European claims

Jacquetta Castle
European claims

- Court procedures and evidence
- Different approaches
  - Claims made/occurrence based
  - Misrepresentation and non-disclosure
- Dealing with lawyers abroad
- Future developments
Court procedures and evidence

- Document disclosure
- Adversarial or inquisitorial
- Oral evidence
- Timing and limitation
- Quirks and nuances
Different approaches

- Claims made/occurrence based
- Non-disclosure and misrepresentation
- Other quirks
Dealing with lawyers abroad

- Instructing foreign lawyers
  - cost
  - risk
- Insuring foreign offices
Future developments

The European Restatement
- To facilitate cross-border business
- Voluntary - opt in, opt out
- Principles of European Insurance Contract Law (PEICL)

Class actions
- Contingency fees
- EC green paper
With thanks to

- Bruno Quint, Granrut Avocats, France
- Sarah Xerri-Hanote, Vovan & Associés, France
- Virginia Murray, Watson, Farley & Williams, Greece
- Alkistis Christofilou, Rokas & Partners, Greece
- Jorge Angell, L.C., Rodrigo Abogados, Spain
- Dan M. Öwerström, MAQS Law Firm, Sweden
- Dr. Alexander Mönnig, Luther Rechtsanwaltsgesellschaft mbH, Germany
- Daniel Weinhold, Weinhold Legal, v.o.s., Czech Republic
- Professor Helmut Heiss, Mannheim and Zurich Universities
- Christian Lang, Prager-Dreifuss, Zurich, Switzerland
- Jurate Kugyte, Jurevicius, Balciunas & Bartkus, Lithuania
- Leon Glikman, Teder Glikman & Partnerid, Estonia
- Jacco van de Meent, Van Traa, Netherlands
- Marc Gouden, Philippe & Partners, Belgium
- Agnieszka Binieda, I.K. Rokas & Partners, Warsaw, Poland
- Thomas Frad, KWR Karasek Wietrzyk Rechtsanwälte GmbH, Vienna, Austria