The Honorable Franklin D. Burgess

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CYNTHIA CORRIE AND CRAIG CORRIE, ON THEIR OWN BEHALF AND AS PERSONAL REPRESENTATIVES OF THE ESTATE OF RACHEL CORRIE AND HER NEXT OF KIN, INCLUDING HER SIBLINGS, MAHMOUD OMAR AL SHO'BI, ON HIS OWN BEHALF, ON BEHALF OF HIS SURVIVING SIBLINGS MUHAMMAD AL SHO'BI AND SAMIRA AL SHO'BI, AND ON BEHALF OF HIS DECEASED FAMILY MEMBERS, UMAR AL SHO'BI, FATIMA AL SHO'BI, ABIR AL SHO'BI, SAMIR AL SHO'BI, ANAS AL SHO'BI, AZZAM AL SHO'BI AND ABDALLAH AL SHO'BI; FATHIYA MUHAMMAD SULAYMAN FAYED, ON HER OWN BEHALF AND ON BEHALF OF HER DECEASED SON, JAMAL FAYED AND HIS NEXT OF KIN; FAYEZ ALI MOHAMMED ABU HUSSEIN ON HIS OWN BEHALF AND ON BEHALF OF HIS SONS, BAHJAT FAYEZ ABU HUSSEIN, AHMED FAYEZ ABU HUSSEIN, NOUR FAYEZ ABU HUSSEIN AND SABAH FAYEZ ABU HUSSEIN; MAJEDA RADWAN ABU HUSSEIN ON HER OWN BEHALF AND ON BEHALF OF HER DAUGHTERS, HANAN FAYEZ ABU HUSSEIN, MANAL FAYEZ ABU HUSSEIN, INSHERAH FAYEZ ABU HUSSEIN, AND FADWA FAYEZ ABU HUSSEIN; EIDA IBRAHIM SULEIMAN

No. C05-5192-FDB

**SUPPLEMENTAL EXPERT OPINION OF PROFESSOR DANIEL MORE IN SUPPORT OF MOTION TO DISMISS BY DEFENDANT CATERPILLAR INC.**

**ORAL ARGUMENT REQUESTED**



**Howrey LLP**
550 South Hope Street, Suite 1100
Los Angeles, California 90071
Telephone: (213) 892-1800
Facsimile: (213) 892-2300

KHALAFALLAH ON HER OWN BEHALF AND ON BEHALF OF HER DECEASED HUSBAND, IBRAHIM MAHMOUD MOHAMMED KHALAFALLAH AND NEXT OF KIN,

Plaintiffs,

vs.

CATERPILLAR, INC., a foreign corporation,

Defendant.



**Howrey LLP**
550 South Hope Street, Suite 1100
Los Angeles, California 90071
Telephone: (213) 892-1800
Facsimile: (213) 892-2300

# SUPPLEMENTAL EXPERT OPINION OF PROFESSOR DANIEL MORE

Name of Expert: Professor Daniel More

Place of Work: Faculty of Law, Tel Aviv University

I, the undersigned, **Professor Daniel More**, have been asked by **HOWREY** Law Offices Los Angeles branch (via Adv. Hanan Melcer from Tel-Aviv, Israel) to offer my supplemental legal opinion on the issues described below which are related to the plaintiffs' brief (hereinafter, the "plaintiffs' opposition brief") in opposition to defendant's motion to dismiss in **Civil Action No. C05-5192-FDB** that was filed in the **UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON** (hereinafter, the "Corrie Case").

I submit this supplemental opinion in lieu of testifying in Court, and I declare hereby that I know well that, for the purpose of the Israeli or U.S. Criminal Law regarding sworn false testimony in Court, my opinion, signed by me, has the same effect as if I rendered a sworn testimony in Court.

My professional C.V. and list of publications is attached as **Appendix A** hereto.

The following is my opinion:

1. I have been asked by the aforementioned to provide information to the United States District Court concerning Israeli law with respect to several issues. Specifically, I have been asked to address:

   A. My comments to the Expert Legal Opinions which were submitted by Dr. Yuval Shany and Dr. Michael Karyanni in support of the plaintiffs' opposition brief.

   B. My observations on the recent amendments to the Israeli Civil Wrongs (State Liability) Law.

   In order to study the issues in dispute, I received the following documents from Adv. Melcer's office: the plaintiffs' opposition brief including the expert legal opinions of Dr. Yuval Shany and Dr. Michael Karyanni. My opinions with respect to the above-mentioned issues are discussed below.

