

Torts and Compensation Systems Section

Annual Newsletter

November 2017

Table of Contents

Annual Meeting Program	1
William L. Prosser Award Winner	1
Submission Invitation	2
Symposia	3
Recent Torts Scholarship	6
Selected Books	27

This Newsletter was edited by Professor Adam Scales, Section Secretary, and Genevieve Tung, Reference Librarian, Rutgers Law School, Camden.

Section Program, *The Role of History in Tort Theory*

AALS Torts & Compensation Systems Section

January 5, 2018; 1:30 pm - 3:15 pm

Claims about the nature of tort law are often coupled with historical claims. Thus, many mid-twentieth century proponents of an expansive, compensation-oriented tort law argued strict liability was prevalent under the common law writ system. What is the purpose of such appeals to history? Are they necessary to tort theory, or merely tangential? Does the importance of

history depend on whether the theory is descriptive or normative? A panel of experts, moderated by Section Chair Christopher Robinette, takes up these issues and wrestles with the role of history in theorizing about tort law:

Martha E. Chamallas, The Ohio State University, Michael E. Moritz College of Law

John C.P. Goldberg, Harvard Law School

G. Edward White, University of Virginia School of Law

John F. Witt, Yale Law School

William L. Prosser Award Winner: Marshall Shapo

Marshall S. Shapo, the Frederic P. Vose Professor at Northwestern University School of Law, is this year's recipient. He is a nationally recognized authority on torts and products liability law. Before his appointment to the Northwestern faculty in 1978, he was Joseph M. Hartfield Professor of Law at the University of Virginia and a member of the faculty of the University of Texas School of Law. Professor Shapo teaches courses and seminars in torts, the law of

dangerous products, and science and the legal system.

Professor Shapo's published writing is prolific and exhibits wide versatility. He claims to have stopped counting the number of books he has written and edited, because "it is so hard to judge, with multi-volume works, supplements and the like." His "best guess is around 25." A reviewer of one of Shapo's books, the 2003 work *Tort Law and Culture*, calls him "[a] towering presence in American tort law." That reviewer says that the book "furnishes at least one good idea per dollar of its price for anyone who works to balance the scales of the civil justice system--whether by arguing cases to a jury, crafting court opinions and jury instructions, drafting statutes and regulations, or teaching law students."

Among Professor Shapo's other books is the magisterial two-volume treatise *The Law of Products Liability*, which has now grown with supplements to more than 3,500 pages. A review of the current fourth edition describes it as "a helpful mix of the theoretical and the practical" and says that "most academic law libraries and any law firm libraries that support a practice in the products liability area will want this treatise included in their collections." A reviewer of the third edition wrote that "[m]ore than any other scholar on the planet, Marshall Shapo views and portrays the world of products liability as a living portrait," and concluded that

"rarely will the analysis of a products liability issue be thorough or complete without the special lumination afforded by studying what Marshall Shapo thinks about the subject."

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 Shapo on this well-deserved honor.

Submission Invitation: *Journal of Tort Law*

The *Journal of Tort Law*, the only peer-reviewed journal devoted to tort law in the United States, invites submissions. The *Journal* offers several advantages to those submitting scholarship. First, your work will be reviewed by peers. This is particularly important for more technical pieces. Second, there is no submission cycle. Articles can be submitted at any time. Third, the *Journal* routinely publishes high-quality articles. The two issues published in 2017 are great examples. Volume 10, Issue 1 features articles from the Torts and Compensation Systems Section's panel at the 2017 AALS Annual Meeting. Covering "Gun Regulation and Private Law," authors include Leslie Kendrick (UVa), Adam Scales (Rutgers), and Steve Sugarman (Berkeley). The issue also contains an article by Greg Keating (USC). Volume

10, Issue 2 will feature a symposium on the Restatement of the Law Third: Intentional Torts to Persons. Reporters Ken Simons (UC Irvine) and Jonathan Cardi (Wake Forest) will respond to commentary from Anita Bernstein (Brooklyn), Martha Chamallas (Ohio State), Mark Geistfeld (NYU), Nancy Moore (Boston University), and Steve Sugarman (Berkeley). The issue will also contain an article by Scott Hershovitz (Michigan).

Submission information is available at <https://www.degruyter.com/view/j/jtl>. The *Journal* has adopted a policy that authors will have either a decision or an update within 45 days of submission.

Symposia

Civil Litigation Ethics at a Time of Vanishing Trials (Fordham Law Review)

Judith Resnik, *Introduction: Lawyers' Ethics Beyond the Vanishing Trial: Unrepresented Claimants, De Facto Aggregations, Arbitration Mandates, and Privatized Processes*, 85 Fordham L. Rev. 1899 (2017).

Lynn A. Baker, *Mass Torts and the Pursuit of Ethical Finality*, 85 Fordham L. Rev. 1943 (2017).

Taunya Lovell Banks, *Civil Trials: A Film Illusion*, 85 Fordham L. Rev. 1969 (2017).

Scott L. Cummings, *Rethinking the Foundational Critiques of Lawyers in Social Movements*, 85 Fordham L. Rev. 1987 (2017).

Howard M. Erichson, *Settlement in the Absence of Anticipated Adjudication*, 85 Fordham L. Rev. 2017 (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).

Justin Hansford, *Demosprudence on Trial: Ethics for Movement Lawyers, in Ferguson and Beyond*, 85 Fordham L. Rev. 2057 (2017).

Rebecca Hollander-Blumoff, *Fairness Beyond the Adversary System: Procedural Justice Norms for Legal Negotiation*, 85 Fordham L. Rev. 2081 (2017).

Andrew S. Pollis, *Busting Up the Pretrial Industry*, 85 Fordham L. Rev. 2097 (2017).

Victor D. Quintanilla & Alexander B. Avtgis, *The Public Believes Predispute Binding Arbitration Clauses are Unjust: Ethical Implications for Dispute-System Design in the Time of Vanishing Trials*, 85 Fordham L. Rev. 2119 (2017).

Morris A. Ratner, *Retraining Lawyers: From Cases to Tasks*, 85 Fordham L. Rev. 2151 (2017).

D. Theodore Rave, *Closure Provisions in MDL Settlements*, 85 Fordham L. Rev. 2175 (2017).

Dana Shocair Reda, *What Does It Mean To Say That Procedure is Political*, 85 Fordham L. Rev. 2203 (2017).

Veronica Root, *Constraining Monitors*, 85 Fordham L. Rev. 2227 (2017).

Norman W. Spaulding, *Due Process Without Judicial Process: Antiadversarialism in American Legal Culture*, 85 Fordham L. Rev. 2249 (2017).

Adam S. Zimmerman, *The Bellwether Settlement*, 85 Fordham L. Rev. 2275 (2017).

Brandon Buskey & Lauren Sudeall Lucas, *Keeping Gideon's Promise: Using Equal Protection to Address the Denial of Counsel in Misdemeanor Cases*, 85 Fordham L. Rev. 2299 (2017).

Alexander A. Reinert, *Erie Step Zero*, 85 Fordham L. Rev. 2341 (2017).

Christian Bennardo, Note, *The Fourth Amendment, CSLI Tracking, and the Mosaic Theory*, 85 Fordham L. Rev. 2385 (2017).

Meredith Cusick, Note, *Mens Rea and Methamphetamine: High Time for a Modern Doctrine*, 85 Fordham L. Rev. 2417 (2017).

Julia M. MacAllister, Note, *The Doxing Dilemma: Seeking A Remedy for the Malicious Publication of Personal Information*, 85 Fordham L. Rev. 2451 (2017).

Gregory R. Manring, Note, *It's Time for an Intervention: Resolving the Conflict Between Rule 24(a)(2) and Article III Standing*, 85 Fordham L. Rev. 2525 (2017).

The Twenty-Second Annual Clifford Symposium on Tort Law and Social Policy: Privacy, Data Theft and Corporate Responsibility (DePaul Law Review)

Stephen Landsman, *Introduction*, 66 DePaul L. Rev. 311 (2017).

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

Catherine M. Sharkey, *Can Data Breach Claims Survive the Economic Loss Rule*, 66 DePaul L. Rev. 339 (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).

Margot E. Kaminski, *Standing After Snowden: Lessons on Privacy Harm from National Security Surveillance Litigation*, 66 DePaul L. Rev. 413 (2017).

Felix T. Wu, *How Privacy Distorted Standing Law*, 66 DePaul L. Rev. 439 (2017).

Shauhin A. Talesh, *Insurance Companies as Corporate Regulators: The Good, The Bad, and the Ugly*, 66 DePaul L. Rev. 463 (2017).

Jane Bambauer, *Are Privacy Policies Informational or Ideological*, 66 DePaul L. Rev. 503 (2017).

Julie E. Cohen, *Information Privacy Litigation as Bellwether for Institutional Change*, 66 DePaul L. Rev. 535 (2017).

Neil Richards & Woodrow Hartzog, *Tusting Big Data Research*, 66 DePaul L. Rev. 579 (2017).

Ryan Calo, *Privacy, Vulnerability, and Affordance*, 66 DePaul L. Rev. 591 (2017).

Julia Potts, Comment, *The Activist Shareholders' Migration to Europe: How the United States Can Retain Its Wandering Investors*, 66 DePaul L. Rev. 605 (2017).

Lark Mulligan, Comment, *Dismantling Collateral Consequences: The Case for Abolishing Illinois' Criminal Name-Change Restrictions*, 66 DePaul L. Rev. 647 (2017).

Terrie Sullivan, Comment, *Crushing the Bandwagon: The Millennial Paradox of Employment Opportunity and Social Media*, 66 DePaul L. Rev. 721 (2017).

The Twenty-First Annual Clifford Symposium on Tort Law and Social Policy: The Supreme Court, Business and Civil Justice (DePaul Law Review)

Margaret M. Blair, *Corporations and Expressive Rights: How Lines Should be Drawn*, 65 DePaul L. Rev. 253 (2016).

Stephen B. Burbank & Sean Farhang, *The Subterranean Counterrevolution: The Supreme Court, the Media, and Litigation Retrenchment*, 65 DePaul L. Rev. 293 (2016).

Elizabeth Chamblee Burch, *Calibrating Participation: Reflections on Procedure versus Procedural Justice*, 65 DePaul L. Rev. 323 (2016).

Thomas B. Colby, *The Constitutionalization of Torts*, 65 DePaul L. Rev. 357 (2016).

Mark A. Geistfeld, *The Contractually Based Economic Loss Rule in Tort Law: Endangered Consumers and the Error of East River Steamship*, 65 DePaul L. Rev. 393 (2016).

John C. Goldberg & Benjamin C. Zipursky, *The Supreme Court's Stealth Return to the Common Law of Torts*, 65 DePaul L. Rev. 433 (2016).

David Horton & Andrea Cann Chandrasekher, *Employment Arbitration after the Revolution*, 65 DePaul L. Rev. 4575 (2016).

Richard Marcus, *Bending in the Breeze: American Class Actions in the Twenty-First Century*, 65 DePaul L. Rev. 497 (2016).

Gregory A. Mark, *Hobby Lobby and Corporate Personhood: Taking the U.S. Supreme Court's Reasoning at Face Value*, 65 DePaul L. Rev. 535 (2016).

Eric W. Orts, *Theorizing the Firm: Organizational Ontology in the Supreme Court*, 65 DePaul L. Rev. 559 (2016).

Elizabeth Pollman, *Line Drawing in Corporate Rights Determinations*, 65 DePaul L. Rev. 597 (2016).

Jeffrey J. Rachlinski, *Does Empirical Evidence on the Civil Justice System Produce or Resolve Conflict* 65 DePaul L. Rev. 635 (2016).

Joanna C. Schwartz, *The Cost of Suing Business*, 65 DePaul L. Rev. 655 (2016).

Anthony J. Sebok, *The Unwritten Federal Arbitration Act*, 65 DePaul L. Rev. 687 (2016).

Sandra F. Spernio, *Discrimination Law: The New Franken-Tort*, 65 DePaul L. Rev. 721 (2016).

Elizabeth Thornburg, *Cognitive Bias, the Band of Experts and the Anti-Litigation Narrative*, 65 DePaul L. Rev. 755 (2016).

Meagan Pagels, *You Cannot Protect Elders Unless You Protect the Institutions that Care for Them: How Streamlining the Definitions of Elder Abuse Will Positively Impact the Long-Term Care Industry*, 65 DePaul L. Rev. 793 (2016).

Amanda Roenius, *My Name is Not Beautiful, and, No, I Do Not Want to Smile: Paving the Path for Street Harassment Legislation in Illinois*, 65 DePaul L. Rev. 831 (2016).

Riebana Sachs, *The Common Carrier Barrier: An Analysis of Standard of Care Requirements, Insurance Policies, and Liability Regulations for Ride-Sharing Companies*, 65 DePaul L. Rev. 873 (2016).

MacPherson at 100: Reflections on its Influence (Journal of Tort Law)

Anita Bernstein, *The Reciprocal of MacPherson v. Buick Motor Company*, 9 J. Tort L. 5 (2016).

John Fabian Witt, *Ives and MacPherson: Judicial Process in the Regulatory State*, 9 J. Tort L. 43 (2016).

Franz Werro & Claudia Hasbun, *Is MacPherson a Legacy of Civilian Views?* 9 J. Tort L. 67 (2016).

John C.P. Goldberg & Benjamin C. Zipursky, *The Myths of MacPherson*, 9 J. Tort L. 91 (2016).

Recent Torts Scholarship

Todd S. Aagaard, *Environmental Regulation and Environmental Rights*, 61 Vill. L. Rev. 385 (2016).

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).

Anthony Acciaioli, Note, *Swept Away: Should Courts Retain a Recklessness Standard in Assessing Rescuer Injury Claims Under the Maritime Rescue Doctrine*, 91 Notre Dame L. Rev. 2155 (2016).

Jeffrey F. Addicott, *Enhancing Cybersecurity in the Private Sector by Means of Civil Liability Lawsuits—the*

Connie Francis Effect, 51 U. Rich. L. Rev. 857 (2017).

Michael David Alfano, Jr., Note, *Employer Escape Hatch Closed in Georgia: How the Interpretation of Georgia's Apportionment Statute in Zaldivar Prohibits Employers from Using Respondeat Superior to Eschew Direct Negligence Claims*, 50 Ga. L. Rev. 1233 (2016).

Cora Lee Allen, Note, *Aiding and Abetting in Torture: Can the Orchestrators of Torture be Held Liable?* 44 N. Ky. L. Rev. 149 (2017).

Matthew M. Allen, Comment, *How Secret is Secret Enough? The Need to Clarify Ohio's "Reasonable Efforts to Maintain Secrecy" Standard*, 84 U. Cin. L. Rev. 825 (2016).

Constance A. Anastopoulo, *A New Twist on Remedies: Judicial Assignment of Bad Faith Claims*, 50 Ind. L. Rev. 727 (2017).

Mark T. Andrus, Note, *Not Without My Consent: Preserving Individual Liberty in Light of the Comprehensive Collection and Consolidation of Personally Identifiable Information*, 20(9) J. Internet L. 1 (2017).

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

Joshua D. Arters & Ben M. Rose, *Kindly Remove my Child from the Bubble Wrap—Analyzing Childress v. Madison County and Why Tennessee Courts Should Enforce Parental Pre-Injury Liability Waivers*, 11 Tenn. J.L. & Pol’y 8 (2016).

Richard C. Ausness, *Gun Control Through Tort Law*, 68 Fla. L. Rev. 89 (2017).

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

Susan Ayres, *Paternity Un(Certainty): How the Law Surrounding Paternity Challenges Negatively Impacts Family Relationships and Women’s Sexuality*, 20 J. Gender Race & Just. 237 (2017).

Gilat J. Bachar, *The Occupation of the Law: Judiciary-Legislature Power Dynamics in Palestinians’ Tort Claims against Israel*, 38 U. Pa. J. Int’l L. 577 (2017).

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).

Lynn A. Baker, *Mass Torts and the Pursuit of Ethical Finality*, 85 Fordham L. Rev. 1943 (2017).

Tom Baker, Eric Helland & Jonathan Klick, *Everything’s Bigger in Texas: Except*

the Medical Settlements, 22 Conn. Ins. L.J. 1 (2016).

Tom Baker & Kyle D. Logue, *In Defense of the Restatement of Liability Insurance Law*, 24 Geo. Mason L. Rev. 767 (2017).

Sai Balasubramanian, *Examining the Impacts of Current Malpractice Frameworks and EMTALA on Emergency Medicine*, 41 Nova L. Rev. 181 (2017).

Cory Batza, Comment, *Trending Now: The Role of Defamation Law in Remediating Harm from Social Media Backlash*, 44 Pepp. L. Rev. 429 (2017).

Hillel J. Bavli, *The Logic of Comparable-Case Guidance in the Determination of Awards for Pain and Suffering and Punitive Damages*, 85 U. Cin. L. Rev. 1 (2017).

James M. Beck & Matthew D. Jacobson, *3D Printing: What Could Happen to Products Liability When Users (and Everyone Else in Between) Become Manufacturers*, 18 Minn. J.L. Sci. & Tech. 143 (2017).

James M. Beck, *Rebooting Pennsylvania Product Liability Law: Tincher v. Omega Flex and the End of Azzarello Super-Strict Liability*, 26 Widener L.J. 91 (2017).

David Berke, Note, *Products Liability in the Sharing Economy*, 33 Yale J. on Reg. 603 (2016).

Alberto Bernabe, *Do Black Lives Matter? Race as a Measure of Injury in Tort Law*, 18 *Scholar: St. Mary's L. Rev. & Soc. Just.* 41 (2016).

David Shea Bettwy, *Drones, Private Military Companies and the Alien Tort Statute: The Looming Frontier of International Tort Liability*, 47 *Cal. W. Int'l L.J.* 1 (2016).

Eric Biber, *Law in the Anthropocene Epoch*, 106 *Geo. L.J.* 1 (2017).

Lyndon Bittle, *Conspiracy: Has Joint and Several Liability Been Supplanted by Proportionate Responsibility?* 69 *Baylor L. Rev.* 378 (2017).

Bernard Black *et al.*, *Medical Liability Insurance Premia: 1990-2016 Dataset, With Literature Review and Summary Information*, 14 *J. Empirical Legal Stud.* 238 (2017).

Matthew T. Bodie, *The Best Way Out is Always Through: Changing the Employment-At-Will Default Rule to Protect Personal Autonomy*, 2017 *U. Ill. L. Rev.* 223 (2017).

Matthew T. Bodie *et al.*, *The Law and Policy of People Analytics*, 88 *U. Colo. L. Rev.* 961 (2017).

Patrick J. Borchers, *How "International" Should a Third Conflicts Restatement be in*

Tort and Contact? 27 *Duke J. Comp. & Int'l L.* 461 (2017).

Stephanie Bornstein, *Reckless Discrimination*, 105 *Cal. L. Rev.* 1055 (2017).

Karen Bradshaw, *Settling for Natural Resource Damages*, 40 *Harv. Envtl. L. Rev.* 211 (2016).

Andrew D. Bradt, "A Radical Proposal": *The Multidistrict Litigation Act of 1968*, 165 *U. Pa. L. Rev.* 831 (2017).

Andrew D. Bradt, *Something Less and Something More: MDL's Roots as a Class Action Alternative*, 165 *U. Pa. L. Rev.* 1711 (2017).

Andrew D. Bradt & D. Theodore Rave, *The Information-Forcing Role of the Judge in Multidistrict Litigation*, 105 *Cal. L. Rev.* 1259 (2017).

Hannah Brenner, Kathleen Darcy & Sheryl Kubiak, *Sexual Violence as an Occupational Hazard & Condition of Confinement in the Closed Institutional Systems of the Military and Detention*, 44 *Pepp. L. Rev.* 881 (2017).

Raymond H. Brescia, *Regulating the Sharing Economy: New and Old Insights into an Oversight Regime for the Peer-to-Peer Economy*, 95 *Neb. L. Rev.* 87 (2016).

Jessica L. Brewer, Comment, *To Eat or Not to Eat? How Ohio Can Foster More Confidence Between Restaurants and Food Allergic Individuals*, 41 U. Dayton L. Rev. 303 (2016).

Susan E. Brice & Whitney V. Christian, *The Use of Genetic Evidence to Defend Against Toxic Tort Claims—Part I*, 29(9) Intell. Prop. & Tech. L.J. 3 (2017).

Susan E. Brice & Whitney V. Christian, *The Use of Genetic Evidence to Defend Against Toxic Tort Claims—Part II*, 29(10) Intell. Prop. & Tech. L.J. 9 (2017).

Susan E. Brice & Whitney V. Christian, *The Use of Genetic Evidence to Defend Against Toxic Tort Claims—Part III*, 29(11) Intell. Prop. & Tech. L.J. 3 (2017).

James A. Brickley, Susan F. Lu & Gerard J. Wedig, *Malpractice Laws and Incentives to Shield Assets: Evidence from Nursing Homes*, 14 J. Empirical Legal Stud. 301 (2017).

Hon. Howard W. Brill & Christian H. Brill, *Baseball Mascots and the Law*, 65 U. Kan. L. Rev. 105 (2016).

