

Torts and Compensation Systems Section Annual Newsletter: A Roundup of Torts Scholarships, Developments & News

October 2015

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This newsletter was edited by Christopher J. Robinette, Professor of Law, and Jessica Smeriglio, Student, at the Widener University Commonwealth Law School, Harrisburg, Pennsylvania. Special thanks to librarians Pat Fox and Ed Sonnenberg for their assistance.

“MacPherson at 100: Perspectives on its Influence and Meaning” Torts Section Program 2016 AALS Annual Meeting New York City

Friday, January 8, 2016 1:30 – 3:15 (room to be announced)

On March 14, 1916, New York’s high court issued its decision in *MacPherson v. Buick Motor Co.* Writing for the court, Judge (later Justice) Benjamin Cardozo held that product manufacturers must take care to manufacture products that do not injure consumers. A century later, *MacPherson* is considered a landmark of tort law, as well as an exemplar of common law reasoning. It is credited with, among other things, contributing to the demise of laissez-faire thinking in American law and laying the groundwork for the modern doctrine of strict products liability. Yet what

the decision accomplished, both as a matter of tort doctrine and jurisprudence, also remains controversial. On the occasion of *MacPherson’s* centenary, a panel of renowned scholars will examine the significance and influence of the case from multiple perspectives, including its influence of the evolution of the “risk society”, its reception and influence in the United Kingdom and Europe, and its place in tort theory and private law in general.

Papers will be presented by:

Anita Bernstein, Brooklyn Law School

John C. Goldberg, Harvard Law School & Benjamin C. Zipursky, Fordham University School of Law

Franz Werro, Georgetown University Law Center

John F. Witt, Yale Law School

Moderator: Anthony J. Sebok, Benjamin N. Cardozo School of Law

Papers will be published in a forthcoming issue of the *Journal of Tort Law*

William L. Prosser Award Winner: Professor Aaron Twerski

The 2016 Prosser Award winner is Aaron Twerski, the Irwin and Jill Cohen Professor of Law at Brooklyn Law School. Professor Twerski is a preeminent authority in the areas of products liability and tort law. The American Bar Association's Tort Trial &

Insurance Practice Section has honored him with the Robert B. McKay Law Professor Award, which recognizes law professors who are committed to the advancement of justice, scholarship and the legal profession in the fields of tort and insurance law. He was co-reporter for the American Law Institute's *Restatement of the Law (Third) Torts: Products Liability*, and for his distinguished performance, the ALI named him the R. Ammi Cutter Reporter.

He is a prolific scholar, having published dozens of law review articles on torts and products liability law. He is also the author of the leading textbook *Products Liability: Problems and Process*. His expertise has been widely called upon by state and federal legislative bodies considering product liability and mass tort legislation, and he is a frequent lecturer to the practicing bar. He serves as special counsel to the law firm of Herzfeld and Rubin, and he was appointed as a special master in the federal 9/11 cases dealing with the injuries claimed by those involved in the clean-up of the World Trade Center site.

Professor Twerski joined the Brooklyn Law faculty in 1986, after serving as interim dean at Hofstra University School of Law, where he taught for many years. He also taught at Duquesne University School of Law and was a visiting professor at Cornell, Boston University, and the University of Michigan law schools. More recently, he served as dean of the Hofstra Law School before returning to teach at Brooklyn Law School in 2007. His background also includes a teaching fellowship at Harvard Law School, and work as a trial

attorney with the U.S. Department of Justice in its Civil Rights Division.

2017 Prosser Award Nominations

The 2017 AALS Annual Meeting will be held January 3-7, 2017, in San Francisco, CA. At next year's 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 Stacey Tovino, Secretary of the Executive Committee, at stacey.tovino@unlv.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 Tovino. Nominations must be received no later than July 7th, 2017.

