

**Torts and Compensation Systems Section
Annual Newsletter
November 2018**

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This newsletter was edited by the following individuals at the University of Michigan Law School: Scott Hershovitz, Professor of Law and Professor of Philosophy; Virginia Neisler, Faculty Services Librarian; Sarah Slinger, Reference Librarian; and Joshilyn Hoisington, Research Assistant.

**Section Program:
“Tort Law and Health Law:
Intersections and Opportunities”
AALS Annual Meeting
New Orleans, Louisiana
Friday, January 4, 2019
1:30 to 3:15 p.m.**

This panel will explore the relationship between the fields of tort law and health law, including: (1) the potential of tort law to perpetuate healthism (*i.e.*, differential treatment based on health status) through various doctrines, including the active versus passive distinction, contributory negligence, assumption of the risk, and damages rules; (2) the duty to warn of health care providers; (3) the availability of governmental immunity for public hospitals; and (4) the availability of assumption of the risk in cases in which

patients select care that falls outside the standard of care. Papers from the program will be published in the *Journal of Tort Law*. Speakers include:

Mark Rothstein, Herbert F. Boehl Chair of Law and Medicine and Founding Director, Institute for Bioethics, Health Policy and Law, University of Louisville School of Medicine;

Nadia Sawicki, Georgia Reithal Professor of Law and Academic Director, Beazley Institute for Health Law and Policy, Loyola University Chicago School of Law;

John Valery White, Ralph Denton Professor of Law, UNLV William S. Boyd School of Law; and

Elizabeth Weeks Leonard, Associate Dean for Faculty Development and J. Alton Hosch Professor of Law, University of Georgia School of Law.

**William L. Prosser Award Winner:
Kenneth W. Simons**

The 2019 Prosser Award winner is Kenneth W. Simons, Chancellor’s Professor of Law, University of California, Irvine School of Law. At UCI Law, Professor Simons teaches Torts, Criminal Law, and other courses touching on topics in law and philosophy.

Professor Simons is a leading scholar of tort and criminal law. He has served since 2014 as a Reporter for the American Law Institute’s Restatement Third of Torts: Intentional Torts to Persons. He has published influential scholarship concerning assumption of risk and contributory negligence; the nature and role of mental states in criminal, tort and constitutional law; and negligence as a moral

and legal concept. He has also explored such topics as bias crimes, corrective justice, the logic of egalitarian norms, mistake and impossibility in criminal law, and strict criminal liability.

Before joining UC Irvine School of Law, Professor Simons was Professor of Law and The Honorable Frank R. Kenison Distinguished Scholar in Law at Boston University School of Law. He was Associate Dean for Research and Associate Dean for Academic Affairs there.

Professor Simons was a law clerk to U.S. Supreme Court Justice Thurgood Marshall and to Judge James L. Oakes, U.S. Court of Appeals for the Second Circuit. Professor Simons also worked as an associate at Goodwin, Procter & Hoar in Boston, in the field of civil litigation, including commercial law, tort, contracts, and prisoners' rights.

Professor Simons received his J.D. from the University of Michigan Law School, magna cum laude, and graduated from Yale University, summa cum laude, with a B.A. in philosophy.

The Prosser Award will be presented during the Torts Section program at the AALS annual meeting in January. The Torts Section Executive Committee congratulates Professor Simons on this well-deserved honor.

2020 Prosser Award Nominations

The 2020 AALS Annual Meeting will be held January 2-5, 2020, in Washington, DC. At the 2020 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 the area of 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 Timothy Lytton, Incoming Secretary of the Executive Committee, at tlytton@gsu.edu. Nominations must be accompanied by a brief letter of support.

Professors who previously nominated a candidate who was not chosen for the award are welcome to renew their nominations by sending a copy of the prior nominating letter to Professor Timothy Lytton. Nominations must be received no later than Friday, July 12, 2019.

