

W. JONATHAN CARDI

Professor of Law

Wake Forest University School of Law

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ACADEMIC POSITIONS

2010 – present	Wake Forest University School of Law <i>Professor of Law</i> <ul style="list-style-type: none">• Courses taught: Torts; Remedies; Race, Social Science and Law; Products Liability; Copyright; Jurisprudence; Defamation & Privacy Torts in the Internet Era; Comparative Tort Law; Private Law (for MSL students); Professional Development• Doctrinal Professor of the Year, 2022 (a student-elected award)• The Joseph Branch Award for Excellence in Law Teaching, 2016• Chair, Diversity, Equity, & Inclusion Committee 2021 – 2022• University Committee Service:<ul style="list-style-type: none">○ Board member, Leadership and Character Partners Council for the Professional Schools, 2021 – present○ Affordability Initiative Committee, 2019 – 2022○ Human Resources Talent Roundtable, 2019 – 2021○ Board Member, Humanities Institute, 2016 – 2021○ Institutional Research Committee, 2016 – 2019○ Chair, University Research Advisory Council, 2012 – 2016○ President’s Committee on Charlotte, 2015 – 2016○ Provost’s Research Committee, 2014 – 2016○ Vice Provost’s Grant Committee, 2014 – 2016○ Participant in Wake Forest’s inaugural year-long Leadership Development Program, 2011 – 2012	Winston-Salem, NC
2016 – 2019	Wake Forest University School of Law <i>Executive Associate Dean, Academic Affairs</i>	Winston-Salem, NC
2011 – 2016	Wake Forest University School of Law <i>Associate Dean, Research and Development</i>	Winston-Salem, NC
2002 –2010	University of Kentucky College of Law <i>Professor of Law</i>	Lexington, KY
Fall 2008	Wake Forest University School of Law <i>Visiting Professor of Law</i>	Winston-Salem, NC
Fall 2006	Vanderbilt University Law School <i>Visiting Professor of Law</i>	Nashville, TN

EDUCATION

1998	The University of Iowa College of Law J.D.	Iowa City, IA
	<ul style="list-style-type: none"> • Order of the Coif • The Hancher-Finkbine Medallion: faculty-selected, university-wide award given to the “most outstanding University of Iowa graduate student” • Senior Articles Editor, The Iowa Law Review 	
1991	Harvard University A.B.	Cambridge, MA

PROFESSIONAL EXPERIENCE

1999 – 2002	Arnold & Porter <i>Litigation Associate</i>	Washington, D.C.
1998 – 1999	United States Court of Appeals for the Sixth Circuit <i>Law Clerk to The Honorable Alan E. Norris</i>	Columbus, OH

SERVICE IN PROFESSIONAL ASSOCIATIONS

2022 –	Arnold & Porter Alumni Alliance Board Member	
2007 – present	American Law Institute <ul style="list-style-type: none"> • Associate Reporter, RESTATEMENT (THIRD) OF TORTS: INTENTIONAL TORTS TO PERSONS 2016 – present • Advisor, Restatement (Third) of Torts: Remedies • Advisor, Restatement (Third) of Torts: Concluding Provisions • Members Consultative Groups: Liability Insurance, Property, Children & the Law, Defamation & Privacy • Regional Advisory Group for the Southeast Region 	
2001 – Present	Southeastern Association of Law Schools <ul style="list-style-type: none"> • President 2009 – 10 • Board of Trustees 2007 – 2011, 2012 – 2015—assisted in managing staff, organizing the annual meeting, deciding insurance and tax matters, making budget decisions, and drafting the organization’s mission statement, bylaws, and operating policies • Chair of Program Advisory Committee, Steering Committee, Program Committee 	
2001 – Present	American Association of Law Schools <ul style="list-style-type: none"> • Board Member, Remedies Section 2009 – 2013 • Chair, Remedies Section 2012 	

SCHOLARSHIP

Books

GILBERT LAW SUMMARIES, TORTS (26th ed. *forthcoming* 2023)

