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Nota di contenuto	Problems in the proof of causation -- Flexibility -- Reversal of the burden of proving causation -- Probabilistic assessment of damages -- Inferences of causation Introduction -- Section 1-A Society of Risks and Uncertainty -- Section 2-Uncertainty in Medical Malpractice -- Section 3-Jurisdictions, Fields of Law, and Methodology -- Section 4-Structure -- Chapter 1: Problems in the Proof of Causation -- Section 1-Proof of Causation -- Section 2-Evidence in the Four Jurisdictions -- Section 3-The Impact of Scientific Uncertainties on the Proof of Causation -- Chapter 2: Flexibility . -- Section 1-Importance and Mutability of the Traditional Standards . -- Section 2-Flexibility and Independence of the Judiciary . -- Section 3-Flexibility in Light of Expert Controversies -- Chapter 3: Reversal of the Burden of Proving Causation . -- Section 1-Common Law . . . -- Section 2-Civil Law . . -- Section 3-Critical Analysis . -- Chapter 4: Probabilistic Assessment of Damages . -- Section 1-Loss of Chance -- Section 2-Market-share Liability . -- Section 3-Critical Analysis (Loss of Chance) -- Chapter 5: Inferences of Causation --

Section 1-Inferences and Factual Presumptions . . -- Section 2-The Development of Justifications -- Section 3-Critical Analysis -- Final Analysis and Conclusion -- Section 1-General Review . -- Section 2-Review of the Critique of the Solutions -- Section 3-The Alternative-Cumulative Causes Distinction . . -- Section 4-Flexibility and the Evidential Solution -- Section 5-Alternative Solutions?

Sommario/riassunto

Proving' the cause of the plaintiff's injury in personal injury litigation often entails significant challenges, particularly when science cannot identify the cause of a biological phenomenon or when the nature of this cause is debatable. This problem is frequently encountered in medical malpractice cases, where the limitations of scientific knowledge are still extensive. Yet judges must decide cases, however uncertain the evidence with regard to proof of causation. Reluctant to leave patients without compensation, courts have in some cases challenged their traditional approach to causation through recourse to such techniques as reliance on factual presumptions and inferences, the concept of loss of chance, and reversal of the burden of proof. This book analyses and criticises the use of these various techniques by the courts of England, Australia, Canada, France, and the civilian Canadian province of Quebec in confronting evidentiary causal difficulties caused by the uncertainties of medical science
