

Liability

Perspectives and Policy

ROBERT E. LITAN
and
CLIFFORD WINSTON
Editors



Liability Perspectives And Policy

**Richard Allen EPSTEIN, Richard Allen
Epstein**



Liability Perspectives And Policy:

Liability Robert E. Litan, Clifford Winston, 2010-12-01 The United States has recently witnessed an explosion of personal injury lawsuits involving medical malpractice unsafe products and widespread environmental hazards Jury awards and out of court settlements have escalated in many cases to hundreds of thousands of dollars At the same time premiums for liability insurance have skyrocketed As a result physicians have cut back services and some municipalities and businesses have been denied liability coverage altogether Some experts claim that only fundamental reform of the nation s civil justice system will end this insurance crisis But critics of such wholesale judicial reform contend that the insurance industry has launched a tort reform campaign to cover its own past underwriting mistakes Liability brings together economists and experts in liability law and the insurance industry to assess the merits of the conflicting positions and to formulate sound public policy Led by Robert Litan and Clifford Winston the contributors describe the major changes that have contributed to the insurance crunch and set forth a methodological framework for evaluating the debate over the current liability system They conclude that increases in premiums and cutbacks in coverage have been real but selective that the forces in the judicial system responsible for rising liability costs are not readily subject to change and that we know too little about the cost and benefits of the current tort system to replace it with an alternative compensation program **Liability** Robert E. Litan, 1988

Workers' Compensation Insurance: Claim Costs, Prices, and Regulation David Durbin, Philip S. Borba, 2007-08-27 The articles in this volume were first presented at the Seventh and Eighth Conferences on Economic Issues in Workers Compensation sponsored by the National Council on Compensation Insurance A principal objective of the Conference series has been for workers compensation insurance researchers to apply state of the art research methodologies to policy questions of interest to the workers compensation insurance community This community is a rather diverse group it includes employers insurers injured workers regulators and legislators as well as those who service or represent these groups e g physicians rehabilitation specialists labor unions Despite this diversity and the variety of agendas the Conference series continues to address many important policy questions Readers familiar with the Conference series and the four previously published volumes should notice an evolution in terms of the topics addressed in this volume In the earlier conferences the topics were more often concerned with the underlying causes of the tremendous increase in workers compensation benefit payments In the present volume however only four of the fourteen chapters directly concern workers compensation insurance benefits while the other ten concern the pricing of workers compensation insurance This is not to suggest that workers compensation cost increases have abated In 1989 workers compensation incurred losses exceeded 45 billion to continue the annual double digit cost increases Two explanations can be offered for the somewhat altered focus of this volume First despite the continued increase in prices the financial results for the workers compensation insurance line continue to be poor

Research Paper Series , 1987 *The Economic Impact of a Solvency Crisis in the Insurance Industry* , 1994

Handbook of Insurance Georges Dionne, 2013-12-02 This new edition of the Handbook of Insurance reviews the last forty years of research developments in insurance and its related fields A single reference source for professors researchers graduate students regulators consultants and practitioners the book starts with the history and foundations of risk and insurance theory followed by a review of prevention and precaution asymmetric information risk management insurance pricing new financial innovations reinsurance corporate governance capital allocation securitization systemic risk insurance regulation the industrial organization of insurance markets and other insurance market applications It ends with health insurance longevity risk long term care insurance life insurance financial products and social insurance This second version of the Handbook contains 15 new chapters Each of the 37 chapters has been written by leading authorities in risk and insurance research all contributions have been peer reviewed and each chapter can be read independently of the others

Handbook of Law and Economics A. Mitchell Polinsky, Steven Shavell, 2007-11-07 Law can be viewed as a body of rules and legal sanctions that channel behavior in socially desirable directions for example by encouraging individuals to take proper precautions to prevent accidents or by discouraging competitors from colluding to raise prices The incentives created by the legal system are thus a natural subject of study by economists Moreover given the importance of law to the welfare of societies the economic analysis of law merits prominent treatment as a subdiscipline of economics Our hope is that this two volume Handbook will foster the study of the legal system by economists The two volumes form a comprehensive and accessible survey of the current state of the field Chapters prepared by leading specialists of the area Summarizes received results as well as new developments Economic Impact of a Solvency Crisis in the Insurance Industry Kim J.

