

**Torts and Compensation Systems Section
Annual Newsletter
October 2016**

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This newsletter was edited by the following individuals at the UNLV William S. Boyd School of Law: Stacey Tovino, Lehman Professor of Law and Director, Health Law Program; Jeanne Price, Associate Dean for Academic Affairs, Professor of Law, and Director, Wiener-Rogers Law Library; Emma Babler, Research Librarian and Assistant Professor; and Mayara Cueto-Diaz, Administrative Assistant.

**Section Program:
“Gun Regulation and Private Law”
AALS Annual Meeting
San Francisco, California
Friday, January 6, 2017
1:30 to 3:15 p.m.**

As firearm regulation remains a heated topic across the United States, some litigants and policymakers look to the private law to achieve regulatory aims. This program will provide an up-to-date, critical examination of the ability of private law to fill that role. The panelists will discuss trends in past and current civil litigation, the potential for lawsuits against gun manufacturers after the Protection of Lawful Commerce in Arms Act, the role of insurance as a regulatory tool, the considerations that lead government entities to engage in civil lawsuits, and the comparison

between this and other public health issues that have attracted private-law responses: alcohol, junk food, and tobacco. Papers from the program will be published in the *Journal of Tort Law*. Speakers include:

Adam F. Scales, Professor of Law, Rutgers Law School;

Stephen D. Sugarman, Roger J. Traynor Professor of Law, University of California, Berkeley School of Law; and

Christine Van Aken, Deputy City Attorney, San Francisco City Attorney's Office.

**William L. Prosser Award Winner:
Stephen Sugarman**

The 2017 Prosser Award winner is Stephen Sugarman, Roger J. Traynor Professor of Law, University of California, Berkeley School of Law. At Berkeley Law, Professor Sugarman teaches Torts, Sports Law, Food Law and Policy, Educational Policy and Law, and other courses in social justice.

Professor Sugarman is a preeminent Torts scholar. His books include *Torts – A Wider View* (Vandeplas 2014); *Torts Stories* (Foundation 2003); *All Our Families* (Oxford 2002); *Regulating Tobacco* (Oxford 2001); *School Choice and Social Controversy* (Brookings 2000); *Pay at the Pump Auto Insurance* (IGS 1993); *Smoking Policy: Law, Politics and Culture* (Oxford 1993); *Divorce Reform at the Crossroads* (Yale 1991); *Doing Away with Personal Injury Law* (Quorum 1989); and *In the Interest of Children* (Freeman 1985).

Professor Sugarman has written four additional books with Berkeley Law colleague

John Coons, including *Private Wealth and Public Education* (Harvard 1970); *Education by Choice: The Case for Family Control* (California 1978); *Scholarships for Children* (IGS 1992); and *Making School Choice Work for All Families* (PRI 1999). He and Coons also argued the landmark case *Serrano v. Priest* before the California Supreme Court.

Professor Sugarman has been a visiting professor at the London School of Economics; University College, London; the University of Paris; the European University Institute, Florence; Kobe University Faculty of Law; Kyoto University Faculty of Law; Tel Aviv University Faculty of Law; and Columbia University School of Law.

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 Sugarman on this well deserved honor.

2018 Prosser Award Nominations

The 2018 AALS Annual Meeting will be held January 3-6, 2018, in San Diego, California. At the 2018 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 Adam Scales, Incoming Secretary of the Executive

Committee, at adam.scales@rutgers.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 Adam Scales. Nominations must be received no later than Friday, July, 2017.

Election of Section Officers

The Section on Torts and Compensation Systems will elect officers for the coming year during the business meeting following the 2017 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: Christopher Robinette
Chair Elect: Stacey Tovino
Secretary: Adam Scales
Treasurer: Scott Hershovitz
Member: To be announced

Recent Tort Law Symposia

Tribute to Jeffrey O'Connell (Journal of Tort Law):

Kenneth S. Abraham & Edward G. White. *Prosser and His Influence*, 6 J. TORT L. 27 (2013).

Nora Freeman Engstrom, *Exit, Adversarialism, and the Stubborn Persistence of Tort*, 6 J. TORT L. 75 (2013).

Robert L. Rabin, *Jeffrey O'Connell and the Compensation Principle in Accident Law: Institutional and Intellectual Perspectives*, 6 J. TORT L. 3 (2013).

Christopher J. Robinette, *Party Autonomy in Tort Theory and Reform*, 6 J. TORT L. 173 (2013).

Anthony J. Sebok, *Jeffrey O'Connell and the Market in Tort Claims*, 6 J. TORT L. 115 (2013).

Zoë Sinel, *Is Personal Injury Law Personal?*, 6 J. TORT L. 145 (2013).

Lawyers as Targets: Suing, Prosecuting and Defending Lawyers (Hofstra Law Review):

Lynn A. Baker, *Aggregate Settlements and Attorney Liability: The Evolving Landscape*, 44 HOFSTRA L. REV. 291 (2015).

Benjamin H. Barton, *Some Early Thoughts on Liability Standards for Online Providers of Legal Services*, 44 HOFSTRA L. REV. 541 (2015).

Benjamin P. Cooper, *When Clients Sue Their Lawyers for Failing to Report Their Own Malpractice*, 44 HOFSTRA L. REV. 441 (2015).

Susan Saab Fortney, *Foreword: Legal Malpractice Is No Longer the Profession's Dirty Little Secret*, 44 HOFSTRA L. REV. 281 (2015).

Louise Lark Hill, *The Litigation Privilege: Its Place in Contemporary Jurisprudence*, 44 HOFSTRA L. REV. 401 (2015).

M.H. Hoeflich & Bill Skepnek, *Reflections of an Ethics Expert and a Lawyer Who Retains Him*, 44 HOFSTRA L. REV. 353 (2015).

Vincent R. Johnson, *Legal Malpractice in International Business Transactions*, 44 HOFSTRA L. REV. 325 (2015).

Peter R. Jarvis & Trisha M. Rich, *The Law of Unintended Consequences: Whether and When Mandatory Disclosure Under Model Rule 4.1(B) Trumps Discretionary Disclosure under Model Rule 1.6(B)*, 44 HOFSTRA L. REV. 421 (2015).

James B. Kobak, Jr., *Dealing with Conflicts and Disqualification Risks Professionally*, 44 HOFSTRA L. REV. 497 (2015).

Herbert M. Kritzer & Neil Vidmar, *Lawyers on Trial: Juror Hostility to Defendants in Legal Malpractice Trials*, 44 HOFSTRA L. REV. 375 (2015).

Melissa Mortazavi, *A No-Fault Remedy for Legal Malpractice?*, 44 HOFSTRA L. REV. 471 (2015).

Water Rights in the Eastern United States: Current Issues in Law and Policy (Virginia Environmental Law Journal):

William L. Andreen, *No Virtue Like Necessity: Dealing with Nonpoint Source Pollution and Environmental Flows in the Face of Climate Change*, 34 VA. ENVTL. L.J. 255 (2016).

Frank Chitwood, *Who Owns Alabama's Coosa River? Citizens' Impact on the Tri-State Water Wars Muted by Private Ownership of Riparian Rights*, 34 VA. ENVTL. L.J. 230 (2016).

Noah D. Hall & Joseph Regalia, *Interstate Groundwater Law Revisited: Mississippi v. Tennessee*, 34 VA. ENVTL. L.J. 152 (2016).

Jerome C. Muys, Jr. & George William Sherk, *The Dogmas of the Quiet Past: Potential Climate Change Impacts on Interstate Compact Water Allocation*, 34 VA. ENVTL. L.J. 297 (2016).

George A. Somerville, *Common Law Groundwater Rights Under Virginia Law*, 34 VA. ENVTL. L.J. 204 (2016).

