

Torts and Compensation Systems Section

Annual Newsletter

December 2020

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This newsletter was compiled by Pamela C. Brannon, Coordinator of Faculty Services, and Timothy D. Lytton, Distinguished University Professor, Professor of Law and Associate Dean for Research and Faculty Development, Georgia State University College of Law.

Annual Meeting Programs “Tort and Compensation Systems” AALS Annual Meeting January 5, 2021 1:15pm-2:30pm

Panelists will discuss the work of the late John Gardner, who was the Professor of Jurisprudence at Oxford and a fellow of All Souls College. This session will be conducted jointly with the Jurisprudence section.

Speakers include:

Tom Daugherty, Associate Professor of Philosophy, University of North Carolina

Kimberly Kessler Ferzan (moderator), Earle Hepburn Professor of Law, Co-Director, Institute of Law & Philosophy, University of Pennsylvania Carey Law School

John Goldberg, Deputy Dean and Carter Professor of General Jurisprudence, Harvard Law School

Scott Hershovitz (moderator), Thomas G. and Mabel Long Professor of Law and Professor of Philosophy, Director, Law & Ethics Program, University of Michigan

Leslie Kendrick, Vice Dean and White Burkett Miller Professor of Law and Public Affairs, University of Virginia Law School

William L. Prosser Award Winner: Hon. Jack B. Weinstein

The 2021 Prosser Award winner is Judge Jack B. Weinstein of the Eastern District of New York.

For decades, Judge Weinstein has been a towering and transformative figure. Through his teaching, scholarly writings, and fearless jurisprudence, he has left a deep and lasting imprint on American tort law, and on the U.S. justice system more broadly. His accomplishments in the law far exceed the limits of this or any award announcement—indeed, the New York Times recent reported that his resume “now runs to more than 70 pages.

Showing an early industriousness that presaged his half-century of tireless judicial service, Judge Weinstein put himself through Brooklyn College by doing part-time dock work in New York Harbor. He then served for three years as a

submarine officer in the Second World War's Pacific theater. After the war, Judge Weinstein entered law school, earning a degree from Columbia Law School in 1948. Shortly thereafter, in 1952, he joined Columbia's faculty—and, within a few years, became a nationally recognized expert in Civil Procedure. Alongside his burgeoning academic career, Judge Weinstein continued to make time for public service. Of particular note was his service as a member of the NAACP's litigation team in *Brown v. Board of Education* and his two-year term as attorney for Nassau County.

After 15 years in academe, Judge Weinstein was appointed, and confirmed, to the federal bench, where he sat as a judge on the U.S. District Court for the Eastern District of New York. He served as a judge for almost 53 years, from 1967 to 2020 (recently retiring at age 98). He served as Chief Judge of the Eastern District from 1980 to 1988.

During his time in the Eastern District, Judge Weinstein has been a pioneering academic and jurist, shaping the law of procedure and evidence, and handling some of the most important mass tort cases, notably on Agent Orange, pharmaceuticals, tobacco, asbestos, and firearms. He has developed innovative methods—not without controversy—for resolving complex mass tort litigation, including enlarging the roles of magistrates and special masters, altering the role of expert witnesses, and simplifying questions of choice of law. At the same time, he has issued bold decisions on consequential matters including enterprise liability, market share liability, and whether damages distinctions based on race and gender violate the Fourteenth Amendment of the U.S. Constitution. (He says they do.)

In all his cases, Judge Weinstein has displayed endless energy and determination and brought uncommon courage, humanity and empathy. His innovations include, for example, enabling class action members to be heard individually, and sitting at a conference table when sentencing

defendants. A notable critic of mandatory minimums and other harsh sentencing practices, he has often spoken out against the “unnecessary cruelty” of federal criminal law, molding the thinking of a generation of sentencing reformers.

His writings have been similarly influential. His publications on mass torts and compensation systems include hundreds of judicial opinions, numerous academic articles, and several books including *Individual Justice in Mass Tort Litigation: The Effect of Class Actions, Consolidations, and Other Multiparty Devices* (1995); *Mass Torts: Cases and Materials* (with Kenneth Feinberg) (1992); and *Weinstein's Evidence* (with Margaret Berger) (1975–1979).

Professor John C. P. Goldberg, a former clerk, aptly summed up Judge Weinstein's extraordinary body of work: “No one in modern American law has played a more important role in pressing lawyers, fellow judges, and law professors to reconsider the potential of tort law to contribute to a just polity.”

The Prosser Award will be presented at this year's annual meeting. The Torts and Compensation Systems Section Executive Committee congratulates Judge Weinstein on this well-deserved honor.

2022 Prosser Award Nominations

The 2021 AALS Annual Meeting will be held January 5-9, 2021, virtually via videoconference technology due to the COVID-19 pandemic. At the 2021 Annual Meeting, the Torts and Compensation Systems Section will once again present the William L. Prosser Award to a law professor who has made outstanding contributions of scholarship, teaching, and service in tort law. Any law professor is eligible to nominate another law professor for the award.

Selection of the recipient will be made by the members of the Executive Committee of the Torts and Compensation Systems Section, based on the recommendation of an appointed special selection committee.

Nominations should be submitted to Elizabeth Weeks, Treasurer of the Executive Committee, at weeksleo@uga.edu. Nominations must be accompanied by a brief letter of support. Nominations must be received no later than June 30, 2021.

Election of Section Officers

The Section on Torts and Compensation Systems will elect officers for the coming year during a business meeting following the 2021 AALS program. You are invited to participate in the election. The current members of the Executive Committee will propose the following slate of candidates for election at the business meeting:

Chair: Mary Davis, Kentucky
Chair-Elect: Timothy D. Lytton, Georgia State
Secretary: Nora Freeman Engstrom, Stanford
Treasurer: Elizabeth Weeks, UGA
Exec. Committee Member: Tom Kadri, UGA
Exec. Committee Member: TBA

Recent Law Review Symposia

Class Actions, Mass Torts, and MDLs: The Next 50 Years (Lewis & Clark Law Review):

Jennie Lee Anderson, *Preface*, 24 LEWIS & CLARK L. REV. 357 (2020).

Robert Klonoff, *Foreword*, 24 LEWIS & CLARK L. REV. 359 (2020).

D. Theodore Rave & Zachary D. Clopton, *Texas MDL*, 24 LEWIS & CLARK L. REV. 367 (2020).

David Marcus, *The Persistence and Uncertain Future of the Public Interest Class Action*, 24 LEWIS & CLARK L. REV. 395 (2020).

David L. Knoll, *What Do MDL Leaders Do? Evidence from Leadership Appointment Orders*, 95 LEWIS & CLARK L. REV. 433 (2020).

Lynn A. Baker & Stephen J. Herman, *Layers of Lawyers: Parsing the Complexities of Claimant Representation in Mass Tort MDLs*, 24 LEWIS & CLARK L. REV. 469 (2020).

Joshua P. Davis & Brian J. Devine, *Procedural Self-Inflicted Wounds?* 24 LEWIS & CLARK L. REV. 497 (2020).

Alexandra D. Lahav, *Multidistrict Litigation and Common Law Procedure*, 24 LEWIS & CLARK L. REV. 531 (2020).

Elizabeth J. Cabraser & Adam N. Steinman, *What is a Fair Price for Objector Blackmail? Class Action Objectors and the 2018 Amendments to Rule 23*, 24 LEWIS & CLARK L. REV. 549 (2020).

Robert G. Bone, *In Defense of the Cy-Pres-Only Class Action*, 24 LEWIS & CLARK L. REV. 571 (2020).

Gerson H. Smoger, *The Importance of Cy Pres in Modern Class Action Jurisprudence and Myths Concerning Its Use*, 24 LEWIS & CLARK L. REV. 595 (2020).

Judith Resnick, Stephanie Garlock, & Annie J. Wang, *Collective Preclusion and Inaccessible Arbitration: Data, Non-Disclosure, and Public Knowledge*, 24 LEWIS & CLARK L. REV. 611 (2020).

Brian T. Fitzpatrick, *Deregulation and Private Enforcement*, 24 LEWIS & CLARK L. REV. 685 (2020).

Arthur R. Miller & Robert Klonoff, *Symposium Interview on Aggregate Litigation*, 24 LEWIS & CLARK L. REV. 697 (2020).

Common Law for the Age of AI (Columbia Law Review):

Mariano-Florentino Cuéllar, *A Common Law for the Age of Artificial Intelligence: Incremental Adjudication, Institutions, and Relational Non-Arbitrariness*, 118 COLUM. L. REV. 1773 (2019).

Jeannie Suk Gersen, *Sex Lex Machina: Intimacy and Artificial Intelligence*, 119 COLUM. L. REV. 1792 (2019).

Bert I. Huang, *Law's Halo and the Moral Machine*, 119 COLUM. L. REV. 1811 (2019).

Ashley Deeks, *The Judicial Demand for Explainable Artificial Intelligence*, 119 COLUM. L. REV. 1829 (2019).

Katherine J. Strandburg, *Rulemaking and Inscrutable Automated Decision Tools*, 119 COLUM. L. REV. 1851 (2019).

Mala Chatterjee & Jeanne C. Fromer, *Minds, Machines, and the Law: The Case of Volition in Copyright Law*, 119 COLUM. L. REV. 1887 (2019).

Frank Pasquale, *Data-Informed Duties in AI Development*, 119 COLUM. L. REV. 1917 (2019).

Kate Crawford & Jason Schultz, *AI Systems as State Actors*, 119 COLUM. L. REV. 1941 (2019).

C. Scott Hemphill, *Disruptive Incumbents: Platform Competition in the Age of Machine Learning*, 119 COLUM. L. REV. 1973 (2019).

Tim Wu, *Will Artificial Intelligence Eat the Law? The Rise of Hybrid Social-Ordering Systems*, 119 COLUM. L. REV. 2001 (2019).

Comprehensive Tort Reform Through House Bill 4 (H.B. 4) by the Texas Legislature (Texas Tech Law Review):

R. Brent Cooper, Diana L. Faust, Brian G. Jackson, Gavin J. Gadberry, William G. Hamm, C. Paul Wazzan, Jared S. Livingston, D. Cameron Duncan III, Cesar J. Lopez, & Benjamin Kelton, *Introduction*, 51 TEX. TECH L. REV. 391 (2019).

Parts One and Two: The Crisis in Access to Medical Care, 51 TEX. TECH L. REV. 393 (2019).

Part Three: Constitutional Challenges to Chapter 74 and Proposition 12, 51 TEX. TECH L. REV. 399 (2019).

Part Four: Judicial Interpretation of House Bill 4's Changes to the Texas Tort Claims Act, 51 TEX. TECH L. REV. 423 (2019).

Part Five: Chapter 33 of the Texas Civil Practice and Remedies Code: Settlement Credits

and Responsible Third Parties, 51 TEX. TECH L. REV. 427 (2019).

Part Six: Chapter 41, Section 41.0105 of the Texas Civil Practice and Remedies Code: "Paid or Incurred", 51 TEX. TECH L. REV. 445 (2019).

Part Seven: Chapter 74, Subchapter A: Amendments and Judicial Interpretations of Chapter 74 Definitions, 51 TEX. TECH L. REV. 463 (2019).

Part Eight: Chapter 74, Subchapter B: Notice and Medical Authorizations, 51 TEX. TECH L. REV. 471 (2019).

Part Nine: Chapter 74, Subchapter D: Emergency Care, 51 TEX. TECH L. REV. 481 (2019).

Part Ten: Chapter 74, Subchapter F: Statute of Limitations and Statute of Repose, 51 TEX. TECH L. REV. 503 (2019).

Part Eleven: Subchapter G Liability Limits: Noneconomic Damages and Damages Awarded in Wrongful Death/Survival Health Care Liability Claims, 51 TEX. TECH L. REV. 517 (2019).

Part Twelve: Chapter 74, Subchapter H: Expert Reports Required Under Chapter 74 and Related Procedural Processes, 51 TEX. TECH L. REV. 525 (2019).

Part Thirteen: Chapter 74, Subchapter I: Requirements Relating to Expert Witness, 51 TEX. TECH L. REV. 577 (2019).

Part Fourteen: Chapter 74, Subchapter K: Periodic Payments for Future Damages, Medical Expenses, and Lost Wages, 51 TEX. TECH L. REV. 601 (2019).

Conclusion, 51 TEX. TECH L. REV. 617 (2019).

Driven by Data: Empirical Studies in Civil Litigation and Health Law (Denver Law Review):

David A. Hyman, *Are We Driven by Data? The Problem of Bad Doctors*, 96 DENV. L. REV. 761 (2019).

W. Kip Viscusi, *Medical Malpractice Reform: What Works and What Doesn't*, 96 DENV. L. REV. 775 (2019).

Gordon Ballingrud & Caitelin Jammo, *Ideology and Risk Focus: A Preliminary Exploration of the Effect of Judicial Ideology on Risk Focus in Supreme Court Opinion Construction*, 96 DENV. L. REV. 793 (2019).

Brian H. Bornstein & Amy J. Kleyhans, *The Evolution of Jury Research Methods: From Hugo Münsterberg to the Modern Age*, 96 DENV. L. REV. 813 (2019).

Krystia Reed, Valerie P. Hans, Valerie F. Reyna, *Accounting for Awards: An Examination of Juror Reasoning Behind Pain and Suffering Damage Award Decisions*, 96 DENV. L. REV. 841 (2019).

David Yokum, Christopher T. Robertson, & Matt Palmer, *The Inability to Self-Diagnose Bias*, 96 DENV. L. REV. 869 (2019).

