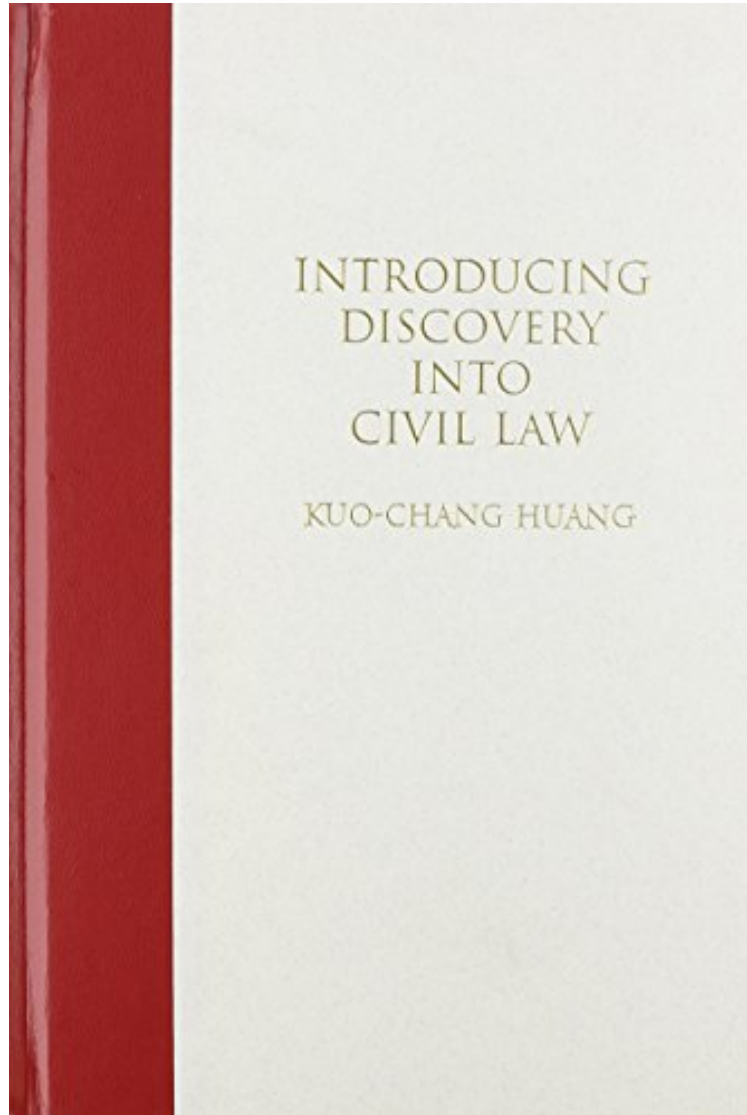


[Ebook free] Introducing Discovery into the Civil Law: A Comprehensive Study of Discovery Through

Introducing Discovery into the Civil Law: A Comprehensive Study of Discovery Through

Kuo-Chang Huang

*ePub | *DOC | audiobook | ebooks | Download PDF*



DOWNLOAD



READ ONLINE

#7523097 in Books 2003-05Original language:EnglishPDF # 1 9.00 x 6.25 x 1.25l, #File Name: 0890893551440 pages | File size: 33.Mb

Kuo-Chang Huang : Introducing Discovery into the Civil Law: A Comprehensive Study of Discovery Through before purchasing it in order to gage whether or not it would be worth my time, and all praised Introducing Discovery into the Civil Law: A Comprehensive Study of Discovery Through:

0 of 0 people found the following review helpful. Introducing Discovery Into Civil LawBy R. R. VerkerkI do not suggest anyone to buy this book. Its discussion of civil law -save the part on Japanese law- is inadequate. The author is

critical towards a system of which he seems to have a little knowledge only. His observations on continental procedure are based on English literature only, the literature is often outdated. I have some knowledge of a couple of continental jurisdictions. Based on my knowledge many sections in the book were plainly wrong and displayed little understanding of continental civil procedure. Perhaps the book suffers from an unjustified generalization that all civil law systems are identical. An example: The author has claimed several times that continental codes do not provide rules on discovery. The author fully neglects (and is possibly unaware of) the discovery provisions that exist -and have existed- in many codifications. The Austrian Code of 1895 for instance implemented discovery based on the English regulations, these have been in force for over a century.

Introducing Discovery into Civil Law is the first comprehensive study of discovery through comparative civil procedure. This book examines the common law and civil law systems different attitudes toward discovery in their civil adjudication processes. The jurisdictions under close examination include the United States, England, Germany, France, and Japan. The book uses both the traditional legal analysis and the modern law-and-economics analysis to address the issues. Specifically, it analyzes why there is no discovery in continental civil procedure, what consequences arise from its lack of discovery, how continental civil procedure handles the problems arising from the absence of discovery, and whether the civil law systems choices are justifiable and desirable. Huang contends that the civil law systems lack of discovery results in inaccuracy, unfairness, and inefficiency the three most important values in any civil adjudication system and seriously threatens the legitimacy of its civil justice system. Consequently, he concludes that it is necessary for continental civil procedure to introduce some forms of discovery and proposes a set of discovery rules for the civil law system to adopt.