D. M

2. After having considered plaintiffs' opposition brief, including the opinions of Dr. Shany and Dr. Karyanni and the recent amendments to the Civil Wrongs (State Liability) Law, I do not see any reason for making any changes in the expert opinion I previously gave, including the views I have expressed with respect to the ability of the plaintiffs in this action to bring claims in Israel *against Caterpillar Inc.* for the reasons set forth in my original opinion as supplemented below.

3. Undeniably, Dr. Shany is an expert in Public International Law and Dr. Karyanni is an expert in Private International Law and in Civil Procedure. Neither one of them, however, purports to be an expert in Israeli Tort Law.

4. In evaluating the prospects of a tort action in Israel against Caterpillar Inc., Dr. Shany seems to attribute considerable significance to the fact that some norms of Public International Law have not yet been embodied into Israeli statutory law. I doubt very much the bearing this fact has on the claim against Caterpillar Inc.

5. Indeed, Dr. Shany's emphasis on whether an Israeli Court would entertain a claim based "directly" on principles of International Law fails to address whether the plaintiffs would have a remedy under Israeli Tort Law against Caterpillar Inc. for any damages they suffered, assuming they can prove the facts that would entitle them to relief under Israeli Tort Law or under International Law for that matter.

6. Under Israeli Tort Law, one does not necessarily need a specific statute in order to file a tort action and win it. Israeli Courts do not wait for the enactment of specific statutes in order to impose liability in torts. In the absence of a specific statute, one can either fit the case within the boundaries of one of the particular torts (e.g., battery) or rely on the tort of negligence whose categories "are never closed". One cannot even rule out the possibility that in an appropriate breach of human rights case, the Israeli courts will also resort to the possibility of establishing an independent cause of action for "constitutional torts" based upon the Basic Law: Human Dignity and Liberty.

7. The fact that a certain behavior is prohibited by International Law does not affect significantly the law of torts, at least so far as individual claims are concerned. The private law norms, including ones protecting human rights, have been shaped and employed long before the development of International Law. Take torture for example.

D. M

Even without International Law, Israeli courts[1] know it is wrong to torture another human being.[2] If one person tortures another, tort law will recognize the right of the victim to damages, whether the prohibition of torture is included as a part of the statutory law, or not.

8. Private law is also sensitive to the idea that it is wrong to intentionally kill a person by driving a bulldozer over the person. The estate of the victim can sue the driver of the bulldozer in torts even in a case in which the killing was negligent rather than intentional. Under certain circumstances, however, the legal system might justify it, e.g., in cases of self-defense.

9. The same is true with regard to the destruction of buildings, whether by private defendants or by the agents of the State. Destruction for no reason is wrong. So is destruction for no good reason. As Dr. Shany acknowledged in paragraph 35 of his Opinion, the IDF offers compensation analogous to eminent domain compensation in some cases of building destruction. Thus, in such cases, under Israeli law, there is a remedy for destruction of property.

10. The international norms are relatively young, but like the general norms of tort law, they are not absolute. For example, Art. 53 of the Fourth Geneva Convention, according to which "Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, **except** where such destruction is rendered absolutely necessary by military operation". Hence, even according to this Convention, it is allowed to destroy a building when it is rendered absolutely necessary by military operation.

11. For many years I served in the International Law Department of the IDF, dealing almost exclusively with the law in Judea, Samaria and the Gaza Strip. I represented the IDF in tort claims brought against the Israeli Security Forces to the "Claim Officer" in Judea and Samaria and to the "Claim Appellate Committee", and I was a military judge dealing with both criminal and civil matters in Judea, Samaria and the Gaza Strip.

---

1 See HCJ 5100/94 **Public Committee Against Torture in Israel v. Government of Israel**, Supreme Court Judgments vol. 53(4), p. 817.

2 I set aside the difficult problem of "torture for the immediate purpose of life-saving".

D. M

12. In 1967, after the Six Day War, Israel started to administer Judea, Samaria and the Gaza Strip. The Military Commander preserved the law that was in force the day Israel took charge of these territories, subject to new orders to be promulgated by the Military Commander according to his authority in keeping with International Law.

13. An Order regarding Claims against the Military Government and its agents was promulgated. This Order created machinery for processing claims against the Military Government and its agents. Although it did not deal with substantive rights and obligations, it, in fact, regulated some of the claims against the Israeli authorities including tort cases.