Elena Engel, *2019 Symposium Note: Are Apology Laws and Tort Reform Helping or Hurting?* 96 DENV. L. REV. ONLINE 188 (2019).

Chelsea Kelleher, *Symposium Note: The Health Care Insurance Market's Moral Hazard Dilemma*, 96 DENV. L. REV. ONLINE 193 (2019).

Maeve Sullivan, *2019 Symposium Note: Panel I*, 96 DENV. L. REV. ONLINE 196 (2019).

Rebecca Walker, *2019 Symposium Note: Jury Decision Making Processes*, 96 DENV. L. REV. ONLINE 199 (2019).

Embryonic Injuries and Nascent Remedies in the Age of CRISPR-CAS and Advanced IVF (Chicago-Kent Law Review):

Amit Choudhary, *Problems with CRISPR and What is Being Done About It*, CHI-KENT L. REV. (forthcoming).

Dr. Svetlana Rechitsky, *Advances in IVF and Human Leukocyte Antigens Matching and the Use of Preimplantation Genetic Testing for Late Onset Conditions*, CHI-KENT L. REV. (forthcoming).

Neville Sanjana, *An Introduction to CRISPR: What It Is, What It Does, and What Improvements Are Needed*, CHI-KENT L. REV. (forthcoming).

Judith Daar, *Evolutionary Perspectives on Reproductive Medicine: On Breaking Barriers and Meeting New Frontiers*, CHI-KENT L. REV. (forthcoming).

Naomi Cahn & Sonia Suter, *Bioethics of Regulation*, CHI-KENT L. REV. (forthcoming).

Dov Greenbaum, *Regulating Privacy and Intellectual Property Issues*, CHI-KENT L. REV. (forthcoming).

Yaniv Heled, Timothy Lytton, & Liza Vertinsky, *You Get What You Get and You Don't Get Upset: Sperm Donation and the Nonidentity Problem in Georgia Courts*, CHI-KENT L. REV. (forthcoming).

David Heyd, *Does the Non-Identity Problem Apply to Wrongful Birth Claims? – or, Can You Sue If You Wouldn't Have Been Born?*, CHI-KENT L. REV. (forthcoming).

Dov Fox, *Causation and Compensation of Intergenerational Harm*, CHI-KENT L. REV. (forthcoming).

Barbara Pfeffer Billauer, *Bioethical and Legal Issues in Creating Savior Siblings and Protective Progeny*, CHI-KENT L. REV. (forthcoming).

Michele Bratcher Goodwin, *Cultural Enhancement or Medical Manipulation?* CHI-KENT L. REV. (forthcoming).

Henry T. Greely, *Playing God: Progeny Selection and Legal Issues*, CHI-KENT L. REV. (forthcoming).

Robert Dinerstein, *Disability Rights and Wrongs*, CHI-KENT L. REV. (forthcoming).

Seema Mohapatra, *Social Justice Concerns*, CHI-KENT L. REV. (forthcoming).

Pamela Laufer-Ukeles, *From Consent to Empowerment: Improving Women's Decision-Making in Embryonic Genetic Manipulation*, CHI-KENT L. REV. (forthcoming).

Arthur Caplan, *Closing Address*, CHI-KENT L. REV. (forthcoming).

MDL Turns 50: A Look Back and the Way Forward (Georgia Law Review):

Clay D. Land, *Multidistrict Litigation After 50 Years: A Minority Perspective from the Trenches*, 53 GA. L. REV. 1237 (2019).

Margaret S. Williams, *The Effect of Multidistrict Litigation on the Federal Judiciary Over the Past 50 Years*, 53 GA. L. REV. 1245 (2019).

Howard M. Erichson, *MDL and the Allure of Sidestepping Litigation*, 53 GA. L. REV. 1287 (2019).

Myriam Gilles & Gary Friedman, *Rediscovering the Issue Class in Mass Tort MDLs*, 53 GA. L. REV. 1305 (2019).

Adam S. Zimmerman, *Surges and Delays in Mass Adjudication*, 53 GA. L. REV. 1335 (2019).

Andrew D. Bradt, *Multidistrict Litigation and Adversarial Legalism*, 53 GA. L. REV. 1375 (2019).

Alexandra D. Lahav, *The Continuum of Aggregation*, 53 GA. L. REV. 1393 (2019).

#MeToo in the Workplace (Employee Rights and Employment Policy Journal):

Jeffrey M. Hirsch, *Introduction: #MeToo in the Workplace*, 23 EMP. RTS. & EMPL. POL'Y J. 1 (2019).

Charlotte S. Alexander, *#MeToo and the Litigation Funnel*, 23 EMP. RTS. & EMPL. POL'Y J. 17 (2019).

Ann C. McGinley, *The Masculinity Mandate: #MeToo, Brett Kavanaugh, and Christine Blasey Ford*, 23 EMP. RTS. & EMPL. POL'Y J. 59 (2019).

Joseph A. Seiner, *Harassment, Technology, and the Modern Worker*, 23 EMP. RTS. & EMPL. POL'Y J. 85 (2019).

Michael Z. Green, *A New #MeToo Result: Rejecting Notions of Romantic Consent with Executives*, 23 EMP. RTS. & EMPL. POL'Y J. 115 (2019).

Elizabeth C. Tippet, *Opportunity Discrimination: A Hidden Liability Employers Can Fix*, 23 EMP. RTS. & EMPL. POL'Y J. 165 (2019).

New Voices (Journal of Tort Law):

Christopher J. Robinette, *Editor's Introduction: Symposium Issue: New Voices*, 12 J. TORT L. 155 (2019).

Alexander B. Lemann, *Autonomous Vehicles, Technological Progress, and the Scope Problem in Products Liability*, 12 J. TORT L. 157 (2019).

Benjamin J. McMichael, *Shifting Liability with Licensing: An Empirical Analysis of Medical Malpractice and Scope-of-Practice Laws*, 12 J. TORT L. 213 (2019).

Sarah L. Swan, *Aiding and Abetting Matters*, 12 J. TORT L. 255 (2019).

Cristina Carmody Tilley, *The Tort of Outrage and Some Objectivity About Subjectivity*, 12 J. TORT L. 283 (2019).

Remedies in Complex Litigation (Texas Law Review):

Lynn A. Baker, *Mass Tort Remedies and the Puzzle of the Disappearing Defendant*, 98 TEX. L. REV. 1165 (2020).

Robert G. Bone, *Rights and Remedies in Trademark Law: The Curious Distinction Between Trademark Infringement and Unfair Competition*, 98 TEX. L. REV. 1187 (2020).

Oren Bracha & Talha Syed, *The Wrongs of Copyright's Statutory Damages*, 98 TEX. L. REV. 1219 (2020).

A. Mechele Dickerson, *Designing Slavery Reparations: Lessons from Complex Litigation*, 98 TEX. L. REV. 1255 (2020).

Ezra Friedman & Abraham L. Wickelgren, *How Should We Enforce Patents? A Simulation Analysis*, 98 TEX. L. REV. 1283 (2020).

John M. Golden, *Judicial Policing of Patent Damages Experts*, 98 TEX. L. REV. 1307 (2020).

Bert I. Huang, *Coordinating Injunctions*, 98 TEX. L. REV. 1331 (2020).

Alexandra D. Lahav, *The Knowledge Remedy*, 98 TEX. L. REV. 1361 (2020).

Thomas O. McGarity, *Supplemental Environmental Projects in Complex Environmental Litigation*, 98 TEX. L. REV. 1405 (2020).

Rise of the Machines: Artificial Intelligence, Robotics, and the Reprogramming of Law (Fordham Law Review):

Deborah W. Denno & Ryan Surujnath, *Foreword*, 88 FORDHAM L. REV. 381 (2019).

Madeline Byrd & Katherine J. Strandburg, *CDA 230 for a Smart Internet*, 88 FORDHAM L. REV. 405 (2019).

Iria Giuffrida, *Liability for AI Decision-Making: Some Legal and Ethical Considerations*, 88 FORDHAM L. REV. 439 (2019).

Ellen P. Goodman & Julia Powles, *Urbanism Under Google: Lessons from Sidewalk Toronto*, 88 FORDHAM L. REV. 457 (2019).

Kristin Johnson, Frank Pasquale, & Jennifer Chapman, *Artificial Intelligence, Machine*

Learning, and Bias in Finance: Toward Responsible Innovation, 88 FORDHAM L. REV. 499 (2019).

Tom C.W. Lin, *Artificial Intelligence, Finance, and the Law*, 88 FORDHAM L. REV. 531 (2019).

David W. Opderbeck, *Artificial Intelligence in Pharmaceuticals, Biologics, and Medical Devices: Present and Future Regulatory Models*, 88 FORDHAM L. REV. 553 (2019).

Gerhard Wagner, *Robot, Inc.: Personhood for Autonomous Systems?* 88 FORDHAM L. REV. 591 (2019).

Ari Ezra Waldman, *Power, Process, and Automated Decision-Making*, 88 FORDHAM L. REV. 613 (2019).

Symposium on Anita Bernstein's *The Common Law Inside the Female Body* (Boston College Law Review E-Supplement):

Bridget J. Crawford, *The Common Law as a Force for Women*, 61 B.C. L. REV. E-SUPP. I.-63 (2020).

Nadia B. Ahmad, *Re-Reading Anita Bernstein's The Common Law Inside the Female Body From the Bottom of the Well: Analysis of the Central Park Five, Border Drownings, the Kavanaugh Confirmation, and the Coronavirus*, 61 B.C. L. REV. E-SUPP. I.-69 (2020).

Ann Bartow, *The Female Legal Realist Inside the Common Law*, 61 B.C. L. REV. E.-SUPP. I.-82 (2020).

Deborah Dinner, *Seeking Liberty, Finding Patriarchy: The Common Law's Historical Legacy*, 61 B.C. L. REV. E-SUPP. I.-89 (2020).

Lolita Buckner Inniss, *(Un)Common Law and the Female Body*, 61 B.C. L. REV. E-SUPP. I.-95 (2020).

Katharine Silbaugh, *The Common Law Inside a Social Hierarchy: Power or Reason?* 61 B.C. L. REV. E-SUPP. I.-105 (2020).

Anita Bernstein, *There's Feminism in Those Judgments*, 61 B.C. L. REV. E-SUPP. I.-112 (2020).

Symposium on Anita Bernstein's *The Common Law Inside the Female Body* (Northwestern University Law Review Online):

Bridget J. Crawford, *The Common Law as Silver Slippers*, 114 NW. U. L. REV. ONLINE 131 (2019).

David S. Cohen, *The Promise and Peril of a Common Law Right to Abortion*, 114 NW. U. L. REV. ONLINE 140 (2019).

Joanna L. Grossman, *Women are (Allegedly) People, Too*, 114 NW. U. L. REV. ONLINE 149 (2019).

Cyra Akila Choudhury, *The Common Law as a Terrain of Feminist Struggle*, 114 NW. U. L. REV. ONLINE 160 (2019).

Margaret Chon, *Intellectual Property Infringement and the Right to Say No*, 114 NW. U. L. REV. ONLINE 169 (2019).

Maritza I. Reyes, *The Female Body in the Workplace: Judges and the Common Law*, 114 NW. U. L. REV. ONLINE 177 (2019).

Teri A. McMurtry-Chubb, *In Search of the Common Law Inside the Black Female Body*, 114 NW. U. L. REV. ONLINE 187 (2019)

Anita Bernstein, *Negative Liberty Meets Positive Social Change*, 114 NW. U. L. REV. ONLINE 195 (2019).

Symposium on Convergence and Divergence in Private Law (Southern California Law Review):

Yun-chien Chang & Richard A. Epstein, *Introduction to the Symposium on Convergence and Divergence in Private Law*, 92 S. CAL. L. REV. 741 (2019).

Richard A. Epstein, *The Necessity of Convergence in Private Law*, 92 S. CAL. L. REV. 751 (2019).

Saul Levmore, *Convergence and Then Downstream Divergence in Torts and Other Law*, 92 S. CAL. L. REV. 769 (2019).

Yun-chien Chang & Henry E. Smith, *Convergence and Divergence in Systems of Property Law: Theoretical and Empirical Analysis*, 92 S. CAL. L. REV. 785 (2019).

Giuseppe Dari-Mattiacci & Carmine Guerriero, *Divergence and Convergence at the Intersection of Property and Contract*, 92 S. CAL. L. REV. 809 (2019).

G. Marcus Cole, *The Long Convergence: "Smart Contracts" and the "Customization" of Commercial Law*, 92 S. CAL. L. REV. 851 (2019).

Robert Cooter & Ariel Porat, *Torts and Restitution: Legal Divergence and Economic Convergence*, 92 S. CAL. L. REV. 897 (2019).

Adam Mossoff, *Institutional Design in Patent Law: Private Property Rights or Regulatory Entitlements*, 92 S. CAL. L. REV. 921 (2019).

Shyamkrishna Balganesh, *Private Law Statutory Interpretation*, 92 S. CAL. L. REV. 949 (2019).

Stefanie Jung, *Bluffing in Business-to-Business Contract Negotiations*, 92 S. CAL. L. REV. 973 (2019).

Vanessa Casado Perez & Carlos Gomez Ligerre, *From Nuisance to Environmental Protection in Continental Europe*, 92 S. CAL. L. REV. 1003 (2019).

Aaron D. Simowitz, *Convergence and the Circulation of Money Judgments*, 92 S. CAL. L. REV. 1031 (2019).

Christopher Serkin, *Divergence in Land Use Regulation and Property Rights*, 92 S. CAL. L. REV. 1055 (2019).

