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Gilles Cuniberti, Sara Migliorini



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Redefining Codification Dirk Heirbaut, 2024-12-10 More than half of the world's population lives under law codes. Yet defining the concept of codification remains elusive. Rather than delving into abstract theories, this book provides a rich and contextual comparative legal history of codes in France, Germany, the Netherlands, and Belgium from the late eighteenth century to the present. The author starts by examining the evolution of French, German, Dutch, and Belgian codes in their political and comparative context, thus challenging deeply rooted national narratives. He covers the well-studied civil codes and the often overlooked commercial and procedural codes and drafts that failed to become law. Against this backdrop, the book embarks on a comprehensive analysis of the factors contributing to the success or failure of codification efforts. Employing an innovative method of comparative legal history, *Redefining Codification* explores the key players and objectives behind codification, revealing that traditional notions of codification are far removed from reality. Following the deconstruction of some universal truths about codifications, this volume offers fresh insights into the behind-the-scenes of the lawmaking machinery and an empirically based definition of codification. *Estudios de Derecho Procesal* Priscila Machado Martins, Jorge Larroucau Torres, 2022-11-25 Contenido del libro Prueba judicial 1 El deber de revelar secretos en el juicio civil. Los límites a la exhibición documental de terceros como ejemplo de un problema dogmático. Thomas Vogt Geisse 2 Sobre la teoría del caso y las cuestiones probatorias a partir del Código Procesal Penal del año 2000. Jorge Larroucau Torres 3 Prueba científica navegando entre Escila y Caribdis. Propuestas para una mejor comprensión de la prueba científica. Andrés Fuchs Nissim Diego Hernández De Lamotte Derecho procesal comparado 4 Tiempo para juzgar: soluciones a la sobrecarga de la Corte Suprema chilena desde una perspectiva económica. Pablo Bravo Hurtado 5 El case management en el proceso civil francés: los contratos procesales y la flexibilidad procesal como herramientas de eficiencia. Ramón García Odgers Procedimientos judiciales 6 De qué hablamos cuando hablamos de acceso a la justicia: Un intento por iluminar el debate. Macarena Vargas Pavez 7 El tiempo y el proceso concursal: incentivos para la eficiencia concursal ex ante. Nicolás Carrasco Delgado 8 Los límites subjetivos de la cosa juzgada en el Proyecto de Nuevo Código Procesal Civil. Priscila Machado Martins 9 El perjuicio en el Proyecto de Código Procesal Civil chileno. Lionel González González 10 La litispendencia impropia o por conexidad en materia procesal civil y el derecho a la tutela judicial. Isabel Echeverría Donoso 11 Motivación e individualización judicial de la pena en Chile: prolegómenos a partir del artículo 69 del Código Penal. Ramón Beltrán Calfurrapa 12 Proyecto de Ley de Imprescriptibilidad en Delitos de Agresión Sexual Infantil: prueba, proceso y justicia. Pablo Becerra Poblete 13 Arbitraje comercial internacional con pluralidad de partes: un difícil equilibrio y coordinación. Carolina Salinas García 14 Sujetos procesales en sede constitucional. Valeria Llibert Ivarez Filosofía del derecho procesal 15 Deliberación y Cámara de Diputados. Diego Pardo Ivarez Constanza Toro 16 Procedimentalización y derechos subjetivos en la filosofía del derecho de Jürgen Habermas. Daniel Dodds Berger Code de procédure civile 2024 115ed - Annoté Pierre Callé, 2023-06-22 Les plus de 1

dition 2024 Refonte intégrale des annotations de jurisprudence relatives la Cour de cassation et au pourvoi en cassation Comprend également le Code de l'organisation judiciaire et le Code des procédures civiles d'exécution Nombreux textes complémentaires relatifs notamment l'action en justice l'aide juridique au droit international aux professions juridiques ou encore aux frais et dépens Inclus le Code en ligne enrichi annoté et mis jour en continu Ce code est autorisé par la Commission nationale de l'examen du CRFPA L'edition 2024 est notamment jour du décret du 28 mars 2023 relatif aux experts judiciaires du décret du 23 janvier 2023 pris pour l'application de règlements européens en matière familiale d'obtention des preuves et de signification ou notification des actes et portant diverses dispositions relatives au divorce aux successions et la légalisation de l'apostille du décret du 23 décembre 2022 relatif l'adoption

European Rules of Civil Procedure Astrid Stadler, Vincent Smith, Fernando Gascón Inchausti, 2023-11-03 European Rules of Civil Procedure sets out a clear examination of the rules adopted by UNDRIT and the European Law Institute in 2020 Presented within a systematic structure to aid enhanced academic understanding it precisely showcases the substantial comparative knowledge of its authors

International Dispute Resolution Vesna Lazić, Steven Stuij, 2018-07-26 The contributions in this book cover a wide range of topics within modern dispute resolution which can be summarised as follows harmonisation enforcement and alternative dispute resolution In particular it looks into the impact of harmonised EU law on national rules of civil procedure and addresses the lack of harmonisation in the US regarding the recognition and enforcement of foreign judgments Furthermore the law on enforcement is examined not only by focusing on US law but also on how to attach assets in order to enforce a judgment Finally it addresses certain types of alternative dispute resolution In addition the book looks into the systems and cultures of dispute resolution in several regions of the world such as the EU the US and China that have a high impact on globalisation Hence the book is diverse in the sense of dealing with multiple issues in the field of modern dispute resolution

