

## Summary

The thesis analyses a compound of problems known as the Euro-American Jurisdiction Conflict. This topic has not been treated in the Czech legal literature yet, and it is the first objective of the thesis to make the Czech jurisprudence familiar with the problem. The second objective is to develop arguments and guidelines in case a Czech subject or institution faces some of the scenarios of the Jurisdiction Conflict.

The Jurisdiction Conflict has relevance for any Czech private subject that could possibly fall under the jurisdiction of the US courts. For businesses this will always result from maintaining commercial connections with the United States' market. Once under the jurisdiction of US courts, a subject could may some of the particularities of the US legal system, among them the class action, pre-trial discovery, jury trial or the awarding of punitive or multiple damages. The conflict between the United States and Europe arises in the moment when a US judgment based on such particularities shall be recognized and enforced in Europe or when international legal assistance is required for the purposes of the service of certain claims or for pre-trial discovery.

The paper is build upon a comparative approach that thoroughly determines its structure. It is divided into six parts. After a short outline of the problem and method in the First Part follows a Second Part describing the relevant institutions of US law, paying particular attention to jurisdiction issues, class action, pre-trial discovery and extracompensatory damages.

The Third Part starts with the analysis of recognition and enforcement of US judgments in Germany, the European country with the most extensive experience in confronting the US legal system. The arguments used by German jurisprudence are then transmitted into the Czech system helping to formulate argumentative positions concerning the relevant issues of the jurisdiction conflict. The main problem is the recognition and enforcement of punitive or multiple damages awards, especially if they result from a class-action proceeding and have been awarded by free discretion of a lay jury.

The Fourth part follows the same comparative structure as the Third part and tackles the topic of cross border service and evidence taking. Here lies the core of the jurisdiction conflict. While the US civil procedure requires full disclosure of any facts possibly relevant for the other party's claims or defenses, the statutes of many European states, including Germany and the Czech republic, the transfer of certain information to third parties. Some countries event put document production or other cooperation for the purposes of proceedings before a foreign court under criminal penalty. Particularly sensible issues are orders to produce data containing business secrets or personal data information. A party to court proceedings in the US, ordered to produce evidence that underlies such restriction, is then subject to conflicting obligations. The instruments of international public law, especially the Hague conventions on service and evidence-taking, are of little help in such situations because the US courts often ignore them.

The Fifth Part is a very brief excursion into the law of the European Communities, in particular into the law applicable to tortuous obligations, since the relevant regulation also bears signs of the jurisdiction conflict.

The Sixth Part summarizes the arguments and provides guidelines to private subjects, courts and public authorities on how to deal with the single issues of the Jurisdiction Conflict.