



Association of American  
Law Schools

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**Torts and Compensation Systems**  
**2008 Newsletter**

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The January meeting of the Association of American Law Schools is fast approaching. I hope to see you there. A brief description of the Section Program for this year's meeting, which was organized by our Chair, Ellen Bublick, follows.

Also included are the announcement of this year's William L. Prosser Award winner, as well as a list of some Torts-related symposia, books, and law review articles from this past year, as well as upcoming events. (Apologies to those inadvertently excluded!)

As always, the Executive Committee invites you to attend the section program and presentation of the Prosser award, and to participate in the election of section officers for next year. If you have thoughts about programs or events that you would like the section to initiate during the coming year, please contact me at the address listed above.

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## 1. Section Program at the 2009 AALS Annual Meeting in San Diego

The Section is sponsoring an excellent program at this year's annual AALS meeting in San Diego. Titled *Foreign Tort Law: Beyond Europe*, it will take place from **10:30 – 12:15 a.m. on Friday, January 9, 2009**. Many thanks to Chair Ellen Bublick for organizing this event. Papers presented at the program will be published in the *Arizona Journal of International and Comparative Law*. Here is a description:

*Foreign Tort Law: Beyond Europe*: Injury, particularly human physical injury, is a universal problem. And yet, in the United States little is written about other countries' mechanisms for awarding civil liability for injury. In recent years, with the European Group on Tort Law's publication of its Principles of European Tort Law, more is known about liability rules in the European Union. This panel attempts to further expand U.S. scholars' understanding of foreign tort law. The program will address issues of accountability, deterrence and compensation for injury in other nations, particularly developing nations. The panel will address foreign approaches to civil liability in its broadest sense. Some approaches to injury response may be easily recognizable as tort law, and other approaches may differ more markedly from what might be considered tort law in the United States.

Ellen will serve as moderator, with the Hon. Alan Linden of the Federal Court of Appeals of Canada acting as commentator. Papers will be presented by:

- **Ayelet Blecher-Prigat** Lecturer, Sha'arei Mishpat Law College, Adjunct Lecturer, The Hebrew University and **Benjamin Shmueli** Senior Lecturer, Sha'arei Mishpat Law College, Adjunct Professor, Tel Aviv and Bar Ilan Law Schools
  - **Julie Davies**, Professor of Law, University of the Pacific McGeorge School of Law and **Dominic N. Dagbanja**, Barrister-at-Law, Ghana School of Law
  - **Yihan Goh**, Faculty of Law, National University of Singapore
  - **Eri Osaka**, Associate Professor, Surugadai University, Saitama
  - **Christopher J. Roederer**, Associate Professor, Florida Coastal School of Law
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## 2. 2009 William L. Prosser Award Winner – Dan B. Dobbs

The Section last-year revived the William L. Prosser Award, which was presented at last year's program to Robert L. Rabin by his friend and fellow torts scholar Stephen Sugarman. The award was created and presented to its first recipient, Leon Green, in 1974. Recipients have included Wex Malone, W. Page Keeton, and John Wade. When Malone bestowed the first Prosser award upon Green, he remarked that the award "is designed to recognize a lifetime of truly outstanding contribution to the world of Torts."

This year's honoree is Professor Dan B. Dobbs, Regents & Rosentiel Distinguished Professor of Law at the James E. Rogers College of Law, University of Arizona. As you all know, Dan has for the past 45 years been a leading light in the field of Torts. An expert in both torts and remedies, he is the author of leading treatises in each area: The Law of Torts and The Law of Remedies. He is also the co-author of prominent Torts and Advanced Torts casebooks, as well as dozens of book chapters and articles on the comparative, procedural, substantive and remedial aspects of tort.

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

## 3. Prosser Award Nominations for 2010

At the 2010 AALS Annual Meeting in New Orleans, the Torts Section will once again present the William L. Prosser Award to a professor who has made outstanding contributions to Torts scholarship, teaching, and service. Any law professor is eligible to nominate another law professor for the award. Selection of the recipient will be made by members of the Executive Committee of the Section based on the recommendations of an appointed special selection committee.

Nominations, accompanied by a brief supporting statement, should be submitted to **Michael Rustad**, Secretary of the Executive Committee, either by regular mail or e-mail, at the following addresses: Michael Rustad, Professor of Law, Suffolk University Law School, 120 Tremont Street, Boston, MA 02108. E-mail: [mrustad@suffolk.edu](mailto:mrustad@suffolk.edu). Nominations must be received no later than 5 p.m. Eastern Time (U.S.) on July 3, 2009.

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

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#### 4. Section Officers

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

- Chair:** John Goldberg, Harvard Law School
- Chair-Elect:** Catherine Sharkey, New York University School of Law
- Secretary:** Michael Rustad, Suffolk University Law School
- Treasurer:** John White, UNLV William S. Boyd School of Law
- Members:** Jennifer Wriggins, University of Maine School of Law; Andrew R. Klein, Indiana University School of Law

#### 5. Torts-Related Publications and Symposia (2008)<sup>†</sup>

<sup>†</sup> The following lists were compiled with the substantial and much-appreciated assistance of Kyle Dandeleit, Virginia Farmer, and Janet Katz.

#### BOOKS

KENNETH ABRAHAM, *THE LIABILITY CENTURY: INSURANCE AND TORT LAW FROM THE PROGRESSIVE ERA TO 9/11* (Harvard University Press 2008).

GEORGE P. FLETCHER, *TORT LIABILITY FOR HUMAN RIGHTS ABUSES* (Hart Publishing 2008). JOEL LEVIN, *TORT WARS* (Cambridge University Press 2008).

TIMOTHY D. LYTTON, *HOLDING BISHOPS ACCOUNTABLE: HOW LAWSUITS HELPED THE CATHOLIC CHURCH CONFRONT CLERGY SEXUAL ABUSE* (Harvard University Press 2008).

DARIO MILO, *DEFAMATION AND FREEDOM OF SPEECH* (Oxford University Press 2008).

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## 5. Torts-Related Publications and Symposia (2008) (con't)

### ARTICLES

Charles W. Adams, *Indirect Infringement from a Tort Law Perspective*, 42 U. RICH. L. REV. 635 (2008).

Stephanie M. Ailor, Note, *The Legislature Versus the Judiciary: Defining "Injury" Under the Tort Immunity Act*, 57 DEPAUL L. REV. 1021 (2008).

James R. Alexander, *Roth at Fifty: Reconsidering the Common Law Antecedents of American Obscenity Doctrine*, 41 J. MARSHALL L. REV. 393 (2008).

Tarak Anada, Comment, *The Perfect Storm, an Imperfect Response, and a Sovereign Shield: Can Hurricane Katrina Victims Bring Negligence Claims Against the Government?* 35 PEPP. L. REV. 279 (2008).

Ralph C. Anzivino, *The Economic Loss Doctrine: Distinguishing Economic Loss from Non-Economic Loss*, 91 MARQ. L. REV. 1081 (2008).

Richard C. Ausness et al., *Providing a Safe Harbor for Those Who Play by the Rules: The Case for a String Regulatory Compliance Defense*, 2008 UTAH L. REV. 115 (2008).

Kevin Bennardo, *The Tort of Aiding and Advising?: The Attorney Exception to Aiding and Abetting a Breach of Fiduciary Duty*, 84 N.D. L. REV. 85 (2008).

José A. Berlanga & Nancy J. Brown, *Establishing Tort Liability with Regulatory Tools? The Utility of Air Modeling as a Surrogate for Monitoring Data*, 3 ENVTL. & ENERGY L. & POL'Y J. 1 (2008).

Derek W. Black, *A Framework for the Next Civil Rights Act: What Tort Concepts Reveal About Goals, Results, and Standards*, 60 RUTGERS L. REV. 259 (2008).

John Bronsteen, Christopher J. Buccafusco & Jonathan S. Masur, *Hedonic Adaptation and the Settlement of Civil Lawsuits*, 108 COLUM. L. REV. 1516 (2008).

Alan Calnan, *Strict Liability and the Liberal-Justice Theory of Torts*, 38 N.M. L. REV. 95 (2008).

Paul Caprara, Comment, *Surf's Up: The Implications of Tort Liability in the Unregulated Sport of Surfing*, 44 CAL. W. L. REV. 557 (2008).

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W. Jonathan Cardi & Michael D. Green, *Duty Wars*, 81 S. CAL. L. REV. 671 (2008).