14. As a lawyer who represented the Military Government in Judea and Samaria in 1968-1971 in the proceedings before the Appellate Claims Committee, I know that the Military Government did not deny the very right of plaintiffs injured as a result of a civil wrong committed by the Military Government or one of its employees, to recover damages from the State of Israel. Furthermore, most injured parties preferred to make their claims in Israeli courts, bringing before such courts tort claims against the State of Israel. The State has neither denied the Israeli courts jurisdiction on these matters, nor has it claimed immunity.

15. The Oslo Agreement reduced significantly the Israeli involvement in the Gaza Strip. According to Annex 2 of the Declaration of Principles on Interim Self-Government Arrangements (September 13, 1993):

> "It is understood that subsequent to the Israeli withdrawal, Israel will continue to be responsible for external security and for internal security and public order of settlements and Israelis. Israeli military forces and civilians may continue to use roads freely within the Gaza Strip and the Jericho area".

16. A similar provision was included in the Agreement on the Gaza Strip and the Jericho Area (Cairo May 4, 1994). Under Article 5 of this Agreement, "jurisdiction does not include foreign relations, internal security and public order of Settlements and the Military Installation Area and Israelis, and external security. The personal jurisdiction extends to all persons within the territorial jurisdiction referred to above, except for Israelis, unless otherwise provided in the Agreement."

D.M

17. Similarly, in the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (September 28, 1995), it was provided that Israel shall continue to carry the responsibility for external security as well as the responsibility for overall security of Israelis for the purpose of safeguarding their internal security and public order.

This provision reflects the political and legal fact that the regime established under the Oslo Accords is a Palestinian Autonomy under Israeli Military Government.[3] The Palestinian Authority is not an independent sovereign state. It lacks the conditions provided by Customary International Law and section 1 of the Montevideo Convention on the Rights and Duties of States.[4]

18. In conclusion, there is nothing in the agreements mentioned above that precludes an Israeli court from exercising jurisdiction over a case involving the claims like those alleged in the Corrie case by non-Israelis against a foreign corporation and involving injuries that occurred in Gaza, Judea or Samaria. Moreover, since 1967, despite the will to preserve under the Israeli rule the prior judiciary system operating in Gaza, Judea and Samaria, the infrastructure was not capable of handling complicated legal matters and did not have authority to handle cases against Israelis. Thus, in many cases Palestinians applied to Israeli courts and in particular to the Israeli Supreme Court sitting as a High Court of Justice. If the plaintiffs in this action were to bring a case against Caterpillar Inc. and seek to join it with the Corries' pending case against the State of Israel, it would be the type of action that would be expected to be brought before the Israeli courts rather than the courts of the Palestinian Authority. Even if such an action were not joined with claims against the State, there is nothing to keep an Israeli court from exercising jurisdiction over the action. While I agree with the statement of Dr. Karyanni in paragraph B.11 of his Opinion that Israeli courts sometimes decline to exercise jurisdiction based on the doctrine of *forum non conveniens* in cases between Palestinians, they would only do so if the defendant raises the issue. Therefore, the doctrine of *forum non conveniens* would not limit the jurisdiction of an Israeli court in a case brought against Caterpillar Inc. if Caterpillar Inc. did not raise the issue. Moreover, in this case the litigation is not between two

---

3 See Joel Zinger "The Israeli- Palestinian Interim Agreement On Autonomy Arrangements in the West Bank and Gaza Strip- Some Legal Aspects" (Hebrew) 27 **Mishpatim** (1997) 605.

4 Compare with tph (Tel Aviv) 1158/02 **The State of Israel v. Bargooty** (4/15/02).

D. M

Palestinians, and it mentions the involvement of the State of Israel, which is likely to be sued too, either directly by the plaintiffs or in third party proceedings issued by the defendant.

19. In connection with the recent amendments to the Civil Wrongs (State Liability) Law, which the Israeli Knesset enacted on July 28, 2005[5], and which Dr. Shany refers to in paragraph 56 of his Opinion -- a Ministry of Justice memorandum points out that civil damages suits filed by Palestinians are crowding the court dockets. The Ministry of Justice memorandum notes that more than 4,000 suits have so far been filed against the State, of which 700 are pending before the courts. This is further evidence that Palestinians frequently utilize the Israeli Court system to recover damages from the State. The fact that the Israeli legislature recently enacted a statutory amendment to provide immunity to the State from some such claims and an administrative procedure for arriving at compensation in others is an acknowledgement that the State anticipates paying large sums as a result of this type of tort suit.