Election of Section Officers

The Section on Torts and Compensation Systems will elect officers for the coming year during the business meeting following the 2019 AALS program. You are invited to participate in the election. The current members of the Executive Committee will propose a slate of candidates for election at the business meeting. The proposed slate is:

Chair: Adam Scales
Chair Elect: Scott Hershovitz
Secretary: Mary Davis
Treasurer: Timothy Lytton
Member: Nora Engstrom

Recent Symposium

Appraising the Restatement (Third) of Torts: Intentional Torts to Persons (Journal of Tort Law):

Anita Bernstein, *Rape is Trespass*, 10 J. TORT LAW (2017).

Martha Chamallas, *The Elephant in the Room: Sidestepping the Affirmative Consent Debate in the Restatement (Third) of Intentional Torts to Persons*, 10 J. TORT LAW (2017).

Mark A. Geistfeld, *Conceptualizing the Intentional Torts*, 10 J. TORT LAW (2017).

Nancy J. Moore, *Restating Intentional Torts: Problems of Process and Substance in the ALI's Third Restatement of Torts*, 10 J. TORT LAW (2017).

Christopher J. Robinette, *Appraising the Restatement (Third) of Torts: Intentional Torts to Persons*, 10 J. TORT LAW (2017).

Kenneth W. Simons & W. Jonathan Cardi, *Restating the Intentional Torts to Persons: Seeing the Forest and the Trees*, 10 J. TORT LAW (2017).

Stephen D. Sugarman, *Restating the Tort of Battery*, 10 J. TORT LAW (2017).

Glen Wright, *Risky Business: Enterprise Liability, Corporate Groups and Torts*, 10 J. TORT LAW (2017).

Journal Articles

Ryan Benjamin Abbott, *The Reasonable Computer: Disrupting the Paradigm of Tort Liability*, 86 GEO. WASH. L. REV. 1 (2018).

Alexandra Regan Abernethy, *An App a Day Keeps the Doctor Away: Liability Analysis of*

the Breast Cancer Ally App, 32 WIS. J. L. GENDER & SOC'Y 193 (2017).

Kenneth S. Abraham, *Tort Luck and Liability Insurance*, 70 RUTGERS U. L. REV. 1 (2017).

Kenneth S. Abraham & G. Edward White, *The Transformation of the Civil Trial and the Emergence of American Tort Law*, 59 ARIZ. L. REV. 431 (2017).

Leigh B. Ackal, *Prognosis Negative: Negligent Credentialing Claims in Louisiana*, 92 TUL. L. REV. 641 (2018).

Yonathan A. Arbel & Yotam Kaplan, *Tort Reform Through the Back Door: A Critique of Law and Apologies*, 90 S. CAL. L. REV. 1199 (2017).

Ronen Avraham & Kimberly Yuracko, *Torts and Discrimination*, 78 OHIO ST. L.J. 661 (2017).

Ronen Avraham & John M. Golden, *"From PI to IP": Litigation response to Tort Reform*, 20 AM. LAW & ECON. REV. 168 (2018).

Deepa Badrinarayana, *The Jewel in the Crown: Can India's Strict Liability Doctrine Deepen Our Understanding of Tort Law Theory?*, 55 U. LOUISVILLE L. REV. 25 (2017).

Tom Baker, Eric Hellan, and Jonathan Klick, *Everything's Bigger in Texas: Except the Medmal Settlements*, 22 CONN. INS. L. J. 1 (2016).

David A. Barry & William L. Boesch, *Massachusetts Legal Malpractice Law: An Update*, 99 MASS. L. REV. 25 (2018).

Alexander F. Beale, *Who's Coffers Spill When Autonomous Cars Kill? A New Tort Theory for the Computer Code Road*, 27 WIDENER COMMW. L. REV. 215 (2018).

James M. Beck & Matthew D. Jacobson, *3D Printing: What Could Happen to Products Liability when Users (and everybody else in Between) Become Manufacturers*, 18 MINN. J.L. SCI. & TECH. 143 (2017).