Texas Alliance for Patient Access (TAPA) and the Texas Trial Lawyers Association (TTLA) on Medical Malpractice Claims in Texas (Texas Tech Law Review):

Glenn W. Cunningham, *Preface: The Crisis That Was Created*, 51 TEX. TECH L. REV. 619 (2019).

Charles Silver, David A. Hyman, & Bernard Black, *Fictions and Facts: Medical Malpractice Litigation, Physician Supply, and Health Care Spending in Texas Before and After H.B. 4*, 51 TEX. TECH L. REV. 627 (2019).

Robert S. Peck & Hartley Hampton, *A Challenge Too Early: The Lawsuit to Invalidate Texas Damage Caps Ten Years Ago and Its Likely Future Vindication*, 51 TEX. TECH L. REV. 667 (2019).

Patrick Luff & Jay Harvey, *Understanding the Texas Tort Claims Act*, 51 TEX. TECH L. REV. 693 (2019).

Randall O. Sorrels & Jonathan D. Sneed, *Chapter 33: A Guide to Applying and Calculating Proportionate Responsibility in Texas*, 51 TEX. TECH L. REV. 711 (2019).

Kirk L. Pittard, *Recovery of Medical Expenses Under Texas Civil Practice and Remedies Code § 41.0105 – The Paid or Incurred Statute*, 51 TEX. TECH L. REV. 731 (2019).

Paula Sweeney, *Definitions Under Chapter 74*, 51 TEX. TECH L. REV. 745 (2019).

Michelle Cheng & Tom Jacob, *Pre- and Post-Suit Notice: Medical Authorizations and the 120-Day Expert Report*, 51 TEX. TECH L. REV. 765 (2019).

Patrick Luff, Bill Liebbe, Jay Harvey, & Jack McGehee, *Emergency Medical Care in Chapter 74: Substantive Definitions and Interpretive Quandaries*, 51 TEX. TECH L. REV. 785 (2019).

Paula Sweeney, *The Statute of Limitations Under Chapter 74*, 51 TEX. TECH L. REV. 811 (2019).

Luke Metzler & Lawrence Lassiter, *The Damages Caps: “The Most Important Part” of House Bill 4*, 51 TEX. TECH L. REV. 833 (2019).

Justice Peter Kelly, *Expert Reports in Health Care Liability Claims*, 51 TEX. TECH L. REV. 841 (2019).

Kathryn Snapka & William J. Chriss, *Periodic Payment of Future Damages in Medical Malpractice Cases*, 51 TEX. TECH L. REV. 847 (2019).

Gavin McInnis, *To Arbitrate or Not to Arbitrate, That Is the Question*, 51 TEX. TECH L. REV. 859 (2019).

Truth Decay: Deep Fakes and the Implications for Privacy, National Security, and Democracy (Maryland Law Review):

Robert Chesney & Danielle Keats Citron, *21st Century-Style Truth Decay: Deep Fakes and the Challenge for Privacy, Free Expression, and National Security*, 78 MD. L. REV. 882 (2019).

Mary Anne Franks & Ari Ezra Waldman, *Sex, Lies, and Videotape: Deep Fakes and the Free Speech Delusion*, 78 MD. L. REV. 892 (2019).

Thomas E. Kadri, *Drawing Trump Naked: Curbing the Right of Publicity to Protect Public Discourse*, 78 MD. L. REV. 899 (2019).

Jessica Silbey & Woodrow Hartzog, *The Upside of Deep Fakes*, 78 MD. L. REV. 960 (2019).

Twenty-Fifth Annual Clifford Symposium on Tort Law & Social Policy

Rising Stars: A New Generation of Scholars Looks at Civil Justice (DePaul Law Review):

Stephan Landsman, *Introduction*, 69 DEPAUL L. REV. ix (2020).

Yonathan A. Arbel & Roy Shapira, *Consumer Activism: From the Informed Minority to the Crusading Minority*, 69 DEPAUL L. REV. 233 (2020).

Maureen Carroll, *Civil Procedure and Economic Inequality*, 69 DEPAUL L. REV. 269 (2020).

Zachary D. Clopton, *Civil Justice and the (Green) New Deal*, 69 DEPAUL L. REV. 335 (2020).

Andrew Elmore, *The State Qui Tam to Enforce Employment Law*, 69 DEPAUL L. REV. 357 (2020).

Dov Fox, *Redressing Future Intangible Losses*, 69 DEPAUL L. REV. 419 (2020).

Maggie Gardner, “*Foreignness*,” 69 DEPAUL L. REV. 469 (2020).

David S. Han, *Managing Constitutional Boundaries in Speech-Tort Jurisprudence*, 69 DEPAUL L. REV. 495 (2020).

Victor D. Quintanilla, *Doing Unrepresented Status: The Social Construction and Production of Pro Se Persons*, 69 DEPAUL L. REV. 543 (2020).

D. Theodore Rave, *Tort Claims as Property Rights*, 69 DEPAUL L. REV. 587 (2020).

Victoria Shannon Sahani, *Rethinking the Impact of Third-Party Funding on Access to Civil Justice*, 69 DEPAUL L. REV. 611 (2020).

Jessica M Salerno & Hannah J. Phalen, *The Impact of Gruesome Photographs on Mock Jurors’ Emotional Responses and Decision Making in a Civil Case*, 69 DEPAUL L. REV. 633 (2020).

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Ashley M. Votruba, *Dividing Responsibility: The Role of the Psychology of Attrition*, 69 DEPAUL L. REV. 721 (2020).

2019 Climate Change Symposium (Columbia Journal of Environmental Law):

Myanna Dellinger, *Post-Jesner Climate Change Lawsuits Under the Alien Tort Statute*, 44 COLUM. J. ENVTL. L. 241 (2019).

Daniel E. Walters, *Animal Agriculture Liability for Climatic Nuisance: A Path Forward for Climate Change Litigation?* 44 COLUM. J. ENVTL. L. 299 (2019).

Recent Law Journal Articles

Tezira Abe, Note, *The NCAA’s Special Relationship with Student-Athletes as a Theory of Liability for Concussion-Related Injuries*, 118 MICH. L. REV. 877 (2020).

Rehan Abeyratne, *Ordinary Wrongs as Constitutional Rights: The Public Law Model of Torts in South Asia*, 54 TEX. INT’L L.J. 1 (2018).

Christopher M. Abiuso, Note, “*You’re Fake News*”: *Preserving Both Free Speech and Defamation Lawsuits*, 47 HOFSTRA L. REV. 1359 (2019).

Kenneth S. Abraham & G. Edward White, *First Amendment Imperialism and the Constitutionalization of Tort Liability*, 98 TEX. L. REV. 813 (2020).

Kenneth S. Abraham & G. Edward White, *Torts Without Names, New Torts, and the Future of Liability for Intangible Harm*, 68 AM. U. L. REV. 2089 (2019).

Alien Tort Statute – Domestic Corporate Liability – Ninth Circuit Denies Rehearing En Banc of Case Permitting Domestic Corporate Liability Claim – Doe I v. Nestle, S.A., 929 F.3d 623 (9th Cir. 2019), 133 HARV. L. REV. 2643 (2020).

Yusef Al-Jarani, *All Fun and (Mind) Games? Protecting Consumers from the Manipulative Harms of Interactive Virtual Reality*, 2019 U. ILL. J.L. TECH. & POL’Y 299.

Margaret Allars, *Private Law Remedies and Public Law Standards: An Awkward Statutory Intrusion into Tort Liability of Public Authorities*, 14 FIU L. REV. 5 (2020).

Dr. Stephen Allred, *An Analysis of Intentional Infliction of Emotional Distress Claims in the Virginia Workplace*, 54 U. RICH. L. REV. 283 (2019).

Luke D. Anderson, *An Exception to Jesner: Preventing U.S. Corporations and Their Subsidiaries from Avoiding Liability for Harms Caused Abroad*, 34 EMORY INT'L L. REV. 997 (2020).

Jenny Ange, *Am I My Competitor's Keeper? Innovator Liability in the Fifty States*, 21 COLUM. SCI. & TECH. L. REV. 1 (2019).

Yonathan Arbel, *Slicing Defamation*, U. CHI. L. REV. ONLINE, Mar. 30, 2020, at 109.

Yonathan A. Arbel & Murat Mungan, *The Case Against Expanding Defamation Law*, 71 ALA. L. REV. 453 (2019).

Dina H. Aroui, *Will Capitalism Kill Compassion? – An Analysis of the Future of Corporate Liability Under the Alien Tort Statute*, 71 FLA. L. REV. F. 1 (2019).

Erika N. Auger, *The “Art” of Future Life: Rethinking Personal Injury Law for the Negligent Deprivation of a Patient's Right to Procreation in the Age of Assisted Reproductive Technologies*, 94 CHI.-KENT L. REV. 51 (2019).

Ahson Azmat, *Tort's Indifference: Conformity, Compliance, and Civil Recourse*, 13 J. TORT L. 1 (2020).

Gilat Juli Bachar, *Money for Justice: Plaintiff's Lawyers and Social Justice Tort Litigation*, 41 CARDOZO L. REV. 2617 (2020).

Rory Bahadur, *Newsworthiness as an Internet-Era Mitigant of Implicit Bias*, 88 UMKC L. REV. 1 (2019).

Gabrielle Ball, *En Garde: A Civil Law Approach to Autonomous Vehicle Liability Under Louisiana Law*, 94 TUL. L. REV. 155 (2019).

Roxana Banu, *Conflicting Justice in Conflict of Laws*, 53 VAND. J. TRANSNAT'L L. 461 (2020).

William T. Barker, *Lawyer Tort Liability to Nonclients: Should There Be Special Immunities?* 54 TORT TRIAL & INS. PRAC. L.J. 795 (2019).

Yavar Bathaee, *Artificial Intelligence Opinion Liability*, 35 BERKELEY TECH. L.J. 113 (2020).

Hillel J. Bavli, *Counterfactual Causation*, 51 ARIZ. ST. L.J. 879 (2019).

Tyler Becker, *The Liability of Corporate Directors, Officers, and Employees Under the Alien Tort Statute After Jesner v. Arab Bank, PLC*, 120 COLUM. L. REV. 91 (2020).

Christopher Beglinger, *A Broken Theory: The Malfunction Theory of Strict Products Liability and the Need for a New Doctrine in the Field of Surgical Robotics*, 104 MINN. L. REV. 1041 (2019).

Allison Bendall, Casenote, *State Constitutional Law – Weaver v. Myers and the Scope of Privacy Rights in Litigation and Death Under Florida Law*, 49 CUMB. L. REV. 321 (2019).

Anita Bernstein, *(Almost) No Bad Drugs: Near-Total Products Liability Immunity for Pharmaceuticals Explained*, 77 WASH. & LEE L. REV. 3 (2020).

Katie Berry, *JASTA in an Era of Fake News, Publicity Infused Terror, and a Directive from Congress*, 70 ALA. L. REV. 841 (2019).

Pooja Bhaskar, Note, *Milkovich, #MeToo, and “Liars”*: Defamation Law and the Fact-Opinion Distinction, 88 FORDHAM L. REV. 691 (2019).

Barbara Pfeffer Billauer, *The Sperminator as a Public Nuisance: Redressing Wrongful Life and Birth Claims in New Ways (a.k.a. New Tricks for Old Torts)*, 42 U. ARK. LITTLE ROCK L. REV. 1 (2019).

- Barbara Pfeffer Billauer, *Wrongful Life in the Age of CRISPR-CAS: Using the Legal Fiction of “the Conceptual Being” to Redress Wrongful Gamete Manipulation*, 124 PENN. ST. L. REV. 435 (2019).
- Greg Bowley, *‘You Leave Me (Almost) No Choice’: Duress in Contract and the Tort of Malicious Bargaining*, 36 J. COMMON L. 22 (2020).
- Maureen E. Brady, *Property and Projection*, 133 HARV. L. REV. 1143 (2020).
- Lester Brickman, *Civil RICO: An Effective Deterrent to Fraudulent Asbestos Litigation?* 40 CARDOZO L. REV. 2301 (2019).
- Doris DelTosto Brogan, *Reviving the Intracorporate Communications No-Publication Rule: A Strategy to Encourage Effective Investigation of Internal Misconduct*, 71 BAYLOR L. REV. 620 (2019).
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- Renée Burbank, *Illegal Exactions*, 87 TENN. L. REV. 315 (2020).
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- Michael Burger, Jessica Wentz, & Radley Horton, *The Law and Science of Climate Change Attribution*, 45 COLUM. J. ENVTL. L. 57 (2020).
- Alexander Calaway, *Idaho Noneconomic Damage Caps: Forty Years of Tort Liability Reform and Constitutional Questions*, 12 IDAHO CRITICAL LEGAL STUD. J. 1 (2019).
- Clay Calvert, *Troll Storms and Tort Liability for Speech Urging Action by Others: A First Amendment Analysis and an Initial Step Toward a Federal Rule*, 97 WASH. U. L. REV. 1303 (2020).
- Sergio J. Campos, *The Commonality of Causation*, 46 OHIO N.U. L. REV. 229 (2020).
- Nanci K. Carr, *How Can We End #CancelCulture – Tort Liability or Thumper’s Rule?* 28 CATH. U. J.L. & TECH. 133 (2020).
- Nanci K. Carr, *Social Media and the Internet Drive the Need for a Federal Statute to Protect the Commercial Value of Identity*, 22 TUL. J. TECH. & INTELL. PROP. 31 (2020).
- Benjamin Caryan, *Held Accountable: Should Gun Manufacturers Be Held Liable for the Criminal Use of Their Products*, 13 J. BUS. ENTREPRENEURSHIP & L. 23 (2020).
- Vanessa Casado Pérez & Carlos Gomez Liguierre, *From Nuisance to Environmental Protection in Continental Europe*, 92 S. CAL. L. REV. 1003 (2019).
- Bryan Casey, *Robot Ipsa Loquitur*, 108 GEO. L.J. 225 (2019).
- Caroline Cecot, *The Data Gap: Promoting Analysis of Exposure-Related Harms*, 69 DEPAUL L. REV. 297 (2020).
- Dr. Michael Chatzipanagiotis & Dr. George Leloudas, *Automated Vehicles and Third-Party Liability: A European Perspective*, 2020 U. ILL. J.L. TECH. & POL’Y 109.
- Eric Cheng, *OBAMACARS: Applying an Insurance Mandate to Manufacturers of Fully Autonomous Vehicles*, 87 GEO. WASH. L. REV. 973 (2019).
- Tan Cheng-Han, Jiangyu Wang, & Christian Hofmann, *Piercing the Corporate Veil: Historical, Theoretical, and Comparative Perspectives*, 16 BERKELEY BUS. L.J. 140 (2019).
- Andrew Chiang, *Two to Tango: Rethinking a Unilateral Duty of Care*, 46 OHIO N.U. L. REV. 83 (2020).

