

➤ **W. Kip Viscusi** ➤

# **Reforming Products Liability**

# Reforming Products Liability

**Giampaolo Galli, Jacques Pelkmans**



## Reforming Products Liability:

*Reforming Products Liability* W. Kip Viscusi, 1991 Drawing on liability insurance trends and litigation patterns Viscusi shows that the products liability crisis has been developing for decades He argues that the principal causes have been the expansion of the doctrine of design defect the emergence of mass toxic torts and an increase in lawsuits involving hazard warnings The Need for Product Liability Reform Legislation in New York State Product Liability Reform Coalition, 1980

*Product Liability Reform* United States. Congress. Senate. Committee on Commerce, Science, and Transportation. Subcommittee for Consumers, 1982 **Consumer Capitalism** Gunnar Trumbull, 2006 The unfettered marketplace in which uncertainty rules and the admonition caveat emptor let the buyer beware dictates each consumer decision has today virtually disappeared Consumers have become the focus of intensive economic policymaking designed to protect them from the risks and disappointments of the market Today arguably no other economic actor in the advanced industrial countries not the investor not the worker not the welfare recipient enjoys a more thorough set of legal and institutional protections than the modern consumer when he or she enters the corner store from the Introduction Gunnar Trumbull investigates the origins of national systems of consumer protection in France and Germany where in the early 1970s consumer groups and producers organized to advance their own ideas about the identity and interests of the affluent consumer Through a comparison of eight areas of policy product liability law product safety standards and recall misleading advertising comparative product tests product labeling quality standards consumer contracts and pricing Trumbull shows that different conceptions of the consumer interest emerged in the two countries The result was the development of distinctive national consumption regimes which have in turn influenced the market strategies of domestic producers Trumbull's findings help to clarify distinctive national approaches to recent product crises including cases of BSE and genetically modified foods His research suggests that in the age of consumer capitalism national competitiveness may hinge not only on endowments of labor and capital but also on the institutional forms of national consumption *Exploring the Domain of Accident Law* Don DeWees, David Duff, Michael Trebilcock, 1996-01-04 In the mid 1980s there was a crisis in the availability affordability and adequacy of liability insurance in the United States and Canada Mass tort claims such as the asbestos DES and Agent Orange litigation generated widespread public attention and the tort system came to assume a heightened prominence in American life While some scholars debate whether or not any such crisis still exists there has been an increasing political judicial and academic questioning of the goals and future of the tort system *Exploring the Domain of Tort Law* reviews the evidence on the efficacy of the tort system and its alternatives By looking at empirical evidence in five major categories of accidents automobile medical malpractice product related accidents environmental injuries and workplace injuries the authors evaluate the degree to which the tort system conforms to three normative goals deterrence corrective justice and distributive justice In each case the authors review the deterrence and compensatory properties of the tort system and then review parallel bodies of

evidence on regulatory penal and compensatory alternatives Most of the academic literature on the tort system has traditionally been doctrinal or in recent years highly theoretical Very little of this literature provides an in depth consideration of how the system works and whether or not there are any feasible alternatives Exploring the Domain of Tort Law contributes valuable new evidence to the tort law reform debate It will be of interest to academic lawyers and economists policy analysts policy professionals in government and research organizations and all those affected by tort law reform Civil Juries and the Politics of Reform Stephen Daniels, Joanne Martin, 1995 Stephen Daniels and Joanne Martin have analyzed patterns in jury verdicts in a number of substantive legal areas including medical malpractice products liability and punitive damages against the background of the larger political and academic debate over tort reform Civil Juries and the Politics of Reform brings together and summarizes the authors extensive empirical research on civil jury verdicts in the context of that debate Some commentators are arguing that there is a substantial gap between the image of juries and civil justice that is driving tort reform and what is known of the reality of the civil justice system The authors use their discussion of juries not simply to help inform the policy debate but to analyze tort reform as a public policy issue for what it tells about the policy process itself **Tort Reform by Contract** Paul H. Rubin, 1993 The author argues that there is a current crisis in tort law and advocates that a return to a more widespread use of contracts in three areas product liability medical malpractice and some aspects of automobile accidents Such contracts he suggests should be allowed by the courts

**Distorting the Law** William Haltom, Michael McCann, 2009-11-15 In recent years stories of reckless lawyers and greedy citizens have given the legal system and victims in general a bad name Many Americans have come to believe that we live in the land of the litigious where frivolous lawsuits and absurdly high settlements reign Scholars have argued for years that this common view of the depraved ruin of our civil legal system is a myth but their research and statistics rarely make the news William Haltom and Michael McCann here persuasively show how popularized distorted understandings of tort litigation or tort tales have been perpetuated by the mass media and reform proponents Distorting the Law lays bare how media coverage has sensationalized lawsuits and sympathetically portrayed corporate interests supporting big business and reinforcing negative stereotypes of law practices Based on extensive interviews nearly two decades of newspaper coverage and in depth studies of the McDonald's coffee case and tobacco litigation Distorting the Law offers a compelling analysis of the presumed litigation crisis the campaign for tort law reform and the crucial role the media play in this process **A History of Civil Litigation** Frank J. Vandall, 2011 A History of Civil Litigation Political and Economic Perspectives by Frank J. Vandall studies the expansion of civil liability from 1466 to 1980 and the cessation of that growth in 1980 It evaluates the creation of tort causes of action during the period of 1400-1980 Re-evaluation and limitation of those developments from 1980 to the present are specifically considered The unique focus of the book is first to argue that civil justice no longer rests on historic foundations such as precedent fairness and impartiality but has shifted to power and influence Reform in the law legislative