Lynda Wray Black, *The Long-Arm's Inappropriate Embrace*, 91 ST. JOHN'S L. REV. 1 (2017).

Maria T.R. Borges, *A Violent Birth: Reframing Coerced Procedures During Childbirth as Obstetric Violence*, 67 DUKE L.J. 827 (2018).

Christopher R. Breault, Christopher B. Newbern & Brian C. Mickelsen, *Torts*, 69 MERCER L. REV. 299 (2017).

Grant E. Brown, *Reconsidering the Superseding Cause Defense in Failure-to-Diagnose Cases*, 42 VT. L. REV. 529 (2018).

Teneille R. Brown, *Needles, Haystacks and Next-Generation Genetic Sequencing*, 28 HEALTH MATRIX 217 (2018).

Kevin Buchanan, *Immunity from Wrongful Death Liability: How Mickels Fails to Compensate*, 82 MO. L. REV. 843 (2017).

Karni Chagal-Feferkorn, *The Reasonable Algorithm*, 2018 J. L. TECH. & POL'Y 111 (2018).

Steven Alan Childress, *No (Physical) Harm, No Foul: Trusting Working Limiting Principles to Emotional Distress Torts*, 49 TEX. TECH L. REV. 703 (2017).

Johnny C. Chriscoe, *A Plea to North Carolina: Bring fairness to the Assessment of Civil Battery Liability for Defendants with Cognitive Disabilities*, 39 CAMPBELL L. REV. 241 (2017).

Sandra Cossard, Jérôme Chaplier, Tiphaine Beau De Lomenie, *The French Law on Duty*

of Care: A Historic Step Towards Making Globalization Work for All, 2 BUS. & HUM. RIGHTS J. 317 (2017).

Daniel A. Crane, Kyle D. Logue & Bryce C. Pilz, *A Survey of Legal Issues Arising from the Deployment of autonomous and Connected Vehicles*, 23 MICH. TELECOMM. TECH. L. REV. 191 (2017).

Nadia Dahab, *Oregon's History on Caps and the Outlook after Horton*, 96 OR. L. REV. (2018).

Stephen Daniels and Joanne Martin, *Damage Caps and Access to Justice: Lessons from Texas*, 96 OR. L. REV. 635 (2018)

Seth Davis & Christopher A. Whytock, *State Remedies for Human Rights*, 98 B.U.L. REV. 397 (2018).

Michael Darling, *The Frivolous Litigation Narrative: Web of Deception or Cautionary Tale?*, 36 REV. LITIG. 711 (2018).

Elbert R. De Jong, *Tort Law and Judicial Risk Regulation: Bipolar and Multipolar Risk Reasoning in Light of Tort Law's Regulatory Effects*, 9 EUR. J. RISK REG. 14 (2018).

Elbert R. De Jong, Michael G Faure, Ivo Giesen & Peter Mascini, *Judge-Made Risk Regulation and Tort Law: An Introduction*, 9 EUR. J. RISK REG. 6 (2018).

J. Shabar Dillbary, *Contracting for Torts*, 52 WAKE FOREST L. REV. 1057 (2017).

Zachary M. DuGan, *3-D Printing & Products Liability Law: Are Individuals Printing Themselves into Strict Products Liability?*, 26 WIDENER L.J. 187 (2017).

Nora Freeman Engstrom, *Retaliatory Rico and the Puzzle of Fraudulent Claiming*, 115 MICH. L. REV. 639 (2017).

Nora Freeman Engstrom, *When Cars Crash: The Automobile's Tort Law Legacy*, 53 WAKE FOREST L. REV. 293 (2018).

Michael M. Epstein, *Pokemon Slow: GPS-Based Interactive Technologies and Tort Liability*, 38 WHITTIER L. REV. 54 (2018).

