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Layout & Distribution: Valéria Kozakova


Liability Regimes: US Dynamics

Rick Murray

I. Why should European CRO's study the dynamics of liability regimes in the US as well as Europe?



- To support the underwriting of US risks
- Europe and Asia are rapidly developing tort systems that incorporate elements of US practices
- European companies are increasingly exposed to the US tort system through product distribution, securities distribution and other exposures
- US and European attorneys are forging practice links that:
 - serve to enroll European claimants in US mass tort proceedings
 - accelerate the development of US-style tort practices

	II. What should European CRO's consider in studying US liability practices? Swiss Re 
<p>Rick Murray Swiss Re 22 November 2006 Page 3</p>	<ul style="list-style-type: none">■ Policymaking by courts and attorneys rather than legislators and regulators■ Use of the tort system as a wealth transfer mechanism■ The role of intelligent forces determined to assure that the past is not predictive of the future■ Appreciation that the US excesses have been created without the aid of the current European movements toward strict liability and shifting the burden of proof