20. It is true that the recent amendments to the Civil Wrongs (State Liability) Law, which were enacted after my earlier opinion, in the framework of the New Law, limit the ability of individuals like the plaintiffs in this case to bring tort claims in court against the State. However, if their claims qualify, they may have an administrative remedy to receive compensation from the State. Furthermore, on the face of it, the amendments in the New Law do not limit tort claims against companies like Caterpillar Inc. In addition, according to the provisions of the New Law itself, these amendments will not become effective until mid-October 2005 at the earliest. It should be noted, additionally, that several petitions challenging the New Law have already been initiated to the Israeli Supreme Court sitting as a High Court of Justice.[6] Those petitions, inter alia, raise strong objection to the retrospective nature of the New Law and to the harsh interference with vested rights[7], and they will be resolved by the

---

5 The Israeli Official Gazette ("Sefer Hahukim") 2026 published on August 10, 2005 (hereinafter, also: "**the New Law**").

6 See HCJ ("Bagatz") 8276/05 **Adalah and others v. the Israeli Minister of Defense**; HCJ ("Bagatz") 8338/05 **The Estate of Abu Hajlah v. the Israeli Minister of Justice and others**.

7 In a relatively recent decision of the Supreme Court in a case in which I represented the Appellant, Chief Justice Barak reemphasized the significance that Israeli law attributes to the assumption that the law does not interfere with vested rights (a proposition which is indeed separated from the assumption against retrospective legislation).

D. M

Supreme Court in the coming months. Obviously, no one can predict with any certainty what the Israeli Supreme Court will decide regarding those petitions. Certainly, some of the most substantial arguments challenge the retroactive provisions of the New Law, which would no longer impair the Corries' case against the State if the provisions were stricken. Whether it will do so with respect to this statute is yet to be seen, but the Supreme Court has done so in the past with respect to other statutes.[8]Regardless of whether the new amendments become effective, that does not mean that plaintiffs, such as the plaintiffs in this case, will not have a fair day in Court to present their claims. Certainly, some of Dr. Shany's pessimism over the plaintiffs' chances of success on the merits in Israel against Caterpillar rests on the unconventional legal theories for which they have alleged little factual support that would give them a remedy. It is my understanding, based on my review of Caterpillar's briefs in this action, that there are deficiencies in plaintiffs' legal claims in the United States—particularly relating to causation and accomplice liability—that are similar to the ones Dr. Shany highlights in his opinion.

21. Moreover, it is not at all clear to what extent, if any, surviving immunity of the State would benefit Caterpillar Inc. As indicated above, on the face of it, the New Law does not, by its terms, extend immunity to third parties. Dr. Shany writes in section 54: "It should be noted that Israeli tort law seems to take the general position that where the principal tortfeasor enjoys immunity from claims, his or her accomplices would enjoy similar immunity." However, the decision in the case on which he relies—Carmeli v. State of Israel[9]—can hardly support the proposition asserted by Dr. Shany. The decision of Justice Bach there (the only judge dealing with this question) expressly dealt with the unique position of an accomplice after the commission of the tort, e.g. one who without having any prior connections with the main tortfeasor, helped him, after the completion of the tort, to cover his involvement in the commission of the tort. It is debatable whether such an accomplice can be found liable in torts, as an

---

See CA 7817/99 Avner, Association for the Insurance of Road Accidents Victims Inc. v. Kupat Holim Maccabi P.D. 57(3) 49,71.

8 See, for example, HCJ ("Bagatz") 1717/97, **The Association of Investment Managers in Israel ("Lishkat Menhalai Hahashkaot B'Yisrael") and others v. the Israeli Minister of Finance and others,** Supreme Court Judgment, vol. 51(4), 367; H.C. 6055/95, **Zemach v. the Minister of Defense,** 43(5) P.D. 241.

9 See C.A. 558/84 **Carmeli v. State of Israel** 41(3) P.D. 757,790.

D. M

accomplice, since there is no causal connection between his deeds and the damage inflicted upon the victim. But in any event, that case does not deal with the same type of factual allegations as those in the Corrie case.

