

UNIFICATION OF TORT LAW: CAUSATION

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Unification of Tort Law, 2002 **Unification of Tort Law: Damages** Francesco Donato Busnelli, 2001-01-17 The foundations of tort law in various European legal systems differ considerably Until now there has not been an attempt to harmonise the entire field of tort law in a consistent manner To rectify this a group of tort lawyers has proposed to address the fundamental questions underlying every tort law system The result is this important series of books which searches for a common law of Europe without the necessity yet to lay these principles down in formal legal texts such as a European civil code Identifying the most relevant factors in establishing liability as wrongfulness causation damage fault and the area of strict liability the authors concentrate on the tort liability factor under discussion in each volume combining theoretical abstract analysis with the discussion of concrete cases Each author gives an overview of the particular tort liability factor under his or her national legal system primarily by working out the concept and its importance in establishing liability and then applies the analysis to actual cases The subsequent conclusions aim at the coordination of the results and other important factors In summary each volume tries to make clear what common ground pertaining to each tort liability factor underlies all the legal systems concerned with respect to the law of tort Each volume also provides the academic and practitioner with the fundamental issues relating to that factor underlying the law of tort in the countries covered

Unification of Tort Law W. H. van Boom, 2005-01-01 Covers various European countries Israel South Africa and the United States *Unification of Tort Law* Ulrich Magnus, W. H. van Boom, 2004-01-01 The European Group on Tort Law aims for the formulation of common European principles on tort law Towards that end they have undertaken a comparative examination of tort law in Europe and elsewhere This is the eighth volume to result from their researches concentrating on the issue of contributory negligence The legal principles of contributory Unification of Tort Law W. V. H. Rogers, W. H. van Boom, 2004-01-01 Covers various European countries Israel South Africa and the United States Unification of Tort Law Francesco Donato Busnelli, 2003-01-01 Covers various European countries Israel South Africa and the United States

Unification of Tort Law: Strict Liability Bernhard Koch, 2002-03-04 The foundations of tort law in European legal systems differ considerably A group of tort law experts the European Group on Tort Law systematically researches the most fundamental questions underlying the various tort law systems Their work is contained in this series of books which seeks a common law of Europe without the need to lay these principles down in formal legal texts such as a European civil code

Unification of Tort Law: Wrongfulness Francesco Donato Busnelli, 1998-11-18 Covers various European countries and South Africa *Elgar Encyclopedia of Comparative Law* J. M. Smits, 2006 This is a very important and immense book Single handedly Smits has reviewed and checked this immense work to bring it to its final high standard in quality and accuracy and selection of laws The Criminal Lawyer This is a very important and immense book The Elgar Encyclopedia of Comparative Law is a treasure trove of honed knowledge of the laws of many countries It is a reference book for dipping into time and

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Essential Cases on Misconduct Benedict Winiger, Ernst Karner, Ken Oliphant, 2018-01-22 The various national European legal systems offer a broad range of responses to the question of what