Election of Section Officers

The Section will elect officers for the coming year during the business meeting following the 2016 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: Leslie Kendrick

Chair Elect: Chris Robinette
Secretary: Stacey Tovino
Treasurer: Adam Scales
Member: Scott Hershovitz

Recent Tort Law Symposia

SUNY Buffalo Law School's Civil Justice Symposium: Recent Developments in Tort Law and Practice (2014)

Burch, Chamblee Elizabeth, *Disaggregating*, 90 WASH. U. L. REV. 666 (2013).

Behrens, Mark A., *Dummitt v. Crane Co.: New York's Highest Court Should Reaffirm Its "Stream Of Commerce" Approach To Product Liability And Confirm That New York Law Is In Harmony With The Clear Majority Rule Nationwide*, MEALEY'S LITIG. RPT.: ASBESTOS (2014).

Dixon, Lloyd & Geoffrey McGovern, *Asbestos Bankruptcy Trusts and Tort Compensation*, RAND INSTITUTE FOR CIV. JUSTICE (2011).

Emerging Issues and New Frontiers for FDA Regulation Symposium, 70 Food & Drug L. J. (2014)

Darrow, Jonathan J., & Aaron S. Kesselheim, *A New Wave of Vaccines for Non-Communicable Diseases: What Are the Regulatory Challenges?*, 70 FOOD & DRUG L. J. 243 (2015).

Evans, Barbara J., *The Limits of FDA's Authority to Regulate Clinical Research Involving High-Throughput DNA Sequencing*, 70 FOOD & DRUG L. J. 259 (2015).

Riley, Margaret Foster, *An Unfulfilled Promise: Changes Needed to the Drug Approval Process to Make Personalized Medicine a Reality*, 70 FOOD & DRUG L. J. 289 (2015).

von Tigerstrom, Barbara, *Revising the Regulation of Stem Cell-Based Therapies: Critical Assessment of Potential Models*, 70 FOOD & DRUG L. J. 315 (2015).

Fatehi, Leili & Ralph F. Hall, *Synthetic Biology in the FDA Realm: Toward Productive Oversight Assessment*, 70 FOOD DRUG LAW J. 339 (2015).

Cornell Law Review Symposium: Extraterritoriality, 99 CORNELL L. REV. (2015)

Coffee, Jr., John C., *Extraterritorial Financial Regulation: Why E.T. Can't Come Home*, 99 CORNELL L. REV. 1259 (2014).

Coangelo, Anthony J., *What is Extraterritorial Jurisdiction?*, 99 CORNELL L. REV. 1303 (2014).

Kontorovich, Eugene., *Three International Courts and Their Constitutional Problems*, 99 CORNELL L. REV. 1353 (2014).

Martinez, Jenny S., *New Territorialism and Old Territorialism*, 99 CORNELL L. REV. 1389 (2014).

Moringiello, Juliet M. & William L. Reynolds, *Essay on the New Territorialism in the Not-So-New Frontier of Cyberspace*, 99 CORNELL L. REV. 1415 (2014).

Neuman, Gerald L, *Extraterritoriality and the Interest of the United States in Regulating its Own*, 99 CORNELL L. REV. 1441 (2014).

Weinberg, Louise, *What We Don't Talk About When We Talk About Extraterritoriality: Kiobel and the Conflict of Laws*, 99 CORNELL L. REV. 1471 (2014).

Tulane Law Review Symposium: Maritime Personal Injury & Death: Jurisdiction to Judgment, 89 TUL. L. REV. (2015)

Force, Robert, *Understanding the Nonremovability of Maritime Cases: Lessons Learned from "Original Intent"*, 89 TUL. L. REV. 1019 (2015).

Dittman, Stevan C., *Amiable or Merry? An Update on Maritime Punitive Damages*, 89 TUL. L. REV. 1059 (2015).

Peck, Stewart F. & David B. Sharpe, *What Is a Vessel?: Implications for Marine Finance, Marine Insurance, and Admiralty Jurisdiction*, 89 TUL. L. REV. 1103 (2015).

