars, Washington & Lee Law School (Nov. 2013)

6th Annual Harvard-Stanford International Junior Faculty Forum, Judge and Commentator, Harvard Law School (Oct. 2013)

“Lawyer Lending: Costs and Consequences,” Stanford Law School Faculty Workshop (Aug. 2013)

“Lawyer Lending: Costs and Consequences,” Legal Ethics Schmooze, Fordham Law School (June 2013)

“Potential Tort Liability for 3-D Printing,” Roundtable on 3-D Printing, Stanford Center for Internet and Society (May 2013)

“Lawyer Lending: Costs and Consequences,” 19th Annual Clifford Symposium, DePaul Law School (Apr. 2013)

“Attorney Advertising and the Contingency Fee Cost Paradox,” *Stanford Law Review Author Series* (Feb. 2013)

“Re-Re-Financing Civil Litigation: How Lawyer Lending Might Remake the American Litigation Landscape, Again,” *UCLA Law Review Symposium* (Jan. 2013)

“Attorney Advertising and the Contingency Fee Cost Paradox,” Stanford Law School Faculty Workshop (Dec. 2012)

7th Annual Conference on Empirical Legal Studies, Discussant of Neil Rickman and Paul Fenn’s “‘No Win, No Fee’ and the Costs of Civil Litigation,” Stanford Law School (Nov. 2012)

5th Annual Harvard-Stanford International Junior Faculty Forum, Judge and Commentator, Stanford Law School (Nov. 2012)

“Attorney Advertising and the Contingency Fee Cost Paradox,” International Legal Ethics Conference, Banff, Alberta (July 2012)

“Run-of-the-Mill Justice,” Stanford Center for Ethics in Society, Stanford University (May 2012)

“An Alternative Explanation for No-Fault’s ‘Demise,’” Berkeley Law School Faculty Workshop (Feb. 2012)

“An Alternative Explanation for No-Fault’s ‘Demise,’” Stanford Law School Faculty Workshop (Jan. 2012)

4th Annual Harvard-Stanford International Junior Faculty Forum, Judge and Commentator, Harvard Law School (Nov. 2011)

“An Alternative Explanation for No-Fault’s ‘Demise,’” Faculty Speaker Series, Loyola Chicago Law School (Sept. 2011)

“An Alternative Explanation for No-Fault’s ‘Demise,’” 17th Annual Clifford Symposium, DePaul Law School (Apr. 2011)

“Sunlight and Settlement Mills,” New Voices in Civil Justice Scholarship, Vanderbilt Law School (Apr. 2011)

“Sunlight and Settlement Mills,” Bay Area Civil Procedure Forum, Hastings Law School (Mar. 2011)

“Settlement Mills,” Lecture in “Cutting-Edge Issues in Professional Responsibility,” Berkeley Law School (Mar. 2011)

“Advertising and Access,” AALS Annual Meeting, Section on Professional Responsibility, San Francisco (Jan. 2011)

“Run-of-the-Mill Justice,” International Legal Ethics Conference (July 2010)

“Run-of-the-Mill Justice,” Legal Studies Workshop, Stanford Law School (Jan. 2010)

“Run-of-the-Mill Justice,” Junior Faculty Speaker Series, Catholic University’s Columbus School of Law (Mar. 2008)

UNIVERSITY SERVICE

LAW SCHOOL COMMITTEES:

Chair, Curriculum Committee, 2016–present

Chair, Admissions Committee, 2015–2016 (member 2013–2016)

Chair, Clerkship Committee, 2013–2015 (member 2009–2015)

Member, Public Interest Committee, 2009–2012

OTHER:

Stanford University Faculty Fellow, 2011–2013

Stanford University, Voice and Influence Program Participant, 2011–2012

Member, Advisory Board, Stanford Public Interest Law Foundation, 2010–2012

Guest Lecturer (Torts), *Thinking Like a Lawyer*, 2012–2015

Guest Lecturer (Torts), LeadAmerica, 2013–present

Member, Steering Committee, Stanford Center on the Legal Profession, 2009–present

Faculty Advisor, William A. Ingram Inn of Court, 2009–2013

Stanford University, Diversifying Academia, Recruiting Excellence (DARE) Faculty Resource Advisor, 2012–2013

Faculty Mentor, Stanford Law Association, 2009–present

Stanford Law School Representative to the AALS House of Delegates, 2011

PROFESSIONAL MEMBERSHIP AND SERVICE

Member, American Law Institute (Elected 2016)

Fellow, American Bar Foundation (Selected 2016)

Executive Committee Member, William A. Ingram Inn of Court, 2012–2013

Selection Committee, Warren E. Burger Prize of the American Inns of Court, 2016–present

Referee, *Yale Law Journal*, *American Journal of Law and Medicine*, *Stanford Law Review*, *Stanford Journal of Complex Litigation*, *Law & Society Review*, *Journal of Consumer Policy*

Co-Editor (Legal Profession), *Jotwell*, 2016–present

Contributing Editor (Torts), *Jotwell*, 2013–present

Admitted to the Bars of California, District of Columbia, and Maryland

Dated: May 2017