

TRUTH AND EFFICIENCY IN CIVIL LITIGATION FUNDAMENTAL ASPECTS OF FACT FINDING AND EVIDENCE TAKING IN A COMPARATIVE

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[Truth And Efficiency In Civil Litigation Fundamental Aspects Of Fact Finding And Evidence Taking In A Comparative](#)

Truth and Efficiency in Civil Litigation. Fundamental Aspects of Fact-finding and Evidence-taking in a Comparative Context

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Truth and Efficiency in Civil Litigation: Fundamental Aspects of Fact-finding and Evidence-taking in a Comparative Context (Ius Commune Europaeum) by C.H. van Rhee (Editor), Alan Uzelac (Editor)

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Assessment of Evidence Jorg Sladic? & Alan Uzelac §3D.01 INTRODUCTION The assessment of evidence is probably the most demanding task for a trial court in civil litigation. A judge is thought to apply the law to facts, as shown by the Latin maxims *ius ex facto oritur* and *da mihi facta, dabo tibi ius* and – at least as regards civil law

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2 Evidence (Proceedings in other Jurisdictions) Act 1975. 508. C.L.J. Civil Litigation 509 proceedings in civil matters.3 So, in England, "civil litigation" incorporates all forms of litigation except the criminal; proceedings against public authorities including those by way of the application for judicial review and proceedings relating to taxation are classed as civil. For many other ...

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This method of operating is time-consuming, inefficient and most certainly not cost effective (see Mohamed Paleker 'Fact- and Truth-Finding in South African Civil Procedure' in CH Van Rhee and A Uzelac (eds) Truth and Efficiency in Civil Litigation – Fundamental Aspects of Fact-finding and Evidence-taking in a Comparative Context (Cambridge: Intersentia 2012) at 189 – 227).

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Giving evidence as a witness of fact in the civil courts: the perils and the pitfalls Introduction 1 I start from what I hope will be common ground: that giving evidence as a witness of fact in court is difficult and rarely an enjoyable experience, which may be equated to something like trial by ordeal, albeit without the boiling oil, red hot ploughshares or blind trust in Providence. 2 We can ...

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On the other hand, legal fact-finding involves choice and decision making and it is dependent on the context; for example, evidence that is strong enough to justify a finding of fact in a civil case may not be strong enough to justify the same finding in a criminal case where the standard of proof is higher. It has been argued that the fact-finder has to base his findings not on what he ...

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Regarding civil proceeding, Art 261(2) of our civil procedure code provides 'If a party wishes to give evidence on his own behalf, he shall do so before calling his witnesses and he shall then for all practical purposes be deemed to be a witness.' From this, we can understand that parties are competent witnesses in their own case in civil proceedings, and they are considered as witness for all ...

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2" o Substantive"justice"and"need"for"efficiency"(reduction"in"costs"and"delay)" o Access"to"justice"and"the"role"of"litigation"as"a"public"benefit"to"society"

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So I do not rely upon his evidence as taking me beyond the documents themselves. OVERVIEW: AN EVERYDAY TALE OF WITNESSES AT TRIAL. I am sure that this case is of interest to conveyancing and property lawyers who will, inevitably, be looking at different aspects of the case. However it serves as a useful illustration of the way in which the courts often treat witnesses and witness evidence ...

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Comparative research shows strong divergence concerning many of the crucial points of the evidence law: more or less formalism in the taking of evidence; more or less attachment to the principle of immediacy; and more or less proactive rules concerning access to information and/or evidence in the possession of the opponent or of third parties are good examples of diversity. 5 There are also ...

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The use of documentary evidence is but one aspect of the law of evidence, and many of the rules that govern the admissibility of evidence generally are relevant to the use of documentary evidence. I will therefore provide an overview of the rules of evidence applicable to the admissibility of evidence in civil proceedings in Australia. The purpose of the law of evidence is to ensure so far as ...

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cases in ways that are faster, cheaper, more efficient and that make sense in the context of – ie that are "proportional" to – the issues and/or amounts involved in legal proceedings. The fundamental motivation behind the introduction of proportionality is to improve the administration of, and access to, civil justice. Although ...

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aspects of the doctrine for each device. Finally, and most importantly, I defend the theory and its standards as normatively desirable in light of pro-cedural values that underlie the system of civil litigation as a whole. Introduction The U.S. Supreme Court's recent decisions in *Bell Atlantic Corp. v. Twombly* in 2007 1. and *Ashcroft v. Iqbal* in 2009. 2 have injected chaos into the world ...

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Waincymer, J, " Approaches to Evidence and Fact Finding" in Waincymer, J, Procedure and Evidence in International Arbitration (Kluwer Law International, Alphen aan den Rijn, 2012), 746 . 7

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4. Aspects de la preuve en droit de la sécurité sociale Chapitre 1. Approche transversale - Particularités de la preuve en droit de la sécurité sociale (J. Deumer, S. Gilson, K. Rosier et M. Glorieux) Chapitre 2. Les flux d'informations entre l'inspection sociale, les services de police et les autres institutions : le sort des procès ...

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