

Torts and Compensation Systems Section Newsletter

Compiled by Ellen Bublick, Chair-Elect

University of Arizona James E. Rogers College of Law

bublick@law.arizona.edu (520) 621-5600

Recent reports about the 60-year-old Norway spruce that will soon be set aglow in Rockefeller Center remind me of how beautiful it will be to be in New York City during the holiday season. Cirque du Soleil's winter tale in Madison Square Garden promises to be a highlight of the trip for my sons. The January meeting of the Association of American Law Schools is fast approaching. I hope you are planning to join us there!

In the newsletter this year, I have the pleasure not only to introduce you to the outstanding program that our current chair, James Hackney, has planned but also to announce the very first winner of the newly-revived William L. Prosser award. In addition, I have attached a list of Torts-related symposia, books, and law review articles published after our last section newsletter was issued. The list is long (our section is truly prolific). We invite you to attend the section program and presentation of the Prosser award, and to participate in the election of section officers for next year. Also, if you have thoughts about programs or events that you would like the section to initiate during the coming year, please contact me at the address listed above. I welcome your thoughts and look forward to your participation in the section at our annual meeting and throughout the year.

1. Torts Section Program at the 2008 AALS Annual Meeting in New York City

The Torts and Compensation Systems Section is sponsoring what promises to be an excellent program at this year's annual meeting in New York. The program – *Frontier Issues on Race and Torts* -- will take place from **1:30-3:15 p.m. on Saturday, January 5, 2008**. Many thanks to our current chair, James R. Hackney Jr. of Northeastern University School of Law for creating this program, a description of which follows:

Frontier Issues on Race and Torts: Torts scholarship and pedagogy have largely proceeded as if race and racism did not impact tort law. However, race and tort law have been and remain interconnected. The panelists will explore these linkages through the lenses of history, literary theory, psychoanalysis, and public policy. There will be a variety of tort law topics discussed. The historical accounting of tort claims brought by African-Americans and whites from the late nineteenth century to the late twentieth century, including issues ranging from disparate damage measurement to the relationship between tort law, race, and segregation of common carriers, will be discussed. The power/knowledge dynamic in pre-civil rights era claims by whites suing on the ground of being falsely accused of being non-white and post-civil rights era claims by non-whites for being labeled with racial epithets indicating that they are "less than white" will be examined. The possibilities created for racial recompense by creatively revisiting the egg-shell skull tort doctrine and taking into account critical psychology that indicates disparate mental health sequelae for people of color victimized by racial abuse will be explored. Finally, there will be a discussion of the surprising instances in which state courts during the Jim Crow era refused to reify differences by rejecting attempts by whites to use nuisance law to exclude African Americans from white neighborhoods. There will be a presentation of the Prosser Award before the program and a business meeting at the program's conclusion.

2. This Year's William L. Prosser Award Winner – Robert Rabin

The Torts section has recently revived the William L. Prosser award. The award was created and presented to its first recipient, Leon Green, in 1974. Later awardees included Wex Malone, W. Page Keeton, John Wade and Willard Pedrick. When Wex Malone bestowed the first Prosser award upon Leon Green, Malone remarked that the award “is designed to recognize a lifetime of truly outstanding contribution to the world of Torts.” This year’s honoree – Professor Robert Rabin, the A. Calder Mackay Professor of Law at Stanford Law School – fits perfectly with the award’s original design. Professor Rabin has been a leading light in the field of Torts for over 25 years. His published books include *TORT LAW AND ALTERNATIVES: CASES AND MATERIALS* with Marc Franklin and Michael Green, and three books – *TORT STORIES*, *REGULATING TOBACCO*, and *SMOKING POLICY* – with Stephen Sugarman. Professor Rabin has published dozens of important articles on tort law including works on the historical development of the fault principle, tort recovery for negligently inflicted loss, toxic torts, tort reform, enterprise liability, and federalism, to give just a partial list. He has served as an adviser to the American Law Institute’s Restatement Third of Torts and has been program director for the Robert Wood Johnson Foundation Program on Tobacco Policy Research and Evaluation. He is widely admired in legal education, and this award recognizes the esteem in which he is held by his Tort-professor colleagues.