PRODUCTS LIABILITY, CASES AND MATERIALS (6th ed. with Richard Cupp, Michael Green & Joseph Sanders) (2023)

REMEDIES: A CONTEMPORARY APPROACH (with Russell L. Weaver, David E. Partlett & Michael B. Kelly) (5th ed. Thompson-West 2020)

THE LAW OF TORTS (6th ed. Thompson-West 2019) (with George C. Christie, Joseph Sanders & Mary J. Davis)

BASIC QUESTIONS OF TORT LAW FROM A COMPARATIVE PERSPECTIVE (Jan Sramek Verlag 2015 with Askeland, Green, Koziol, Ludwichowska-Redo, Menyhárd, Moréteau, Oliphant & Yamamoto)

BLACK LETTER OUTLINES, REMEDIES (2d ed. with Russ Weaver & Michael Kelly 2014)

CRITICAL RACE REALISM: INTERSECTIONS OF PSYCHOLOGY, RACE, AND LAW (co-edited with Drs. Gregory Parks & Shayne Jones) (The New Press 2008)

Articles & Book Chapters

Goodbye Substantial Factor; Hello Doull v. Foster!, -- *J. Tort L.* – (*forthcoming* 2023)

A Negligence Claim for Rape, 101 TEX. L. REV. 587 (2023) (with Martha Chamallas)

RESTATEMENT (THIRD) OF TORTS: INTENTIONAL TORTS TO PERSONS (*Am. Law Inst., Tentative Draft No. 6, April. 8, 2021*)

RESTATEMENT (THIRD) OF TORTS: INTENTIONAL TORTS TO PERSONS (*Am. Law Inst., Council Draft No. 7, Nov. 30, 2020*)

RESTATEMENT (THIRD) OF TORTS: INTENTIONAL TORTS TO PERSONS (*Am. Law Inst., Preliminary Draft No. 7, Aug. 21, 2020*)

RESTATEMENT (THIRD) OF TORTS: INTENTIONAL TORTS TO PERSONS (*Am. Law Inst., Tentative Draft No. 5, April. 19, 2020*)

Do Black Injuries Matter?: Implicit Racial Bias and Juror Decision Making in Tort Cases, 93 S. Cal. L. Rev. 3 (2020) (with Valerie Hans & Gregory Parks) (awarded “High Distinction” among 46 nominations for the 2023 Civil Justice Scholarship Award, sponsored by the National Civil Justice Institute)

United States Law, in THE BORDERLINES OF TORT LAW: INTERACTIONS WITH CONTRACT LAW (2019) (with Mike Green)

RESTATEMENT (THIRD) OF TORTS: INTENTIONAL TORTS TO PERSONS (*Am. Law Inst., Council Draft No. 6, Nov. 22, 2019*)

RESTATEMENT (THIRD) OF TORTS: INTENTIONAL TORTS TO PERSONS (*Am. Law Inst., Preliminary Draft No. 6, Aug 23, 2019*)

RESTATEMENT (THIRD) OF TORTS: INTENTIONAL TORTS TO PERSONS (*Am. Law Inst., Tentative Draft No. 4, April 1, 2019*)

RESTATEMENT (THIRD) OF TORTS: INTENTIONAL TORTS TO PERSONS (*Am. Law Inst., Council Draft No. 5, Sept. 21, 2018*)

RESTATEMENT (THIRD) OF TORTS: INTENTIONAL TORTS TO PERSONS (*Am. Law Inst., Preliminary Draft No. 5, Mar. 16, 2018*)

Restating the Intentional Torts to Persons: Seeing the Forest and the Trees, 10 J. TORT L. 1 (2018) (with Ken Simons)

RESTATEMENT (THIRD) OF TORTS: INTENTIONAL TORTS TO PERSONS (*Am. Law Inst., Council Draft No. 4, Sept. 22, 2017*)

RESTATEMENT (THIRD) OF TORTS: INTENTIONAL TORTS TO PERSONS (*Am. Law Inst., Tentative Draft No. 2, Mar. 10, 2017*)

