

**International Association of Judges**

**Second Study Commission**

**Civil Law and Procedure**

**Questionnaire 2024**

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

Answers by the German Judges Association (Deutscher Richterbund, DRB)

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

No.

However, the German Judges Association notes with concern that in more and more cases, especially in so-called mass proceedings (i. e. large numbers of applicants sue a certain defendant for a similar reason), the written submissions become longer and longer (i. e. more than 100 pages instead of 10-20 pages). This can – and does in practice – impede the ability of judges to handle their workload within a reasonable time.

Against this background, the German Judges Association suggests the introduction of limits for written submission in civil litigations ([DRB\\_220513\\_Stn\\_Nr\\_1\\_Massenverfahren.pdf](#)).

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

The judge sets certain time limits in accordance with the minimum limits set forth by the Code of Civil Procedure (Zivilprozessordnung – ZPO). However, lawyers may apply – and in practice regularly do in most cases – apply for a prolongation of the time limit set by the judge.

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

No.

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

Any party exceeding the time limit set for a written submission generally risks that their later submission may not be considered for the judgement. If a specific time limit was exceeded, section 296 ZPO stipulates that such submissions are to be admitted at the court's discretion and conviction only if that admission would not delay the process of dealing with and terminating the legal dispute, or if the party provides sufficient excuse for such delay.

**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?**

Only partially. If any party reacts to the written submission of facts by the other party by submitting new facts as well, the other party has a right to reply on that and vice versa. In such cases deciding the case can take considerable time.

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

Written submissions are largely referred to in hearings of civil law cases in Germany. Therefore, written submissions in German Civil Law are meant to provide for an effective hearing.

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

Introducing time limits for written submissions, as well limits to the maximum number of submissions per case would certainly prove to be effective for deciding cases within a reasonable time. However, the principles of equality of arms and the right to be heard may require for a party to still be able to respond to submissions by the other party, even if this leads to a procedural delay.