

PAUL A. LEBEL

Office:

Provost & Vice President for Academic Affairs
264 Centennial Drive
Stop 8176
Grand Forks, North Dakota 58202-8176
Telephone: (701) 777-2167
Facsimile: (701) 777-4139
E-mail: paul.lebel@und.edu

ACADEMIC AND ADMINISTRATIVE EXPERIENCE

University of North Dakota

Provost & Vice President for Academic Affairs, since October 2010
Interim Provost & Vice President for Academic Affairs, since February 2009
Professor of Law, since May 2004

University of North Dakota

School of Law

Dean and Professor of Law, May 2004-February 2009

Courses taught while Dean:

Torts I, Products Liability, Workers' Compensation, Conflict of Laws
(co-taught with former Justice of ND Supreme Court), Comparative Law

Florida State University

College of Law

Professor of Law, 1998-2004

Dean and Professor of Law, 1997-1998

Courses:

Torts, Products Liability, Mass Tort Litigation, Workers' Compensation,
Tort Law & Theory Seminar, Law in the Literature of Britain & Ireland
(Oxford Summer Program)

University of Richmond

T. C. Williams School of Law

Visiting Professor of Law, 1999-2000

College of William and Mary
Marshall-Wythe School of Law

James Goold Cutler Professor of Law, 1990-1997

Professor of Law, 1985-1990

Associate Professor of Law, 1983-1985

Visiting Associate Professor of Law, 1982-1983

Courses:

Torts, Products Liability, Injury Compensation Systems, Jurisprudence,
Law and American Literature, Civil Procedure

University of Alabama
School of Law

Associate Professor of Law, 1981-1983

Assistant Professor of Law, 1978-1981

University of Illinois
College of Law

Visiting Professor of Law, Spring 1991

Graduate Teaching Fellow, 1977-1978

University of Florida
College of Law

Legal Writing Instructor, Summer 1977

EDUCATION

J.D. (with highest honors), 1977

University of Florida

Class Rank: 1

Order of the Coif, Phi Kappa Phi

Joseph Gersten Award (outstanding graduate)

Corpus Juris Secundum Awards and Book Awards (eleven)

A.B., 1971

The George Washington University

Major: American Literature

MILITARY SERVICE

United States Air Force
Air Weather Service
Stationed in Illinois; South Carolina; Suffolk, England
1971-1975

PUBLICATIONS

I. LAW REVIEW ARTICLES & ESSAYS

Fit

40 UNIVERSITY OF TOLEDO LAW REVIEW 371-376
Symposium: Leadership in Legal Education IX
Winter 2009

Size Matters

38 UNIVERSITY OF TOLEDO LAW REVIEW 557-563
Symposium: Leadership in Legal Education VII
Winter 2007

The Stewardship of Lawyering: Lessons from a Visit to Wendell Berry's Port William

34 LOYOLA UNIVERSITY CHICAGO LAW JOURNAL 815-843
Summer 2003

Misdirecting Myths: The Legal and Cultural Significance of Distorted History in Popular Media

37 WAKE FOREST LAW REVIEW 1035-1072
December 2002

Toward Justice in Tobacco Policymaking: A Critique of Hanson and Logue and An Alternative Approach to the Costs of Cigarettes

(with Richard C. Ausness)
33 GEORGIA LAW REVIEW 693-812
Spring 1999

Introduction to the Transcript of the Florida Tobacco Litigation Symposium -- Putting the 1997 Settlement Into Context

25 FLORIDA STATE UNIVERSITY LAW REVIEW 731-736
Summer 1998

Beginning the Endgame: The Search for an Injury Compensation System Alternative to Tort Liability for Tobacco-Related Harms

24 NORTHERN KENTUCKY LAW REVIEW 457-494
Summer 1997

“Of Deaths Put On By Cunning and Forced Cause”: Reality Bites the Tobacco Industry
Review Essay of RICHARD KLUGER, ASHES TO ASHES, PHILIP HILTS,
SMOKESCREEN, & STANTON GLANTZ *ET AL.* THE CIGARETTE PAPERS
38 WILLIAM AND MARY LAW REVIEW 605-648
January 1997

*The Constitutional Interest in Getting the News: Toward a First Amendment Protection
from Tort Liability for Surreptitious News Gathering*
4 WILLIAM AND MARY BILL OF RIGHTS JOURNAL 1145-1163
Summer 1996

