

Prague, October 26 – 27, 2017

Faculty of Law, Charles University, Prague 1, nám. Curieových 7, room No 38

The object of the conference is to inquire into the key question of assessment of proof, namely standard of proof. In general, evaluation of evidence requires an intellectual process, in which the evaluator reconstructs the past based on available information. Since the past cannot be repeated, the evaluator may only attempt to get as close as possible to the reality. Generally, as to the standard of proof we may identify two extreme approaches. First, which we can describe as hypothetical or speculative, stems from the persuasion of the judge. It employs such terms as “truth”, “certainty” or “beyond reasonable doubts”, etc. The result of it is “everything or nothing”. The second approach is, on the first sight, more scientific, since it measures the extent of credibility of the reconstruction by a degree of probability. If, for example, the degree of probability exceeds 51 %, such information is considered as proven.

The main purpose of the conference is therefore to learn about different approaches in relevant European jurisdictions. The second purpose of the conference is to assess these different approaches and find an adequate standard. Finally, the conference shall increase the understanding of the matter by the interested public and the participants.

PROGRAM

First day, October 26 – Fundamentals (14.00 – 18.30)

14.00 – 14.15 *Opening*

14.15 – 15.00 **Prof. Pavel Holländer** (Brno): Proof, theory of truthfulness and the purposes of procedure

15.00 – 15.45 **Prof. Mark Schweizer** (Zürich): The standard of proof as a decision threshold

15.45 – 16.00 *Coffee break*

16.00 – 16.45 **Prof. Christoph Kern** (Heidelberg): Probability as an element of the standard of proof

16.45 – 17.30 **Prof. Magne Strandberg** (Bergen): The more probable than not standard – a critical approach

17.30 – 18.15 **Prof. Christoph Althammer** (Regensburg): Proof of causation in German tort law

18.15 – 18.30 *Final discussion, end of first day*

Second day, October 27 – National reports (09.00 – 17.30)

09.00 – 09.45 **Prof. Hans Jürgen Ahrens** (Osnabrück): The standard of proof – the German approach

09.45 – 10.30 **Prof. Walter Rechberger** (Vienna): The Austrian approach and the inherent connection between the standard of proof and the burden of proof

10.30 – 10.45 *Coffee break*

10.45 – 11.30 **Prof. Michael Stürner** (Konstanz): Evaluation of evidence and the standard of proof in the ELI/UNIDROIT European Rules of Civil Procedure

11.30 – 12.15 **Mgr. Jan Balarin, Ph.D.** (Prague): The Czech approach

12.15 – 12.30 *Final discussion*

14.00 – 14.45 **Prof. Emmanuel Jeuland** (Paris): The standard of proof and the French approach

14.45 – 15.30 **Prof. Elisabetta Silvestri** (Pavia): The Italian concept of the standard of proof

15.30 – 15.45 *Coffee break*

15.45 – 16.30 **Prof. John Sorabji** (London): The English approach to the standard of proof

16.30 – 17.15 **Prof. Luboš Tichý** (Prague): Main problems from the perspective of a comparative analysis

17.15 – 17.30 *Final discussion, end of conference*