

**BETSY J. GREY**

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**Professional Experience**

**Sandra Day O'Connor College of Law  
Arizona State University  
Phoenix, Arizona**

Professor of Law, Sandra Day O'Connor College of Law at Arizona State University, since Spring 1994; Associate Professor of Law, 1988-1993.

Jack E. Brown Chair in Law, January 2019 – present

Jack E. Brown Professor of Law, 2017 – 2018

Alan A. Matheson Fellow, 2011-2017

Faculty Fellow, Center for Law, Science and Innovation

Faculty Director, Law and Neuroscience Program, Center for Law Science and Innovation

Fellow, ASU Lincoln Center for Applied Ethics, 2017- 2018; 2016-2017; 2015-2016

**University of New South Wales**, Sydney, Australia, Visiting Professor (February – May 2019).

**Monash University**, Prato, Italy, Visiting Professor (comparative products liability) (Summer 2012).

**Université Paris 5 René Descartes**, Visiting Professor, common law program (products liability) (March 2006 and March 2007).

**Shea & Gardner, Associate**, January 1985 – October 1987. Responsible for pleadings, discovery motions, and briefs in civil litigation, including products liability, commercial and labor matters.

**U.S. Department of Justice**, Civil Division, Federal Programs Branch. Trial Attorney, November 1980 – September 1984. Hired under Honors Program. Represented United States agencies and officials in litigation involving constitutional, statutory and regulatory issues of first impression. Responsible for all aspects of preparation and presentation of cases in federal district court from discovery through trial and settlement.

### **Judicial Clerkship**

Law Clerk to Frank M. Johnson, Jr., United States Court of Appeals for the Eleventh Circuit, Montgomery, AL, 1979-80.

### **Education**

Georgetown University Law Center, J.D., May, 1979.

*Magna cum laude* (top 5%)  
Articles Editor, GEO. L. J. VOL. 67  
Dean's List

Barnard College, Columbia University, B.A., May, 1975.

*Magna cum laude*  
French Literature

University of Pennsylvania Center for Neuroscience and Society, Summer 2011

Certificate of Completion in Neuroscience Boot Camp

### **Subjects**

Courses: Civil Procedure, Advanced Civil Procedure, Torts I & II, Products Liability, Advanced Torts, Mass Tort Litigation, Neuroscience and Law.

Research Cluster Group, Neuroscience and Law.

**Publications**

*Preventing Student Suicide*, J. TORT LAW (forthcoming 2023)

*The Mental Health Crisis on Campus: Liability Implications of Using Emerging Technologies*, 72 AM. U. L. REV. 471 (2022).

*Against Immunizing Nursing Homes*, U. CHICAGO L. REV. ONLINE (2021)

*Causal Proof in the Pandemic*, 10 WAKE FOREST L. REV. ONLINE 124 (2020)

*Sex-Based Brain Differences and Emotional Harm*, 70 DUKE L.J. ONLINE 29 (2020)

*Tort Immunity in the Pandemic*, 96 IND. L. J. SUPP. 66 (2020) (with Samantha Orwoll)

*Aging in the 21<sup>st</sup> Century: Using Neuroscience to Assess Competency in Guardianships*, 4 WISCONSIN L. REV. 735 (2018) (excerpted in Jones, et.al, LAW AND NEUROSCIENCE, 2d ed. 2021).

*PTSD, Biomarkers, and Rape Prosecutions*, 48 ARIZ. STATE L. J. 935 (2016) (Symposium issue: Evolutionary Analysis in Law).

*Biomarkers, Concussions and the Duty of Care*, (with Gary E. Marchant), 2015 MICH. STATE L. REV. 1911 (2015).  
*reprinted in* 66 DEFENSE L. J. (2017)

*The Future of Emotional Harm*, 83 FORDHAM L. REV. 2605 (2015).

*Implications of Neuroscience Advances in Tort Law: A General Overview*, 12 INDIANA HEALTH L. REV. 671 (2015).

*Neuroscience, PTSD and Sentencing Mitigation*, 34 CARDOZO L. REV. 53 (2012).

Book Chapter, *Comparison of American and British Direct Negligent Infliction of Emotional Distress Claims* (forthcoming) (book for the Univ. Paris René Descartes Common Law Program).

*The Plague of Causation in the National Childhood Vaccine Injury Act*, 48 HARV. J. LEGIS. 343 (2011).

