



Professor Ken Oliphant
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Summary

Ken Oliphant pursues research on a wide-ranging set of topics relating to English, European and comparative tort law, and compensation for incapacity. His current research projects include the following:

- *A Socio-Legal Analysis of Personal Injury Claims* (principal investigator). This externally funded project, conducted on behalf of the [Institute for European Tort Law](#) (ETL), breaks new ground by applying a sociological approach to the analysis of the personal injury claims process in three contrasting European countries. It seeks to establish how applicable norms found in legal texts are translated into practice and to subject the transformations that occur to critical analysis.
- *National Court Practice and European Tort Law (Digest Project) III: Misconduct* (joint project leader). This is the third instalment of one of ETL's 'flagship' projects, the Digest of European Tort Law. Previous instalments addressed [Natural Causation](#) and [Damage](#). The series aims to provide guidance for an organic convergence of tort law in Europe by identifying an *acquis commun* in the continent's multiple legal systems. The project is funded by grant from Austrian Science Fund.

Biography

Ken Oliphant joined the University of Bristol Law School in 2006 and was appointed Professor of Tort Law in 2008. From 2009 to 2013, while on extended leave from the Law School, he was Director of the Institute for European Tort Law in the Austrian Academy of Sciences. He previously held faculty positions at King's College London (1988-99) and Cardiff University (1999-2006). He pursues research on a wide-ranging set of topics relating to English, European and comparative tort law, and compensation for incapacity. He is the joint author of *Tort Law: Text & Materials*, 6th edn, Oxford University Press, 2013 (with Mark Lunney and Donal Nolan) and *Torts*, 4th edn, Palgrave MacMillan, 2011 (with Alastair Mullis), general editor of the practitioners' reference work *Tort Law* (3rd edn, 2015, Butterworths Common Law Series), and editor of several books in the series *Tort and Insurance Law*. His association with learned journals includes the *Journal of European Tort Law* (founding General Editor), the *Torts Law Journal* (UK correspondent), the *Journal of Professional Negligence* and the *Journal of Law and Society* (editorial advisory board). He is a member of the European Group on Tort Law (and led its recently concluded project on public authority liability) and the American Law Institute (for which he is currently an Adviser on the Restatement Third of Torts: Economic Harm), as well as the European Law Institute (acting as co-drafter of its Statement on Collective Redress in 2014).

Keywords

- Tort Law
- Compensation for Incapacity

Skills

- American Law Institute
- European Law Institute
- Society of Legal Scholars

Memberships

Organisations

[University of Bristol Law School](#)

Staff role

- [Academic Staff](#)
- [School Management](#)

Research group

- [Comparative Law \(public and private\)](#)
- [Medical Law and Bioethics](#)
- [Socio-Legal Studies](#)
- [Tort Law](#)

Selected publications

- Oliphant, K, 2016, '[The Liability of Public Authorities in Comparative Perspective](#)'. Intersentia, Cambridge
- Oliphant, K, 2016, '["The Whiplash Capital of the World": Genealogy of a Compensation Myth](#)'. in: Eoin Quill, Raymond Friel (eds) *Damages and Compensation Culture: Comparative Perspectives*. Hart Publishing
- Oliphant, K, 2016, '[Causation in Cases of Evidential Uncertainty: Juridical Techniques and Fundamental Issues](#)'. *Chicago-Kent Law Review*, vol 91., pp. 587-602
- Oliphant, K, 2015, '[The Law of Tort](#)'. LexisNexis
- Oliphant, K, 2014, '[Tort Law, Risk and Technological Innovation in England](#)'. *McGill Law Journal*, vol 59., pp. 819-845
- Oliphant, K, 2013, '[Against Certainty in Tort Law](#)'. in: Stephen GA Pitel, Jason W Neyers, Erika Chamberlain (eds) *Tort Law: Challenging Orthodoxy*. Hart Publishing, pp. 1-18
- Oliphant, K & Steininger, BC, 2011, '[European Tort Law: Basic Texts](#)'. Vienna: Jan Sramek Verlag
- Oliphant, K, 2009, '[European Tort Law: A Primer for the Common Lawyer](#)'. *Current Legal Problems*, vol 62., pp. 440 - 477
- Oliphant, K, 2007, '[The Structure of the Intentional Torts](#)'. in: J Neyers, S Pitel, E Chamberlain (eds) *Emerging Issues in Tort Law*. Hart Publishing, pp. 509 - 531
- Oliphant, K, Lewis, R & Morris, A, 2006, '[Tort Personal Injury Claims Statistics: Is There A Compensation Culture In The United Kingdom?](#)'. *Torts Law Journal*, vol 14., pp. 158 - 175

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Networks & contacts

- European Group on Tort Law
- European Centre of Tort and Insurance Law
- Institute for European Tort Law
- World Tort Law Society

Courses

Professor Oliphant currently teaches 2 courses: