

REGULATION *through* LITIGATION

W. Kip Viscusi
Editor

Book 1: Introduction and Overview

Book 2: Regulation and Litigation

Regulation Through Litigation

Daniel P. Kessler



Regulation Through Litigation:

Regulation through Litigation Kip W. Viscusi, 2004-05-13 Recent high profile lawsuits involving cigarettes guns breast implants and other products have created new frictions between litigation and regulation Increasingly litigation is being used as a financial lever to force companies to accept negotiated regulatory policies policies that invariably involve less public input and accountability than those arising from government regulation The process not only usurps the traditional governmental authority for regulation but also shifts the locus of establishing tax policy from the legislature to the parties involved in the litigation Citizen interests are not explicitly represented and there is no mechanism to ensure that these outcomes are in society's best interests By focusing on case studies involving the tobacco industry guns lead paint breast implants and health maintenance organizations the contributors to this volume collectively shed light on the likely consequences of regulation through litigation for insurance markets and society at large They analyze the ramifications of large scale lawsuits mass torts and class actions for the insurance market and advocate increased public scrutiny of attorney reimbursement and a competitive bidding process for all lawsuits involving government entities as the plaintiffs

Regulation Versus Litigation Daniel P. Kessler, 2011-02 The efficacy of various political institutions is the subject of intense debate between proponents of broad legislative standards enforced through litigation and those who prefer regulation by administrative agencies This book explores the trade offs between litigation and regulation the circumstances in which one approach may outperform the other and the principles that affect the choice between addressing particular economic activities with one system or the other Combining theoretical analysis with empirical investigation in a range of industries including public health financial markets medical care and workplace safety *Regulation versus Litigation* sheds light on the costs and benefits of two important instruments of economic policy

Research Handbook on International Insurance Law and Regulation Julian Burling, Julian M. Burling, Kevin Lazarus, 2012 Global insurance and its rapidly evolving law and regulation demands international research To this aim the Handbook offers a truly international collection of essays Highly renowned experts analyze the key topics currently under international discussion and development While representing a diversity of national jurisdictions the focus lies on the largest insurance jurisdictions USA UK and Germany but newly important jurisdictions like Brazil and China are considered as well a most valuable and important contribution to international insurance law literature Manfred Wandt Director of the Insurance Law Institute Goethe University Frankfurt Germany This Research Handbook is published at an opportune time A global review of insurance law and regulation is underway Much reform happens locally with little reference to developments elsewhere and this Research Handbook brings the strands together It is a comprehensive review by distinguished authors from different backgrounds including both leading academics and practitioners They consider the definitions of insurance its economic underpinnings comparative law and regulations actual and proposed reforms the effects on underwriting and claims and how insurance is studied and taught

Good laws and regulation benefit the market and its customers Bad laws and regulation do the opposite This book is required reading for all involved in the reform process David Hertzell Law Commissioner Globalisation has had no greater impact in the commercial world than on insurance the law which governs it and the risks it seeks to address Those who inspired this publication and the contributing authors are to be thanked for providing such a necessary and useful reference source It covers so much of what insurance professionals need to be aware of in the insurance law world of the twenty first century Michael Gill President of the International Insurance Law Association Given its economic importance insurance is a field that has been underserved as an area of academic study This detailed book provides much needed coverage of insurance law and regulation in its international context Produced in association with Lloyd s it draws on the expertise both of academics and practising lawyers Containing 30 comprehensive chapters it provides in depth studies on key areas such as the role of international organisations the judicial interpretation of insurance contract clauses and transnational regulatory recognition It also provides thorough introductions to important jurisdictions including the EU US and Japan as well as focusing on newly emerging economies such as China and Brazil Specialist topics covered include regulation by and of Lloyd s the tort of bad faith in the US microinsurance and takaful insurance This well documented resource will appeal to academics and students in insurance law and regulation policymakers and private practice lawyers The book also aims to stretch the imagination of anyone with an interest in insurance law and regulation providing detailed analysis and avenues for further investigation

The Impact of Regulation on U.S. Manufacturing United States. Congress. House. Committee on Government Reform. Subcommittee on Regulatory Affairs,2005 *Economics of Regulation and Antitrust* W. Kip Viscusi,Joseph Emmett Harrington,John Mitcham Vernon,2005-08-19 A substantially revised and updated new edition of the leading text on business and government with new material reflecting recent theoretical and methodological advances includes further coverage of the Microsoft antitrust case the deregulation of telecommunications and electric power and new environmental regulations This new edition of the leading text on business and government focuses on the insights economic reasoning can provide in analyzing regulatory and antitrust issues Departing from the traditional emphasis on institutions Economics of Regulation and Antitrust asks how economic theory and empirical analyses can illuminate the character of market operation and the role for government action and brings new developments in theory and empirical methodology to bear on these questions The fourth edition has been substantially revised and updated throughout with new material added and extended discussion of many topics Part I on antitrust has been given a major revision to reflect advances in economic theory and recent antitrust cases including the case against Microsoft and the Supreme Court s Kodak decision Part II on economic regulation updates its treatment of the restructuring and deregulation of the telecommunications and electric power industries and includes an analysis of what went wrong in the California energy market in 2000 and 2001 Part III on social regulation now includes increased discussion of risk risk analysis and extensive changes to its discussion of environmental regulation The many case

studies included provide students not only pertinent insights for today but also the economic tools to analyze the implications of regulations and antitrust policies in the future The book is suitable for use in a wide range of courses in business law and public policy for undergraduates as well at the graduate level The structure of the book allows instructors to combine the chapters in various ways according to their needs Presentation of more advanced material is self contained Each chapter concludes with questions and problems

Regulating Lifestyle Risks Alberto Alemanno, Amandine Garde, 2015-01-01 This collection of essays looks at the role the European Union could and should play in promoting healthier lifestyle in light of the moral philosophical legal and political challenges associated with the regulation of individual choices By tackling the main non communicable diseases NCD risk factors tobacco consumption harmful use of alcohol unhealthy diets and lack of physical activity the contributors endeavour to identify common themes and determine whether and if so to what extent the lessons learned in relation to each area of EU intervention could be transposed to the others By focusing on the European Union legal order the book highlights both the opportunities that legal instruments offer for NCD prevention and control agenda in Europe as well as the constraints that the law imposes on policy makers

Experimentalist Competition Law and the Regulation of Markets Yane Svetiev, 2020-11-26 This book charts the emergence of experimentalist governance in the implementation of EU competition law as a response to uncertainty and the limits of hierarchical enforcement in an increasingly dynamic and heterogeneous economic environment It contributes to ongoing debates about the current state of EU competition law and provides an innovative account of emergent enforcement trends and its future direction It also argues that an experimentalist evolution of competition law and market regulation attenuates concerns about the competitive strictures of EU law on national economic and regulatory institutions Through its focus on experimentalist governance the book provides guidance on completing experimentalist infrastructures for market regulation as well as on the role of courts in triggering and sustaining experimentalist solutions As such it offers a novel perspective on implementing competition law in the EU and beyond

Personal Responsibility in Food Consumption Act United States. Congress. House. Committee on the Judiciary. Subcommittee on Commercial and Administrative Law, 2003

The Cambridge Handbook of Class Actions Brian T. Fitzpatrick, Randall S. Thomas, 2021-02-18 International authors describe class action procedure in this concise comparative and empirical perspective on aggregate litigation

Big Government Lawsuits United States. Congress. Senate. Committee on the Judiciary, 2001

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Regulation Through Litigation Introduction

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