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):**


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


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


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


Health Law (Toledo Law Review):


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


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


Robert Force, Understanding the Nonremovability of Maritime Cases: Lessons


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


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


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


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


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


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


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


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


**Recent Tort Law Scholarship**


Francesca Bignami & Giorgio Resta, Transatlantic Privacy Regulation: Conflict and Cooperation, 78 Law & Contemp. Probs. 231 (2015).


Denis Binder, A Tort Perspective on Cyberbullying, 19 Chapman L. Rev. 359 (2016).


Andrew P. Bolson, Esq., Flawed but Fixable: Section 230 of the Communications Decency Act at 20, 42 Rutgers Computer & Tech. L.J. 1 (2016).


Graci Bozarth, Comment, *Strange Bedfellows: The Military, the University, and Sexual Assault*, 84 UMKC L. Rev. 1003 (2016).


John Campbell, Bernard Chao, Christopher Robertson & David V. Yokum, Countering the Plaintiff’s Anchor: Jury Simulations to Evaluate Damages Arguments, 101 IOWA L. REV. 543 (2016).


Chelsea E. Carbone, To Be or Not to Be Forgotten: Balancing the Right to Know with the Right to Privacy in the Digital Age, 22 VA. J. SOC. POL’Y & L. 525 (2015).

Graceann Carimico, Thuy Huynh & Shallyn Wells, Rape and Sexual Assault, 17 GEO. J. GENDER & L. 359 (2016).

Eric R. Carpenter, Evidence of the Military’s Sexual Assault Blind Spot, 4 VA. J. CRIM. L. 154 (2016).


Ralph Carter, Note and Comment, Too Much Information!: The Need for Stronger Privacy Protection for the Online Activities of Employees and Applicants, 28 J. CIV. RTS. & ECON. DEV. 291 (2016).


Robert Cooter & David DePianto, *Community Versus Market Values of Life*, 57 Wm. & Mary L. Rev. 713 (2016).


Filomena Gehart, Note & Comment, Domestic Violence Victims a Nuisance to Cities, 43 Pepp. L. Rev. 1101 (2016).


Stephanie M. Green, Recent Development, Texas’s Excessive Demand Doctrine Impacts Recoveries in Litigation, 47 St. Mary’s L.J. 889 (2016).


Edie Greene, Kristin A. Sturm & Andrew J. Evelo, Affective Forecasting About Hedonic Loss and Adaptation: Implications for Damage Awards, 40 LAW & HUM. BEHAV. 244 (2016).

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


Samuel L. Gurney, Without Thanks to Richie Incognito: Should Employers Owe a Duty to Employees to Protect Against Psychological Harm from Status-Blind Bullying in the Workplace?, 26 MARQ. SPORTS L. REV. 37 (2015).


Emily Kadens, Essay, Pre-Modern Credit Networks and the Limits of Reputation, 100 IOWA L. REV. 2429 (2015).


Miranda Lievsay, Note, Containing the Uncontainable: Drawing RICO’s Border with the Presumption Against Extraterritoriality, 84 FORDHAM L. REV. 1735 (2016).


Kyle D. Logue, Encouraging Insurers to Regulate: The Role (If Any) for Tort Law, 5 UC IRVINE L. REV. 1355 (2015).


Ann McGinley, *Tendencias Actuales en el Derecho de Daños Estadounidense (Contemporary Trends in American Tort Law)*, in DAÑO, RESPONSABILIDAD
Y Seguro, Lefebvre-El Derecho, Madrid, Spain (2016).


Charles Mitchell, Student Note, Beyond Legal Malpractice: An Argument for Continuing to Recognize Exclusive Federal Jurisdiction Over Other State Law Claims Raising Non-


Catherine E. Parsiola, Recent Development, Lu Junhong V. Boeing Co.: Muddying the Waters of Admiralty Jurisdiction and Removal in Aviation Tort Claims, 90 TUL. L. REV. 1045 (2016).


Maxine R. Segarnick, Note, *Pre-Drilling Groundwater Quality Testing and the*

Gregory Selarz, Notes and Comments, Punitive Damages for Texting While Driving, 45 Sw. L. Rev. 433 (2015).


Lori E. Shaw, Title IX, Sexual Assault, and the Issue of Effective Consent: Blurred Lines-When Should “Yes” Mean “No”?, 91 Ind. L.J. 1363 (2016).


Charles Silver, David A. Hyman, Bernard S. Black & Myungho Paik, Policy Limits, Payouts, and Blood Money: Medical Malpractice


Shirley Smircic, Comment, Saving the Alien Tort Statute: How American Corporations Can Be Held Accountable Post-Kiobel, 6 Wake Forest J.L. & Pol’y: Sua Sponte 37 (2016).


Carla Stenzel, Note, *To Create a Duty or Not To Create a Duty: Nebraska Law Should Adopt Section 37 of the Restatement (Third) of Torts*, 49 CREIGHTON L. REV. 199 (2015).


Rebeccah Therkelson Raines, Comment, Evaluating the Inebriated: An Analysis of the HIPAA Privacy Rule and Its Implications for Intoxicated Patients in Hospital Emergency Departments, 40 U. Dayton L. Rev. 479 (2016).


Selected Tort Law Scholarship from Commonwealth Countries


**Selected Recent Tort Law Books**

**U.S. and International**


JOHN F. DOBBYN & CHRISTOPHER C. FRENCH, INSURANCE LAW IN A NUTSHELL (West, 5th ed. 2015).


