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By Deborah Rosenthal

**U.S. attorneys are re-examining their international roles after the success of Holocaust-related lawsuits in U.S. courts.**

**Since 1996, dozens of Holocaust-related cases have been filed in American courts seeking damages against European banks and businesses for benefits gained from Nazi misconduct during the war, including looted property, unpaid insurance benefits and slave and forced labor. Although opinion varies as to the propriety of using the American justice system to obtain redress, the multi-million and even billion dollar settlements achieved suggest that the lawsuits may have succeeded.**

In light of this outcome, some American attorneys are re-examining and perhaps redefine their roles on the global stage.

Litigation: Right or Wrong?

The attorneys who advanced the Holocaust-related lawsuits attest to the legal merits of these cases. They argue that although the Holocaust ended 55 years ago, the statutes of limitations had not run because the misconduct on which the claims were based -- including failure to pay insurance benefits, failure to return bank deposits and failure to pay for labor -- continued through the present.

Nor was jurisdiction a problem in states where the named defendants conducted substantial business, plaintiffs' attorneys say.

With regard to evidentiary matters, Los Angeles attorney William M. Shernoff, who has represented numerous plaintiffs in cases arising out of Holocaust-era insurance policies, says that sufficient documentary evidence exists to prove the defendant insurers' bad faith and intentional misrepresentations, and testimony by expert economists can easily measure the current value of insurance benefits which came due 55 years ago and were written in foreign currencies.

But defense attorneys claim that the litigation had no valid legal basis. According to Roger M. Witten, the Washington D.C. attorney who served as lead defense counsel in the cases against Swiss and German businesses, the lawsuits were "unnecessary,... clearly unconstitutional,... and they have complicated the efforts to bring this to a constructive resolution."