

DAVID A. FISCHER

School of Law, Hulston Hall
University of Missouri
Columbia, Missouri 65211
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Current Position:

James Lewis Parks and Isidor Loeb Emeritus Professor of Law, University of Missouri, 2007-present; Associate Dean for Faculty Research and Development and James Lewis Parks and Isidor Loeb Professor of Law, University of Missouri, 2005-07; James Lewis Parks Professor of Law, University of Missouri, 1984-2005; Professor, 1978-84; Associate Professor, 1976-78; Assistant Professor, 1972-76.

Previous Legal Positions:

Visiting Professor of Law, Brooklyn Law School, fall 2011; University of North Carolina at Chapel Hill, fall 2010; University of Notre Dame Law School, fall 2007; University of Texas at Austin, spring 2000, Vanderbilt University, spring 1995; University of Oklahoma, fall 1978.

Visiting Fellow, Clare Hall, Cambridge, England, fall 1999; The Research School of Social Sciences, The Australian National University, Canberra, Australia, spring 2003.

Captain, U.S. Army Judge Advocate General's Corps, 1968-72.

Summer Law Clerk, Armstrong, Teasdale, Kramer & Vaughn, St. Louis, Missouri, 1967 and 1968.

Law School Courses Taught:

Torts, Products Liability, Evidence, Constitutional Law, Conflict of Laws, Trial Practice, and Appellate Advocacy.

Professional Activities:

American Law Institute: Member, 1987-present; Participant, Invitational Conference on Apportionment Issues in Torts, June 11, 1993; Member, Members Consultative Group for the following ALI projects: Enterprise Responsibility for Personal Injury, 1990-91; Restatement 3rd, Restatement of the Law, Torts: Products Liability, 1992-97; Restatement 3rd, Restatement of the Law, Torts: Apportionment of Liability, 1995-2000; Restatement 3d, Torts: Liability for Physical and Emotional Harm, 1998-present; Restatement 3d, Torts: Economic Torts and Related Wrongs, 2005-present.

American Bar Association: Member, 1985-present; Member, Torts and Insurance Practice Section (TIPS); Vice-Chair, Products, General Liability & Consumer Law Committee of TIPS, 1988-92 (Steering Committee member 1991-92); Chair, Academic Advisory Subcommittee of the Products, General Liability & Consumer Law Committee of TIPS, 1990-92; Chair, Tort Liability Study Committee of

TIPS, 1985-86.

Missouri Bar Association: Member, 1968-present; Member, Missouri Bar Tort Law Committee (Member of the Council, 1988-90); Chair, Comparative Negligence Subcommittee of the Missouri Bar Tort Law Committee, 1979; Co-drafter, Missouri Settlement Statute (RSMo 537.060).

Participant: Seventy-Eighth American Assembly, Tort Law and the Public Interest: Competition, Innovation, and Consumer Welfare, May 31-June 3, 1990; LEC Economics Institute for Law Professors, June 25-July 8, 1989; ABA conference: The Tort Liability System—Does it Serve the Public Interest?, May 16-18, 1985.

Member: Life Member, Clare Hall, Cambridge England (elected 1999); Executive Committee of the American Association of Law Schools Section on Torts and Compensation Systems, 1988-89; 1993; Editorial Board, Journal of Products and Toxics Liability, 1992-1996; Editorial Board, Products & Services Compliance Report (Greenwood Press), 1986-87.

Selected University Activities:

Member: Law School Faculty Policy Committee, 1979-82; 1988-94; 1995-99; 2000-01; 2003-04 (elected by faculty) (Chair 1992-93; 1997-98); Law School Tenure and Promotion Committee, 1994-99; Law School Dean Search Committee, 1981-82, 1992-93 (elected by faculty in 1981; appointed by Provost in 1992); University Council of Research Administrators, 2005-07; University Faculty Grievance Hearing Panel, 1981-84; 1987-90; Campus Committee on Tenure 2002-2003; Campus section of the Institutional Review Board for Review of Research Involving Human Subjects, 1979-82; Chancellor's Committee to Prepare an Interim Plan of Adjustment for the School of Law, 1981.

Chair: Faculty Appointments Committee, 2005-07; Law School Promotion and Tenure Subcommittee, 2003-2005; Law School Dean Search Committee, 2001; Law School Certificates Committee, 2000-01; Curriculum Committee, 1989-94; 1995-99; 2002; Law Review Committee, 1987-88; 1988-91; Law Library Committee, 1981-82; Law and Medicine Committee, 1977-79; 1982-84.

