
Preface to the Sixth Edition

Our products liability casebook is now well into its second decade. We are pleased with its reception by professors and students alike. Although controversy still swirls around the definition of design defect, we believe that matters have settled down and that by and large courts have come around to accepting the views of the Products Liability Restatement. As in past editions we have tried to be as open and forthright about the controversy as possible.

This was a difficult edition to put together. Just as we thought that we had all the pieces in place, the United States Supreme Court placed on its agenda a raft of federal preemption cases. One was decided just as we went to press and we were able to integrate it into the federal preemption chapter. Several others are pending before the Court and we could do nothing more than point out that review has been granted and ask the reader to stay tuned for the results.

Similarly, the United States Supreme Court has rendered decisions in several punitive damages cases. We included them in our book. But just as we were going to press the Oregon Supreme Court found a way to avoid the need to retry *Williams v. Philip Morris Co.* and affirmed its prior decision allowing for a 100-1 ratio between punitive and compensatory damages. It remains to be seen how the United States Supreme Court will deal with the ratio issue on appeal or whether it can find another stratagem to avoid the problem.

In the fifth edition we undertook a substantial reordering of materials to make the casebook more teachable. In this sixth edition we have retained that structure and have added cases and note material demonstrating the continuing tensions in the field. How aggressive should courts be in taking cases from juries either through no-duty rules or directed verdict practice? There are no easy answers — only good questions. A good question is the hallmark of a good student. We hope to remain good students of the law.

James A. Henderson, Jr.
Aaron D. Twerski

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