

North Carolina Torts

North Carolina Torts

SECOND EDITION

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To our students, who keep us learning.

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Preface

This, the second edition of *North Carolina Torts*, maintains the same functional approach adopted in the predecessor volume, with emphasis on personal injury actions as well as those seeking recovery for damage to reputation, property, and business interests. Further, in an effort to illuminate the current contours of North Carolina law, and, perhaps as important, indicate where it might be headed, the discussion liberally draws upon case law from other jurisdictions and secondary sources. This in-depth coverage is especially evident in discussions of professional malpractice, products liability, defamation, and the evolving state and national movements toward tort reform. Moreover, as before, to better serve the needs of bench and bar we survey subjects of a statutory nature that frequently intersect with the traditional common law of torts, such as Section 1983, RICO, and Unfair Trade Practices, complex subjects that are otherwise explored in stand-alone treatises.

This second edition also maintains the organizational approach of its predecessor. Rather than commencing with intentional torts, the negligence cause of action serves as the starting point. This was done for two reasons. First, many of the principles associated with negligence, like causation, breach of duty, damages, and *respondeat superior*, are equally central to more specialized torts, like professional malpractice and products liability. Second, negligence-based claims by far predominate in tort litigation, are more costly to defend, and are more complex in their nature.

Since the publication of the first edition in 1996, tort law has experienced significant change, reflecting the influence of the dynamic range of social, economic, and political factors that have always affected torts. This new edition discusses the important judicial and legislative developments over the past seven years, including major changes in premises and governmental liability, as well as products liability and damages.

We are gratified over the positive reception given *North Carolina Torts* by the bench and bar and hope that this new edition will continue to serve as a valuable resource.

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