

**FRANCIS PATRICK HUBBARD**  
*Ronald Motley Distinguished Professor of Law*  
*University of South Carolina School of Law*

**A. Academic Experience**

**University of South Carolina School of Law, Columbia, South Carolina**

**Professor of Law, 1980 to date;**

**Associate Professor of Law, 1976 to 1980;**

**Assistant Dean, 1976 to 1977;**

**Assistant Professor of Law, 1973 to 1976.**

**Courses taught: Torts, Products Liability, Evidence, Criminal Law, Land Use Planning, Administrative Law, Law and Poverty, Jurisprudence, Social Justice, Computers and Law, State and Local Government, and Professional Responsibility.**

**Visiting Professor of Law, Florida Coastal School of Law, Jacksonville, Florida, 2002**

**Visiting Professor of Law, University of Birmingham, U.K., 1996**

**Visiting Professor of Law, University of Southampton, U.K., 1987**

**B. Professional Experience**

**1. Admitted to Practice**

**United States Supreme Court**

**United States Court of Appeals, Fourth Circuit**

**United States Court of Appeals, Fifth Circuit/Eleventh Circuit**

**United States District Court, South Carolina**

**United States District Court, W. D. of Texas**

**Supreme Court of South Carolina**

**Supreme Court of Texas**

**2. Practice**

**Community Legal Services, Austin, Texas (1970-1972)**

**Organization and supervision of law reform unit handling major litigation in state and federal courts.**

**Mudge, Rose, Guthrie, and Alexander, New York, New York (1969)**

**Construction and products liability litigation**

3. **Consulting**

Attorney of record in complex civil litigation (products liability, medical malpractice, and premises liability) as well as criminal defense

Legal advice to local governments in land use matters

C. **Education**

Yale Law School LL.M. Degree, 1973

New York University Law School J.D. Degree, 1969  
Root-Tilden Scholar  
Law Review

Davidson College B.A. Degree, 1966  
Cum Laude  
Phi Beta Kappa

D. **Publications**

1. **Books**

THE SOUTH CAROLINA LAW OF TORTS (4th ed. 2011) (with R. Felix)

JURY INSTRUCTIONS FOR CRIMINAL CASES IN SOUTH CAROLINA: DEFENDANTS'  
REQUESTED INSTRUCTIONS (2d ed. 2001)

SOUTH CAROLINA CIVIL JURY RESEARCH PROJECT: REPORT ON FINDINGS (1986)

2. **Articles and Book Chapters**

*Power to the People: The Takings Clause, Hart's Rule of Recognition, and  
Populist Law-Making*, 50 UNIV. OF LOUISVILLE L. REV. 87 (2011)

*"Do Androids Dream?" Personhood and Intelligent Artifacts*, 83 TEMPLE L. REV.  
405 (2011)

*Substantive Due Process Limitations on Punitive Damages Awards: "Morals  
Without Technique?"*, 60 FLA. L. REV. 349 (2008) (Received Outstanding  
Faculty Publication Award)

*The Impact of Lucas on Coastal Development: Background Principles, the Public  
Trust Doctrine, and Global Warming*, 16 SOUTHEASTERN ENVTL. L.J. 65  
(2008)

- The Nature and Impact of the "Tort Reform" Movement*, 35 HOFSTRA L. REV. 437 (2007) (Selections reprinted in ANDREW F POPPER, MATERIALS ON TORT REFORM (2010))
- A Realist Response to Walzer's Just and Unjust Wars*, in INTERVENTION, TERRORISM AND TORTURE: CONTEMPORARY CHALLENGES TO JUST WAR THEORY (Steven Lee, ed., 2006)
- Do Owners Have a Fair Chance of Prevailing Under the Ad Hoc Regulatory Takings Test of Penn Central Transportation Company?*, 14 DUKE ENVIRONMENTAL LAW & POLICY FORUM 129 (2003)
- Palazzolo, Lucas, and Penn Central: The Need for Pragmatism, Symbolism, and Ad Hoc Balancing*, 80 NEBRASKA LAW REVIEW 465 (2002)
- Jury Trials*, in PHILOSOPHY OF LAW: AN ENCYCLOPEDIA (Gray ed., 1999)
- "Takings Reform" and the Process of Legislative Change in a "National Movement"*, 50 S.C. L. REV. 93 (1998)
- Taxing Compensatory Damages for Mental Distress*, TRIAL 50 (Oct. 1998)
- Making People Whole Again: The Constitutionality of Taxing Compensatory Damages for Mental Distress*, 49 FLA. L. REV. 725 (1997)
- Designing and Implementing an Expanded System for Civil Court Data Collection: A South Carolina Study*, 47 S.C.L. REV. 537 (1996)
- Justice, Creativity, and Popular Culture: The Jurisprudence of Mary Chapin Carpenter*, 27 PACIFIC L.J. 1139 (1996)
- Adopting the Model Penal Code Approach to Mental State*, S.C. LAWYER 29 (Jan/Feb. 1995)
- Comparative Negligence in South Carolina: Implementing Nelson v. Concrete Supply Co.*, 43 S.C. L. REV. 273 (1992) (with Felix)
- Jury Charges for Self-Defense in Homicide Cases*, S.C. LAWYER 20 (Sept./Oct. 1989) (with Swerling)
- The Physicians' Point of View Concerning Medical Malpractice: A Sociological Perspective on the Symbolic Importance of "Tort Reform"*, 23 GA. L. REV. 295 (1989)

