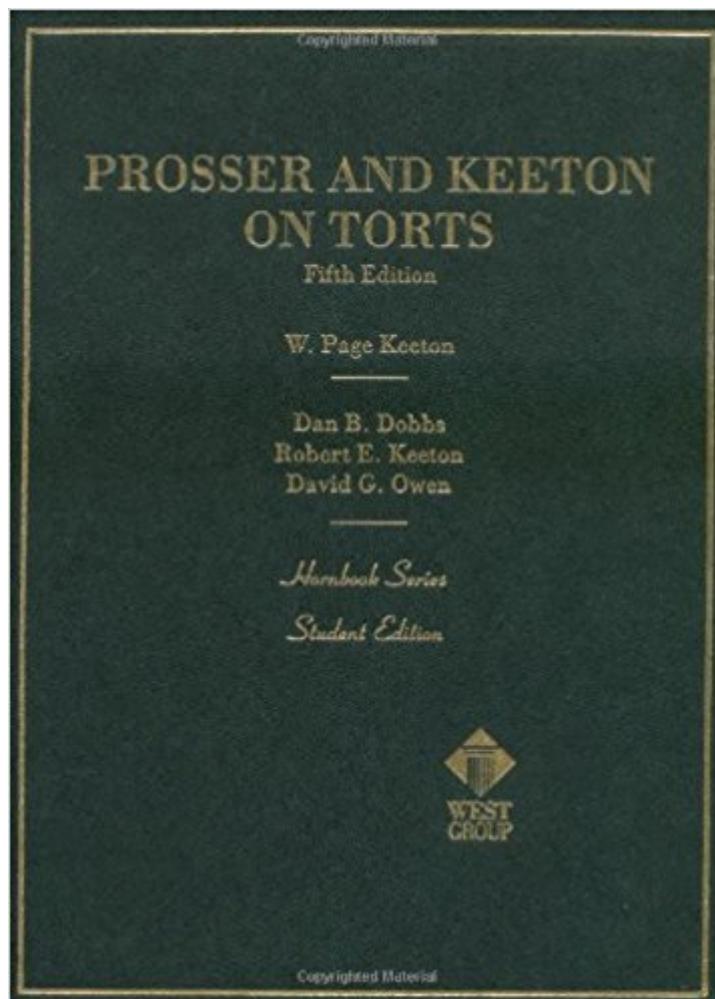


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# Prosser And Keeton On Torts, 5th Edition



## **Synopsis**

Intentional Interference with the Person; Intentional Interference with Property; Defenses to Intentional Interference with Person or Property; Negligence: Standard of Conduct; Negligence: Proof; Proximate Cause; Joint Tortfeasors; Limited Duty; Owners and Occupiers of Land; Negligence: Defenses; Imputed Negligence; Strict Liability; Compensation Systems; Nuisance; Tort and Contract; Products Liability; Misrepresentation and Nondisclosure; Defamation; Privacy; Misuse of Legal Procedure; Domestic Relations; Survival and Wrongful Death; Economic Relations; Immunities.

## **Book Information**

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## **Customer Reviews**

... and one you should probably acquire for your law library at some point; its explanations are clear and lucid, and it's probably the single most-cited work on torts apart from the Restatement (Second). However, if you're a One-L looking for a study aid, there are a couple of things you should be aware of. First of all, the most recent edition of this text dates from 1984. That means quite a bit of it is at least slightly out of date, and some of it is massively so (particularly in the field of products liability). For a more up-to-date hornbook, consider Dobbs. (I bought and used both.) Second, when your torts professor talks about "black-letter law," s/he's not talking about this hornbook or any other; s/he's usually talking about the Restatement (Second) of Torts (or, in products liability, the Restatement (Third)). As much as I like hornbooks (and I am emphatically not a fan of the "casebook" approach), I have to say that if you want to get one text to supplement your casebook, you should pick up A Concise Restatement of Torts from the American Law Institute.

