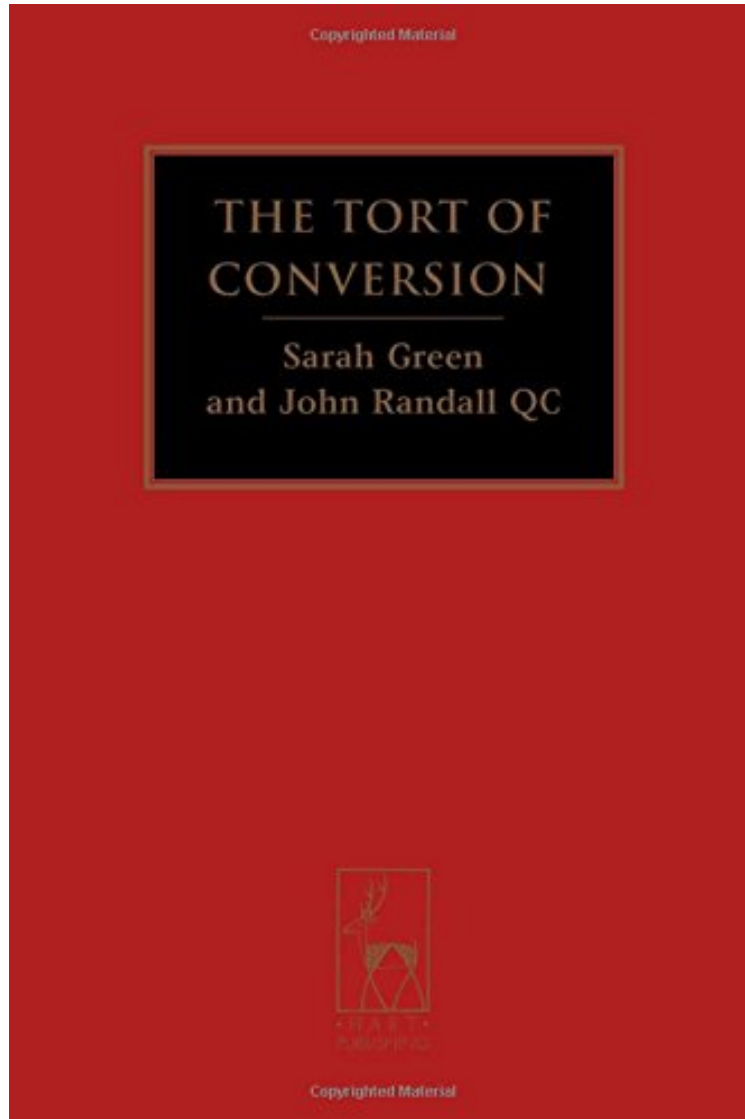


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The Tort of Conversion

Sarah Green, John Randall

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Sarah Green, John Randall : The Tort of Conversion before purchasing it in order to gage whether or not it would be worth my time, and all praised The Tort of Conversion:

The legal and commercial importance of the tort of Conversion is difficult to overstate and yet there remains a sense that the principles of the tort are elusive. Most recently, this was illustrated by the difficulties posed for the UK's House of Lords by the Conversion issue in *OBG v Allan* [2007] UKHL 21, on which it was closely divided.

Conversion, as now recognized, has a complex pedigree. Showing little regard for received taxonomies, it has elements which make lawyers think in terms of property, despite its eventful descent from actions in personam. Conversion is, therefore, something of a hybrid creature, which perhaps explains the paucity of scholarly analysis of the subject to date, with property lawyers and tort lawyers each regarding it as the other's concern. This book offers a coherent and accessible rationalization of the subject, supported by rigorous analysis of all aspects from title to sue to the available remedies. The principal thesis of the work is that the development of Conversion has somewhat stagnated, and, in consequence, the tort has so far been unable to fulfill either its theoretical or its practical potential as a legal device. While this is partly a result of historical factors, it is also a consequence of the fact that no systematic examination of the tort in England appears ever to have been carried out. The primary objectives of the book, therefore, are to provide such an analysis, to present Conversion as a useful and important tort, well suited to the demands of contemporary law and commerce, and to offer a principled framework for its future development.

