Multiple Causes and Stacked Inferences

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Recommended Citation
Shahar Dillbary, Multiple Causes and Stacked Inferences, (2020).
Available at: https://scholarship.law.ua.edu/fac_working_papers/728

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176 J. OF INSTITUTIONAL AND THEORETICAL ECONOMICS 54 (2020)

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Multiple Causes and Stacked Inferences

J. Shahar Dillbary*

Abstract

When the accident is a mystery—when it is not clear what happened—courts often rely on stacked inferences. Such inferences are subject to much debate and are even prohibited by some jurisdictions. This Article reveals that the doctrine of res ipsa loquitur ("the thing speaks for itself") is a form of stacked inferences and that despite its affiliation, it has been widely accepted. The Article further shows that application of res ipsa loquitur in cases involving multiple actors can adversely affect precaution and activity levels. It concludes with a call for a careful application of res ipsa loquitur in cases involving multiple actors.


* J. Shahar Dillbary is the James M. Kidd, Sr. Professor of Law at the University of Alabama School of Law. I would also like to thank Yonathan Arbel, the honorable Judge Joseph Colquitt, Griffin Edwards, Christoph Engel, Stephan Kroll, Susan Lyons, Benjamin McMichael, Jonathan Nash, Paul Pecorino, Mike Price, Caryn Roseman, Urs Schweizer, Brock Stoddard for their helpful comments and the Max Planck Institute for Research on Collective Goods. I would also like to thank Shannon McLaughlin, Joshua Polk, Nic Nivision and Laura Stephenson for their able research assistance. © J. Shahar Dillbary.