And, ideally, you should memorize large portions of it. Of course, you can do what I did: buy all three. It's a great investment, and it will pay off in your studies; Prosser and Keeton provide much helpful discussion of points that Dobbs treats more briefly, and the Concise Restatement is much easier to understand once you've digested the hornbook(s). At any rate, this is a classic text and you shouldn't go without it for any longer than necessary. Just be aware of what you're buying and set your priorities accordingly.

One cannot go through a study of torts without encountering Prosser & Keeton either directly (getting your hands on your very own copy) or indirectly (reading millions of citations in cases, textbooks, etc.). Granted there are newer torts hornbooks, such as Dobbs on Torts (which is also very good), but Prosser & Keeton give you a very comprehensive overview of the subject, which is very helpful if you don't know much about the subject and want a big-picture background. Afterward, you would invariably have to search deeper for jurisdiction-specific law, but Prosser is a good starting point for any tort issue.

Got it for my class.

"Hornbooks" are summaries of a body of law used by angst-ridden law students to amplify and clarify the often arcane materials contained in Casebooks. The law of torts is one of the primary building blocks of a first year legal education, along with Property and Contracts. Almost every 1L has a small library of these dark green encyclopedic volumes that weigh in by the kilogram. PROSSER AND KEETON ON TORTS is one of the few Hornbooks (along with CALAMARI AND PERILLO ON CONTRACTS) that is considered an acceptable, though not authoritative, treatise for purposes of legal citation. Of course, cases themselves trump any other source material. Having practiced law for fifteen years I was surprised to note that PROSSER AND KEETON ON TORTS is still in its Fifth Edition (updated with Pocket Parts, no doubt) just as it was when I first cracked the spine of my copy. So many years after the intellectual concentration camp that is First Year Law School, I find that perusing Hornbooks for interesting minutiae can be a rather enjoyable way to spend a rainy, quiet afternoon. It's too bad that most law schools make reading the "Palsgraf" case feel like root canal without novocaine. Law has a beauty that is often ruined by legal education. If you plan to carry your Hornbooks around, get yourself a litigation case on wheels; it'll spare you a future of back problems.

P&K is a classic as far as hornbooks go, and very useful as a study aid for a 1L torts class in my opinion. Though significantly longer and written in more cryptic language than a typical study aid (like "Emmanuel's" or "Explanations & Examples") P&K contains far more information. There is a reason why even the casebooks cite P&K when trying to illustrate difficult to comprehend points. As many have pointed out it still in the 5th edition and hasn't been updated since 1984, and as a result has fallen a little bit behind the times (esp. on products liability) but overall it is still very relevant. I haven't taken the time to read Dobbs' newer treatise on torts so I'll withhold judgment over which is better. It is kind of pricey and long but if you have the time and money to devote to this book, it will teach you tons! I also highly recommend "A Concise Restatement of Torts" by the A.L.I. to help out with all the restatements

I used P&K to supplement my casebook and class notes, and it guided me to an A- in torts. It's a great tool and a great read. However, it does have certain limitations: the final edition was published in the late 80s, so it does not provide much guidance on product liability, infliction of emotional distress and other emerging areas of tort law. P&K gives you something that year 1 of law school sorely lacks: a context for the fragments in your case book. Its treatment of Palsgraf is particularly beautiful. And since Prosser so strongly influenced tort law, you can be confident that you are getting good information. Some of my classmates used commercial outlines and they often worried about whether they could trust the material. No such problems with P&K; it was on the money all the time. And when there was a contradiction between P&K and my textbook, I was able to go to my professor and ask her about it. Try doing that with a commercial outline. P&K is not merely fine reference tool; it is a genuine work of literature. I love it, and I highly recommend it.

Whenever you need further clarification or just want to review this book contains clear explanations of the law with relevant applications. It is a great supplement to the assigned text.

Just what I needed for class. Easy to follow for the most part and able to get what I needed out of it!

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