Hillary B. Farber, *Keep Out! The Efficacy of Trespass, Nuisance and Privacy Torts as Applied to Drones*, 33 GA. ST. U.L. REV. 359 (2017).

Lee Anne Fennell, *Accidents and Aggregates*, 59 WM. & MARY L. REV. 2371 (2018).

Susan Saab Fortney, *A Tort in Search of a Remedy: Prying Open the Courthouse Doors for Legal Malpractice Victims*, 85 FORDHAM L. REV. 2033 (2017).

Susan Saab Fortney, *A Tort in Search of a Remedy: Prying Open the Courthouse Doors for Legal Malpractice Victims*, 85 Fordham L. Rev. 2033 (2017).

Dov Fox, *Making Things Right when Reproductive Medicine Goes Wrong: Reply to Robert Rabin, Carol Sanger, and Gregory Keatin*, 118 COLUM. L. REV. ONLINE 94

Luigi Alberto Franzoni, *Liability Law under Scientific Uncertainty*, 19 AM. L. & ECON. REV. 327 (2017).

Ezra Friedman, *Sharing Responsibility instead of Allocating Blame: reforming Torts and Reducing Accidents*, 2018 U. ILL. L. REV. 579 (2018).

E. Scott Fruehwald, *Bringing Legal Education Reform into the First Year: A New Type of Torts Text*, 50 J. MARSHALL L. REV. 713 (2017).

Alberto Galasso & Hong Luo, *Tort Reform and Innovation*, 60 J. LAW & ECON. 385 (2017).

Mark A. Geistfeld, *Protecting Confidential Information Entrusted to Others in Business Transactions: Data Breaches, Identity Theft, and Tort Liability*, 66 DEPAUL L. REV. 385 (2017).

Mark A. Geistfeld, *A Roadmap for Autonomous Vehicles: State Tort Liability, Automobile Insurance, and Federal Safety Regulation*, 105 Calif. L. Rev. 1611 (2017).

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Israel Gilead & Michael D. Green, *Positive Externalities and the Economics of Proximate Cause*, 74 WASH. & LEE L. REV. 1517 (2017).

Eric S. Goodheart, *Two Tiers of Plaintiffs: How North Carolina's Tort Reform Efforts Discriminate Against Low-Income Plaintiffs*, 96 N.C. L. REV. 512 (2018).

Jennifer M. Green, *Corporate Torts: International Human Rights and superior Officers*, 17 CHI. J. INT'L L. 447 (2017).

W. Eugene Hallman, *After Horton— Damages Caps and the Remedy Clause*, 96 OR. L. REV. 585 (2018).

Stuart Hargreaves, *Relational Privacy & Tort*, 23 WM. & MARY J. WOMEN & L. 433 (2017).

Claudia E. Haupt, *Unprofessional Advice*, 19 U. PA. J. CONST. L. 671 (2017).

Nell Henson, *A Taste of their Own Medicine: Examining the Admissibility of Experts' Prior Malpractice Under the Federal Rules of Evidence*, 71 VAND. L. REV. 995 (2018).

