



SEMINAR

The Possibility and the Pitfall of Inferring Factual Causation

Professor Russ Brown

Faculty of Law, University of Alberta

Wednesday, 14 April 2010, 1:00 - 2:00 pm
LG104, LG1 Floor, KK Leung Bldg
The University of Hong Kong

In this seminar, the speaker will seek to justify and elaborate upon a fact-finder's inference of factual causation - even where there is no affirming scientific expert evidence - from the defendant's negligent creation of risk of the very kind of injury which the plaintiff has suffered. Inferring causation in cases of scientific uncertainty has been accepted in Canadian law but recently rejected in English law. The speaker's account for such an inference avoids the well-worn paths of causation theory, drawing instead from theoretical considerations of evidence and its role in the fact-finding process. The presentation will also draw from Professor Brown's current research into the normative legal problem posed by reliance upon "common sense" as accounting for a causal inference, and will suggest that fact-finders should explicitly account for their judgment of the evidence by way of a qualitative assessment that transcends mere intuitive insight.

Russell Brown joined the Faculty of Law at the University of Alberta in 2004. His research interests lie generally within tort law (particularly recovery for pure economic loss, factual causation, governmental liability and the philosophy of tort law) and public authority common law liability for takings. His torts scholarship has appeared in (among other journals) the Oxford University Commonwealth Law Journal, the Journal of International Biotechnology Law, the McGill Law Journal, the Dalhousie Law Journal, the University of British Columbia Law Review, and the Canadian Business Law Journal. He holds S.J.D. (2006) and LL.M. (2003) degrees from the University of Toronto, and has been called to the Bars of British Columbia (1995) and Alberta (2008). Professor Brown is a recipient of his Faculty's Tevie H. Miller Teaching Excellence Award.

Please email Flora Leung at flakeung@hku.hk to reserve a place.