

# Torts and Compensation Systems Section

## Annual Newsletter

December 2022

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Special thanks to the research team at the University of Georgia School of Law for assistance in compiling this newsletter.

### Annual Meeting Programs

#### Torts and Compensation Section Awards

**January 5, 2023**  
**12:00 – 1:00 PM**

John C.P. Goldberg, Harvard Law School

Benjamin C. Zipursky, Fordham University School of Law

#### Torts and Compensation Section Program

##### Opioid Litigation: The Good, The Bad, and The Ugly

**January 5, 2023**  
**3:00 – 4:40 PM**

*Section Business Meeting to follow*

The nationwide wave of lawsuits against opioid manufacturers, distributors, and retailers is, arguably, the most significant litigation phenomenon of the 21st century. Opioid

legislation includes many features that are now familiar to observers of mass torts: multi-district class-action litigation, government-entity plaintiffs, corporate bankruptcy, and eye-popping settlements. This session will offer a brief analysis of the current state of opioid litigation. Panelists and session attendees will then share their views on the success of this litigation as a response to the opioid crisis and discuss general lessons to be learned for the future.

Elizabeth J. Cabraser, Lief Cabraser Heimann & Bernstein, LLP

Nora F. Engstrom, Stanford Law School

Charles Lifland, O'Melveny & Myers, LLP

Linda S. Mullenix, The University of Texas School of Law

Jennifer D. Oliva, University of California, Hastings College of Law

Lindsey Simon, University of Georgia School of Law

Timothy Daniel Lytton (moderator), Georgia State University College of Law

#### Remedies Section Program, Co-sponsored by Sections on Intellectual Property and Torts and Compensation Systems

##### Remedies in the Restatements

**January 5, 2023**  
**3:00 – 4:40 PM**

This session will discuss questions relating to the remedies portion of current Restatement projects on torts and copyright, as well as more

general questions about opportunities and challenges generated by intersections between the field of remedies and the specific subject areas of such Restatements.

Shyamkrishna Balganesh, Columbia Law School

Richard L. Hasen, UCLA School of Law

Douglas Laycock, University of Virginia School of Law

Jean C. Love, Santa Clara University School of Law

Pamela Samuelson, University of California, Berkeley School of Law

Zahr Said (moderator), University of Washington School of Law

## **William L. Prosser Award Winners**

The 2023 Prosser Award winners are Professor John C.P. Goldberg, Carter Professor of General Jurisprudence at Harvard Law School, and Benjamin C. Zipursky, James H. Quinn '49 Chair in Legal Ethics and Professor of Law at Fordham University School of Law.

Professor Goldberg graduated with a J.D. from New York University School of Law in 1991, after earning an M.A. in Politics at Princeton University and an M.Phil. in Politics at Oxford University. While in law school, he served as the Editor-in-Chief of the *NYU Law Review*, earned the Frank H. Sommer Memorial Award for exceptional academic distinction and professional excellence, and won the Paul D. Kaufman Memorial Award for an outstanding student note. Following graduation, he clerked for Judge Jack Weinstein in the Eastern District of New York and then Justice Byron White of the U.S. Supreme Court. After working at Hill and Barlow in Boston, Professor Goldberg entered academia, teaching at Vanderbilt University Law School, where he received multiple teaching awards, before settling at Harvard Law School in 2008. He became the

Carter Professor of General Jurisprudence at Harvard in 2018 and served as Deputy Dean from 2017 to 2022.

Professor Zipursky was also a 1991 J.D. graduate of New York University School of Law, which he attended after attaining a Ph.D. in Philosophy from the University of Pittsburgh and teaching as a Visiting Assistant Professor in the Philosophy Department at New York University. During his time in law school, he served as Senior Note Editor for the *NYU Law Review* and was awarded the Maurice Goodman Memorial Prize for outstanding scholarship and character, as well as the Kaufman Memorial Award for his student note. After clerking for Judge Kimba Wood in the Southern District of New York, he worked at Arnold & Porter in New York and later returned to the University of Pittsburgh to teach law. In 1995 he joined the faculty at Fordham University School of Law, where he served as Associate Dean for Academic Affairs from 2001 to 2003 and as Associate Dean for Research from 2010 to 2013. He was named the James H. Quinn '49 Chair in Legal Ethics in 2006 and won Teacher of the Year Award in 2015. Professor Zipursky has taught as a Visiting Professor at Columbia, Harvard, and Vanderbilt Law Schools.

