

Propositions

The Great Race of Courts: Civil Justice System Competition in the European Union

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1. Civil justice system competition will not result in a race-to-the-bottom, as long as weaker parties are offered adequate legal protection.
2. A combination of civil justice system competition and harmonisation can produce legislative uniformity, and legislative solutions optimal for market players.
3. Lawyers are the driving force behind the demand side of the civil justice system competition.
4. Competition of jurisdictions leads to more transparent, predictable and independent courts, with more qualified and experienced judges.
5. Factors other than those related to the quality of procedures and law play an important role in the choice of court by lawyers.
6. England and Wales are the most preferred jurisdictions without being the best jurisdictions.
7. The application of new information technologies to legal issues is a challenge that needs more interdisciplinary research.
8. A continuous use of empirical methods, and in particular longitudinal studies, in the study of procedural law would increase the level of understanding of how fundamental rights are actuated and protected, and of how society as a whole is affected.
9. The position of weaker parties and their ability to access justice should be carefully considered in the development of law and procedures.
10. BREXIT has all the potential to essentially change what a unified European civil procedure would look like.
11. Lawyers need three steps to make a choice of court, but none of them is aware of these steps.