

Judicial Communication in the Digital Age:

New Developments in the CJEU and European Supreme Courts

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1. Analogue and Digital Judicial Architectures

Digitalisation is transforming the administration of justice. This development concerns, not least, judicial communication, and thus the public appearance of the courts within the state and society.² Traditionally, the judiciary communicates primarily through adjudication; decisions of the highest courts are published in official journals and in law reviews. Especially in the nineteenth century, palatial courthouses made the judiciary visible in the city centres and physically tangible as an institution – the accessibility of court buildings and openness of court proceedings belong of the most important achievements of modern democratic societies.³

The focus on the courthouse as the outward appearance of justice shifted with film and television in the twentieth century. For the transmission of the Nuremberg war crimes trials (1946), the court building was immaterial; it was the carefully orchestrated newsreel footage from the courtroom that was decisive. The same applied to the Eichmann trial in Jerusalem (1961), which was followed worldwide on television.⁴ Court TV became popular at the same time in the United States and, for example, in Italy. Germany, by contrast, developed a restrictive approach due to the negative experiences with show trials during the National Socialist era – an approach that continues to have effect to this day.⁵

With digitalisation, the public perception of the judiciary is once again changing. Many courts today have their own internet presence, in particular supreme courts,

¹ A German version of this paper is going to be published in ZEuP2/2026. The final paper will be enlarged by a second part addressing the use of digital tools in the CJEU.

² Hess, *Justiz und Kommunikation – zur veränderten Wahrnehmung der Ziviljustiz in Staat und Gesellschaft*, FS H. Roth (2021), pp. 359 *et seq.*

³ Resnik/Curtis, *Representing Justice* (2011). Klemmer/Wass/Wessel; *Deutsche Gerichtsgebäude* (1995); R.A. Miller, *Verfassungsorte: Stationen auf dem Weg zur deutschen Demokratie* (2025).

⁴ Kessedjian, *Le tiers impartial et indépendant en droit international*, RdC 403 (2020), para 296 *et seq.*

⁵ Hess, *Public Hearings in Court Proceedings - The concept of the open court and its relationship to social media*, in *Publications of the Academia delle Scienze dell'Instituto di Bologna, Classe di Scienze Morali, Rendiconti degli Anni 2017-2018* (2019), pp. 129 *et seq.*

Commercial Courts⁶ and international courts.⁷ The design and functionality of these websites are being continuously improved. From a legal perspective, interesting questions arise: Who is responsible for organising these websites: the President of the court, the court's executive board, the press office, or the (Land) Ministry of Justice? What functions does the website fulfil: does it provide parties and the public with access to the court; does it enable communication and information? Is this a judicial task at all – and is it even a desirable development? And finally: Who finances digital judicial communication?

Modern, innovative research in procedural law integrates the perspectives and methods of comparative law and empirical legal studies. When examining the internet presence of the judiciary, this approach readily suggests itself. Not long ago, I undertook a “tour” of the websites of various supreme courts around the globe. A video of my lecture on this subject, delivered as part of the “General Course” at the Hague Academy of International Law (2025), is now available online on the “Comparative Procedural Law and Practice” (CPLJ) website.⁸ There one can view a PowerPoint presentation showcasing different websites directly. However, it is not merely about noteworthy videos and attractive images, but about tangible concerns of judicial governance. A comparative survey shows that there is, particularly in Germany, a need to catch up in terms of regulation.

2. Different Functions of Court Websites

When one examines the content of different court websites, two essential functions stand out: first, the digital communication with the parties (and their lawyers); second, the publication of judicial decisions, as well as information to the public about the mission and the activities of the court.