22. Indeed, in the U.S., "civil liability for aiding and abetting, however, represents a very underdeveloped theory within the common law of torts".[10] In Israel the law of complicity in torts is even less developed. It is clear that one of the conditions for imposing liability upon an accomplice is that the main tortfeasor indeed committed a tortious act.[11]

23. If the conduct in question of the so-called "main tortfeasor" is justified, there is indeed no tort; hence, no liability exists -- either of the main defendant or his accomplice. Take, for example, a job well done by an executioner. If such an executioner wished to retire but his wife persuaded him to continue to work in this job so that he continued to perform executions;, she is not an accomplice to a tort because there is no tort. The law justifies such executions and protects the executioners. One cannot be an accomplice to no-tort. When we deal in a situation of an excuse rather than in one of justification,[12] there can be a divergence between the main tortfeasor and the accomplice. The former might be excused but the latter will not benefit from that excuse. In such cases a tort was definitely committed; hence, it may be appropriate in certain circumstances to impose liability on a person who participated as an accomplice in the commission of this tort.

24. Where the immunity accorded to the doer is a procedural one, it means that no one can sue him, although he committed a tort. In such cases liability can be imposed, for instance, on his employer. It seems that the same is true so far as an accomplice is concerned, notwithstanding the fact that the main tortfeasor was excused. The most common formula for the provision of a procedural immunity in Israel is the employment of the (Hebrew) words: "no claim shall be filed". It does not mean however that the employment of other words necessarily refers to a substantial

---

10 **Halberstam v. Welch** 705 F.2d 472, 489 (D.C. Cir. 1983); NI Combw "Civil Aiding and Abetting Liability" 58 **Vand. L. Rev.** 241, 246 (2005).

11 Compare Restatement (Second) on Torts Section 876 (b).

12 For the distinction between excuse and justification see, for example: G.P. Fletcher "The Right and the Reasonable" **98 Harv.L. Rev.** 949, 975 (1985); K. Greenwalt "The Perplexing Borders of Justification and Excuse" **84 Colum. L.Rev.** 1897 (1984); H.M. Hurd "Propler Honory Respectum Justification and Excuse, Wrongdoing and Culpability" 74 **Notre Dame L.Rev.**1551 (1999).

D. M

immunity. Section 5 of the Civil Wrongs (State Liability) Law 5712-1952 as amended on August 10, 2005 employs consistently the words: "the state shall not be subject to liability under the law of torts..." It is not written that under those circumstances no tort is committed. These words do not nullify the tortious nature of the conduct; they do not justify it, but merely excuse the state and in connection with other sections of this Law, protect it against tort liability. The history of this legislation supports the claim that the New Law deals with an excuse rather than with a justification. For many years, the same words were interpreted as providing immunity to the State of Israel but not to its employees. Later on, the Law was changed, and an express immunity was also given to State employees. It follows that both the courts and the legislator shared the view that an injury inflicted by a tortious conduct does not stop being tortious just because the State gained immunity.

25. In conclusion, it is yet to be seen how the New Law and its provisions will be interpreted by the Israeli Courts. However, it is clear that in individual cases, claimants (except anyone involved in terrorist activities) will be given a fair hearing and an equitable remedy.

9.21.05
Date

Daniel More
Professor Daniel More

APPENDIX A

Professor Daniel More

Tel -Aviv University
Law Faculty

# Curriculum Vitae

Place and Date of Birth: Israel -November 2nd, 1944.
Marital Status: Married + 3 children.
Military Service: 1967-1971.

## Education

1962-1967: LL.B. Studies, Law Faculty, Hebrew University of Jerusalem, Tel-Aviv Branch.

1969-1970: LL.M. Studies, Faculty of Law, Hebrew University (magna cum laude).
Title of Master's Thesis: "Products Liability".
Supervisors: Professor I. Englard and Professor A. Barak.

1972-1975: J.S.D. Studies, Faculty of Law, Yale Law School, New Haven, Conn. U.S.A.
Title of Doctoral Dissertation: " Liability in Intentional Private Nuisance in Environmental Pollution Cases".
Supervisors: Professor G. Calabresi, Professor W. M. Reisman and Professor J.W. Bishop.

## Academic And Professional Experience

### Teaching Expereince

1968-1970: Teaching Assistant, Faculty of Law, Tel-Aviv University.
1971-1972: Assistant, Faculty of Law, Tel-Aviv University.
1975-1976: Teaching Associate with the rank of Lecturer, Faculty of



D. M

Law, Tel-Aviv University.