*The Bases Are Loaded and It's Time to Get a Restraining Order: The Confounding
Conflation of America's Two National Pastimes*
17 NOVA LAW REVIEW 813-816
Winter 1993
[reprinted in BASEBALL AND THE AMERICAN LEGAL MIND, SPENCER WALLER, NEIL
COHEN & PAUL FINKELMAN, EDS., Garland Publishing Co. 1995]

Legal Education and the Theater of the Absurd: “Can't Anybody Play This Here Game?”
1992 BRIGHAM YOUNG UNIVERSITY LAW REVIEW 413-425
Spring 1992

Reducing the Recovery of Avoidable “Seat-Belt Damages”: A Cure for the Defects of
Waterson v. General Motors Corporation
22 SETON HALL LAW REVIEW 4-34
Fall 1991

*Rights-Talk and Torts-Talk: A Commentary on the Road Not Taken in the Intellectual
History of Tort Law*
41 CASE WESTERN RESERVE LAW REVIEW 811-821
Spring 1991

Emotional Distress, The First Amendment, and “This Kind of Speech”: A Heretical
Perspective on Hustler Magazine v. Falwell
60 UNIVERSITY OF COLORADO LAW REVIEW 315-356
Spring 1989

An Interested Response to a “Wholly Disinterested Assessment”: LeBel on Summers on
LeBel on Summers on ... Er ... Um ... Oh, Yeah ... Fuller
85 MICHIGAN LAW REVIEW 1914-1924
August 1987

Reforming the Tort of Defamation: An Accommodation of the Competing Interests Within the Current Constitutional Framework

66 NEBRASKA LAW REVIEW 249-319

Spring 1987

[excerpted in GARVEY & SCHAUER, *THE FIRST AMENDMENT: A READER*

WEST PUBLISHING CO. 1992 pp. 278-283

2d edition 1996 pp. 318-323]

The Good, The Bad, and The Press

Review Essay of RODNEY SMOLLA, *SUING THE PRESS*

1986 DUKE LAW JOURNAL 1074-1088

December 1986

Legal Positivism and Federalism: The Certification Experience

19 GEORGIA LAW REVIEW 999-1040

Summer 1985

Blame This Messenger: Summers on Fuller

Review Essay of ROBERT S. SUMMERS, LON L. FULLER

83 MICHIGAN LAW REVIEW 717-731

February 1985

The Infliction of Harm Through the Publication of Fiction: Fashioning A Theory of Liability

51 BROOKLYN LAW REVIEW 281-354

Winter 1985

Defamation and the First Amendment: The End of the Affair

25 WILLIAM AND MARY LAW REVIEW 779-790

August 1984

1983 Eleventh Circuit Survey - Administrative Law

35 MERCER LAW REVIEW 1029-1067

Summer 1984

Standing After Havens Realty: A Critique and an Alternative Framework for Analysis

1982 DUKE LAW JOURNAL 1013-1052

December 1982

Toward a Neo-Instrumentalist Tort Law

Review Essay of STUART SPEISER, *LAWSUIT*

76 NORTHWESTERN UNIVERSITY LAW REVIEW 838-853

December 1981

Intent and Recklessness as Bases of Products Liability: One Step Back, Two Steps Forward
32 ALABAMA LAW REVIEW 31-68
Fall 1980

II. BOOKS

PRODUCTS LIABILITY PROBLEMS - 1996 EDITION
(with David G. Owen and Mary J. Davis)
Problem Supplement to OWEN, MONTGOMERY & KEETON, CASES AND MATERIALS
ON PRODUCTS LIABILITY AND SAFETY (3d Edition 1996)
(plus Teacher's Manual)
Foundation Press
1996

PRODUCTS LIABILITY PROBLEMS - 1995 EDITION
(with David G. Owen and Michael D. Green)
Problem Supplement to KEETON, OWEN, MONTGOMERY & GREEN, CASES AND
MATERIALS ON PRODUCTS LIABILITY AND SAFETY (2d Edition 1989)
(plus Teacher's Manual)
Foundation Press
1995

JOHN BARLEYCORN MUST PAY: COMPENSATING THE VICTIMS OF DRINKING DRIVERS
The University of Illinois Press
1992