The Executive Committee wishes hearty congratulations to our respected colleague, and would also like to express appreciation to the distinguished selection committee that reviewed the many outstanding nominations we received.

3. Prosser Award Nominations for Next Year

At the 2009 AALS Annual Meeting in San Diego next year, the Torts and Compensation Systems section will once again present the William L. Prosser Award to a law professor who has made outstanding contributions to Torts scholarship, teaching and service. Any law professor is eligible to nominate another law professor for the award. Selection of the recipient will be made by members of the Executive Committee of the Torts and Compensation Systems section based on the recommendations of an appointed special selection committee.

Nominations, accompanied by a brief supporting statement, should be submitted to Catherine Sharkey, Secretary of the Executive Committee, either by regular mail or e-mail, at the following address: Catherine Sharkey, New York University School of Law, 40 Washington Square South, 403, New York, NY 10012. E-mail: catherine.sharkey@nyu.edu. Nominations must be received no later than 5 p.m. Eastern Time (U.S.) on July 2, 2008.

Professors who nominated a candidate who was not chosen for this year’s award cycle are welcome to renew their nominations by sending a copy of their prior nominating letter to Professor Sharkey.

4. Upcoming Symposia

On January 25-26, 2008, Loyola Law School in Los Angeles, California will hold a conference entitled *Frontiers of Tort Law*. John Nockleby, Professor and Director of Loyola’s Civil Justice program is coordinating the event. He can be reached at john.nockleby@lls.edu. Confirmed participants in the program include: Rick Abel/UCLA, Alison Anderson/UCLA, Anita Bernstein/Emory, Ellen Bublick/Arizona, Jules Coleman/Yale, Steven Croley/Michigan, Jon Hansen/Harvard, Paul Hayden/Loyola L.A., Robin Kar/Loyola L.A., Gregory Keating/USC, Alexandra Klass/Minnesota, Ellen Pryor/SMU, Robert Rabin/Stanford, Catherine Sharkey/Columbia, Ken Simons/BU, John Witt/Columbia and Richard Wright/Chicago-Kent.

On February 25, 2008, Widener University School of Law in Harrisburg, Pennsylvania will host a conference entitled *CrimTorts*. The conference, organized by Christopher J. Robinette, cjrobinette@widener.edu, will include the following speakers: *Thomas H. Koenig*, Professor and Chairperson, Department of Sociology & Anthropology, Northeastern University; *Michael L. Rustad*, Thomas F. Lambert, Jr. Professor of Law and Co-Director of Intellectual Property Concentration, Suffolk University School of Law; *Kenneth W. Simons*, Associate Dean for Research and Professor of Law, Boston University School of Law; *Martha Chamallas*, Robert J. Lynn Chair in Law, The Ohio State University, Michael E. Moritz College of Law; *Mary Kate Kearney*, Professor of Law, Widener University School of Law; *Jeffrey O'Connell*, Samuel H. McCoy II Professor of Law, University of Virginia School of Law; *Byron G. Stier*, Associate Professor of Law, Southwestern Law School; *Mark Geistfeld*, Crystal Eastman Professor of Law, New York University School of Law; *Keith N. Hylton*, Professor of Law, Paul J. Liacos Scholar in Law, Boston University School of Law; *Anthony J. Sebok*, Professor of Law, Benjamin N. Cardozo School of Law, Yeshiva University; *Sheila B. Scheuerman*, Associate Professor of Law, Charleston School of Law; and *Catherine M. Sharkey*, Professor of Law, New York University School of Law.