Greg J. Carlson, Note, *Lead Paint: Who Will Bear the Cost of Abating the Latest Public Nuisance?*, 59 HASTINGS L.J. 1553 (2008).

Seldon J. Childers, Note, *Don't Stop the Music: No Strict Products Liability for Embedded Software*, 19 U. FLA. J.L. & PUB. POL'Y 125 (2008).

William G. Childs, *When the Bell Can't be Unrung: Document Leaks and Protective Orders in Mass Tort Litigation*, 27 REV. LITIG. 565 (2008).

Ben Davidson, Note, *Liability on the Battlefield: Adjudicating Tort Suits Brought by Soldiers Against Military Contractors*, 37 PUB. CONT. L.J. 803 (2008).

Katherine Dirks, Note, *Ethical Rules of Conduct in the Settlement of Mass Torts: A Proposal to Revise Rule 1.8(g)*, 83 N.Y.U. L. REV. 501 (2008).

Dan B. Dobbs, *Undertakings and Special Relationships in Claims for Negligent Infliction of Emotional Distress*, 50 ARIZ. L. REV. 49 (2008).

Sameer H. Doshi, *Making the Sale on Contingent Valuation*, 21 TUL. ENVTL. L.J. 295 (2008).

Reetuparna Dutta, Student Essay, *Of Embassy Guards and Rock Stars: Why the Department of State Should Provide Compensation for Torts Committed by Embassy Guards Abroad*, 76 GEO. WASH. L. REV. 1279 (2008).

Susanna G. Dyer, Note, *Is There a Duty?: Limiting College and University Liability for Student Suicide*, 106 MICH. L. REV. 1379 (2008).

Robin J. Effron, *Event Jurisdiction and Protective Coordination: Lessons from the September 11th Litigation*, 81 S. CAL. L. REV. 199 (2008).

Susanne L. Flanders, Note, *A Tough Pill to Swallow: The Insurmountable Burden in Toxic Tort Claims Against Manufacturers of Children's Medications*, 16 J.L. & POL'Y 305 (2008).

Russell Fraker, Note, *Reformulating Outrage: A Critical Analysis of the Problematic Tort of IIED*, 61 VAND. L. REV. 983 (2008).

Sandra F. Gavin, *Stealth Tort Reform*, 42 Val. U. L. Rev. 431 (2008).

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Mark A. Geistfeld, *Punitive Damages, Retribution, and Due Process*, 81 S. CAL. L. REV. 263 (2008).

James Gibson, *Doctrinal Feedback and (Un)Reasonable Care*, 94 VA. L. REV., forthcoming (2008) (Available through Social Science Research Network).

Paula Giliker, *Codifying Tort Law: Lessons from the Proposals for Reform of the French Civil Code*, 57 INT'L & COMP. L.Q. 561 (2008).

Marc D. Ginsberg & Tricia E. McVicker, *Not for the Faint of Heart: Does a Hospital Owe a Duty to Warn a Squeamish Visitor?* 41 J. MARSHALL L. REV. 473 (2008).

John C. P. Goldberg, *Ten Half-Truths About Tort Law*, 42 VAL. U. L. REV. 1221 (2008).

Jim Golden, H. Abigail Moy & Adam Lyons, *The Negotiation Counsel Model: An Empathetic Model for Settling Catastrophic Personal Injury Cases*, 13 HARV. NEGOT. L. REV. 211 (2008).

Bernard D. Goldstein, *Toxic Torts: The Devil is in the Dose*, 16 J.L. & POL'Y 551 (2008).

Khurram Nasir Gore, *Xiaoning v. Yahoo!: Piercing the Great Firewall, Corporate Responsibility, and the Alien Tort Claims Act*, 27 TEMP. J. SCI. TECH. & ENVTL. L. 97 (2008).

Kyle Graham, *Why Torts Die*, 35 FLA. ST. U. L. REV. 359 (2008).

John S. Gray & Richard O. Faulk, *"Negligence in the Air?" Should "Alternative Liability" Theories Apply in Lead Paint Litigation?* 25 PACE ENVTL. L. REV. 147 (2008).