III. CONTRIBUTIONS TO BOOKS

Giving Voice to Anger: The Role of the Lawyer in THE SWEET HEREAFTER
chapter in SCREENING JUSTICE – THE CINEMA OF LAW: SIGNIFICANT FILMS OF
LAW, ORDER AND SOCIAL JUSTICE
Rennard Strickland, Teree E. Foster & Taunya Lovell Banks, editors
ch. 48, pages 657-677
William S. Hein Co.
2006

Contributor to LAW IN LITERATURE: AN ANNOTATED BIBLIOGRAPHY OF LAW-RELATED WORKS

Elizabeth V. Gemmette, editor

Annotations on *The Pioneers*, *Guard of Honor*, *Word of Honor*, *Paris Trout*, *Knight's Gambit*, *The Hamlet*, *The Town*, *The Mansion*, *A Map of the World*, *A City on a Hill*, *The Friends of Eddie Coyle*, *Kennedy for the Defense*, *Penance for Jerry Kennedy*, *Defending Billy Ryan*, *Jack Gance*, *The Bean Trees*, *The Executioner's Song*, *Killing Mister Watson*, *The Octopus*, *The Warden*, *Native Son*

Whitston Publishing Company

1998

[excerpts in 20 LEGAL STUDIES FORUM 431, 433 (1996)]

Gil Hodges

Entry in AMERICAN NATIONAL BIOGRAPHY

Oxford University Press

1998

IV. PROFESSIONAL AND BAR JOURNAL ARTICLES

Momentum

Vol. 55, No. 4 THE GAVEL 8
November 2008

Law and the Growing Importance of Interdisciplinary Work

Vol. 55, No. 3 THE GAVEL 8
August 2008

Meeting the Cost of Legal Education

Vol. 55, No. 2 THE GAVEL 8
May 2008

Maintaining the Tradition of Valuable Service

Vol. 55, No. 1 THE GAVEL 8
February 2008

A 21st Century Curriculum

Vol. 54, No. 4 THE GAVEL
November 2007

A First Class Team of Educators

Vol. 54, No. 3 THE GAVEL 19
August 2007

Rankings: The Good, The Bad, and The Ugly
Vol. 54, No. 2 THE GAVEL 8
May 2007

Taking Stock
Vol. 54, No. 1 THE GAVEL 8
February 2007

Judging Fairly
Vol. 53, No. 4 THE GAVEL 8
November 2006

Strengths and Challenges
Vol. 53, No. 3 THE GAVEL 23
August 2006

Mentoring
Vol. 53, No. 2 THE GAVEL 12
May 2006

Looking to the Next Generations
Vol. 53, No. 1 THE GAVEL 12
February 2006

Law and Literature: A Different Kind of CLE Experience
Vol. 44, No. 8 VIRGINIA LAWYER 36-37
April 1996

A Doctrine by Any Other Name: The Putative Rejection of 'Crashworthiness' in Virginia Products Liability Law
Vol. 21, No. 4 VIRGINIA BAR ASSOCIATION JOURNAL 12-14
Fall 1995

Book Review of G. EDWARD WHITE, JUSTICE OLIVER WENDELL HOLMES: LAW AND THE INNER SELF
Vol. 30, No. 5 TRIAL 82
May 1994

The Law School Expansion Draft
43 JOURNAL OF LEGAL EDUCATION 606-610
December 1993

Deerly, Departed
42 JOURNAL OF LEGAL EDUCATION 469-476
September 1992

Book Review of GERAINT G. HOWELLS, ED., PRODUCT LIABILITY, INSURANCE AND THE PHARMACEUTICAL INDUSTRY: AN ANGLO-AMERICAN COMPARISON
Vol. 28, No. 8 TRIAL 81-83
August 1992

The Enforcement of Social Cost Internalization: An Enhanced Role for Administrative Agencies
Vol. 40, No. 11 VIRGINIA LAWYER 26-28
May 1992

Book Review of JOHN R. VILE, REWRITING THE UNITED STATES CONSTITUTION: AN EXAMINATION OF PROPOSALS FROM RECONSTRUCTION TO THE PRESENT
Vol. 28, No. 2 TRIAL 81
February 1992

