

UPCOMING EVENTS

Judge in Residence Presentation, featuring the Honorable Wilhelmina M. Wright	March 3-4, 2011
Butler Medal Awards, featuring Paul Hoffman, Partner, Schonbrun DeSimone Seplow Harris & Hoffman, LLP	March 11, 2011
Weaver Institute of Law and Psychiatry Symposium	March 16, 2011
Corporate Law Symposium	April 1, 2011
Innocence Network International Conference	April 7-10, 2011

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presents

2011 Robert S. Marx Lecture

Forces That Shape Tort Law: Immunity, Overkill, and a Rational Path to the Future

Victor E. Schwartz

Partner—Shook, Hardy & Bacon LLP

This event will be webcast.

Thursday, February 17, 2011
12:15 pm - 1:15 pm
College of Law - Room 114

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The College of Law is honored to present Victor E. Schwartz, Partner in the Washington, D.C. office of Shook, Hardy & Bacon L.L.P., as the 2011 Robert S. Marx lecturer. In his lecture, *Forces That Shape Tort Law: Immunity, Overkill, and a Rational Path to the Future*, Schwartz will discuss forces that shape tort law that can result in overly restrictive rules.

Mr. Schwartz is a former Professor and Acting Dean at the University of Cincinnati College of Law and currently serves on the College's Board of Visitors. In addition to serving in academia, he has spent many years in the full time practice of law. At his current firm, Shook, Hardy & Bacon L.L.P., he chairs the Public Policy Group, which focuses on integrating litigation, government affairs, and public relations. Its goal is to be on the forefront of developing public policy issues that help improve the civil justice system. Additionally, Schwartz continues an active appellate practice and advises product manufacturers on liability prevention, litigation, and public relations issues.

For more than two decades, Schwartz has been co-author of the most widely used torts casebook in the country, *PROSSER, WADE AND SCHWARTZ'S TORTS* (12th ed. 2010). He also is author of the leading text, *COMPARATIVE NEGLIGENCE* (5th ed. 2010) and he is advisor for each of the *RESTATEMENT (THIRD) OF TORTS* projects: Products Liability, Apportionment of Liability, and Liability for Physical Injury and Emotional Harm. He is the author of over 150 law review articles analyzing almost every major aspect of modern tort and civil justice law.

Frequently sought and quoted by print and broadcast media, *The Legal Times of Washington* has named him one of Washington's Top 30 "Visionary" lawyers from over the past 30 years. Over the past two decades, the *National Law Journal* has frequently named him one of the 100 most influential lawyers in the United States.

Mr. Schwartz obtained his *AB summa cum laude* from Boston University and *JD magna cum laude* from Columbia Law School. Schwartz is a member of the bars of New York, Ohio and the District of Columbia.



2011 Robert S. Marx Lecture

Forces That Shape Tort Law: Immunity, Overkill, and a Rational Path to the Future

"From the time I first studied tort law in law school, taught the subject at the University of Cincinnati College of Law and elsewhere, and to the present day, I found tort law a fascinating legal subject because it is organic. It is not fixed in a written statute, but developed through the common law process and always subject to change.

The forces that shape tort law can result in overly restrictive rules. For example, preventing a slightly negligent plaintiff's claim when he has been seriously injured by a defendant's negligent conduct is unfair. On the other hand, refusing to let a jury know that a plaintiff's drunk driving was a principal cause of his injury and placing the entire responsibility on a defendant is over kill against a partially responsible defendant.

There are forces that shape tort law that are not legal, but social. They influence the judges who write the law. Sometimes, they are hidden from view and other times quite blatant. One area that is a paradigm of unfair restrictions and subsequent overkill has been the law of tort immunities. Once a barrier to any claim, after tort immunities were eliminated little or no thought was given to what duties would be placed on the previously immune defendants. We will examine some of these crucial areas, particularly with respect to religious institutions and show how social forces have shaped this developing area of law. We will suggest guidelines that may assist judges in making their future determination based on rational thought and actual facts."

—Victor Schwartz

For more information, contact Cheryl DelVecchio at 513-556-0063/cheryl.delvecchio@uc.edu.
University of Cincinnati College of Law
P. O. Box 210040
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ABOUT THE MARX LECTURE

The Robert S. Marx Lecture was established by Judge Marx to enrich the curriculum of the College of Law by bringing to the law school the scholarship and learning of eminent persons in various fields of law.

Judge Marx was a graduate of the College of Law and an outstanding member of the Cincinnati Bar for 51 years. The Lecture was endowed in 1989 through the generosity of the Robert S. Marx Testamentary Trustees.

CLE Credit

Application for one hour of general CLE credit has been submitted for Ohio and Kentucky. Approval is expected. Questions pertaining to CLE credit should be addressed to the CLE administrator in the Dean's Office of the law school at 513-556-0063.

Parking

Parking is available at the CCM parking garage. Guests may enter the garage from Corry Street, west off Jefferson. The Deaconess Hospital parking garage on Straight Street, west off Clifton Avenue, may also be available.

PLEASE DETACH, FILL OUT AND MAIL BACK THIS
CARD **TO REGISTER FOR THE LECTURE**

2011 Robert S. Marx Lecture

Forces That Shape Tort Law: Immunity, Overkill, and a Rational Path to the Future

featuring: **Victor E. Schwartz**

Partner— Shook, Hardy & Bacon L.L.P.

February 17, 2011

Name _____

Address _____

Firm or Affiliation _____

Title _____

Day phone _____

Email _____

Reception in Atrium following the Lecture.

Please RSVP by February 11, 2011 to Cheryl DelVecchio at cheryl.delvecchio@uc.edu/513.556.0063.