As regards the first function (access function), there are direct connections with the civil procedural rules on the submission and receipt of (digital) procedural acts – the website of the Unified Patent Court (UPC)⁹ provides a compelling example: In the UPC, the court and the parties communicate via a case management system made available on a platform which simplifies and structures submissions and the court's conduct of

⁶ The unified website of the currently nine different Commercial Courts in Germany is, however, still “under construction” (status as of 15 January 2026). It is intended to be available at the beginning of 2026. On the confusing situation of German Commercial Courts and English-language court proceedings, see *Voß*, *ecolex* 2025, 888 et seq.

⁷ Especially the internet presence of the International Court of Justice provides for comprehensive information,

⁸ Accessible at: <https://www.cplj.org/news#judicial-communication---a-global-visit-of-the-webpages-of-national-and-international-courts>.

⁹ Explained under the FAQs section on the website of the Unified Patent Court: <https://www.unifiedpatentcourt.org/en/faq/cms-connection#faqs>.

proceedings. Such a function is, unfortunately, still largely absent from the websites of German courts.¹⁰

More important is the communication function. Here, court websites initially open the possibility to present and explain the court as an institution and its activities to citizens in an accessible and comprehensible manner. However, the strategies of modern judicial communication are more ambitious. They are shown in particular by the newly redesigned website of the Court of Justice of the European Union as of 12 January 2026.¹¹ It offers users a structured, audiovisual platform, on which, first, its own “Curia Court TV” provides information about the Court as an institution and about its case law.¹² This includes live broadcasts of the delivery of judgments and the reading of Advocates General’s opinions¹³, as well as time-shifted streaming of oral hearings. Interested persons are thereby enabled to participate virtually in the hearing, including with interpretation. In short (approximately five-minute) films, judges of the Court of Justice also explain important judgments. The programme “La Cour des citoyens” explains the Court’s structure and working methods. In the section entitled “Open Court”, members of the Court are interviewed. In the “Bright” section, the Court’s case law is presented in specific areas of particular interest to Union citizens.¹⁴

The Court of Justice’s case law is made fully accessible via an online database with sophisticated search and translation functions. It is permanently enlarged. In addition, there is user-friendly supplementary information available¹⁵: legal opinions and the monthly reports of the Court’s Research and Documentation Directorate have also been accessible since 12 January 2026. Judgments of the supreme courts of the Member States on Union law are also made accessible through the database. In doing so, the Court is opening the search functions and the extended content of its internal databases to the general public.

Alongside this, the website contains more conventional sections, for example on the curricula vitae of the members of the Court (including portrait photographs), press

¹⁰ With the exception of the Federal Constitutional Court, which permits electronic legal communications. For individual constitutional complaints, however, not via its website, but via the electronic citizens’ and organisations’ mailbox (eBO) by dispatch via access to the Court’s electronic court and administrative mailbox (EGVP) with qualified electronic signature, or via the free service “Mein Justizpostfach” (MJP), Section 23a Federal Constitutional Court Act (BVerfGG): https://www.bundesverfassungsgericht.de/DE/ERV/HaeufigGefragt/_functions/_erv_hinweistext.html?nn=68112, last visited on 15 January 2026.

¹¹ Accessible at <https://curia.europa.eu/site/>, last visited on 15 January 2026.

¹² Press release of the Court of Justice No. 1/2026, <https://curia.europa.eu/site/>, last visited on 12 January 2026.

¹³ A visually rather dull format, since the headnotes of the decisions are read out in the language of the referring court.

¹⁴ Example: Effects of mandatory Union law (fair play) on the statutes of sports associations, https://curia.europa.eu/site/jcms/qua1_5961/en/sport.

¹⁵ It explains, for example, case references and the ECLI citation of judgments, https://curia.europa.eu/site/jcms/d2_5132/en/case-names-and-citations.

releases and the hearing calendar. Another important means of communication is the Court's annual reports, in which the Court not only presents statistics on its activities but also briefly reports on significant judgments and presents other activities of the institution. Anyone who wishes to obtain comprehensive information about the Court of Justice and its activities will be very well served by the Court's website. Other supreme courts also maintain appealing websites, such as the Supreme Court of Canada¹⁶, the Cour de cassation of France¹⁷, and the UK Supreme Court¹⁸.