The work done by Professors Goldberg and Zipursky make them individually deserving of the Prosser Award. But their simultaneous awards are a fitting tribute to their extensive collaboration, which began when, as N.Y.U. law students, they were in the same 1L study group, and which has yielded twenty-two articles and essays, ten book chapters, two books, a casebook, and even an amicus brief before the U.S. Supreme Court. Their work has been groundbreaking from the beginning, with their first joint work, *The Moral of MacPherson*, published in the *University of Pennsylvania Law Review* in 1998, becoming a classic in the field. Over the course of their work together—and notably in their 2020 book, *Recognizing Wrongs*—they have developed a theory of tort law that places wrongs and recourse at its center,

pushing back against both law-and-economics and corrective-justice accounts of torts. In essence, they argue that tort law principally rests on the ideal that a person who is mistreated by another in a manner forbidden by law is entitled to an avenue of civil recourse against the wrongdoer. Tort law, then, serves as a means for government to fulfill its political obligation to provide this law of wrongs and redress.

Professors Goldberg and Zipursky's influential understanding of tort law has garnered accolades, citations, and followers, even leading to the development of civil-recourse accounts in other areas of private law. Their scholarly success has earned them a reputation as foremost scholars of tort law among domestic and international audiences, partly due to their attentiveness to scholars from outside of the United States. Their acclaim and influence also stem from their willingness to engage with others while developing their work throughout their careers. Even while their theory of tort law has gained popularity and support, they have considered and responded to the comments of dissenters, skeptics, and proponents. Both Goldberg and Zipursky have played and continue to play an active advisory role to the American Law Institute's Restatement (Third) of Torts over the decades, with Professor Goldberg currently serving as an Associate Reporter for the Restatement (Fourth) of Property and Restatement (Third) of Torts as they pertain to property torts. Their work seems destined to have enduring importance to the field of tort law.

Yet the impact of Professors Goldberg and Zipursky's work goes beyond their collaborative scholarship. Of special note, they have contributed considerably to torts pedagogy through their casebook, *Tort Law: Responsibilities and Redress*, which is now in its fifth edition with co-authors Leslie Kendrick and Anthony Sebok and has been widely adopted and appreciated by professors and students around the country. Professors Goldberg and Zipursky are also prominent scholars in their

own right. Setting aside their collaborative work, Professor Goldberg has written twenty-nine articles and six book chapters, co-edited two volumes, and co-authored one book, while Professor Zipursky has co-edited one book and written forty-two articles and nineteen book chapters.

The Prosser Award will be presented at this year's annual meeting. The Torts and Compensation Systems Section Executive Committee congratulates Professors John C.P. Goldberg and Benjamin C. Zipursky on this well-deserved honor.

## **2024 Prosser Award Nominations**

At the 2024 Annual Meeting, the Torts and Compensation Systems Section will once again present the William L. Prosser Award to law professors who have 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 recipients for the 2023 Prosser Award were 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 Treasurer: Melissa Mortazavi, University of Oklahoma Law, Executive Board Member, at [meliss.mortazavi@ou.edu](mailto:meliss.mortazavi@ou.edu). Nominations must be accompanied by a brief letter of support. Nominations must be received no later than June 30, 2023.

## **Election of Section Officers**

The Section on Torts and Compensation Systems will elect officers at the 2023 Annual Meeting. You are invited to participate in the election. The current members of the Executive Committee will propose the following slate of candidates:

Chair: Nora Freeman Engstrom, Stanford Law School

Chair-Elect: Elizabeth Weeks, University of Georgia Law

Secretary: Thomas Kadri, University of Georgia Law

Treasurer: Melissa Mortazavi, University of Oklahoma Law

Executive Board Member: Timothy Lytton, Immediate Past-Chair, Georgia State University Law

Executive Committee: Alex B. Long, University of Tennessee College of Law

Executive Committee: Cristina Tilley, University of Iowa College of Law

Executive Committee: TBD

A call for nominations and applications for the vacant Executive Committee member position was sent to the Section listserv on December 13, 2022. Please respond to that call if you are interested in serving or wish to nominate someone for the position. The election will be held during the 2023 Annual Meeting, following Torts Section program on January 5, 2023.

