TABLE OF CONTENTS

DEDICATION
Byron G. Stier......................................................................................................................348

NEW FRONTIERS IN TORT LAW AND THE CHALLENGES OF SCIENCE, TECHNOLOGY & INNOVATION: AN INTRODUCTION
Byron G. Stier.....................................................................................................................349

ARTICLES

HOLISTIC TORT THEORY
Alan Calnan........................................................................................................................362

RENDERING JUSTICE IN KEY AREAS OF TORT LAW IN THE NEXT DECADE
Victor E. Schwartz..............................................................................................................378

OUTGUNNED NO MORE?: REVIVING A FIREARMS INDUSTRY MASS TORT LITIGATION
Linda S. Mullenix................................................................................................................390

THE RULE OF SCIENCE AND THE RULE OF LAW
Mark A. Behrens & Andrew J. Trask..................................................................................436

BRAVE NEW WORLD: TECHNOLOGY AND TORT PRACTICE
Richard Marcus..................................................................................................................455
INCORPORATING AN ACTUAL MALICE EXCEPTION TO SECTION 230 OF THE COMMUNICATIONS DECENCY ACT  
Christopher Robinette & Shannon N. Costa........................................................................462

TORTS: PAST, PRESENT, AND FUTURE—PRESENTATION OF BRIAN PANISH  
Brian Panish................................................................................................................478

TORTS: PAST, PRESENT, AND FUTURE—PRESENTATION OF VICTOR SCHWARTZ  
Victor E. Schwartz......................................................................................................483

NEW DEVELOPMENTS IN TORT LITIGATION: PRESENTATION OF FRANCIS MCGOVERN  
Francis McGovern......................................................................................................487

THE EDUCATION OF THE JUDICIARY: THE SCIENCES ADDRESSING DISEASE CAUSATION  
Michael Green..........................................................................................................492

NEW MEANS OF FINANCING TORT LAWSUITS AND LAW FIRMS: PRESENTATION OF ANTHONY SEBOK  
Anthony Sebok.........................................................................................................504

NEW MEANS OF FINANCING TORT LAWSUITS AND LAW FIRMS: PRESENTATION OF JAMES FISCHER  
James Fischer...........................................................................................................511

NOTES AND COMMENTS

BRINGING LENDERS BACK TO THE GAME: HARMONIZING ACCESS TO AFFORDABLE HOUSING WHILE PROTECTING YOUR TAX DOLLARS FROM FRAUD  
Brandon Faus.............................................................................................................518

THE PARADOX OF S.B. 1421: A NEW TOOL TO SHED LIGHT ON POLICE MISCONDUCT AND A PERVERSE INCENTIVE TO COVER IT UP  
Carina Miller.............................................................................................................537
SOUTHWESTERN LAW SCHOOL
2020-2021

BOARD OF TRUSTEES

BRIDGETTE
KATHRYN
MARK
CHRISTOPHER
BETH
MICHAEL
PAUL
MARY
RONALD
FULL-TIME
NATALIE RODRIGUEZ,
LISA
MARY
JULIE
TRACY
BYRON
HARRIET
SHAHRZAD
ROBERT
DEBRA
HILA
MARGARET
MARCIE
DOREEN
NYDIA DUENEZ,
HILLARY KANE,
DOV
ANAHID
MICHAEL
SUSAN
CHARLES
ADMINISTRATION

LAUREN
THOMAS
KAREN
HON.
JAHMY
JOHN
PETER
MICHAEL
STEVEN
KEVIN BURKE
HON.
PATRICK BAGHDASERIANS
HON. ROBERT H. PHILIBOSIAN
CHERIE S. RAICY
MEE H. SEMCKEN
CARLOS A. SIDERMAN
GEORGE WOOLVERTON
JULIE K. XANDERS
WALTER M. YOKA
DENNIS P.R. CODON, Trustee Emeritus
SHELTON A. GEIB, Trustee Emeritus
HON. RONALD S.W. LEW, Trustee Emeritus
BRIAN A. SUN, Trustee Emeritus
HON. ARLEIGH M. WOODS, Trustee Emerita