Kearney, Kimberly A. & Sobczak, Mark J., *Ancient Duties, Modern Perspectives: Recent Developments in the Law of Maintenance and Cure*, 89 TUL. L. REV. 1135 (2015).

Clyne, Robert G. & Alexander P. Conser, *Attorney-Client Privilege and the Admiralty Practitioner in the Twenty-First Century*, 89 TUL. L. REV. 1179 (2015).

Peltz, Robert D. & Carol L. Finklehoffe, *Time Has Passed Barbetta By: Washing Away over 100 Years of Outdated Precedent*, 89 TUL. L. REV. 1207 (2015).

Adler, Yaakov U., *A Nail in the Coffin for Overtime Pay: The Fifth Circuit Clarifies the FLSA Seaman Exemption in Coffin v. Blessey Marine Services, Inc.*, 89 TUL. L. REV. 1243 (2015).

Maltzman, Jeffrey & Mona Ehrenreich, *The Seafarer's Ancient Duty To Rescue and Modern Attempts To Regulate and Criminalize the Good Samaritan*, 89 TUL. L. REV. 1267 (2015).

Twentieth Annual Clifford Symposium on Tort Law and Social Policy: Judge Jack Weinstein's Impact on Civil Justice in America, 64 DEPAUL L. REV. (2015)

Weinstein, Jack B., *Notes on Uniformity and Individuality in Mass Tort Litigation*, 64 DEPAUL L. REV. 251 (2015).

Morris, Jeffrey B., *Jack Weinstein: Judicial Strategist*, 64 DEPAUL L. REV. 279 (2015).

Bandes, Susan A., *Empathy and Article III: Judge Weinstein, Cases and Controversies*, 64 DEPAUL L. REV. 317 (2015).

Bernstein, Anita, *The Feminist Jurisprudence of Judge Jack B. Weinstein*, 64 DEPAUL L. REV. 341 (2015).

Diamond, Shari Seidman & Doorley, Francis, *What a (Very) Smart Trial Judge Knows About Juries*, 64 DEPAUL L. REV. 373 (2015).

Erichson, Howard M., *Judge Jack Weinstein and the Allure of Antiproceduralism*, 64 DEPAUL L. REV. 393 (2015).

Faigman, David L. & Claire Lesikar, *Organized Common Sense: Some Lessons from Judge Jack Weinstein's Uncommonly Sensible Approach to Expert Evidence*, 64 DEPAUL L. REV. 421 (2015).

Friedman, Richard D., *Jack Weinstein and the Missing Pieces of the Hearsay Puzzle*, 64 DEPAUL L. REV. 449 (2015).

Goldberg, John C.P., *Judging Responsibility, Responsible Judging*, 64 DEPAUL L. REV. 475 (2015).

Hackney, James R., *Judge Jack Weinstein and the Construction of Tort Law in America: An Intellectual History*, 64 DEPAUL L. REV. 495 (2015).

Lahav, Alexandra D., *Participation and Procedure*, 64 DEPAUL L. REV. 513 (2015).

Marcus, David, *Two Models of the Civil Litigant*, 64 DEPAUL L. REV. 537 (2015).

Mnookin, Jennifer L., *Repeat Play Evidence: Jack Weinstein, "Pedagogical Devices," Technology, and Evidence*, 64 DEPAUL L. REV. 571 (2015).

Mullenix, Linda S., *Competing Values: Preserving Litigant Autonomy in an Age of Collective Redress*, 64 DEPAUL L. REV. 601 (2015).

Rabin, Robert L., *Judge Jack Weinstein and the World of Tort: Institutional and Historical Perspectives*, 64 DEPAUL L. REV. 641 (2015).

Schneider, Elizabeth M., *Procedure as Substance*, 64 DEPAUL L. REV. 669 (2015).

Sharkey, Catherine M., *The BP Oil Spill Settlements, Classwide Punitive Damages, and Societal Deterrence*, 64 DEPAUL L. REV. 681 (2015).