Book Review of BERNARD SCHWARTZ, THE NEW RIGHT AND THE CONSTITUTION
Volume 27, No. 4 TRIAL 73-75
April 1991

The Joe Isuzu Dean Search: A Guide to the Interpretation of Dean Search Announcements
(with James E. Moliterno)
39 JOURNAL OF LEGAL EDUCATION 265-267
June 1989
[reprinted in AMICUS HUMORIAE: AN ANTHOLOGY OF LEGAL HUMOR,
JARVIS, BAKER, & MCCLURG, eds., Carolina Academic Press, 2003]

Diagnosing Post-tenure Slump Syndrome: A Guide to the Aging of Law Professors
39 JOURNAL OF LEGAL EDUCATION 49-50
March 1989

Law Professor Trading Cards: "Has Anyone Got a Monaghan for a Tribe?"
38 JOURNAL OF LEGAL EDUCATION 365-368
September 1988
[reprinted in ABA STUDENT LAWYER April 1989]

Book Review of HENRY STEINER, MORAL ARGUMENT AND SOCIAL VISION IN THE COURTS: A STUDY OF TORT ACCIDENT LAW
Vol. 24, No. 6 TRIAL 95-97
June 1988

Protecting the Right to Criticize Government: A Proposal for a Symmetry of Defamation Privileges
Vol. 13, No. 4 VIRGINIA BAR ASSOCIATION JOURNAL 5-9
Fall 1987

A Guide for the Selection of Faculty Recruiters: "...Or Any First Year Course"
37 JOURNAL OF LEGAL EDUCATION 374-377
September 1987

A Revue of Books
35 JOURNAL OF LEGAL EDUCATION 299-302
June 1985

Contributory Negligence and Mitigation of Damages: Comparative Negligence Through the Back Door?
Vol. 10, No. 4 VIRGINIA BAR ASSOCIATION JOURNAL 11-16
Fall 1984

Judicial Review of Administrative Action in Alabama
42 ALABAMA LAWYER 149-160
January 1981

V. LAW SCHOOL AND UNIVERSITY PUBLICATIONS

From the Dean
Dean's Column in NORTH DAKOTA LAW (UND School of Law alumni magazine)
Vol. 1, No. 1 (January 2007)
Vol. 1, No. 2 (August 2007)
Vol. 2, No. 1 (August 2008)
Vol. 3, No. 1 (February 2009)

Dean's Corner
Vol. 89, No. 4 [University of North Dakota] ALUMNI REVIEW
August 2006

Tribute to a Consummate Professional – Memorial to Professor Randy H. Lee
81 NORTH DAKOTA LAW REVIEW 429-431
2005

Opening Statement
Dean's Column in LAW MATTERS (UND School of Law alumni magazine)
Vol. 2, No. 2 (Spring/Summer 2004)
Vol. 3, No. 1 (Fall/Winter 2004)
Vol. 3, No. 2 (Fall 2005/Spring 2006)

Beyond Litigation: A New Direction for Tobacco Policy
13/1 RICHMOND LAW 10-12
Spring 2000

A New Approach to Drinking Driver Accidents
1991 WILLIAM AND MARY LAWYER 22-24
Fall 1991

ADDRESSES AND PAPER PRESENTATIONS

Presentation – *Coordinating Academic Priorities and Development Activities*
(with DeAnna Carlson Zink)

Council for Advancement and Support of Education District VI Conference
St. Louis, Missouri
January 12, 2010

Presentation – “*Roles, Relationships, and Justice: Professional Identity and Personal Crisis in Larry Watson’s MONTANA 1948*”

Judicial Conference of North Dakota
Bismarck, North Dakota
November 24, 2008

Lecture – “Of Wrongs and Rights and Writers: A Wistful Memory of When I Had a Life”

University of North Dakota Faculty Lecture Series
Grand Forks, North Dakota
February 27, 2008

Presentation – *Seeing the Invisible Victim: The Spiral of Abuse in Roddy Doyle’s THE WOMAN WHO WALKED INTO DOORS*

Judicial Conference of North Dakota
Bismarck, North Dakota
November 20, 2006

Presentation – “*God Is a Judge, Satan Is an Advocate*”: *The Theater of Trial in Unsworth’s MORALITY PLAY*