ADMINISTRATION

CHARLES P. FAIRCHILD, B.A., J.D., LL.M., Chair of the Board of Trustees
SUSAN WESTERBERG PRAGER, B.A., M.A., J.D., Dean and President
MICHAEL CARTER, B.A., M.B.A., Ed.D., Executive Vice President and Chief Administrative Officer
ANAHD GHRABAKHANIAN, B.A., J.D., Vice Dean
DOV A. WAISMAN, A.B., M.S., J.D., Vice Dean
HILLARY KANE, B.A., J.D., Chief Communications and Marketing Officer
NYDIA DUENEZ, B.A., J.D., Associate Dean, Dean of Students and Diversity Affairs
DOREEN E. HEYER, B.S., M.S., Senior Associate Dean for Academic Administration
MARCE CANAL, B.A., Associate Dean of Operations and Risk Management
MARGARET HALL, B.A., M.L.I.S., J.D., Associate Dean and Law Library Director
HILA KEREN, LL.B., Ph.D., Associate Dean for Research
DEBRA L. LEATHERS, B.A., Associate Dean for Institutional Advancement
ROBERT MENA, B.A., M.S., Ed.D., Associate Dean for Student Affairs
SHAHRZAD POORMOSLEH, B.A., J.D., Associate Dean for Career Services
HARRIET M. ROLNICK, B.A., J.D., Associate Dean for SCALE*
BYRON STIER, B.A., J.D., LL.M., Associate Dean for Strategic Initiatives
TRACY L. TURNER, B.A., J.D., Associate Dean for Learning Outcomes
JULIE K. WATERSTONE, B.A., J.D., Associate Dean for Experiential Learning
MARY BASICK, B.S., J.D., Assistant Dean of Bar Preparation
LISA M. GEAR, B.A., Assistant Dean for Admissions
NATALIE RODRIGUEZ, B.A., J.D., Assistant Dean of Academic Success

FULL-TIME FACULTY

RONALD G. ARONOVSKY, A.B., J.D., Professor of Law
MARY BASICK, B.S., J.D., Assistant Dean of Bar Preparation, Associate Professor of Law for Academic Success and Bar Preparation
PAUL A. BATMAN, B.A., M.A., Ph.D., Professor of Legal Analysis, Writing, and Skills
MICHAEL J. BERGER, B.A., M.A., J.D., Associate Professor of Law
BETH CALDWELL, B.A., M.S.W., J.D., Professor of Legal Analysis, Writing, and Skills
CHRISTOPHER DAVID RUIZ CAMERON, B.A., J.D., Justice Marshall F. McComb Professor of Law
MARK CAMMACK, B.A., J.D., Professor of Law
KATHRYN CAMPBELL, B.A., J.D., Professor of Legal Analysis, Writing, and Skills
CATHERINE L. CARPENTER, B.A., J.D., The Honorable Arleigh M. Woods and William T. Woods Professor of Law and Co-Director of the Most Court Honors Program
BRIDGETTE M. DE YVARFAS, B.S., J.D., Associate Professor of Legal Analysis, Writing, and Skills
ALEXANDRA D’ITALIA, B.A., J.D., M.P.W., Associate Professor of Law and Director of Writing Center, Co-Director of the Moot Court Honors Program

MICHAEL B. DORFF, A.B., J.D., Michael & Jessica Downer Endowed Chair, Professor of Law and Technology Law & Entrepreneurship Program Director

MICHAEL M. EPSTEIN, B.A., J.D., M.A., Ph.D., Professor of Law and Supervising Editor of the Journal of International Media and Entertainment Law

JOSEPH P. ESPOSITO, B.S., J.D., Professor of Law and Co-Director of the Trial Advocacy Honors Program

JENNY RODRIGUEZ-FEE, B.A., J.D., Clinical Professor of Law

APRIL E. FISHEY, B.A., J.D., Associate Professor of Law for Academic Success and Bar Preparation

JAMES M. FISHER, J.D., Professor of Law

NORMAN M. GARLAND, B.S., B.A., LL.M., Second Century Chair in Law and Professor of Law

JAY W. GENDRON, B.A., J.D., Director of the Entertainment and Arts Legal Clinic and Associate Professor of Law

ANAHID GHARAKHANIAN, B.A., J.D., Vice Dean, Professor of Legal Analysis, Writing, and Skills and Director of the Externship Program