Charles T. Greene, *Determining Liability in Asbestos Cases: The Battle to Assign Liability Decades After Exposure*, 31 AM. J. TRIAL ADVOC. 571 (2008).

Gregory D. Hanscom, Comment, *Baseball Juiced Up: Should the Increased Risk Associated with the Use of Performance-Enhancing Substances Create Tort Liability?* 15 VILL. SPORTS & ENT. L.J. 367 (2008).

Robert Heidt, *When Plaintiffs are Premium Planners for their Injuries: A Fresh Look at the Fireman's Rule*, 57 DEF. L.J. 121 (2008).

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Richard L. Herz, *The Liberalizing Effects of Tort: How Corporate Complicity Liability Under the Alien Tort Statute Advances Constructive Engagement*, 21 HARV. HUM. RTS. J. 207 (2008).

Sharona Hoffman, *Responders' Responsibility: Liability and Immunity in Public Health Emergencies*, 96 GEO. L.J. 1913 (2008).

Reid S. Hooper, Note, *Got Mold? Improving Plaintiff's Toxic Mold Causation Problems with the Introduction of DNA and Mycotoxin Extraction Testing*, 42 VAL. U. L. REV. 585 (2008).

Lindsey J. Hopper, Note, *Striking a Balance: An Open Courts Analysis of the Uniform Emergency Volunteer Health Practitioners Act*, 92 MINN. L. REV. 1924 (2008).

Keith N. Hylton, *Preemption and Products Liability: A Positive Theory*, 16 SUP. CT. ECON. REV. 205 (2008).

Aaron M. Johnson, Note, *Wide Scope of Liability for Intentional Tortfeasors: A Doctrinal Rationale Applied to Alien Tort Statute Defendants*, 27 REV. LITIG. 713 (2008).

Irene D. Johnson, *Tortious Interference with Expectancy of Inheritance of Gift – Suggestions for Resort to the Tort*, 39 U. TOL. L. REV. 769 (2008).

Chiméne I. Keitner, *Conceptualizing Complicity in Alien Tort Cases*, 60 HASTINGS L.J., forthcoming (2008) (Available through Social Science Research Network).

William M. Krogh, Comment, *The Anonymous Public Figure: Influence Without Notoriety and the Defamation Plaintiff*, 15 GEO. MASON L. REV. 839 (2008).

Bailey Kuklin, *The Morality of Evolutionary Self-Interested Rescues*, 40 ARIZ. ST. L.J. 453 (2008).

Glenda Labadie-Jackson, *Warning: Silence Can Cause Severe Harm: Spanish Language and Civil Liability for Inadequate Warnings and Instructions*, 11 HARV. LATINO L. REV. 85 (2008).

David C. Landin, Victor E. Schwartz & Phil Goldberg, *Lessons Learned from the Front Lines: A Trial Court Checklist for Promoting Order and Sound Policy in Asbestos Litigation*, 16 J.L. & POL'Y 589 (2008).

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Joseph Lavitt, *The Doctrine of Efficient Proximate Cause, the Katrina Disaster, Prosser's Folly, and the Third Restatement of Torts: Cracking the Conundrum*, 54 LOY. L. REV. 1 (2008).

Geoffrey G. Leder, *The Feres Doctrine, Negligent Prenatal Care, and Injuries to the Children of Pregnant Military Servicewomen: Brown v. United States*, 76 U. CIN. L. REV. 1043 (2008).

Shahar Lifshitz, *Distress Exploitation Contracts in the Shadow of No Duty to Rescue*, 86 N. C. L. REV. 315 (2008).

Yair Listokin, *Is Secured Debt Used to Redistribute Value from Tort Claimants in Bankruptcy? An Empirical Analysis*, 57 DUKE L.J. 1037 (2008).

Holly Fernandez Lynch, Michele Mathes & Nadia Sawicki, *Compliance with Advance Directives: Wrongful Living and Tort Law Incentives*, 29 J. LEGAL MED. 133 (2008).

Philip Mariani, Comment, *Assessing the Proper Relationship Between the Alien Tort Statute and the Torture Victim Protection Act*, 156 U. PA. L. REV. 1383 (2008).

Ann MacLean Massie, *Suicide on Campus: The Appropriate Legal Responsibility of College Personnel*, 91 MARQ. L. REV. 625 (2008).

