

# Workshop Liability and Insurance II

## Ius Commune Conference 2015

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Friday, 27 November (14.00 – 16.00)

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:** Caroline van Schoubroeck (KU Leuven)

14.00 – 14.05 *Opening Remarks*

14.05 – 14.25 **Xiaowei Yu** (Maastricht University)  
*Causal Uncertainty in Chinese Medical Liability – An Empirical Analysis Based on Court Decisions and Interviews*

14.25 – 14.45 **Goran Dominioni** (Erasmus University Rotterdam)  
*Implicit Racial Biases in the Courtroom: A Lesson for Europe*

14.45 – 14.55 Discussion

14.55 – 15.00 Coffee break

15.00 – 15.20 **Wouter Verheyen** (Erasmus University Rotterdam)  
*Evidence and E-commerce: Consumer Law as a Threat to the Webshop's Position in Auxiliary Contracts*

15.20 – 15.40 **Joasia Luzak** (University of Amsterdam)  
*Empirical Evidence in Consumer Law Cases: What are "up to" Claims up to?*

15.40 – 15.55 Discussion

15.55 – 16.15 General discussion, closing remarks & towards Ius Commune 2016