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Review of: M. Stuart Madden, Toxic Torts Deskbook

Laura Marron

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M. Stuart Madden, Toxic Torts Deskbook (Lewis Publishers 1992). Acknowledgements, case index, general index, notes, preface. LC 91-48238; ISBN 0-87371-508-X. [230 pp. Cloth \$69.95 domestic, \$84.00 elsewhere. 2000 Corporate Boulevard, NW, Boca Raton FL 33431.]

As indicated in the Preface,¹ *Toxic Torts Deskbook* is intended to serve as a guide “for all professionals to the toxic torts implications of the manufacture, marketing and disposal of potentially hazardous substances” and as an “initial reference” for attorneys advising clients regarding the sale and manufacture of a product or representing plaintiff or defendant in a toxic tort suit. “If the text serves no purpose other than to help industrial sector professionals and legal counsel understand one another, the author will be satisfied.”

Madden’s book is a comprehensive review of toxic tort law. It serves as a guide to policy, describes the parties involved, summarizes the many causes of action and defenses that may be raised, reviews the practical requirements involved in bringing or defending a toxic tort claim, and discusses damages that may be awarded. Additional topics include potential statutory limitations, jurisdictional disputes, conflicts of law, indemnity and contribution, products that have been the focus of toxic tort suits, and insurance coverage under comprehensive general liability policies.

Madden describes the crucial components of toxic tort law succinctly, and an enormous amount of information is summarized in fewer than 225 pages. Each chapter begins with an overview of the topic to be covered and is followed by a concise, but more detailed, description. Reading a six page chapter on “Causation” makes one wonder why weeks of law school had to be spent on it.

Nonlawyers, however, may not find this book quick or easy reading. They may be overwhelmed by an eight page introduction which rushes through definitions of torts and toxic torts, types of harm, pertinence of state and federal statutes, goals of tort law, damages, citizen suits, and special characteristics of toxic tort law, such as the use

¹ The preface is not paginated.

of multiple theories of recovery in one case, the typically long latency period from the time of injurious exposure to the onset of disease, and the difficulty this creates for the plaintiff in proving that defendant's product or activity was a direct cause of the injury.

Yet, nonlawyers should keep reading. Topics are repeatedly revisited and are likely to be understood in the end. Also, despite Madden's attempt to make the book useful for nonlawyers, "compensatory damages," for example, is repeatedly used but not defined until page 172. A glossary would have been helpful.

Although they are not discussed in detail, Madden makes good use of cases to illustrate key concepts. Also, a great deal of valuable information is provided in endnotes.

Regardless of the situation with readers wholly unfamiliar with the law, those having at least passing familiarity with tort law will find a wealth of information within **Toxic Torts Deskbook** — and the more they already know, the more they are apt to find. This book is ideal for law students and a good starting point for attorneys interested in toxic torts. It would be a valuable addition to many libraries.

Laura Marron[†]

[†] Ms. Marron received her B.S. (Human Resources) from the University of Delaware. After experience as a paralegal in asbestos litigation, she received her J.D. from Franklin Pierce Law Center. She is the Coordinator for the Lowell Tobacco Control Coalition at the University of Massachusetts–Lowell.