

## **Second Study Commission**

### **Civil Law and Procedure**

#### **66th Annual Meeting of the IAJ – Cape Town (South Africa)**

**2024**

#### **Answer to the questionnaire from Denmark**

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

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

No.

With the digitization of civil cases some years ago we have experienced quite an increase in the volume and number of submissions. Also, in the total procedural material in civil litigations and we generally discuss this topic in these years as it represents an increase in workload at the courts.

2. Are there time limits for filing written submissions?

Yes.

In the preparation state of the case the court sets time limits for written submissions all in accordance with the The Danish Administration of Justice Act (retsplejeloven). This is a starting point where lawyers can apply for a prolongation of the time limits. The court also sets a time limit for the end of the preparations state of the case (in general 8 weeks before the hearing), which can be prolonged if necessary but only then.

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

No not really. The court will handle the preparation of the case in an active way and set time limits for written submissions and a time limit for the end of the preparation state which is the frame of the preparation of the case.

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

No not in general.

Only the risk that very late submissions will not be allowed or considered by the court in the judgement. If the other party protests the judge will consider whether or not to allow the submissions in the case.

Due to the The Danish Administration of Justice Act the parties shall each make a final submission before the hearing with their claim and pleas. If this is not received in the court within the time limit it could result in non-attendance effect on the case.

The court can in any state of the preparation demand a written submission with a certain purpose directing specific areas or problems in the case. The failure to produce such a submission can be regarded as non-appearance.

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

To a certain degree but not sufficiently as the parties can keep on submitting and replying to the submitted for quite some time. This volume has a negative effect on the time handling the case.

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

Written submissions represent a substantial workload for the judge in preparing the case and often in cases with many written submissions they are not all referred to in the hearing.

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

Introducing further limits to the amount and length of written submissions per case or means to handle and prevent an increase in the number or length of submissions could be helpful in reducing the workload in civil cases.