Tyler, Tom R., *The Psychology of Aggregation: Promise and Potential Pitfalls*, 64 DEPAUL L. REV. 711 (2015).

Recent Tort Law Scholarship

Abrams, Jamie R., *The Illusion of Autonomy in Women's Medical Decision-Making*, 42 FLA. ST. UNIV. L. REV. 17-59 (2014).

Abrams, Wesley, Note, *Bourbon Distillation & its Collision with the Clean Air Act & Tort Law: Is the Angel's Share Actually a Devil to Kentucky Residents?* 42 N. KY. L. REV. 129 (2015).

Adams, L. David, Casenote, *Khammash v. Clark: More Bad News for Medical Malpractice Plaintiffs*, 60 LOY. L. REV. 971 (2014).

Alberts, Joseph R., Robert B. Thornburg and Hilary G. Buttrick, *Survey of Recent Developments in Indiana Product Liability Law*, 47 IND. L. REV. 1129 (2014).

Alexander, Barry S., "Not Without My Daughter": Preemption of Claims Against an Airline for Parental Child Abduction, 79 J. AIR L. & COM. 255 (2014).

Anderson, David A., *The Promises of New York Times v. Sullivan*, 20 ROGER WILLIAMS U. L. REV. 1 (2015).

Ausness, Richard C., "Danger is My Business": The Right to Manufacture Unsafe Products, 67 ARK. L. REV. 827 (2014).

Baram, Michael S., *Liability and Insurance and Their Influence on Safety Management of Industrial Operations and Products*, 17.5 JOURNAL OF RISK RESEARCH 14-52 (2014).

Basche, Monica, Casenote, *Blackburn Limited Partnership v. Paul: the Birth of Maryland's Statute or Ordinance Rule and its Ill-Defined "Targeted Class" Requirement*, 74 MD. L. REV. 621 (2015).

Baughen, Simon, *Customary International Law and Its Horizontal Effect? Human Rights Litigation Between Non-State Actors*, 67 RUTGERS U. L. REV. 89 (2015).

Beard, Michael K. and student Dylan H. Marsh, *Arbitrary Healthcare Pricing and the Misuse of Hospital Lien Statutes by Healthcare Providers*, 38 AM. J. TRIAL ADVOC. 255 (2014).

Bechky, Perry S., *Homage to Filartiga*, 33 REV. LITIG. 333-369 (2014).

Beck, Michael S., Note, *Fair or Foul? Major League Baseball's Use of a Tortious Interference Lawsuit as a Means of Investigation*, 32 CARDOZO ARTS & ENT. L.J. 927 (2014).

Bellinger, John B., III and R. Reeves Anderson, *Tort Tourism: The Case for a Federal Law on Foreign Judgment Recognition*, 54 VA. J. INT'L L. 501 (2014).

Bent, Jason R., *Curtailing Voter Intimidation by Employers After Citizens United*, 43 STETSON L. REV. 595 (2014).

Bentley, Vann, Note, *Getting Particular: Finding the Appropriate False Claims Act Pleading Standard Post-Nathan v. Takeda Pharmaceuticals*, 13 GEO. J.L. & PUB. POL'Y 129 (2015).

Bittakis, Megan, *Duty Under Negligent Breach of Contract Claims*, 62 DRAKE L. REV. 619 (2014).

Bizarro, Brady, Note, "*Vigilant Doorkeeping*": *post-Kiobel Corporate Accountability Under the Alien Tort Statute for Negligence and Violations of the International Prohibition on Nonconsensual Medical Experimentation*, 33 B.U. INT'L L.J. 493 (2015).

Bluebond, Andrew, Student article, *When the Customer is Wrong: Defamation, Interactive Websites, and Immunity*, 33 REV. LITIG. 679 (2014).

Blum, Karen M., *Section 1983 Litigation: The Maze, the Mud, and the Madness*, 23 WM. & MARY BILL RTS. J. 913 (2015).

