

## **Abstract**

The main goal of this master's degree thesis is to provide information about position of a judge during evidence proceeding in contentious procedure with special focus on production of evidence. In the text I often use particular decisions of the Constitutional Court of the Czech Republic and the Supreme Court of the Czech Republic to demonstrate how theoretical legal institutes are applied in practice. I have decided to choose this topic because I am very interested in judge's profession and its practical aspects especially within evidence proceeding. More reasons for my research are stated in the very first introductory part of my theses.

The whole theses is composed of three parts and each of them dealing with different sides of evidence proceeding or position of a judge within the meaning of his rights, duties, activity and also responsibility. Part One generally characterizes evidence proceeding and it makes the foundation for following part that is focused on partial phase of evidence proceeding (i.e. production of evidence). This part is divided into four chapters. The first chapter describes contentious and non-contentious procedure and also gives an explanation of main distinctions between these concepts. The second chapter concerns with basic principles of justice and civil procedure. The third chapter relates to the fundamental terms of evidence proceeding such as the concept of evidence, the subject of evidence, means of evidence or phases of evidence. The first part is finished by the chapter that highlights specifics of evidence within remedial procedures.

Part Two, which contains four particular chapters, engages in producing of evidence and position of a judge in the course of this process. In the first chapter of this part I am dealing with statutory rights and duties of a judge that relate to entire civil procedure including evidence proceeding. The second chapter provides information on position of a judge during producing of evidence from general point of view (with respect to all means of evidence). The third chapter concentrates on producing of individual means of evidence prescribed in § 125 OSŘ. The last chapter is about producing of evidence within the EU.

Part Three analyses the issue of disciplinary responsibility of a judge and it is meant to be a brief excursion for a purpose of supplementing the subject matter of this thesis. This part includes two chapters. The first chapter defines a concept of disciplinary wrong and then the second one answers questions about disciplinary procedure.

And finally the very last part of my thesis contains general evaluation and conclusions that arise from the text of this thesis