The situation is quite different, however, at the Federal Court of Justice (Germany).¹⁹ Its internet presence appears old-fashioned and confusing; it has not been modernised for many years and contains only little information. The case-law database begins only in the year 2000; earlier judgments are accessible on demand only behind a "paywall" – at EUR 0.50 per page by postal delivery (sic).²⁰ Information on the court's mission is provided in terse legal German; the names of the judges can be found only via the schedule of allocation of responsibilities. Curricula vitae and photographs are absent. Only for the Presidents are photographs and brief CVs available, beginning with the first President, *Weinkauff*.²¹ This limited presentation is obviously not the fault of the press office; photographs of its staff are available online.²² Hidden under the heading "Service" one finds more modern information on the BGH's website: at least a visually appealing information brochure (since 2025), the annual reports, and a link to the "Special broadcast '70 years of the Federal Court of Justice and the Federal Public Prosecutor General at the Federal Court of Justice' (from 2020)".²³ The 2024 activity report is concise at 22 pages only; apart from the President's foreword, it contains predominantly statistics – substantive information on major legal developments or any prioritisation of judicial activities or pertinent experiences is lacking.²⁴ By contrast, contemporary internet presences can be found, for example, on the websites of the

¹⁶ Accessible at <https://www.scc-csc.ca/home-accueil/index-eng.aspx>.

¹⁷ Accessible at <https://www.courdecassation.fr/>, see also *Hess*, in Mélanges L. Cadiet (2022), 729. In the meantime, the website contains a database that makes accessible the case law of all French courts.

¹⁸ Accessible at <https://supremecourt.uk/>.

¹⁹ Accessible at https://www.bundesgerichtshof.de/DE/Home/home_node.html, last visited on 14 January 2026.

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https://www.bundesgerichtshof.de/DE/Entscheidungen/EntscheidungenBis1999/entscheidungenBis1999_node.html.

²¹ Why only the current President and the former Presidents are depicted there is not apparent. No explanation is provided.

²² The research assistants have their own web presence, created with their own blog: <https://bgh-hiwis.de/>.

²³ Available from Südwestrundfunk. For the 75th anniversary (2025), no further media presentation was evidently considered.

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https://www.bundesgerichtshof.de/SharedDocs/Downloads/DE/Service/Taetigkeitsberichte/taetigkeitsbericht2024.pdf?__blob=publicationFile&v=4

Federal Administrative Court²⁵ and the Federal Constitutional Court; they are updated regularly.²⁶

3. Emblematics of the Websites

The judiciary communicates through symbols. The websites of the courts broadly employ the visual language of justice; they are often highly emblematic: on the one hand, they emphasise the architectural representational effect of their (historic) buildings, show statues of Lady Justice and other artefacts in the court buildings, as well as courtrooms. The ceremonial of justice is also displayed: the opening of the hearing by the formal entering of the judges in their robes, solemn sittings of the panels, solemn pronouncements of judgments – this ambience is sometimes referred to as the “justice setting”.²⁷ Practice with regard to livestreaming varies – in Germany, any filming is largely prohibited (§ 169 Courts Constitution Act; GVG), whereas in Italy, it is generally permitted and practiced.²⁸

Designing the virtual appearances (websites) of the courts has become an important regulatory issue that concerns less form legal norm-making and more the practical design of websites and –even more important – the design of virtual courtrooms.²⁹ This discussion has only just begun – it will sustainably shape the future image of the judiciary.³⁰

By contrast, the internet presence of the French Cour de cassation is an example of how judicial communication can be successful.³¹ An introductory video that was shown for a long time focused on the President of the Court: initially at his inauguration, the donning of the robe, the entrance into the courtroom – thus showing the institution in its ceremonial emblematics. Then the perspective changes: the President sits (now in a “normal” suit) in his working room at his desk, looks into the camera, explains who he is and how, over the course of his professional career, he became President of the Cour de cassation. In this way, the Cour de cassation literally acquires a face. Finally,

²⁵ Accessible at <https://www.bverwg.de/> – The front page starts with an informative introductory video.