KEVIN J. GREENE, B.A., J.D., John J. Schumacher Chair and Professor of Law

WARREN S. GRIMES, B.A., J.D., Irving D. and Florence Rosenberg Professor of Law

ISABELLE R. GUNNING, B.A., J.D., Professor of Law

PRIYA S. GUPTA, B.A., M.Sc., J.D., Professor of Law and Faculty Director of the General LL.M. Program

DANIELLE KIE HART, B.A., J.D., LL.M., Professor of Law

JOHN HEILMAN, B.S., J.D., M.P.A., M.R.E.D., Professor of Law

ROMAN J. HOYOS, A.B., J.D., M.A., Ph.D., Professor of Law

HILA KEREN, LL.B., Ph.D., Associate Dean for Research and Paul E. Trensch Professor of Law

JOERG W. KNIPPEHAT, B.A., J.D., Professor of Law

CRISTINA C. KNOXLTON, B.A., J.D., Professor of Legal Analysis, Writing, and Skills and Co-Director of the Negotiation Honors Program

HERBERT T. KRAMMEL, B.A., M.Acc., J.D., Professor of Law

CHRISTINE L. LOGREN, B.A., J.D., Visiting Associate Professor of Legal Analysis, Writing, and Skills

JONATHAN M. MILLER, B.A., J.D., Professor of Law

JANET NALBANDYAN, B.A., J.D., Associate Professor of Law for Academic Success and Bar Preparation

BUNICE PARK, A.B., J.D., Professor of Legal Analysis, Writing, and Skills

ROBERT POPOVICH, B.S., MBT, J.D., Professor of Law

SUZAN WESTERBERG PRAGER, B.A., M.A., J.D., Dean, President and Professor of Law

GOWRI RAMACHANDRAN, B.A., M.A., J.D., LL.M., Professor of Law

ANDREA RAMOS, B.A., J.D., Clinical Professor of Law and Director of the Immigration Law Clinic

ORLY RAVID, B.A., J.D., Director of the Donald E. Biederman Entertainment and Media Law Institute and Associate Professor of Law

NATALIE RODRIGUEZ, B.A., J.D., Assistant Dean of Academic Success and Associate Professor of Law for Academic Success and Bar Preparation

JACQUELYN K. ROGERS, B.S., J.D., Associate Professor of Law for Academic Success and Bar Preparation

HARRIET M. ROLNICK, B.A., J.D., Associate Dean for SCALE® and Associate Professor of Law

TINA SCHINDLER, B.S., J.D., Director of Bar Preparation and Associate Professor of Law for Academic Success and Bar Preparation

MICHAEL D. SCOTT, B.S., J.D., Professor of Law and Technology Law & Entrepreneurship Program Founding Director Emeritus

BEN H. SEKI, B.A., J.D., Professor of Law and Co-Director of the Trial Advocacy Honors Program

IRA L. SHAFIROFF, B.A., J.D., Professor of Law

JUDY BECKNER SLOAN, B.A., J.D., Professor of Law

BYRON G. STIER, B.A., J.D., LL.M., Associate Dean for Strategic Initiatives and Professor of Law

J. KELLY STRADER, B.A., M.I.A., J.D., Professor of Law

N. KEMBA TAYLOR, B.A., J.D., Professor of Legal Analysis, Writing, and Skills

JOHN TEHRANIAN, A.B., J.D., Paul W. Wildman Chair and Professor of Law

TRACY L. TURNER, B.A., J.D., Associate Dean for Learning Outcomes and Director of the Legal Analysis, Writing, and Skills Program and Professor of Legal Analysis, Writing, and Skills

RACHEL E. VAN LANDINGHAM, B.A., M.P.M., J.D., LL.M, Professor of Law

JULIA VAZQUEZ, B.A., M.A., J.D., Clinical Professor of Law and Director of Community Lawyering Clinic

DOV A. WAISMAN, A.B., M.S., J.D., Vice Dean and Professor of Law

JULIE K. WATERSTONE, B.A., J.D., Associate Dean for Experiential Learning, Clinical Professor of Law and Director of the Children’s Rights Clinic

WILLIAM WOOD, B.A., M.S.E.L., J.D./M.A., Associate Professor of Law

BRYCE WOOLLEY, B.A., J.D., Associate Professor of Law for Academic Success and Bar Preparation
DENNIS T. YOKOYAMA, B.A., M.S., J.D., Professor of Law

