

Workshop Liability and Insurance I

Ius Commune Conference 2015

Friday, 27 November (09.00 – 12.00)

Building: Oude Valk

Room: Grote Vergaderzaal (DV1 00.11)

Participants

Theme Evidence in Liability and in Insurance Law: Trap or Trump?

Rules on the administration of evidence are of the utmost importance, especially in liability and insurance law. In court proceedings it is not always a matter of 'being right', but of 'being put in the right'. Evidence plays a crucial role, since a judge decides on the basis of objective elements that are brought forward by the parties. Consequently, a case frequently fails because a party cannot convince the judge of the facts that support his case and not because of highly complicated legal problems.

The Ius Commune Workshop on Liability and Insurance 2015 aims at reflecting on the obstacles and opportunities that parties encounter in providing evidence and proof during (out of court) proceedings on matters of liability and insurance.

Chair: Ivo Giesen (Utrecht University)

09.00 – 09.05 *Opening Remarks*

09.05 – 09.25 **Wannes Vandebussche** (KU Leuven)
Evidence in Liability Law: An Introduction

09.25 – 09.45 **J.C. Sonnekus** (University of Johannesburg)
How Reasonable Should the Reasonable Man Be? – Waarteen meten wij de "Maatman"?

09.45 – 10.05 **Tine Meurs** (KU Leuven)
Burden of Proof in ad hoc Coinsurance Contracts

10.05 – 10.25 Discussion on the papers

10.25 – 10.40 Coffee Break

10.40 – 11.00 **Steffi Illegems** (University of Antwerp)
Conduct of Business Rules in the Belgian Insurance Industry: The Presumption of Causation for Civil Liability

11.00 – 11.20 **Elisabeth Verjans** (KU Leuven)
The Proof of Causation in Informed Consent Cases

11.20 – 11.40 **Marianne Hoppenbrouwers** (University of Hasselt)
*Similarities and Differences Concerning the Standard of Proof in Liability and
Third-party Insurance: The Challenge of Uncertain Causation*

11.40 – 12.00 Discussion on the papers