Prisoner's Access to Justice: Exploring Legal, Medical, and Educational Rights (U.C. Irvine Law Review):

Elizabeth Alexander, *"This Experiment, So Fatal": Some Initial Thoughts on Strategic*

Choices in the Campaign Against Solitary Confinement, 5 U.C. IRVINE L. REV. 1 (2015).

Ben Conway, *Judicial Approaches to Special Education: Residential Placements for Children with Mental Illness Under IDEA*, 5 U.C. IRVINE L. REV. 49 (2015).

Keramet Reiter, *Supermax Administration and the Eighth Amendment: Deference, Discretion, and Double Bunking, 1986-2010*, 5 U.C. IRVINE L. REV. 89 (2015).

Margo Schlanger, *Trends in Prisoner Litigation, as the PLRA Enters Adulthood*, 5 U.C. IRVINE L. REV. 153 (2015).

Health Law (Toledo Law Review):

Paul Burcher, *The Patient-Doctor Relationship: Where Are We Now?*, 46 U. TOL. L. REV. 583 (2015).

Marshall B. Kapp, *Getting Physicians and Patients to Choose Wisely: Does the Law Help or Hurt?*, 46 U. TOL. L. REV. 529 (2015).

Nicole Huberfeld & Jessica L. Robert, *An Empirical Perspective on Medicaid as Social Insurance*, 46 U. TOL. L. REV. 545 (2015).

Elizabeth Weeks Leonard, *The Fragility of the Affordable Care Act's Universal Coverage Strategy*, 46 U. TOL. L. REV. 559 (2015).

Science Challenges for Law and Policy (Texas Law Review):

Rebecca Dresser, *The "Right to Try" Investigational Drugs: Science and Stories in the Access Debate*, 93 TEX. L. REV. 1631 (2015).

David L. Faigman, *Where Law and Science (and Religion?) Meet*, 93 TEX. L. REV. 1659 (2015).

Elizabeth Fischer et al., *Rethinking Judicial Review of Expert Agencies*, 93 TEX. L. REV. 1681 (2015).

Sheila Jasanoff, *Serviceable Truths: Science for Action in Law and Policy*, 93 TEX. L. REV. 1723 (2015).

Jennifer E. Laurin, *Criminal Law's Science Lag: How Criminal Justice Meets Changed Scientific Understanding*, 93 TEX. L. REV. 1751 (2015).

Thomas O. McGarity, *Science and Policy in Setting National Ambient Air Quality Standards: Resolving the Ozone Enigma*, 93 TEX. L. REV. 1783 (2015).

Jennifer L. Mnookin, *Constructing Evidence and Educating Juries: The Case of Modular, Made-in-Advance Expert Evidence About Eyewitness Identifications and False Confessions*, 93 TEX. L. REV. 1811 (2015).

John A. Robertson, *Science Disputes in Abortion Law*, 93 TEX. L. REV. 1849 (2015).

Robert D. Truog, *Defining Death: Getting it Wrong for All the Right Reasons*, 93 TEX. L. REV. 1885 (2015).

Maritime Personal Injury and Death: Jurisdiction to Judgment (Tulane Law Review):

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

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

Robert Force, *Understanding the Nonremovability of Maritime Cases: Lessons*

Learned from "Original Intent", 89 TUL. L. REV. 1019 (2015).

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

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

Privacy in the Age of Pervasive Surveillance (Idaho Law Review):

B.J. Ard, *The Limits of Industry-Specific Privacy Law*, 51 IDAHO L. REV. 607 (2015).

Bryan H. Choi, *A Prospect Theory of Privacy*, 51 IDAHO L. REV. 623 (2015).

Meg Leta Jones, *Privacy Without Screens & the Internet of Other People's Things*, 51 IDAHO L. REV. 639 (2015).

Margot E. Kaminski, *Robots in the Home: What Will We Have Agreed To?*, 51 IDAHO L. REV. 661 (2015).