can be regarded as wrongful behaviour or fault The present work systematically examines these two important prerequisites for tortious liability under the combined heading of misconduct Unlike current textbooks national casebooks and monographs it builds on the experiences gathered in the national legal systems over the past decades and thereby fills a major gap which still exists today It thus does what the previous volumes in the Digest of European Tort Law series did for other key elements of tort law namely natural causation and damage Once again the publication contains a selection of the most important cases from 28 states across Europe as well as cases handed down by European Union courts it also highlights cases from earlier periods of legal history For each case the facts and the relevant court decision are presented and these are then accompanied by an analytical commentary In addition the editors provide comparative analyses of the cases reported and a special report is dedicated to how key decisions would be resolved under model European rules on tort law The editors believe that the material gathered here may provide guidance for an organic convergence of the national legal systems in Europe It constitutes the basis of an *acquis commun* that is infinitely richer though also much more complex than the rather bland and abstract concepts contained in national codifications European legislation and modern model rules Mass Torts in Europe Willem H. van Boom, Gerhard Wagner, 2014-10-14 in recent years there has been a growing interest in the legal aspects of mass torts in Europe Both academics legislatures courts and policymakers throughout the whole of Europe have been struggling with the challenges that such massification of private law relationships poses both in and outside of tort law The subject moves between the law of civil procedure substantive tort law access to justice debates and regulatory frameworks for mass disputes This volume offers both a kaleidoscopic review of real life key cases of mass tort and an in depth reflection on the broader implications of mass tort in Europe Thus the challenges posed by mass torts are explored mapped and analysed *Compulsory Liability Insurance from a European Perspective* Attila Fenyves, Christa Kissling, Stefan Perner, Daniel Rubin, 2016-09-26 Statutory obligations to take out liability insurance are in practice the most important means to ensure compensability of damage arising from dangerous activities However in contrast to the significant practical impact academic research on the topic has not been extensive so far This study therefore undertakes a comprehensive survey of compulsory liability insurance from nine national perspectives Austria Belgium the Czech Republic Finland Germany Hungary Italy Switzerland and the United Kingdom and takes constitutional and European law four freedoms European Convention on Human Rights as well as the Principles of European Insurance Contract Law PEICL into account It also contains an extensive economic analysis of compulsory liability insurance and discusses aspects of insurability A Comparative Report Conclusions and an Annex containing a compilation of rules on compulsory liability insurance in the nine national legal systems complete the study It considers in particular the aims of provisions stating an obligation to take out liability insurance the mandatory content of insurance cover the protection mechanisms linked to compulsory liability insurance the control mechanisms and the sanctions imposed structural deficiencies of existing compulsory liability insurance systems

Directors & Officers (D & O) Liability Simon Deakin, Helmut Koziol, Olaf Riss, 2018-02-19 In recent years several cases concerning the liability of directors and officers have courted controversy Arguments raised in such discussions oscillate between two extremes on the one hand the need for governing bodies to give a space to entrepreneurial discretion and on the other hand to ensure the protection of investors in and creditors of a company from the consequences of disadvantageous decisions by those bodies In light of the geographical dispersal of the above stakeholders the study offers a comparative insight into the liability of directors and officers in 10 key European jurisdictions in particular Austria Czech Republic Germany Italy the Netherlands Norway Poland Spain and Switzerland and 4 non European jurisdictions namely Brazil Israel Turkey and the United States Amongst other things it investigates existing company law principles on the topic and examines their interaction with tort law and other fields with a view to suggesting principles for better stakeholder protection National reports are complemented by an economic analysis and insurance conflict of laws and comparative reports The study also benefits from case study analyses

Tort Liability of Public Authorities in European Laws Giacinto della Cananea, Roberto Caranta, 2020-12-15 This series argues that there is a common administrative core to European legal systems that can be better understood in comparative terms This volume examines government liability in tort using case studies to explore different government responses Part I sets the stage for the project and the parameters followed by the scholars involved Part II expands on the legal systems chosen for comparison setting up their general tort procedures Part III presents case studies from Austria the European Union France Germany Hungary Italy Poland Romania Spain Switzerland and the United Kingdom Each case study has a theoretical response detailing what would happen should that case occur within each country's borders Part IV compares and contrasts the information provided in Part III It examines both the commonalities and the distinctive traits of these legal systems with a view to understand the nature of their common core This volume is an essential tool for anyone involved in administrative and constitutional law and government liability in tort

2023 Ernst Karner, Barbara C. Steininger, 2024-12-16 The European Tort Law Yearbook provides a comprehensive overview of the latest developments in tort law in Europe It contains reports from the majority of European jurisdictions as well as a comparative analysis that identifies emerging trends Focusing on the year 2022 the authors critically assess important court decisions and new legislation and provide a literature overview

Practical Global Tort Litigation Andrew J. McClurg, Adem Koyuncu, Luis Eduardo Sprovieri, 2007 Practical Global Tort Litigation takes readers on a journey through a tort case in the U S Germany and Argentina Using a shattering glass food container as the vehicle the book compares how a prototypical products liability case would be handled in the U S common law system and representative civil law nations in Europe and Latin America The book analyzes from a real world perspective issues such as fact gathering and presentation expert witnesses burdens of proof theories of recovery and defenses and damages and attorneys fees This book is part of the Contextual Approach Series edited by Andrew J McClurg Professor and Herff Chair of Excellence in Law The