1976-1980: Lecturer, Faculty of Law, Tel-Aviv University.

1980-1984: Senior Lecturer, Faculty of Law, Tel-Aviv University.

1985-1986: Visiting Professor, Temple Law School, Philadelphia Penn. U.S.A.

Since 1986: Senior Lecturer, Faculty of Law, Tel-Aviv University.

Since 1994: Associated Professor, Faculty of Law, Tel-Aviv University.

**Professional Experience**

1966-1967: Law Clerk of Judge Z. Zeltner, President of Tel-Aviv District Court.

1968-1970: Military Prosecutor, Judea and Samaria.

1970-1971: Assistant to the Legal Advisor of the Occupied Territories.

1977-1978: Member of a statutory committee appointed by the Minister of Justice to draft the New Version of the Education Ordinance.

1977-1981: Legal Advisor (voluntary) to two of the major consumer organizations in Israel.

1977-1979: Member of the Appeal Tribunal of the Israeli Chess Federation.

1978-1980: Member of two enquiry committees appointed by the Minister of Health.

1980-1982: Member of the "Helsinki Committee" of Tel-Aviv Medical Center.

1980-1982: Chief Editor "Tel Aviv University Studies In Law".

Since 1982: Editor, Civil Law Cases of Piskei Din-the official publication of the judgments of the Israeli Supreme Court.



D. M

Since 1982: Member of the editorial board of Pesakim, the official publication of selected judgments of the various District Courts.

Since 1983: Member of a legal committee appointed by the Minister of Justice, concerning compensation of road accident victims in Israel.

1986-1993: Chairman Disciplinary Tribunal (Students) in Tel-Aviv University.

1986-1990: Chairman Review Committee of the union of the academic staff in Tel-Aviv University.

Since 1988: As part of my reserve duty I have served as a Judge in the Israeli Defense Forces (now retired).

Since 1988: Member of a legal committee appointed by the Minister of Justice to draft the Computers Law.

Since 1988: Member of the Codification Committee headed by Justice Barak.

July 1988: Head of a law students' delegation, representing Tel-Aviv University, Law Faculty in combined seminars with European Jurists in three Max Planck Institutes.

July 1991: Co-heading (with Prof. Shapira) of a law students' delegation, representing Tel-Aviv University, Law Faculty in combined seminars with European Jurists in two Max Planck Institutes.

1993: Vice president Disciplinary Tribunal of Appeals (Students) in Tel-Aviv University.

1994-2002: President Disciplinary Tribunal of Appeals (Students) in Tel-Aviv University.

Since 1995: President Tribunal of Appeals The Israeli Chess Federation.



D. M

## Active Participation In Scientific Meetings

1981: The Jerusalem International Symposium "Inflation And The Law (The Hebrew University and Tel-Aviv University with the collaboration of Paris University, Stasbourg University and Pennsylvania University).

1983: The Tuebingen Conference on Human Rights (TheTuebingen University the collaboration of the Hebrew University and Tel-Aviv University).

1987: International Conference on Comparative Constitutional Law (San Diego).

1988: International Conference on Products Liability (Tel-Aviv).

1991: International Conference on "Human Rights in Private Law" (Tel-Aviv).

1992: International Conference on Comparative Law (Tel-Aviv).

2001: International Conference Germany-Israel Multicultural Societies – Realities and Challenges (Tel-Aviv)
2001: International Conference The Law of Education (Tel Aviv)

2001: Lectures to Faculty in Northwestern Law School and Fordham Law School

2004: International Conference on Codification" (Haifa University).

2004: Conference on Codification (The Hebrew University in Jerusalem)

## Academic And Professional Awards

1972-1975: J.S.D. Studies, fellowship, Yale Law School, U.S.A.

1986-1987: An Award, given by the Insurance Institute for the best paper in a competition of papers on Insurance Law.

D. M.

## Membership In Professional Societies

Since 1972: Member of the Israeli Bar Association.

## Supervision of L.L.M and Ph.D. Students

1987-2004: Supervision of many LL.M and Ph.D. students. In the last five years, 10 of them received LL.M and JSD degree

## Extra-Legal Activities

1961-1962: Youth Chess Champion of Israel.

1978-1985: Member of the Tel-Aviv Singers.

## Publications

### Publications in Hebrew

**Articles**

1. D. More

"Restrictive Trade Practices- A Civil Wrong?" (Hebrew)

23 **Hapraklit** 78-87 (1966).