## Recent Symposia

**Judicial Management of MDLs and Other Consolidations**, TEXAS LAW REVIEW 2022

**Reinventing the Canon: Great Torts Cases of the 21<sup>st</sup> Century**, Arizona Law-Harvard Law School-Oxford Law Faculty-American Law Institute Conference, April 14 – 15, 2023

## Recent and Forthcoming Articles

Haim Abraham, *Tort Liability, Combatant Activities, and the Question of Over-Deterrence*, 47 LAW & SOC. INQUIRY 885 (2022).

Kenneth S. Abraham, *Shadow Tort Law: Lessons from The Reptile*, \_\_ COLUM. L. REV. F. \_\_ (forthcoming 2022).

Patricia Sanchez Abril & Alissa del Riego, *Judging Offensiveness: A Rubric for Privacy Torts*, 100 N.C. L. REV. 1557 (2021-2022).

Evelyn Atkinson, *Telegraph Torts: The Lost Lineage of the Public Service Corporation*, \_\_ MICH. L. REV. \_\_ (forthcoming 2023).

Lynn A. Baker & Charles Silver, *In Defense of Private Claims Resolution Facilities*, 84 LAW & CONTEMP. PROBS. 45 (2022).

John S. Baker Jr. & Joanmarie I. Davoli, *State Attorneys General and the Public Nuisance Doctrine: Lessons to Be Derived from State Ex Rel. Attorney General of Oklahoma v. Johnson & Johnson*, 17 J.L. ECON. & POL'Y 263 (2022).

Samuel Beswick, *Discoverability Demystified*, 81 CAMBRIDGE L.J. 242 (2022)

Daniel Bertram, *Environmental Justice “Light?” Transactional Tort Litigation in the Corporate Anthropocene*, 23 GERMAN L.J. 738 (2022).

Anne Bloom, *The Future of Injury (Tort Law in the Wake of the Pandemic)*, 71 DEPAUL L. REV. 209 (2021-2022).

Marie Boyd, *Preemption & Gender & Racial (In)Equity: Why State Tort Law Is Needed in the Cosmetic Context*, 102 B.U. L. REV. 167 (2022).

Andrew Bradt, Zachary D. Clopton, & D. Theodore Rave, *Dissonance and Distress in Bankruptcy and Mass Torts*, \_\_ FORDHAM L. REV. \_\_ (forthcoming 2022).

Fiona Brimblecombe & Helen Fenwick, *Protecting Private Information in the Digital Era: Making the Most Effective Use of the Availability of Actions under the GDPR/DPA and the Tort of Misuse of Private Information*, 73 N. IR. LEGAL Q. 26 (2022).

Alexandra Briscoe, *Of Climate Change, Quantum Physics and Causation: Is It Time for a Probabilistic Approach to Causation in Tort*