judicial and regulatory is today driven by financial interests not precedent not a neutral desire for fairness and not to make it better It uses products cases and policies for much of its argument These policies can be summarized as a shift from a balanced playing field negligence to one that favors injured consumers The strict liability foreshadowed by Judge Traynor in *Escola v Coca Cola* 1944 was not adopted until 1962 when Traynor wrote the majority opinion in *Greenman v Yuba Power Products* for the California Supreme Court Second the book examines the role of persuasive non governmental agencies such as the American Law Institute in reforming and shaping civil justice Never has it been less true that we live under the rule of law Congress agencies and the courts make the law but they are driven by those who have a large financial stake in the outcome Today those with power shape the character of products liability law at every turn **The Fall and Rise of**

**Freedom of Contract** F. H. Buckley, 1999-08-27 Original essays by prominent legal scholars on the recent intellectual revival of freedom of contract and the value of free bargaining the essays will be gleaned from a series of conferences organized around areas where bargaining rights might be expanded *Judicial Reform in Latin America and the Caribbean*

Malcom Rowat, 1995-01-01 Proceedings of a World Bank conference T p Comparative Civil Law and Common Law Systems Legal Traditions and Reforms Dr. Gunawan Widjaja, Hotmaria Hertawaty Sijabat, Dr. Manjula Rani Mallepalli , 2025-05-31 This book explores the foundational principles structures and evolving dynamics of civil law and common law systems It examines their historical roots key differences and modern reforms offering comparative insights into global legal traditions and their convergence in contemporary legal practice and international legal harmonization **The Warren**

**Court** Bernard Schwartz, 1996 Garrow and a rare personal remembrance by Justice William J Brennan Jr **Research Handbook on the Economics of Torts** Jennifer Arlen, 2013-11-29 Focusing on issues of vital importance to those seeking to understand and reform the tort system this volume takes a multi disciplinary approach including theoretical economic analysis empirical analysis socio economic analysis and behavioral anal **Imperfect Alternatives** Neil K.

Komesar, 1997-01-15 Major approaches to law and public policy ranging from law and economics to the fundamental rights approach to constitutional law are based on the belief that the identification of the correct social goals or values is the key to describing or prescribing law and public policy outcomes In this book Neil Komesar argues that this emphasis on goal choice ignores an essential element institutional choice Indeed as important as determining our social goals is deciding which institution is best equipped to implement them the market the political process or the adjudicative process Pointing out that all three institutions are massive complex and imperfect Komesar develops a strategy for comparative institutional analysis that assesses variations in institutional ability He then powerfully demonstrates the value of this analytical framework by using it to examine important contemporary issues ranging from tort reform to constitution making Regulatory Reform and Competitiveness in Europe: Horizontal issues Giampaolo Galli, Jacques Pelkmans, 2000-01-01 Throughout the book the authors aim to show how the market can function more efficiently and offer policy recommendations to show how regulatory

reform can improve competitiveness at the firm level as well as performance at the industry national and EU levels

California. Court of Appeal (2nd Appellate District). Records and Briefs California (State)., Tort Law Keith N. Hylton, 2016-06-06 Tort Law A Modern Perspective is an advanced yet accessible introduction to tort law for lawyers law students and others Reflecting the way tort law is taught today it explains the cases and legal doctrines commonly found in casebooks using modern ideas about public policy economics and philosophy With an emphasis on policy rationales Tort Law encourages readers to think critically about the justifications for legal doctrines Although the topic of torts is specific the conceptual approach should pay dividends to those who are interested broadly in regulatory policy and the role of law Incorporating three decades of advancements in tort scholarship Tort Law is the textbook for modern torts classrooms

**Congressional Record** United States. Congress, 2001 The Congressional Record is the official record of the proceedings and debates of the United States Congress It is published daily when Congress is in session The Congressional Record began publication in 1873 Debates for sessions prior to 1873 are recorded in The Debates and Proceedings in the Congress of the United States 1789 1824 the Register of Debates in Congress 1824 1837 and the Congressional Globe 1833 1873 The Economic Analysis of Civil Law Schäfer, Hans-Bernd, Ott, Claus, 2022-01-25 This comprehensive textbook provides a thorough guide to the economic analysis of law with a particular focus on civil law systems It encapsulates a structured analysis and nuanced evaluation of norms and legal policies using the tools of economic theory

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