Alexandra Brodsky, *“Rape-Adjacent”*: *Imagining Legal Responses to Nonconsensual Condom Removal*, 32 Colum. J. Gender & L. 183 (2017).

Amanda Huff Brown, Comment, *Recklessness: A Billion Dollar Question*, 15 Loy. Mar. L.J. 279 (2016).

Katheryn Brown, Comment, *Please Expect Turbulence: Liability for Communicable Disease Transmission During Air Travel*, 66 DePaul L. Rev. 1081 (2017).

Cara Brumfield, *A Generic a Day Keeps the Lawyer Away*, 17 Nev. L.J. 429 (2017).

Phillip Buckley, *Barriers to Justice, Limits to Deterrence: Tort Law Theory and State Approaches to Shielding School Districts and Their Employees from Liability for Negligent Supervision*, 48 Loy. U. Chi. L.J. 1015 (2017).

Sande L. Buhai, *Everyone Makes Mistakes: Attorney’s Fee Recovery in Legal Malpractice Suits*, 6 St. Mary’s J. Legal Mal. & Ethics 32 (2016).

Elizabeth Chamblee Burch, *Monopolies in Multidistrict Litigation*, 70 Vand. L. Rev. 67 (2017).

Elizabeth Chamblee Burch, *Repeat Players in Multidistrict Litigation: The Social Network*, 102 Cornell L. Rev. 1445 (2017).

Alan Butler, *Products Liability and the Internet of (Insecure) Things: Should Manufacturers be Liable for Damage Caused*

by *Hacked Devices?* 50 Mich. J.L. 913 (2017).

Michael Byers, Kelsey Franks & Andrew Gage, *The Internationalization of Climate Damages Litigation*, 7 Wash. J. Envtl. L. & Pol'y 264 (2017).

Elizabeth J. Cabraser & Samuel Issacharoff, *The Participatory Class Action*, 92 N.Y.U. L. Rev. 846 (2017).

Clay Calvert, *Counterspeech, Cosby, and Libel Law: Some Lessons About "Pure Opinion" & Resuscitating the Self-Defense Privilege*, 69 Fla. L. Rev. 151 (2017).

Clay Calvert, Austin Vining & Sebastian Zarate, *Reining in Internet-Age Expansion of Exemption 7(C): Towards a Tort Law Approach for Ferreting Out Legitimate Privacy Concerns and Unwarranted Intrusions under FOIA*, 70 SMU L. Rev. 255 (2017).

Sergio J. Campos, *The Class Action as Trust*, 91 Wash. L. Rev. 1461 (2016).

Devon W. Carbado, *Blue-on-Black Violence: A Provisional Model of Some of the Causes*, 104 Geo. L.J. 1479 (2016).

Andrea B. Carroll, *Family Law and Female Empowerment*, 24 UCLA Women's L.J. 1 (2017).

Margo R. Casselman, Note, *Re-Examining the Firefighter's Rule in Arizona*, 59 Ariz. L. Rev. 263 (2017).

Andrea Cann Chandrasekher, *Empirically Validating the Police Liability Insurance Claim*, 130 Harv. L. Rev. F. 233 (2017).

Yun-chien Chang *et al.*, *Pain and Suffering Damages in Personal Injury Cases: An Empirical Study*, 14 J. Empirical Legal Stud. 199 (2017).

Tabatha Halleck Chapman, Note, *What Should a Showing of Intent or Purpose Require in a Case of Corporate Accessory Liability for Child Slavery Under the Alien Tort Statute?* 50 Ind. L. Rev. 619 (2017).

Yongmin Chen & Xinyu Hua, *Competition, Product Safety, and Product Liability*, 33 J.L. Econ. & Org. 237 (2017).

Steven Alan Childress, *No (Physical) Harm, No Foul? Trusting Workable Limiting Principles to Emotional Distress Torts*, 49 Tex. Tech L. Rev. 703 (2017).

Andrew Chin, *The Learned Hand Unformula for Short-Swing Liability*, 91 Wash. L. Rev. 1523 (2016).

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).

Roland Christensen, Comment, *Behind the Curtain of Tort Reform*, 2016 *BYU L. Rev.* 261 (2016).

Amal Clooney & Philippa Webb, *The Right to Insult in International Law*, 48 *Colum. Hum. Rts. L. Rev.* 1 (2017).

Phyllis Coleman, *We Say "Tomato," They Say "Woof": The Argument for Abandoning "Provocation" in Dog Bite Statutes*, 47 *U. Mem. L. Rev.* 485 (2016).

Jorge L. Contreras, *Genetic Property*, 105 *Geo. L.J.* 1 (2016).

David J. Cook, *Hitting Bottom in 17 States and the Suppression of Liability*, 43 *Ohio N.U. L. Rev.* 277 (2017).

Corinna Coors, *Morality, Utility, Reality? Justifying Celebrity Rights in the 21st Century*, 44 *Syracuse J. Int'l L. & Com.* 215 (2017).

Don Corbett, *If Loving You is Wrong...Can First Amendment Protection be Right? Alienation of Affection, Criminal Conversation, and the Right to Free Speech*, 38 *N.C. Cent. L. Rev.* 93 (2016).

Erin Coyle, *Sunlight and Shadows: Louis D. Brandeis on Privacy, Publicity, and Free Expression in American Democracy*, 33 *Touro L. Rev.* 211 (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).

Rebecca Crootof, *War Torts: Accountability for Autonomous Weapons*, 164 *U. Pa. L. Rev.* 1347 (2016).

John C. Cruden, Steve O'Rourke & Sarah D. Himmelhoch, *The Deepwater Horizon Oil Spill Litigation: Proof of Concept for the Manual of Complex Litigation and the 2015 Amendments to the Federal Rules of Civil Procedure*, 6 *Mich. J. Envtl. & Admin. L.* 65 (2016).

David Crump, *Negligent Infliction of Emotional Distress: An Unlimited Claim, but Does it Really Exist?* 49 *Tex. Tech L. Rev.* 685 (2017).

Andrea A. Curcio, *Institutional Failure, Campus Sexual Assault and Danger in the Dorms: Regulatory Limits and the Promise of Tort Law*, 78 *Mont. L. Rev.* 31 (2017).

Blake Cushing, *The Role of Environmental Torts in the Future*, *Geo. Envtl. L. Rev. Online*, Mar. 5, 2017.

Hanoch Dagan & Avihay Dorfman, *Just Relationships*, 116 *Colum. L. Rev.* 1395 (2016).

Janet Louise Daley & Judge Stanwood Richardson Duval, Jr. *The Discretionary Function: License to Kill? The Federal Tort Claims Act and Hurricane Katrina:*

Implication of the Robinson/MRGO Decisions: Can the King do no Wrong? 62 Loy. L. Rev. 299 (2016).

Stephen Daniels & Joanne Martin, *Where Have All the Cases Gone? The Strange Success of Tort Reform Revisited*, 65 Emory L.J. 1445 (2016).

Edwin C. Dawson, *Qualified Immunity for Officers' Reasonable Reliance on Lawyers' Advice*, 110 Nw. U. L. Rev. 525 (2016).

Kaitlin Decker, Note, *The Chase Utley Question: A Controversial Collision Between Tort Law and Professional Sports*, 90 St. John's L. Rev. 745 (2016).

Delphine Aurelie Laurence Defossez, *Seaworthiness: The Adequacy of the Rotterdam Rules Approach*, 28 U.S.F. Mar. L.J. 237 (2016).

Jef De Mot, Ben Depoorter & Michael G. Faure, *The Multiplication Effect of Legal Insurance*, 13 N.Y. U. J.L. & Bus. 1 (2016).

Brannon P. Denning, *Is there a "Second Amendment Right to be Negligent"?* 68 Fla. L. Rev. 99 (2017).

Thomas A. Dickerson, *The Cruise Passenger's Rights and Remedies*, 41 Tul. Mar. L.J. 141 (2016).

Shahar Dillbary, *Causation Actually*, 51 Ga. L. Rev. 1 (2016).

Jordan Z. Dillon, Comment, *Standing on the Wrong Foot: The Seventh Circuit's Eccentric Attempt to Rescue Risk-Based Standing in Data Breach Litigation*, 56 Washburn L.J. 123 (2017).

Richard F. Dole, Jr. *Punitive Damage and Attorney Fee Awards in Trade Secret Cases*, 20 Marq. Intell. Prop. L. Rev. 1 (2016).

Jessica M. Donels, Note, *Rape-Shield Laws and Third-Party Defendants: Where Iowa's Laws Fall Short in Protecting Victims*, 102 Iowa L. Rev. 793 (2017).

T.W. Dornis, *"Local Data" in European Choice of Law: A Trojan Horse from Across the Atlantic?* 44 Ga. J. Int'l & Comp. L. 305 (2016).

Michael C. Duff, *Worse than Pirates or Prussian Chancellors: A State's Authority to Opt-Out of the Quid Pro Quo*, 17 Marq. Ben. & Soc. Welfare L. Rev. 123 (2016).

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

Jane Dunagin, Comment, *Incoming: Regulating Drones in Oklahoma*, 69 Okla. L. Rev. 457 (2017).

Ryan J. Duplechin, Note, *Divided by Design: Reconciling the AEMLD's "Mixed" Design-Defect Approach*, 8 Faulkner L. Rev. 381 (2017).

Victoria Smith Ekstrand & Christopher Roush, *From "Hot News" to "Hot Data": The Rise of "Fintech," the Ownership of Big Data, and the Future of the Hot News Doctrine*, 35 *Cardozo Arts & Ent. L.J.* 3030 (2017).

Robert W. Emerson, *An International Model for Vicarious Liability in Franchising*, 50 *Vand. J. Transnat'l L.* 245 (2017).

Alek Charles Emery, Comment, *Zero-Day Responsibility: The Benefits of a Safe Harbor for Cybersecurity Research*, 57 *Jurimetrics J.* 483 (2017).

Nora Freeman Engrstrom, *Retaliatory RICO and the Puzzle of Fraudulent Claiming*, 115 *Mich. L. Rev.* 639 (2017).

Howard M. Erichson, *Aggregation as Disempowerment: Red Flags in Class Action Settlements*, 92 *Notre Dame L. Rev.* 859 (2016).

Christopher Essert, *Nuisance and the Normative Boundaries of Ownership*, 52 *Tulsa L. Rev.* 85 (2016).

Jill E. Evans, *The Rule of Repose: Charting Its Course through Alabama Law*, 40 *Am. J. Trial Advoc.* 263 (2016).

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).

Ward Farnsworth, *The Economic Loss Rule*, 50 *Val. U. L. Rev.* 545 (2016).

Daniel P. Fernandez, *Riparian Rights in a Polluted World: Property Right or Tort?* 22 *Bary L. Rev.* 131 (2017).