Karen E.C. Levy, *Intimate Surveillance*, 51 IDAHO L. REV. 679 (2015).

Aaron Massey, *Getting to October: Why Understanding Technology Is Essential For Privacy Law*, 51 IDAHO L. REV. 695 (2015).

The Snowden Effect: The Impact of Spilling National Secrets (Lincoln Memorial University Law Review):

Daniel Alati, *Cowardly Traitor or Heroic Whistleblower?: The Impact of Edward Snowden's Disclosures on Canada and the United Kingdom's Security Establishments*, 3 LINCOLN MEM'L U. L. REV. 91 (2015).

J. Richard Broughton, *The Snowden Affair and the Limits of American Treason*, 3 LINCOLN MEM'L U. L. REV. 5 (2015).

Lauren A. Mullins, *The Snowden Effect: The Impact of Spilling National Secrets a Symposium Snapshot*, 3 LINCOLN MEM'L U. L. REV. 1 (2015).

Melanie Reid, *Government Secrets: The Public's Misconceptions of the Snowden Disclosures*, 3 LINCOLN MEM'L U. L. REV. 36 (2015).

Jason Zenor, *Damming the Leaks: Balancing National Security, Whistleblowing and the Public Interest*, 3 LINCOLN MEM'L U. L. REV. 61 (2015).

Twentieth Annual Clifford Symposium on Tort Law and Social Policy (DePaul Law Review):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Restatement of the Law of Liability Insurance (Rutgers University Law Review):

Jay M. Feinman, *The Restatement of the Law of Liability Insurance as a Restatement: An Introduction to the Issue*, 68 RUTGERS U. L. REV. 1 (2015).

Timothy P. Law & Lisa A. Szymanski, *Reserving the Right to Contest Coverage Under the Proposed Restatement of the Law of Liability Insurance*, 68 RUTGERS U. L. REV. 29 (2015).

Laura A. Foggan & Karen L. Toto, *The Draft ALI Restatement of the Law of Liability Insurance: Consequences of Breach of the Duty to Defend Are Not and Should Not Become the Automatic Forfeiture of Coverage Defenses*, 68 RUTGERS U. L. REV. 65 (2015).

Charles Silver & William T. Barker, *The Treatment of Insurers' Defense-Related Responsibilities in the Principles of the Law of Liability Insurance: A Critique*, 68 RUTGERS U. L. REV. 83 (2015).

George M. Cohen, *Liability of Insurers for Defense Counsel Malpractice*, 68 RUTGERS U. L. REV. 119 (2015).

Leo P. Martinez, *The Restatement of the Law of Liability Insurance and the Duty to Settle*, 68 RUTGERS U. L. REV. 155 (2015).

Laura A. Foggan, *Insurer Recoupment of Defense Costs: Why the Restatement Adopts the Wrong Approach*, 68 RUTGERS U. L. REV. 193 (2015).

Kim V. Marrkand, *Duty to Settle: Why Proposed Sections 24 and 27 Have No Place in a Restatement of the Law of Liability Insurance*, 68 RUTGERS U. L. REV. 201 (2015).

Jeffrey E. Thomas, *The Standard for Breach of a Liability Insurer's Duty to Make Reasonable Settlement Decisions: Exploring the Alternatives*, 68 RUTGERS U. L. REV. 229 (2015).

Bruce L. Hay, *A No-Fault Approach to the Duty to Settle*, 68 RUTGERS U. L. REV. 321 (2015).

Kenneth S. Abraham, *The Liability Insurer's Duty to Settle Uncertain and Mixed Claims*, 68 RUTGERS U. L. REV. 337 (2015).

Mark A. Geistfeld, *Interpreting the Rules of Insurance Contract Interpretation*, 68 RUTGERS U. L. REV. 371 (2015).

Erik S. Knutsen, *Patchwork Contextualism in the Anglo-Canadian Law of Insurance Policy Interpretation: Implications for The Principles of the Law of Liability Insurance*, 68 RUTGERS U. L. REV. 415 (2015).

