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EDITOR-IN-CHIEF, *JOURNAL OF COMPLEX LITIGATION*,
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Introduction to the Journal's Final Volume

The *Journal of Complex Litigation* is thrilled to present our last volume, Volume 9. This year, the *Journal* has had the privilege of choosing from a variety of high-quality manuscripts from around the world. Because of these incredible scholarships, we have cultivated the most robust and diverse volume for our readers, including our first-ever Symposium Issue. I would like to thank the authors that trusted us with their works and express my deepest gratitude to our Editors who have worked tirelessly all year to foster our best volume yet.

Volume 9's first issue explores subjects like damages, class standing, knee replacement litigation, and Taiwanese trial courts. Debates about these topics have set the stage for new litigation to enter both the American and International arena. Outside the judicial system, academia has not turned its cheek from discussing each of these topics. While popular genres of litigation have seen academic literature from a myriad of scholars, this Volume presents issues and solutions of first impression.

The first article, *Predicting Damages Awards: A Comparative Law & Economics Analysis on Contract Breach Litigations in American Common Law, French Civil Law, and International Commercial Law*, is by Frank Giaoui. It utilizes an empirical economics analysis of hundreds of cases to make recommendations and suggest best practices to those looking to recover lost profits and opportunities. The article analyzes damage to commercial reputation, lost profits for a new business, and a breach of a negotiation agreement to formulate its hypothesis. In doing so, it encourages readers to use continuous empirical research on damages in tandem with artificial intelligence to predict compensatory damage schedules. As a result of the research, the article argues the data shows that a judicial decision reflects the gap between the claim and the defense.

The second article, *Challenges in Constructing Taiwan's Commercial Court and Changing the Trial Process*, is by Ching-Yi Wu. Tackling the flood of litigation in Taiwan head-on, this article calls attention to the structure of Taiwanese courts and calls for reform. The Taiwanese government has sought to mirror its judicial system to that of the United Kingdom and the United States. Using this premise, the author draws attention to the new system's lack of a separate division for commercial disputes. This article argues a commercial court

should be established to address litigation currently overwhelming the civil courts.

The third written work, *Class Standing Analysis: The Requirements of Article III and Rule 23*, is a student Note by Jacqueline Dewart. The circuits are split on whether Article III of the Constitution requires all members of a class to be established before class certification can be determined. This Note proposes the standing of all class members need not be established before certification and proposes that courts must determine whether individualized standing issues will prevent the class from meeting the requirements of Federal Rule of Civil Procedure 23(b)(3). Under the Rule 23 analysis, it argues, predominance or superiority requirements settle concerns that an overbroad class presents a standing issue.

The fourth, and final, article is *A Litigation Primer on Knee Replacement Surgery*, by Samuel Hodge. It brings attention to all forms of joint arthroplasties, with a focus on knee replacement surgery. As the most common form of arthroplasty, knee replacement surgery has an important role in different types of litigation, including multidistrict litigation. This litigation primer brings the legal field up to speed on current litigation while making recommendations on how to learn from past litigation.

This endeavor would not have been possible without the Herculean effort and collaboration by our Editors. First, thank you to our Faculty Advisor, Professor Gregory Dickinson, for his full support in our desire to make this Volume prodigious. Second, thank you to our Editorial Board (Karla Alberte, Mary-Lou Bretthauer, Juanfelipe Cabrera, Emily Chahede, Daniela Curiel, Alex Maza, and Elan Wechsler) for their dedication, sacrifice, and enthusiasm to embark on this project. Without their unrelenting poise and assiduity, this Volume would not have been possible. A special thank you to our Senior Articles Editor, Daniela Curiel, for reading each of the submissions and presenting her thoughts to the Board. Third, thank you to Juanfelipe Cabrera and Elan Wechsler for shepherding each article through our sourcing process and for their painstaking attention to each footnote. Fourth, thank you to our Staff Editors (Sharon Alfandary, Leah Crespi, Christine Criswell, Amanda Cruz, Claudia Reeves Gonzalez, Stephanie Mattig, Elizabeth Mikowski, Scarlet Riviere, Michael Rizo, Paul Schwing, and Zachary Weinstien) for their line edits as part of the *Journal's* editorial process. Finally, thank you to our school, St. Thomas, for giving us the resources to make this Volume realizable.

From all of us here at the *Journal*, we hope Volume 9 serves as a resource to the ongoing debates across complex litigation topics and beyond. We are grateful to contribute to those conversations through this Issue and extend our

eternal thanks to all those that helped us bring this endeavor to fruition. Until next time.



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