Kaitlyn Filzer, Comment, *Devaluing Child Plaintiffs Due to their Race, Gender, and Socioeconomic Status: Why Courts Have Been Calculating Lost Future Earnings Damages Wrong and How They Can Set It Right*, 48 *U. Tol. L. Rev.* 561 (2017).

Harvey L. Fiser & Patrick D. Hopkins, *Getting Inside the Employee's Head: Neuroscience, Negligent Employment Liability, and the Push and Pull for New Technology*, 23 *B.U. J. Sci. & Tech. L.* 44 (2017).

Gallant Fish, *No Rest for the Wicked: Civil Liability Against Hotels in Cases of Sex Trafficking*, 23 *Buff. Hum. Rts. L. Rev.* 119 (2016).

Olga V. Fofanova, Comment, *Medicare Set-Asides in Maritime Personal Injury and Jones Act Claims*, 15 *Loy. Mar. L.J.* 315 (2016).

Robert Force, *Section 905(b) of the Longshore and Harbor Workers' Compensation Act: Shipbuilders, Incomplete Vessels, and the Negligence Action*, 41 *Tul. Mar. L.J.* 367 (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).

Jordan Fowler, Comment, *Trailblazing an Industry: The Potential Effects and Defects of Autonomous Vehicles and the Need for Legislation in Texas*, 49 Tex. Tech. L. Rev. 903 (2017).

Dov Fox, *Reproductive Negligence*, 117 Colum. L. Rev. 149 (2017).

Christopher C. French, *Sex, Videos, and Insurance: How Gawker Could Have Avoided Financial Responsibility for the \$140 Million Hulk Hogan Sex Tape Verdict*, 90 S. Cal. L. Rev. Postscript 101 (2016).

Christopher C. French, *Hurricanes, Fraud, and Insurance: The Supreme Court Weighs in on, but Does Not Wade Into, the Concurrent Causation Conundrum in State Farm Fire and Casualty Company v. Rigsby*, 165 U. Pa. L. Rev. Online 99 (2017).

Christopher C. French, *Understanding Insurance Policies as Noncontracts: An Alternative Approach to Drafting and Construing these Unique Finance Instruments*, 89 Temp. L. Rev. 535 (2017).

Patrick J. Gabb, Comment, *Just Because It's Legal, Doesn't Make It Right*, 16 Loy. Mar. L.J. 161 (2017).

Michael M. Gallagher, *Clear Evidence of Impossibility Preemption after Wyeth v. Levine*, 51 Gonz. L. Rev. 439 (2016).

Kristine L. Gallardo, Note, *Taming the Internet Pitchfork Mob: Online Public Shaming, the Viral Media Age, and the Communications Decency Act*, 19 Vand. J. Ent. & Tech. L. 721 (2017).

Krystyna D. Gancoss, Note, *"I'm Not A Regular Mom...I'm a Cool Mom": An Argument for Broader Civil Social Host Liability in Connecticut*, 35 Quinnipiac L. Rev. 351 (2017).

Juan M. Acevedo Garcia, *Intentional Infliction of Emotional Distress Torts as the Best Legal Option for Victims: When Cyberbullying Conduct Falls Through the Cracks of the U.S. Criminal Law System*, 85 Rev. Jr. U.P.R. 127 (2016).

John Gardner, *Dagan and Dorfman on the Value of Private Law*, 117 Colum. L. Rev. Online 179 (2017).

Mark A. Geistfeld, *Hidden in Plain Sight: The Normative Source of Modern Tort Law*, 91 N.Y.U. L. Rev. 1517 (2016).

Angela M. Gennaro, Comment, *Jones Act Status: How the Naquin and Dize Decisions Perpetuate Status Confusion and Prove Need for Clarification*, 15 Loy. Mar. L.J. 315 (2016).

Mark P. Gergen, *Privity's Shadow: Exculpatory Terms in Extended Forms of Private Ordering*, 43 Fla. St. U. L. Rev. 1 (2015).

Ryan Lee Giles, Note, *Publicly Funded Private Security: A Critical Examination of Georgia Law Pertaining to the Private Employment of Off-Duty Police Officers*, 51 Ga. L. Rev. 879 (2017).

Marc D. Ginsberg, *The Execution of an Arbitration Provision as a Condition Precedent to Medical Treatment: Legally Enforceable? Medically Ethical?* 42 Mitchell Hamline L. Rev. 273 (2016).

Briana Givens, Note, *The Reality of Surgical Fires: Improving Communication Between Medical Professionals While Preserving the Integrity of the Medical Profession*, 38 T. Jefferson L. Rev. 179 (2016).

Alani Golanski, *Why Daimler Accommodates Personal Jurisdiction in Mass Tort Litigations*, 80 Alb. L. Rev. 311 (2017).

Megan Gold,*And Justice for All? An Analysis of a Shipowner's Duty of Care in Piracy and Armed Robbery Attacks*, 47 J. Mar. L. & Com. 501 (2016).

Russell M. Gold, *Compensation's Role in Deterrence*, 91 Notre Dame L. Rev. 1997 (2016).

John C.P. Goldberg & Benjamin C. Zipursky, *The Strict Liability in Fault and the Fault in Strict Liability*, 85 Fordham L. Rev. 743 (2016).

Josh Goldfoot & Aditya Bamzai, *A Trespass Framework for the Crime of Hacking*, 84 Geo. Wash. L. Rev. 1477 (2016).

Loren D. Goodman, Note, *For What Its Worth: The Role of Race- and Gender-Based Data in Civil Damages Awards*, 70 Vand. L. Rev. 1353 (2017).

Patrick R. Goold, *Unbundling the "Tort" of Copyright Infringement*, 102 Va. L. Rev. 1833 (2016).

Jennifer Gordon, *Regulating the Human Supply Chain*, 102 Iowa L. Rev. 445 (2017).

Wendy J. Gordon, *Copyright Owners' Putative Interests in Privacy, Reputation, and Control: A Reply to Goold*, 103 Va. L. Rev. Online 36 (2017).

Ashley Bullock Green, Note, *No "New Breaches: Adding a Section to the Indian Medical Malpractice Act to Alleviate the Pain Caused by K.D. v. Chambers*, 49 Val. U. L. Rev. 955 (2015).

Jennifer M. Green, *Corporate Torts: International Human Rights and Superior Officers*, 17 Chi. J. Int'l L. 447 (2017).

Michael S. Green, *The Return of the Unprovided-for Case*, 51 Ga. L. Rev. 763 (2017).

Daniel S. Greene, Note, *From the Ice to the Courtroom: Analyzing the Relationship Between Professional Ice Hockey and Tort Liability*, 23 Sports L.J. 57 (2016).

Carol J. Greer, Note, *International Personality Rights and Holographic Portrayals*, 27 Ind. Int'l & Comp. L. Rev. 247 (2017).

Betsy J. Grey & Gary E. Marchant, *Biomarkers, Concussions, and the Duty of Care*, 2015 Mich. St. L. Rev. 1911 (2015).

Phillip Comer Griffeth, Christopher R. Breault & Christopher Barwick Newbern, *Torts*, 68 Mercer L. Rev. 279 (2016).

Frank Griffin, *The Trouble with the Curve: Manufacturer and Surgeon Liability for "Learning Curves" Associated with Unreliably-Screened Implantable Medical Devices*, 69 Ark. L. Rev. 755 (2016).

Frank Griffin, *Prejudicial Interpretation of Expert Reliability on the "Cutting Edge" Enables the Orthopaedic Implant Industry's Bodily Eminent Domain Claim*, 18 Minn. J.L. Sci. & Tech. 207 (2017).

Alison Gurr, *Three's a Crowd or a Charm? Third Party Liability for Participating in*

Breaches of Fiduciary Duty, 53 San Diego L. Rev. 609 (2016).

Jeffrey S. Gutman, *An Empirical Reexamination of State Statutory Compensation for the Wrongly Convicted*, 82 Mo. L. Rev. 369 (2017).

Roy S. Gutterman, *Liar! Liar? The Defamatory Impact of "Liar" in the Modern World*, 27 Fordham Intell. Prop. Media & Eng. L.J. 253 (2017).

Roy S. Gutterman, *Media Law*, 67 Syracuse L. Rev. 1127 (2017).

Kaitlin Halsell, Comment, *Whole Again? Statutory Compensation Schemes as a Tort Alternative in the Aftermath of Terror Attacks*, 30 Temp. Int'l & Comp. L. 289 (2016).

John W. Hamilton, Note, *Contamination at U.S. Military Bases: Profiles and Responses*, 35 Stan. Env'tl. L.J. 223 (2016).

Laura K. Hamilton, Note, *Let Me Tell You Who I Am: Establishing a Federal Remedy for Interference with Online Identity*, 69 Fed. Comm. L.J. 173 (2017).

Mark Hanin, Carter Greenbaun & Jeremy Aron-Dine, Student article, *Interpreting the "Reasonable Number of Repair Attempts" Standard in Lemon Law Arbitrations*, 29 Loy. Consumer L. Rev. 327 (2017).

Michelle L.D. Hanlon, *Self-Driving Cars: Autonomous Technology that Needs a Designated Duty Passenger*, 22 Barry L. Rev. 1 (2016).

Charles J. Harder, *Privacy, The First Amendment and Hulk Hogan's \$140.1 Million Jury Verdict*, 43 Rutgers Computer & Tech. L.J. 1 (2017).

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).

Jake Hays, Note, *Feeling the Noise: Proposed Standards and Alternatives to Wind Energy Nuisance Litigation*, 28 Fordham Envtl. L. Rev. 242 (2017).

James A. Henderson, Jr., *Learned Hand's Paradox: An Essay on Custom in Negligence Law*, 105 Cal. L. Rev. 165 (2017).

Jordan C. Hilton, *Recent Development: Overcoming the Ripper effect: Why the North Carolina Business Corporations Act Should Allow Permissive Exculpation*, 94 N.C. L. Rev. 2155 (2016).

D. Paul Holdsworth, *Analyzing the Virginia Workers' Compensation Act's Governance of Employer Non-Compliance*, 51 U. Rich. L. Rev. 193 (2016).

Matthew Holt, *Indemnifying Public Employees Against Judgments for Punitive Damages: The New Mexico Tort Claims Act is Unconstitutional*, 47 N.M. L. Rev. 318 (2017).

Benjamin A. Hooper, Note, *Are State Law Tort Claims Against Generic Drug Manufacturers Always Preempted by Federal Law? Why the Fourth Circuit was Wrong in Saying Yes*, Drager v. Pliva USA, Inc., 741 F.3d 470 (4th Cir. 2014), 84 U. Cin. L. Rev. 553 (2016).