- John A. Chioocca & Chelsea Furman, *Liability for an Employee's Intentional Torts*, TRIAL ADVOC. (FLDA), Nov. 2019, at 25.
- Bryan H. Choi, *Software as a Profession*, 33 HARV. J. L. & TECH. 557 (2020).
- Kaeleigh P. Christie, *The Unconstitutionality of the Protecting Access to Care Act of 2017's Cap on Noneconomic Damages in Medical Malpractice Cases*, 45 J. LEGIS. 81 (2019).
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- Ding Chunyan, *How Much Do Expert Opinions Matter? An Empirical Investigation of Selection Bias, Adversarial Bias, and Judicial Deference in Chinese Medical Negligence Litigation*, 45 BROOK. J. INT'L L. 139 (2019).
- Civil Rights Law – Title IX – Sixth Circuit Requires Further Harassment in Deliberate Indifference Claims – Kollaritsch v. Michigan State University Board of Trustees*, 944 F.3d 613 (6th Cir. 2019), 133 HARV. L. REV. 2611 (2020).
- Bethany A. Corbin, *When "Things" Go Wrong: Redefining Liability for the Internet of Medical Things*, 71 S.C. L. REV. 1 (2019).
- Carrie F. Cordero, Heidi Li Feldman, & Chimène I. Keitner, *The Law Against Family Separation*, 51 COLUM. HUM. RTS. L. REV. 430 (2020).
- Nicholas Cornell, *Competition Wrongs*, 129 YALE L.J. 2030 (2020).
- John J. Costonis, *SRTMA: Reappraising the BP Well Blowout in Light of Pippin, Theriot, Doiron, and Grubart*, 80 LA. L. REV. 347 (2020).
- D. Scott Crawford, Leslie W. Hunt, & Spenser A. Swaczyk, *Francis & Mary Marion, Charles & Mary Pinckney, John & Elizabeth Rutledge, James S. Thurmond, & Essie May Washington-Williams, Petitioners, v. Sally's Seafood Shack, Inc., Respondent*, 44 TUL. MAR. L.J. 391 (2020).
- James L. Cresswell, Jr., *The Time Has Come to Reconsider Liability in Aerial Application Cases*, 23 DRAKE J. AGRI. L. 413 (2018).
- Rebecca Crootof, *The Internet of Torts: Expanding Civil Liability Standards to Address Corporate Remote Interference*, 69 DUKE L.J. 583 (2019).
- David Crump, *Rethinking Intentional Infliction of Emotional Distress*, 25 GEO. MASON L. REV. 287 (2018).
- Mariano-Florentino Cuéllar & Keith Humphreys, *The Political Economy of the Opioid Epidemic*, 38 YALE L. & POL'Y REV. 1 (2019).
- Scott M. Cumming, *Applying Oregon's Abuse of a Vulnerable Person Statute to Date Rape Cases: Defendants Are in Treble*, 98 OR. L. REV. 325 (2020).
- Fred Cunningham, *Bad Faith Basics*, TRIAL, Feb. 2020, at 44.
- Richard L. Cupp, Jr., *Considering the Private Animal and Damages*, 98 WASH. U.L. REV. ___ (forthcoming 2020),
- Lucas Curtis, Note, *The Supreme Court as a Tool of Foreign Policy?: Why a Proposed Flexible Framework of Established Judicial Doctrine Better Satisfies Foreign Policy Concerns in Alien Tort Statute Litigation*, 104 MINN. L. REV. 1647 (2020).
- Steven Czak, *Public Nuisance Claims After Conagra*, 88 FORDHAM L. REV. 1061 (2019).
- Kelsey Joyce Dayton, *Tangled Arms: Modernizing and Unifying the Arm-of-the-State Doctrine*, 86 U. CHI. L. REV. 1603 (2019).
- Mihailis E. Diamantis, *The Extended Corporate Mind: When Corporations Use AI to Break the Law*, 98 N.C. L. REV. 893 (2020).
- Joachim Dietrich & Iain Field, *Statute and Theories of Vicarious Liability*, 43 MELB. U. L. REV. 515 (2019).

- Shahar Dillbary, *The Case Against Collective Liability*, 62 B.C. L. REV. __ (forthcoming)
- Nicole DiOrio, *The State of Confusion: Resolving First- and Third-Person Liability Caused by Dementia Patients*, 28 ELDER L.J. 109 (2020).
- Derek J. Dittmar, *Have Your Cake and Eat It Too: Cognitive Neurology and Negligence Law in North Carolina*, 41 CAMPBELL L. REV. 181 (2019).
- Jenny Domino, *Crime as Cognitive Constraint: Facebook's Role in Myanmar's Incitement Landscape and the Promise of International Tort Liability*, 52 CASE W. RES. J. INT'L L. 143 (2020).
- Sam Dougherty, Note, *What Then Must We Do? Why Rubin v. Islamic Republic of Iran Leaves Victims of State Sponsored Terror Attacks with Few Good Options*, 60 B.C. L. REV. 1453 (2019).
- Erin Downey, *Modern-Day Pirates: Why Domestic Parent Corporations Should Be Liable Under the Alien Tort Statute for Violations of Workers' Rights Within Global Supply Chains*, 68 AM. U. L. REV. 1933 (2019).
- Aaron Doyer, *Who Sells? Testing Amazon.com For Product Defect Liability in Pennsylvania and Beyond*, 28 J.L. & POL'Y 719 (2020).
- Katherine Drabiak, *Roundup Litigation: Using Discovery to Dissolve Doubt*, 31 GEO. INT'L ENVTL. L. REV. 697 (2019).
- Tod Duncan, *Air & Liquid Systems Corporation v. DeVries: Barely Afloat*, 97 DENV. L. REV. 621 (2020).
- Courtney Dyer, *Aging Out Arbitration for Wrongful Death Suits in Nursing Homes*, 20 PEPP. DISP. RESOL. L.J. 42 (2020).
- Anthony Edwards, *Pelletier v. Campbell*, 45 OHIO N.U. L. REV. 629 (2019).
- Sam C. Ehrlich & Joshua D. Winneker, *Higgins v. Kentucky Sports Radio Reframed: Balancing Free Speech and Emotional Distress Liability When Fans Take Things Too Far*, 14 CHARLESTON L. REV. 277 (2020).
- Horst Eidenmuller, *Setting Up Dates with Death? The Law and Economics of Extreme Sports Sponsoring in a Comparative Perspective*, 30 MARQ. SPORTS L. REV. 191 (2019).
- Fred Einbinder, *Mass Torts: Dispute Resolution in France and the United States – the Vioxx and Mediator Cases Compared*, 29 WASH. INT'L L.J. 575 (2020).
- Nora Freeman Engstrom, *The Lessons of Lone Pine*, 129 Yale L.J. 2 (2019).
- Nora Freeman Engstrom & Amos Espeland, *Lone Pine Orders: A Critical Examination and Empirical Analysis*, 167 U. Pa. L. Rev. Online 91 (2020).
- J. Lyn Entrikin, *Family Secrets and Relational Privacy: Protecting Not-So-Personal, Sensitive Information from Public Disclosure*, 74 U. MIAMI L. REV. 781 (2020).
- Benjamin Estes, *May the Fourth Be With You: Charting the Future of Corporate Liability Under the Alien Tort Statute After Jesner v. Arab Bank*, 2019 COLUM. BUS. L. REV. 1031 (2019).
- Nita A. Farahany, *The Costs of Changing Our Minds*, 69 EMORY L.J. 75 (2019).
- Elias R. Feldman, *Strict Tort Liability for Police Misconduct*, 53 COLUM. J.L. & SOC. PROBS. 89 (2019).
- Melanie Fink, *The Action for Damages as a Fundamental Rights Remedy: Holding Frontex Liable*, 21 GERMAN L.J. 532 (2020).
- David A. Fischer, Note, *Dron't Stop Me Now: Prioritizing Drone Journalism in Commercial Drone Regulation*, 43 COLUM. J.L. & ARTS 107 (2019).
- Victor Flatt & Richard O. Zerbe, *Climate Change Common Law Nuisance Suits: A Legal-Efficiency Analysis*, 49 ENVTL. L. 683 (2019).

- Susan Saab Fortney, *Mandatory Legal Malpractice Insurance: Exposing Lawyers' Blind Spots*, 9 ST. MARY'S J. LEGAL MAL. & ETHICS 190 (2019).
- Dov Fox, *Redressing Future Intangible Losses*, 69 DEPAUL L. REV. 419 (2020).
- Jill M. Fraley, *Modern Waste Law, Bankruptcy, and Residential Mortgages*, 41 CARDOZO L. REV. 485 (2019).
- Daniel Franchini, *State Immunity as a Tool of Foreign Policy: The Unanswered Question of Certain Iranian Assets*, 60 VA. J. INT'L L. 433 (2020).
- Alan Franklin, *Corporate Liability Under Customary International Law: Is the Tail Wagging the Dog?* 25 ILSA J. INT'L & COMP. L. 301 (2019).
- Joel Edan Friedlander, *Confronting the Problem of Fraud on the Board*, 75 BUS. LAW. 1441 (2019-2020).
- Bryston C. Gallegos, *A More Balanced Prescription: Reconciling Medical Malpractice Reform with Fundamental Principles of Tort Law*, 55 GONZ. L. REV. 105 (2019-2020).
- Thomas C. Galligan, *A Cypress is Gone*, 80 LA. L. REV. 291 (2020).
- Thomas C. Galligan, Jr., *Let the Jury Decide! A Plea for the Proper Allocation of Decision-Making Authority in Louisiana Negligence Cases*, 94 TUL. L. REV. 769 (2020).
- Thomas C. Galligan, Jr., *The Structure of Torts*, 46 FLA. ST. U. L. REV. 485 (2019).
- Robert Galloway, *Domestic Decisions and Foreign Fragility: Injuries Abroad and the Federal Tort Claims Act*, 58 WASH. U. J.L. & POL'Y 319 (2019).
- Patrick M. Garry, *The Erosion of Common Law Privacy and Defamation: Reconsidering the Law's Balancing of Speech, Privacy, and Reputation*, 65 WAYNE L. REV. 279 (2020).
- Gina M. Geary, *The Light at the End of the Tunnel: Why the Timing is Right for Connecticut to Consider Tortious Interference with Inheritance as a Valid Cause of Action*, 32 QUINNIPIAC PROB. L.J. 169 (2019).
- Kelly Geddes, *Legal Fictions and Foreign Frictions: An Argument for a Functional Interpretation of Jesner v. Arab Bank for Transnational Corporations*, 86 U. CHI. L. REV. 2193 (2019).
- Maytal Gilboa & Yotam Kaplan, *Loser Takes All: Multiple Claimants & Probabilistic Restitution*, 10 UC IRVINE L. REV. 907 (2020).
- Dr. Iria Giuffrida, *Liability for AI Decision-Making: Some Legal and Ethical Considerations*, 88 FORDHAM L. REV. 439 (2019).
- Yehonatan Givati & Yotam Kaplan, *Harm Displacement and Tort Doctrine*, 49 J. LEGAL STUD. 73 (2020).
- Julie Goldscheid, *Sexual Assault by Federal Actors, #MeToo, and Civil Rights*, 94 WASH. L. REV. 1639 (2019).
- Carolina Aubry Golshan, *The Modification of Washington's Nondelegable Duty Doctrine in a Post-AFOA II State*, 43 SEATTLE U. L. REV. 321 (2019).
- Jeffrey L. Goodman, Daniel R. Peacock, & Kevin J. Rutan, *A Guide to Understanding the Economic Loss Doctrine*, 67 DRAKE L. REV. 1 (2019).
- Wendy J. Gordon, *Fair Use in Oracle: Proximate Cause at the Copyright/Patent Divide*, 100 B.U. L. REV. 389 (2020).
- Jeremy Gradwohl, *Electric Utility-Caused Wildfire Damages: Strict Liability Under Article I, Section 19 of the California Constitution*, 92 TEMP. L. REV. 595 (2020).
- Michael Green & David Layman, *Consortium and Workers' Compensation: The Demolition of Consortium*, 80 LA. L. REV. 777 (2020).

