

Comments & Questions to Prof. Dr. Dr. hc. Astrid Stadler

Thank you for your very timely and very informative reports. I am so honored to have a precious opportunity to know about the recent situation and circumstances of Digitisation of German civil procedure.

Q.1 “Basic Document” system will be useful to control or limit the abuse of strategical presentation of facts and evidence by lawyers. But do you think strategies of attorney will be changed to be e.g., much more reasonable, and efficient? Also, do you think lawyers should accept the system as in a due course, especially after the system could be designed to suit for each type of case?

It seems that court would/could manage not only the proceedings but also the collection of facts and evidence from both parties, which means court will gain more discretionary power than before, but is that so?

On the other hand, there might be a possibility that both parties tend to post more arguments and facts in order to respond to the other side immediately since less time gap will exist under the new system, do you know or think some negative impacts by lawyers regarding the delay or abuse of the proceedings?

Q.2 Questions about the necessity of technical regulation for video conference

In the pilot project in Bavaria, for example, how is like the size of the screen of the video? Are there any concern or regulation about the size or scale of screen settings so as the technical setting regulation? I think the size of the screen also matters for the evaluation of examination of witness and/or parties by judge as you may also concern that the virtual presence of the party might be weaker and a court judge can forget the party on the screen and rather focus on the present party at the court room. To the contrary, if the screen is so large as in the movie theater, for example, could the party on the screen show more presence than the party sitting in the court room actually?

Do you know any concerns regarding the technical regulations of video conference as well as caring psychological effects and the equality of parties?

Q.3 It is good to enjoy more developed techniques in the future court anyway, but how do you evaluate current advance situations, for parties, lawyers, and judges? Do you think what kind of conditions are necessary for the future as a whole?

Thank you in advance.

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