

Summary

Damage to health: comparative study

The final thesis deals with the issue of damage to health in the Czech, American and French legislation and case law. The work deals with individual claims arising from injuries and thesis describes the criteria and methods of compensation for these claims. The thesis is divided into three chapters, which are further divided into subsections and subchapters.

The first half of the thesis describes the legislation of damage to health and personal injury in the Czech law. This part focuses on the conditions that must be met in order to create an obligation of compensation for personal injury. It also describes the damage to health and its partial claims which may be compensated and it describes the process of determining the amount of damages according to the Methodology of the Supreme Court. Final part of this chapter deals with damages to health caused by medical malpractice.

The second half of the thesis is divided into two parts, the first part deals with the US legislation of compensation for damage to health and the second part concentrates on the French legislation which deals with this institute.

In the chapter devoted to American law, the work describes the different types of personal injury compensation, which developed in the United States. The thesis highlights the complexity of the proofs of injury and the determination of the amount of damages on the selected decisions of American courts in medico-legal disputes.

The final chapter deals with compensation for damage to health in France. In addition to the legal regulation of claims of personal injury and determination of the amount of damages for damage to health, this chapter provides a brief description of Alternative Dispute Resolution in the event of damage to health caused by medical malpractice.

The core of the thesis is damage to health caused by the medical malpractice and with this to related disadvantageous position for the patient as the damaged one in the disputes between patient and physician. This thesis compares the enactment of this institute in the three states at the legislative standard and case law.