Blumenfeld, Catherine, Comment, *C.A. v. William S. Hart Union School District: California's Shift in Vicarious Liability Leaves School Districts with No Protection*, 47 LOY. L.A. L. REV. 883 (2014).

Boumil, Marcia, *FDA Approval of Drugs and Devices: Preemption of State Laws for "Parallel" Tort Claims*, 18 J. HEALTH CARE L. & POL'Y 1 (2015).

Bowen, C. Scott Jr., Note, *The Times they are a Changin': New York's Slow Progression Towards Eradicating Judicial Affirmation of Homophobia*, 5 CHARLOTTE L. REV. 471(2014).

Brettschneider, Corey and David McNamee, *Sovereign and State: A Democratic Theory of Sovereign Immunity*, 93 TEX. L. REV. 1229 (2015).

Brookshire, Jessica, Comment, *Civil Liability For Bullying: How Federal Statutes and State Tort Law Can Protect Our Children*, 45 CUMB. L. REV. 351 (2015).

Brown, Loren H., Matthew A. Holian and Arindam Ghosh, *Bellwether Trial Selection in Multi-District Litigation: Empirical Evidence in Favor of Random Selection*, 47 AKRON L. REV. 663 (2014).

Bullard, Nicholas J., Comment, *Pushing the Reset Button on Wisconsin's Governmental Immunity Doctrine*, 2014 WIS. L. REV. 801.

Calabresi, Guido, *A Broader View of the Cathedral: The Significance of the Liability Rule, Correcting a Misapprehension*, 77 LAW & CONTEMPORARY PROBS. 1 (2014).

Calvert, Clay, *Public Concern and Outrageous Speech: Testing the Inconstant Boundaries of IIED and the First Amendment Three Years After Snyder v. Phelps*, 17 U. PA. J. CONST. L. 437 (2014).

Campbell-Bezat, William, *The Misapplication of the Illinois Tort Immunity Act to the Intentional Torts of Police Officers*, 38 S. ILL. U. L.J. 419 (2014).

Carlson, Leah, Note, *Pink Slime by any Other Name is Still Lean Finely Textured Beef: Beef Products, Inc. v. American Broadcasting Companies, Inc. & the Policy Considerations Surrounding Agricultural Product Disparagement Statutes*, 19 DRAKE J. AGRI. L. 191 (2014).