Judicial Conference of North Dakota
Bismarck, North Dakota
November 21, 2005

Presentation – *Perceptions of Judging: Law in Literature*

Judicial Conference of North Dakota
Bismarck, North Dakota
November 22, 2004

Presentation – *Images of Lawyers in Popular Culture*
UND/SBAND Continuing Legal Education
Grand Forks, North Dakota
October 15, 2004

Lecture – *The Stewardship of Lawyering: Lessons from Wendell Berry's Port William*
2002-2003 Lecture on Law and Literature
Loyola University of Chicago School of Law
Chicago, Illinois
October 3, 2002

Presentation – *The Claim for Enhanced Risk of Disease*
Panel on Toxic Torts Today
Southeastern Conference of the Association of American Law Schools
Kiawah Island, South Carolina
August 1, 2002

Presentation – *Subversive Jurisprudence: Law in the Fiction of James Alan McPherson*
Law and American Culture Section, American Culture Association
Philadelphia, Pennsylvania
April 14, 2001

Symposium Organizer and Moderator – *Tobacco Litigation: New Directions for a New Millennium*
University of Richmond
Richmond, Virginia
February 2, 2000

Faculty Colloquium – *“You Can't Say That”: The Tobacco Industry and Premature Death*
University of South Carolina
Columbia, South Carolina
October 28, 1999

Presentations – *Toward A Just Tobacco Policy*
(with Richard C. Ausness)
Cordell Hull Speakers Forum & Faculty Workshop
Samford University, Cumberland School of Law
Birmingham, Alabama
October 22 & 23, 1998

Symposium Introductory Address and Panelist – *The Florida Tobacco Litigation: Fact, Law, Policy, and Significance*
Florida State University
Tallahassee, Florida
November 17, 1997

Symposium Paper Presenter – *Tobacco: The Growing Controversy*
Northern Kentucky University
Highland Heights, Kentucky
April 5, 1997

Speaker – *Law and Literature: An Examination of PIGS IN HEAVEN*
Law School Association Reunion
College of William and Mary
Williamsburg, Virginia
May 18, 1996

Speaker – *Malpractice Liability Implications of Managed Health Care: The Liability of Managed Care Organizations*
Eastern Virginia Medical School
Norfolk, Virginia
November 30, 1995

Conference Organizer and Speaker – *Law and Lawyers in Literature*
Section on Education of Lawyers, Virginia State Bar & Virginia CLE
Williamsburg, Virginia
November 3-4, 1995

Panelist – *Interdisciplinary Perspectives: Law and Literature*
Southeastern Conference - Association of American Law Schools
Panama City Beach, Florida
July 22, 1995

Paper Presentation – *Testing the Effects of Alternative Tort Doctrines: States as Laboratories*

(co-authored with and delivered by Roger Hanson & Neil LaFountain)
Panel on Empirical Studies of Civil Justice in State and Federal Courts
Law and Society Association
Phoenix, Arizona
June 19, 1994

Symposium Panelist – *Liability of Firearm Sellers*
Institute of Bill of Rights Law
Williamsburg, Virginia
February 13, 1992

Speaker – *Volunteer Coach Liability*
Virginia Special Olympics Conference
Williamsburg, Virginia
September 28, 1991

Symposium Commentator – *The Right to Privacy One Hundred Years Later*
Case Western Reserve University School of Law
Cleveland, Ohio
November 17, 1990

Panelist – *Libel and Free Speech*
Judicial Conference, United States Court of Appeals, Tenth Circuit
Keystone, Colorado
July 26, 1990

Panelist – *Constitutional Challenges to Limits on Recovery*
National Institute on Medical Malpractice
American Bar Association
Williamsburg, Virginia
May 19, 1989

Conference Organizer and Moderator – *Libel on the Editorial Pages*
Institute of Bill of Rights Law
Williamsburg, Virginia
November 6-7, 1987

Speaker – *A Free Press in a Republic*
Christopher Newport College-Newport News Bicentennial Constitution Committee
Symposium on the Constitution
Newport News, Virginia
November 2, 1987

Speaker – *Freedom of Speech*
Virginia Foundation for the Humanities and Public Policy Series on The Supreme
Court, The Bill of Rights and The Law
Williamsburg, Virginia
October 22, 1987

Moderator – *Press Responsibility*
Virginia Press Association
Richmond, Virginia
January 9, 1987

