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To Marcie, Danella, and Chree

Preface

The Torts Process is premised on the view that tort law is more than a collection of doctrines and policies, and that it cannot realistically be understood apart from the processes by which tort disputes are resolved. It is as important for students to grasp the roles of the lawyer, the trial judge, the jury, and the appellate court in resolving a tort claim as it is to understand the doctrinal and policy elements that are at play. We find that providing students with this process perspective greatly enhances their appreciation for the actual nature, functions, and limits of tort law. To aid this effort to study tort law in motion, we have included a series of problems that challenge students to apply their understanding of doctrine to concrete circumstances. We have found that students, even in their first weeks of law study, benefit significantly from the effort and find it interesting and rewarding. There is no need, however, to assign all, or indeed any, of the problems, for the book is also designed to function as a traditional casebook. Finally, the book seeks to enrich and broaden students' understanding by providing integrated discussions of tort theory and policy issues and by raising important ethical and professional responsibility considerations.

For the eighth edition, we have updated the discussion material and added three new problems and several new lead cases. We have incorporated references throughout to the American Law Institute's recently completed project, *The Restatement (Third) of Torts: Liability for Physical and Emotional Harm*. Chapter 15, on comparative and international aspects of tort law, was new in the seventh edition, and we have made several changes for this edition in order to keep up with this growing area. We have also significantly updated Chapter 10 on alternative compensation systems in light of the British Petroleum oil spill disaster and other recent events. As with previous updates, however, this edition retains the book's original flavor. Those who have used the earlier editions will find this edition comfortably familiar.

James A. Henderson Jr.
Richard N. Pearson
Douglas A. Kysar

March 2012

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