Book Chapter, *Neuroscience and Emotional Harm in Tort Law: Rethinking the American Approach to Free-Standing Emotional Distress Claims* (Current Legal Issues, Vol. 13, Oxford Univ. Press) (2011) (excerpted in Jones, et.al, LAW AND NEUROSCIENCE, 2d ed. 2021).

*Neuroscience, Emotional Harm, and Emotional Distress Tort Claims*, 7 AM. J. BIOETHICS 65 (Sept. 2007) (invited commentary).

*Homeland Security and Federal Relief: A Proposal for a Permanent Compensation System for Domestic Terrorist Victims*, 9 N.Y.U. J. LEGIS & PUB. POLICY 663 (2006).

Book Review, *Science and Litigation: Products Liability in Theory and Practice* by Terrence Kiely, J. OF FORENSIC SCIENCE (July 2004).

*The New Federalism Jurisprudence and National Tort Reform*, 59 WASH. & LEE L. REV. 475 (2002).

Book Review, *Bendectin on Trial: A Study of Mass Tort Litigation* by Joseph Sanders, 40 JURIMETRICS J. 257 (Winter 2000).

*Make Congress Speak Clearly: Federal Preemption of State Tort Remedies*, 77 B.U. L. REV. 559 (June 1997).

*Preemption of Bivens Claims: How Clearly Must Congress Speak?*, 70 WASH. U. L.Q. 1087 (1992).

Book Review, *Bendectin and Birth Defects: The Challenges of Mass Toxic Substances Litigation* by Michael Green, 37 JURIMETRICS J. 83 (Fall 1996).

Note, *First Amendment Limitations on FTC Corrective Advertising Orders*, Co-author, 66 GEO. L. J. 1473 (1978).

**Other Writings**

Betsy Grey & Gary Marchant, *Facing the Concussion Epidemic Head-On*, Op-Ed, ARIZONA REPUBLIC (November 14, 2015).

Betsy Grey, Gary Marchant & Cory Tyszka, *Biomarkers for Concussions: Legal Implications*, GPSOLO, March/April 2015, at 60-61.

Betsy Grey, Gary Marchant & Cory Tyszka, *Biomarkers for Concussion Susceptibility and Effects: Legal Implications*, THE SCITECH LAWYER, Winter 2015, at 12-16.

N. Y. TIMES Room for Debate, *How To Compensate Victims of Terrorism* (January 20, 2014).

Case Comment, 11 THE FORENSIC ECHO 3 (October 1998).

**Selected Institutional Service**

Advisory Personnel Committee, 2019-2020; 2018-2019; 2017-2018 (Co-Chair); 2014-15 (Chair); 2006-07 (Co-chair); 2001-02.

Ad hoc Committee on Tenure and Promotion Standards, Spring 2006.

Admissions Committee, 2001-02, 2000-01, 1995-96, 1988.

Dean's Advisory Council (elected), 2020; 2017-2018; 2016-17; 2015-16; 2014-15; 2013-14; 2006-07; 2005-06; 2004-05; 2000-01; 1999-2000; 1997-98, 1995-96, 1993-94.

Colloquium Committee, 2016-2017 (Chair); 2013-2014; 2012-2013.

Curriculum Committee, 2002-2003 (Chair).

Dean Search Committee, 1988-1989 (elected); 2021-23 (elected).

Faculty Appointments Committee, Spring and Fall 2023; 2010-2011; Spring 2008; 2008-09, (Chair); 2004-05, 1999-2000 (Chair); 1998-99, (Chair); 1997-98, (Chair); Spring 1995, (Chair); 1993-94; Spring 1992; 1990-91; 1989-90.

Self-Study Committee, Spring 2005; 1997-98.

University Committee on Judicial Education and Training, 1993-94.

Faculty Adviser, Women's Law Student Association, 1993-94, 1992-93.

Faculty Adviser, National Lawyers Guild, 2015-2016; 2014-15; 2013-14; 2011-12; 2010-11; 2009-10; 2008-2009; 2007-2008.

**Selected Presentations**

Speaker, “Removing Torts,” Obligations X: Private Law and the State (July 14, 2023).

Speaker, “Preventing Student Suicide,” The Arizona/Harvard/Oxford/Freedom Center/ALI Symposium, “Reinventing the Canon: Great Tort Cases of the 21<sup>st</sup> Century,” (April 14-15, 2023).

Speaker, “Using AD Biomarkers to Assess Competency in Guardianships,” Neuroscience and Law Center, Fordham Law School, (March 1, 2022).

Moderator, Mental Health and the Courts: What Can New Science and Technologies Offer? ASU Sandra Day O’Connor College of Law (December 10, 2021).

