

CIVIL PROCEDURE IN DENMARK

THIRD EDITION

LARS LINDENCRONE PETERSEN
ERIK WERLAUFF

Civil Procedure In Denmark Civil Procedure In Denmark

Eva Storskrubb



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Civil Procedure in Denmark Lars Lindencrone Petersen, 2022-11-20 Derived from the renowned multi volume International Encyclopaedia of Laws this convenient volume provides comprehensive analysis of the legislation and rules that determine civil procedure and practice in Denmark Lawyers who handle transnational matters will appreciate the book's clear explanation of distinct terminology and application of rules The structure follows the classical chapters of a handbook on civil procedure beginning with the judicial organization of the courts jurisdiction issues a discussion of the various actions and claims and then moving to a review of the proceedings as such These general chapters are followed by a discussion of the incidents during proceedings the legal aid and legal costs and the regulation of evidence There are chapters on seizure for security and enforcement of judgments and a final section on alternative dispute resolution Facts are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance Succinct scholarly and practical this book will prove a valuable time saving tool for business and legal professionals alike Lawyers representing parties with interests in Denmark will welcome this very useful guide and academics and researchers will appreciate its comparative value as a contribution to the study of civil procedure in the international context

Civil Procedure and EU Law Eva Storskrubb, 2008 Examining a burgeoning policy area of the EU the regulation of cross border civil and commercial litigation this title analyses the EU's specific legislative measures and assesses their impact on litigation procedure particularly due process rights

Civil Procedure Law Society of Upper Canada. Bar Admission Course, 1983

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this book is a guide to the civil procedure rules and practices in thirty two major countries and in the European Community Local rules relating to arbitration and where available mediation are also covered International Civil Procedure [2007] I Christian Campbell,2007-10-29 International Civil Procedure Volume I 2007 edition with more than 700 pages in two volumes provides a detailed analysis of civil procedures in 16 jurisdictions Austria Canada Denmark England Finland France Germany Greece India Ireland Italy Mexico Spain Switzerland the European Union and the United States Attention focuses on jurisdiction ascertainment of applicable law trial and post trial motions appeals and conclusiveness of judgments Purchase Volume II to complete the set Purchase of print version includes CD version and 24 7 online access A 10% discount applies to a subscription for next year s update A 25% discount applies to a subscription for three years of updates Discounts are applied after purchase by rebate from publisher Civil Procedure in Sweden A. Bruzelius,R.B. Ginsburgs,2024-10-28

Treatment of Foreign Law - Dynamics towards Convergence? Yuko Nishitani,2017-07-04 This work presents a thorough investigation of existing rules and features of the treatment of foreign law in various jurisdictions Private international law conflict of laws and civil procedure rules concerning the application and ascertainment of foreign law differ significantly from jurisdiction to jurisdiction Combining general and individual national reports this volume demonstrates when and how foreign law is applied ascertained interpreted and reviewed by appeal courts Traditionally conflicts lawyers have been faced with two contrasting approaches Civil law jurisdictions characterize foreign law as law and provide for the ex officio application and ascertainment of foreign law by judges Common law jurisdictions consider foreign law as fact and require that parties plead and prove foreign law A closer look at various reports however reveals more differentiated features with their own nuances among civil law jurisdictions and the difference of the treatment of foreign law from other facts in common law jurisdictions This challenges the appropriacy of the conventional law fact dichotomy This book further examines the need for facilitating access to foreign law After carefully analyzing the benefits and drawbacks of existing instruments this book explores alternative methods for enhancing access to foreign law and considers practical ways of obtaining information on foreign law It remains to be seen whether and the extent to which legal systems around the world will integrate and converge in their treatment of foreign law Dimensions of Evidence in European Civil Procedure Vesna Rijavec,Tomaž Keresteš,2015-12-29 Greater efficiency in civil dispute resolution is very much dependent on organized but fair fact finding Under European law however no clear cut categorisation of means of evidence exists as yet and significantly diverging interpretations persist of what is considered evidence in the sense of the foundational Council Regulation EC No 1206/2001 EER The EER fails to provide comprehensive rules for many other aspects of evidence taking pointing instead to national legislation for solutions As long as evidentiary rules remain different from country to country there is an inherent risk of conflict of laws between different systems in the course of cooperation between courts in cross border matters leading to mistrust amongst judiciary and other participants in the proceedings Focusing on national rules and using a comparative