Kowalewski, Angelo Mascaro, 1994-05 Examines what would happen to the economy in general collapse of markets for assets held by the insurance industry etc effects of a solvency crisis on the economy options for reducing the risks of a solvency crisis 9 tables figures *Chemicals, Cancer, and Choices* Peter M. VanDoren, 1999 The editor of the Cato Institute's public policy Regulation magazine provocatively proposes that pragmatists interventionists and skeptics alike let market forces act as the sorting mechanism for weighing health risks from chemical exposures Annotation c Book News Inc Portland OR booknews c

Simple Rules for a Complex World Richard Allen EPSTEIN, Richard Allen Epstein, 2009-06-30 Too many laws too many lawyers that's the necessary consequence of a complex society or so conventional wisdom has it Countless pundits insist that any call for legal simplification smacks of nostalgia sentimentality or naiveté But the conventional view the noted legal scholar Richard Epstein tells us has it exactly backward The richer texture of modern society allows for more individual freedom and choice And it allows us to organize a comprehensive legal order capable of meeting the technological and social challenges of today on the basis of just six core principles In this book Epstein demonstrates how The first four rules which regulate human interactions in ordinary social life concern the autonomy of the individual property contract and tort Taken together these rules establish and protect consistent entitlements over all resources both human and natural

These rules are backstopped by two more rules that permit forced exchanges on payment of just compensation when private or public necessity so dictates Epstein then uses these six building blocks to clarify many intractable problems in the modern legal landscape His discussion of employment contracts explains the hidden virtues of contracts at will and exposes the crippling weaknesses of laws regarding collective bargaining unjust dismissal employer discrimination and comparable worth And his analysis shows how laws governing liability for products and professional services corporate transactions and environmental protection have generated unnecessary social strife and economic dislocation by violating these basic principles Simple Rules for a Complex World offers a sophisticated agenda for comprehensive social reform that undoes much of the mischief of the modern regulatory state At a time when most Americans have come to distrust and fear government at all levels Epstein shows how a consistent application of economic and political theory allows us to steer a middle path between too much and too little

Brookings Papers on Economic Activity Martin Neil Baily, Peter C. Reiss, Clifford M. Winston, 2010-12 For almost thirty years Brookings Papers on Economic Activity BPEA has provided academic and business economists government officials and members of the financial and business communities with timely research of current economic issues Contents include Articles Product and Stock Market Responses to Automotive Product Liability Verdicts by Steven Garber and John Adams The Distribution of the Insurance Market Effects of Tort Liability by Patricia H Born and W Kip Viscusi The Link between Liability Reforms and Productivity Some Empirical Evidence by Thomas J Campbell Daniel P Kessler and George B Shepherd What Drives Venture Capital Fundraising by Paul A Gompers and Josh Lerner Capital's Contribution to Productivity and the Nature of Competition by Axel B rsch Supan Extending the East Asian Miracle Microeconomic Evidence from Korea by Martin Neil Baily and Eric Zitzewitz The Tobacco Deal by Jeremy Bulow and Paul Klemperer

Exploring the Domain of Accident Law Donald N. Dewees, David Duff, M. J. Trebilcock, 1996 This work reviews empirical evidence relating to five major categories of accidents automobile accidents medical malpractice product related accidents environmental injuries and workplace injuries The authors also offer recommendations for revisions in the tort system

Tort Law and Economics Michael Faure, 2009-01-01 The central goal of this book is to provide a state of the art overview of the literature with respect to the economic analysis of tort law It sure meets the challenge offering with great expertise a comprehensive presentation of tort law in both economic and comparative perspectives The clarity of the text unusual in the law and economics literature makes the book accessible to a broad readership of economists with a limited legal background and lawyers with limited economic skills Olivier Moreteau Louisiana State University US Tort Law and Economics ed Michael Faure provides a highly useful economic overview of the most important topics of tort law The authors clearly show the main developments of the discussion examining the results of recent studies and stating their own opinions Detailed bibliographies are included The volume has to be warmly recommended to friends and foes of economic analysis who are provided with a comprehensive update in this field while also indicating areas which critics have to focus on Helmut