- Rebecca Green, *Candidate Privacy*, 95 WASH. L. REV. 205 (2020).
- Betsy J. Grey, *Sex-Based Brain Differences and Emotional Harm*, 70 DUKE L.J. ONLINE 29 (2020).
- Jeffrey James Grosholz, *The Shadow of Kiobel and Jesner: An Examination of the Alien Tort Statute and Bringing It Back into the Light*, 46 FLA. ST. U. L. REV. 1009 (2019).
- Ehud Guttel & Ariel Porat, *Tort Liability and the Risk of Discriminatory Government*, 87 U. CHI. L. REV. 1 (2020).
- Joshua Halpern, *Robin Hood Realism: An Economic Critique of Modern Tort Adjudication*, 24 TEX. REV. L. & POL. 395 (2020).
- David S. Han, *Managing Constitutional Boundaries in Speech-Tort Jurisprudence*, 69 DEPAUL L. REV. 495 (2020).
- Luke Isaac Haqq, *The Impact of Roe on Prenatal Tort Litigation: On the Public Policy of Unexpected Children*, 13 J. TORT L. 1 (2020).
- Ransome R. Hare, *Exploring the “Defect” in Alabama’s Construction Defect Cases*, 42 AM. J. TRIAL ADVOC. 285 (2019).
- Michael C. Harper, *Using the Anglo-American Respondeat Superior Principle to Assign Responsibility for Worker Statutory Benefits and Protections*, 18 WASH. U. GLOBAL STUD. L. REV. 161 (2019).
- Jeffrey L. Harrison, *Duress and Undue Influence in Contract Law as Cognitive Trespass*, 98 NEB. L. REV. 970 (2020).
- Justine S. Hastings & Michael A. Williams, *Market Share Liability: Lessons From New Hampshire v. Exxon Mobil*, 34 J. ENVTL. L. & LITIG. 219 (2019).
- Wes Henricksen, *Intended Injury: Transferred Intent and Reliance in Climate Change Fraud*, 72 ARK. L. REV. 713 (2020).
- Louis W. Hensler, III, *Moses’s Restatement of Torts: Modern Principles of Justice and Efficiency in the Mishpatim*, 44 VT. L. REV. 69 (2019).
- Laura A. Heymann, *Knowing How to Know: Secondary Liability for Speech in Copyright Law*, 55 WAKE FOREST L. REV. 333 (2020).
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- Ridge Howell, *Overlooking Canon: How the Alabama Supreme Court Used a Footnote to Disregard Tribal Sovereign Immunity in Wilkes v. PCI Gaming Authority*, 43 AM. INDIAN L. REV. 437 (2019).
- George Horvath, *Emergent Regulatory Systems and Their Challenges: The Case of Combination Medical Products*, 94 WASH. L. REV. 1697 (2019).
- George Horvath, *Federal District Court Decisions on the Admissibility of Expert Witness Testimony: An Empirical Study and a Revision of the Conventional Narrative in the Toxic Tort Context*, 88 U. CIN. L. REV. 515 (2019).
- Katherine Hubbard, *Breaking the Myths: Pain and Suffering Damage Caps*, 64 ST. LOUIS U. L.J. 289 (2020).
- Benton Hughes, *Revisiting the 1995 Congressional Accountability Act: How Congress Granted Itself Practical Immunity from Sexual Misconduct and Learned to Stop Worrying About Allegations*, 44 LAW & PSYCHOL. REV. 245 (2019-2020).
- Marta Infantino & Weiwei Wang, *Algorithmic Torts: A Prospective Comparative Overview*, 28 TRANSNAT’L L. & CONTEMP. PROBS. 309 (2019).
- Christopher N. Jacovitch, *Conflicts Between Kentucky’s New Tort Reform and the Jural Rights Doctrine*, 107 KY. L.J. 123 (2018-2019).

- Danielle C. Jefferis, *Constitutionally Unaccountable: Privatized Immigration Detention*, 95 IND. L.J. 145 (2020).
- Danielle C. Jefferis, *Delegating Care, Evading Review: The Federal Tort Claims Act and Access to Medical Care in Federal Private Prisons*, 80 LA. L. REV. 37 (2019).
- Austin Johnson, Comment, *Biggert-Waters and Rising Tides: Searching for Enduring Reform to the National Flood Insurance Program in Today's Politics*, 57 HOUS. L. REV. 227 (2019).
- Vincent R. Johnson, *The Importance of Doctor Liability in Medical Malpractice Law: China Versus the United States*, 10 ST. MARY'S J. LEGAL MAL. & ETHICS 2 (2019).
- Gregory R. Jones, *Will the Real Independent Contractor Please Stand Up?* ILL. B.J., July 2020, at 44.
- Alia Kadri, *Settling the Opioid Crisis: A Prescription for Judicial Review of the Opiate Multidistrict Litigation Settlement*, 51 U. TOL. L. REV. 93 (2019).
- Thomas E. Kadri & Kate Klonick, *Facebook v. Sullivan: Public Figures and Newsworthiness in Online Speech*, 93 S. CAL. L. REV. 37 (2019).
- Jeffrey H. Kahn & John E. Lopatka, *Res Ipsa Loquitur: Reducing Confusion or Creating Bias?* 108 KY. L.J. 239 (2019-2020).
- Sarah Kamensky, *Artificial Intelligence and Technology in Health Care: Overview and Possible Legal Implications*, 21 DEPAUL J. HEALTH CARE L. 1 (2020).
- Timothy Lockwood Kelly, *Politics and the Tortured Question of Dignity: Maintaining the Separation of Powers in Times of Emergency*, 91 TEMP. L. REV. 585 (2019).
- Adam Kern, Note, *Taxing Pain and Suffering*, 94 N.Y.U. L. REV. 507 (2019).
- Jay P. Kesan & Carol M. Hayes, *Liability for Data Injuries*, 2019 U. ILL. L. REV. 295.
- Peter Y. Kim, *Where We're Going We Don't Need Drivers: Autonomous Vehicles and AI-Chaperone Liability*, 69 CATH. U. L. REV. 341 (2020).
- Stacy Kochanowski, *Attorney-Client Privilege: Expanding the Crime-Fraud Exception to Intentional Torts*, 67 BUFF. L. REV. 1213 (2019).
- Dana Koerner, *Doctor Roboto: The No-Man Operation*, 51 U. TOL. L. REV. 125 (2019).
- Gerald P. Konkel, David S. Cox, & Christopher Popecki, *Prior Insurance and Non-Cumulation of Liability Conditions Don't Wipe Away Billions in Product Liability Coverage*, 55 TORT TRIAL & INS. PRAC. L.J. 33 (2020).
- Carolyn Kousky & Sarah E. Light, *Insuring Nature*, 69 DUKE L.J. 323 (2019).
- Harold J. Krent, John Etchingham, Alec Kraus, & Katharine Pancewicz, *AI Goes to School – Implications for School District Liability*, 67 BUFF. L. REV. 1329 (2019).
- Benjamin Kurland, *Sovereign Immunity in Cyber Space: Towards Defining a Cyber-Intrusion Exception to the Foreign Sovereign Immunities Act*, 10 J. NAT'L SECURITY L. & POL'Y 255 (2019).
- Andrew Lambert, *Contributing the Crashes: Applying Tort Principles to Certain FAA Proceedings*, 71 ADMIN. L. REV. 1 (2020).
- Amy L. Landers, *Proximate Cause and Patent Law*, 25 B.U. J. SCI. & TECH. L. 329 (2019).
- Stephen D. Lapatin, Brody Karn, & Joseph Staph, *Francis & Mary Marion, Charles & Mary Pinckney, John & Elizabeth Rutledge, James S. Thurmond, & Essie Mae Washington-Williams, Petitioners, v. Sally's Seafood Shack, Inc., Respondent*, 44 TUL. MAR. L.J. 427 (2020).
- Glenn Larkin, Note, *Constitutional Law – A Tale of Two Shootings: Should a Bivens Remedy Be Available When CBP Agents Shoot and Kill Victims on the Mexican Side of the Border?* 42 UALR L. REV. 171 (2019).

Paul B. Larsen, *Commercial Operator Liability in the New Space Era*, 113 AJIL UNBOUND 109 (2019).

Michal Lavi, *Do Platforms Kill?* 43 HARV. J.L. & PUB. POL'Y 477 (2020).

Leading Cases – Constitutional Law – Federalism – State Sovereign Immunity – Structural Inferences – Franchise Tax Board v. Hyatt, 133 HARV. L. REV. 362 (2019).

Leading Cases – Constitutional Law – First Amendment – Freedom of Speech – Retaliatory Arrest – Nieves v. Bartlett, 133 HARV. L. REV. 272 (2019).

Alexander B. Lemann, *Autonomous Vehicles, Technological Progress, and the Scope Problem in Products Liability*, 12 J. TORT L. 157 (2019).

Mark A. Lemley & Mark P. McKenna, *Unfair Disruption*, 100 B.U. L. REV. 71 (2020).

Jill Wieber Lens, *Children, Wrongful Death, & Punitive Damages*, 100 B.U. L. REV. 437 (2020).

Jill Wieber Lens, *Medical Paternalism, Stillbirth, & Blindsided Mothers*, 106 IOWA L. REV. __ (forthcoming 2020).

Jeffrey F. Levine, Alicia M. Cintron, & Kristy L. McCray, *Legal Implications of Conducting Background Checks on Intercollegiate Student Athletes*, 30 MARQ. SPORTS L. REV. 85 (2019).

Saul Levmore, *Richard Posner, the Decline of the Common Law, and the Negligence Principle*, 86 U. CHI. L. REV. 1137 (2019).

Lawrence E. Leykam, *The Viability of the Economic Loss Rule as a Defense to Third Party Claims for Negligent Misrepresentation Against Design Professionals*, 13 J. AM. COLL. CONSTR. LAW. 2 (2019).

Richard P. Limburg, *Pennsylvania Appellate Court Stands Against Treating Lis Pendens as if it Were a Preliminary Injunction*, 48 REAL EST. L.J. 108 (2019).

Alex B. Long, *Cotten v. Wilson: Toward a New Approach in Negligence Cases Involving Suicide*, 86 TENN. L. REV. 795 (2019).

David Louis, *Strict Liability Upon Gunowners (SLUG): A Proposed Balanced Approach*, 51 ST. MARY'S L.J. 479 (2020).

Robert Luskin, *Caring About Corporate "Due Care": Why Criminal Respondeat Superior Liability Outreaches Its Justification*, 57 AM. CRIM. L. REV. 303 (2020).

Vicki Lawrence MacDougall, *The Jury Verdict Favored Helen Palsgraf: A Critique of the Restatement (Third) of PEH and Foreseeability – "What Does It All Mean?"*, 43 OKLA. CITY U. L. REV. 1 (2019).

James A. Macleod, *Ordinary Causation: A Study in Experimental Statutory Interpretation*, 94 IND. L.J. 957 (2019).

Jessica A. Magaldi, Jonathan S. Sales, & John Paul, *Revenge Porn: The Name Doesn't Do Nonconsensual Pornography Justice and the Remedies Don't Offer the Victims Enough Justice*, 98 OR. L. REV. 197 (2020).

Brian Mahoney, Note, *Elias v. Rolling Stone: Small-Group Defamation in an Investigative Age*, 91 TEMP. L. REV. 643 (2019).

Connor Mannion, *Showdown at High Noon: Whether a Person Injured by a "Liberator" 3D-Printed Firearm Can Recover on a Product Liability Claim Under the Third Restatement*, 72 RUTGERS U.L. REV. 543 (2020).

Hafsa S. Mansoor, *Modern Racism but Old-Fashioned IIED: How Incongruous Injury Standards Deny "Thick Skin" Plaintiffs Redress for Racism and Ethnoviolence*, 50 SETON HALL L. REV. 881 (2020).

Gary Marchant & Rida Bazzi, *Autonomous Vehicles and Liability: What Will Juries Do?* 26 B.U. J. SCI. & TECH. L. 67 (2020).

Ryan M. Mardini, *The Quantification of Remediating Change: How the Proliferation of*

Autonomous Vehicles Will Transform Michigan's Insurance Regime, 35 W. MICH. U. T.M. COOLEY L. REV. 193 (2019).

Michael Marin, *Third-Party Liability of Directors and Officers: Reconciling Corporate Personality and Personal Responsibility in Tort*, 42 DALHOUSIE L.J. 335 (2019).

Ryan Martins, Shannon Price, & John Fabian Witt, *Contract's Revenge: The Waiver Society and the Death of Tort*, 41 CARDOZO L. REV. 1265 (2020).

Rachael Marvin, *Liability Not Waived for Lackawanna College: Athletic Programs May Not Disregard Minimal Standards of Care and Safety*, 26 JEFFREY S. MOORAD SPORTS L.J. 365 (2019).

Clayton J. Masterman & W. Kip Viscusi, *The Specific Consumer Expectations Test for Product Defects*, 95 IND. L.J. 183 (2020).

Mariam Matta, *The Alien Tort Statute: Holding U.S. Corporations Accountable*, 47 RUTGERS L. REC. 199 (2019-2020).

Emma D. McBride, Note, *"I'd Like My Eggs Frozen": Negligent Emotional Distress Compensation for Lost Frozen Human Eggs*, 61 B.C. L. REV. 749 (2020).

Taylor McCallman, *The Shadow in the Comments Section: Revealing Anonymous Online Users in the Social Media Age*, 41 CAMPBELL L. REV. 225 (2019).

Morgan A. McCollum, Note, *Local Government Plaintiffs and the Opioid Multi-District Litigation*, 94 N.Y.U. L. REV. 938 (2019).

Benjamin J. McMichael, *Healthcare Licensing and Liability*, 95 IND. L.J. 821 (2020).

Benjamin J. McMichael, *Shifting Liability with Licensing: An Empirical Analysis of Medical Malpractice and Scope-of-Practice Laws*, 12 J. TORT L. 213 (2019).