Michelle M. Mello & David M. Studdert, *Deconstructing Negligence: The Role of Individual and System Factors in Causing Medical Injuries*, 96 GEO. L.J. 599 (2008).

Michael T. Miller, Note, *The Good, the Bad, and the Gross: A Critical Review of Food Review Defamation Law*, 76 UMKC L. REV. 1157 (2008).

George A. Nation III, *Respondeat Manufacturer: Imposing Vicarious Liability on Manufacturers of Criminal Products*, 60 BAYLOR L. REV. 155 (2008).

Amanda Sue Nichols, *Alien Tort Statute Accomplice Liability Cases: Should Courts Apply the Plausibility Pleading Standard of Bell Atlantic v. Twombly?* 76 FORDHAM L. REV. 2177 (2008).

David L. Noll, Note, *Qualified Immunity in Limbo: Rights, Procedure, and the Social Costs of Damages Litigation Against Public Officials*, 83 N.Y.U. L. REV. 911 (2008).

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Jeffrey O'Connell & Patricia Born, *The Cost and Other Advantages of an Early Offers Reform for Personal Injury Claims against Business, Including for Product Liability*, 2008 COLUM. BUS. L. REV. 423 (2008).

Helen D. O'Connor, *Federal Tort Claims Act is Available for OIF TBI Veterans, Despite Feres*, 11 DEPAUL J. HEALTH CARE L. 273 (2008).

Christopher J. O'Malley, Note, *Breaking Asbestos Litigation's Chokehold on the American Judiciary*, 2008 U. ILL. L. REV. 1101 (2008).

Ronen Perry, *It's a Wonderful Life*, 93 CORNELL L. REV. 329 (2008).

Ronen Perry, *The Economic Bias in Tort Law*, 2008 U. ILL. L. REV. 1573 (2008).

John F. Preis, *Alternative State Remedies in Constitutional Torts*, 40 CONN. L. REV. 723 (2008).

Ellen S. Pryor, *Part of the Whole: Tort Law's Compensatory Failures Through a Wider Lens*, 27 REV. LITIG. 307 (2008).

Ben Quarmby, *Protection from Online Libel: A Discussion and Comparison of the Legal and Extrajudicial Recourses Available to Individual and Corporate Plaintiffs*, 42 NEW ENG. L. REV. 275 (2008).

Geoffrey Christopher Rapp, *The Wreckage of Recklessness*, 86 WASH. U. L.R. 111 (2008).

Alexandra Reeve, Note, *Within Reach: A New Strategy for Regulating American Corporations That Commit Human Rights Abuses Abroad*, 2008 COLUM. BUS. L. REV. 387 (2008).

William A. Reppy, Jr., *Eclecticism in Methods for Resolving Tort and Contract Conflict of Laws: The United States and the European Union*, 82 TUL. L. REV. 2053 (2008).

Robert J. Rhee, *Tort Arbitrage*, 60 FLA. L. REV. 125 (2008).

Christopher J. Roederer, *Democracy and Tort Law in America: The Counter-Revolution*, 110 W. VA. L. REV. 647 (2008).

Hannes Rösler, *Dignitarian Posthumous Personality Rights – An Analysis of U.S. and German Constitutional and Tort Law*, 26 BERKELEY J. INT'L L. 153 (2008).

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Noah Sachs, *Beyond the Liability Wall: Strengthening Tort Remedies in International Environmental Law*, 55 UCLA L. REV. 837 (2008).

Andrew Saluke, *Ad-Blocking Software as Third-Party Tortious Interference with Advertising Contracts*, 7 FLA. ST. U. BUS. L. REV. 87 (2008).

Margo Schlanger, *Operationalizing Deterrence: Claims Management (In Hospitals, a Large Retailer, and Jails and Prisons)*, 2 J. TORT L. (2008) (Available at <http://www.bepress.com/jtl/vol2/iss1/art1/>).

Peter Schuck, *Tort Reform, Kiwi-Style*, 27 YALE L. & POL'Y REV., forthcoming (2008) (Available through Social Science Research Network).

Victor E. Schwartz & Christopher E. Appel, *Effective Communication of Warnings in the Workplace: Avoiding Injuries in Working With Industrial Materials*, 73 MO. L. REV. 1 (2008).

