THE DANISH ANSWERS TO THE 2018 QUESTIONNAIRE

STRATEGIES IN EFFECTIVE CASE MANAGEMENT

1. Can case management be used effectively in civil litigation matters in your jurisdiction?

   - Yes, very much so. Case management is important in order to have efficient proceedings in civil cases in Denmark and over the past 10 years several changes has been made to ensure more efficient case management.

2. Are there rules or guidelines for the use of case management in civil litigation in your jurisdiction?

   - Yes, there are rules and guidelines regarding the use of case management in civil litigation in the Danish civil procedure. In 2007 substantial changes were made in The Danish Code of Judicial Procedure to ensure more effective management and to speed up the handling of civil cases. In recent years there has also been changes in terms of a set of national guidelines to more effective case management in civil cases in Denmark.

3. What are the advantages or disadvantages of the use of case management in your jurisdiction?

   - The advantage is a more efficient, swifter management and preparation of the case in order to reach the final oral hearing of the case without undue delay. In the
Initially written submissions the parties are obliged to clarify their position regarding the case, which circumstances they rely on and the evidence in the case, including the witnesses, they plan to hear. The court will then arrange a preparatory meeting – via conference call. In the meeting the management of the case and the case itself is discussed and the court can ask questions to the parties. In the meeting the court sets the necessary dates regarding preparation of the case including the date of the final oral hearing. The whole idea is that the parties shall be fully prepared and the judge quite active in this meeting at an early stage, and that all elements of the case can be discussed and sometimes settled. If it works, this is all quite efficient and therefore an advantage.

- The problem can be finding the necessary time to fully prepare for and hold these preliminary meetings in all cases at a very early stage. At some courts each judge have the full preparation of the cases from the submissions to the written judgement. The judges at these courts tend to find that this is more efficient and makes it easier to settle the cases before the final hearing. At other courts the case management up until the final hearing is centrally organized and usually not performed by appointed judges but under supervision by a judge. This is usually chosen to make the case management more efficient as a whole.

4. Who incurs the costs of the use of case management in your jurisdiction?

- The costs are included in the court fee.

5. Can the use of case management in your jurisdiction be improved?

- Surely it can always be improved. But there have been many changes and improvements regarding the handling of civil cases in Denmark in the past years. In the spring of 2014, the Danish National Courts Administration launched a project to develop a system designed to review civil cases, which both contains an internal case administration system (Civilsystemet) and an external self-service portal (minretssag.dk/”mylawsuit.dk”). We have yet to see the full implications and effectiveness of these changes.