5. Announcements -- Election of Section Officers

The section will elect officers for the coming year during a business meeting after our Saturday panel. You are invited to participate in the election vote. The current members of the Executive Committee will propose a slate of candidates for election at the meeting. The proposed slate is:

Chair: Ellen Bublick, University of Arizona James E. Rogers College of Law

Chair-Elect: John Goldberg, Vanderbilt University Law School

Secretary: Catherine Sharkey, New York University School of Law

Treasurer: Michael Rustad, Suffolk University Law School

Executive Committee: John White, UNLV William S. Boyd School of Law and
Jennifer Wriggins, University of Maine School of Law

6. Additional Announcements

Professor Bill Childs of Western New England College of Law and Professor Shiela Scheurman of Charleston School of Law have created the TortsProf blog. The blog has at least a dozen posts a week that would be of interest to Torts professors. You can access the blog at <http://lawprofessors.typepad.com/tortsprof/>.

The legal affairs section of the Journal of Professional Issues in Engineering Education and Practice may create an independent journal entitled Journal of Legal Affairs and Dispute Resolution. The journal would be under the auspices of the American Society of Civil Engineers. If professors are interested in serving on the journal's editorial board, submitting articles for publication, or attending a conference related to the journal, please contact Dr. Amarjit Singh of the University of Hawaii at singh@wiliki.eng.hawaii.edu.

7. Recent Torts Symposia

Symposium: Is the Rule of Law Waning in America? Twelfth Annual Clifford Symposium on Tort Law and Social Policy, 56 DePaul L. Rev. 223-694 (2007).

Landsman, Stephan, Introduction, 56 DePaul L. Rev. 223- 226 (2007).

Sharkey, Catherine M, Preemption by preamble: federal agencies and the federalization of tort law, 56 DePaul L. Rev. 227-259 (2007).

Witt, John Fabian, Bureaucratic legalism, American style: private bureaucratic legalism and the governance of the tort system, 56 DePaul L. Rev. 261-291 (2007).

Rabin, Robert L, Poking holes in the fabric of tort: a comment, 56 DePaul L. Rev. 293-306 (2007).

Burns, Robert P. The rule of law in the trial court, 56 DePaul L. Rev. 307-333 (2007).

Eisenberg, Theodore and Geoffrey P. Miller. The flight from arbitration: an empirical study of ex ante arbitration clauses in the contracts of publicly held companies. 56 DePaul L. Rev. 335-374 (2007).

Issacharoff, Samuel. Regulating after the fact. 56 DePaul L. Rev. 375-387 (2007).

King, Nancy J. Regulating settlement: what is left of the rule of law in the criminal process? 56 DePaul L. Rev. 389-399 (2007).

Hadfield, Gillian K. Don't forget the lawyers: the role of lawyers in promoting the rule of law in emerging market democracies. 56 DePaul L. Rev. 401-421 (2007).

Kritzer, Herbert M. Law is the mere continuation of politics by different means: American judicial selection in the twenty-first century. 56 DePaul L. Rev. 423-467 (2007).

Tamanaha, Brian Z. How an instrumental view of law corrodes the rule of law. 56 DePaul L. Rev. 469-505 (2007).

MacCoun, Robert J. Testing drugs versus testing for drug use: private risk management in the shadow of criminal law. 56 DePaul L. Rev. 507-538 (2007).

Meyler, Bernadette. Economic emergency and the rule of law. 56 DePaul L. Rev. 539-567 (2007).

Sternlight, Jean R. Is alternative dispute resolution consistent with the rule of law? Lessons from abroad. 56 DePaul L. Rev. 569-592 (2007).

Gibson, James L. Changes in American veneration for the rule of law. 56 DePaul L. Rev. 593-614 (2007).

Schweitzer, N.J., Douglas J. Sylvester and Michael J. Saks. Rule violations and the rule of law: a factorial survey of public attitudes. 56 DePaul L. Rev. 615-638 (2007).

Silbey, Susan S. Talk of law: contested and conventional legality. 56 DePaul L. Rev. 639-659 (2007).

Tyler, Tom R. Does the American public accept the rule of law? The findings of psychological research on deference to authority. 56 DePaul L. Rev. 661-694 (2007).

Symposium on Economic Torts, 95 Ky. L.J. 841-1018 (2006-2007).

Howard, Dana R. Introduction to Symposium on Economic Torts. 95 Ky. L.J. 841-844 (2006-2007).

Carty, Hazel. The economic torts and English law: an uncertain future. 95 Ky. L.J. 845-891 (2006-2007).

Feinman, Jay M. Teaching economic torts. 95 Ky. L.J. 893-917 (2006-2007).

Lewis, Phillip G. Note. "Deep" impact: can a tort theory of deepening insolvency survive in the "options backdating" era? 95 Ky. L.J. 919-942 (2006-2007).

Walter, MacKenzie Mayes. Note. The solution to the economic loss doctrine confusion: the disappointed expectations test. 95 Ky. L.J. 943-969 (2006-2007).

Pujol, Matthew J. Note. The economic loss rule and missed opportunities: how to keep Kentucky from drowning in a sea of tort. 95 Ky. L.J. 971-995 (2006-2007).

Rosenbaum, R. Kelley. Note. Mucking out the stalls: how KRS § 230.357 promises to change custom and facilitate economic efficiency in the horse industry. 95 Ky. L.J. 997-1018 (2006-2007).

Symposium 2007: Products Liability: Litigation Trends on the 10th Anniversary of the Third Restatement, 26 Rev. Litig. ix-xii, 799-1123 (2007).

Neufeld, Paul J, Editor in Chief. Preface, products liability: litigation trends on the 10th anniversary of the Third Restatement. 26 Rev. Litig. ix-xii (2007).

Conk, George W. Punctuated equilibrium: why section 402A flourished and the Third Restatement languished. 26 Rev. Litig. 799-881 (2007).

Hensler, Deborah R. Has the fat lady sung? The future of mass toxic torts. 26 Rev. Litig. 883-926 (2007).

Kemp, Jeffrey W. and Lindsay Nicole Alleman. The bulk supplier, sophisticated user, and learned intermediary doctrines since the adoption of the Restatement (Third) of Torts. 26 Rev. Litig. 927-953 (2007).

Owen, David G. The evolution of products liability law. 26 Rev. Litig. 955-989 (2007).

Stapleton, Jane. Liability for drugs in the U.S. and EU: rhetoric and reality. 26 Rev. Litig. 991-1033 (2007).

Stilwell, Tom. Warning: you may possess continuing duties after the sale of your product! (An evaluation of the Restatement (Third) of Torts: Products Liability's treatment of post-sale duties.) 26 Rev. Litig. 1035-1065 (2007).

Wright, Richard W. The principles of product liability. 26 Rev. Litig. 1067-1123 (2007).

Law and Morality, 48 Wm. & Mary L. Rev. 1523-2041 (2007).

Introduction

Moore, Michael S. Four reflections on law and morality. 48 Wm. & Mary L. Rev. 1523-1569 (2007).

Tort Law

Green, Michael Steven. Introductory remarks: Explaining Tort Law. 48 Wm. & Mary L. Rev. 1953-1955 (2007).

Ripstein, Arthur. As if it had never happened. 48 Wm. & Mary L. Rev. 1957-1997 (2007).

Zipursky, Benjamin C. Sleight of hand. 48 Wm. & Mary L. Rev. 1999-2041 (2007).

Symposium: Dan B. Dobbs Conference on Economic Tort Law, 48 Ariz. L. Rev. 687-1102 (Winter 2006).

Massaro, Toni M. Dean's welcome. 48 Ariz. L. Rev. 687 (2006).

Bublick, Ellen M. In tribute: Dan B. Dobbs--seer in the desert. 48 Ariz. L. Rev. 689-691 (2006).

Bublick, Ellen M. Economic torts: gains in understanding losses. 48 Ariz. L. Rev. 693-712 (2006).

Dobbs, Dan B. An introduction to non-statutory economic loss claims. 48 Ariz. L. Rev. 713-733 (2006).

Posner, Judge Richard A. Common-law economic torts: an economic and legal analysis. 48 Ariz. L. Rev. 735-747 (2006).

Gergen, Mark P. The ambit of negligence liability for pure economic loss. 48 Ariz. L. Rev. 749-772 (2006).

