

Torts

Torts

Cases, Problems, and Exercises

SIXTH EDITION

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To Laurence, Ben and Kate, with love. —RLW

To Kathee, and to Mary, Hannah and Clare. —JHB

To my Parents, who convinced me anything is possible. —JTC

To Diane, Timothy & Jason. —ARK

*This book is dedicated to all of my former Torts students through the years
who have made teaching this subject such a joy! Thank you. —ECM*

To my Torts Students. And to Marlene with Love. —PJZ

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Preface

As we move to a sixth edition of this torts casebook, our goal remains the same: to create a “teacher’s book.”

We have updated this casebook in light of recent developments. In addition, we have added thought-provoking problems at the beginning of each chapter that are carried throughout the chapter (and, sometimes, referred to in later chapters). As with the previous editions, these problems are designed to stimulate thinking and produce interesting classroom discussion. They are constructed to help students learn doctrine, illuminate trends in the law, and, ultimately, produce better learning.

A secondary goal was to include a “skills” component. Some of the problems place students in practical situations that they are likely to encounter in practice, and therefore encourage students to think about how they might handle these situations.

In any book, trade-offs are necessary. We have chosen not to include encyclopedic notes and references like those found in other books. In the torts area, students have numerous high-quality secondary sources available to them, and students can consult these sources for expanded scholarly discussions of the law. Consistent with our goal of producing a “teacher’s book,” we opted to limit the scope of our notes and to substitute problems.

We are thankful to our research assistants and secretaries for their help in producing this book. In addition, we want to thank the many students who were subjected to early drafts and ultimately helped us produce a better product.

We welcome input from faculty and students who use this book. You can contact us at the following e-mail addresses: Professor Russell Weaver (russ.weaver@louisville.edu); Professor John Bauman (jbauman@stcl.edu); John Cross (john.cross@louisville.edu); Professor Andrew Klein (anrklein@iupui.edu); Professor Ed Martin (ecmartin@samford.edu); Professor Paul Zwier (zwier@law.emory.edu).

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Editing Note

Many torts cases are far longer than can be included in a book of reasonable length. In addition, many cases include multiple issues, some of which are irrelevant to the torts issues in this case. In creating this book, we have consistently tried to be faithful to the deciding court's language and the spirit of the opinion; however, although we have indicated some changes (usually by brackets or an ellipses), we generally do not note omissions from the edited opinions.