- Law?, 53 VICTORIA U. WELLINGTON L. REV. 159 (2022).
- Teneille R. Brown, *Minding Accidents*, 94 U. COLO. L. REV. \_\_\_ (2022).
- Teneille R. Brown, *Jurors Use Mental State Information to Assess Breach in Negligence Case* (forthcoming 2023), available at: <https://doi.org/10.31234/osf.io/hy34c>
- Ellen M. Bublick, *Tort Common Law Future: Preventing Harm and Providing Redress to the Uncounted Injured*, 14 J. TORT L. 279 (2021).
- David Bullock, *Public Nuisance and Climate Change: The Common Law's Solutions to the Plaintiff, Defendant and Causation Problems*, 85 MOD. L. REV. 1136 (2022).
- Patricia A. Cain, *Taxation of Tort Damages*, 74 OKLA. L. REV. 587 (2022).
- W. Jonathan Cardi & Martha Chamallas, *A Negligence Claim for Rape*, 101 TEX. L. REV. \_\_\_ (forthcoming 2022).
- Alyaa Chace, *Is Extraterritoriality the Golden Ticket out of Corporate Liability? How the Modern-Day Willy Wonka's Chocolate Factory Evaded Liability under the Alien Tort Statute in Nestle v. Doe*, 38 TOURO L. REV. 257 (2022).
- J.S. Chandpuri & Vivek Kumar, *Emerging Trends in Law of Torts: An Overview*, 5 INT'L J.L. MGMT. & HUMAN. 1178 (2022).
- Edward K. Cheng, Ehud Guttel & Yuval Proccacia, *Unenforceable Waivers*, 76 VAND. L. REV. \_\_\_ (forthcoming 2023).
- Edward K. Cheng, Ehud Guttel & Yuval Procaccia, *Sequencing in Damages*, 74 STAN. L. REV. 353 (2022).
- Aseem Chipalkatti, *A Backdoor Bivens Remedy State Civil Rights Torts and the Federal Tort Claims Act*, 23 U. PA. J. CONST. L. 1 (2022).
- Danielle Keats Citron & Daniel J. Solove, *Privacy Harms*, 102 B.U. L. REV. 793 (2022).
- Katherine Mims Crocker, *Qualified Immunity, Sovereign Immunity, and Systemic Reform*, 71 DUKE L.J. 1702 (2022).
- Rebecca Crootof, *War Tort*, 97 N.Y.U. L. REV. 101 (2022).
- Mike Cross, *Drawing Boundaries between Tort and Contract: The Fluctuating Scope of Colorado's Economic Loss Rule*, 51 COL. LAW. 26 (2022).
- Robin Dembroff & Issa Kohler-Hausmann, *Supreme Court Confusion about Causality at the Supreme Court*, 25 CUNY L. REV. 57 (2022).
- Todd A. DeMitchell, Stefani King & Terri A. DeMitchell, *Educational Malpractice: Is It a Tort Whose Time Has Come? An Exploratory Mixed Methods Study*, 32 U. FLA. J.L. & PUB. POL'Y 253 (2022).
- Vanessa Di Feo, *CM Callow v Zollinger, Reconceptualized through the Tort of Negligent Misrepresentation*, 27 APPEAL: REV. CURRENT L. & L. REFORM 103 (2022).
- J. Shahar Dillbary, *Incentivized Torts: An Empirical Analysis*, 115 NW. U.L. REV. 1337 (2021) (with Cherie Metcalf & Brock Stoddard)
- J. Shahar Dillbary, *The Case Against Collective Liability*, 62 B.C.L. REV. 391 (2021).
- Vladimira Dolinskaya & Tatiana Letuta, *Justice in Tort Law of Russia and China*, 9 BRICS L.J. 87 (2022).
- Tom Dougherty, *Sexual Consent Without Passivity*, 14 J. TORT L. 27 (2021).
- Lee Anne Fennell, *The Gun and the Paperweight: Risk Control Services and Disservices*, \_\_\_ J. TORT L. \_\_\_ (forthcoming 2022).
- Xue Feng, *Parent Company's Joint Liability in Tort: An Alternative to Manage Corporate Tort Problems*, 52 H.K. L.J. 115 (2022).

