Models of litigation
Adversarial/inquisitorial

Adversarial (anglo-saxon)- characters

- truth will emerge In the contest between parties
  - Parties shoulder the burden of proof initiating, shaping and fixing the scope of litigation
    - Decide which evidence to produced , which witnesses to call and their order (responsible for the outcome of the case)
    - Investigate the law (relevant precedence)
  - based on the idea that Judges play a passive role i.e. limited to regulating the
    - proper conduct (the smooth flow) of the process
      - Keep contest fair and impartial
      - Decide the admissibility of evidence (hearsay, opinion, Illegally obtained), rule on objections
      - Ensure the burden of proof is discharged

- Advantage
  - Ensures fair hearing
    - Party control
      - Prepare to the best of their ability
    - Independent arbitrators-
- disadvantage
  - Legal representation is costly (inferior) reduces access to people who has financial limitations
  - High court fees-

Inquisitorial- employed in continental countries

- it is the responsibility of the state to ensure that all relevant information is obtained and truth is reached. So,

Judges

- Inquire into the merits of the case to ascertain the truth,
  - order the production of further evidence,
  - examine witnesses
  - evaluate evidence (the credibility & relative weight of the evidence)
  - Control over the mgmt of indle cases- investigate facts to arrive at the truth (determine facts & find truth)

Parties play a reduced role (required to the directions of the the court)

- Do not control their own case,
- reduces inequity between parties if there is imbalance
- But control their case with a third party

- The pursuit of truth is the main objective
- Legal representation have a lesser role
  - assist the judge to find the truth
- Hearsay and improperly obtained evidence is admissible
- Extensive use of written evidence

advantage

- Judges take an active role
  - All available evidences are considered
  - Decide which evidence is valid
- Less reliance on the parties
  - Reduces cost
  - Important when party is poorly represented

disadvantage

- Parties loose control of their case
- Are the mercy of the judge