Victor E. Schwartz & Christopher E. Appel, *Encouraging Constructive Conduct by Policyholders in the Restatement of the Law of Liability Insurance*, 68 RUTGERS U. L. REV. 455 (2015).

Sexual Assault on Campus (University of Kansas Law Review):

Bak Katharine K. Baker, *Campus Sexual Misconduct as Sexual Harassment: A Defense of the DOE*, 64 U. KAN. L. REV. 861 (2016).

Aya Gruber, *Anti-Rape Culture*, 64 U. KAN. L. REV. 1027 (2016).

Tamara Rice Lave, *Campus Sexual Assault Adjudication: Why Universities Should Reject the Dear Colleague Letter*, 64 U. KAN. L. REV. 915 (2016).

Chrysanthi S. Leon, *Law, Mansplainin', and Myth Accommodation in Campus Sexual Assault Reform*, 64 U. KAN. L. REV. 987 (2016).

Yun Corey Rayburn Yung, *Is Relying on Title IX a Mistake?*, 64 U. KAN. L. REV. 891 (2016).

Causation, Liability and Apportionment: Comparative Interdisciplinary Perspectives (Chicago-Kent Law Review):

Jean-Sebastien Borghetti, *Causation in Hepatitis B. Vaccination Litigation in France Breaking Through Scientific Uncertainty?*, 91 CHI.-KENT. L. REV. 543 (2016).

Lynda M. Collins, *Material Contribution to Risk in The Canadian Law of Toxic Torts*, 91 CHI.-KENT. L. REV. 567 (2016).

Bruno Deffains, Claude Fluet & Maiva Ropaul, *Causation and Standard of Proof from an Economic Perspective*, 91 CHI.-KENT. L. REV. 527 (2016).

Michael Faure, *Attribution of Liability: An Economic Analysis of Various Cases*, 91 CHI.-KENT. L. REV. 603 (2016).

Samuel Ferey & Pierre Dehez, *Overdetermined Causation Cases, Contribution and the Shapley Value*, 91 CHI.-KENT. L. REV. 637 (2016).

Florence G'sell, *Causation, Counterfactuals and Probabilities in Philosophy and Legal Thinking*, 90 CHI.-KENT. L. REV. 503 (2016).

Julien Jacob & Bruno Lovat, *Economic Analysis of Liability Apportionment Among Multiple Tortfeasors: A Survey, and Perspectives in Large-Scale Risks Management*, 91 CHI.-KENT. L. REV. 659 (2016).

Bertrand Louvel, *Opening Remarks*, 91 CHI.-KENT. L. REV. 457 (2016).

Ken Oliphant, *Causation in Cases of Evidential Uncertainty: Juridical Techniques and Fundamental Issues*, 91 CHI.-KENT. L. REV. 587 (2016).

Richard W. Wright, Florence G'sell & Samuel Ferey, *Introduction*, 91 CHI.-KENT L. REV. 445 (2016).

Richard W. Wright & Ingeborg Puppe, *Causation: Linguistic, Philosophical, Legal and Economic*, 91 CHI.-KENT. L. REV. 461 (2016).

The 2015 Pound Symposium- The “War” on the U.S. Civil Justice System (Emory Law Journal):

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

Richard D. Freer, *Exodus from and Transformation of American Civil Litigation*, 65 EMORY L.J. 1491 (2016).

Myriam Gilles, *Class Warfare: The Disappearance of Low-Income Litigants from the Civil Docket*, 65 EMORY L.J. 1531 (2016).

Robert H. Klonoff, *Class Actions in the Year 2026: A Prognosis*, 65 EMORY L.J. 1569 (2016).

Alexandra D. Lahav, *The Roles of Litigation in American Democracy*, 65 EMORY L.J. 1657 (2016).

Catherine M. Sharkey, *The Administrative State and the Common Law: Regulatory Substitutes or Complements?*, 65 EMORY L.J. 1705 (2016).