- Daniel M. Filler, *Negligence at the Breach: Information Fiduciaries and the Duty to Care for Data*, 54 CONN. L. REV. 105 (2022).
- Veronica J. Finkelstein, *A Distinction with a Difference: Understanding How the Federal Tort Claims Act Can Impact a Medical Malpractice Case*, 93 PA. B. ASS'N Q. 21 (2022).
- Niamh Gibbons, *Mass Migration, Universal Jurisdiction, and the Alien Tort Statute*, 41 REV. OF LITIG. 243 (2022).
- Betty Grey, *The Mental Health Crisis on Campus: Liability Implications of Using Emerging Technologies*, 72 AM. U. L. REV. (forthcoming 2022).
- John C. P. Goldberg, *Taking Responsibility Personally: On John Gardner's from Personal Life to Private Law*, 14 J. TORT L. 3 (2021).
- John C. P. Goldberg & Benjamin C. Zipursky, *Tort Theory, Private Attorneys General, and State Action: From Mass Torts to Texas S.B. 8*, 14 J. TORT L. \_\_ (2022).
- Sara Golru, *The Challenge of Proving Toxic Tort Causation: Genetic Markers as the Solution?* 49 U.W. AUSTRAL. L. REV. 186 (2022).
- Paula Hannaford-Agor, *Our New Normal? How COVID-19 Accelerated Pre-Pandemic Trends in State Court Litigation*, 71 DEPAUL L. REV. 279 (2021-2022).
- Gregory Jay Hall, *Demystifying the Enigma: The Reasonable Person Standard in Tort*, 90 UMKC L. REV. 801 (2022).
- Jamie Hearn, *Crossing the Dark and Fearful River Monsanto, PCBs, and Emerging Tort Theories*, 10 AM. INDIAN L.J. (2022).
- Louis Hensler, *Civil Reconciliation Tort Theory: Making Torts Private Again*, 90 UMKC L. REV. 313 (2021).
- Jack Heron, *Stealth in Irish Law: Legal Solutions for a Unique Sexual Violation*, 21 HIBERNIAN L.J. 95 (2022).
- Scott Hershovitz, *Forward: From Personal Life to Private Law: The Jurisprudence of John Gardner*, 14 J. TORT L. 1 (2021).
- Gregory C. Keating, *Form and Function in Tort Theory*, \_\_ J. TORT L. \_\_ (forthcoming 2022).
- Erin I. Kelly, *Redress and Reparations for Injurious Wrongs*, 41 L. & PHIL. 105 (2022).
- Nancy Kim, *Adhesive Terms and Reasonable Notice*, 53 SETON HALL L. REV. (forthcoming 2022).
- Nancy Kim, *Beyond Section 230 Liability for Facebook*, \_\_ ST. JOHN L. REV. \_\_ (forthcoming 2022).
- Andrew R. Klein, *Balancing Interests Under Section 230(c) of the Communications Decency Act: Using the Sword as Well as the Shield*, 55 LOYOLA L.A. LAW REV. 645 (2022).
- Candice Kline, *Third-Party Releases, Forum Shopping and the Texas Two-Step: An Update in the Continuing Battle between Bankruptcy and "The Tort System,"* 36 COM. L. WORLD 10 (2022).
- Jonas Knetsch, *The Compensation of Non-Pecuniary Loss in GDPR Infringement Cases*, 13 JETL 132 (2022).
- Helmut Koziol, *Contribution to the Discussion*, 13 JETL 183 (2022).
- Mark Leeming, *Justice Basten and the New Frontiers of Administrative Law: Crime, Tort, and Contract*, 29 AUSTRALIAN J. ADMIN. L. 92 (2022).
- Alexander B. Lemann, *The Duty to Warn in the Age of Automation*, 110 KY. L.J. 469 (2022)
- Alex Long, *All I Really Need to Know About Defamation Law in the 21<sup>st</sup> Century I Learned From Watching Hulk Hogan*, 57 WAKE FOREST L. REV. 413 (2022).
- Alex Long, *Using the IIED Tort to Address Discrimination and Retaliation in the Workplace*, 2022 U. ILL. L. REV. 1325 (2022).

- Dr. Asaf Lubin, *The Reasonable Intelligence Agency*, 47 YALE J. INT'L L. 119 (2022).
- Timothy Lytton, *Responsive Analysis: Public Health Federalism and Tort Reform in the U.S. Response to COVID-19*, 71 DEPAUL L. REV. 417 (2021-2022).
- Nancy C. Marcus, *The Duty of Manufacturers to Consumers Under California Fraudulent Concealment Law*, 58 CAL. W. L. REV. 49 (2022).
- Rachael Mulheron, *The Tort of Malicious Prosecution of Civil Proceedings: A Critique and a Proposal*, 42 LEGAL STUD. 470 (2022).
- Thaddeus Mason Pope, *Patient Decision Aids Improve Patient Safety and Reduce Medical Liability Risk*, 74 ME. L. REV. 73-100 (2022).
- William Organek, "A Bitter Result": *Purdue Pharma, a Sackler Bankruptcy Filing, and Improving Monetary and Nonmonetary Recoveries in Mass Tort Bankruptcies*, 96 AM. BANKR. L.J. 361 (2022).
- Nicholas K. Prendergast, *Policing, Masculinities, and Judicial Acknowledgement*, 75 VAND. L. REV. 998 (2022).
- Craig Purshouse & Ilias Trispiotis, *Is "Conversion Therapy" Tortious?*, 42 LEGAL STUD. 23 (2022).
- Johannes Hygen Meyer, *Three Categories of Causation in Tort Law*, 49 U.W. AUSTL. L. REV. 87 (2022).
- Adam Reed Moore, *Public Trauma: Why Utah Should Waive Immunity for Mental Anguish Injuries*, 47 BYU L. REV. 1855 (2022).
- Brian M. Murray, Jon B. Gould & Paul Heaton, *Qualifying Prosecutorial Immunity Through Brady Claims*, 107 IOWA L. REV. 1107 (2022).
- David Mushinski, Sammy Zahran, & Aanstons Frazier, *Physician Behavior, Malpractice Risk and Defensive Medicine: An Investigation of Cesarean Deliveries*, 17 HEALTH ECON. POL'Y & L. 247 (2022).
- David Pimentel, *A Cure of What Ails You: How Universal Healthcare Can Help Fix Our Tort System*, 100 OR. L. REV. 501 (2021-2022).
- Geoffrey Christopher Rapp, *LGBTQ+ Rights, Anti-Homophobia and Tort Law Five Years after Obergefell*, 2022 U. ILL. L. REV. 1103 (2022).
- Mollie Rigby, *Parent Company Liability for Tortious Wrongs: Is Duty of Care a More Effective Mechanism than Corporate Veil Piercing?*, 2 LEEDS STUDENT L. & CRIM. JUST. REV. 1 (2022).
- Christopher J. Robinette, *Symposium Issue: The State of Tort Theory*, 14 J. TORT L. 241, NO. 2 (2021).
- Veronica Rodriguez-Blanco, *The Law of Negligence, Blameworthy Action and the Relationality Thesis: A Dilemma for Goldberg and Zipursky's Civil Recourse Theory of Tort Law*, 41 LAW & PHIL. 63 (2022).
- Paul F. Rothstein & Ronald J. Coleman, *Differentiating Strict Products Liability's Cost-Benefit Analysis from Negligence*, 56 LOY. L.A. L. REV. \_\_ (forthcoming 2023)
- Michael K. Saks & Stephan Landsman, *Does Malpractice Liability Make Healthcare Sager? Aligning Law and Policy with Evidence*, 12 WAKE FOREST J. L. & POL'Y 205 (2022).
- Morgan Savige & John Fabian Witt, *Foreseeability Conventions*, \_\_ CARDOZO L. REV. \_\_ (forthcoming 2022).
- Nadia N. Sawicki, *Ethical Malpractice*, 59 HOUS. L. REV. 1069 (2022).
- Nadia N. Sawicki, *Tort Law Implications of Compelled Physician Speech*, 97 IND. L.J. 939 (2022).
- Omri Rachum-Twaig, *The Law of AI: A Renegotiation or A Preproduction Commentary on Ryan Abbott, the Reasonable Robot*, 25 JRSLM. REV. LEGAL STUD. 1 (2022).