Panelist – *Centers for First Amendment Research*
Association for Education in Journalism and Mass Communication
Norman, Oklahoma
August 5, 1986

Symposium Commentator – *Libel Law and the Press: Myth and Reality*
American Newspapers Publishers Association & Institute of Bill of Rights Law
Williamsburg, Virginia
June 6, 1986

Symposium Commentator – *The Burger Court and The First Amendment*
Hofstra University School of Law
Hempstead, New York
November 8, 1985

Moderator – *Legal Malpractice*
The Virginia Bar Association
White Sulphur Springs, West Virginia
August 16, 1985

Symposium Presentation – *Defamation in Fiction*
Brooklyn Law School
New York, New York
October 24, 1984

Speaker – *Defenses in Negligence Cases*
Virginia General District Court Judges Conference
Williamsburg, Virginia
May 8, 1984

Symposium Commentator – *Defamation and the First Amendment*
Institute of Bill of Rights Law
Williamsburg, Virginia
April 6, 1984

Speaker – *Proof of Negligence in Virginia*
Virginia General District Court Judges Conference
Charlottesville, Virginia
June 7, 1983

Speaker – *Bad Faith Damages and the Frontiers of Emotional Distress*
American Bar Association Appellate Judges Seminar
Williamsburg, Virginia
April 25, 1983

Speaker – *Judicial Review of Administrative Action in Alabama*
Alabama Bar Institute for Continuing Legal Education
Birmingham, Alabama
November 7, 1980

PROFESSIONAL AND SERVICE AFFILIATIONS AND ACTIVITIES

American Association of State Colleges & Universities
Provost Working Group, *Stewards of Place II* Project
2010

The American Law Institute

Elected 1993
Member, Consultative Group, RESTATEMENT (THIRD) OF TORTS:
PRODUCTS LIABILITY
Member, Consultative Group, RESTATEMENT (THIRD) OF TORTS:
APPORTIONMENT OF LIABILITY
Member, Consultative Group, FEDERAL JUDICIAL CODE REVISION PROJECT
Member, Consultative Group, RESTATEMENT (THIRD) OF TORTS:
LIABILITY FOR PHYSICAL HARM
Member, Consultative Group, PRINCIPLES OF THE LAW OF
AGGREGATE LITIGATION
Member, Consultative Group, RESTATEMENT (THIRD) OF TORTS:
LIABILITY FOR ECONOMIC LOSS

The American Bar Association

Site Visit Team Member, Drexel University Earle Mack School of Law
October 2010
Site Visit Team Member, Northern Kentucky University Chase School of Law
October 2009
Member, Continuing Legal Education Committee, Section on Legal Education and
Admission to the Bar, 1996-1998

State Bar Association of North Dakota

Member, Board of Governors, 2004-2009

Judicial Conference of North Dakota

Member, 2004-2009

North Dakota Bar Foundation

Member *ex officio*, Board of Directors, 2004-2009

North Dakota Judicial Education Commission

Member, January 2005-February 2009

North Dakota State Board of Higher Education

Chair, University of North Dakota Presidential Search Committee, 2007-2008

Greater Grand Forks County Bar Association

Member, 2004-2009

United Way of Grand Forks & East Grand Forks

Campaign Cabinet, 2005-2006

The Florida Bar

Admitted 1977 (Inactive Status since 1998)

Member, Supreme Court Commission on Professionalism, 1997-1998

The Virginia State Bar

Admitted 1987 (Associate Membership since 1998)

Member, Lawyer Referral Service Committee, 1988-1989

The Virginia Bar Association

Member, 1987-1997

Member, Special Committee on Tort Reform, 1986-1987

St. Thomas More Society [Tallahassee (Florida) Catholic Lawyers Society]

Member, 2001-2004

Member, Steering Committee, 2003

THE JUSTICE SYSTEM JOURNAL

Member, Editorial Board, 1994-1996

American Inns of Court

1 Anson-Hoffman Inn of Court, Norfolk, Virginia

Member, 1994-1996

Randy H. Lee Inn of Court, Grand Forks, North Dakota

Member, 2007-2009

Lawyers Cooperative Publishing

Member, Virginia Publications Advisory Committee, 1995-1996

Williamsburg (Virginia) Bar Association

Member, 1995-1997