University of Memphis Cecil C Humphreys School of Law Practical Global Tort Litigation explores how the law would address an ordinary products liability dispute on separate continents around the world in North America Europe and South America It is impossible to conceive of a more creative effective or engaging way to get one's arms around the fascinating if unwieldy issues of comparative law than to examine through separate lenses how a particular lawsuit would be handled under such disparate legal systems reflecting such differing cultural traditions The distinctive portraits painted here reveal enough threads of commonality to animate the enduring hope of comparativists in every land that similar strands of fairness and justice around the globe spanning continents and civilizations reveal enduring links of human experience at a primal level David G Owen Carolina Distinguished Professor of Law University of South Carolina McClurg Koyuncu and Sprovieri have produced the blueprint for academics interested in examining comparative approaches to the law The book's strength lies in its holistic examination of a claim from injury to legal resolution within the juridical systems of the United States Germany and Argentina There simply is no better way to address the fundamental issues raised in a comparative tort litigation setting than this contextualized approach Having had the pleasure to work with the lead author for several years I can think of no better scholar and teacher to undertake this ambitious endeavor He and his fellow authors have not only met their goals they have set the standard for future comparative engagements Ediberto Romo Professor of Law Florida International University The unique focus on a single case permits three different legal systems to be compared effectively and efficiently The brisk and accessible style makes it perfect for classroom use although lawyers outside of the academy will find it worth reading for the sheer intrinsic pleasure of learning about how familiar concepts are handled elsewhere In recent years American lawyers have been told that the world is shrinking this book is a useful and practical step towards dealing with the globalization of law Anthony J Sebok Centennial Professor of Law Brooklyn Law School The book convinces by a simultaneous and detailed presentation of central problems of product liability law and the review of the examined jurisdictions as a whole Therefore it is valuable for all those readers who practically or theoretically deal with product liability law as well as for those readers who are generally interested in comparative law Produkthaftpflicht international Product Liability International Journal Overall by working practically through a concrete case this book provides valuable comparative views into the substantive and procedural product liability laws in the U S A Germany and Argentina The authors deliver by highlighting the differences between the countries a well written presentation in which they also describe possible defense strategies for manufacturers In addition to the comparative contents the book is flavored with experiences and insights of the three authors Particularly through its numerous practical aspects the book delivers inspiring and valuable insights for scientific legal scholars practitioners and interested students The benefit of this fluently written book is even enhanced by the fact that each chapter contains a table sheet summary where the commonalities and differences in the analyzed countries are accentuated This alleviates the quick look for readers In conclusion here is a very felicitous and scientifically and practically valuable book that

can be recommended without reservation *Recht der Internationalen Wirtschaft* *Law of International Economy Journal* This book can be recommended with confidence to all those who are interested in product liability law since even experts may discover some interesting new approaches in this book The book is also valuable for those generally interested in comparative law because it demonstrates in an exemplary manner that successful comparative law cannot merely end with a comparison of material norms but what must instead be pursued is the examination of the law in its entirety once again by placing the examined legal field in a social resp legal nexus *Versicherungsrecht VersR* In summary by using an example of a concrete liability case the book delivers insight into the aspects of the substantive and procedural product liability law in the United States Argentina and Germany The book is fluently written and easily to understand It offers instructive and useful information for experts in companies lawyers legal academics and students Especially useful are the tables at the end of each chapter which summarize the content of the chapter and outline special characteristics similarities and differences of the respective law in the three countries This provides the reader with a quick overview Everyone interested in product liability or comparative law will benefit from this book Last but not least it is quite economically priced Peter Hoffman editor of *Food and Law*

Unification of Tort Law W. V. H. Rogers, W. H. van Boom, 2004 Covers various European countries Israel South Africa and the United States

Cases on Medical Malpractice in a Comparative Perspective Michael G. Faure, 2001-08-31 With contributions by numerous experts

Principles of European Tort Law ,2001

Transnational Trends in Tort Law ,1970

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