2. Some Advice for the Novice Tort Lawyer

This chapter discusses issues that readers must bear in mind when encountering criticism of individual rules, decisions, and academic opinions in the remainder of the book. These are: how judicial mentality and outlook affects decision-making; academic interests and practitioners’ concerns; ivory tower neatness v. the untidiness of the real world; tort’s struggle to solve modern problems with old tools; need to reform tort law; whether liability rules are restricted because the damages rules have been left unreformed or because the relationship between liability and damages has been neglected; that tort law is, in practice, often inaccessible to the ordinary victim; and that human rights law is set to influence tort law, but this influence is likely to be gradual and indirect.

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