

## **IAJ Meeting 2024**

### **Second Study Commission: Written submissions -when do they turn from a help to a hindrance?**

#### **Questionnaire answered by Liechtenstein**

**1. Are there limits for written submissions in civil litigations in your jurisdiction in terms of the maximum length?**

Preliminary note: As the Liechtenstein Code of Civil Procedure (“Zivilprozessordnung” [ZPO]) is based on the Austrian role model, it can also be referred to the questionnaire answered by the Austrian Association of Judges. This means, that there are no such limits in Liechtenstein too. The same is true for non-contentious proceedings (“Ausserstreitgesetz” [AusStrG]).

**2. Are there time limits for filing written submissions?**

Not in general. Especially there is (unlike Austria) no time limit for the statement of defence. But the court of first instance may reject new factual allegations and new evidence upon request or ex officio pursuant to Section 179 para. 1 ZPO if such new information and evidence was not submitted earlier due to gross negligence and if admitting it would significantly delay completion of the proceedings.

In the second instance an appeal against the decision of the first instance has to be lodged within a certain time limit, that means within four weeks against a judgement (“Berufung”) and within fourteen days against a court order (“Beschluss”). Whereas the former legal remedy in Liechtenstein (different than in Austria) permits within certain limits new factual allegations and offer of evidence (so-called “beschränkte Neuerungserlaubnis”), the latter is subjected to a strict prohibition of novation (so-called “Neuerungsverbot”).

**3. Are there limits in terms of a maximum number of additional submissions in a case?**

Not in general. However, the Princely Supreme Court has ruled that submissions that do not serve an efficient preparation of oral hearings are either to be rejected or at least not rewarded reimbursement of costs (so-called “Schriftsatzunwesen”).

**4. Are there rules, including penalties or cost implications, for breaches of these requirements?**

See above.

**5. Are these limits or requirements effective in terms of reducing the number and length of written submissions and the time spent preparing for and determining a case?**

In General, yes. The average duration of civil proceedings in Liechtenstein is quite short, too (detailed statistical data are not available). Although the order for payment mentioned in the Austrian report has been adopted in the Liechtenstein law in a modified manner, it has not gained the same practical relevance. To explain the reasons for this would go beyond the topic of this report.

As already mentioned before unlike Austrian law an appeal against a judgement in Liechtenstein is not subjected to a strict prohibition of novation (so-called “Neuerungsverbot”), but a limited permission for novation (so-called “beschränkte Neuerungserlaubnis”) takes place. This sometimes leads to a quashing of a judgment and a renewal of the proceedings in the first instance although the court had made no mistake. On the other hand finding the truth in a dispute is a very important aim, too.

**6. What is the effect of written submissions on any hearing which subsequently takes place?**

See the Austrian report, which is true for Liechtenstein, too.

**7. Comments or suggestions as to what could otherwise prove to be effective**

The costs of redundant and belated submissions should not be entitled to reimbursement. This would make it less attractive for lawyers and attorneys to delay the proceedings.

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