



International Association for the
Study of Insurance Economics

Études et Dossiers

Études et Dossiers No. 303

Annual Liability Regimes Conference

**How to better react to developments in
liability and insurance**

26 – 28 October 2005
Munich

December 2005

**Working Paper Series of
The Geneva Association**

© Association Internationale pour l'Etude de l'Economie de l'Assurance

The Geneva Association Working Paper Series “Études et Dossiers” appear at irregular intervals about 10 - 12 times per year. Distribution is limited.

The “Études et Dossiers” are the working paper series of The Geneva Association. These documents present intermediary or final results of conference proceedings, special reports and research done by The Geneva Association. As they contain work in progress or summaries of conference presentations, the material must not be cited without the express consent of the author in question.

Layout & Distribution: Valéria Kozakova

Forum Shopping – A Practitioner’s Perspective

Anthony Fitzsimmons

Origins

(a) Inherent Causes

- The nature of jurisdiction
- Extra-Territorial events
- The differences between rules in different jurisdictions

Origins

(b) Conscious Choices

- Litigation Dynamics
- Extra-Territorial Jurisdiction
- Judicial expansionism

Recent Acceleration

(a) Globalisation

- Increasing international trade
- Increased travel
- Trends in broadcast media
- Rise in compensation culture
- Recognition of differential juridical advantages

Recent Acceleration

(b) Legal Developments

- Strong plaintiffs' bar
- Contingency Fees and Class Actions
- Developments in American tort laws
 - Strict and quasi strict liability regimes
 - Punitive Damages

Responses

(a) Contractual

- Direct insurance
- Reinsurance

Responses

(b) Governmental

- Subject Matter Conventions
- Jurisdictional Conventions

Responses

(c) Judicial

- Control of access to the domestic jurisdiction
- Control of access to foreign jurisdictions

Future Trends

- Unintended consequences of attempts to restrain choice of forum
- Litigation Techniques
- Pragmatic Solutions