... a much welcome addition to the existing literature [which is] full of novel insights into the tort. ...the book should become the first port of call for anyone trying to answer a remedial question in the tort. Simon Douglas *The Law Quarterly* Volume 127, October 2011 To write a book which will be of as much interest and help to practical lawyers and judges as to academic lawyers and students is a real achievement. That is all the more true when, as here, the subject matter of the book is deceptively simple on its face, but turns out on examination to be technical and complex. Sarah Green, with her distinguished academic experience, and John Randall, with his justifiably formidable reputation at the Bar, have produced a book which reflects the strengths of both the academic legal world and the practical legal world, while avoiding the weaknesses of either. All lawyers, and their clients and students, have much to thank them for. From the Foreword, David Neuberger, House of Lords, May 2009 This fairly slim volume, written jointly by a practitioner on one side and an academic on the other, is a highly informative and workmanlike guide to the theory behind it, its development, and its contemporary ins and outs. Overall, this is an excellent little reference book which ought to be on the shelves of any member of the Bar. Not only does it provide a fully-comprehensive academic introduction to a little-known tort. Buy this book: or at the very least, make sure your chambers library gets a copy. Or even two: you never know when someone else in chambers might also have a conversion problem on his hands. Andrew Tettenborn *The Barrister* Issue 45 No practitioner using this book should now be confused as to which tort may be invoked and where, or as to what remedies will be available in any given circumstances. Furthermore, the detailed index and meticulous cross-referencing, both within and between chapters, should help ensure that anyone using this book for practical purposes will not overlook anything of significance. Their eminently sensible approach has the distinct advantage of enabling them to tackle a range of related questions that have dogged academics and courts elsewhere in the Common law world for years ... on each of these issues ... the authors' answers are both elegant and lawyerly. The elegance derives from their concise and systematic approach, while the lawyerliness inheres in the careful supporting of arguments by reference to a range of persuasive judgements in other common law jurisdictions. For all that it may be a fairly slender volume, *The Tort of Conversion* is packed with learning, containing as it does mini-theses on the true gist of conversion, the nature of property and the legal meaning of possession. Throughout ... the arguments are supported by a wealth of references to primary and secondary legal sources, both ancient and modern, domestic and comparative. It may be a very long time before we can disagree conclusively with Sir John Salmond's famous observation that "conversion is a region still darkened with the mists of legal formalism, through which no man will find his way" ... But if a way out of this juridical quagmire is ever to be forged, Green and Randall, in this superb volume, must be acknowledged to have taken the critical first steps. John Murphy *Cambridge Law Journal* Volume 69, Part 2 Green and Randall's thoughtful book is a most welcome addition to the conversion scholarship, and is the first modern English treatise on the tort. The authors have successfully negotiated a difficult path to ensure that the work will be of interest and use to both scholars and practitioners. As the first modern sustained treatise on conversion it will no doubt be highly influential upon its future development. The work is thought provoking, does not shy away from controversies and is an academic challenge to those with conflicting conceptions of the tort. Phillip Morgan *Legal Studies* Volume 30, No 3, Sep 2010 It is at once informative and thought-provoking. It deserves to be read seriously by practitioners and by academics working in property law. D. Fox *The Journal of Business Law* Issue 2, 2011 About the Author Sarah Green is a CUF Lecturer and Fellow and Tutor in Law of St Hilda's College, Oxford. John Randall MA (Cantab), QC is a Barrister at St Philips Chambers, Birmingham, principally practising in chancery and commercial law. He is a Bencher of Lincoln's Inn, and sits as a Recorder and Deputy High Court Judge. He is a Visiting Fellow at the Faculty of Law of the University of New South Wales in Sydney.