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INCREASING ACCESS TO JUSTICE: A PROPOSAL

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Abstract

This Essay advances a proposal that would substantially increase access to justice for valuable law suits that are currently deterred by litigation costs. The proposal has two components. First, under the proposed system a plaintiff is allowed to choose a damage multiplier which determines the amount of damages he or she receives if the case is won. Second, courts select randomly from each case with a probability inverse to the multiplier selected by the plaintiff.

Keywords: access to justice, negative expected value suits, litigation.

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