²⁶ Accessible at https://www.bundesverfassungsgericht.de/DE/Home/home_node.html.

²⁷ *Spitzer*, *Festschrift Lovrek* (2023), pp. 725, 740 (“Justiz-Setting”) – thereby describing the physical (analogous) situation in the courtroom.

²⁸ See *Jahn*, *German Courts Open Their Doors (a Little Bit) Wider to the Media*, in Hess/Koprivica Harvey (eds), *Open Justice – The Role of Courts in Democratic Societies* (2019), pp. 269 *et seq.*

²⁹ *F Gascón Inchausti*, ‘From Remote Hearings to Online Courts’ in: Hess/Wool/Cadiet/Menétrey/Vallines García (eds), *Comparative Procedural Law and Justice* (Part IX Chapter 4), [cplj.org/a/9-4](https://www.cplj.org/a/9-4), accessed 16 February 2026, paras. 19 *et seq.*

³⁰ It would, of course, be misguided to stifle this debate by pointing to the (supposed) superiority of personal presence in the courtroom, see *Hess*, *ecolex* 2025, 872 *et seq.*

³¹ The presentation is integrated in the video of my “2025 Hague Friday Lecture”, www.cplj.org, from minute 13:46 *et seq.*

the President speaks about the function and significance of the administration of justice and of the Cour de cassation.³² The short film makes the institution visible while explaining it in an accessible manner and creating proximity to citizens.

4. Judicial Communication and the Principle of Transparency

The question remains as to the legitimation of digital judicial communication. In the inaugural video launching the new website on 12 January 2026, CJEU President K. *Lenaerts* justifies the improved online presence by reference to the principle of transparency: the aim of the new online presentation is to report on the Court's activities as comprehensively and accessibly to citizens as possible.

As a procedural principle in civil procedure, "transparency" is, admittedly, not a firmly established principle. In present general law, it is, on the one hand, a ground of legitimation for public administration and, on the other, an element of reporting obligations of private companies in the context of audits (corporate governance). Nevertheless, grounding reporting in the principle of transparency also makes sense for the judiciary: in this respect, the courts do not differ from other state powers that are obliged to report on their activities in democratic societies. At the same time, it appears necessary to situate the specific function of transparency in civil justice. Here, the aim is to present civil justice to the public as a branch of state power that communicates its activities in an intelligible manner and is thereby accessible and understandable for the citizens.³³

In Union law, transparency is enshrined in Articles 10 and 11 TEU and in Article 15 TFEU. These provisions oblige the Union's administrative and political bodies to take "citizen-oriented" decisions and to engage in dialogue with citizens. Article 15 TFEU further obliges the EU institutions to act transparently and to grant citizens the broadest possible access to information about their activities. These are legal obligations, not merely non-binding programmatic statements. However, under Article 15(3) TFEU, fourth subparagraph, the Court of Justice is specifically addressed. Here, the CJEU is only obliged to transparency when exercising administrative tasks. These tasks are not clearly defined yet. Apparently, through its expanded communication strategy, the Court of Justice aims to extend the principle of transparency to the judicial sphere. This extension is welcome from a democratic-theoretical perspective, as it increases the acceptance of the Court's jurisprudence among the Union's population. The legal

³² A similarly appealing presentation is found in the video message of the President of the Canadian Supreme Court.

