

Abstract

Holčapek, T., *Evidence in Civil Litigation with Emphasis on Disputes Arising from Medical Care*, doctoral thesis, Charles University in Prague, Law Faculty, 2010.

The doctoral thesis focuses on the issues of fact-finding in general and evidence in particular, all within the framework of rules of civil proceedings and with regard to lawsuits that result from the providing of medical care. It analyses the factual prerequisites which need to be found (proven) in order to establish liability of the health care provider for personal injury or interference with personality rights of the patient, and discusses who bears the evidentiary burden in their respect, how persuasive the proof has to be and what techniques for the lightening of such burden (e. g. factual presumptions or utilisation of loss of chance or other concept of proportional liability) are employed by various legal systems. The thesis builds on the comparison between Czech law and rules used in other legal areas, including both continental law and common law countries.

Keywords: health, medical care, civil liability, civil proceedings, evidence