A growing number of tort lawsuits against energy companies seek remedies for responding to climate change. This litigation raises a host of issues at the intersection of tort, environmental, energy, and natural resources law. This session convenes scholars for discussion in two panels. The first panel addresses the litigation history, the bases of liability and challenges to those theories, the regulatory use of tort adjudication in similar large-scale contexts (e.g. tobacco), preemption, remedies, and transnational concerns. Session Two will drill down into the environmental and social justice implications. A roundtable format will permit broad discussion and interaction.

First panel: Michael Burger, Columbia Law, moderator
Elbert de Jong, Utrecht Law College
Catherine M. Sharkey, NYU Law

Second panel: Tracy Hester, Houston Law, moderator
Elizabeth Chamblee Burch, University of Georgia Law
Katrina Kuh, Pace Law
Clifford Villa, New Mexico Law
Tseming Yang, Santa Clara Law

William L. Prosser Award Winner: Prof. Martha Chamallas

The 2022 Prosser Award winner is Professor Martha Chamallas, Robert J. Lynn Chair in Law,
The Ohio State University, Moritz College of Law.

Professor Chamallas graduated first in her class at Louisiana State University Law Center and served as the first female editor-in-chief of the Louisiana Law Review. After graduation, she clerked for Judge Charles Clark on the Fifth Circuit Court of Appeals. She then began teaching at her alma mater. Over the following quarter-century, she taught at Harvard, Iowa, Washington University in St. Louis, the University of Pittsburgh, the University of Richmond, the University of Tennessee, Suffolk, and abroad at Tel Aviv University, and the University of Ghent. In 2002, she became the Robert J. Lynn Chair in Law at the Moritz College of Law.

Professor Chamallas pioneered the study of gender and race issues in tort law. She applied feminist legal principles to tort law long before it was acceptable to mention gender issues in the classroom or in the academy. All the while, she garnered widespread respect and recognition in our traditionally male-dominated field. She has powerfully critiqued legal education, including the ways in which scholars explicitly or implicitly reinforce bias and hierarchy through their casebooks, classrooms, and construction of the torts canon.

In the area of torts remedies, Professor Chamallas focused attention on the effects of using racialized and gendered economic damages tables. She also urged that judicial reluctance to award emotional distress damages negatively impacted women. In her foundational 1990 Michigan Law Review article, *Women, Mothers and the Law of Fright* (with Linda K. Kerber), she wrote, “the law has often failed to compensate women for recurring harms—serious though they may be in the lives of women—for which there is no precise masculine analogue.” Her articles and book, *Measure of Injury: Race, Gender and Tort Law* (with Jennifer B. Wriggins) (2010), on those topics have been widely cited by scholars and judges, including Special Master Ken Feinberg in support of not using gender-based tables in calculation of damages in the 9/11 Victim Compensation Fund.

She also posed difficult but important questions about race and gender of the parties and jurors in tort suits, forging a pathway for applying social science methods to tort law. She recently co-edited, with Lucinda Finley, the forthcoming Torts volume of Cambridge University Press’s Feminist Judgments series. Professor Chamallas has extended her feminist scholarship beyond tort law with her field-defining treatise, *Introduction of Feminist Legal Theory*, now entering its fourth edition.

She also has participated on Gender and Race Bias Task Forces for the states of Iowa and Pennsylvania; chaired the Association of American Law Schools (AALS) Section on Employment Discrimination; and served for nearly two decades on American Association of University Professors Committee on the Status of Women in the Academic Profession.

Over her esteemed career, Professor Chamallas has authored more than 40 articles and essays and has been recognized as an outstanding scholar, gifted teacher, and generous colleague. In 2006, she received the Ohio State’s highest award for teaching, the Distinguished Lecturer Award, and in 2013 the University Distinguished Scholar Award.

The Prosser Award will be presented at this year’s annual meeting. The Torts and Compensation Systems Section Executive Committee congratulates Professor Martha Chamallas on this well-deserved honor.

### 2023 Prosser Award Nominations

At the 2023 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 tort law. Any law professor is eligible to nominate another law professor for the award.