method which takes into consideration legal experiences from all legal circles in the EU this book explains and analyses how the law of evidence works in Europe today The authors draw on the vast base of relevant information collected in twenty seven Member States by national reporters Following the classical enumeration of types of evidence production of documents examination of witnesses expert evidence inspection by the judge and examination of the parties chapters encompass such issues and topics as the following judicial cooperation in cross border cases general principles in evidence taking the right to be heard oral vs written form directness of evidence burden of proof judges case management powers regarding evidence means of evidence extent of influence of traditional principles and evidentiary rules on electronic evidence application of communication technology in cross border proceedings legal costs language inadmissible evidence and instances in which a court can refuse a request for evidence The authors offer well grounded recommendations on requested judge s entitlements direct and convenient communication cost issues revised provisions concerning language obstacles unification of presumptions and much more Armed with the wide ranging knowledge presented here practitioners handling civil cases anywhere in Europe will derive great practical benefit from this book As a masterful synthesis of how evidence is used in national courts in EU Member States and of how that use is changing the book will be greatly valued as a unique resource by legal scholars and academics With featured recommendations it can contribute to the development of mutual trust among the national courts inside the EU as well as trust among policymakers and national courts *The Law's Delay* C. H. van Rhee, 2004 Papers from a conference organised by Maastricht University Faculty of Law on 24 25 April 2003 **Current Trends in Preparatory Proceedings** Laura Ervo, Anna Nylund, 2016-04-18 This book explores the regulations goals and functioning of preparatory proceedings in four Nordic countries and eight former communist countries The contributions discuss whether and how the regulation and practice of preparatory proceedings enhance swift civil justice that is both inexpensive and has quality outcomes A central question is whether the main hearing model of civil justice in which preclusion of new evidence and claims occur at the end of the preparatory stage results in greater efficiency or whether the functioning of civil proceedings largely depends on other factors It also examines regulation and use of court connected mediation and judicial settlement efforts This book offers comparative insights into the functioning of the preparatory civil proceedings in the countries covered Preparatory proceedings are considered a key tool for achieving efficient civil proceedings The claims and factual background of the case are clarified at an early stage and the main hearing is focused Judicial settlement efforts and court connected mediation contribute to early resolution of cases and are important elements of Nordic civil procedure The Nordic countries have used the main hearing model of civil proceedings for some decades and recent reforms have further enhanced the role of the preparatory stage Former communist countries are reforming their earlier piecemeal format civil proceedings by introducing and strengthening written and oral preparation as well as court connected mediation The Future of Civil Litigation Laura Ervo, Anna Nylund, 2014-07-05 This book offers an analysis of

the current trends and developments in Nordic civil litigation and is divided into four main parts In the first part a picture of the current civil litigation landscape is provided by focusing on whether there is a truly Nordic form of civil litigation the current state of Nordic civil litigation the recent major reforms of civil procedure legislation and the effects of Europeanization In the second part the way rules on court connected mediation have been implemented and practiced in the Nordic countries is discussed The authors offer their insights on why court connected mediation has not been fully embraced by Nordic lawyers and the Nordic approach to this type of mediation is contrasted with the Austrian and German approaches In the third part recent developments affecting access to justice in the Nordic countries are discussed Among the topics are changes in legal aid schemes the impact of recent civil procedure law reforms hindrances for larger companies to use litigation as a method of dispute resolution and differences in costs and delays Additionally Alternative Dispute Resolution and Class or Group Actions are explored as methods to enhance access to justice The potential adverse effects of Alternative Dispute Resolution and Group Actions are also examined both in a Nordic and European context In the final part conclusions are drawn from both historical and future oriented perspectives