Faculty Advisor: Missouri Law Review, 1972-74; fall 1987; 1988-91.

President: Missouri Chapter, Order of the Coif, 1984.

Educational Background:

Lincoln Junior College, Lincoln, Illinois, A.A., 1963 (Class Valedictorian).
University of Missouri-Columbia, A.B., 1965 (with Honors in Economics).
University of Missouri-Columbia, J.D., Cum Laude, 1968.

Undergraduate Scholastic Societies:

Phi Theta Kappa, Junior College Honorary
Omicron Delta Epsilon, Economics Honorary

Honors and Achievements in Law School:

Law School Foundation Scholarship
Member, Missouri Law Review, 1966-67
Lead Article and Book Review Editor, Missouri Law
Review, 1967-68
Order of the Coif

Publications:**Books:**

Products Liability: Cases and Materials (West Group, 4th ed. 2006) (with Michael Green, William Powers Jr., and Joseph Sanders) (with Teacher's Manual, 2006).

Products Liability, Cases and Materials (West Group, 3d ed. 2002) with Michael Green, William Powers Jr., and Joseph Sanders) (with Teacher's Manual, 2002).

1997 Supplement to Products Liability Cases and Materials Second Edition (West Group 1997) (with William Powers Jr.).

Products Liability, Cases and Materials (West Pub. Co., 2d ed. 1994) (with William Powers Jr.) (with Teacher's Manual, 1994).

Products Liability, Cases and Materials (West Pub. Co., 1988) (with William Powers Jr.) (with Teacher's Manual, 1988).

Articles:

Insufficient Causes, 94 Ky. L. J. 277 (2005-2006).

Product Liability: A Commentary on the Liability of Suppliers of Component Parts and Raw Materials, 53 S.C. L. Rev. 1137 (2002).

Tort Recovery for Loss of a Chance, 36 Wake Forest L. Rev. 605 (2001).
Translated into Chinese and reprinted in 36 Civil and Commercial Law 392-447 (Law Press China, 2006).

Teaching Torts Without Insurance: A Second-Best Solution, 45 St. Louis L. J. 857 (2001) (with Jerry).

Successive Causes and the Enigma of Duplicated Harm, 66 Tenn. L. Rev. 1127 (1999).

Woerner, Armaly, Butler, and Fischer, A Comparative Study of Uncertainty

Methods for Legal Reasoning, 14 *International Journal of Intelligent Systems* 1269 (1999).

Woerner, Armaly, Butler, and Fischer, A Fuzzy Model of Legal Reasoning for Concurrent Engineering, 6 *Concurrent Engineering* 27 (1998).

Causation in Fact in Product Liability Failure to Warn Cases, 17 *Journal of Products & Toxics Liability* 271 (1995).

Proportional Liability: Statistical Evidence and the Probability Paradox, 46 *Vand. L. Rev.* 1201 (1993).

Causation in Fact in Omission Cases, 1992 *Utah L. Rev.* 1335.

Products Liability—Proximate Cause, Intervening Cause, and Duty, 52 *Mo. L. Rev.* 547 (1987).

Tort Law: Expanding the Scope of Recovery Without Loss of Jury Control, 11 *Hofstra L. Rev.* 937 (1983). Reprinted in the 1984 *Personal Injury Deskbook*.

Products Liability—An Analysis of Market Share Liability, 34 *Vand. L. Rev.* 1623 (1981). Reprinted in *Corporate Counsel's Annual* 1047 (1982).

Products Liability—Functionally Imposed Strict Liability, 32 *Okla. L. Rev.* 93 (1979).

Products Liability—Applicability of Comparative Negligence to Misuse and Assumption of the Risk, 43 *Mo. L. Rev.* 643 (1978).

Products Liability—Applicability of Comparative Negligence, 43 *Mo. L. Rev.* 431 (1978).

Fraudulently Induced Consent to Intentional Torts, 46 *U. Cin. L. Rev.* 71 (1977).

Products Liability—The Meaning of Defect, 39 *Mo. L. Rev.* 339 (1974). Reprinted in 24 *L. Rev. Digest* 63 (No. 6, Sept.-Oct. 1974); *American Trial Lawyers Association, Handling the Products Liability Case* section 4.1 (1977).

Shorter Writings:

Session 2: Liability Concerns, Owner-Authorized Handguns, A Workshop Summary, *National Academy of Engineering* (The National Academies Press 2003).

Sethi, Fischer, and Butler, A Concurrent Engineering System for Legal Reasoning

about Defective Design, Proceedings of the 1995 ASME Computers in Engineering Conference 27.