*Liability of Sellers and Lessors of Residential Realty in South Carolina*, 40 S.C.L. REV. 545 (1989) (with Felix)

*"Reasonable Levels of Arbitrariness" in Death Sentencing Patterns: A Tragic Perspective on Capital Punishment*, 18 U.C. DAVIS L. REV. 1113 (1985).  
Quoted in *McClesky v. Kemp*, 481 U.S. 279 (1987)

*"Patterns" in Civil Jury Verdicts in the State Circuit Courts of South Carolina: 1976-1985*, 38 S.C. L. REV. 699 (1987) (Received Outstanding Faculty Publication Award)

*Capital Punishment in South Carolina: A Preliminary Inquiry Concerning Practice, Constitutionality, and Justice*, 34 S.C.L. REV. 391 (1982)

*Law and Ethics: Three Persistent Myths*, in WHO DECIDES? CONFLICTS OF RIGHTS IN HEALTH CARE (N. Bell ed., 1982)

*Criminal Trespass and Malicious Mischief*, in ENCYCLOPEDIA OF CRIME AND JUSTICE (Sanford H. Kadish ed., 1982)

*"Contract Cohabitation": A Jurisprudential Perspective on Common Law Judging*, 19 J. FAMILY LAW 655 (1981)

*Patterns of Judicial Review of Administrative Decisions*, 12 TOLEDO L. REV. 37 (1980)

*Justice, Limits to Growth, and an Equilibrium State*, 7 PHILOSOPHY & PUBLIC AFFAIRS 326 (1978)

*Taking Persons Seriously: A Jurisprudential Perspective on Social Disputes in a Changing Neighborhood*, 48 CIN. L. REV. 15 (1978)

*Reasonable Human Expectations: A Normative Model for Considering Strict Liability for Defective Products*, 29 MERCER L. REV. 465 (1978)

*Efficiency, Expectation, and Justice: A Jurisprudential Analysis of the Concept of Unreasonably Dangerous Product Defect*, 28 S.C.L. REV. 587 (1977)

*"One Man's Theory . . .": A Metatheoretical Analysis of H.L.A. Hart's Model of Law*, 36 MD. L. REV. 39 (1976). Reprinted in READINGS IN JURISPRUDENCE AND LEGAL PHILOSOPHY (Cohen, Cohen, and Shuchman eds., 1978)

*"Sociology of Law": One View from the Lawyers' Side of the Fence*, 7 RUTGERS-CAMDEN L.J. 458 (1976)

*Landlord Duties of the Local Public Agency: A Source of Protection for Residents in Urban Renewal Areas*, 45 N.Y.U.L. REV. 1015 (1970). Reprinted in HOUSING 1970-71 (G. Sternlieb & L. Sagalyn eds., 1972)

*Proximate Cause as a Limitation on the Scope of Section 4 of the Clayton Act*, 44 N.Y.U.L. REV. 160 (1969) (student note)

Numerous CLE materials on various topics

E. **Professional Associations**

American Section, International Association for Philosophy of Law and Social Philosophy (AMINTAPHIL)

Sections of American Association of Law Schools:

Criminal Law, Jurisprudence, Torts, Law and the Humanities, Local Government

American Bar Association

South Carolina Bar Association

F. **Selected Professional Service Activities**

Author, Report to the South Carolina Bar on Current Proposals for "Tort Reform" in South Carolina. (Jan. 2004)

Assist Judiciary Committee of S.C. Senate in drafting bill (adopted 2003) on property rights, in assessing and drafting bills on "tort reform" (Two basic "tort reform" bills were adopted in 2005.), in considering changes in liability for "bad medical outcomes" (2005-2006), and in addressing changes in S.C. law of eminent domain (2006).

Active in miscellaneous city "task forces" on zoning and housing quality in the City of Columbia, S.C.

Member of City of Columbia Board of Zoning Appeals (2008 to date) (Vice Chair 2009 to date)

Member of City of Columbia Planning Commission March, 1990 to 1995 (Chair of Commission, 1994-1995)

Project Director, Program to revise and expand computer civil case data base in South Carolina Circuit Courts, funded by South Carolina Bar Foundation (1988-1995)

**Project Director, South Carolina Civil Jury Research Project (1986)**

**Presentation of papers at various conferences, panels, and CLE programs on legal, social, and jurisprudential issues**

**Organizer of yearly CLE program on Tort Law for S.C. Bar**

**Garden Restoration Committee of Historic Columbia Foundation**

**President (2002-2005) and vice-president (2006 to 2009) of Old Shandon Neighborhood Association**

**University Faculty Grievance Committee (1999-2002; Chair, 2000-2002)**

**Recent Law School Committees: Admissions Committee (2006 to date, Chair, 2006-2007) Executive Committee (2003-2005, Chair 2005), and Dean Search Committee (2003)**

**G. Personal**

**Married to Judy K. Hubbard since 1968. We have two married sons and four grandchildren.**