Selection of the recipient for the 2023 Prosser Award 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 Thomas Kadri, Executive Board Member, at tek@uga.edu. Nominations must be accompanied by a brief letter of support. Nominations must be received no later than June 30, 2022.

**Election of Section Officers**

As noted above, the Section on Torts and Compensation Systems will elect officers at the 2022 annual meeting. You are invited to participate in the election. The current members of the Executive Committee will propose the following slate of candidates for election at the business meeting:

Chair: Timothy Lytton, Georgia State University Law
Vice Chair: Nora Freeman Engstrom, Stanford Law School
Secretary: Elizabeth Weeks, Georgia Law
Treasurer: Thomas Kadri, Georgia Law
Executive Board Member: Melissa Mortazavi, University of Oklahoma Law
Executive Board Member: Mary J. Davis, Immediate past-Chair, UK Rosenberg Law,
TBD, Executive Board Member

A call for nominations and applications for the vacant Executive Board member position will be sent out to the list in early December. Please respond to that call if you are interested in serving on the Executive Board, or to nominate someone for the position.

**Recent Law Review Symposia**

**Federal Courts, Practice and Procedure: The Fiftieth Anniversary of Bivens (Notre Dame Law Review):**


**The Public Valuation of Private Assets (Notre Dame Law Review):**


**New Frontiers in Torts: The Challenges of Science, Technology, and Innovation (Southwestern Law Review):**


**Recent Law Journal Articles**


Curtis A. Bradley & Ernest A. Young, Unpacking Third-Party Standing, 131 YALE L.J. 1 (2021).


Vincent S. J. Buccola & Joshua C. Macey, Claim Durability and Bankruptcy’s Tort Problem, 38 YALE J. ON REG. 766 (2021).


Chapter Three the Legal Infrastructure of Childbirth, 134 HARV. L. REV. 2209 (2021).

Terence J. Centner, Pesticide Registration Fails to Protect Human Health: Damages from Exposure to Glyphosate-Based Herbicides, 36 J. ENVTL. L. & LITIG. 69 (2021).


Alex Geisinger, Does Saying “Yes” Always Make It Right? The Role of Consent in Civil Battery, 54 UC DAVIS L. REV. 1853 (2021).


Frank Griffin, Artificial Intelligence and Liability in Health Care, 31 HEALTH MATRIX 65 (2021).


Hannah Harris, Comment, Intrusion upon Seclusion and Data Privacy: Shifting the Analysis for a New Problem, 23 TUL. J. TECH. & INTELL. PROP. 101 (2021).


Shane Roberts, Note, *Drugs and Racketeering Don’t Mix: The Potential Achilles’ Heel of the*


Mark Strasser, Prenatal Tort Slippage, 31 HEALTH MATRIX 221 (2021).


David B. Torrey & Donald T. DeCarlo, Mental Stress Causing Mental Disability Under Workers’ Compensation Laws: A Short History, the Competing Arguments, and A 2021 Inventory, 56 TORT TRIAL & INS. PRAC. L.J. 91 (2021).


**Selected Commonwealth Scholarship**


**Recent Tort Law Book Chapters**


Deborah Brake, Martha Chamallas, Verna Williams, & Sarah L. Swan, *Tort Law and Feminism, in THE OXFORD HANDBOOK OF FEMINISM AND LAW IN THE UNITED STATES*
(2021).


Michael Rustad, Global Internet Torts, in GLOBAL INTERNET LAW (2021).


Cees van Dam, Human Rights Obligations of Transnational Corporations in Domestic Tort Law, in HUMAN RIGHTS AND BUSINESS: DIRECT CORPORATE ACCOUNTABILITY FOR HUMAN RIGHTS (Jernej Letnar Cernic & Tara Van Ho, eds., 2021).


**Recent Tort Law Books – U.S. and International**

**AGENCY, NEGLIGENCE AND RESPONSIBILITY** (Veronica Rodriguez-Blanco & George Pavlakos, eds., Cambridge Univ. Press 2021).

