

I. Research Purpose and Significance

- **Purpose:** Providing a new theory of negligent misrep
- **Significance:** This new theory can preserve the features of the law of negligent misrep. It will make the domain of contract less constrictive and confines the domain of negligence.

II. Research Question/ Research Problem

- **Question:** Which area of law does the claim of negligent misrep should be classified into?
- **Problem:** How can lawyers define the **content** and **scope of liability under negligent misrep** more accurately?

III. Type of Scholarship

- **Doctrinal:** A theory about **the nature of negligent misrep, which helps to delimit the duty** as well as the **parties' liability** under it.

IV. Analytical Method

- **Doctrinal:** Using judicial opinions and abstract scenarios to analyse the rules.
- **Empirical:** History of the law of negligent misrep, contract and tort. Legal development.

V. Main Argument

- **Negligent misrep** is best understood as a contractual claim akin to promissory estoppel, with the gist of **both claims being invited reliance**.

VI. Argumentation

- **First**, the **theoretical level**. The introduction and analysis of 'Invited Reliance', which is the core of negligent misrep. This core feature makes negligent misrep more akin to a contractual claim, given its indication of privity and private ordering.
- **Next**, more **practical level**. Helpful as to when an actor has a duty of care in supplying information, the content of the duty care, the scope of liability for breach of the duty, the effect of exculpatory terms.
- **Last**, the author **traced the history**. Why negligent misrepresentation was excluded from the area of contract law and being integrated into tort law. ⇒ An unsatisfactory strategy in taxonomy.

VII. Conclusion

- **Negligent Misrep** as contractual claim; **Redefine the scope** of tort law of negligence and contract law

VIII. Most Important Concepts

- Invited Reliance; Private Ordering/private legislation; Privity

IX. Main Assumptions

- First, in the law, descriptively powerful theories take on normative power.
- Secondly, theories that better reflect the needs of their time will be more popular.

X. Implication

- There are **no clear-cut boundaries** between different areas of law. Therefore, sticking to the core features of each area too rigorously would either overly extend or limit its scope at the periphery.
- Learn to **strike a balance** between pursuing theoretical elegance and dealing with practical exigencies.