Moderator, “Covid-19 Class and Mass Disputes,” Schiefelbein Global Dispute Resolution Conference, ASU Sandra Day O’Connor College of Law (January 15, 2021).

Speaker, “How to Determine the Duty of Care During a Pandemic While Incentivizing Safe Commercial Activity,” George Mason Law and Economics Center, George Mason University Antonin Scalia Law School (November 13, 2020)

Speaker, “Team Doctors and the Duty of Care in US Professional Sport,” Play the Game 2019, Danish Institute for Sports Studies, Colorado Springs (October 15, 2019).

Invited Participant, Workshop, Duty of Care and Wellbeing, Australian Institute of Sport, Melbourne, Australia (March 18, 2019).

Keynote Speaker, “The Duty of Care in Sport: Athlete Wellbeing and Legal Considerations,” Interdisciplinary Colloquium on Sport, Bond University, Gold Coast, Australia (February 15, 2019).

Speaker, “Reexamining the Reasonable Person Standard in Tort Law,” ASU Workshop on Sex Differences in the Brain: Science, Law and Policy, ASU Sandra Day O’Connor College of Law (December 10, 2018).

Speaker, “Should Nations Create a Permanent Compensation System for Victims of Terrorism?”, Conference on The Legal Challenges of Terror, The Minerva Center

for the Rule of Law under Extreme Condition, University of Haifa (June 7, 2018).

Speaker, “Exploring Some Legal Implications of Neuroscience Research Finding Sex Differences in the Brain,” Conference on Governance of Emerging Technologies & Science: Law, Policy and Ethics, ASU Sandra Day O’Connor College of Law (May 16, 2018).

Speaker, “Exploring some legal implications of neuroscience research finding sex differences in the brain,” Stanford Law School, Bio Law LaPalooza (March 23, 2018).

Speaker, “Competency and Incapacity: Assessment and Consent,” Conference on The Aging Brain: Medical, Legal, and Ethical Perspectives, ASU Sandra Day O’Connor College of Law (December 8, 2017).

Speaker, “Torts and Mild Traumatic Brain Injury,” XXXVth International Congress on Law and Mental Health, Prague (July 13, 2017).

Moderator, Panel, “Autonomous Vehicles,” Conference on Governance of Emerging Technologies: Law, Policy and Ethics, ASU Sandra Day O’Connor College of Law, Phoenix, Arizona (May 2017).

Speaker, “Aging in the 21<sup>st</sup> Century: Neuroscience, Dementia, and Guardianship Capacity Assessment,” Stanford Law School, Bio LawLaPalooza (April 20, 2017).

Speaker, “Is Repetitive Head Injury the Next Mass Tort?,” ABA Toxic Torts & Environmental Law Annual Conference, Phoenix, Arizona (April 7, 2017).

Speaker, “Capacity Assessment and Neuroscience Advances,” Roundtable Workshop on the Aging Brain, ASU Sandra Day O’Connor College of Law (November 18, 2016).

Invited Participant, OECD Workshop, Neurotechnology and Society: Strengthening Responsible Innovation in Brain Science, Washington D.C. (September 15-16, 2016).

Speaker, “Biomarkers for PTSD: Legal Implications,” Conference on Governance of Emerging Technologies: Law, Policy and Ethics, ASU Sandra Day O’Connor College of Law, Tempe, Arizona (May 25, 2016).

Speaker, “PTSD Evidence, Biomarkers, and Consent in Rape Cases,” SEAL

Scholarship Conference, ASU, Tempe, Arizona (April 1, 2016).

Speaker, “Legal Implications of Concussion Crisis,” 5<sup>th</sup> Annual Concussion Conference, CACTIS Foundation and Barrow Neurological Institute, Phoenix, Arizona (March 5, 2016).

Speaker, “Flint, Michigan Water Crisis”, Sandra Day O’Connor College of Law (February 29, 2016).

Guest lecturer, “Using Civil Litigation to Uncover and Correct Watergate’s Historical Record,” Sandra Day O’Connor College of Law Course by John Dean, “Understanding Watergate,” (February 10, 2016).

Speaker, “Safeguarding Brains: The Law, Science & Ethics of the Concussive Injury Epidemic” Conference, Sandra Day O’Connor United States Courthouse, Phoenix, Arizona (November 13, 2015).

Speaker, “Legal Implications for Identifying Biomarkers for Concussion Effects,” Roundtable Workshop: Identifying Biomarkers for Concussion Susceptibility and Effects, Sandra Day O’Connor College of Law at Arizona State University (January 2016).

Moderator, Panel, “Before the Shooting Starts: Predicting and Preventing Rampage Killings” Conference, Sandra Day O’Connor United States Courthouse, Phoenix, AZ (November 2013).

Speaker, “Will Neuroscience Redefine Mental Injury?” Conference, Robert H. McKinney School of Law Indiana University (October 2013).

Speaker, “Meet the Office of Special Masters” Videoconference, National Vaccine Injury Compensation Program, U.S. Court of Federal Claims (June 2013).

Invited Participant, “*An Injury Law Constitution* by Marshall Shapo” Searle Center Conference, Northwestern University School of Law (March 2013).

Participant, University of Pennsylvania Intensive Summer Institute in Neuroscience (Summer 2011).

Speaker, “Guilty Minds: Neuroscience and Criminal Law” Symposium, University of Denver, Sturm College of Law (March 2011).



Invited Participant, Terrorist Victim Compensation Workshop, Institute for National Security and Counterterrorism, Syracuse University (October 2010).

Speaker, “Proving Causation under the National Childhood Vaccine Injury Program” Advisory Commission on Childhood Vaccines, Rockville, MD (September 2009).

Speaker, “Neuroscience and Emotional Harm in Tort Law”, Law and Neuroscience Colloquium, University College of London (July 2009).

Lecturer, Torts, Bar Review Course for ASU students, Sandra Day O’Connor College of Law at Arizona State University (March 2008).

Moderator, Panel Discussion on Arizona Employer Sanction Law, Sandra Day O’Connor College of Law at ASU (January 2008).

Speaker, “The Law and Ethics of Brain Scanning: The Next Big Thing Coming Soon to a Courtroom Near You?”, Center for Law, Science and Technology, United States District Court, Phoenix, AZ (April 2007).

Speaker, Proving Causation under the National Childhood Vaccine Injury Compensation Fund, Federal Judicial Conference for the United States Court of Claims, National Childhood Vaccine Injury Program (October 2006).

Invited participant, The Sedona Conference on Complex Litigation, Litigating Mass Torts (April 2005).

Lecturer, “Suing for Damages after the September 11 terrorist attacks: how and from whom should the victims recover for their damages?” Sandra Day O’Connor College of Law at ASU (February 2002).

Speaker, Federalism Conference, Sandra Day O’Connor College of Law at ASU (April 2001).

Speaker, “The Future of the Federal Courts”, James E. Rogers College of Law, University of Arizona (February 2001).

Speaker, Emerging Issues in Motor Vehicle Product Liability Litigation, ABA Conference (April 1998).

**Honors, Awards, and Activities**

Jack E. Brown Chair in Law, January 2019 – present

Jack E. Brown Professor of Law (2017- 2018)

Alan A. Matheson Fellow (2011-2017)

2017 “Outstanding Faculty Mentor Award,” Arizona State University Faculty Women’s Association

2013 “Outstanding Faculty Award,” Sandra Day O’Connor College of Law at Arizona State University Alumni Association (awarded February 2014)

American Law Institute (elected October 2013)

Lead or Co-lead Organizer: Conference, Safeguarding Brains: The Law, Science & Ethics of the Concussive Injury Epidemic (November 13, 2015); Roundtable Workshop in Identifying Biomarkers for Concussion Susceptibility and Effects, January 16, 2015; Roundtable Workshop on the Aging Brain, November 18, 2016; Conference, The Aging Brain: Medical, Legal, and Ethical Perspectives, December 8, 2017; Roundtable Workshop on Sex Differences in the Brain: Science, Law, and Policy, December 10, 2018; Roundtable Workshop: Mental Health and the Courts: What Can New Science and Technologies Offer?, December 10, 2021; Conference, Mental Health and the Courts (upcoming December 9, 2022).

### **Peer Review**

Journal of Law and Biosciences

Columbia Law Review

Oxford University Press

Jurimetrics

Canadian Journal of Law and Jurisprudence

### **Memberships**

American Law Institute, 2013 - Present

United States Court of Federal Claims Advisory Council, Vaccine Committee 2014-2016 (appointed by the Chief Judge of the Court of Federal Claims)

Professional Editorial Board, JURIMETRICS: THE JOURNAL OF LAW, SCIENCE, AND TECHNOLOGY, 2012-Present

Member, State Bar of Arizona Committee on Class Actions, 2009-2012

Member, Board of Directors, Community Legal Services, 1991-1994

Member, Student Tuition Organization, 1999-2001

**Admission to Bar**

District of Columbia, 1981

Rev. 8/23