Hilary M. Schwartzberg, Note, *Tort Law in Action and Dog Bite Liability: How the American Legal System Blocks Plaintiffs from Compensation*, 40 CONN. L. REV. 845 (2008).

Marin Roger Scordato, *Understanding the Absence of a Duty to Reasonably Rescue in American Tort Law*, 82 TUL. L. REV. 1447 (2008).

Michael D. Scott, *Tort Liability for Vendors of Insecure Software: Has the Time Finally Come?* 67 MD. L. REV. 425 (2008).

Bryan M. Seiler, Note, *Moving from "Broken Windows" to Healthy Neighborhood Policy: Reforming Urban Nuisance Law in Public and Private Sectors*, 92 MINN. L. REV. 883 (2008).

Patricia A. Sexton, Russell X. Pollock & Vedrana Balta, *Recent Developments in Products, General Liability, and Consumer Law*, 43 TORT TRIAL & INS. PRAC. L.J. 603 (2008).

Catherine M. Sharkey, *Products Liability Preemption: An Institutional Approach*, 76 GEO. WASH. L. REV. 449 (2008).

Joanna M. Shepherd, *Tort Reforms' Winners and Losers: The Competing Effects of Care and Activity Levels*, 55 UCLA L. REV. 905 (2008).

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Jed Handelsman Shugerman, *A Watershed Moment: Reversals of Tort Theory in the Nineteenth Century*, 2 J. TORT L. (2008) (Available at <http://www.bepress.com/jtl/vol2/iss1/art2/>).

Gwynne Skinner, *Nuremberg's Legacy Continues: The Nuremberg Trials' Influence on Human Rights Litigation in U.S. Courts Under the Alien Tort Statute*, 71 ALB. L. REV. 321 (2008).

Douglas G. Smith, *Resolution of Mass Tort Claims in the Bankruptcy System*, 41 U.C. DAVIS L. REV. 1613 (2008).

Kristen Rabe Smolensky, *Creating Children with Disabilities: Parental Tort Liability for Preimplantation Genetic Interventions*, 60 HASTINGS L.J., forthcoming (2008) (Available through Social Science Research Network).

Rick Swedloff, *Can't Settle, Can't Sue: How Congress Stole Tort Remedies from Medicare Beneficiaries*, 41 AKRON L. REV. 557 (2008).

Symeon C. Symeonides, *Rome II and Tort Conflicts: A Missed Opportunity*, 56 AM. J. COMP. L. 173 (2008).

Christopher Terranova, *Erroneous Removal as a Tool for Silent Tort Reform: An Empirical Analysis of Fee Awards and Fraudulent Joinder*, 44 WILLAMETTE L. REV. 799 (2008).

Rachel A. Van Cleave, *Mapping Proportionality Review: Still a "Road to Nowhere,"* 43 TULSA L. REV. 709 (2008).

Lucila I. Van Dam, *Long Live the Lie Bill!* 41 U. MICH. J.L. REFORM 525 (2008).

Frank J. Vandall, *The Criminalization of Products Liability: An Invitation to Political Abuse, Preemption, and Non-Enforcement*, 57 CATH. U. L. REV. 341 (2008).

Daniel F. Wachtell, Note, *No Harm, No Foul: Reconceptualizing Free Speech via Tort Law*, 83 N.Y.U. L. REV. 949 (2008).

Colin P. Watson, *Limiting a Constitutional Tort Without Probable Cause: First Amendment Retaliatory Arrest after Hartman*, 107 MICH. L. REV. 111 (2008).

Ben "Ziggy" Williamson, Note, *The Gunslinger to the Ivory Tower Came: Should Universities Have a Duty to Prevent Rampage Killings?* 60 FLA. L. REV. 895 (2008).

Harry Wruck, *The Continuing Evolution of the Tort of Misfeasance in Public Office*, 41 U.B.C. L. REV. 69 (2008).

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Michelle A. Wyant, *Confronting the Limits of the First Amendment: A Proactive Approach for Media Defendants Facing Liability Abroad*, 9 SAN DIEGO INT'L L.J. 367 (2008).

David Zaring, *Three Models of Constitutional Torts*, 2 J. TORT L. (2008) (Available at <http://www.bepress.com/jtl/vol2/iss1/art3/>).

