

TORT LAW AND ALTERNATIVES

CASES AND MATERIALS

NINTH EDITION

MARC A. FRANKLIN

ROBERT L. RABIN

MICHAEL D. GREEN

FOUNDATION PRESS

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by

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To Ruth's memory and to Yemima and Carol

PREFACE TO THE NINTH EDITION

We continue our practice of sifting through new developments and cases and incorporating them into this new edition. Tort law remains a dynamic area, and we enjoy the challenge of addressing emerging issues and incorporating them into the structure of this text. As in the past, we have added substantial new material, sometimes because it reflects recent developments, but in other instances because we think that the new material offers a better pedagogical approach to understanding the current state of tort law and alternative systems. In a number of respects, our revisions reflect feedback we have received from the many users who have reached out to us.

We have added several new principal cases, dozens of recent cases and other materials to the notes, while at the same time endeavoring to keep the number of notes manageable. Long-time users will notice that we have condensed and, in some cases, eliminated notes that appeared in the Eighth Edition. We continue the reorganization of Chapter Three that we began in the last edition to reflect recent case law addressing when a duty arises without regard to relationships or foreseeability. We have also added a new section on trespass and conversion, with emphasis on Internet-related torts, and revamped the sections on preemption and public nuisance to reflect particularly interesting new developments.

These are some of the highlights of the changes in the new edition. At the same time, we have attempted to integrate these new developments with the landmark cases and doctrinal principles that give torts its distinctive character. We look forward to continue hearing from users with suggestions about how we can best meet their pedagogical goals and needs in the future.

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