The book offers explorations of the impact of international rules and EU law on domestic civil procedure through case studies from among others the US China Belgium and the Netherlands The relevance of EU law for the national debate and its impact on the regulation of civil procedure is also considered Furthermore several contributions discuss the necessity and possibility of harmonisation in the emergency arbitrator mechanisms in the EU The harmonisation of private international law rules within the EU particularly those of a procedural nature is juxtaposed to the lack thereof in the US Also the book offers an overview of the current dispute settlement mechanisms in China The publication is primarily meant for legal academics in private international law and civil procedure It will also prove useful to practitioners regularly engaged in cross border dispute resolution and will be of added value to advanced students as well as to those with an interest in international litigation and more generally in the area of dispute resolution Vesna Lazić is Senior Researcher at the T M C Asser Institute Associate Professor of Private Law at Utrecht University and Professor of European Civil Procedure at the University of Rijeka Steven Stuij is an expert in Private International Law and a PhD Candidate Guest Researcher at the Erasmus School of Law

Rotterdam Ton Jongbloed is Guest Editor on this volume

The Dynamism of Civil Procedure - Global Trends and Developments

Colin B. Picker, Guy Seidman, 2015-11-11 This book shows the surprising dynamism of the field of civil procedure through its examination of a cross section of recent developments within civil procedure from around the world It explores the field through specific approaches to its study within specific legal systems and within discrete sub fields of civil procedure The book reflects the latest research and conveys the dynamism and innovations of modern civil procedure by field method and system The book s introductory chapters lay the groundwork for researchers to appreciate the flux and change within the field The concluding chapters bring the many different identified innovations and developments together to show the field s ability to adapt to modern circumstances while retaining its coherence even across different legal systems traditions fields and analytic approaches Specifically in this book the presence of dynamism is explored in the legal systems of the EU France the US Brazil Australia the UK and China So too that dynamism is explored in the contributions analyses and discussions of the changes or need for change of specific aspects of civil procedure including litigation costs class actions derivative actions pleadings and res judicata Furthermore most of the individual contributions may be considered to be comparative analyses of their respective subjects and when considered as a whole the book presents the dynamism of civil procedure in comparative perspective Those discrete and aggregated comparative analyses permit us to better understand the dynamism in civil procedure for change in the abstract can be less visible and its significance and impact less evident While similar conclusions may have been drawn through examinations in isolation employing comparative analytic methods provided a richer analysis and any identified need for change is correspondingly advanced through comparative analysis Furthermore if that analysis leads to a conclusion that change is necessary then comparative law may provide pertinent examples for such change as well as methodologies for successfully transplanting any such changes In other words as this book so well reflects comparative law may itself usefully contribute to dynamism in civil procedure This has long been a *raison d'être* of comparative law and as clear from this book s contributions in this particular time and field of study we find that it is very likely to achieve its lofty promise

The European Account Preservation Order Regulation Gilles Cuniberti, Sara Migliorini, 2018-05-03 The European Account Preservation Order EAPO Regulation provides a protective measure for creditors wishing to freeze the bank account of their debtor preventing the transferral or withdrawal of funds Courts can issue freezing measures over bank accounts located in other member states thereby establishing a new remedy for cross border debt recovery in Europe This book provides a detailed article by article commentary of the EAPO Regulation It describes its legislative history and structure and carries out a critical analysis of its provisions and recitals focusing on the practical implementation of the instrument The commentary also provides additional focus on the interplay between the EAPO Regulation and the existing EU instruments and framework and examines specific issues that the implementation of the Regulation might raise in member states This is an important resource tool for practitioners legal scholars and students

interested in the theoretical and practical implications of the EAPO Regulation *The Making of the Civil Codes* Michele Graziadei, Lihong Zhang, 2022-11-21 The book provides in depth analysis of the new perspectives on codifications and of the related reforms that give recognition to new ideas new needs and new techniques The contributions from several jurisdictions collected in this book provide a much needed evaluation of the current impact of codification on the law and are a first essential reference for assessing the importance of civil law codifications in the contemporary world *Принципы гражданского процесса Франции: между прошлым и будущим* Алексей Аргунов, 2024-07-22 PDF A4 **Peritaje y prueba pericial** Varios, Autores, 2017-11-01 La LEC 1 2000 realiz una regulaci n nueva y compleja de la prueba pericial que en la pr ctica de sus primeros quince a os de vigencia ha originado infinidad de problemas de todo tipo Y ello es especialmente cr tico por cuanto esta prueba es fundamental para la justa resoluci n del proceso en aquellos casos en los que el juez precisa de conocimientos cient ficos t cnicos o especializados La LEC en vez de configurar la pericia como un mecanismo de auxilio por parte del juez la ha privatizado y dejado en manos de las partes por lo que se reduce al m ximo el protagonismo del juez Todo ello justifica que los profesionales del derecho preocupados por esta realidad normativa as como los peritos principales afectados por dicha regulaci n est n pendientes de todas las obras referentes a la prueba pericial Y aqu van a encontrar un excelente libro que no solo aborda cr ticamente los muchos problemas de la prueba pericial sino que formula soluciones eficaces para afrontarlos con la participaci n de brillantes profesionales del derecho magistrados catedr ticos y profesores titulares de universidad y abogados de reconocido prestigio y t cnico periciales m dicos arquitectos ingenieros psic logos entre otros

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