Anthony G. Hopp, Jeremy S. Goldkind & David M. Cummings, *Differential Diagnosis and Daubert: Preventing the Misuse of Differential Etiology to Prove Causation in Toxic Tort Cases*, 84 Def. Couns. J. 1 (2017).

Dimitris Houvardas, *Charterers and Vetting: Balancing Between Freedom and Nightmare?* 48 J. Mar. L. & Com. 183 (2017).

Winhkong Hua, Note, *Cybermobs, Civil Conspiracy, and Tort Liability*, 44 Fordham Urb. L.J. 1217 (2017).

Jack Huerter, Comment, *Exploding Trains in the Wake of the Crude-by-Rail Boom: The Distribution of Liability in Crude-Train Derailments*, 2016 Wis. L. Rev. 1033 (2016).

Christian C. Huffman, *A Contextual Understanding of the Phrase “Serious Impairment of Body Function”* 93 Det. Mercy L. Rev. 379 (2016).

Daniel E. Ingberman & Asrat Tesfayesus, *The Law and Economics of Concealing Health and Safety Information*, 13 J.L. & Econ. Pol’y 181 (2017).

Michael S. Isselin, Note, *#StopImmunizing: Why Social Networking Platform Liability is Necessary to Provide Adequate Redress for Victims of Cyberbullying*, 61 N.Y. L. Sch. L. Rev. 369 (2016-2017).

Ingnatius Michael D. Ingles, *Philippine Sports Torts: Adopting a Standard of Care for Sports Competitions and Establishing Vicarious Liability for Professional Coaches*, 27 Marq. Sports L. Rev. 1 (2016).

Cody J. Jacobs, *The Second Amendment and Private Law*, 90 S. Cal. L. Rev. 945 (2017).

Marcus Jardine, Note, *Torts: No Statutory Interpretation Required—Guzick v. Kimball*, 43 Mitchell Hamline L. Rev. 265 (2017).

Barry L. Johnson, *Why Negligence Per Se Should be Abandoned*, 20 N.Y.U. J. Legis. & Pub. Pol’y 247 (2017).

Eric E. Johnson, *Disentangling the Right of Publicity*, 111 Nw. U. L. Rev. 891 (2017).

Jason Johnson & Christopher Brennan, *Damned if You Do, Damned if You Don’t: A Contextual Analysis of Co-Employee, Liability and Wyoming Worker’s Compensation Subrogation*, 16 Wyo. L. Rev. 415 (2016).

Eleanor G. Jolley & Tim Donahue, Sr., *A cursory Overview to Section 1983 as it Applies to Violations of the Forth and Eighth Amendments*, 39 Am. J. Trial Advoc. 517 (2016).

Sakinah Jones, Note, *Having an Affair May Shorten Your Life: The Ashley Madison Suicides*, 33 Ga. St. U. L. Rev. 455 (2017).

Tyler Jones, Note, *Paradise Lost: Contracting Away Immunity Under the Indiana Tort Claims Act*, 50 Ind. L. Rev. 103 (2016).

Caryn Geraghty Jorgensen & Hunter G. Jeffers, *Damned if you Do, Damned if You Don’t: The Expansion of Tort Liability to Airport Owners and Operators Who Regulate Airline and Vendor Operations*, 81 J. Air L. & Com. 631 (2016).

Robert J. Kaczorowski, *From Petitions for Gratuities to Claims for Damages: Personal Injuries and Railroads During the*

Industrialization of the United States, 57 Am. J. Legal Hist. 261 (2017).

Matthew C. Kane & Ivan L. London, *The Pride of the Common Law: Oklahoma's Struggle with the Prima Facie Tort Action*, 52 Tulsa L. Rev. 41 (2016).

Cara Kaplan, *Big Soda: Too Sweet to Fail?* 44 Fordham Urb. L.J. 1267 (2017).

Nili Karako-Eyal, *Increasing Vaccination Rates Through Tort Law: Theoretical and Empirical Insights*, 86 UMKC L. Rev. 1 (2017).

Adam P. Karp, Yvonne C. Ocrant & Cody L. Lipke, *Recent Developments in Animal Tort and Insurance Law*, 52 Tort Trial & Ins. Prac. L.J. 237 (2017).

Dmitry Karshedt, *Causal Responsibility and Patent Infringement*, 70 Vand. L. Rev. 565 (2017).

Athena Katsampes, Note, *A Rape by Any Other Name? The Problem of Defining Acts of Protection Deception and the University as a Solution*, 24 Va. J. Soc. Pol'y & L. 157 (2017).

Gregory C. Keating, *Products Liability as Enterprise Liability*, 10 J. Tort L. 41 (2017).

Gregory C. Keating, *Response to Fox: Impaired Conditions, Frustrated Expectations, and the Law of Torts*, 117 Colum. L. Rev. Online 212 (2017).

Leslie Kendrick, *Tort Law as Regulatory Tool*, 10 J. Tort L. 1 (2017).

Todd P. Kendrick, Note, *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).

Brooke Kettler, Note, *Cutting Out the Middleman: Holding Third-Party Payment Processors Liable for the Acts of Their Merchant Clients*, 105 Geo. L.J. 1721 (2017).

Hamzah Khan, *Recent Development: TVPA Holds Steady as ATS Shrinks for Redressing Torture Abroad in Warfaa v. Ali*, 25 Tul. J. Int'l & Comp. L. 291 (2016).

Rony Kishinevsky, Note, *Damage Averaging—How the System Harms High-Value Claims*, 95 Tex. L. Rev. 1145 (2017).

David O. Klein & Joshua R. Wueller, *Fake News: A Legal Perspective*, 20(10 J. Internet L. 1 (2017).

Robert M. Klein, Andrew M. Feldman & Mark Sullivan, *Legal Malpractice Claims—Advanced Strategies for Case-Within-A-Case Litigation*, 43 Ohio N.U.L. Rev. 331 (2017).

Christopher R. Knight, Note, *International Human Rights Litigation after Bauman: The Viability of Veil Piercing to*

Hale Foreign Parent Corporations into U.S. Courts, 41 U. Dayton L. Rev. 213 (2016).

A. Mayer Kohn, Note and Comment, *A World After Tincher v. Omega Flex: Pennsylvania Courts Should Preclude Industry Standards and Practices Evidence in Strict Products Liability Litigation*, 89 Temp. L. Rev. 643 (2017).

Kate Konschnik, *Regulating Stability: State Compensation Funds for Induced Seismicity*, 29 Geo. Envtl. L. Rev. 227 (2017).

Glenn S. Koppel, *The Case for Nonmutual Privity in Vicarious Liability Relationships: Pushing the Frontiers of the Law in Claim Preclusion*, 39 Campbell L. Rev. 1 (2017).

Paul S. Kruse, Larry Morris & J. Michael Deweese, *Recent Developments in Indiana Tort Law*, 49 Ind. L. Rev. 1315 (2016).

Paul S. Kruse *et al.*, *Recent Developments in Indiana Tort Law*, 50 Ind. L. Rev. 1457 (2017).

Bailey Kuklin, *Private Requitals*, 64 Clev. St. L. Rev. 965 (2016).

Bailey Kuklin, *The Labryith of Blameworthiness*, 51 U.S.F. L. Rev. 173 (2017).

Alexandra D. Lahav, *Mass Tort Class Actions—Past, Present, and Future*, 92 N.Y.U. L. Rev. 998 (2017).

LeRoy Lambert & Rebecca Hamra, *The Law in the United States of Maritime Personal Injury and Death Since 1981: An Update*, 91 Tul. L. Rev. 909 (2017).

Gary M. Langlois, Jr., Note, *Louisiana's Collateral Source Rule: Eliminating the "Windfall" Arising from Medical Expense Write-Offs*, 63 Loy. L. Rev. 291 (2017).

Arlen W. Langvardt, *Musicians, Politicians, and the Forgotten Tort*, 27 Fordham Intell. Prop. Media & Ent. L.J. 429 (2017).

Andrew P. Lannon *et al.*, *Risk[y] Business: Transitioning to a Stand-Alone Self-Insurance Program*, 46 Stetson L. Rev. 563 (2017).

Zachary J. Lee, *X-Factoring: Why the Texas Supreme Court Should Revisit Its Examination of Paid or Incurred Medical Expenses*, 48 St. Mary's L.J. 179 (2016).

Alexander B. Lemann, *Coercive Insurance and the Soul of Tort Law*, 105 Geo. L.J. 55 (2016).

Jill Wieber Lens, *Product Recalls: Why is Tort Law Deferring to Agency Inaction?* 90 St. John's L. Rev. 329 (2016).

Jill Wieber Lens, *Defective Punitive Damages*, 2017 UTAH L. REV. (forthcoming 2017).

Jill Wieber Lens, *An Undetectable Constitutional Violation*, 106 KY. L. J. (forthcoming 2017).

Lili Levi, *The Weaponized Lawsuit Against the Media: Litigation Funding as a New Threat to Journalism*, 66 Am. U. L. Rev. 761 (2017).

Adam J. Levitt & Nicole E. Negowetti, *Agricultural "Market Touching": Modernizing Trespass to Chattels in Crop Contamination Cases*, 38 U. Haw. L. Re. 409 (2016).

Shaundra K. Lewis, *The Cost of Raising a Killer – Parental Liability for the Parents of Adult Mass Murderers*, 61 Vill. L. Rev. 1 (2016).

Tamara Lotner Lev, *Liability for Environmental Damages from the Offshore Petroleum Industry: Strict Liability Justifications and the Judgement-Proof Problem*, 43 Ecology L.Q. 483 (2016).

Albert C. Lin, *Community Levers for Benefit Sharing*, 21 Lewis & Clark L. Rev. 357 (2017).

Peter Lindh, Marker Lovell & Michelle Tommey, *The Primary Assumption of the Risk Doctrine is Consistent With Maritime Law*, 28 U.S.F. Mar. L.J. 93 (2016).

Eric Lindenfeld, *The Unintended Pregnancy Crisis: A No-Fault Fix*, 17

Marq. Ben. & Soc. Welfare L. Rev. 285 (2016).

Eric Lindenfeld & Jasper L. Tran, *Prescription Drugs and Design Defect Liability: Blanket Immunity Approach to the Increased Costs and Unavailability of Prescription Medication*, 64 Drake L. Rev. 111 (2016).

Jason Litt, Emily Cuatto & Jessica Di Palma, *Returning to Rutherford: A Call to California Courts to Rejoin the Legal Mainstream and Require Causation to be Proved in Asbestos Cases Under Traditional Torts Principles*, 45 Sw. L. Rev. 989 (2016).

Kyle D. Logue, *In Praise of (Some) Ex Post Regulation: A Response to Professor Galle*, 69 Vand. L. Rev. En Banc 97 (2016).

