1. Record Nr. UNINA9910253899003321 Titolo Personal Injury and Damage Ascertainment under Civil Law: State-ofthe-Art International Guidelines / / edited by Santo Davide Ferrara. Rafael Boscolo-Berto, Guido Viel Cham:,: Springer International Publishing:,: Imprint: Springer,, Pubbl/distr/stampa 2016 Edizione [1st ed. 2016.] Descrizione fisica 1 online resource (XXXVIII, 700 p. 98 illus., 34 illus. in color.) 614.1 Disciplina Soggetti Forensic science Medical jurisprudence Civil law Forensic Science Forensic Medicine Civil Law Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Nota di bibliografia Includes bibliographical references at the end of each chapters and Part 1 -- The Holistic and Systematic Approach in Legal Medicine --Nota di contenuto Causal Value and Causal Link -- International Juridical Overview on Personal Damage Compensation -- Part 2 -- Methods of Ascertainment of Personal Damage in Portugal -- Methods of Ascertainment of Personal Damage in Spain -- Methods of Ascertainment of Personal

Damage in France -- Methods of Ascertainment of Personal Damage in Italy -- Methods of Ascertainment of Personal Damage in Belgium -- Methods of Ascertainment of Personal Damage in The Netherlands -- Methods of Ascertainment of Personal Damage in United Kingdom -- Methods of Ascertainment of Personal Damage in Germany -- Methods

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Ascertainment of Personal Damage in Estonia -- Part 3 -- Methods of Ascertainment of Personal Damage in United States of America -- Methods of Ascertainment of Dental Damage in Argentina -- Part 4 -- Methods of Ascertainment of Personal Damage in Egypt -- Methods of

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Sommario/riassunto

This volume serves to provide an international overview of personal injury compensation in different geographical areas (15 countries already included), with a special focus on the methods used to ascertain the injury and the related damages. It also goes on to clarify the logical and methodological steps required for a sequential, indepth ascertainment of any traumatic event and the related personal damage, both pecuniary and non-pecuniary. Personal injury is a legal term for an injury to the body, mind or emotions suffered by the plaintiff under tort and/or civil law regulations. Damages related to the injury can be pecuniary or non-pecuniary in nature. Although several comparative studies and research projects on tort and civil law and personal injury claims aimed at developing new tools for promoting harmonization of private law have been performed at an international level, heterogeneity and divergences still exist in the definition and compensation of personal injury and damage across different national legislative systems. The starting point for any awarding procedure should be a medical, or rather a medico-legal, assessment to gain evidence on the trauma or event causing the injury, the mechanism of injury, the pre-existing health status of the injured party, and the health consequences of the injury (temporary and permanent impairment, work incapacity, etc.). In order to pursue the ultimate goal of an international harmonization of personal injury compensation, it is of upmost importance to define the quality requirements for the medico-legal ascertainment methodology, which are essential for guaranteeing the objectivity, rigor, and reproducibility of the data and the evidence collection procedure. Currently, there are no supranational medico-legal guidelines dealing with the ascertainment methodology of personal injury and damage under tort and civil law. .