Jonathan Zasloff, *The Judicial Carbon Tax: Reconstructing Public Nuisance and Climate Change*, 55 UCLA L. REV. 1827 (2008).

Perry A. Zirkel & John H. Clark, *School Negligence Case Law Trends*, 32 S. ILL. U. L.J. 345 (2008).

### BOOK REVIEWS

Aditi Bagchi, *The Accidental Promise: Remaking the Law of Misrepresented Intent*, 2008 U. ILL. L. REV. 985 (2008) (reviewing IAN AYRES & GREGORY KLASS, *INSINCERE PROMISES: THE LAW OF MISREPRESENTED INTENT* (2005)).

Andrew Hammel, *Book Review*, 56 AM. J. COMP. L. 226 (2008) (reviewing ANDREW J. MCCLURG, ADEM KOYUNCU & LUIS EDUARDO SPROVIERI, *PRACTICAL GLOBAL TORT LITIGATION: UNITED STATES, GERMANY AND ARGENTINA* (2007)).

Benjamin F. Heidlage, *Limiting the Scarlet @: Daniel J. Solove's The Future of Reputation*, 83 N.Y.U. L. REV. 982 (2008) (book review).

John Murphy, *Rights, Reductionism and Tort Law*, 28 OXFORD J. LEGAL STUD. 393 (2008) (reviewing ROBERT STEVENS, *TORTS AND RIGHTS* (2007)).

William M. Richman, *A New Breed of Smart Empirically Derived Conflicts Rules: Better Law than "Better Law" in the Post-Tort Reform Era: Reviewing Symeon C. Symeonides, The American Choice-of-Law Revolution: Past, Present and Future* (2006), 82 TUL. L. REV. 2181 (2008) (book review).

Adam F. Scales, *The Chicken and the Egg: Kenneth S. Abraham's "The Liability Century,"* 94 VA. L. REV. 1259 (2008) (book review).

Anthony J. Sebok, *What Do We Talk About When We Talk About Mass Torts?* 106 MICH. L. REV. 1213 (2008) (reviewing RICHARD A. NAGAREDA, *MASS TORTS IN A WORLD OF SETTLEMENT* (2007)).

**SYMPOSIA PUBLICATIONS**

Campus Safety, 34 J.C. & U.L. 253 (2008).

- Peter F. Lake, *Still Waiting: The Slow Evolution of the Law in Light of the Ongoing Student Suicide Crisis*, 34 J.C. & U.L. 253 (2008).
- Brett A. Sokolow et al., *College and University Liability for Violent Campus Attacks*, 34 J.C. & U.L. 319 (2008).

Challenges to the Attorney-Client Relationship: Threats to Sound Advice?  
Thirteenth Annual Clifford Symposium on Tort Law and Social Policy, 57 DEPAUL L. REV. 221 (2008).

- Stephan Landsman, *Reflections on Juryphobia and Medical Malpractice Reform*, 57 DEPAUL L. REV. 221 (2008).
- Aaron Lazare, *The Healing Forces of Apology in Medical Practice and Beyond*, 57 DEPAUL L. REV. 251 (2008).
- Frank M. McClellan, *The Vioxx Litigation: A Critical Look at Trial Tactics, the Tort System, and the Roles of Lawyers in Mass Tort Litigation*, 57 DEPAUL L. REV. 509 (2008).
- Nancy J. Moore, *The American Law Institute's Draft Proposal to Bypass the Aggregate Settlement Rule: Do Mass Tort Clients Need (Or Want) Group Decisions Making?* 57 DEPAUL L. REV. 395 (2008).
- Robert L. Rabin, *Dissembling and Disclosing: Physician Responsibility on the Frontiers of Tort Law*, 57 DEPAUL L. REV. 281 (2008).

Corporate Liability for Grave Breaches of International Law, 33 BROOK. J. INT'L L. 773 (2008).

- Anthony J. Sebok, *Taking Tort Law Seriously in the Alien Tort Statute*, 33 BROOK. J. INT'L L. 871 (2008).

Crimtorts, 17 WIDENER L.J. 705 (2008).