Kyle D. Logue, *Encouraging Insurers to Regulate: The Role (if Any) For Tort Law*, 5 U.C. Irvine L. Rev. 1355 (2015).

Alex Long, *The Lawyer as Public Figure for First Amendment Purposes*, 57 BOSTON COLLEGE LAW REVIEW 1543 (2016).

Abigail Luhn, Note, *How to Avoid Adding Insult to Injury Under the Maritime Rescue Doctrine*, 13 Seton Hall Circuit Rev. 321 (2017).

Emily Mace, Note, *Missouri's Statutory Cause of Action for Medical Negligence: Legitimate Application of Legislative Authority or Violation of Constitutional Rights?* 81 Mo. L. Rev. 899 (2016).

Jason Malone, *Derivative Immunity: The Impact of Campbell-Ewald Co. v. Gomez*, 50 Creighton L. Rev. 78 (2016).

David Marcus, *The Short Life and Long Afterlife of the Mass Tort Class Action*, 165 U. Pa. L. Rev. 1565 (2017).

Kathleen Mary Elaine Mayer, Note, *Schools are Employers Too: Rethinking the Institutional Liability Standard in Title IX Teacher-on-Student Sexual Harassment Suit*, 50 Ga. L. Rev. 909 (2016).

Peter M. Mansfield, *Natural Disasters and Government Torts: Immunity for Delictual Injury after Disaster Damage*, 63 Loy. L. Rev. 247 (2017).

Andrew W. Marrero, Note, *Punitive Damages: Why the Monster Thrives*, 105 Geo. L.J. 767 (2017).

Chad Marzen, Darren A. Prum & Robert J. Aalberts, *The New Sharing Economy: The Role of Property, Tort, and Contract Law for Managing the Airbnb Model*, 13 N.Y.U. J. L. & Bus. 295 (2017).

Arthur F. McEvoy, *The Martyrdom and Avenging of Enrique Camarena-Salazar: A*

Review of Caselaw and Scholarship After Thirty Years, 23 Sw. J. Int'l L. 39 (2017).

Victoria McIntyre, Comment, *Do(x) You Really Want to Hurt Me? Adapting IIED as a Solution to Doxing by Reshaping Intent*, 19 Tul. J. Tech. & Intell. Prop. 111 (2016).

Agnieszka A. McPeak, *Sharing Tort Liability in the New Sharing Economy*, 49 Conn. L. Rev. 171 (2016).

Agnieszka A. McPeak, *Regulating Ridesharing Platforms Through Tort Law*, 39 U. Haw. L. Rev. 357 (2017).

Edward T. McDermott, *Holder Claims—Potential Causes of Action in Delaware and Beyond?* 41 Dep. J. Corp. L. 933 (2017).

Elke Meeus, Comment, *Informed Consent: Oklahoma Pursues Its Sweeping Reforms of the Informed-Consent Doctrine, But What are its Limits*, 41 Okla. City U. L. Rev. 523 (2016).

Donn C. Meindertsmas, *Retiring Workplace Tortious Interference Claims*, 34 Hofstra Lab. & Emp. L.J. 79 (2016).

Charles R. Mendez, *The Impact of the Affordable Care Act on the Colorado Collateral Source Rule*, 94 Denv. L. Rev. Online 1 (2017).

Kelly A. Meredith, Note, *Who is Responsible When Someone Commits Suicide? An Examination of Turcios v.*

DeBruler Co., 2015 IL 117962, 32 N.E.3d 1117, 41 S. Ill. U. L.J. 137 (2016).

Nathan J. Miller, *Human Rights Abuses as Tort Harms: Losses in Translation*, 46 Seton Hall L. Rev. 505 (2016).

Ryan Mitchell, Comment, *Pokemon Go-es Directly to Court: How Pokemon Go Illustrates the Issue of Virtual Trespass and the Need for Evolved Tort Laws*, 49 Tex. Tech L. Rev. 959 (2017).

Mark Moller, *Separation of Powers and the Class Action*, 95 Neb. L. Rev. 366 (2016).

Hironari Momioka, *Punitive Damages Revisited: A Statistical Analysis of How Federal Circuit Courts Decide the Constitutionality of Such Awards*, 65 Clev. St. L. Rev. 379 (2017).

Jonathan Morris, Comment, *“One Ought Not Have So Delicate a Nose”: CAFOs, Agricultural Nuisance, and the Rise of the Right to Farm*, 47 *Envtl. L.* 261 (2017).

P. Sean Morris, *Lex Internationalis: Kiobel, Empires, and the Color of Human Rights*, 7 *Geo. J.L. & Mod. Crit. Race Persp.* 71 (2015).

Clayton A. Morton & Tyler G. Doyle, *Equitable Estoppel in the Context of Claims of Tortious Interference with Contractual Relations: Has the Texas Supreme Court Gone Too Far?* 57 *S. Tex. L. Rev.* 249 (2016).

Christopher B. Mueller, *Taking a Second Look at MDL Product Liability Settlements: Somebody Needs to Do It*, 65 *U. Kan. L. Rev.* 531 (2017).

Pam A. Mueller, *Victimhood & Agency: How Taking Charge Takes Its Toll*, 44 *Pepp. L. Rev.* 691 (2017).

Timothy M. Mulligan, *The “English” Rule—It Ain’t English, and It Ought Not be American*, 48 *St. Mary’s L.J.* 443 (2017).

Rebecca M. Murphy & Samantha M. Clarke, *A New Hope: Tortious Interference with an Expected Inheritance in Rhode Island*, 22 *Roger Williams U. L. Rev.* 531 (2017).

Leigh Anne S. Newcomer, Note, *Institutional Liability for Rape on College Campuses: Reviewing the Options*, 78 *Ohio St. L.J.* 503 (2017).

Lars Noah, *State Affronts to Federal Primacy in the Licensure of Pharmaceutical Products*, 2016 *Mich. St. L. Rev.* 1 (2016).

Edward J. Normand, *Damages for Deceit: A Case Study in the Making of American Common Law*, 71 *N.Y.U. Ann. Surv. Am. L.* 333 (2016).

Christopher Northrop & Kristina Rothley Rozan, *Kids Will Be Kids: Time for a “Reasonable Child” Standard for the Proof of Objective Mens Rea Elements*, 69 *Me. L. Rev.* 109 (2017).

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

John F. O'Connor, *Caveat Settlor: Insurance Coverage Settlements and the Triumph of Policy Language over Precedent*, 79 Alb. L. Rev. 101 (2016).

Matt O'Connor, Comment, *An End to Preemptively Limiting the Scope of a Manufacturer's Duty: Why the Arizona Court of Appeals Was Right in Striking Down the Learned Intermediary Doctrine*, 49 Ariz. St. L.J. 607 (2017).

Daniel P. O'Gorman, *Contracts, Causation, and Clarity*, 78 U. Pitt. L. Rev. 273 (2017).

Colin J.A. Oldberg, Note, *Organizational Doxing: Disaster on the Doorstep*, 15 Colo. Tech. L.J. 181 (2016).

Charles H. Oldham, *Wildfire Liability and the Federal Government: A Double-Edged Sword*, 48 Ariz. St. L.J. 205 (2016).

David W. Opderbeck, *Cybersecurity, Data Breaches, and the Economic Loss Doctrine in the Payment Card Industry*, 75 Md. L. Rev. 935 (2016).

Adam Ortlieb, Note, *Mandatory Victim Restitution Act: A Replacement for Victims' Intentional Tort Claims for Violent Crimes in New Jersey*, 69 Rutgers U. L. Rev. 385 (2016).

Lynda J. Oswald, *The "Strict Liability" of Direct Patent Infringement*, 19 Vand. J. Ent. & Tech. L. 993 (2017).

Dirk J. Oudemool, *Torts*, 67 Syracuse L. Rev. 1155 (2017) [this looks like a recent-case roundup]

Hayley Oveson, Note, *Accounting for Partial Settlements in CERCLA Private-Party Cost Allocation: No Rule is the Best Rule*, 43 Ecology L.Q. 635 (2016).

Jackson Pahlke, Note, *It is Time for Washington State to Take a Stand Against Holmes' Bad Man: The Value of Punitive Damages in Deterring Big Business and Intentional Tortfeasors*, 50 U. Mich. J.L. & Reform 215 (2016).

Roger Pardieck, Karen Davis & Maggie Smith, *Justice Dickson's Civil Tort Law Jurisprudence*, 50 Ind. L. Rev. 103 (2016).

Jordon Parker, Note, *Where Sovereign Immunity Ends and Liability Begins: A Functional Restructuring of the United States Military Tort Compensation Scheme*, 25 Cardozo J. Int'l & Comp. L. 145 (2016).

Gideon Parchomovsky & Alex Stein, *Empowering Individual Plaintiffs*, 102 Cornell L. Rev. 1319 (2017).

Roger Pardieck, Karen Davis & Maggie Smith, *Justice Dickson's Civil Tort Law Jurisprudence*, 50 Ind. L. Rev. 103 (2016).

Arthur J. Park, *Circumstantial Evidence of Negligence: The Need for Clarification in Mississippi*, 85 Miss. L.J. Supra 3 (2017).

Tracy Hresko Pearl, *Far from the Maddening Crowd: A Statutory Solution to Crowd Crush*, 68 Hastings L.J. 159 (2016).

Nicole Pelletier, Note, *The Emoji that Cost \$20,000: Triggering Liability for Defamation on Social Media*, 52 Wash. U. L.J. & Pol'y 227 (2016).

Richard J. Peltz-Steele, *Wrongs, Rights, and Remedies: A Yankee Romp in Recent European Tort Law*, 26 Ind. Int'l & Comp. L. Rev. 102 (2016).

Henry H. Perritt & Albert J. Plawinski, *Making Civilian Drones Safe: Performance Standards, Self-Certification, and Post-Sale Data Collection*, 14 Nw. J. Tech. & Intell. Prop. 1 (2016).

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

Ronen Perry, *Strike-Out*, 68 Ala. L. Rev. 445 (2016).

Govind Persad, *Law, Science, and the Injured Mind*, 67 Ala. L. Rev. 1179 (2016).

William R. Phillippi III, Note, *Products Liability for Financial Products: Judicial Insurance for the Insurance*, 7 Faulkner L. Rev. 155 (2016).

Andrew L. Pickens, *Defending Actions Against Corporate Clients of Private Security Firms*, 19 U. Pa. J. Bus. L. 601 (2017).

Tanya Pierce, *Dueling Grants: Reimagining CAFA's Jurisdictional Provisions*, 33 Ga. St. U. L. Rev. 723 (2017).

Jessica M. Pollack, Note, *Getting Even: Empowering Victims of Revenge Porn with a Civil Cause of Action*, 80 Alb. L. Rev. 353 (2017).