- Casale, David, *Joint Responsibility of Enterprises for the Health and Safety of Their Contractors' Workers: Recent Trends in Italian Law*, 36 COMP. LAB. L. & POL'Y J. 131-148 (2014).
- Chang, Howard F. and Hilary Sigman, *An Empirical Analysis of Cost Recovery in Superfund Cases: Implications for Brownfields and Joint and Several Liability*, 11 J. EMPIRICAL LEGAL STUD. 477 (2014).
- Cherundolo, Hon. John C., *Tort Law*, 64 SYRACUSE L. REV. 895 (2014).
- Choi, Peter, Student paper, *The Duty of Care as a Duty in rem.*, 4 J.L.: PERIODICAL LABORATORY OF LEG. SCHOLARSHIP 307 (2014).
- Chouest, Hanna M., Paul R. Hitchcock and Matthew J. Warren, *Shipper Liability for Hazardous Materials Incidents During Transportation and the Need for a Legislative Solution*, 41 TRANSP. L.J. 129 (2014).
- Cochran, Glenda and Matthew Robert Moneyham, *Form v. Substance: The Dissolution Requirement of Alabama's Continuity of Enterprise Theory of Successor Liability*, 44 CUMB. L. REV. 433 (2013-2014).
- Collins, John P., *Has all Heck Broken Loose? Examining Heck's Favorable-Termination Requirement in the Second Circuit after Poventud v. City of New York*, 42 FORDHAM URB. L.J. 451 (2014).
- Collins, Lynda M. and Sarah Morales, *Aboriginal Rights in Tort*, 27 J. ENVTL. L. & PRAC. 1 (2014).
- Collins, Lynda M., *Evergreen? The Environmental Law of Torts*, 22 TORT L. REV. 107 (2014).
- Coriell, David M., Note, *The Transferred Immunity Trap: Misapplication of Section 1983 Immunities*. 100 CORNELL L. REV. 985 (2015).
- Costello, Margaret A., *Contaminated Water at Camp Lejeune: Is Relief in Sight for Those Affected?* 9 CHARLESTON L. REV. 1-28 (2014).
- Cox, Philip M., et al., *The Amendment 7 Decade: Ten Years of Living with a "Patient's Right to Know" in Florida*, 25 U. FLA. J.L. & PUB. POL'Y 281 (2014).
- Crawford, Joshua, Note, *Importing German Defamation Principles: a Constitutional Right of Reply*, 41 FLA. ST. U. L. REV. 767 (2014).
- Damrill, Jacob, Note, *Waves of Change Towards a More Unified Approach: Equitable Tolling and the Federal Tort Claims Act*, 50 TULSA L. REV. 271 (2014).
- Davidson, Sandra and student Michael Barajas, *Masking the Executioner and the Source of Execution Drugs*, 59 ST. LOUIS U. L.J. 45 (2014).
- Dean, Hayley, Student article, *Through the Haze: Fashioning a Workable Model for Imposing Civil Liability on Marijuana Vendors*, 49 GONZ. L. REV. 611 (2013-2014).
- Denicola, Robert C., *The New Law of Ideas*, 28 HARV. J.L. & TECH. 195 (2014).
- de Villiers, Meiring, *Foreseeability Decoded*, 16 MINN. J. L. SCI. & TECH. 343 (2015).
- DeVito, Scott and Andrew W. Jurs, *An Overreaction to a Nonexistent Problem: Empirical Analysis of Tort Reform From the 1980s to 2000s*, 3 STANFORD JOURNAL OF COMPLEX LITIGATION 62 (2015).
- DeWolf, David K., *The Development of Insurance Bad Faith in Washington*, 49 GONZ. L. REV. 479 (2013-2014).

Dillon, Hon. Mark C., *Breaking the Ice: How Plaintiffs May Establish Premises Liability in "Black Ice" Cases Where the Dangerous Condition is by Definition not Visible or Apparent to Property Owners*, 43 HOFSTRA L. REV. 691 (2015).

Dodge, Jaime, *Privatizing Mass Settlement*, 90 NOTRE DAME L. REV. 335 (2014).

Drobak, John N., *The Alien Tort Statute from the Perspective of Federal Court Procedure*, 13 WASH. U. GLOBAL STUD. L. REV. 421 (2014).

Duke, Victoria C., *Calumnious News Reporting: Defamatory Law is More than Sticks and Stones for Civic-Duty Participants*, 93 NEB. L. REV. 690 (2015).

Duquette, Marissa, Comment, *The Rx and the AR: A Products Liability Approach to the Mass Shooting Problem*, 38 NOVA L. REV. 359 (2014).

Edwards, Griffin, *Doing Their Duty: An Empirical Analysis of the Unintended Effect of Tarasoff v. Regents on Homicidal Activity*, 57 J.L. & ECON. 321 (2014).

Eggen, Jean M., *Being Small in a Supersized World: Tackling the Problem of Low-Level Exposures in Toxic Tort Actions*, 44 ENV'T L. RPTR. 10630 (2014).

Einhorn, Michael, *Copyright, Causality, and the Courts*, 61 J. COPYRIGHT SOC'Y U.S.A. 615 (2014).

Eisenberg, Avlana K., *Criminal Infliction of Emotional Distress*, 113 MICH. L. REV. 607 (2015).

Eisenberg, Theodore and Michael Heise, *Plaintiphobia in State Courts Redux? An Empirical Study of State Court Trials on Appeal*, 12 J. EMPIRICAL LEGAL STUD. 100 (2015).

