

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

- **What's in a name?** The title “Torts: Principles in Practice” captures my belief that the supposed divide between legal theory and legal practice is a false dichotomy. I have now taught for longer than I practiced law. One cannot truly understand how to apply the law solely by memorizing numerous black-letter legal rules, though this is what most first-year students believe upon matriculating in law school. 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. The trend at many law schools is to increasingly focus on preparing students for practice. This book is designed to assist in those efforts.
- **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 them. This edition retains many of the old standards and even adds another. The book also adds modern cases in contemporary factual circumstances so that students can appreciate how nimbly the law can be applied to new situations. For example, this edition has a case arising out of the 2016 presidential election, where a court analyzes whether a Trump supporter committed a battery against a critic by intentionally inducing a seizure via a flashing light in a Twitter message. Another example involves a 2021 ruling on the issue of whether Amazon was a product “seller” potentially liable for a personal injury caused by a consumer’s use of a product they acquired through Amazon. This new edition includes a case analyzing when vicarious liability might attach to an employee’s intentional misconduct (a case of road rage), a topic of timely importance given the unfortunate circumstances of clergy abuse. Further, this edition offers case law debating to what extent design defect strict product liability should consider hindsight evidence of the product’s inherent dangers, a subject of ongoing controversy. And I gave in and finally included the text from the classic *U.S. v. Carroll Towing* where Judge Hand first employed his classic formula for negligence. This edition continues my tradition of including both the old and the new where they represent the best examples of propositions or legal analysis. Of course, I have tried to restrain myself from adding so many new things that the book becomes too thick — an evil I first sought to avoid with the publication of the initial edition. To accomplish this I have aggressively edited all the cases, and even removed some cases that I decided were not essential or good enough to be part of the first-year journey.

- **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. This edition continues the use of self-restraint to avoid cluttering the notes and problems. I have deleted some problems I believed were unclear or unhelpful and added some that I believe will be useful sources of discussion in the classroom.
- **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 also feature useful or provocative quotations germane to the material 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 writing an answer. Students are constantly seeking such hypothetical questions to prepare for exams, and teachers can use these essays in class as a summary of material.
- **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, this new edition has still 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 topics covered in 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 ways. Despite adding a handful of new cases, this fourth edition still comes in a bit shorter in length than most competing casebooks.

- **Mile markers.** This edition retains a feature added from the prior edition that my students love — an explicit checklist of learning objectives at the beginning of each new chapter. These “*Chapter Goals*” ensure that students are aware of what major concepts they need to understand when studying Torts.

This book is designed to be an effective tool for both professor and student to study the rich and multifaceted law of Torts. I hope that you (both teacher and student) find this book provides a catalyst for further learning and instruction.

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