RESTATEMENT (THIRD) OF TORTS: INTENTIONAL TORTS TO PERSONS (*Am. Law Inst., Preliminary Draft No. 4, Mar. 6, 2017*)

RESTATEMENT (THIRD) OF TORTS: INTENTIONAL TORTS TO PERSONS (*Am. Law Inst., Council Draft No. 3, Sept. 27, 2016*)

The Liability of Public Authorities in the United States, in THE LIABILITY OF PUBLIC AUTHORITIES IN COMPARATIVE PERSPECTIVE (Ken Oliphant, ed., 2016) (with Mike Green)

Product Liability in the United States of America, in EUROPEAN PRODUCT LIABILITY: AN ANALYSIS OF THE STATE OF THE ART IN THE ERA OF NEW TECHNOLOGIES (2016) (with Mike Green)

RESTATEMENT (THIRD) OF TORTS: INTENTIONAL TORTS TO PERSONS (*Am. Law Inst., Preliminary Draft No. 3, Mar. 11, 2016*)

A Unified Right to Jury Trial, Western Australia L.J. (2014)

The Role of Negligence Duty Analysis in Employment Discrimination Cases, 75 OHIO ST. L.J. 1129 (2014)

The Civil Jury: An American Ir-Resolution, in LE DROIT AMÉRICAIN CONTEMPORAIN. REGARDS TRANSATLANTIQUES (Pascal Mbongo & Russell L. Weaver, eds., Presses Universitaires d'Aix-Marseille, 2013)

Net Negligence: A Framework for Understanding Claims for Negligent Infliction of Emotional Distress in the Modern Era, in *THE RIGHT TO PRIVACY IN THE LIGHT OF MEDIA CONVERGENCE: PERSPECTIVES FROM THREE CONTINENTS* 298-321 (Dieter Dorr & Russell L. Weaver eds.) (DeGruyter, 2012).

Does Tort Law Deter Individuals?: A Behavioral Science Study, 9 *J. EMP. LEG. STUD.* 567 (with Albert Yoon & Randy Penfield, 2012)

The Hidden Legacy of Palsgraf: Modern Duty Law in Microcosm, 91 *B.U. L. REV.* 1873 (2011)

The Taxpayer's Burden from Product-Related Harm, 21 *KAN. J. L. & PUB. POL'Y* 121 (with Ruth Ruttenberg and Estye Fenton, 2011)

A Pluralistic Analysis of the Therapist/Physician Duty to Warn Third Parties, 44 *WAKE FOREST L. REV.* 877 (2009) (part of symposium on the Restatement (Third) of Torts)

Duty Wars, 81 *U.S.C. L. REV.* 671 (with Mike Green, 2008)

Tort Damages as Reconciliation, 42 *LOY. L.A. L. REV.* 5 (2008) (part of Emory Remedies Roundtable)

The Search for Racial Justice in Tort Law, in *CRITICAL RACE REALISM* (The New Press, 2008)

Uber-Middleman: Reshaping the Broken Landscape of Music Copyright, 92 *Iowa L. Rev.* 835-90 (2007)—republished in the *ENTERTAINMENT, PUBLISHING AND THE ARTS HANDBOOK* (2008)

Reconstructing Foreseeability, 46 *B.C. L. REV.* 921-88 (2005)

Purging Foreseeability, 58 *VAND. L. REV.* 739-809 (2005)

Note, Apportioning Responsibility to Immune Nonparties: An Argument Based on Comparative Responsibility and the Proposed Restatement (Third) of Torts, 82 *IOWA L. REV.* 1293-336 (1998)

Popular Press

Another Reason to Get Rid of Contributory Negligence, *Tortspof*
<https://lawprofessors.typepad.com/tortspof/2022/02/cardi-another-reason-to-get-rid-of-contributory-negligence.html> (Feb. 2022)

An Alternative to Repealing Citizen's Arrest, *The Atlanta Journal-Constitution* (February 20, 2021)

Current Projects

RESTATEMENT (THIRD) OF TORTS: INTENTIONAL TORTS TO PERSONS (with Ken Simons)

Prosser, Wade, and Schwartz's *Torts Cases and Materials* (15th ed. --) (with Victor Schwartz and David Partlett)

The Clear and Convincing Evidence Standard as Applied to Normative Questions

A Model Statute for Prosecutor Immunity

CRITICAL RACE REALISM, Volume II (with Gregory Parks)

Negligent Infliction of Emotional Distress: Order from Chaos. This project seeks to find a coherent pattern in the seemingly random doctrine governing negligent infliction of emotional distress decisions.

