Allow me to briefly summarize some features of this casebook that I believe make it unique:

- **What’s in a name?** The title “Torts: Principles in Practices” captures my belief that the supposed divide between legal theory and legal practice is a false dichotomy. I have now taught for nearly as long as I practiced law. One cannot truly understand how to apply the law solely based upon memorizing numerous black-letter legal rules. Circumstances are too varied and rules of law too ambiguous and conflicting to permit such ease of application. It is deep understanding and appreciation for the principles that permits a practitioner to represent clients in tort cases effectively. This book approaches the subject of Torts with a view toward capturing the spirit of the law of Torts at the dual levels of both its lofty principles and its actual implementation on the ground. To stay consistent with this theme, the book is filled with textboxes labeled either “Principles” or “In Practice” to supplement the material in the cases.

- **Vibrant mix of cases.** I love many of the old classic cases and a student of Tort law would be considered illiterate without some familiarity with these cases. This book retains many of the old standards. The book also adds many modern cases in contemporary factual circumstances so that students can appreciate how nimbly the law can be applied to new situations. For example, I have included a very recent case permitting the seat-belt defense as a form of comparative fault — a topic that courts every day are continue to wrestle with. Other recent cases included one analyzing the liability of the sender of a text message for distracting a driver and causing an accident. The principles used to decide this case have been in play for decades (and to an extent, for several hundred years). Where possible, this book tries to include both the old and the new.

- **Helpful textual guidance.** The law of Torts is sufficiently robust and challenging so that artificial barriers to its understanding are not necessary. This book introduces every major section and subsection with text designed to provide context and to alert students to themes that will be important in the cases they are about to read. The concise, restrained notes following the cases elaborate on these themes and observations. Further, most major sections include a recapitulation titled “Upon Further Review.”

- **Useful notes and problems.** I have included short hypothetical problems after almost each subsection in the book. These problems can be utilized in class for group discussion and debate or in the private study by individual students. A pet peeve of mine regarding some casebooks is when a short case is followed by ten pages of notes where the author tries to look under every rock in the legal field. I understand a first-year Torts class will only be the beginning of a lifetime of study for many students.
• **Charts, diagrams, pictures, checklists, etc.** This book tries wherever possible to include textboxes with summaries, visual depictions, charts, and checklists for students to focus their attention on core points. Textboxes with useful or provocative quotations germane to the material are also included to capture the imagination of students and, at times, to offer a glimpse into the academic debates often accompanying various issues. Pictures are included to help students remember that these cases involved actual events that transformed the lives of real people.

• **Pattern jury instructions.** As another method of illustrating and restating core legal concepts, where possible the book includes form jury instructions from various jurisdictions, introduced with the heading “Ladies and Gentlemen of the Jury.” In terms of the real world application of most Tort concepts, the jury instructions embody the law as it is used in the courtrooms across the United States.

• **Practice essay questions.** Included at the end of many chapters in the book are longer-form practice essay questions entitled “Pulling It All Together.” These are typically made up of two to four paragraphs of hypothetical facts with a prompt question at the end and an indication of how long a student might want to spend in attempting to write an answer to the question. Students are constantly seeking such hypothetical questions for their use in exam preparation. Teachers can use these essays in class as a summary of material or students on their own can utilize them.

• **Coverage.** My goal was to avoid a 1,500-page twenty-pound book that tried to include every conceivable Tort issue. But I wanted the book to be useful for just about any first-year Torts class. It begins with coverage of the classic intentional torts and defenses to them. The book then spends several chapters exploring negligence (including causation). The book also covers general defenses (e.g., comparative fault, immunities, statutes of limitation), damages, and apportionment. These subjects alone may be all that many Torts classes will have time to cover. But for the professor who has additional time, I have also included chapters on strict liability, products liability, defamation, and business torts. The exclusion of any mention of business torts has always struck me as a serious deficiency that results in the misimpression that all Tort claims involve physical or mental injury. While entire law school electives are devoted to inquiry into some of these later chapters of this book, many Torts professors enjoy introducing these areas of the law in the first-year curriculum. In any event, this book is structured to be flexible enough to be used in many different ways.

This second edition includes all of these features from the first edition and adds to them. For example, I have now included at the beginning of each chapter an explicit list of learning objectives for that chapter. I have shown this
to some of my students who love the idea of such a "checklist" that they can use as a reference point to be sure they’re learning the primary lessons. I have added (and in some cases modified) problems to enhance the classroom experience. I have also added some new cases, being judicious about not getting carried away with this. For example, the original edition had a note in the mitigation of damages section about the "seat-belt defense." I thought this was not only too interesting to remain just a note but that including a recent case wrestling with this issue provided a nice review of analytical differences between a failure to mitigate and comparative fault. The new case additions also include two cases dealing with the "but-for" causation test. The original edition had one case only (Cay v. Louisiana) on but-for causation and then substantial material dealing with alternatives. I thought this was misleading since most causation issues are resolved by resort to the but-for test. Students were so distracted by the alternatives that they failed to appreciate the importance of the primary test for actual causation. So I have included two additional cases where the court rejected actual causation based upon the inability of the plaintiff to demonstrate but-for causation.

This book is designed to be an effective tool, for both professor and student, in offering insight into the rich and multifaceted law of Torts. I hope that you find this book provides a catalyst for your further learning.

James Underwood

March 2018