

**INTEGRATING COMPARATIVE LAW INTO
THE FIRST YEAR CIVIL PROCEDURE
OR
PLACING AMERICAN CIVIL PROCEDURE IN A GLOBAL PERSPECTIVE**

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It is a widespread comment that, with shrinking credit hours in the first year curriculum, it becomes almost impossible to teach Comparative Civil Procedure. However, the main objective in a first-year course is not to introduce the students to Comparative Law or even to Comparative Civil Procedure, but only to place American Civil Procedure in global perspective: contextualize it to learn it better.

How long does it take to mention to our students that jury trials are a peculiarity of American Civil Procedure? How long does it take to explain the consequences of this difference (absence of a concentrated trial and exclusionary rules of evidence)? How long does it take to tell our students that discovery, a device taken for granted in American litigation, is almost non-existent in other legal systems? Even in the few countries that rely on discovery, the taking of oral depositions is not as prevalent as in American litigation. How long does it take to explore the differences between the “neutral expert” and the “party-appointed expert”? How long does it take to tell your students that almost all countries adopt the Continental rule of fee shifting? This illustration makes it more concrete to explore the law and economics analysis of attorneys’ fees.

This paper intends to prove that one does not need a 7-credit Civil Procedure course to place American Civil Procedure in a global perspective. Teaching it in both 6 and 4 credits, I have always found the time to place American Civil Procedure in a global perspective for my first year students. They seem to appreciate it.

