



Understanding Enterprise Liability: Rethinking Tort Reform for the Twenty-First Century

Virginia Nolan

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In recent years critics have assailed the cost, inefficiency, and unfairness of American tort law, including products liability and medical malpractice. Yet victims of accidental injury who look to the tort system for deserved compensation often find it a formidable obstacle. Those who seek to reform tort law find legislatures, particularly the United States Congress, paralyzed by the clash of powerful special interest groups.

Understanding Enterprise Liability sheds new light on the raging tort reform debate by challenging its fundamental assumptions. Offering historical insights and fresh perspectives on the politics and possibilities for sensible reform, Virginia Nolan and Edmund Ursin pragmatically assess alternative routes to a workable, balanced, and equitable system of compensation for personal injury. They offer a specific proposal, based on the precedent of strict products liability that incorporates the insights of no-fault compensation plan scholarship to create an enterprise liability doctrine that should appeal to courts and to tort reformers.

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