



Fact-Finding in Civil Litigation: A Comparative Perspective (Ius Commune Europaeum)

By Remme Verkerk

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In civil cases, the facts of the case are often decisive. This book provides a comparative analysis of the process of fact-finding in the litigation process. It offers theoretical insights on the distinctive features of the fact-finding arrangements in civil cases in Austria, the Netherlands, and the United States. It also examines the empirical data that sheds light on the operation of procedural rules in legal practice. The book studies specific fact-finding regulations as components of an entire system and places them in a broader context. It analyzes the history of fact-finding arrangements to elucidate the legal tradition that has shaped the mindset of practitioners and legislators. In addition, the relationship between procedural rules and the prevailing constitutional and political theory is discussed. Rules are commonly designed and adopted to promote procedural values, such as efficiency, legitimacy, accuracy, and fairness. Fact-Finding in Civil Litigation discusses the values that are most prominent in the Dutch, Austrian, and American legal systems. It explains how many differences between systems flow from these different fundamental starting points.

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