³³ *Hess*, Festschrift H. Roth (2021), pp. 359, 365 *et seq.*

justification, however, remains precarious. The publication of judicial decisions as an act of judicial administration is, at the very least, in need of justification.³⁴

5. The Need for Regulatory Action

In contrast to neighbouring European countries³⁵, the publication of judicial decisions in Germany is, with few exceptions, not regulated by law.³⁶ The case law of the Supreme Federal Administrative Court affirms an “obligation to publish judicial decisions”. Caselaw derives this obligation from the rule of law principle, including the duty to justly administer justice, from the principle of democracy and from the principle of separation of powers. As a result, there arises a fundamental legal duty to publish all judicial decisions worthy of being published.³⁷ This accumulation of constitutional principles (without any clear legal impact) stands in striking contrast to the absence of a statutory rule on the duty to publish.

This results in legal uncertainty. This even leads to legislative curiosities: the recently enacted Section 608(3) German Code of Civil Procedure (2024) regulates the publication of English-language decisions of the newly created German “Commercial Courts”³⁸ as follows:

“If publication of the judicial decision is intended, the court shall arrange for the translation of the fully drafted decision into the German language and publish both language versions together.”

As there is no statutory regulation of the publication of judgments, the legislature refers to the intention of “the court”.³⁹ The addressee of the norm remains unspecified: is this the court’s presidium, the press office, or the adjudicating panel?⁴⁰ The privately organised specialist journal/database which, in the end, publishes the decision⁴¹ is not addressed by the wording of the provision; it is not bound by the Code of Civil

³⁴ For a classification as a matter of judicial administration, see Zöller/Lückemann, § 608 ZPO (36th ed., 2025), para. 3; § 169 GVG, para. 9. On the different development in Austria since the 19th century, Schumann, *Rechtssatz, Rechtsinformation, Rechtseinheit* (2025), pp. 70 *et seq.*

³⁵ Overview in Hess, *Festschrift H. Roth* (2021), pp. 359, 368 *et seq.*

³⁶ See also Heese, *Festschrift H. Roth* (2021), pp. 283, 293 *et seq.*

³⁷ In particular Federal Court of Justice (BGH), 4 July 2017, NJW 2017, 1819, para. 16; Federal Constitutional Court (BVerfG) 14 September 2015, NJW 2015, 3708, para. 20; BVerwGE 104, 105, 108 f.

³⁸ W. Voß,

³⁹ The explanatory memorandum to Section 608(3) of the Code of Civil Procedure refers to the case law just cited, BT-Drucksache 20/8649, p. 35.

⁴⁰ Thomas/Putzo/Nordmeier, § 608 ZPO (46th ed., 2025), para. 3, classifies publication as “judicial administrative action”.

⁴¹ Nota bene: Germany does not dispose of any coordinated public system of the publication of court decisions.

Procedure and may omit the German translation or the English-language original at will.

This example demonstrates that a statutory regulation of judicial communication is overdue. It must begin with the (free-of-charge and generally accessible) publication of decisions in a nationwide database⁴² and should also regulate further judicial communication. Networking with the central judicial and communications platform to be established is to be sought (Sections 1131 *et seq.* German Code of Civil Procedure, new version)⁴³. Such regulation should be enacted in the Courts Constitution Act and must not be delegated to the justice administrations of the Länder by way of an ordinance-making power. The example of the Commercial Courts shows how a legitimate reform concern, pursued persistently over many years, is fragmented by judicial federalism.⁴⁴ Judicial communication is not a “matter for the Länder” but must be regulated, in principle, uniformly at federal level. This corresponds to the regulatory structure in many European neighbouring countries. It is one of the necessary regulatory measures to stem the decline in case numbers before the courts and the concomitant loss of acceptance of the judiciary among the German population.

⁴² So too *Heese*, Festschrift H. Roth (2021), pp. 283, 293 *et seq.*, 304 f.

⁴³ The long-overdue Act to Pilot Online Proceedings (BT-Drs. 21/1509) has in the meantime been adopted; see *Riehm*, LTZ 2025, 300 *et seq.*

⁴⁴ Accurate criticism by *W. Voß*, *ecolex* 2025, 888, 889.