

The purpose of this thesis named 'Civil procedure in continental law and the Anglo-American legal system' is to provide an overview of the regulation of civil procedure in both mentioned systems, to compare them, highlight the most significant differences between them, and give the information about their convergence on international, mainly European level. The reason for the choice of this topic was my interest in the field of Civil Procedure, but also my belief in the benefit of comparisons of various legal orders in favour of improving them. Because of the on-going process of introducing uniform arrangements of some institutes of civil procedure on the European level, it is undoubtedly useful to compare national legislations in some respective countries. The research is based on study of legislation in Czech Republic and Germany as representatives of the continental system and in particular England and Wales as representatives of the Anglo-Saxon system. A shorter chapter is also devoted to U.S. law.

There are aims of the thesis, methods of research and brief structure described in the introduction. The second chapter deals with the explanation of basics concepts necessary for proper understanding of the research. The third chapter is devoted to brief sketch of the history of civil procedure in respective countries. A detailed description of how common law and law of equity have developed is provided. The body of the thesis dealing with the current civil proceedings in continental law countries and in England and the USA is contained in chapters four and five. The sources of law in respective countries are described at first. The key role of statute law in continental system and of case law in common law system is emphasised. The judicial system and the role of judges are considered next. Substantial space is then dedicated to the main principles governing the civil procedure in respective countries. It considers step by step the adversarial and inquisitorial principle, the principles of evidence, the principle of public and oral proceedings, conduct of the proceedings, and other aspects important for the appearance of the civil proceedings. The comparative analysis of both

systems discussed in chapter six is focused on the comparison of the institutes, which were considered in the previous parts of the thesis. The seventh chapter of the thesis describes the process of Europeanization of the civil procedure within the European Union and the Council of Europe, and moreover mentions the Principles of Transnational Civil Procedure drawn up by the UNIDROIT. The pros and cons of convergence of civil procedure are discussed in the conclusion of the thesis.