Nicole Jasmin Bettinger

Prozessmodelle im Zivilverfahrensrecht

Erfolg des Hauptverhandlungsmodells auch in der Schweiz?

[Procedural Models in Civil Procedure Law. Has the Main Hearing Model Succeeded in Switzerland?]



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In order to grant full legal protection, procedural law has to balance formality and flexibility – but without neglecting law's cultural aspect. This is why three different types of structural models emerged, with the main hearing model gradually replacing the trial and Italian-canonical models in reforms of various legal cultures. In the case of Switzerland, each of its 26 cantons had its own civil procedure rules up until 2011 when the Swiss Confederation decided to finally follow its neighbour's example and unify these into a single set. The author examines the Swiss legislature's streamlining of a plethora of cantonal rules and different implementations of procedural models and asks how this relates to current civil law development.

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