Shelley Ross Saxer, *Public Nuisance and a Theory of State Action*, 17 J.L. ECON. & POL'Y 371 (2022).

Hisham Shakhathreh, *Civil Liability for Compensation of Non-Material Damage in the Law of Jordan*, 122 J.L. POL'Y & GLOBALIZATION 14 (2022).

Steven Schaus, *A Simple Model of Torts and Moral Wrongs*, 97 NOTRE DAME L. REV. 1030 (2022).

David Schorr, *History, Theory and Jewish Tort Law: Sinai and Shmueli's Maimonides and Contemporary Tort Theory*, \_\_\_ JEWISH L. ANN. \_\_\_ (forthcoming 2022).

Anthony Sebok, *The Deep Architecture of American COVID-19 Tort Reform 2020-21*, 71 DEPAUL L. REV. 473 (2022).

Kenneth W. Simons, *Justifying and Categorizing Tort Doctrines: What Is the Optimal Level of Generality*, 14 J. TORT L. \_\_\_ (forthcoming 2022).

Nicholas Sinanis, *Aggravation in Tort before 1763*, 43 J. LEGAL HIST. 24 (2022).

Jay Sterling Silver, *Thompson v. Trump: Lost in the Funhouse of Brandenburg*, 107 IOWA L. REV. ONLINE 151 (2022).

Stephen A. Smith, *Are Tort Remedies 'Civil Recourse'?*, 41 LAW & PHIL. 83 (2022).

Sierra Stubbs & John Fabian Witt, *Tort Law's New Quarantinism: Race and Coercion in the Age of a Novel Coronavirus*, 71 DEPAUL L. REV. 613 (2021-2022).

Timothy Tymkovich & Hayley Stillwell, *Malicious Prosecution as Undue Process: A Fourteenth Amendment Theory of Malicious Prosecution*, 20 GEO. J.L. & PB. POL'Y 225 (2022).

Paul Verbruggen, *Tort Liability Safety Auditors in Global Value Chains*, 13 EUR. J. RISK REG. 1 (forthcoming 2022).

Anna Wong, *Duty of Honest Performance: A Tort Dressed in Contract Clothing*, 100 CANADIAN B. REV. 95 (2022).

