



The Preemption Defense in Tort Actions: Law, Strategy, and Practice

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As an ordinary part of our constitutional scheme, federal preemption occurs when federal law regulates an area or subject matter exclusively, so that state and local law is nullified. In the past two decades, the doctrine of federal preemption has assumed greater importance for a wide array of businesses.

The use of the preemption defense has been on an upswing because of the growth of preemptive federal laws and regulations, and Congress's use of the preemption doctrine to target state tort law and address problems associated with excessive liability.

The Preemption Defense in Tort Actions: Law Strategy, and Practice is a 350-page handbook that covers such subjects as:

- The history of the preemption doctrine
- Rules of interpretation in express preemption cases, and recurring arguments in such cases (and how to respond to them)
- Implied preemption
- The meaning and function of "savings" clauses
- Preemption by administrative agencies.

The handbook also provides detailed analyses of the Supreme Court's important preemption cases and dispenses practical and strategic advice to inside and outside counsel responsible for litigating preemption issues.

[To view the full table of contents, click here](#)

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