Bernstein, Anita. Keep it simple: an explanation of the rule of no recovery for pure economic loss. 48 Ariz. L. Rev. 773-811 (2006).

Feinman, Jay M. The economic loss rule and private ordering. 48 Ariz. L. Rev. 813-827 (2006).

Braucher, Jean. Deception, economic loss and mass-market customers: consumer protection statutes as persuasive authority in the common law of fraud. 48 Ariz. L. Rev. 829-855 (2006).

Rabin, Robert L. Respecting boundaries and the economic loss rule in tort. 48 Ariz. L. Rev. 857-870 (2006).

Koziol, Helmut. Recovery for economic loss in the European Union. 48 Ariz. L. Rev. 871-895 (2006).

Gray, Oscar S. Some thoughts on “the economic loss rule” and apportionment. 48 Ariz. L. Rev. 897-903 (2006).

Pryor, Ellen S. The economic loss rule and liability insurance. 48 Ariz. L. Rev. 905-924 (2006).

DeMott, Deborah A. Breach of fiduciary duty: on justifiable expectations of loyalty and their consequences. 48 Ariz. L. Rev. 925-956 (2006).

Ayres, Ian and Gregory Klass. New rules for promissory fraud. 48 Ariz. L. Rev. 957-971 (2006).

Roin, Howard and Christopher Monsour. Economic torts: a view from experience. 48 Ariz. L. Rev. 973-981 (2006).

Klein, Andrew R. Comparative fault and fraud. 48 Ariz. L. Rev. 983-1000 (2006).

Goldberg, John C.P., Anthony J. Sebok and Benjamin C. Zipursky. The place of reliance in fraud. 48 Ariz. L. Rev. 1001-1026 (2006).

Green, Michael D. Apportionment, victim reliance, and fraud: a comment. 48 Ariz. L. Rev. 1027-1045 (2006).

Anderson, David A. Rethinking defamation. 48 Ariz. L. Rev. 1047-1059 (2006).

Simons, Kenneth W. A Restatement (Third) of Intentional Torts? 48 Ariz. L. Rev. 1061-1102 (2006).

Wheeler, Travis M. Note. Negligent injury to reputation: defamation priority and the economic loss rule. 48 Ariz. L. Rev. 1103-1127 (2006).

Symposium: The Internal Point of View in Law and Ethics, 75 Fordham L. Rev. 1143-1713 (December 2006).

Zipursky, Benjamin C. Introduction. 75 Fordham L. Rev. 1143-1155 (2006).

Hylton, Keith N. Duty in tort law: an economic approach. 75 Fordham L. Rev. 1501-1528 (2006).

Stapleton, Jane. Evaluating Goldberg and Zipursky’s civil recourse theory. 75 Fordham L. Rev. 1529-1562 (2006).

Goldberg, John C.P. and Benjamin C. Zipursky. Seeing tort law from the internal point of view: Holmes and Hart on legal duties. 75 Fordham L. Rev. 1563-1591 (2006).