Eisenstadt, Leora F., CAUSATION IN CONTEXT, 36 BERKELEY J. EMP. & LAB. L. 1 (2015).

Encarnacion, Erik, *Corrective Justice as Making Amends*, 62 BUFF. L. REV. 451 (2014).

Endres, A. Bryan and Lisa Schlessinger, *Pollen Drift: Reframing the Biotechnology Liability Debate*, 118 PENN ST. L. REV. 815 (2014).

Falk, Joseph, Comment, *Resuscitating Noneconomic Medical Malpractice Damage Caps in Illinois*, 64 DEPAUL L. REV. 185 (2014).

Feinauer, Evan, Comment, *Distinct Claims for Distinct Wrongs: The Preemption Treatment of "Highly Personal" Wrongs*, U. CHI. LEGAL F. 633 (2014).

Feinman, Jay M., *Liability of Lawyers and Accountants to Non-Clients: Negligence and Negligent Misrepresentation*, 67 RUTGERS U. L. REV. 127 (2015).

Finke, Eric, Note, *Show-Cause Showdown: A Circuit Split in Applying the Affordable Care Act to Miners*, 7 KY. J. EQUINE, AGRI., & NAT. RESOURCES L. 493 (2014-2015).

Fontugne, Elisabeth, Student article, *Dismantling the Exxon Valdez: How Misunderstanding One Maritime Accident Led to the Criminalization of an Entire Profession*, 46 J. MAR. L. & COM. 201 (2015).

Friehe, Tim and Eric Langlais, *On the Political Economy of Public Safety Investments*, 41 INT'L REV. L. & ECON. 7 (2015).

Funkhouser, Kevin, Note, *Paving the Road Ahead: Autonomous Vehicles, Products Liability, and the Need for a New Approach*, 2013 UTAH L. REV. 437.

Furlong, Michael, Comment, *Putting a Price on Friendship: Examining the Ownership Battle*

Between a Business' Social Media Networks, and the Humans that Operate Them, 47 J. MARSHALL L. REV. 745 (2013).

Ganley, Christine E., Comment, *Reevaluating the Common Law of Foreign Official Immunity: Ascertaining the Proper Role of the Executive*, 21 GEO. MASON L. REV. 1317 (2014).

Gelpi, Jeffrey J., Comment, *Has Prescription Preempted Preemption?: A Plea to Bury the Ghosts of Survival Actions*, 89 TUL. L. REV. 253 (2014).

Giliker, Paula, *The Influence of EU and European Human Rights Law on English Private Law*, 64 INT'L & COMP. L.Q. 237 (2015).

Gilmore, Scott A., *Suing the Surveillance States: the (Cyber) Tort Exception to the Foreign Sovereign Immunities Act*, 46 COLUM. HUM. RTS. L. REV. 227 (2015).

Glaspy, Meghan, Note, *Delaware's Gantler Decision: A Solution to Corporate Corruption?* 12 GEO. J.L. & PUB. POL'Y 289 (2014).

Goldberg, Erica, *Emotional Duties*, 47 CONN. L. REV. 809 (2015).

Goldberg, Hilary M., Melanie Stallings Williams and Deborah Cours, *It's a Nuisance: The Future of Fracking Litigation in the Wake of Parr v. Aruba Petroleum, Inc.*, 33 VA. ENVTL. L.J. 1 (2015).

Goldberg, John C.P., *Inexcusable Wrongs*, 103 CAL. L. REV. 467 (2015).

Graham, Kyle, *Strict Products Liability at 50: Four Histories*, 98 MARQ. L. REV. 555 (2014).

Greagan, William J., *Reforming New York Labor Law Section 240(1)*, 78 ALB. L. REV. 167 (2014-2015).

Grey, Betsy J., *The Future of Emotional Harm*, 83 FORDHAM L. REV. 2605 (2015).