PRESENTATIONS

Goodbye Substantial Factor; Hello Doull v. Foster!, presented at the Great Torts Cases symposium at the University of Arizona (April, 2023)

A Negligence Claim for Rape, presented at Paris Deux: Panthéon-Assas (December, 2021)

At the Borderline of Contract and Tort, Conference of Southeastern Association of Law Schools (July, 2018)

The Role of Party-Race and Implicit Bias in Tort Judgments, Remedies Forum at L'University d'Aix (June, 2018)

A New Restatement of the Defense of Property, Remedies Forum at L'Université d'Aix (June, 2016), and also at the Conference of Southeastern Association of Law Schools (July, 2016)

Remedies at the Con-Tort Abyss, Conference of Southeastern Association of Law Schools (July, 2015, with Prof. Vince Cardi)

Remedying Racism: Cross-Currents in Europe and the United States, Remedies Forum at the Université Paris Dauphine (June, 2015, with Prof. Lia Epperson)

Law as Violence: An Interdisciplinary Discussion, Wake Forest University (April, 2014)

The Tort of Negligent Infliction of Emotional Distress: Order from Chaos, Symposium on Apportionment and Attribution in Tort Law, University of Sydney, Australia (December, 2013)

Employment-at-Will as No-Duty in Title VII Claims, Symposium on Torts and Civil Rights Law: Migration and Conflict, at the Ohio State University, Moritz College of Law (November, 2013)

Gender and Racial Bias in Remedies Law, AALS Annual Conference (January, 2013)

Judicial Decisionmaking in the Shadow of the Civil Jury, Conference of Southeastern Association of Law Schools (July, 2012)

The Civil Jury: An American Ir/Resolution, International Conference on American Law, University of Poitiers (Paris, June, 2012)

Does Tort Law Deter Individual Conduct?, Georgia State Development Series (March, 2012)

Palsgraf after 80 Years, Wake Forest Development Series (April, 2011) & Conference of Southeastern Association of Law Schools (July, 2009)

A Pluralistic Analysis of the Physician/Therapist Duty to Warn Third Parties, Symposium on the Restatement (Third) of Torts, Wake Forest University (Spring, 2009)

Third Party Duties and the Essential Pluralism of Tort Law, Guest Lecture Series, Wake Forest University (Fall, 2008)

Organized torts workshop and presented talk on Pluralism in Tort Law, Conference of Southeastern Association of Law Schools (July, 2008)

Panel on the Proposed Restatement of Restitution, Conference of Southeastern Association of Law Schools (July, 2007)

Presented The Centralized Music Licensing Act, Modest Proposals Conference, Benjamin N. Cardozo School of Law (Spring, 2007)

Panel at the Remedies Workshop, AALS Annual Meeting (January, 2007)

Panel on Judicial Activism, Conference of Southeastern Association of Law Schools (July, 2006)

Guest Lecture Series, Wake Forest University (Spring, 2006)

Panel on the Supreme Court's State Farm opinion, Conference of Southeastern Association of Law Schools (July, 2005)

Unconscious Racism and the Law, University of Kentucky African-American History Month Series (Spring, 2005)

Panel on the Restatement (Third) of Torts, Conference of Southeastern Association of Law Schools (July, 2004)

Randall-Park Faculty Colloquium, University of Kentucky (March, 2004)

Guest Lecture Series, Southern Illinois University (Fall, 2003)

Young Scholars Panel, Conference of Southeastern Association of Law Schools (July, 2003)

BAR ADMISSIONS

District of Columbia, West Virginia