8. Recent Books

<p>KENNETH S. ABRAHAM, THE FORMS AND FUNCTIONS OF TORT LAW (New York, NY: Foundation Press; St. Paul, Minn.: Thomson/West, 2007).</p> <p>WILLIAM J. LEIDON ACEVES, THE ANATOMY OF TORTURE: A DOCUMENTARY HISTORY OF <i>Filartiga v. Pena Irala</i> (Boston: Martinus Nijhoff Publishers, 2007).</p> <p>MARILYN J. BERGER, COURSE BOOKS FOR LESSONS FROM WOBURN (Seattle, WA: Seattle University School of Law, 2007).</p> <p>ARTHUR BEST & DAVID W. BARNES, BASIC TORT LAW: CASES, STATUTES, AND PROBLEMS (New York, NY: Aspen Publishers, 2007).</p> <p>JAMES J. BROWN & WENDY FLEISHMAN, PROVING AND DEFENDING DAMAGE CLAIMS: A FIFTY-STATE GUIDE (Frederick, MD: Wolters Kluwer Law & Business, 2007).</p>	<p>MAURO BUSSANI, EUROPEAN TORT LAW: EASTERN AND WESTERN PERSPECTIVES (Berne: Stämpfli N., Sakkoulas Publishers, 2007).</p> <p>ERNEST P. CHIDO, TOXIC TORT: MEDICAL AND LEGAL ELEMENTS (Philadelphia: Xlibris Corp., 2007).</p> <p>PHILIP COOKE, LAW OF TORT (Harlow: Longman, 2007).</p> <p>THOMAS F. COTTER, SELECTED TOPICS IN UNFAIR COMPETITION AND BUSINESS TORTS (Minneapolis, Minn.: University of Minnesota Law School, 2007).</p> <p>MORTON F. DALLER, TORT LAW DESK REFERENCE: A FIFTY STATE COMPENDIUM, 2007 EDITION (Wolters Kluwer Law & Business, Jun 2007).</p> <p>JOHN L. DIAMOND ET AL., UNDERSTANDING TORTS (Newark, NJ: LexisNexis Matthew Bender, 2007).</p>
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- CLAIRE EAU, *PERSONAL INJURY CASES: CALCULATING AND PROVING DAMAGES* (WI: NBI, 2007).
- CATHERINE ELLIOTT & FRANCES QUINN, *TORT LAW* (Harlow, England; New York: Pearson/Longman, 2007).
- A. MICHAEL FERRILL ET AL., *BUSINESS TORTS AND UNFAIR COMPETITION HANDBOOK* (American Bar Association, Mar 2007).
- EMILY FINCH & STEFAN FAFINSKI, *TORT LAW* (Harlow, England; New York: Pearson Longman, 2007).
- VINCENT R. FONTANA, *MUNICIPAL LIABILITY LAW* (Wolters Kluwer Law & Business, Nov 2006).
- THOMAS C. GALLIGAN, *TORT LAW: CASES, PERSPECTIVES, PROBLEMS* (Newark, NJ: LexisNexis Matthew Bender, 2007).
- RICK GLOFCHESKI, *TORT LAW IN HONG KONG* (Hong Kong: Sweet & Maxwell Asia, 2007).
- JAMES GORDLEY, *FOUNDATIONS OF PRIVATE LAW: PROPERTY, TORT, CONTRACT, UNJUST ENRICHMENT* (Oxford: Oxford University Press, 2006, 2007).
- JAMES R. HACKNEY, *UNDER COVER OF SCIENCE: AMERICAN LEGAL-ECONOMIC THEORY AND THE QUEST FOR OBJECTIVITY* (Durham: Duke University Press, 2007).
- JAMES A. HENDERSON, *THE TORTS PROCESS* (Wolters Kluwer Law & Business; Aspen Publishers, 2007).
- JOHN HODGSON & JOHN LEWTHWAITE, *TORT LAW TEXTBOOK* (Oxford, England; New York: Oxford University Press, 2007).
- JOY HOROWITZ, *PARTS PER MILLION: THE POISONING OF BEVERLY HILLS HIGH SCHOOL* (New York: Viking, 2007).
- TSACHI KEREN-PAZ, *TORTS, EGALITARIANISM AND DISTRIBUTIVE JUSTICE* (Aldershot, England; Burlington, VT: Ashgate, 2007).
- GUY O. KORNBLUM & MATT GARRETSON, *NEGOTIATING AND SETTLING TORT CASES* (Eagan, MN: ATLA Press, Thomson/West, 2007).
- HELMUT KOZIOL ET AL., *EUROPEAN TORT LAW 2005* (Springer, Dec 2006).
- HELMUT KOZIOL & BARBARA C. STEININGER, *EUROPEAN TORT LAW 2006* (Wien; London: Springer, 2007).
- PETER B. KUTNER & OSBORNE M. REYNOLDS, *ADVANCED TORTS: CASES AND MATERIALS* (Durham, N.C.: Carolina Academic Press, 2007).
- ALLEN M. LINDEN ET AL., *TORTS* (Markham, Ont.: LexisNexis, 2007).
- B. S. MARKESINIS, ANGUS CHARLES JOHNSTON, S. F. DEAKIN, *MARKESINIS AND DEAKIN'S TORT LAW* (Oxford: Oxford University Press, 2007).
- MIQUEL MARTÍN-CASALS, *CHILDREN IN TORT LAW, PTS, 1&2* (Springer, Feb 2007).
- ANDREW J. MCCLURG ET AL., *PRACTICAL GLOBAL TORT LITIGATION: UNITED STATES, GERMANY, AND ARGENTINA* (Durham, NC: Carolina Academic Press, 2007).
- GEOFFREY PHILIP MCLAY, *TORTS* (Wellington, N.Z.: LexisNexis, 2007).
- KATHRYN MCLEAN ET AL., *TORTS* (Wellington, N.Z.: LexisNexis, 2007).
- LAWRENCE J. MCQUILLAN, *JACKPOT JUSTICE : THE TRUE COST OF AMERICA'S TORT SYSTEM* (San Francisco, Calif.: Pacific Research Institute, 2007).
- MEALEY PUBLICATIONS & CONFERENCE GROUP, *MEALEY'S EXECUTIVE SUMMARY: PREMISES LIABILITY VERDICTS UPDATE 2006* (LexisNexis, Feb 2007).
- DANUTA MENDELSON, *THE NEW LAW OF TORTS* (South Melbourne, Vic.: Oxford University Press, 2007).
- JOHN MURPHY & HARRY STREET, *STREET ON TORTS* (Oxford, New York: Oxford University Press, 2007).
- RICHARD A. NAGAREDA, *MASS TORTS IN A WORLD OF SETTLEMENT* (Chicago :University of Chicago Press, 2007).
- J. NEETHLING ET AL., *CASE BOOK ON THE LAW OF DELICT* (Cape Town: Juta, 2007).
- JASON W. NEYERS ET AL. EDS, *EMERGING ISSUES IN TORT LAW* (Hart Publishing, 2007).
- KEN OLIPHANT & RODERICK BAGSHAW, *THE LAW OF TORT* (London: LexisNexis Butterworths, 2007).
- PHILIP H. OSBORNE, *THE LAW OF TORTS* (Toronto: Irwin Law, 2007).
- DAVID W. OUGHTON ET AL., *LAW OF TORTS 2007-2008* (Oxford: Oxford University Press, 2007).
- DAVID G. OWEN ET AL., *PRODUCTS LIABILITY AND SAFETY: CASES AND MATERIALS (5TH ED, 2007) WITH UPDATED TEACHERS MANUAL AND 2007 STATUTORY SUPPLEMENT* (Foundation Press, 2007).
- NICHOLAS M. PACE, *INSURANCE CLASS ACTIONS IN THE UNITED STATES* (RAND Corporation, Feb 2007).