Gutterman, Roy S., *Media Law*, 64 SYRACUSE L. REV. 867 (2014).

Harmon, Thelma L., *What's my line: supervisor or co-worker?* 24 TEMP. POL. & CIV. RTS. L. REV. 43 (2014).

Hawal, Justin J., Note, *Sanctions or Tort? A Review of Ohio's Treatment of Independent Causes of Action for Spoliation of Evidence*, 62 CLEV. ST. L. REV. 501 (2014).

Helveston, Max N., *Preemption Without Borders: The Modern Conflation of Tort and Contract Liabilities*, 48 GA. L. REV. 1085 (2014).

Herd, Alexander, *R2DFord: Autonomous Vehicles and the Legal Implications of Varying Liability Structures*, 5 FAULKNER L. REV. 29 (2013-2014).

Hermer, Laura D., *Aligning Incentives in Accountable Care Organizations: The Role of Medical Malpractice Reform*, 17 J. HEALTH CARE L. & POL'Y 271 (2014).

Hill, Adam, *Does Delegation Undermine Accountability? Experimental Evidence on the Relationship Between Blame Shifting and Control*, 12 J. EMPIRICAL LEGAL STUD. 311 (2015).

Hines, Laura J. and N. William Hines, *Constitutional Constraints on Punitive Damages: Clarity, Consistency, and the Outlier Dilemma*, 66 HASTINGS L.J. 1257 (2015).

Hodges, Mary Hoshall, Comment, *The Hamburglar, Friend or Foe: What is the Best Solution for Lawsuits Alleging Obesity Caused by Fast Food Outlets When No Causal Link Between Consumption and Obesity can be Found?* 10 J. FOOD L. & POL'Y 281 (2014).

- Hofmann, Paul T., *What Stewart Giveth, Lozman Taketh Away-So Now What is a Vessel After Lozman?* 26 U.S.F. MAR. L.J. 141.
- Holben, Diane M. and Perry A. Zirkel, *School Bullying Litigation: An Empirical Analysis of the Case Law*, 47 AKRON L. REV. 299 (2014).
- Holschuh, Johnny, Comment, *#civilrightscybertorts: Utilizing Torts to Combat Hate Speech in Online Social Media*, 82 U. CIN. L. REV. 953 (2014).
- Horton, Joshua B., Andrew Parker and David Keith, *Liability for Solar Geoengineering: Historical Precedents, Contemporary Innovations, and Governance Possibilities*, 22 N.Y.U. ENVTL. L.J. 225 (2015).
- Hubbard, F. Patrick, *"Sophisticated Robots": Balancing Liability, Regulation, and Innovation*, 66 FLA. L. REV. 1803 (2014).
- Hustoles, Carol L.J. and Louann Bierlein Palmer, *Through the Eyes of Higher Education Attorneys: How Department Chairs are Navigating the Waters of Legal Issues and Risk Management*, 41 J.C. & U.L. 117 (2015).
- Ikegbunam, Chinyere Kimberly, Comment, *"Touching the concerns" of Kiobel: Corporate Liability and Jurisdictional Remedies in Response to Kiobel v. Royal Dutch Petroleum*, 39 AM. INDIAN L. REV. 201 (2014-2015).
- Johnson, Vincent R., *Minimizing the Costs of Patent Trolling*, 18 UCLA L.J. LAW & TECH. 1 (2014).
- Johnson, Vincent R., *Punitive Damages, Chinese Tort Law, and the American Experience*, 9 FRONTIERS OF LAW IN CHINA 321 (2014).
- Jones, Darin, Note, *A Shifting Landscape for Shifting Fees: Attorney-Fee Awards in Patent Suits After Octane and Highmark*. 90 WASH. L. REV. 505 (2015).
- Jordan, Jennifer, *Is Medicare Advantage Entitled to Bring a Private Cause of Action Under the Medicare Secondary Payer Act?* 41 WM. MITCHELL L. REV. 1408 (2015).
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