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

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

On March 14, 1916, New York’s high court issued its decision in MacPherson v. Buick Motor Co. Writing for the court, Judge (later Justice) Benjamin Cardozo held that product manufacturers must take care to manufacture products that do not injure consumers. A century later, MacPherson is considered a landmark of tort law, as well as an exemplar of common law reasoning. It is credited with, among other things, contributing to the demise of laissez-faire thinking in American law and laying the groundwork for the modern doctrine of strict products liability. Yet what the decision accomplished, both as a matter of tort doctrine and jurisprudence, also remains controversial. On the occasion of MacPherson’s centenary, a panel of renowned scholars will examine the significance and influence of the case from multiple perspectives, including its influence of the evolution of the “risk society”, its reception and influence in the United Kingdom and Europe, and its place in tort theory and private law in general.

Papers will be presented by:

Anita Bernstein, Brooklyn Law School

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

Franz Werro, Georgetown University Law Center

John F. Witt, Yale Law School

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

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

William L. Prosser Award Winner: Professor Aaron Twerski

The 2016 Prosser Award winner is Aaron Twerski, the Irwin and Jill Cohen Professor of Law at Brooklyn Law School. Professor Twerski is a preeminent authority in the areas of products liability and tort law. The American Bar Association's Tort Trial &
Insurance Practice Section has honored him with the Robert B. McKay Law Professor Award, which recognizes law professors who are committed to the advancement of justice, scholarship and the legal profession in the fields of tort and insurance law. He was co-reporter for the American Law Institute’s Restatement of the Law (Third) Torts: Products Liability, and for his distinguished performance, the ALI named him the R. Ammi Cutter Reporter.

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

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

2017 Prosser Award Nominations

The 2017 AALS Annual Meeting will be held January 3-7, 2017, in San Francisco, CA. At next year’s Annual Meeting, the Torts and Compensation Systems Section will once again present the William L. Prosser Award to a law professor who has made outstanding contributions of scholarship, teaching, and service in the area of tort law. Any law professor is eligible to nominate another law professor for the award.

Selection of the recipient will be made by the members of the Executive Committee of the Torts and Compensation Systems Section, based on the recommendation of an appointed special selection committee.

Nominations should be submitted to Stacey Tovino, Secretary of the Executive Committee, at stacey.tovino@unlv.edu. Nominations must be accompanied by a brief letter of support.

Professors who previously nominated a candidate who was not chosen for the award are welcome to renew their nominations by sending a copy of the prior nominating letter to Professor Tovino. Nominations must be received no later than July 7th, 2017.

Election of Section Officers

The Section will elect officers for the coming year during the business meeting following the 2016 AALS program. You are invited to participate in the election. The current members of the Executive Committee will propose a slate of candidates for election at the business meeting. The proposed slate is:

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

Recent Tort Law Symposia

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


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


**Recent Tort Law Scholarship**


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


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


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


Lomazow, Rebecca, Note, *Prosecuting a Festival: Holding Electric Dance Music Festivals*


Malzahn, Andrew, Comment, For Every Wrong, a Remedy: A Narrow Interpretation of the Locomotive Inspection Act's Preemptive Scope in Asbestos Cases, 37 HAMLINE L. REV. 349 (2014).


Patel, Anisha, Student article, Goodbye Economic Loss Rule, Hello Damages: Did the Florida Supreme Court’s Tiara Decision Clear the Path from Contract to Tort Claims? 44 STETSON L. REV. 523 (2015).


Pawelczyk, Peter, Comment, Misappropriation of an Instrumental Musician’s Identity, 9 UMASS L. REV. 360 (2014).


Ravid, Orly, Comment, Don’t Sue Me, I was Just Lawfully Texting & Drunk When My Autonomous Car Crashed Into You, 44 SW. L. REV. 175 (2014).


Romero, Melanie, Comment, Check to the Head: the Tragic Death of NHL Enforcer, Derek Boogaard, and the NHL’s Negligence--How Enforcers are Treated as Second-Class Employees, 22 JEFFREY S. MOORAD SPORTS L.J. 271 (2015).


Shavell, Steven, A Fundamental Enforcement Cost Advantage of the Negligence Rule Over Regulation, 42 J. LEGAL STUD. 275 (2013).


Sirois, Lauren M., Comment, Recovering for the Loss of a Beloved Pet: Rethinking the Legal Classification of Companion Animals and the


Stearns, Denis W., Prosser’s Bait-and-Switch: How Food Safety was Sacrificed in the Battle for Tort’s Empire, 15 NEV. L.J. 106 (2014).


Teninbaum, Gabriel H., Reforming the National Practitioner Data Bank to Promote Fair Medical Mal Outcomes, 5 WM. & MARY POL’Y REV. 83 (2013).


Tostrud, Daniel D., "Payability" as the Logical Corollary to "Collectability" in Legal Malpractice, 4 St. Mary's J. LEGAL MAL. & ETHICS 408 (2014).


Usman, Jeffrey Omar, *Finding the Lost Involuntary Public Figure*, 2014 UTAH L. REV. 951.


Selected Tort Law Scholarship from Commonwealth Countries


Selected Recent Tort Law Books
U.S. and International


Barnes, Jeb & Thomas Frederick Burke, HOW POLICY SHAPES POLITICS: RIGHTS, COURTS, LITIGATION AND THE STRUGGLE OVER INJURY COMPENSATION (Oxford University Press 2015) (United Kingdom).


Bussani, Mauro & Anthony Sebok, eds. COMPARATIVE TORT LAW: GLOBAL PERSPECTIVES (Edward Elgar 2015).


Cooke, John, LAW OF TORT (Pearson 2015).


Davies, Martin & Ian Malkin, TORTS (LexisNexis Butterworths 2015) (Australia).

Dyson, Andrew, James Goudkamp & Frederick Wilmot-Smith, DEFENCES IN TORT (Oxford: Hart Publishing 2015).


Eggen, Jean M., TOXIC TORTS IN A NUTSHELL (West Academic Publishing 5th Ed. 2015).


Gujar, Suryakant Mahadeo, LECTURES ON LAW OF TORTS AND CONSUMER PROTECTION ACT (Kamal Publishers 2015) (India).


Kobel, Pierre, Pranvera Këllezi & Bruce Kilpatrick, ANTITRUST IN THE GROCERY SECTOR AND...
Liability Issues in Relation to Corporate Social Responsibility (Springer 2015).

Koziol, Helmut, European Centre of Tort and Insurance Law, Basic Questions of Tort Law from a Comparative Perspective (Jan Sramek Verlag KG 2015).

Koziol, Helmut, European Centre of Tort and Insurance Law, Comparative Stimulations for Developing Tort Law: Compensation for Personal Injuries; All-or-Nothing Rule; Liability of Children and the Notion of Fault; Liability for Agents; Lawful Alternative Conduct; Finding a Violation (Jan Sramek Verlag KG 2015).


Owen, David G. & Mary J. Davis, Owen & Davis on Products Liability (Thomas Reuters 4th ed. 2014).


Owen, David G., Products Liability Law (West hornbook 3d ed. 2015).


Witzleb, Normann, Elise Bant, Simone Degeling & Kit Barker, REMEDIES: COMMENTARY AND MATERIALS (Lawbook Co. 6th ed. 2015) (Australia).