



Cases and Materials on the Law of Torts (University Casebook Series)

Harry Shulman, Fleming James Jr, Oscar Gray, Donald Gifford

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For more than seventy years, leading torts scholars at the Yale Law School and elsewhere have used this casebook. It unconventionally begins with strict liability. A recent study published by the *Arizona State Law Journal* shows that this sequence results in students experiencing a greater appreciation of “the judge’s role as being influenced by social, economic, and ideological factors and a sense of fairness and less as a process of rule application than do students who begin their study with either intentional torts or negligence.” The Sixth Edition is more accessible to students because of substantially expanded textual explanations and more tightly edited opinions. Updates include frequent discussions of *Restatement (Third)* provisions and a significant number of recently decided cases including several from the Supreme Court addressing products preemption, displacement in climate change litigation, and First Amendment limits on liability for intentional infliction of emotional distress.

Comprehensive Changes

- A new appendix to the casebook, “The Litigation Process,” facilitates the student’s introduction to the torts litigation process.
- Relevant provisions of the recently adopted *Restatement (Third) of Torts* are quoted throughout the text.
- The Sixth Edition adds an unusual number of recently decided cases, including several from the Supreme Court of the United States addressing issues such as preemption, displacement in climate change litigation, and First Amendment limits on the tort of intentional infliction of emotional distress.
- The amount of textual explanation in introductions and in notes has been greatly expanded to facilitate the student’s understanding. In addition, the enhanced notes often ask students to consider newly added questions as they read the opinions and prepare for classroom discussion.
- The excerpted opinions are more tightly edited.
- The chapter in the previous edition that addressed damages has been split into two chapters, one covering “Damages” and the other, “Other Limitations on Liability Based on Type of Harm.”

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