



Dr Thomas Fausten

Of Counsel

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Dr Thomas Fausten has vast experience in insurance and reinsurance law as well as in commercial/contract law.

He focuses on product liability, financial lines, private international law and auditing. He has many years of professional experience in managing functions with various international and large insurance/reinsurance companies.

LANGUAGES SPOKEN

- German
- English

- International Trade, Regulatory and Government Affairs
- Litigation, Arbitration and Investigations

- Insurance

German English

- Handling of a large German D&O-claim involving a media entrepreneur and a German bank.*
- Representation of a reinsurer in large product liability/product recall case (cholesterol drug) of a German pharmaceutical company.*
- Representation of Austrian aircraft engine manufacturer in multiple lawsuits brought in the United States regarding wrongful death.*
- Administration of a D&O claim resulting from the merger of a German car manufacturer with a US automotive company.*
- Advising of the cedents in connexion with a product tampering case of a French manufacturer of silicone implants.*

* Denotes experience from a previous firm

Professional Qualifications

- Rechtsanwalt admitted with the Rechtsanwaltskammer Munich

Prior Experience

- 2001 - 2017: Director at one of the world's leading providers of reinsurance and insurance solutions
- 1994 - 2001: Senior Manager at a former German insurance company
- 1988 - 1994: Senior Manager at one of the world's largest publicly traded property and casualty insurance companies (amongst others, professional activities in the US and UK)

Recognitions

- *Legal 500 Germany 2021*: Recommended for insurance: insurance litigation

Education

- Doctor of Law, University of Bielefeld, 2001
- German University of Administrative Sciences Speyer, 1987
- City of London Polytechnic, 1987
- Bar Examination (German Bar), Munich, 1987
- University of Regensburg, Law Diploma, 1984
- University of Cologne

Memberships

- DAV - Deutscher Anwalt Verein e.V. (German Bar Association)
- DIS - Deutsches Institut für Schiedsgerichtsbarkeit (German Arbitration Institute), Cologne
- ARIAS (Europe) - Reinsurance and Insurance Arbitration Society of Europe e.V.

INSIGHTS

Publications

- "Global Warming and Liability Insurance - Search for a New Deep Pocket", *Produkthaftpflicht international (PHi)* 2019, 42 [Germany]
- "Interpretation of Claims Series Clauses by Courts and the Effect on Reinsurance", *VersR* 2018, 457 [Germany]
- "Misalignment between Claims Series Clauses in Primary and Reinsurance Contracts", *VersR* 2017, 1057 [Germany]
- *Textbook/Muenchener Kommentar, German Insurance Law; sec. 10 to 18 VVG (General Part)*; Editors: Dr. Theo Langheid/Prof. Dr. Manfred Wandt; Publ.: C.H. Beck, Munich, 2009 (1st ed), 2015 (2nd ed.), 2019 (3rd ed.)

Events

Thomas regularly lectures at conferences both in Germany and abroad.

- "Funding Shortfall in Reinsurance - The Hidden Risk: Misalignment between Claims Series Clauses in Primary and Reinsurance Contracts", *Reinsurance Contracts Expert Circle - Swiss Re Europe Client Conference*, Munich, 17/18 May 2017
- Covid 19 pandemic - Current problems of primary insurance and reinsurance, *Seminar, University of Münster*, 26 October 2021