Armaly, Fischer, and Butler, Using Bayesian Belief Networks for Automated Legal Reasoning About Defective Design, 81 Proceedings of the ASME Design for Manufacturability Conference 55 (1995).

An Analysis of the Effect of Subsequent Alteration Upon Manufacturers' Products Liability, published in the proceedings of the Southern Methodist University Products Liability Institute (Matthew Bender 1987).

Partial Settlements in Comparative Fault Cases; Products & Services Compliance Report (Greenwood Press, January 1987).

Rescue Doctrine in Strict Product Liability Cases; Products & Services Compliance Report (Greenwood Press, May 1986).

The New Settlement Statute: Its History and Effect, 40 J. Mo. Bar 13 (Jan/Feb 1984 Issue).

Role of Misuse in Products Liability Litigation, 35 J. Mo. Bar 304 (1979). A version of this article is reprinted in 17 Law Notes 49 (1981).

Student work:

Note, Admissibility of Extrinsic Evidence to Prove Testamentary Intent, 32 Mo. L. Rev. 291 (1967).

Note, Judgment by Confession Relicta Verification—Right of Appeal by Plaintiff, 32 Mo. L. Rev. 390 (1967).

Selected Continuing Legal Education Activity, Speeches and Related Presentations:

Speaker, University of Notre Dame Law School CLE program entitled, “Insufficient Causes”, October 13, 2007.

Guest Lecturer, Student Seminar on Causation and Responsibility at the University of Texas School of Law, March 11, 2004, and February 10, 2005.

Speaker, Tort Law, Law School for Legislators program put on by the Missouri Bar Association, January 27, 2004.

Keynote Speaker, The Liability Concerns Affecting the Sale of User-Authorized Handguns, National Academy of Engineering Workshop, Washington, D.C., June 7, 2002.

Speaker, Bar Review of Missouri Inc., 1984-2002. Six hour lectures on the law of torts and evidence to assist law graduates in preparing for the Missouri Bar Examination.

Speaker, West Bar Review, 1996-1997. Six hour lectures on the law of torts and evidence to assist law graduates in preparing for the Missouri Bar Examination.

Speaker, Recent Developments in Tort Law, Annual Survey of the Law, the Missouri Bar, Annual Meeting, October 22, 1995.

Speaker, Current Developments in Tort Law, Boone County Bar Association meeting, June 1994.

Panel Member, UMKC CLE program entitled, "The New 'But for' Test for Causation in Missouri", May 6, 1994.

Speaker, Causation in Fact in Failure to Warn Cases, at the program of the Section on Torts and Compensation Systems held at the annual meeting of the Association of American Law Schools, January 5, 1992.

Speaker, Recent Developments in Evidence, Annual Review of the Law, the Missouri Bar, Annual Meeting, October 4, 1990.

Speaker, Recent Developments in Tort Law, UMC School of Law CLE: St. Louis, MO, February 18, 1988; Columbia, MO, February 19, 1988; Springfield MO, February 25, 1988; Kansas City, MO, February 26, 1988.

Speaker, An Analysis of the Effect of Subsequent Alteration Upon Manufacturers' Products Liability, Eighth Annual Southern Methodist University Symposium on Product Liability: Discovery, Evidence and Tactics in the Trial of a Products Liability Lawsuit, Orlando, Florida, April 9-10, 1987.

Speaker, Recent Developments in Tort Law, Annual Review of the Law, the Missouri Bar, Annual Meeting, October 25, 1986.

Speaker, Civil Liability of Engineers, Central Chapter of the Missouri Society of Engineers, November 13, 1984.

Speaker, Comparative Fault—A Substantive Analysis of The Uniform Comparative Fault Act, UMC School of Law CLE: Cape Girardeau, MO, January 20, 1984; Columbia, MO, January 26, 1984; Clayton, MO, February 3, 1984; Springfield, MO, February 10, 1984; Clayton, MO, February 17, 1984.

Speaker, Recent Developments in Tort Law, Annual Review of the Law, the Missouri Bar, Annual Meeting, September 30, 1983.

Community Activities:

Boy Scout Troop 707, Scoutmaster, 1993-1997; Assistant Scoutmaster, 1997-1999;
Advancement Chairperson, 1987-93.
Church Council President, Columbia United Church of Christ, 1991; Church Council
Member, 1989-91.
Board Member, Bonne Femme Council of Camp Fire, Inc., 1984-86.

Personal Data:

Date of Birth: May 10, 1943
Place of Birth: St. Louis, Missouri
Marital Status: Married
Children: Two