



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

Kuo-Chang Huang

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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 system's choices are justifiable and desirable. Huang contends that the civil law system's 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.

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