- Keith N. Hylton, *A Theory of Wealth and Punitive Damages*, 17 WIDENER L.J. 927 (2008).
  - Thomas H. Koenig, *Crimtorts: A Cure for Hardening of the Categories*, 17 WIDENER L.J. 733 (2008).
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- Jeffrey O'Connell, *The Large Cost Savings and Other Advantages of an Early Offer "Crimtorts" Approach to Medical Malpractice Claims*, 17 WIDENER L.J. 835 (2008).
- Christopher J. Robinette, *Introduction*, 17 WIDENER L.J. 705 (2008).
- Michael L. Rustad, *The Supreme Court and Me: Trapped in Time with Punitive Damages*, 17 WIDENER L.J. 783 (2008).
- Sheila B. Scheuerman, *The Road Not Taken: Would Application of the Excessive Fines Clause to Punitive Damages Have Made a Difference?* 17 WIDENER L.J. 949 (2008).
- Kenneth W. Simons, *The Crime/Tort Distinction: Legal Doctrine and Normative Perspectives*, 17 WIDENER L.J. 719 (2008).
- Byron G. Stier, *Crimtorts, Class Actions, and the Emerging Mass Tort Method*, 17 WIDENER L.J. 893 (2008).
- Frank J. Vandall, *Should Manufacturers and Sellers of Lethal Products Be Subject to Criminal Prosecution?* 17 WIDENER L.J. 877 (2008).

*Emerging Legal Issues Affecting Amateur & Professional Sports*, 76 UMKC L. Rev. 567 (2008).

- Timothy Davis, *Tort Liability of Coaches for Injuries to Professional Athletes: Overcoming Policy and Doctrinal Barriers*, 76 UMKC L. Rev. 571 (2008).

*Genuine Tort Reform*, 13 ROGER WILLIAMS U. L. REV. 1 (2008).

- Carl T. Bogus, *Genuine Tort Reform*, 13 ROGER WILLIAMS U. L. REV. 1 (2008).
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## 6. Upcoming Torts-Related Conferences and Symposia

### *23rd Annual San Diego International Conference on Child & Family Maltreatment*

Date: January 26-30

Location: San Diego, CA

<http://www.chadwickcenter.org>

### *American Association for Justice: Winter Meeting*

Date: February 7-11

Location: New Orleans, LA

[http://www.justicewinterconvention.org/conference\\_program\\_at\\_a\\_glance.cfm](http://www.justicewinterconvention.org/conference_program_at_a_glance.cfm)

### *DRI: Civil Rights and Government Tort Liability*

Date: January 28-30

Location: New Orleans, LA

<http://www.dri.org/open/SeminarDetail.aspx?eventCode=20090040&AspxAutoDetectCookieSupport=1>

### *Food Claims and Litigation Conference*

Date: February 25-26

Location: Rancho Mirage, California

<http://www.gtlaw.com/NewsEvents/Events?find=dXNlcnBvcnRhbC9mZXRjaC52P19vYmo9dmVfb2lkOnBvaWQ6WjF0T2w5TlBsS2FUYnY2VHBmSkV0RzNF>

### *12th International Consumer Law Conference*

Date: February 25-27

Location: Hyderabad, Andhra Pradesh, India

<http://www.iaclaw.org>

### *Symposium on the Third Restatement of Torts*

Date: April 2-3

Location: Wake Forest Law School, NC

<http://calendar.law.wfu.edu/BookingDetails.aspx?data=xHa2hY5x%2fQpIZi%2b46%2fCMTPCIa2YHcAdqta61HXHXGTI%3d>

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*DRI: Product Liability Seminar*

Date: April 14

Location: San Diego, CA

[http://www.dri.org/open/Committees.aspx?  
com=0200&AspxAutoDetectCookieSupport=1](http://www.dri.org/open/Committees.aspx?com=0200&AspxAutoDetectCookieSupport=1)

*Conference on European Tort Law*

Date: April 16-18

Location: TBD

<http://www.acet.ectil.org/>

*ECTIL: Tort Law-Related Developments in the European Union*

Date: April 17

Location: Vienna, Austria

*CEA Motor Conference: Personal Injury Claims – Current Trends in Europe*

Date: April 23

Location: Brussels, Belgium

*Legal Malpractice and Risk Management Conference*

Date: May 4

Location: Chicago, IL

[www.lmrm.com](http://www.lmrm.com)

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