Andrew F. Popper, *On the Necessity of Preserving Access to State Courts and Civil Justice: Rediscovering Federalism & Debunking "Fraudulent" Joinder*, 44 Rutgers L. Rec. 160 (2016-2017).

Kacy Popyer, Note, *CACHE-22: The Fine Line Between Information and Defamation in Google's Autocomplete Function*, 34 Cardozo Arts & Ent. L.J. 835 (2016).

Lauren E. Potocsky, Note, *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).

Michael Pressman, *The Compatibility of Forward-Looking and Backward-Looking Accounts of Tort Law*, 15 U.N.H. L. Rev. 45 (2016).

Rebecca Prentiss Pskowski, *The Sailing School Vessels Act of 1982 and the Legal Status of Sail Trainees*, 41 Tul. Mar. L.J. 87 (2016).

Dara E. Purvis, *The Rules of Maternity*, 84 Tenn. L. Rev. 367 (2017).

Zachary B. Pyers & Daniel Bey, *Applying the Absolute Privilege to Defamation, Afforded in Judicial Proceedings, to Arbitration: A Logical Next Step for Ohio*, 45 Cap. U. L. Rev. 635 (2017).

Robert L. Rabin, *Dov Fox on Reproductive Negligence: A Commentary*, 117 Colum. L. Rev. Online 228 (2017).

Omri Rachum-Twaig & Ohad Somech, *The Rights-Based View of the Cathedral: Liability Rules and Corrective Justice*, 2016 Pepp. L. Rev. 74 (2016).

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

Morris A. Ratner, *Class Conflicts*, 92 Wash. L. Rev. 785 (2017).

Cody Reaves, Note, *Show Me the Money: Determining a Celebrity's Fair Market Value in a Right of Publicity Action*, 50 U. Mich. J.L. Reform 831 (2017).

Elizabeth Reburn, Note, *Staub v. Proctor Hospital and the Age Discrimination in*

Employment Act, 84 U. Cin. L. Rev. 899 (2016).

Thomas P. Redick, *Liability Prevention for Agricultural Biotechnology*, 22 Drake J. Agri. L. 31 (2017).

Conor Dwyer Reynolds, *The Role of Private Litigation in the Automotive Recall Process*, 29 Loy. Consumer L. Rev. 121 (2016).

Glenn Harlan Reynolds, *Permissible Negligence and Campaigns to Suppress Rights*, 68 Fla. L. Rev. F. 51 (2016).

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

Michelle L. Richards, *12 Angry Men v. The Agency: Why Preemption Should Resolve this Conflict in Drug Labeling Litigation*, 100 Marq. L. Rev. 1309 (2017).

Sally Brown Richardson, *Privacy and Community Property*, 95 N.C. L. Rev. 729 (2017).

Douglas R. Richmond, *The Subtly Important Supplementary Payments Provision in Liability Insurance Policies*, 66 DePaul L. Rev. 763 (2017).

Thomas E. Riley *et al.*, *Recent Developments in Products Liability*, 52 Tort Trial & Ins. Prac. L.J. 565 (2017).

Alex Robertson, *Solidarity in Overlapping Insurance Coverage: Rethinking Hoefly*, 77 La. L. Rev. 975 (2017).

Christopher T. Robertson, *Vaccines and Airline Travel: A Federal Role to Protect the Public Health*, 42 Am. J. L. & Med. 543 (2016).

Christopher J. Robinette & Kyle Graham, *The Prosser Letters: Scholar as Dean*, 10 J. Tort L. 99 (2017).

Alessandro Romano, *God's Dice: The Law in a Probabilistic World*, 41 U. Dayton L. Rev. 58 (2016).

Pumin Rong, *Liability in Criminal and Private Law Regarding Maritime Safety*, 48 J. Mar. L. & Com. 53 (2017).

Ben Rosichan, Note and Comment, *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).

Theodore Rostow, Note, *What Happens When An Acquaintance Buys Your Data? A New Privacy Harm in the Age of Data Brokers*, 34 Yale J. on Reg. 667 (2017).

Andrew L. Roth, Comment, *Upping the Ante: Rethinking Anti-SLAPP Laws in the Age of the Internet*, 2016 BYU L. Rev. 741 (2016).

Lauren R. Roth, *Reproductive Selection Bias*, 27 Health Matrix 263 (2017).

Samuel W. Royston, *The Right to be Forgotten: Comparing U.S. and European Approaches*, 48 St. Mary's L.J. 253 (2016).

Brandon Ruggieri, Comment, *A Major Change for Minor Victims: A Call to Amend Rhode Island's Statute of Limitations for Children's Medical Malpractice Suits*, 22 Roger Williams U. L. Rev. 670 (2017).

Hijratullah Safi, *Ensuring Compensation for Wrongful Imprisonment and Wrongful Detention in Afghanistan*, 47 Cal. W. Int'l L.J. 35 (2016).

Victoria Shannon Sahani, *Reshaping Third Party Funding*, 91 Tul. L. Rev. 405 (2017).

Franklyn P. Salimbene, *Seeking Peaceful Coexistence: Streetcars and Bicycles in the New Urban Environment*, 7 Wake Forest J.L. & Pol'y 365 (2017).

Michael Sant'Ambrogio & Adam S. Zimmerman, *Inside the Agency Class Action*, 126 Yale L.J. 1634 (2017).

David J. Satnarine, *The Torturers: Evaluating the Senate Select Intelligence Committee's Torture and Assessing the Legal Liability of "Company Y" under the Alien Tort Statute*, 28 Pace Int'l L. Rev. 145 (2016).

Nadia N. Sawicki, *Modernizing Informed Consent: Expanding the Boundaries of Materiality*, 2016 U. Ill. L. Rev. 821 (2016).

Ani Satz, *Protecting Injured Workers' Medical Privacy: HIPAA's Privacy Rule, Workers' Compensation, and "Symbiotic Federalism,"* 67 Emory L. J. (forthcoming fall 2017).

Adam F. Scales, *Any Weapon to Hand? An Essay on Gun Regulation and the Limits of Insurance*, 10 J. Tort L. 23 (2017).

James E. Scheuermann, *Fortuity, Intent, and Causation in Liability Insurance Law*, 9 Elon L. Rev. 329 (2017).

William Schildknecht, *Justice for J-Law? Specific Personal Jurisdiction Over Internet Torts in the Wake of Walden v. Fiore*, 56 Santa Clara L. Rev. 1 (2016).

Stephen J. Schnably, *The Transformation of Human Rights Litigation: The Alien Tort Statute, the Anti-Terrorism Act, and JASTA*, 24 U. Miami Int'l & Comp. L. Rev. 285 (2017).

James Schwabe, Note, *Delay of Game: When Will the Supreme Court Tackle First Amendment Issue in Madden NFL? The Uncertain Future of the Right of Publicity*, 16 Va. Sports & Ent. L.J. 120 (2016).

Daniel Schwarcz, *Coverage Information in Insurance Law*, 101 Minn. L. Rev. 1457 (2017).

Steven L. Schwarcz, *Misalignment: Corporate Risk-Taking and Public Duty*, 92 Notre Dame L. Rev. 1 (2016).

Joanna C. Schwartz, *How Qualified Immunity Fails*, 127 Yale L.J. 2 (2017).

Inara Scott & Elizabeth Brown, *Redefining and Regulating the New Sharing Economy*, 19 U. Pa. J. Bus. L. 553 (2017).

Michael J. Senzer, Note, *Tick-Bite Litigation: An Illustration of the Battle Over Duty and Breach in Connecticut and the Second Circuit*, 48 Conn. L. Rev. 1299 (2016).

Christopher Serkin, *Insuring Takings Claims*, 11 Nw. U. L. Rev. 75 (2016).

Justin Sevier, *Vicarious Windfalls*, 102 Iowa L. Rev. 651 (2017).

Sopen B. Shah, *Open Season: Street Harassment as True Threats*, 18 U. Pa. J.L. & Soc. Change 377 (2016).

Sidney A. Shapiro, *Overuse of Antibiotics in Concentrated Animal Feeding Operations: Regulation and Tort Law*, 47 Env'tl. L. 557 (2017).

Catherine M. Sharkey, *The Anti-Deference Pro-Preemption Paradox at the U.S. Supreme Court: The Business*

Community Weighs In, 67 Case W. Res. L. Rev. 805 (2017). [Business in the Roberts Court symposium]

Katherine Shaw & Alex Stein, *Abortion, Informed Consent, and Regulatory Spillover*, 92 Ind. L.J. 1 (2016).

Robert T. Sherwin, *Evidence? We Don't Need No Stinkin' Evidence! How Ambiguity in Some States' Anti-SLAPP Laws Threatens to De-Fang A Popular and Powerful Weapon Against Frivolous Litigation*, 40 Colum. J.L. & Arts 431 (2017).

Benjamin Shmueli, *Tax, Don't Ban: A Comparative Look at Harmful But Legitimate Islamic Family Practices Actionable Under Tort Law*, 49 Vand. J. Transnat'l L. 989 (2016).

Steve Siegfried *et al.*, *The Economic Loss Rule: Is a Building a "Product?"—Another View*, 71 U. Miami L. Rev. 1065 (2017).

Jay Sterling Silver, *Intent Reconceived*, 101 IOWA L. REV. 371 (2016).

Jessica K. Sink, Note, *Framed: Misattribution of Great Works of Art and the Liability of Auction Houses that Sell Them*, 15 Va. Sports & Ent. L.J. 306 (2016).

Scott Skinner-Thompson, *Performative Privacy*, 50 U.C. Davis L. Rev. 1673 (2017).

William T. Thompson, Comment, *Solis v. Summit Contractors Inc.—the Issue of Multi-Employer Liability in Tort Cases and the OSHA Multi-Employer Citation Policy*, 40 Am. J. Trial Advoc. 153 (2016).

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

Cordon M. Smart, Comment, *The "Right to Commit Nuisance" in North Carolina: A Historical Analysis of the Right-To-Farm Act*, 94 N.C. L. Rev. 2097 (2016).

Andrew T. Smith, Note, *Airspace Invaders: Commercial Drone Operators' Rights & Event Holders' Civil Claims Against Camera-Equipped Drone Operators*, 10 Charleston L. Rev. 379 (2016).

Bryant Walker Smith, *Automated Driving and Product Liability*, 2017 Mich. St. L. Rev. 1 (2017).

Jordan T. Smith, *Cheater's Justice: Judicial Recourse for Victims of Gaming Fraud*, 7 UNLV Gaming L.J. 61 (2017).

Kevin C. Staed, Note, *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).

Mike Steenson, *Minnesota Comparative Fault—Statutory Reform*, 9 Wm. Mitchell J.L. & Prac. 1 (2016).

