

Tort Liability Under Uncertainty

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Tort Liability Under Uncertainty

Uncertainty is present in virtually every tort litigation. Generally, courts tackle the uncertainty problem by requiring the plaintiff to prove his case by the preponderance of the evidence. However, on numerous occasions tort plaintiffs encounter systematic difficulties in establishing their allegations against defendants.

Tort Liability Under Uncertainty: Porat, Ariel, Stein ...

Tort Liability Under Uncertainty - Ariel Porat; Alex Stein - Oxford University Press. Uncertainty is present in nearly every tort litigation; this book confronts the issue, at both doctrinal and policy levels. It presents and critically examines the existing doctrinal solutions of the problem and offers a number of original solutions to the problem, such as imposition of collective liability and liability for evidential damage.

Tort Liability Under Uncertainty - Ariel Porat; Alex Stein ...

Uncertainty is present in virtually every tort litigation. Generally, courts tackle the uncertainty problem by requiring the plaintiff to prove his case by the preponderance of the evidence....

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Uncertainty is present in virtually every tort litigation. Generally, courts tackle the uncertainty problem by requiring the plaintiff to prove his case by the preponderance of the evidence. However, on numerous occasions tort plaintiffs encounter systematic difficulties in establishing their allegations against defendants.

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Liability for Uncertainty Under the evidential damage doctrine, the defendant would be responsible for evidential damage if his wrongful actions have impaired the plaintiff's

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Uncertainty is present in virtually every tort litigation. Generally, courts tackle the uncertainty problem by requiring the plaintiff to prove his case by the preponderance of the evidence. However, on numerous occasions tort plaintiffs encounter systematic difficulties in establishing their allegations against defendants.

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Abstract. Uncertainty is present in virtually every tort litigation. Generally, courts tackle the uncertainty problem by requiring the plaintiff to prove his case by the preponderance of the evidence. However, on numerous occasions tort plaintiffs encounter systematic difficulties in establishing their allegations against defendants.

Tort Liability Under Uncertainty by Alex Stein, Ariel ...

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Tort Liability Under Uncertainty

This paper investigates the implications of uncertainty aversion on optimal liability law. Of special interest is the case in which the causal link between conduct and harm is not known with certainty, as is frequently the case with toxic torts. Under negligence, uncertainty aversion calls for a higher standard

Liability law under scienti c uncertainty

The book provides a comprehensive and principled account of the uncertainty problem that arises in tort litigation. It presents and critically examines the existing doctrinal solutions of the problem, as evolved in England, the United States, Canada, and Israel, and also offers a number of original solutions, such as imposition of collective liability and liability for evidential damage.

Ariel Porat & Alex Stein, Tort Liability Under Uncertainty ...

This chapter proposes a new form of liability in torts called liability for uncertainty or the evidential damage doctrine. This doctrine is capable of distinguishing cases in which the existing uncertainty resulted from a person's wrongful conduct and in cases in which accuracy in fact-finding is undermined by circumstances for which no person can be blamed.

Liability for Uncertainty: Making Evidential Damage ...

This chapter examines the general doctrine that determines the level of proof in civil trials and allocates the burdens of proof in cases of tort liability under uncertainty. It highlights the limitations and advantages of this general doctrine and determines special cases that should be governed by special proof of requirements.

Liability under Uncertainty: Allocating the Risk of Error ...

Tort Liability Under Uncertainty Researchgate liability for uncertainty under the evidential damage doctrine the defendant would be responsible for evidential damage if his wrongful actions have impaired the plaintiffs ability or reduced his Tort Liability Under Uncertainty Ariel Porat Alex Stein

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liability under uncertain causation to contemporary tort law is an important judgment in the area of tort law issued in august 2010 by the israeli supreme court in a further hearing of malul a medical malprac tice case the court ruled on the issue of compensation based on probabilities in cases of uncertain causation uncertain causation in tort

Uncertain Causation In Tort Law

liability under uncertainty in tort liability under uncertainty ariel porat and alex stein build upon the proposition that tort law values accurate fact finding as a means of avoiding unfairness to parties and reducing inefficiencies due to over deterrence or under deterrence uncertainty is present in virtually 20 tort liability under uncertainty

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In this paper we modify the standard tort model by introducing role-type uncertainty. That is, we assume that neither party knows in advance whether she will be the victim or the injurer when an accident occurs.

Victim or injurer, small car or SUV: Tort liability rules ...

Tort Liability under Uncertainty (Oxford University Press, 2001) (with A. Stein). Torts Vol. 1 (The Harry and Michael Sacher Institute for Legislative Research and Comparative Law, 2013) Contributory Negligence Defense in Contract Law (The Harry and Michael Sacher Institute for Legislative Research and Comparative Law, 1997)

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