Chan Tov McNamarah, *White Caller Crime: Racialized Police Communication and Existing While Black*, 24 MICH. J. RACE & L. 335 (2019).

John McNichols & Youlin Yuan, *Transforming Veteran Hiring: The Legal Implications of the Defense Department's "Skillbridge" Program and Hiring Active-Duty Servicemembers as Unpaid Interns*, 34 A.B.A. J. LAB. & EMP. L. 47 (2019).

Amanda McSween, *Client Liability for an Attorney's Torts: An Evolving Problem That Warrants a Modern Solution*, 65 WAYNE L. REV. 637 (2020).

Karen M. Meagher & Paul B. Thompson, *Before We Make a Pig's Ear of It: How North Carolina Hog-Farming Nuisance Suits Provide Context for the Ethics of Gene Editing Livestock*, 97 N.C. L. REV. 1273 (2019).

Marcos Antonio Mendoza, *The Limits of Insurance as Governance: Professional Liability Coverage for Civil Rights Claims Against Public School Districts*, 38 QUINNIPIAC L. REV. 375 (2020).

M.P. Ram Mohan & Els Reynaers, *Right of Recourse Claims Based on Latent Defects in the Nuclear Energy Sector in India: Brace Yourself for Fact-Intensive Disputes*, 15 U. PA. ASIAN L. REV. 284 (2020).

Nicole C.M. Molner, *Negligence and Geospatial Data: A Fair Distribution of Liability*, 46 FLA. ST. U. L. REV. 709 (2019).

Sagit Mor & Rina B. Pikkell, *Disability, Rights, and the Construction of Sexuality in Tort Claims*, 53 LAW & SOC'Y REV. 1016 (2019).

Mayo Moran, *Cardinal Sings: How the Catholic Sexual Abuse Crisis Changed Private Law*, 21 GEO. J. GENDER & L. 95 (2019).

Madeleine K. Morgan, *Revitalizing Louisiana's Lost Chance Doctrine: Burchfield v. Wright Sheds Light on the Need for Medical Expenses*, 80 LA. L. REV. 487 (2020).

Daisuke Mori & Yasuhiro Ikeda, *The Effect of Decoupling Punitive Damages on Filing Lawsuits: Court Error Model of Meritless Lawsuits*, 26 SUPREME CT. ECON. REV. 47 (2019).

Amber N. Morris, *Uber Techs, Uber Tort? The Impact of Transportation Network Companies on Pennsylvania's Choice No-Fault Automobile Insurance System*, 124 PENN. ST. L. REV. 587 (2020).

Cody E. Myers, *Legal Litmus Test: Using Defamation Reform to Determine the Proper Approach for Fixing the Fake News Problem*, 44 U. DAYTON L. REV. 595 (2019).

Mark Nehme, *Cat's Paw Liability: Nine Lives Leads to Identity Crisis*, 42 SETON HALL LEGIS. J. 63 (2019).

Timothy Nicolette, Note, *Williams v. Quest: The South Carolina Supreme Court's Misdiagnosis of Quest Diagnosis as a Health Care Provider and the Poor Prognosis for Plaintiffs in Medical Malpractice*, 13 CHARLESTON L. REV. 393 (2019).

Lars Noah, *Does the U.S. Constitution Constrain State Products Liability Doctrine?* 92 TEMP. L. REV. 189 (2019).

John T. Nockleby, *When Losses Are Too Big: Evaluating the Economic Loss Doctrine in California*, 53 LOY. L.A. L. REV. 409 (2020).

Margaret Nolan, *It Is Not Working: Examining an Employment Law Model for Determining Institutional Liability in Cases of Sexual Assault by Student-Athletes*, 27 JEFFREY S. MOORAD SPORTS L.J. 329 (2020).

Brittany Norman, *Strategic Apologies in Medical Malpractice Litigation*, 20 PEPP. DISP. RESOL. L.J. 60 (2020).

Jackson G. O'Brien, *Your Shipment Has Been Delayed: Liability of Shippers and Carriers for Loading and Securing Cargo in Iowa*, 67 DRAKE L. REV. 283 (2019).

Sean O'Brien, *The Highly Sensitive Person's Redress for Intentional Infliction of Emotional Distress: Utilizing Experts in the Courtroom*, 49 U. MEM. L. REV. 533 (2018-2019).

Benjamin G. Ogden & Keith N. Hylton, *Incentives to Take Care Under Contributory and Comparative Fault: The Role of Strategic Complementarity*, 61 INT'L REV. L. & ECON. 1 (2020).

Peter C. Ormerod, *A Private Enforcement Remedy for Information Misuse*, 60 B.C. L. REV. 1893 (2019).

Milton D. Ottensoser, *Fifty Years Since the Brussels Conference on Marine Pollution*, 27 N.Y.U. ENVTL. L.J. 299 (2019).

Holli B. Packer, *Thank You for Your Service: The Supreme Court Fabricates New Standard for Maritime Product Liability in Air & Liquid Systems Corp. v. Devries*, 44 TUL. MAR. L.J. 371 (2020).

Sean A. Pager & Eric Priest, *Redeeming Globalization Through Unfair Competition Law*, 41 CARDOZO L. REV. 2435 (2020).

Chassen Palmer, *Celebrity Privacy: How France Solves Privacy Problems Celebrities Face in the United States*, 50 CAL. W. INT'L L.J. 245 (2019).

Frank Pasquale, *Data-Informed Duties in AI Development*, 119 COLUM. L. REV. 1917 (2019).

Dhruti J. Patel, *Policing Corporate Conduct Toward Minority Communities: An Insurance Law Perspective on the Use of Race in Calculating Tort Damages*, 53 U. MICH. J.L. REFORM 227 (2019).

Francesco Paolo Patti, *The European Road to Autonomous Vehicles*, 43 FORDHAM INT'L L.J. 125 (2019).

Robert D. Peltz, *The Eleventh Circuit Gives Carriers a Get Out of Jail Free Card – Why It Got Pizzino Wrong*, 44 TUL. MAR. L.J. 63 (2019).

Steven B. Perlmutter, *High Times Ahead: Products Liability in Medical Marijuana*, 29 HEALTH MATRIX 225 (2019).

Ronen Perry, *Civil Liability for Cyberbullying*, 10 U.C. IRVINE L. REV. 1219 (2020).

James E. Pfander, *Dicey's Nightmare: An Essay on the Rule of Law*, 107 CALIF. L. REV. 737 (2019).

James E. Pfander, Alexander A. Reinert, & Joanna C. Schwartz, *The Myth of Personal Liability: Who Pays When Bivens Claims Succeed*, 72 STAN L. REV. 561 (2020).

Elizabeth Walsh Pittman, *Your Bank May Be an International Terrorist*, GPSOLO, Sept./Oct. 2019, at 68.

Andrew F. Popper, *Rethinking Feres: Granting Access to Justice for Service Members*, 60 B.C. L. REV. 1491 (2019).

Harlan I. Prater, IV, Jeffrey P. Doss, Bridget E. Harris, & Amber N. Hall, *Solely a Savings Clause, Not an Exception: Keeping the Alabama Innocent Seller Act as Intended by the Legislature*, 71 ALA. L. REV. 561 (2019).

Michael Pressman, *Calculating Compensation Sums for Private Law Wrongs: Underlying Imprecisions, Necessary Questions, and Toward a Plausible Account of Damages for Lost Years of Life*, 53 U. MICH. J.L. REFORM 597 (2020).

Dan Priel, *Structure, Function, and Tort Law*, 13 J. TORT L. 31 (2020).

Katherine Prudente, *Another One Bites the Dust: The Supreme Court of Pennsylvania Continues to Narrow the Means of Recovery by Employers in Workers' Compensation Subrogation in Hartford Insurance Group on Behalf of Chen ex rel v. Kamara*, 64 VILL. L. REV. TOLLE LEGE 63 (2020).

Isaac Ramsey, *Hidden Renvoi: The Search for Corporate Liability in Alien Tort Statute Litigation*, 107 CALIF. L. REV. 2071 (2019).

Omri Rachum-Twaig, *Whose Robot Is It Anyway?: Liability for Artificial-Intelligence-Based Robots*, 2020 U. ILL. L. REV. 1141.

Gabriel Rauterberg, *The Essential Roles of Agency Law*, 118 MICH. L. REV. 609 (2020).

D. Theodore Rave, *Tort Claims as Property Rights*, 69 DEPAUL L. REV. 587 (2020).

Recent Cases. *Civil Rights Litigation – Qualified Immunity – Third Circuit Holds Law Is Not Clearly Established One or Two Days After a Decision.* – Bryan v. United States, 913 F.3d 356 (3d Cir. 2019), 133 HARV. L. REV. 1484 (2020).

Recent Cases. *Cyberlaw – Data Breach Litigation – D.C. Circuit Holds That Heightened Risk of Future Injury Can Constitute an Injury in Fact for Article III Standing* – In re U.S. Office of Personnel Management Data Security Breach Litigation, 928 F.3d 42 (D.C. Cir. 2019), 133 HARV. L. REV. 1095 (2020).

Recent Cases. *International Law – Act of State Doctrine – Second Circuit Holds That Acts of Genocide by Sudanese Government Are Not Afforded Act of State Doctrine Deference* – Kashef v. BNP Paribas S.A., 925 F.3d 53 (2d Cir. 2019), 133 HARV. L. REV. 1103 (2020).

Andrea Reed, *Space, the Final Frontier for Negligence Suits – Why Commercial Space Operators Should be Liable for Personal Injuries to Space Flight Participants*, 84 J. AIR L. & COMMERCE 477 (2019).

Jason Reinecke, Note, *Lost Profits Damages for Multicomponent Products: Clarifying the Debate*, 71 STAN. L. REV. 1621 (2019).

Alexander A. Reinert, *Supervisory Liability and Ashcroft v. Iqbal*, 41 CARDOZO L. REV. 945 (2020).

Doug Rendleman, *The Defamation Injunction Meets the Prior Restraint Doctrine*, 56 SAN DIEGO L. REV. 615 (2019).

Dorit Rubinstein Reiss & John Diamond, *Measles and Misrepresentation in Minnesota: Can There Be Liability for Anti-Vaccine Misinformation That Causes Bodily Harm?* 56 SAN DIEGO L. REV. 531 (2019).

Willy E. Rice, *Cyber-Technology Torts and Insurers' Ambiguous Obligations to Defend Professionals and Business Entities Under Evolving Cyber-Insurance Contracts: Statistics and Legal Inferences From Traditional Insurers' Declaratory Judgments, 1940-2019*, 24 U.S.F. INTELL. PROP. & TECH. L.J. 1 (2019).

Michelle L. Richards, *Pills, Public Nuisance, and Parens Patriae: Questioning the Propriety of the Posture of the Opioid Litigation*, 54 U. RICH. L. REV. 405 (2020).

Douglas R. Richmond, *A Liability Insurer's Breach of the Duty to Defend and the Often Erroneous Consequence of Extracontractual Liability*, 122 W. VA. L. REV. 211 (2019).

Whitney L. Robinson, *Hazed and Confused: Overcoming Roadblocks to Liability by Clarifying a Duty of Care Through a Special Relationship Between a National Greek Life Organization and Local Chapter Members*, 49 U. MEM. L. REV. 485 (2018-2019).

W. Keith Robinson, *Using Interactive Inventions*, 69 DEPAUL L. REV. 95 (2019).

Alessandro Romano, Luca Enriques, & Jonathan R. Macey, *Extended Shareholder Liability for Systemically Important Financial Institutions*, 69 AM. U. L. REV. 967 (2020).

Rachel Rothberg, Note, *Risky Business: Holding Hotels Accountable for Sex Trafficking*, 38 Yale L. & Pol'y Rev. 265 (2019).

Rachel Rothschild, Note, *State Nuisance Law and the Climate Change Challenge to Federalism*, 27 N.Y.U. ENVTL. L.J. 412 (2019).

Christine Rua, *Lawyers for #UsToo: An Analysis of the Challenges Posed by the Contingent Fee System in Tort Cases for Sexual Assault*, 51 COLUM. HUM. RTS. L. REV. 723 (2020).

Jason R. Sakis & Daniel B. Kennedy, *Compensation for Resident-to-Resident Attacks in Senior Living Facilities*, 27 ELDER L.J. 297 (2019).

Michael J. Saks & Stephan Landsman, *The Paradoxes of Defensive Medicine*, 30 HEALTH MATRIX 25 (2020).

Fernando C. Saldivar, S.J., *An Oasis in the Human Rights Litigation Desert? A Roadmap to Using California Code of Civil Procedure Section 354.8 as a Means of Breaking Out of the Alien Tort Statute Straitjacket*, 51 COLUM. HUM. RTS. L. REV. 507 (2020).

Nadia N. Sawicki, *The Conscience Defense to Malpractice*, 108 CALIF. L. REV. 1255 (2020).

Shelley Ross Saxer, *Paying for Disasters*, 68 U. KAN. L. REV. 413 (2020).

Michael B. Scallan, Note, *Painkillers for Profit Gains: How the Ninth Circuit's Revival of Dent v. NFL Could Hold the League Liable for Long-Term Injuries Caused by Its Administration of Painkillers*, 46 S.U. L. REV. 325 (2019).

Rebecca L. Scharf, *Drone Invasion: Unmanned Aerial Vehicles and the Right to Privacy*, 94 IND. L.J. 1065 (2019).

Andrew Y. Schiefer, Note, *Robbing the Grave: Amending the Uniform Anatomical Gift Act to Curtail Abuses Within the Whole-Body Donation Industry*, 29 HEALTH MATRIX 371 (2019).

