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Symposium Issue: The Law of Torts - Introduction

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SYMPOSIUM ISSUE THE LAW OF TORTS

INTRODUCTION

This issue, which represents the first symposium effort to appear in the *Missouri Law Review* since 1973, was first envisioned in March of 1980 with the three-day visit to the University of Missouri-Columbia School of Law by Professor W. Page Keeton. Professor Keeton's work revolutionized American tort law, especially in the field of products liability, and generally has made life more bearable for those victimized by defective products.

The issue consists of five lead Articles written by four eminent academicians and one practicing attorney, two Comments written by law students who graduated in the Spring of 1980, and four Casenotes written by students now in their final year of law school. All of these articles pertain to a critical issue or development in tort law.

Professor Keeton's article analyzes the development of products liability law in the United States, reviews two of the basic theories which are utilized to support damage awards to compensate the victims of defective products, and then discusses the increasingly vital meaning of the term "state of the art." Professor Oscar S. Gray of the University of Maryland, a noted authority in environmental law and co-author (with Shulman and James) of *Cases and Materials on the Law of Torts*, has authored the second lead article, in which he presents his thoughts on the proper standard of care to which children should be held for purposes of determining their negligence or contributory negligence. Professor Gray, in an extensive appendix, then reviews the standards established by each of the fifty states regarding the liability exposure of children. The third lead article is authored by Professor Sidney H. Willig of Temple University. Professor Willig, who lectures frequently on legal problems and issues in the food, health, and drug industry, examines the independent tort cause of action as a necessary vehicle to redress the wrongful acts of administrative agencies and their employees. Professor David Kader of the Arizona State University College of Law, the author of the fourth article, presents an exhaustive and comprehensive review of case decisions regarding recovery under wrongful death statutes for the birth of stillborn infants. Professor Kader analyzes the impact of the abortion decision rendered by the United States Supreme Court in *Roe v. Wade* on this aspect of tort law, and makes a compelling argument in favor of allowing recovery under state wrongful death statutes for the birth of stillborns caused by the tortious actions of another. Finally, Mr. Patrick D. Halligan, currently engaged in private practice in Chicago, examines claims for special

education malpractice and presents a reasoned argument opposing such recovery.

The Editorial Board of the *Missouri Law Review* believes that each of these articles will make a contribution to the scholarly body of knowledge in the law of torts. In combination with the Comments and Case-notes, it is hoped that scholars and tort practitioners will view the lead Articles as both insightful presentations regarding the current state of the law and as helpful research tools.