

Fact-finding in civil litigation : a comparative perspective

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Fact-Finding in Civil Litigation
A Comparative Perspective

Remme Verkerk

1. Experience will abundantly show, that above a hundred of our lawsuits arise from disputed facts, for one where the law is doubted of. (Blackstone)
2. The pursuit of truth in civil litigation is not an end in itself, but merely a means directed towards a more remote end. (this thesis)
3. The question of *how* we litigate is inseparably linked with the question of *who* litigates. (this thesis)
4. Within an adversarial system, a judge should be active.
5. These two elements, coming from a study of the relationship between systems- Legal History and the step beyond into Jurisprudence – are, I submit, the essential ingredients of Comparative Law as an intellectual discipline in its own right. (Watson)
6. It has rightly been argued that (Dutch) courts should be more customer oriented.
7. The more important a decision, the more complex and less transparent the procedure will be.
8. When studying judicial dispute resolution processes, one should bear in mind that cooperative behavior is deeply embedded in human nature. Conflict is exceptional, even in a legal setting.
9. Very broad and liberal rules on discovery are similar to very liberal rules on financial instruments.
10. Too often, the plaintiff's right of access to justice guarantees the defendant his decade in court.