Georgene Vairo, *The Role of Influence in the Arc of Tort “Reform”*, 65 EMORY L.J. 1741 (2016).

Symposium: Sex Crimes and Offenses in an Era of Reform (The University of the Pacific Law Review):

Aya Gruber, *Not Affirmative Consent*, 47 U. PAC. L. REV. 683 (2016).

Edward J. Imwinkelried, *Should Rape Shield Laws Bar Proof That the Alleged Victim Has Made Similar, False Rape Accusations in the Past?: Fair Symmetry with the Rape Sword Laws*, 47 U. PAC. L. REV. 709 (2016).

Kristen N. Jozkowski, *Barriers to Affirmative Consent Policies and the Need for Affirmative Sexuality*, 47 U. PAC. L. REV. 741 (2016).

Stephen J. Schulhofer, *Consent: What It Means and Why It's Time to Require It*, 47 U. PAC. L. REV. 665 (2016).

Recent Tort Law Scholarship

David Abrams, *What Stays in Vegas: The Road to “Zero Privacy”*, 49 NEW ENG. L. REV. 611 (2015).

Robert Haskell Abrams & Jacqueline Bertelsen, *Downstream Inundations Caused by Federal Flood Control Dam Operations in a Changing Climate: Getting the Proper Mix of Takings, Tort, and Compensation*, 19 U. DENV. WATER L. REV. 1 (2015).

Ranon Altman, Comment, *Extraterritorial Application of the Alien Tort Statute After Kiobel*, 24 U. MIAMI BUS. L. REV. 111 (2015).

Michael T. Amy, *Franza v. Royal Caribbean Cruises: The Eleventh Circuit Opens the Door for Vicarious Liability Claims in the Future*, 15 LOY. MAR. L.J. 23 (2016).

Neil A. Ambekar, *Equitable Estoppel & Workers' Compensation Immunity: Why Litigants and the Courts Are Getting Ahead of Themselves*, 10 FLA. A & M U. L. REV. 309 (2015).

Michelle J. Anderson, *Campus Sexual Assault Adjudication and Resistance to Reform*, 125 YALE L.J. 1940 (2016).