- Scott Hershovitz, *Treating Wrongs as Wrongs: An Expressive Argument for Tort Law*, 10 J. TORT LAW (2017).
- Karena Hester, Martin Mullins, Robert Ford, and Finbarr Murphy, *The ELD: Applicability to Nanotechnology Risk and the Liability Implications of Environmental Damage*, 8 EUR. J. RISK REG. 140 (2017).
- Winhkong Hua, *Cybermobs, Civil Conspiracy, and Tort Liability*, 44 FORDHAM URB. L.J. 1217 (2017).
- F. Patrick Hubbard & Evan Sobocinski, *Crashworthiness: The Collision of Sellers' Responsibility for Product Safety with Comparative Fault*, 69 S.C. L. REV. 741 (2018).
- Barry L. Johnson, *Why Negligence Per Se Should be Abandoned*, 20 N.Y.U. J. LEGIS. & PUB. POL'Y 247 (2017).
- Joseph Jyoo, *A Discussion of Bioprinting and Products Liability*, 23 TRINITY L. REV. 55 (2018).
- Alex Kaiserman, *Partial Liability*, 23 LEGAL THEORY 1 (2017).
- Alex Kaiserman, *Partial Liability – Corrigendum*, 23 LEGAL THEORY 141 (2017).
- Dr. Nili Karako-Eyal, *Increasing Vaccination Rates through Tort Law: Theoretical and empirical Insights*, 86 UMKC L. REV. 1 (2017).
- Gregory C. Keating, *Products Liability as Enterprise Liability*, 10 J. TORT L. 41 (2017).
- Leslie Kendrick, *Tort Law as Regulatory Tool*, 10 J. TORT L. 1 (2017).
- Todd P. Kendrick, *A Tough Pill to Swallow: An Examination of Why FDA Regulations Should Relax and Let Tort Law Cure Liability*, 9 ELON L. REV. 525 (2017).
- Sunghyo Kim, *Crashed Software: Assessing Product Liability for Software Defects in Automated Vehicles*, 16 DUKE L. & TECH. REV. 300 (2018).
- Bailey Kuklin, *The Labyrinth of Blameworthiness*, 51 U.S.F. L. REV. 173 (2017).
- Elizabeth Kukura, *Obstetric Violence*, 106 GEO. L. J. 721 (2018).
- Douglas A. Kysar, *The Public Life of Private Law: Tort Law as a Risk Regulation Mechanism*, 9 EUR. J. RISK REG. 48 (2018).
- Alexandra D. Lahav, *Mass Tort Class Actions – Past, Present, and Future*, 92 N.Y.U. L. REV. 998 (2017).
- Lisa J. LaPlante, *Human Torts*, 39 CARDOZO L. REV. 245 (2017).
- Maria Lee, *The Sources and Challenges of Norm Generation in Tort Law*, 9 EUR. J. RISK REG. 34 (2018).
- Tucker Levis, *Vaccines and the Tragedy of the Commons: An Argument for an Alternative Liability Tort Remedy*, 65 DRAKE L. REV. 1059 (2017).
- Richard Lewis, *Industrial Injuries Compensation: Tort and Social Security Compared*, 46 IND. LAW J. 445 (2017).
- Xiao-Yang Li, *The Legal Status of Pre-Contractual Liability: Contrasting responses from German and English Law*, 12 Nat'l Taiwan U. L. Rev. 127 (2017).
- Marc A. Loth, *The Civil Court as Risk Regulator: The Issue of its Legitimacy*, 9 EUR. J. RISK REG. 66 (2018).

Emily S. Madden, *One Nation, Even in Tort Law: How States can Preempt or Circumvent Federal Preemption of Noneconomic Damage Limitations*, 18 WYO. L. REV. 53 (2018).

Gary E. Marchant, Rachel A. Lindor, *Genomic Malpractice: An Emerging Tide or Gentle Ripple?*, 73 FOOD & DRUG L. J. 1 (2018).

Katharine R. Markijohn, *Is Discrimination Just Another Tort?: A Discussion of Ohio's Attempt to Tortify Employment Discrimination*, 46 CAP. U. L. REV. 313 (2018).

Stephen McDonald, *Where Does it Hurt? The Practice of Telemedicine Beyond State Lines and Personal Liability*, 11 CHARLESTON L. REV. 533 (2017).

Agnieszka A. McPeak, *Regulating Ridesharing Platforms Through Tort Law*, 39 HAWAII L. REV. 357 (2017).

Sarit K. Mizrahi, *Ontario's New Invasion of Privacy Torts: Do They Offer Monetary Redress for Violations suffered via the Internet of Things*, 8 W. J. LEGAL STUD. 1 (2018).