2. D. More

"The Application of the Maxim 'Ex Turpi Causa Non Oritur Actio' in the Law of Torts" (Hebrew)

26 **Hapraklit**. 254-270 (1971).

3. D. More

"Products Liability"-Part 1" (Hebrew)

5 **Tel Aviv U. L. Rev.** 303-331 (1976).

4. D. More

"Products Liability"- Part 2" (Hebrew)

5 **Tel Aviv U. L. Rev.** 581-607 (1976).



D. M.

5. D. More

"The Motor Vehicle Insurance Ordinanace (Consolidated Version) 1970, As Amended By The Road Accidents Victims Compensation Law 5735-1975" (Hebrew) 31 **Hapraklit** 440-464 (1977)

6. D. More

"Products Liability- Policy Considerations" (Hebrew) 6 **Tel Aviv U. L. Rev.** 78-99 (1978).

7. D. More

"Compensation of Road Accident Victims For Non-Pecuniary Losses" (Hebrew) 6 **Tel Aviv U. L. Rev.** 397-412 (1978).

8. D. More

"Assumption of Risk, Contributory Negligence and "Travelling with a Drunken Driver" (Hebrew). 32 **Hapraklit** 16-26 (1978).

9. D. More

"Periodical Compensation of Road Acident Victims" (Hebrew) 6 **Tel Aviv U. L. Rev.** 643-663 (1979).

10. D. More

" The Products Liability Bill 1979" (Hebrew) 7 **Tel Aviv U. L. Rev**. 114-167 (1979)

11. D. More

"Who Will Compensate An Uninsured Driver Injured in a Road Accident?" (Hebrew) **2 Bar Ilan U. L. Rev**.. 141-179 (1982)

12. D. More

"Old Age Pension, 'Theoretical' Pension and Dependents Torts' Action" (Hebrew) 37 **Hapraklit** 434-458 (1985)

D. M.

13. D. More
"Who Will Compensate the Dependents or an Unlicensed Driver Killed in Road Accidents?" (Hebrew)
**12 Tel Aviv U. L. Rev.** 345-391 (1987)

14. D. More
"The Civil Wrongs Ordinance Viewed from the Perspective of Forty Years of Case-Law" (Hebrew).39 **Hapraklit** 344-413 (1990 )

15. D. More "The Etinger Decision- An Anatomy of a Controversial Case"
4 **Aley Mishpat** 101-149 (2005)

## Accepted for Publication

D. More "The Draft of the New Codification- A Critical Analysis of Tort Law Reform" to be published in Mishpatim 2005

**Chapters in Books**

1. D. More
"Deterring Road Accidents" (Hebrew)
in **Lowenberg Book** pp. 257-293 (**Bursi** Tel Aviv 1987).

2. D. More
"Civil Procedure in 1990-1991" (Hebrew)
in **Sefer Shenath Hamishpath 1990-1991** pp. 271-338 (Dean Rozen-Zvi Editor).

3. D. More
"Civil Procedure in 1991-1992" (Hebrew)
in **Sefer Shenath Hamishpath 1991-1992** ("Dean. Rozen-Zvi Editor)

D. M.

4. D. More

" A Negligent Opinion" in **"The Court- Fifty Years of Adjudication in Israel"** 1999( David Heshin Editor).

## Publications in English

1. D. More

"Films and Theater Censorship in Israel". **Israel Yearbook On Human Rights** vol. 9 pp. 225-251 (1979).

2. D. More

"The Coase Thorem and the Reciprocal Nature of Land Use Conflicts In Pollution Cases".

**Tel Aviv U. Stud. In Law** vol.4 pp. 86-114 (1978-9).

3. D. More

"Re-examining Strict Products Liability Goals and Justifications".

**Tel Aviv U. Stud. In Law** vol. 9 pp. 165-203 (1989).

4. D. More

"Informers, Defamation and Public Policy".

**Geo. J. Inter.& Compcr. L.** vol. 19 pp.503-534 (1989)

5. D.More

"Human Rights From Tort Law Perspective"

1994-1995 **Tel-Aviv U. Stud. In Law**

6. D. More

"The Boundaries of Negligence" **4 Theoretical Inquiries in Law** 339-365 (2003)

## Chapters In Books

D. More

"Products Liability in Israel"

in **Products Liability An International Manual Of Practice**

(90 pages) (Oceana Publications Inc. London, Rome, New York 1987).



D-M