Alex Stein, *The Domain of Torts*, 117 Colum. L. Rev. 535 (2017).

Stacey B. Steinberg, *Sharenting: Children’s Privacy in the Age of Social Media*, 66 Emory L.J. 839 (2017).

Henry L. Stephens, Jr., *The Convicted Child Sex Offender Nearby: Does Private Nuisance Provide a Remedy for Neighbors?* 44 N. Ky. L. Rev. 105 (2017).

Stephen D. Sugarman, *Torts and Guns*, 10 J. Tort L. 3 (2017).

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

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

Ryan Sullivan, Daniel Guttman & Chris Schmidt, *Stolen Profits: Civil Shoplifting Demands and the Misuse of Neb. Rev. Stat. sec. 25-21, 194*, 95 Neb. L. Rev. 28 (2016).

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).

Ashley K. Sundquist, *The Economic Loss Doctrine in Alaska and the Design Professional Exception*, 34 Alaska L. Rev. 67 (2017).

Jared S. Sunshine, *The Fraternity as Franchise: A Conceptual Framework*, 42 J.C. & U.L. 375 (2016).

Jeremy Suttenger, *Who Pays? The Consequences of State Versus Operator Liability Within The Context of Transboundary Environmental Nuclear Damage*, 24 N.Y.U. Envtl. L.J. 201 (2016).

Sarah L. Swan, *Conjugal Liability*, 64 UCLA L. Rev. 968 (2017).

Norman G. Tabler, Jr. *Sixteen Myths of Medicine and Medical Malpractice*, 13 Ind. Health L. Rev. 363 (2016).

Jason Taliadoros, *The Roots of Punitive Damages at Common Law: A Longer History*, 64 Clev. St. L. Rev. 251 (2016).

Karima Tawfik, Note, *To Touch and Concern the United States With Sufficient Force: How American Due Process and Choice of Law Cases Inform the Reach of the Alien Tort Statute After Kiobel*, 37 Mich. J. Int’l L. 539 (2016).

Riaz Tejani, *Efficiency Unbound: Processual Deterrence for a New Legal Realism*, 6 UC Irvine L. Rev. 207 (2016).

Steve Tensmeyer, *Constitutional Equity: Consequences of Broadly Interpreting the “Modern Rule” of Injunctions Against Defamation*, 72 N.Y.U. Ann. Surv. Am. L. 43 (2017).

Margaret S. Thomas, *Parens Patriae and the States’ Historic Police Power*, 69 SMU L. Rev. 759 (2016).

Margaret S. Thomas, *Constitutionalizing Class Certification*, 95 Neb. L. Rev. 1024 (2017).

Vincent C. Thomas, *Good Samaritan Law: Impact on Physician Rescuers*, 17 Wyo. L. Rev. 149 (2017).

Sarah C. Thompson, Comment, *The BP Gulf Oil Spill: What We Have Learned About Civil Liability and Shared Responsibility*, 15 Loy. Mar. L.J. 249 (2016).

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

Stijepko Tokic, *The Interplay Between User Innovation, the Patent System and Product Liability Laws: Policy Implications*, 99 J. Pat. & Trademark Off. Soc’y 20 (2017).

King Fung Tsang, *Double Actionability: An Outdated Rule in Modern Times?* 86 UMKC L. Rev. 73 (2017).

Rebecca Tushnet, *Raising Walls Against Overlapping Rights: Preemption and the Right of Publicity*, 92 Notre Dame L. Rev. 1539 (2017).

Aaron D. Twerski & Nina Farber, *Extending Comparative Fault to Apparent and Implied Consent Cases*, 82 Brook. L. Rev. 217 (2016).

Amelia J. Uelmen, *Crime Spectators and the Tort of Objectification*, 12 U. Mass L. Rev. 68 (2017).

Joseph J. Vacek, *The Next Frontier in Drone Law: Liability for Cybersecurity Negligence and Data Breaches for UAS Operators*, 39 Campbell L. Rev. 135 (2017).

Carlos M. Vazquez, *Out-Beale-ing Beale*, 110 AJIL Unbound 68 (2016).

V. V. Veeder, *Arbitrators and Arbitral Institutions: Legal Risks for Products Liability?* 5 Am. U. Bus. L. Rev. 335 (2016).

Saurabh Vishnubhakat, *An Intentional Tort Theory of Patents*, 68 Fla. L. Rev. 571 (2016).

Apeksha Vora, Note, *Into the Shadows: Examining Judicial Language in Revenge Porn Cases*, 18 Geo. J. Gender & L. 229 (2017).

Ari Ezra Waldman, *A Breach of Trust: Fighting Nonconsensual Pornography*, 102 Iowa L. Rev. 709 (2017).

Jacob D. Walpert, Note, *Carpooling Liability? Applying Tort Law Principles to the Joint Emergence of Self-Driving Automobiles and Transportation Network Companies*, 85 Fordham L. Rev. 1863 (2017).

Beatrice A. Walton, Note, *Duties Owed: Low-Intensity Cyber Attacks and Liability for Transboundary Torts in International Law*, 126 Yale L.J. 1460 (2017).

Shen Wang, *When Classical Doctrines of Products Liability Encounter 3D Printing: New Challenges in the New Landscape*, 16 Hous. Bus. & Tax L.J. 104 (2016).

Nicole Ward, Note, *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).

John L. Watts, *A Confused Sea: Vicarious Liability for Punitive Damages under Maritime Law*, 91 Tul. L. Rev. 691 (2017).

K.C. Webb, *Products Liability and Autonomous Vehicles: Who's Driving Whom?*, 23 Rich. J.L. & Tech. 9 (2017).

Olivia L. Weeks, *The Law is What it is, but is it Equitable? The Law of*

Encroachments Where the Innocent, Negligent, and Willful are Treated the Same, 39 Campbell L. Rev. 287 (2017).

Merle H. Weiner, *Legal Counsel for Survivors of Campus Sexual Violence*, 29 Yale J.L. & Feminism 123 (2017).

Matthew R. Weiss, Casenote update, *The Supreme Court Restricts Plaintiff Options for Climate Change Litigation in American Electric Power Co. v. Connecticut*, 27 Vill. Envtl. L.J. 387 (2016).

David Welkowitz, *Willfullness*, 79 Alb. L. Rev. 509 (2016).

Ashley Wellman et al., *Parental Blame Frame: An Empirical Examination of the Media's Portrayal of Parents and their Delinquent Juveniles*, 16 Whittie J. Child & Fam. Advoc. 87 (2017).

Robert A. Weninger, *The VW Diesel Emissions Scandal and the Spanish Class Action*, 23 Colum. J. Eur. L. 91 (2016).

Scott L. Wenzel, Note, *Quaking the Foundation: Fracking-Induced Earthquakes and What to Do About Them*, 2017 U. Ill. J.L. Tech. & Pol'y 229 (2017).

Alexa West, Note, *Defining "Accidents" in the Air: Why Tort Law Principles are Essential to Interpret the Montreal Convention's "Accident" Requirement*, 85 Fordham L. Rev. 1465 (2016).

Sean Hannon Williams, *Dead Children*, 67 Ala. L. Rev. 739 (2016).

Tara Willke, *Three Wrongs Do Not Make a Right: Federal Sovereign Immunity, The Feres Doctrine, and the Denial of Claims Brought By Military Mothers and Their Children for Injuries Sustained Pre-Birth*, 2016 Wis. L. Rev. 263 (2016).

Joshua D. Winneker & Philip Schultze, *“School’s Out”: A Coach’s Tortious Instructions to His Players to Harm Other Players Is Beyond the Scope of Employment For Imputing Liability to the Employer-Schools*, 17 Tex. Rev. Ent. & Sports L. 145 (2016).

Charles Cresson Wood, *Solving the Information Security & Privacy Crisis by Expanding the Scope of Top Management Personal Liability*, 43 J. Legis. 65 (2016).

Jamin Xu, *Liability of Tesla’s Autopilot System Under California Tort Law*, B.C. Intell. Prop. & Tech. F., June 5, 2017.

Yuan Yang, *Liability and Compensation for Oil Spill Accidents: International Regime and Its Implementation in China*, 57 Nat. Resources J. 465 (2017).

Daniel Yeager, *Fiduciary-isms: A Study of Academic Influence on the Expansion of the Law*, 65 Drake L. Rev. 179 (2017).

Paula Marie Young, *The Crisis in Insurance Coverage for Mediators Part 1:*

Even Lawyer-Mediators are “Going Bare” 15 Appalachian J.L. 1 (2016).

Larry Zacharias, *Justice Brandeis and Railroad Accidents: Fairness, Uniformity and Consistency*, 33 Touro L. Rev. 51 (2017).

Sandra B. Zellmer, *Takings, Torts, and Background Principles*, 52 Wake Forest L. Rev. 193 (2017).

Jason Zenor, *If It’s In the Game: Is There Liability for User-Generated Characters That Appropriate a Player’s Likeness?* 16 J. Marshall Rev. Intell. Prop. L. 291 (2017).

Patricia J. Zettler, *Pharmaceutical Federalism*, 92 Ind. L.J. 845 (2017).

Adam S. Zimmerman, *The Global Convergence of Global Settlements*, 65 U. Kan. L. Rev. 1053 (2017).

Alan L. Zimmerman et al., *Economics and the Evolution of Non-Party Litigation Funding in America: How Court Decisions, the Civil Justice Process, and Law Firm Structures Drive the Increasing Need and Demand for Capital*, 12 N.Y.U. J.L. & Bus. 635 (2016).

John W. Zipp, Note, *The Road Will Never Be the Same: A Reexamination of Tort Liability for Autonomous Vehicles*, 43 Transp. L.J. 137 (2016).

Zwier, Paul J., *High Prices in the U.S. for Life-Saving Drugs: Collective Bargaining Through Tort Law?* 17 Marq. Ben. & Soc. Welfare L. Rev. 203 (2016).

Note, *Rethinking Actual Causation in Tort Law*, 130 Harv. L. Rev. 2163 (2017).

Selected Books

Colin P. Marks & Douglas K. Moll, *THE LAW OF BUSINESS TORTS & UNFAIR COMPETITION: CASES, MATERIALS, AND PROBLEMS* (2016) (West Academic Publishing).

Marshall S. Shapo, *THE LAW OF PRODUCTS LIABILITY* (7th ed.2017) (Edward Elgar Publishing).

Restatement of the Law, Third: Intentional Torts to Persons (Tentative Draft No. 2) (Kenneth W. Simons and Jonathan Cardi, Reporters).

Restatement of the Law, Liability Insurance (Proposed Final Draft 2017) (Tom Baker and Kyle D. Logue, Reporters).