Rebecca M. Murphy & Samantha M. Clarke, *A New Hope: Tortious Interference with an Expected Inheritance in Rhode Island*, 2 ROGER WILLIAMS U. L. REV. 531 (2017).

J.W. Neyers, *Reconceptualizing the Tort of Public Nuisance*, 76 CAMBRIDGE L. J. 87 (2017).

Sarah M. Nickel, *The Medical Malpractice Cure: Stitching Together the Coleman Factors*, 78 LA. L. REV. 311 (2017).

Lydia Nussbaum, *Trial and Error: Legislating ADR for Medical Malpractice Reform*, 76 MD. L. REV. 247 (2017)

James Oldham, *The Law of Negligence as Reported in The Times, 1785-1820*, 36 L. & HIST. REV. 383 (2018).

Dirk J. Oudemool, *Torts*, 67 SYRACUSE L. REV. 1155 (2017).

Henry H. Perritt, Jr., *Who Pays when Drones Crash?*, 21 UCLA J. L. & TECH. 1 (2017).

Steven Plitt & Jordan R. Plitt, *A Jurisprudential Survey of the Tort of Spoliation of Evidence: Resolving Third-Party Insurance Company Automobile Spoliation Claims*, 24 CONN. INS. L.J. 63 (2017).

Thaddeus Mason Pope, *Informed Consent and the Oncologist: Legal Duties to Discuss Costs of Treatment*, ASCO POST (Nov. 25, 2017).

Thaddeus Mason Pope, *Certified Patient Decision Aids: Solving Persistent Problems with Informed Consent Law*, 45(1) JOURNAL OF LAW, MEDICINE & ETHICS 12-40 (2017).

Thaddeus Mason Pope, *Legal Briefing: Unwanted Cesareans and Obstetric Violence*, 28(2) JOURNAL OF CLINICAL ETHICS 163-173 (2017).

Thaddeus Mason Pope, *Legal Briefing: New Penalties for Disregarding Advance Directives and DNR Orders*, 28(1) JOURNAL OF CLINICAL ETHICS 74-81 (2017).

Tatiana Elizabeth Posada, *Whose Sperm is it Anyways in the Wild, Wild West of the Fertility Industry?* 34 GA. ST. U. L. REV. 847 (2018).

Lauren E. Potocsky, *The Blind Plaintiff post-Lugo v. Ameritech: Falling away from the Restatement in Open and Obvious Jurisprudence in Michigan*, 62 WAYNE L. REV. 557 (2017).

G. Edward Powell III, *Embryos as Patients? Medical Provider Duties in the Age of CRISPR/Cas9*, 15 DUKE L. & TECH. REV. 334 (2017).

Robert Rabin, *Automated Vehicles and Manufacturer Responsibility for Accidents: A New Legal Regime for a New Era*, 105 VA. L. REV. __ (2019) (forthcoming).

Robert Rabin, *Dov Fox on Reproductive Negligence: A Commentary*, 117 COLUM. L. REV. ONLINE 228 (2017).

Robert Rabin, *Accommodating Tort Law: Alternative Remedies for Workplace Injuries*, 69 RUTGERS L.REV. 1119 (2017).

Robert Rabin, *Perspectives on Privacy, Data Security and Tort Law*, 66 DEPAUL L. REV. 313 (2017).

John Rappaport, *How Private Insurers Regulate Public Police*, 130 HARV. L. REV. 1539 (2017).

Paul D. Rheingold, *Mass Torts—Maturation of Law and Practice*, 37 PACE L. REV. 617 (2017).

Ben Rosichan, *Forty-Eight States Are Probably Not Wrong: An Argument for Modernizing Georgia’s Legal Malpractice Statute of Limitations*, 33 GA. ST. U. L. REV. 805 (2017)

Jennifer E. Rothman, *The Right of Publicity: Privacy Reimagined for New York?*, 36 CARDOZO ARTS & ENTERTAINMENT L. J. 573 (2018)

Paul F. Rothstein, *Demystifying Burdens of Proof and the Effect of Rebuttable Evidentiary Presumptions in Civil and Criminal Trials*, available at <https://ssrn.com/abstract=3050687>

Sabrina Safrin, *The C-Section Epidemic: What’s Tort Reform Got to Do With It?*, 2018 U. ILL. L. REV. 747 (2018).