In Memoriam
Professor Alan L. Calnan

EMERITI FACULTY

DEBRA LYN BASSETT, M.S., J.D., John J. Schumacher Chair Emerita
MICHAEL H. FROST, B.A., M.A., Ph.D., Professor of Legal Analysis, Writing, and Skills Emeritus
BRYANT G. GARTH, B.A., J.D., Ph.D., Dean Emeritus
JAMES A. KUSHNER, B.B.A., J.D., Professor of Law Emeritus
ROBERT C. LIND, B.E.E., J.D., LL.M., Paul E. Treusch Professor of Law Emeritus and Director Emeritus, Biederman Entertainment and Media Law Institute in Residence
ROBERT E. LUTZ, B.A., J.D., Paul E. Treusch Professor of Law Emeritus in Residence
CHRISTINE LORILLARD, B.A., M.A., Ph.D., Professor of Legal Analysis, Writing and Skills Emerita
SUSAN J. MARTIN, B.A., J.D., Professor of Law Emerita
ROBERT A. PUGSLEY, B.A., J.D., LL.M., Professor of Law Emeritus in Residence
KATHERINE C. SHEEHAN, B.A., M.A., J.D., Professor of Law Emerita
LEIGH H. TAYLOR, B.A., J.D., LL.M., Dean Emeritus and Professor of Law
LINDA A. WHISMAN, B.A., M.L.S., J.D., Associate Dean for Library Services and Professor of Law Emerita

ADJUNCT FACULTY

RYAN ABELMAN
MILENE APANIAN
JOHN BEGAKIS
ANNA ARAN
PATRICK BOIRON
NICHOLAS BOND
SAMANTHA BORGHI
VICTORIA BURKE
JOHN J. SCHUMACHER CHAIR
ROBYN LEE CHEW
ALEX COFFEY
HON. ANGELA DAVIS
LIZA DAVIS
THOMAS DEBOE
ADAM DOMBOCH
NYDIA DUENZ
ROBERT DURAN
PEGGY FARRELL
MITCH FEDERER
GARY P. FINE
REBECCA FISCHER
ALICE J. GARFIELD
CRAIG GELFOND
SHARREZ GOLDRICH
KARINA GODAY
HON. RUPA GOSWAMI
MEHRNAZ HADIAN
JONATHAN HANDEL
MELISSA HANNA
NAZGOLE HASEMI
LESLEY HEMOV
DAVID HELFANT
HOWARD JACOBS
MATTHEW JACOBS
VERONICA JEFFERS
MORRIS JENKINS
ALLAN JOHNSON
DOUGLAS JOHNSON
NEVILLE JOHNSON
JULI JORDAN
HON. MARK A. JUHAS
JARED JUSSIM
HILLARY KANE
VIK KANWAR
ROBERT KAYNE
STACEY KIM-JACKSON
ANDREW KNAPP
IRIS KOKISH
LEEB LERNER
ZHACHARY LEVINE
SARA LOCKE
KATHY M. LOMBARD
APRIL MACARAE
JONATHAN MARCUS
CARINA J. MILLER
KYLE MARKS
RICHARD D. MARKS
HON. DARRELL S. MAVIS
TIMOTHY B. MCCAFFREY, JR.
DAVID MCFADDEN
DINAH MINKOFF
KAMAL MOO
MICHAEL MORSE
NEGIM MOSTADIM
RON MUELLER
DAVID OSTROVE
TIGRAN PALLYAN
HON. AMY M. PELLMAN
SHARON PERLMUTTER
TISH PICKETT
JUAN A. RAMOS
EMILY REHM
SUSAN KORN ROSS
DEBORAH RUMMELHART
GEORGE H. RUIZ
ANASTASIA SAGORSKY
LOVEE SARENAS
ANDREW SCHWARTZMAN
JENNIFER SEIGLE
DANIEL SELARZ
JEFFREY SHANE
HON. JAY J. SHIN
ZEPR SIMONIAN
ROURKE STACY
EDWARD STARK
STEPHEN STRAUSS
ANTA SURENDRA
JULIA SYLVA
HON. ARMEN TAMZARIAN
LEONARD TORREALBA
JOSEPH TRIGLIO
DANIELLE VAN LIER
LAURA WESLEY
SONIA YAGURA