Richard W. Wright, *Causation (Contribution) and the 'No Worse Off' Limitation on Liability, in Special Issue on Causation in the Law*, 49(1) U. W. AUSTL. L. REV. 5-56 (2022).

Amin R. Yacoub, *Liability and Regulatory Oversight of Semi-Autonomous and Autonomous Vehicles*, \_\_\_ B.U. J. SCI. & TECH. L. \_\_\_ (forthcoming 2022).

Stephen Young, *Tortious Discipline*, 31 GRIFFITH L. REV. 266 (2022).

## **Selected Commonwealth Scholarship**

Jelena Gligorijevic, *Taming the 'Chilling Effect' of Defamation Law: English Experience and Implications for Australia*, 50 FED. L. REV. 221 (2022).

Saloni Khanderia, *The Question of the Applicable Law in Cross-Border Claims on Product Liability: Reflections from India*, 22 GLOBAL JURIST 19 (2022).

Ryan Lee & Nickolaus Ng, *A Tale of Two Common Law Systems: Robinson and Spandeck – Comparing the 'Test' for Duties of Care in Singapore and England*, 2022 SING. COMP. L. REV. 134 (2022).

Shannon O'Byrne & Avner Levin, *It Shouldn't Be Small Potatoes: The Future of Civil Damage Awards Under Canada's Personal Information Protection Legislation*, 52 ADVOC. Q. 427 (2022).

Raphael Ren, Saw Tiong Guan & Sujata Balan, *Is There a Private Right to Privacy in Malaysia?*, 30 IIUM L.J. 1 (2022).

Christopher Riley, *Explaining and Evaluation Transnational Tortious Actions against Parent Companies: Lessons from Shell and Nigeria*, 30 AFR. J. INT'L & COMP. L. 229 (2022).

Benjamin Zolf, *Rethinking Winnipeg Condo as Negligent Performance of a Service: A Rights-Based Account*, 80 U. TORONTO FAC. L. REV. 97 (2022).

Jeremy Zullo, *Canadian Litigation for Violations of Customary International Law: Questions Remaining after Nevsun v. Araya*, 80 U. TORONTO FAC. L. REV. 122 (2022).

## Recent Tort Law Book

### Chapters

J. Shahar Dillbary & William Lands (University of Chicago) *Law and Economics: Theory, Cases, and Other Materials* (Aspen 2022)

Thaddeus Mason Pope, Legal Issues with VSED, in *Voluntarily Stopping Eating and Drinking: A Compassionate, Widely Available Option for Hastening Death, Ch. 4* (Oxford University Press 2021) (Timothy Quill, Paul Menzel, Thaddeus Pope, Judith Schwarz eds.).

## Recent Tort Law Books

Kenneth S. Abraham, *Forms and Functions of Tort Law* (6<sup>th</sup> ed. 2022).

Kenneth S. Abraham, *Tort Law and the Construction of Change: Studies in the Inevitability of History* (2022).

Samuel Beswick (ed.) *Torts Law: Cases and Commentaries* (2<sup>nd</sup> ed. Ottawa: Canadian Legal Information Institute) (2022).

Ellen M. Bublick, Jane R. Bambauer & Daniel A. Arellano, *Dobbs on Economic and Dignitary Torts: Cases and Materials* (2d ed. 2022).

Rónán Condon, *Network Responsibility: European Tort Law and the Society of Networks* (2022).

Dan B. Dobbs, Paul T. Hayden & Ellen M. Bublick, *Torts and Compensation: Personal Accountability and Social Responsibility for Harm* (9<sup>th</sup> standard and concise eds. 2022).

Matthew Dyson, *Explaining Tort and Crime: Legal Development Across Laws and Legal Systems, 1950-2020* (2022).

Amy Gajda, *Seek and Hide: The Tangled History of the Right to Privacy* (Viking 2022) (a narrative look at tort privacy and its intersection with dignity and liberty from the very beginning of the United States through to today with otherwise untold stories involving the famous and not).

Shubha Ghosh, *Acing Tort Law* (4<sup>th</sup> ed. 2022).

Patrick Russell Goold, *IP Accidents: Negligence Liability in Intellectual Property* (2022).

Thomas Kadri, *Tort Law: Cases and Critique* (2d ed. 2022).

Paul Manning, *Torts, A Context and Practice Casebook* (Revised Printing, Carolina Academic Press (2022)),

Vera Lúcia Raposo & Roy G. Beran, *Medical Liability in Asia and Australasia* (2022).