Koziol European Centre of Tort and Insurance Law Austria This volume provides a state of the art overview of the literature on the economic analysis of tort law In sixteen chapters the specialist authors guide the reader through the often vast literature in each domain providing a balanced and comprehensive summary Particular attention is paid to the evolution of the field further refinements to economic models and relevant conclusions and lessons for the policymaker Tort Law and Economics is part of the Encyclopedia of Law and Economics and enables readers some not familiar with law and economics to obtain an insight in the relevant economic literature concerning tort law and economics This book will be of interest to lawyers and economists practitioners and academics interested in accident law tort law insurance and regulation It will also appeal to students in economic analysis of law and policymakers working on prevention of accidents tort law or compensation of accident victims **Research Handbook on Fundamental Concepts of Environmental Law** Douglas

Fisher,2016-11-25 The quality and the strength of an environmental legal system is a reflection of the conceptual foundations upon which it is constructed The Research Handbook on Fundamental Concepts of Environmental Law illuminates key aspects of environmental governance through the lens of their underlying dimensions for example the form structure and language of international regional and national instruments the function of norms objectives and standards and the relevance of economic analysis and of integrated policy formulation *Adversarial Legalism* Robert A. KAGAN,Robert A

Kagan,2009-06-30 American methods of policy implementation and dispute resolution are more adversarial and legalistic when compared with the systems of other economically advanced countries Americans more often rely on legal threats and lawsuits American laws are generally more complicated and prescriptive adjudication more costly and penalties more severe In a thoughtful and cogently argued book Robert Kagan examines the origins and consequences of this system of adversarial legalism Kagan describes the roots of adversarial legalism and the deep connections it has with American political institutions and values He investigates its social costs as well as the extent to which lawyers perpetuate it Ranging widely across many legal fields including criminal law environmental regulations tort law and social insurance programs he provides comparisons with the legal and regulatory systems of western Europe Canada and Japan that point to possible alternatives to the American methods Kagan notes that while adversarial legalism has many virtues its costs and unpredictability often alienate citizens from the law and frustrate the quest for justice This insightful study deepens our understanding of law and its relationship to politics in America and raises valuable questions about the future of the American legal system *Medical*

Malpractice and the U.S. Health Care System William M. Sage,Rogan Kersh,2006-06-12 Medical malpractice lawsuits are common and controversial in the United States Since early 2002 doctors insurance premiums for malpractice coverage have soared As Congress and state governments debate laws intended to stabilize the cost of insurance doctors continue to blame lawyers and lawyers continue to blame doctors and insurance companies This book which is the capstone of three years comprehensive research funded by The Pew Charitable Trusts goes well beyond the conventional debate over tort reform and

connects medical liability to broader trends and goals in American health policy Contributions from leading figures in health law and policy marshal the best available information present new empirical evidence and offer cutting edge analysis of potential reforms involving patient safety liability insurance and tort litigation **Towards a Public Law of Tort** Tom Cornford, 2016-02-24 Presenting a new approach to the problem of public authority liability this volume provides a theoretical foundation in the form of principles of administrative liability that are both normatively sound and consonant with other recognized legal principles These principles are used as criteria by which to judge the current law and as a guide to reform Such reform could be brought about by judicial development of the law and this volume explains how It considers both the procedural and the substantive divides between public and private law and explains the proposed solution s relation to the forms of public authority liability already present under European Community law and the Human Rights Act Focusing in particular on UK law the book is also relevant to other Commonwealth countries and will be of interest to scholars and practitioners of both tort and public law **Pharmaceutical R&D costs, risks, and rewards.** , 1993 **A Call for Action** United States. Congress. Pepper Commission, 1990 A Business Perspective on Industry and Health Care W. B. Goldbeck, 2012-12-06 The Springer Series on Industry and Health Care is intended to characterize present and future ways in which industry can influence the nation s health care system in the direction of greater efficiency and effectiveness Its potential audience includes nearly everyone interested in health care because the system s future configuration is now being influenced by corporate health programs and the involvement of individual corporate leaders in health affairs The first volume of the Springer Series provided a broad background on industry as a payer provider and consumer of health services Unlike volumes planned for the future it did not single out any particular aspect of corporate activity in health but rather identified and catalogued the many new involvements of industry both management and labor in the health care scene This the second volume in the series is designed to complement the first and to complete the process of laying the groundwork for the series as a whole Volume two covers the same vista as volume one but paints with a broader brush It seemed to us as editors of the series and authors of volume one that the academic and somewhat distant overview we provided could be rounded out in a second volume by someone with a more immediate and practical perspective on industry s involvement in health care

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