**SAKIF ALAM, TORT LAW IN BANGLADESH: APPLICATIONS AND CHALLENGES** (Routledge 2021).

**AN INTRODUCTION TO TORT-BASED HEALTHCARE LITIGATION** (Caldwell G. Collins & Robert A. Chu eds., ABA Book Publ’g 2021).


**SAMUEL BESWICK, TORT LAW: CASES AND COMMENTARIES** (CanLII Docs 2021).


**SAM BLAY, NUTSHELL: TORTS** (7th ed. Thomson Reuters Australia 2021).


**COMPARATIVE TORT LAW: GLOBAL PERSPECTIVES** (Mauro Bussani & Anthony J. Sebok, eds., Edward Elgar Publ’g 2021).

**COMPENSATION SCHEMES FOR DAMAGES CAUSED BY HEALTHCARE AND ALTERNATIVES TO COURT PROCEEDINGS: COMPARATIVE LAW PERSPECTIVES** (Dobrochna Bach-Golecka ed., Springer 2021).


EMILY FINCH & STEFAN FAFINSKI, TORT LAW (Pearson: Law Express 2021).


PATRICK R. GOOLDS, IP ACCIDENTS: NEGLIGENCE LIABILITY IN INTELLECTUAL PROPERTY (Cambridge Univ. Press forthcoming 2022).

ANTHONY GRAY, THE EVOLUTION FROM STRICT LIABILITY TO FAULT IN THE LAW OF TORTS (Bloomsbury 2021).


CRAIG HOBBS, WRONGFUL DEATH CLAIMS: A PRACTICAL GUIDE (LexisNexis Australia 2021).


RAYMOND KAWAMATA, TOO BIG TO LOSE: A SMALL FARMER'S TEN YEAR BATTLE AGAINST DUPONT (Margaux Press 2021).


MASS TORTS IN THE UNITED STATES: STRATEGY AND PRACTICE (Courtney E. Ward-Reichard, ed., ABA Book Pub’g 2020).


ANDRÉS CRUZ MEJÍA, HACIA EL DERECHO DE DAÑOS EN MÉXICO: RESPONSABILIDAD CIVIL, TEORÍA, EVOLUCIÓN, CRISIS, SOCIALIZACIÓN, DECODIFICACIÓN Y NUEVA VISIÓN (Bosch 2021).


EMMANUEL K. NARTEY, ACCOUNTABILITY AND CORPORATE HUMAN RIGHTS VIOLATIONS IN TORT AND INTERNATIONAL LAW (Cambridge Scholars Publ’g 2021).


RICHARD PATTERTSON, DRUGS IN LITIGATION: DAMAGE AWARDS INVOLVING PRESCRIPTION AND NON-PRESCRIPTION DRUGS (LexisNexis 2021).

PRODUCT LIABILITY LITIGATION: CURRENT LAW, STRATEGIES AND BEST PRACTICES (Stephanie A. Scharf, George D. Sax, & Sarah R. Marmor, eds., 2d ed. PLI Press 2021).

PUNISHMENT AND PRIVATE LAW (Elise Bant, Wayne Courtney, James Goudkamp, & Jeannie Marie Paterson, eds., Hart Publ’g 2021).


KIRSTY RACKLEY & ERIKA HORSEY, TORT LAW (Oxford Univ. Press 2021).


ROGER E. SCHECHTER, A SHORT & HAPPY GUIDE TO TORTS (2d ed. West Acad. Publ’g 2021).

KATE SMITH, TORT LAW (Hall & Stott Publ’g 2021).

JANE STAPLETON, THREE ESSAYS ON TORTS (Oxford Univ. Press 2021).


TORT LIABILITY OF PUBLIC AUTHORITIES IN EUROPEAN LAW (Giacinto della Cananea, & Roberto Caranta, eds., Oxford Univ. Press 2021).


GARY CHAN KOK YEW, HEALTH LAW AND MEDICAL ETHICS IN SINGAPORE (Routledge 2021).

In Memoriam

The Honorable Judge Jack Weinstein
Professor Ron Lansing