Joseph A. Schremmer, *Getting Past Possession: Subsurface Property Disputes as Nuisances*, 95 WASH. L. REV. 315 (2020).

Victor E. Schwartz & Christopher E. Appel, *Restating or Reshaping the Law?: A Critical Analysis of the Restatement of the Law, Liability Insurance*, 22 U. PA. J. BUS. L. 718 (2020).

Kara D. Schwee, *Red Sky at Morning: A Look at Responsible Corporate Officer Liability for Cyber Breaches*, 45 J. CORP. L. 787 (2020).

Boaz Segal, *Practical Alternatives to the Rule of Joint and Several Liability: Regulatory*

Negligence as a Case Study, 27 BUFF. ENVTL. L.J. 1 (2019-2020).

Andrew D. Selbst, *Negligence and AI's Human Users*, 100 B.U. L. REV. 1315 (2020).

Elizabeth Sepper, *A Missing Piece of the Puzzle of the Dignitary Torts*, 104 CORNELL L. REV. ONLINE 70 (2019).

Henna J. Shah, *Space Tort(e): A Not So Delightful Dessert for Private Astronauts*, 10 WAKE FOREST J.L. & POL'Y 331 (2020).

Matthew A. Shapiro, *The Indignities of Civil Litigation*, 100 B.U. L. REV. 501 (2020).

Mika Sharpe, *Products Liability in the Digital Age: Liability of Commercial Sellers of CAD Files for Injuries Committed With a 3D-Printed Gun*, 68 AM. U. L. REV. 2297 (2019).

Amy Elizabeth Shehan, *Amazon's Invincibility: The Effect of Defective Third-Party Vendors' Products on Amazon*, 53 GA. L. REV. 1215 (2019).

Yehonatan Shiman, *Perverting Incentives When the Priceless Is Not Compensable: Victims' Subjective Value in Negligence*, 122 W. VA. L. REV. 447 (2019).

D'Andra Millsap Shu, *When Food Is a Weapon: Parental Liability for Food Allergy Bullying*, 103 MARQ. L. REV. 1465 (2020).

Samuel E. Simpson, *Microchipping Employees and Privacy Implications – Does My Boss Know Where I Am Right Now?* 20 MARQ. BEN. & SOC. WELFARE L. REV. 279 (2019).

Gregory C. Sisk, *The Peculiar Obstacles to Justice Facing Federal Employees Who Survive Sexual Violence*, 2019 U. ILL. L. REV. 269 (2019).

Brent Skorup & Jennifer Huddleston, *The Erosion of Publisher Liability in American Law, Section 230, and the Future of Online Curation*, 72 OKLA L. REV. 635 (2020).

Hilary Silvia & Nanci K. Carr, *When Worlds Collide: Protecting Physical World Interests Against Virtual World Malfeasance*, 26 MICH. TECH. L. REV. 279 (2020).

Katie Sinclair, *Water, Water Everywhere, Communities on the Brink: Retreat as a Climate Change Adaptation Strategy in the Face of Floods, Hurricanes, and Rising Seas*, 46 ECOLOGY L.Q. 259 (2019).

Andrea Slaughter, *Standard of Care: Strict Liability, Negligence, or Contract Law?* 31 U.S.F. MAR. L.J. 37 (2018-2019).

MaryJo Smart, *The Route 91 Harvest Festival Shooting: How MGM Is Attempting to Escape Liability*, 51 U. PAC. L. REV. 179 (2019).

Bryant Walker Smith & Andrey Neznamov, *It's Not the Robot's Fault!: Russian and American Perspectives on Responsibility for Robot Harms*, 30 DUKE J. COMP. & INT'L L. 143 (2019).

Noah Smith-Drelich, *Performative Causation*, 93 S. CAL. L. REV. 379 (2020).

Doori C. Song, *U.S. Corporate Liability Under the Alien Tort Statute After Jesner v. Arab Bank, PLC*, 21 OR. REV. INT'L L. 1 (2020).

Steven E. Spires, *Misuse of the "Reasonably Anticipated Use" Standard in Louisiana Products Liability Act Jurisprudence*, 80 LA. L. REV. 573 (2020).

Robert Sprague, *It's a Jungle Out There: Public Policy Considerations Arising From a Liability-Free Amazon.com*, 60 SANTA CLARA L. REV. 253 (2020).

Stephen J. Spurr, *The Effects of Subrogation on Personal Injury Litigation and Deterrence of Tortfeasors*, 54 TORT TRIAL & INS. PRAC. L.J. 867 (2019).

Anna Stapleton, *In Defense of the Hare: Primary Jurisdiction Doctrine and Scientific Uncertainty in State-Court Opioid Litigation*, 86 U. CHI. L. REV. 1697 (2019).

State Constitutional Law – Constitutional Torts – Second Circuit Rules State Constitutional Torts Not Cognizable Under the Federal Tort Claims Act – Hernandez v. United States, 939 F.3d 191 (2d Cir. 2019), 133 HARV. L. REV. 2180 (2020).

Jeffrey W. Stempel & Erik S. Knutsen, *Protecting Auto Accident Victims From the UM/UIM Insurer Identity Crisis*, 26 CONN. INS. L.J. 1 (2019).

Rafael Bassi Stern & Joseph Born Kadane, *Indemnity for a Lost Chance*, 18 LAW, PROB. & RISK 115 (2019).

Hayley Stillwell, *Is Barrios the Death Knell of Bosh Claims? The Sovereign Immunity Battle Between the Oklahoma Supreme Court and Legislature Over Constitutional Torts*, 72 OKLA. L. REV. 341 (2020).

Paul Strickland, *The Market for Torts: An Imperfect Alternative*, 9 U.C. IRVINE L. REV. 1289 (2019).

Stephen D. Sugarman, *Justice Roger J. Traynor, Pragmatism, and the Current California Supreme Court*, 71 HASTINGS L.J. 975 (2020).

Sarah L. Swan, *Aiding and Abetting Matters*, 12 J. TORT L. 255 (2019).

Megan Sword, *To Err Is Both Human and Non-Human*, 88 UMKC L. REV. 211 (2019).

Zahra Takhshid, *Retrievable Images on Social Media Platforms: A Call for a New Privacy Tort*, 68 BUFF. L. REV. 139 (2020).

Cristina Carmody Tilley, *(Re)Categorizing Defamation*, 94 TUL. L. REV. 435 (2020).

Cristina Carmody Tilley, *The Tort of Outrage and Some Objectivity About Subjectivity*, 12 J. TORT L. 283 (2019).

Jeff Todd, *A “Sense of Equity” in Environmental Justice Litigation*, 44 HARV. ENVTL. L. REV. 169 (2020).

Travis M. Trimble, *Environmental Law*, 70 MERCER L. REV. 1007 (2019).

Christian Turner & Justin C. Van Orsdol, *The Gun Subsidy*, 68 BUFF. L. REV. 1117 (2020).

Edmund Ursin, *Roger Traynor, the Legal Process School, and Enterprise Liability*, 71 HASTINGS L.J. 1101 (2020).

Sara Valentine, *Voluntarily Stopping Eating and Drinking as a Viable End-of-Life Option in Ohio*, 47 CAP. U. L. REV. 817 (2019).

Sean Valentine, *Geophysical Trespass, Privacy, and Drones in Oil and Gas Exploration*, 84 J. AIR L. & COMMERCE 507 (2019).

Jeffrey A. Van Detta, *Suing Sponsors of Terrorism in U.S. Courts: Rubin v. Islamic Republic of Iran and Jesner v. Arab Bank, PLC: SCOTUS Trims to Statutory Boundaries the Recovery in U.S. Courts Against Sponsors of Terrorism ad Human-Rights Violations Under FISA and ATS*, 29 IND. INT’L & COMP. L. REV. 303 (2019).

Cecilia G. Vazquez, *The Sharing Revolution: Changing Times Call for Clarifying Tort Liability*, 80 LA. L. REV. 623 (2020).

Stephen I. Vladeck, *Constitutional Remedies in Federalism’s Forgotten Shadow*, 107 CAL. L. REV. 1043 (2019).

Ari Ezra Waldman, *Privacy’s Law of Design*, 9 U.C. IRVINE L. REV. 1239 (2019).

Charles D. Wallace, *When (and Why) the Levee Breaks: A Suggested Causation Framework for Takings Claims That Arise From Government-Induced Flooding*, 61 WM. & MARY L. REV. 603 (2019).

Michael Walsh & Patrick Larkin, *PFAS: Ubiquitous and Persistent Chemicals: Assessing Liability and Allocating Risk; Applying Lessons Learned in Industry-Wide Litigation*, 49 TEX. ENVTL. L.J. 231 (2019).

Gerhard Wagner, *Robot, Inc.: Personhood for Autonomous Systems?* 88 FORDHAM L. REV. 591 (2019).

Weiwei Wang, *Tort Law in China*, 77 JUS GENTIUM 75 (2020).

Yongxia Wang, *Borrowing American Ideas to Improve Chinese Tort Law*, 51 ST. MARY'S L.J. 471 (2020).

Tyler Watson, *Maximizing the Value of America's Newest Resource, Low-Altitude Airspace: An Economic Analysis of Aerial Trespass and Drones*, 95 IND. L.J. 1399 (2020).

Courtney A. Way, *[Auto-Reply] I'm Driving—I'll Get Back to You Later: Why New York Should Recognize Texters as Co-Creators of Risk*, 68 BUFF. L. REV. 709 (2020).

Brittany Wiegand, Note, "Like Mean Girls, But Everyone Is Eighty": A Solution for Elder Bullying, 27 ELDER L.J. 379 (2019).

Heidi R. Weimer, *Up the Ethical Creed Without a Paddle: How Impossible Demands on Plaintiffs' Attorneys in the Flint Water Crisis Class Actions Demonstrate the Need to Redefine Ethical Duties in Mass Tort Cases*, 33 GEO. J. LEGAL ETHICS 855 (2020).

Merle H. Weiner, *Civil Recourse Insurance: Increasing Access to the Tort System for Survivors of Domestic and Sexual Violence*, 62 ARIZ. L. REV. __ (forthcoming 2020).

Michael L. Wells, *The Role of Fault in § 1983 Municipal Liability*, 71 S.C. L. REV. 293 (2019).

W. Bradley Wendel, *Technological Solutions to Human Error and How They Can Kill You: Understanding the Boeing 737 Max Products Liability Litigation*, 84 J. AIR L. & COMMERCE 379 (2019).

Andrew White, *Perpetuating Injustice: Analyzing the Maryland Court of Appeals's Refusal to Change the Common Law Doctrine of Contributory Negligence*, 78 MD. L. REV. 1042 (2019).

Mark L. Wilde, *Railway Sparks: Technological Development and the Common Law*, 59 AM. J. LEG. HIST. 444 (2019).

Christopher L. Williams, *Injured Victims and Robbed Spouses: Reconciling Tort Awards With the Community Property System*, 61 ARIZ. L. REV. 403 (2019).

Alexandra Willingham, *Opening the Door: Expanding Redress for Sexual Assault Through Fraternity Insurance*, 72 STAN. L. REV. 1717 (2020).

Phillips Workman, *Dust in the Wind: Revisiting Georgia's Refusal to Extend Liability to Employers in Take-Home Asbestos Litigation*, 53 GA. L. REV. 1169 (2019).

Margaret Wykowski, *Clarifying Washington's Approach to the Independent Duty Doctrine*, 95 WASH. L. REV. 1091 (2020).

Sharon Yamen, Nanci K. Carr, & Aaron Bartholomew, *Am I My Brother's Keeper? How Technology Necessitates Reform of the Lack of Duty to Rescue or Duty to Report Laws in the United States*, 28 B.U. PUB. INT'L L.J. 117 (2019).

Brian Yost, Note, *Enforcing Digital Privacy*, 33 HARV. J.L. & TECH. 311 (2019).

Carleen M. Zubrzycki, *Punitive Damages in an Era of Consolidated Power*, 98 N.C. L. REV. 315 (2020).

Selected Commonwealth Scholarship

Haim Abraham, *Tort Liability for Belligerent Wrongs*, 39 OXFORD J. LEG. STUD. 808 (2019).

Nayha Acharya, *No More Chances for Lost Chances: A Weinribian Response to Weinrib*, 12 MCGILL J.L. & HEALTH 205 (2019).

Alan Dignam & Peter B. Oh, *Disregarding the Salomon Principle: An Empirical Analysis, 1885-2014*, 39 OXFORD J. LEG. STUD. 16 (2019).

Daniel Hemel & Ariel Porat, *Free Speech and Cheap Talk*, 11 J. LEGAL ANALYSIS 46 (2019).

Aiden Lerch & Yvonne Apolo, *Re-Examining Miller v. Miller: A Search for Rationality and Coherence in Australia's Illegality Defence*, 25 TORTS L.J. 219 (2020).

Abdul Majid, Sri Yogamalar, Audrey Kim Lan Siah, Jane L. Terpstra-Tong, & Luc Borrowman, *A New Chapter in the Law of Sexual Harassment in Malaysia: The Emergence of the Torts of Harassment and Sexual Harassment*, 48 COMMON L. WORLD REV. 191 (2019).

Nicholas McBride, Book Review, *Scholars of Tort Law*, 79 CAMBRIDGE L.J. 183 (2020).

Jojo Y.C. Mo, *In Search of a Privacy Action Against Breaches of Physical Privacy in Hong Kong*, 4 COMMON L. WORLD REV. 225 (2019).

John Murphy, *The Heterogeneity of Tort Law*, 39 OXFORD J. LEG. STUD. 455 (2019).