GERALD J. POSTEMA, *PHILOSOPHY AND THE LAW OF TORTS* (Cambridge University Press, Jul 2007).

F. D. ROSE, *BLACKSTONE'S STATUTES: CONTRACT, TORT & RESTITUTION* (Oxford: Oxford University Press, 2007).

F. D. ROSE, *CONTRACT, TORT & RESTITUTION 2007-2008* (Oxford: Oxford University Press, 2007).

D. ALAN RUDLIN, *TOXIC TORT LITIGATION* (Chicago: American Bar Association, Section of Environment, Energy, and Resources, 2007).

STEVEN SHAVELL, *ECONOMIC ANALYSIS OF ACCIDENT LAW* (Cambridge, Mass.: Harvard University Press, 2007).

ROBERT M. SOLOMON, *CASES AND MATERIALS ON THE LAW OF TORTS* (Scarborough, Ont.: Thomson Carswell, 2007).

JENNY STEELE, *TORT LAW: TEXT, CASES, AND MATERIALS* (Oxford; New York: Oxford University Press, 2007).

GRAHAM STEPHENSON, *CORE STATUTES ON CONTRACT, TORT AND RESTITUTION 2007-08* (Basingstoke: Palgrave Macmillan, 2007).

ROBERT STEVENS, *TORTS AND RIGHTS* (Oxford; New York: Oxford University Press, 2007).

9. Recent Law Review Articles

Achtenberg, David Jacks. *Venue in Missouri after tort reform*. 75 *UMKC L. REV.* 593-711 (2007).

Ackerman, Caryn J. *Comment. Fairness or fiction: striking a balance between the goals of § 1983 and the policy concerns motivating qualified immunity*. 85 *OR. L. REV.* 1027-1062 (2006).

Addair, Michael P. *Note. A small step forward: an analysis of West Virginia's attempt at joint and several liability reform*. 109 *W. VA. L. REV.* 831-866 (2007).

Adrogué, Sofia. *Business torts jurisprudence*. 39 *TEX. TECH L. REV.* 587-687 (2007).

Alberts, Joseph R. and James Petersen. *Survey of recent developments in Indiana product liability law*. 40 *IND. L. REV.* 1007-1052 (2007).

Alex, Ken. *A period of consequences: global warming as public nuisance*. 26A *STAN. ENVTL. L.J.* 77-97 (2007).

Alexander, Laura. *Note. Monopsony and the consumer harm standard*. 95 *GEO. L.J.* 1611-1643 (2007).

KATE SUTHERLAND, *TORT LAW: ANALYSIS AND CRITIQUE : TORTS SECTION B, SMALL GROUPS* (Toronto: York University, Osgoode Hall Law School, 2007-2008).

JANE P. SWANTON ET AL., *CASES ON TORTS* (Annandale, N.S.W.: Federation Press, 2007).

PETER N. SWISHER ET AL., *TORT AND PERSONAL INJURY LAW* (St. Paul, Minn.: Thomson/West, 2007).

FRANCIS A. TRINDADE ET AL., *THE LAW OF TORTS IN AUSTRALIA* (Oxford University Press, 2007).

CHRIS TURNER & SUE HODGE, *UNLOCKING TORTS* (London: Hodder Arnold, 2007).

CHRIS TURNER, *TORT LAW* (London: Hodder Arnold, 2007).

CEES VAN DAM, *EUROPEAN TORT LAW* (Oxford: Oxford University Press, 2006, 2007).

J. MICHAEL VERON, *SHELL GAME: ONE FAMILY'S LONG BATTLE AGAINST BIG OIL* (Guilford, CT: Lyons, 2007).

BÉNÉDICT WINIGER & HÅKAN ANDERSSON, *ESSENTIAL CASES ON NATURAL CAUSATION* (Wien; New York: Springer Wien New York, 2007).

LING ZHU, *COMPULSORY INSURANCE AND COMPENSATION FOR BUNKER OIL POLLUTION DAMAGE* (Springer, Nov 2006).

Allen, Ronald J., Alexia Brunet and Susan Spies Roth. *An external perspective on the nature of noneconomic compensatory damages and their regulation*. 56 *DEPAUL L. REV.* 1249- 1277 (2007).

American Bar Association. *Tort Trial & Insurance Practice Section. Task Force on Contingent Fees. Contingent fees in mass tort litigation*. 42 *TORT TRIAL & INS. PRAC. L.J.* 105-164 (2006).

Anderson, David A. *Judicial tort reform in Texas*. 26 *REV. LITIG.* 1- 46 (2007).

Anderson, James M. *The missing theory of variable selection in the economic analysis of tort law*. 2007 *UTAH L. REV.* 255-285.

Anzivino, Ralph C. *The fraud in the inducement exception to the economic loss doctrine*. 90 *MARQ. L. REV.* 921-970 (2007).

Archer, Brandon. *Note. Shoo, odors and pollutants! Don't bother me!; The impact of Schneider National Carriers, Inc. v. Bates on private nuisances in Texas*. (Schneider National

- Carriers, Inc. v. Bates, 147 S.W.3d 264, Tex. 2004.) 59 BAYLOR L. REV. 171-191 (2007).
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