- William L. Anderson, *The Unwarranted Basis for Today's Asbestos "Take-Home" Cases*, 39 AM. J. TRIAL ADVOC. 107 (2015).
- David S. Ardia & Anne Klinefelter, *Privacy and Court Records: An Empirical Study*, 30 BERKELEY TECH. L.J. 1807 (2015).
- Scott C. Armstrong, *Water Is for Fighting: Transnational Legal Disputes in the Mekong River Basin*, 17 VT. J. ENVTL. L. 1 (2015).
- Gretchen Arnold & Megan Slusser, *Silencing Women's Voices: Nuisance Property Laws and Battered Women*, 40 LAW & SOC. INQUIRY 908 (2015).
- George Ashenmacher, *Indignity: Redefining the Harm Caused by Data Breaches*, 51 WAKE FOREST L. REV. 1 (2016).
- Ronen Avraham & Joachim Meyer, *The Optimal Scope of Physicians' Duty to Protect Patients' Privacy*, 100 MINN. L. REV. HEADNOTES 30 (2016).
- Tom Baker & Rick Swedloff, *Liability Insurer Data as a Window on Lawyers' Professional Liability*, 5 UC IRVINE L. REV. 1273 (2015).
- J. Zachary Balasko, Note, *A Return to Reasonability: Modifying the Collateral Source Rule in Light of Artificially Inflated Damage Awards*, 72 WASH. & LEE L. REV. ONLINE 16 (2015).
- Natalie M. Banta, *Death and Privacy in the Digital Age*, 94 N.C. L. REV. 927 (2016).
- Wilson Bao & Jessica Stein Gosney, *Chapter 159: Justice for Sexual Assault Victims or Big Brother in Your Dorm Room? Expanding Surveillance on College Campuses*, 47 U. PAC. L. REV. 599 (2016).
- Jeremy Barbanell, *Needing a New Approach to Address Employee Data Breaches in the American Workplace*, 4 J.L. & CYBER WARFARE 43 (2015).
- Samantha Barbas, *When Privacy Almost Won: Time, Inc. v. Hill*, 18 U. PA. J. CONST. L. 505 (2015).
- Judy Y. Barrasso & Kristin L. Beckman, *Katrina's Impact on Litigation of Insurance Claims Under Louisiana Law*, 62 LOY. L. REV. 47 (2016).
- Giulio Bartolini, *Attribution of Conduct and Liability Issues Arising From International Disaster Relief Missions: Theoretical and Pragmatic Approaches to Guaranteeing Accountability*, 48 VAND. J. TRANSNAT'L L. 1029 (2015).
- Elizabeth D. Barwick, Note, *All Blogs Go to Heaven: Preserving Valuable Digital Assets Without the Uniform Fiduciary Access to Digital Assets Act's Removal of Third Party Privacy Protections*, 50 GA. L. REV. 593 (2016).
- James A. Beckman, *Nation-State Culpability and Liability for Catastrophic Air Disasters: Reforming Public International Law to Allow for Liability of Nation-States and the Application of Punitive Damages*, 10 FIU L. REV. 585 (2015).
- Alec A. Beech, Comment, *Adding Insult to Death: Why Punitive Damages Should Not Be Imposed Against a Deceased Tortfeasor's Estate in Ohio*, 49 AKRON L. REV. 553 (2016).
- Robert Bejesky, *A Theorization on Equity: Tracing Causal Responsibility for Missing Iraqi Antiquities and Piercing Official Immunity*, 27 PACE INT'L L. REV. 397 (2015).
- Alisa M. Benintendi, Notes, *Valdez v. City of New York: The "Death Knell" of Municipal Tort Liability?*, 89 ST. JOHN'S L. REV. 1345 (2015).

Amanda Bennis, Note, *Realism About Remedies and the Need for a CDA Takedown: A Comparative Analysis of § 230 of the CDA and the U.K. Defamation Act 2013*, 27 FLA. J. INT'L L. 297 (2015).

Omri Ben-Shahar & Ariel Porat, *Personalizing Negligence Law*, 91 N.Y.U. L. REV. 627 (2016).

Adrienne Lee Benson, Note, *Routine Emergencies: Judicial Review, Liability Rules, and the Habeas Corpus Act of 1863*, 90 N.Y.U. L. REV. 1662 (2015).

Alberto Bernabe, *Civil Liability for Injuries Caused By Dogs after Tracey V. Solesky: New Path to the Future or Back to the Past?*, 40 SETON HALL LEGIS. J. 29 (2015).

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).

Elise Bernlohr, Note, *No Better Instrument: The Necessity of Notice and an Opportunity to Be Heard and the Due Process Deficiencies of Nuisance Abatement Law in New York City*, 37 CARDOZO L. REV. 1093 (2016).

David E. Bernstein & Eric G. Lasker, *Defending Daubert: It's Time to Amend Federal Rule of Evidence 702*, 57 WM. & MARY L. REV. 1 (2015).

Francesca Bignami & Giorgio Resta, *Transatlantic Privacy Regulation: Conflict and Cooperation*, 78 LAW & CONTEMP. PROBS. 231 (2015).

Barbara Pfeffer Billauer, *Admissibility of Scientific Evidence Under Daubert: The Fatal Flaws of 'Falsifiability' and 'Falsification'*, 22 B.U. J. SCI. & TECH. L. 21 (2016).

Denis Binder, *A Tort Perspective on Cyberbullying*, 19 CHAPMAN L. REV. 359 (2016).

Denis Binder, *Can We Secure the Hallowed Halls of Academe?*, 28 REGENT U. L. REV. 253 (2015-2016).

Brady Bizarro, 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).

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