Carol Sanger, *The Lopsided Harms of Reproductive Justice*, 118 COLUM. L. REV. ONLINE 29 (2017).

Nadia N. Sawicki, *Choosing Medical Malpractice*, 93 WASHINGTON LAW REVIEW 891 (2018).

Victor E. Schwartz, Phil Goldberg & Christopher E. Appel, *Deep Pocket Jurisprudence: Where Tort Law Should Draw the Line*, 70 OKLA. L. REV. 359 (2018).

Stephen Seely, *The Home-Field Disadvantage: Tort Liability and Immunity for Paid Physicians during Disasters within the Pacific Northwest Emergency Management Arrangement Member States*, 40 SEATTLE U. L. REV. 875 (2017).

Justin Sevier, *Vicarious Windfalls*, 102 IOWA L. REV. 651 (2017).

Catherine M. Sharkey, *In Search of the Cheapest Cost Avoider: Another View of the Economic Loss Rule*, 85 U. CIN. L. REV. 1017 (2018).

Noam Sher, *The Best Welfare Point: A New Compensation Criterion and Goal for Tort Law*, 48 U. MEM. L. REV. 145 (2017).

Brice Smallwood, *R.I.P. Employer Intentional Torts: The Debilitating Application of Ohio Revised Code Section 2745.01*, 85 CIN. L. REV. 251 (2017).

Holger Sonntag, *Medicine Behind Bars: regulating and Litigating Prison Healthcare Under State Law Forty Years After Estelle v. Gamble*, 68 CASE. W. RES. 603 (2017).

Kevin C. Staed, *Open Source Download Mishaps and Product Liability: Who is to*

Blame and What are the Remedies?, 36 ST. LOUIS U. PUB. L. REV. 169 (2017).

Alex Stein, *The Domain of Torts*, 117 COLUM. L. REV. 535 (2017).

Stephen D. Sugarman, *Torts and Guns*, 10 J. TORT LAW 3 (2017).

Frank Sullivan, Jr., *Selected Developments in Indiana Tort Law (1993-2012)*, 50 IND. L. REV. 1493 (2017).

J. Tomas Sullivan, *Arkansas, Meet Tarasoff: The Question of Expanded Liability to Third Persons for Mental Health Professionals*, 69 ARK. L. REV. 987 (2017).

Katalin Sulyok, *Managing Uncertain causation in Toxic Exposure Cases: Lessons for the European Court of Human Rights From U.S. Toxic Tort Litigation*, 18 VT. J. ENVTL. L. 519 (2017).

Symeon C. Symeonides, *The Third Conflicts Restatement's First Draft on Tort Conflicts*, 92 TUL. L. REV. 1 (2017).

Daniela Talmadge, *Keeping Medical Liability Costs Down: How Captive Insurance and Damages Caps Could Help Control Rising Healthcare Costs*, 43 J. CORP. L. 201 (2017).

Cristina Carmody Tilley, *Tort Law Inside Out*, 126 YALE L. J. 1320 (2017).

Josephine Van Zeven, *A Law and Economics Perspective on Judicial Risk Regulation*, 9 EUR. J. RISK REG. 66 (2018).

Alexander Volokh, *Medical Malpractice as Workers' Comp: Overcoming State Constitutional Barriers to Tort Reform*, 67 EMORY L. J. 975 (2018).

Jacob D. Walpert, *Carpooling Liability: Applying Tort Law Principles to the Joint Emergence of Self-Driving Automobiles and*

Transportation Network Companies, 85 FORDHAM L. REV. 1863 (2017).

