
Volume 60

Issue 2 Winter 2011: *Symposium - The Limits of
Predictability and the Value of Uncertainty*

Article 2

Introduction: The Limits of Predictability and the Value of Uncertainty: Sixteenth Annual Clifford Symposium on Tort Law and Social Policy

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Recommended Citation

Stephan Landsman, *Introduction: The Limits of Predictability and the Value of Uncertainty: Sixteenth Annual Clifford Symposium on Tort Law and Social Policy*, 60 DePaul L. Rev. 271 (2011)

Available at: <https://via.library.depaul.edu/law-review/vol60/iss2/2>

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INTRODUCTION

*Stephan Landsman**

To all appearances, lawyers abhor uncertainty. They learn in law school to seek out the certain and object to its absence. As practitioners, they shun the unpredictable, counseling settlement rather than trial and avoidance of that allegedly least predictable of decision makers—the jury. As judges, they are inclined to condemn things that come without a fixed price tag, like punitive damages or awards for pain and suffering. All of this denigrates the value of uncertainty, something that may be critical to the deterrence of misconduct and is particularly in tune with a world more akin to that described by Einstein and Heisenberg than the clockwork reality envisioned by Newton. This year's Clifford Symposium considers the impact of our attitudes about certainty and its absence in a wide array of settings, including its influence on the thinking and behavior of players within the justice system—the crafters of our tort law, the insurers of our risks, and the triers of our most complex cases.

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