

**HENDERSON  
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**THE  
TORTS  
PROCESS**

*Third  
Edition*

# The Torts Process

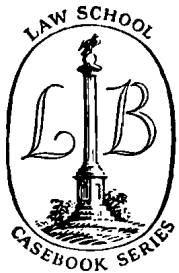
Third Edition

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# The Torts Process

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*To Marcie and Danella*

# Preface to the Third Edition

This edition retains the essence of the first two editions: the use of problems and the presence of a series of notes elaborating on many facets of the law in general and of tort law in particular. We continue to find that the problems not only provide a vehicle through which issues of law, process, and policy can be explored, but they also capture the interest of the students in a way that a steady diet of cases does not. We have eliminated some of the problems and have revised others. In addition, we have added a substantial number of new problems, enough to increase the total to 46. (The second edition contained 26.) We do not expect that anyone will cover all the problems in any single course, but the additional problems substantially increase the flexibility of the book in two ways. First, the problems permit more year-to-year variation in how the course is taught, ensuring a certain degree of freshness. Second, because the new problems tend to be shorter, they can be covered in less time. The strength of many of the problems that have been included from the beginning is that they are multidimensional; they raise issues beyond the narrow question of "What is the law governing the case?" While we remain committed to these longer problems, and most of them are retained in this third edition, the new, shorter problems will allow use of the problem method without requiring substantial commitments of class time.

In addition to the new problems, this third edition also reflects the important tort reform movement that has taken hold in recent years. Legislatures have stepped into tort law in an almost unprecedented fashion. In years past, legislatures on occasion have made significant alterations in the common law of torts. Some interventions, such as statutes establishing workers' compensation and no-fault automobile insurance, have substantially replaced tort law. Others, such as comparative negligence statutes, have been important but less intrusive. But the recent legislative tort reform cuts across a wide variety of issues that have, more or less, been thought to be the special preserve of the courts. At appropriate places in the book, we set out the lines along which this legislative reform movement has developed.

In this edition of *The Torts Process*, cases have been edited to delete citations without indication of omission.

James A. Henderson, Jr.  
Richard N. Pearson

February 1988

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