Nicole Ward, *When Laundry Becomes Deadly: Why the Extension of Duty Past Spouses in Schwartz v. Accuratus Corp. Holds the Right People Responsible for Take-Home Toxic Torts*, 62 VILL. L. REV. 457 (2017).

R. Henry Weaver and Douglas A. Kysar, *Courting Disaster: Climate Change and the Adjudication of Catastrophe*, 93 NOTRE DAME L. REV. 295 (2017).

James E. Wildes, *Tort Developments in 2016*, 90 Conn. B.J. 245 (2017).

Goh Yihan & Man Yip, *Concurrent Liability in Tort and Contract: An Analysis of Interplay, Intersection and Independence*, 24 TORTS L. J. 148 (2017).

Sandra B. Zellmer, *Takings, Torts, and Background Principles*, 52 WAKE FOREST L. REV. 193 (2017).

Jason Zenor, *The Meme Made Me Do It – The Future of Immersive Entertainment and Tort Liability*, 7 ARIZ. ST. U. SPORTS & ENT. L.J. 93 (2017).

Book Chapters

Michael P. Moreland, *Justice, Love, and Duties of Care in Tort Law*, in AGAPE, JUSTICE, AND LAW: HOW MIGHT CHRISTIAN LOVE SHAPE LAW? (Robert F. Cochran, Jr., and Zachary R. Calo, eds.) Cambridge, UK: Cambridge University Press 2017.

Paul S. Davies, *Injunctions in Tort and Contract*, in COMMERCIAL REMEDIES: RESOLVING CONTROVERSIES (Graham Virgo and Sarah Worthington, eds.) Cambridge, UK: Cambridge University Press 2017.

Tracy Hester, *Liability and Compensation in CLIMATE ENGINEERING AND THE LAW* (Michael

B. Gerrard and Tracy Hester, eds.)
Cambridge, UK: Cambridge University Press
2018.

Allan C. Hutchinson, *Into the Black Hole: Towards a Fresh Approach to Tort Causation*, in *LAW, LIFE, AND LORE: IT'S TOO LATE TO STOP NOW*, Cambridge, UK: Cambridge University Press 2017.

W. Nicholson Price, *Medical Malpractice and Black-Box Medicine*, in *BIG DATA, HEALTH LAW AND BIOETHICS* (I. Glenn Cohen, Holly Fernandez Lynch, Effy Vayena, & Urs Gasser, eds.) Cambridge, UK: Cambridge University Press 2018.

Robert Rabin, *Pathways to Auto Safety: Assessing the Role of NHTSA* in *ADMINISTRATIVE LAW FROM THE INSIDE OUT: ESSAYS ON THEMES IN THE WORK OF JERRY N. L. MASHAW*, (N. Parillo, ed. 2017)

Geoffery Rapp, *Sports and American Tort Law*, in *THE OXFORD HANDBOOK OF AMERICAN SPORTS LAW*, (Michael A. McCann, ed.) 161-74. New York, NY: Oxford University Press, 2018.

Jiangyu Wang, *Enforcing Fiduciary Duties as Tort Liability in Chinese Courts*, in *ENFORCEMENT OF CORPORATE AND SECURITIES LAW: CHINA AND THE WORLD* (Robin Hui Huang and Nicholas Calcina Howson, eds.) Cambridge, UK: Cambridge University Press 2018.

Liming Wang, *Improving the Civil Liability System for False and Misleading Disclosures in the Chinese Securities Markets*, in *ENFORCEMENT OF CORPORATE AND SECURITIES LAW: CHINA AND THE WORLD* (Robin Hui Huang and Nicholas Calcina Howson, eds.) Cambridge, UK: Cambridge University Press 2018.

Book Reviews

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John Goldberg, *A Theory of Tort Liability*. By Allan Beever [Oxford and Portland, Oregon: Hart, 2016], 80 *MOD. L. REV.* 1183 (2017).

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