

2024 Second Study Committee
Civil Law and Procedure
66th IAJ Annual Meeting – Cape Town (South Africa)
Quiz 2024

Written submissions – when do they turn from a help to a hindrance?

In Taipei, Taiwan, we have decided that in 2024 our Second Study Committee will focus on how written submissions in civil litigation can move from some help to a hindrance and whether there are limits to written submissions in our various jurisdictions. If so, what do these limits include.

We limited the questionnaire to six questions and expected to receive short but concise responses. The questions are as follows:

1. Are there limits on written submissions in civil litigation in your jurisdiction in terms of maximum length? There are no limits to written presentations, in fact and in practice many written submissions have proven to be tedious and repetitive, forcing the judge to carry out a summarized analysis of the subject.
2. Are there deadlines for submitting written observations? Our regulations provide, in the absence of stipulation, at least 05 (Five) working days for submission.
3. Are there limits in terms of the maximum number of additional presentations in a case? Essentially, each participant in an action has an equal right to submit whatever is necessary for the due assessment of the case, however, it is up to the judge to reject or accept, if he deems it necessary, the discovery of the truth of such presentations.
4. Are there rules, including sanctions or cost implications, for violations of these requirements? The sanction for violating these requirements is normally non-acceptance, which would eventually harm the counterparty. In general, a maximum time of 15 minutes is required for dissertations or presentations, which if not used properly will result in losses.
5. Are these limits or requirements effective in terms of reducing the number and length of written submissions and the time spent preparing and determining a case? Yes, they have been.
6. What is the effect of written submissions on any subsequent hearing? Doctrinal effect and perhaps immediate application.
7. Comments or suggestions about what could be effective

An updated intranet system, allowing greater interaction and updating of the analysis to be carried out.