International Conventions Affecting Children Jeremy Rosenblatt, 2021-11-22 This eminently practical book provides text and expert commentary on all international Conventions that bear directly on the rights of the child The legal issues covered include among others the child and immigration intercountry adoption international child abduction human rights armed conflict and maintenance moneys It is the first book ever to bring together Conventions that can be realistically relied upon in domestic courts helping practitioners to avoid the pitfall of being deemed academic or distant from legal realities Drawing on his extensive in court experience Jeremy Rosenblatt shows exactly how each Convention may be used to remind courts and judges of their obligations of an international nature whether or not such Conventions have been incorporated into the domestic system Among the Conventions presented and discussed insofar as they bear on children s rights are the Dublin Convention the Hague Convention on Intercountry Adoption 1993 the UN Convention on the Rights of the Child and the Brussels and Lugano Conventions The author shows how to ensure uniform processes for the protection of the rights of the child everywhere by invoking respective and uniform Conventions that are directly applicable in individual jurisdictions as a result of legal systems globally owning competence and legal comity with one another

Responsibilities and Liabilities for Commercial Activity in the Arctic Vibe Ulfbeck, Anders Møllmann, Bent Ole Gram Mortensen, 2016-03-02 Given the magnitude of the risks associated with commercial activities in the Arctic arising as a result of the milder climate new business opportunities raise important questions of responsibility and liability This book analyses the issues of responsibility and liability connected with the exploitation of natural resources marine transport and other activities in the Arctic Applying a combined private and public law perspective on these issues it considers both the business and societal interests related to Arctic development using Greenland as an example The book focuses on problems that are specific to Greenland and wider

issues that affect all Arctic states *Enforcement of Judgments, Awards & Deeds in Commercial Matters* Carel J. H. Lynden (baron van), 2013 One of the first things international practitioners must consider is where to conduct legal proceedings But the second thought must be whether a judgment or award or a deed for that matter is enforceable in the debtor's jurisdiction or the jurisdiction where there are assets This first edition of *Enforcement of Judgments Awards and Deeds* provides the answer to such questions for a variety of jurisdictions The New York Convention of 1958 is widely implemented and therewith provides the basis for recognition of arbitral awards in many countries where court judgments are concerned the position is different This book assists practitioners to make the right choice Cover *Civil Procedure 2008*, 2008 *Goals of Civil Justice and Civil Procedure in Contemporary Judicial Systems* Alan Uzelac, 2014-01-11 This book is a collection of papers that address a fundamental question What is the role of civil justice and civil procedure in the various national traditions in the contemporary world The book presents striking differences among a range of countries and legal traditions but also points to common trends and open issues It brings together prominent experts professionals and scholars from both civil and common law jurisdictions It represents all main legal traditions ranging from Europe Germanic and Romanic countries Scandinavia ex Socialist countries and Russia to the Americas North and South and China Mainland and Hong Kong While addressing the main issue the goals of civil justice the book discusses the most topical concerns regarding the functioning and efficiency of national systems of civil justice These include concerns such as finding the appropriate balance between accurate fact finding and the right to a fair trial within a reasonable time the processing of hard cases and the function of civil justice as a specific public service In the mosaic of contrasts and oppositions special place is devoted to the continuing battle between the individualistic liberal approach and the collectivist paternalistic approach the battle in which seemingly paternalistic tendencies regain momentum in a number of contemporary justice systems Collection of Laws &c. ... Norway, 1907 *Public Laws Passed by the Philippine Commission* Philippines, 1904 **Evidence in Civil Law - Denmark** Michael Herborn, Frederik Waage, 2015 Danish civil procedure is based on a number of procedural law principles that affect the taking of evidence including the principle of party presentation the principle of disposition and the principle of free assessment of evidence The nature of Danish procedural law tends towards the adversarial model rather than the inquisitorial model Evidence is taken during the hearing and the principle of directness applies to the procedure Danish civil procedure is governed by the 1916 Administration of Justice Act which was originally strongly influenced by German law The role of the judge is to lead the process and also to intervene in proceedings when uncertainty exists rather than just to facilitate the process by ensuring the parties abide by the laws of civil procedure

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