John Murphy, *Malice as an Ingredient of Tort Liability*, 78 CAMBRIDGE L.J. 355 (2019).

Omer Y. Pelled, *The Proportional Internalization Principle in Private Law*, 11 J. LEGAL ANALYSIS 160 (2019).

Pauline Ridge & Joachim Dietrich, *Challenging Conceptions of Accessory Liability in Private Law*, 78 CAMBRIDGE L.J. 383 (2019).

Ellen Rock, *Misfeasance in Public Office: A Tort in Tension*, 43 MELB. U.L. REV. 337 (2019).

Steven Shavell, *The Mistaken Restriction of Strict Liability to Uncommon Activities*, 10 J. LEG. ANALYSIS 1 (2019).

Warren Swain, *A Historical Examination of Vicarious Liability: A "Veritable Upas Tree"?*, 78 CAMBRIDGE L.J. 640 (2020).

Karen Venter, *A Moment's Inadvertence Should Not Bring Down the Heavens*, 51 VICT. U. WELLINGTON L. REV. 127 (2020).

Recent Tort Law Book Chapters

Yuval Blankovsky, *A Silent Revolution: The Talmudic Discussion of Tort Law*, in *READING TALMUDIC SOURCES AS ARGUMENTS* 20 (2020).

Christine A. Corcos, *Teaching Defamation and Invasion of Privacy Torts With Popular Culture*, in *THE MEDIA METHOD* (Christine A. Corcos, ed. 2019).

Richard J. Peltz-Steele, *Torts Through the Looking Glass*, in *THE MEDIA METHOD* (Christine A. Corcos, ed. 2019).

Matthew A. Shapiro, *Civil Wrongs and Civil Procedure*, in *CIVIL WRONGS AND JUSTICE IN PRIVATE LAW* 87 (Paul B. Miller & John Oberdiek, eds. 2020).

Kenneth W. Simons, *The Hegemony of the Reasonable Person in Anglo-American Tort Law*, in *OXFORD STUDIES IN PRIVATE LAW THEORY* (Paul Miller & John Oberdiek, eds. 2020).

Recent Tort Law Books – U.S. and International

JAMIE R. ABRAMS, *TORT LAW SIMULATIONS: A BRIDGE TO PRACTICE* (2020).

CAROL BERMINGHAM & VERA BRENNAN, *TORT LAW DIRECTIONS* (2020).

DONALD H. BESKIND & DORIANE L. COLEMAN, *TORTS: DOCTRINE AND PROCESS* (2020).

SIR ANDREA BOGGIO, *COMPENSATING ASBESTOS VICTIMS: LAW AND THE DARK SIDE OF INDUSTRIALIZATION* (2020).

CHERIE BOOTH, DUNCAN FAIRGRIEVE, & DAN SQUIRES, *THE NEGLIGENCE LIABILITY OF PUBLIC AUTHORITIES* (2d ed. 2019).

ROGER CALDWELL, *EMERALD GUIDE TO LAW OF TORT: REVISED EDITION 2020* (2020).

DOUGLAS LEE DONOHNO, *THE MODERN LAW OF TORTS: A CONTEMPORARY APPROACH* (2020).

SANMEET KAUR DUA & CHRIS TURNER,
UNLOCKING TORTS (5th ed. 2020).

DAVID M. ENGEL & MICHAEL MCCANN, FAULT
LINES: TORT LAW AS CULTURAL PRACTICE
(2020).

RICHARD EPSTEIN & CATHERINE SHARKEY,
CASES AND MATERIALS ON TORTS (12th ed.
2020).

DUNCAN FAIRGRIEVE & RICHARD S.
GOLDBERG, PRODUCT LIABILITY (3d ed. 2020).

WARD FARNSWORTH & MARK F. GRADY,
TORTS: CASES AND QUESTIONS (3d ed. 2019).

ROBERT L. GARDANA, DAMAGES
RECOVERABLE IN MARITIME MATTERS (2d ed.
2020).

JOHN GARDNER, TORTS AND OTHER WRONGS
(2020).

MARK GEISTFELD, PRINCIPLES OF PRODUCT
LIABILITY (3d ed. 2020).

JOSEPH W. GLANNON, THE LAW OF TORTS:
EXAMPLES AND EXPLANATIONS (6th ed. 2020).

JOHN C.P. GOLDBERG & BENJAMIN C.
ZIPURSKY, RECOGNIZING WRONGS (2020).

JAMES GOUDKAMP & DONAL NOLAN,
CONTRIBUTORY NEGLIGENCE IN THE TWENTY-
FIRST CENTURY (2019).

JAMES GOUDKAMP & DONAL NOLAN,
CONTRIBUTORY NEGLIGENCE: PRINCIPLES AND
PRACTICE (2019).

RICHARD L. HASEN, GLANNON GUIDE TO
TORTS: LEARNING TORTS THROUGH MULTIPLE-
CHOICE QUESTIONS AND ANALYSIS (4th ed.
2020).

KIRSTY HORSEY & ERIKA RACKLEY, KINDER'S
CASEBOOK ON TORTS (15th ed. 2019).

KIRSTY HORSEY & ERIKA RACKLEY, TORT LAW
(6th ed. 2019).

VINCENT R. JOHNSON, ADVANCED TORT LAW:
A PROBLEM APPROACH (3d ed., Carolina
Academic Press, 2020).

EDWARD J. KIONKA, TORTS IN A NUTSHELL (7th
ed. 2020).

PETER B. KUTNER, KUTNER'S ADVANCED
TORTS IN A NUTSHELL (2020).

ALEXANDRA LAHAV, IN PRAISE OF LITIGATION
(2019).

LARRY LEVINE, LEVINE'S SUM AND SUBSTANCE
AUDIO ON TORTS (5th ed. 2019).

CLAUDIO LOMBARDO, CAUSATION IN
COMPETITION LAW DAMAGES ACTIONS (2020).

ALEX B. LONG & MEREDITH J. DUNCAN,
ADVANCED TORTS: A CONTEXT AND PRACTICE
CASEBOOK (2d ed., Carolina Academic Press
2020).

JULIA MARCO, RIZZI MARCO, & KATE DAVID
OFFER, CONNECTING WITH TORT LAW (2020).

PAUL B. MILLER & JOHN OBERDIEK, CIVIL
WRONGS AND JUSTICE IN PRIVATE LAW (2020).

EMILY LYNCH MORISSETTE, PERSONAL INJURY
AND THE LAW OF TORTS FOR PARALEGALS (5th
ed. 2020).

RACHAEL MULHERON, PRINCIPLES OF TORT
LAW (2d ed 2020).

MEREDITH MULLER, ESSENTIAL ELEMENTS:
CONTRACTS, TORTS, AND CRIMINAL LAW
(2019).

SHELDON H. NAHMOD, MICHAEL L. WELLS, &
FRED SMITH, JR., CONSTITUTIONAL TORTS (5th
ed., Carolina Academic Press 2020).

NEGLIGENCE: PURPOSE, ELEMENTS, AND
EVIDENCE: THE ROLE OF FORESEEABILITY IN
THE LAW OF EACH STATE (Viki L. MacDougall,
Gregg Luther, & Lee F. Peoples eds. 2020).

DAVID G. OWEN & MARY J. DAVIS, PRODUCTS
LIABILITY & SAFETY: CASES AND MATERIALS

(8th ed. 2020) (with accompanying digital 2020 statutory supplement).

MALABIKA PAL, ECONOMIC ANALYSIS OF TORT LAW: THE NEGLIGENCE DETERMINATION (2020).

R. KEITH PERKINS, DOMESTIC TORTS: CIVIL ACTIONS ARISING FROM CRIMINAL CONDUCT WITHIN FAMILY RELATIONSHIPS (2d ed. 2020).

TRISHA T. PRITKIN, KAREN DORN STEELE, RICHARD C. EYMANN, & TOM H. FOULDS, THE HANFORD PLAINTIFFS: VOICES FROM THE FIGHT FOR ATOMIC JUSTICE (2020).

GEOFFREY C. RAPP, TORT LAW IN FOCUS (2020).

BRADLEY D. REMICK, PENNSYLVANIA PRODUCTS LIABILITY (5th ed. 2020).

JAMES J. RIGOS, LAW SCHOOL AND UBE TORTS PRIMER (2020).

KYNDRA MILLER ROTUNDA, CIVIL PROTECTIONS AND REMEDIES FOR SERVICEMEMBERS (2020).

ANDREW SCHOLZ & COURTNEY WARD-REICHARD, MASS TORTS IN THE UNITED STATES (2020).

VICTOR E. SCHWARTZ, KATHRYN KELLY, & DAVID F. PARTLETT, PROSSER, WADE, SCHWARTZ, KELLY, AND PARTLETT'S TORTS, CASES AND MATERIALS (14th ed., West Academic 2020).

YUVAL SINAI & BENJAMIN SHUMELI, MAIMONIDES AND CONTEMPORARY TORT THEORY: LAW, RELIGION, ECONOMICS, AND MORALITY (2020).

STEPHEN A. SMITH, RIGHTS, WRONGS, AND INJUSTICES: THE STRUCTURE OF REMEDIAL LAW (2020).

STUART M. SPEISER, CHARLES F. KRAUSE, & ALFRED W. GANS, THE AMERICAN LAW OF TORTS: VOLS. 8A, 9 (2020).

WILLIAM P. STATSKY, TORTS: PERSONAL INJURY LITIGATION (6th ed., Carolina Academic Press 2019).

DOMINICK VETRI, LAWRENCE C. LEVINE, JOAN E. VOGEL, IBRAHIM J. GASSAMA, & CAROL M. SUZUKI, TORT LAW AND PRACTICE (6th ed., Carolina Academic Press 2020).

In Memoriam

FRANCIS MCGOVERN

(from the Washington Post)

Francis Edward McGovern II passed away unexpectedly on February 14, 2020, at age 74. Francis's birth in Albemarle County, Virginia marked his family's sixth generation. Francis graduated from Yale University and the University of Virginia School of Law, and served his country as a Captain in the U.S. Marine Corps.

A widely revered and innovative legal scholar and gifted teacher, Francis was a tenured Professor of Law at Duke University and Associate Professor at The University of California Hastings College of Law and taught in various capacities at dozens of law schools nationally and internationally. He was a prolific author in leading legal publications, highlighting his innovative and insightful approaches to the practical application of the law and strategic thinking. Not only were students broadened and enriched by Francis, but throughout the United States and abroad Francis worked with esteemed members of the federal and state judiciaries, mediators, and attorneys, helping them apply and improve the law to resolve intractable problems with creative solutions.

Francis was a frequent lecturer or moderator at professional conferences and also served on dozens of legal and university boards and committees, serving as President of the academy of Court-Appointed Masters as well as numerous settlement trust or compensation centers and institutes. As a court-appointed special master or neutral expert, Francis

developed innovative and lasting solutions in most of the significant US mass-claim litigation, including the DDT toxic exposure litigation, Dalkon-Shield controversy, and silicone gel breast implant litigation. More recently, Francis was serving as the special master addressing abatement of mold in New York public housing, and global settlement efforts to address the national opioid crisis.

ALAN CALNAN

(from Debbie Leathers,
Associate Dean, Southwestern Law School)

In the words of Dean Susan Prager, “Though he had been teaching Southwestern students for 30 years, Alan Calnan always seemed, and was, young and vibrant. He lived and breathed torts. He was an accomplished, well-cited scholar and, as many of you know so well, he was a pathbreaking, creative teacher, one who encouraged his colleagues to see technology as opening new avenues for effective teaching. Many of you were pioneers with him in the classroom.”

“At the Southwestern Law Review’s request, Professor Calnan in close collaboration with his friend and colleague Professor Byron Stier and students put together one of the most extraordinary symposium days that I have ever experienced. It was the inaugural public event for the Panish Civil Justice Program. I will always remember him as he was that day beaming with pride and excitement. But that is actually the way Alan Calnan always seemed, exuding energy and enthusiasm. The written issue from the conference was destined to be one of the most significant in the history of our law review, and it now takes on added significance for Southwestern.”

PIERRE WIDMER

(from the European Group on Tort Law)

On 13 May 2020, Pierre Widmer passed away at the age of 82. A native of Berne (Switzerland), he studied law at the University of Berne, where

he also served as a university assistant from 1965 to 1973 with Professor Hans Merz, interrupted by one year of research at Unidroit in Rome. He subsequently served at the Swiss Federal Office of Justice for seventeen years, first as a staff legal advisor, then as a deputy-director, where he was in charge of legislative projects in private national and international law. In 1990, he became the director of the Swiss Institute of Comparative Law in Lausanne, retiring in 2003.

From 1981 to 2001, Pierre lectured tort law at the University of St. Gallen, where he was awarded a titular professorship in 1986. He also taught at the universities of Zurich and Lucerne. He was a member and chair of various Swiss and international expert commissions, including at the Council of Europe, UNCITRAL and Unidroit, of whose Governing Council he was a member from 2004 to 2009 and an honorary member thereafter.

Pierre became one of the first members of the European Group on Tort Law in 1993. From 1999 to 2011, he chaired the Supervisory Board of the European Centre of Tort and Insurance Law (ECTIL), whose honorary member he was.

In addition to a wide range of publications, one of his many outstanding contributions to the research and practice of tort law was his co-authorship of the internationally acclaimed draft of a comprehensive reform and unification of Swiss tort law (1988-2000, together with Pierre Wessner). His excellence was acknowledged *inter alia* by the Great Walter Hug Award (1996) and an honorary doctorate at the University of Berne (2006).

The European Group on Tort Law has lost one of its founding members, a brilliant scholar, and a dear friend.