

III.

1.

가, , 가 가

오 가
 2001 GDP 2.04%
 9% 2005 2.33% 가
 < 7>
 (: , %)

		GDP	GDP
2001	205.4	10,082	2.04
2002*	223.9	10,435	2.15
2003*	244.1	11,061	2.21
2004*	266.0	11,725	2.27
2005*	290.0	12,428	2.33

: 2002

: Tillinghast-Towers Perrin, *U.S.Tort Costs:2002 Update*, 2003, p.19

오
 (The U.S. Chamber Institute)⁶⁾
 가

6) <http://www.litigationfairness.org/who.html>

- 가 , 가 , .

o 가 .

- 911 (commercial umbrella insurance) 가 가가 .

o (asbestos liability)⁷⁾ 가

- 2000 .

- , 10 .

< 8 >

	1982	2003.4
	21,000	600,000
	10	540
	3	54
	380	2000

: Robert P. Hartwig, Ph.D., *Liability Trends, Issues and Jury Verdicts: Impact on Insurance Liability and Excess Casualty Markets* (RIMS Annual Meeting), I.I.I., April 2003

7) 60 가 8 ,
 60 6 가 . http:
 // www.iii.org/ media/ facts/ statsbyissue/ litigiousness

- 2000 가 30%(600), 가
31%(610), 39%(780) .

o 1 721 .
, (401k), 가

- 2005 1000

o , 가
(security
liability) (severe liability) .

- , .

2.

o 8) 가 , .

o 가 .

- 가 가 가

8) '96 '97 2
72.4%, 2 4 23.9%, 4 3.7% . U.S. Department of
Justice, *Bureau of Justice Statistics Special report : Federal Tort Trials and Verdicts, 1996-97,*
May 3,1999, p.9

o 2003.4.2 (State Farm v. Campbell) 145 (punitive damage) (145) .

o

o 83%가 , .

- 가 '03.4 (Class Action Fairness Act : S. 274, H.R. 2341).

500

(가
2/3가) 4 .
'03.6.12 200
()

- ("Forum Shopping")

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(Medical Injury Compensation Reform Act. H.R. 5)

o '03.3 (Medical Malpractice Insurance and Litigation Reform Act, H.R. 1116)⁹⁾.

- 1 3

- 25 ,

o , ,

- (S. 413, Asbestos Claims Criteria and Compensation Act of 2003)¹⁰⁾, (HR.1114, Asbestos Compensation Act of 2003)¹¹⁾

o

- (Trust Fund)

- ,

9) <http://www.theorator.com/bills108/hr1116.html>

10) <http://www.theorator.com/bills108/s413.html>

11) <http://www.theorator.com/bills108/hr1114.html>