

LEGAL INNOVATION

Report on new developments in E-justice in
Germany
particularly on the special electronic mailbox
for lawyers (beA)

Speaker:
Dr. Christoph Munz

MUNZ Rechtsanwälte
Louis-Braille-Str. 5
01099 Dresden
Tel +49/351 46906-0 Fax +49/351 46906-891
munz@munz-anwaelte.de
www.munz-anwaelte.de



MUNZ
RECHTSANWÄLTE

E-Justice in Germany

- An important aspect of E-Justice is the system of **electronic legal transactions**, which means the formalized legally effective exchange of electronic documents between lawyers, courts and other institutions
- Another aspect is the use of software systems in order to manage proceedings in the administration of the courts
- E-Justice should lead to more efficiency and faster progress in trials and judicial procedures
- The first step has been the complementation of an Electronical Mailbox „Elektronisches Gerichts- und Verwaltungspostfach-EGVP“ for courts and other authorities



E-Justice in Germany

- Procedural briefs and other documents can be transmitted legally in electronic form to all courts and institutions connected to this mailbox – in practice it had not been used very frequently neither by lawyers nor by the courts
- The courts connected to this mailbox are listed on the website

<http://www.justiz.de/OrtsGerichtsverzeichnis/index.php>



MUNZ
RECHTSANWÄLTE

E-Justice in Germany

- Saxony is rather advanced on this sector, compared with other „Länder“ in Germany
- Saxony applies E-justice and permits electronic legal transactions on the following sectors:
 - **Ministry of Justice**
 - ✓ Introduction of an e-filing system in the administration of the ministry
 - **Ordinary jurisdiction**
 - ✓ Electronic Land Register (SolumSTAR)
 - ✓ Electronic Commercial Register (RegisSTAR)
 - ✓ Office administration software (ForumSTAR)
 - **Public Prosecutors Offices**
 - ✓ Pilot project for files in criminal matters



E-justice in Germany

➤ Administration of Detention Centers

- ✓ electronic accounting system
- ✓ Service planning program Q1

➤ Specialized courts

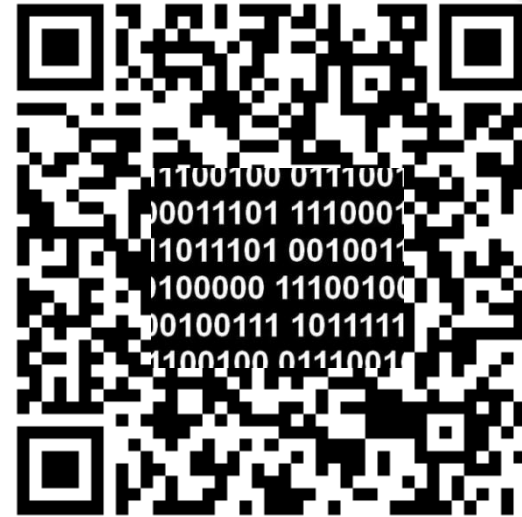
- ✓ IT-System EUREKA for Labor and Social Courts
- ✓ E-filing system for the financial and administrative courts

➤ Administration of courts and prosecutors

- ✓ Electronic document management and inventory
- ✓ Household management system
- ✓ Electronic procurement management

➤ Court cashier

- ✓ Cash Management (KABU)
- ✓ Automated cost recovery



MUNZ
RECHTSANWÄLTE

E-justice in Germany



Future projects

E-filing systems in criminal matters

- 4th May 2016: Draft of the Act for the introduction of the electronic file in criminal matters and for the further promotion of electronic legal transactions presented by the german government
- From January 1, 2026 onwards, new files in criminal cases have to be created by electronic means
- electronic files will then be mandatory for criminal courts and public prosecutors as well as other law enforcement authorities (police of the federation and the countries, customs, tax investigation)
- Participation in electronic legal transactions is not intended to be mandatory for individuals



MUNZ
RECHTSANWÄLTE

E-justice in Germany

E-filing systems in other procedural orders

- The binding introduction into the other procedural rules of ordinary jurisdiction and the specialized judicial systems is to be reserved for separate legislative proposals.
- Optionally already possible:
- Piloting of the paperless, fully electronic court files since 2016 in Baden-Württemberg at the ArbG Stuttgart and LG Mannheim



Software for law firms

- about 80 to 90 % of the law firms work with specialized software for lawyers
- these software programs are especially used in:
 - ✓ Management of files and addresses
 - ✓ Creation and management of documents
 - ✓ Administration of deadlines and resubmission of files
 - ✓ time management and billing systems
 - ✓ dunning and enforcement procedures

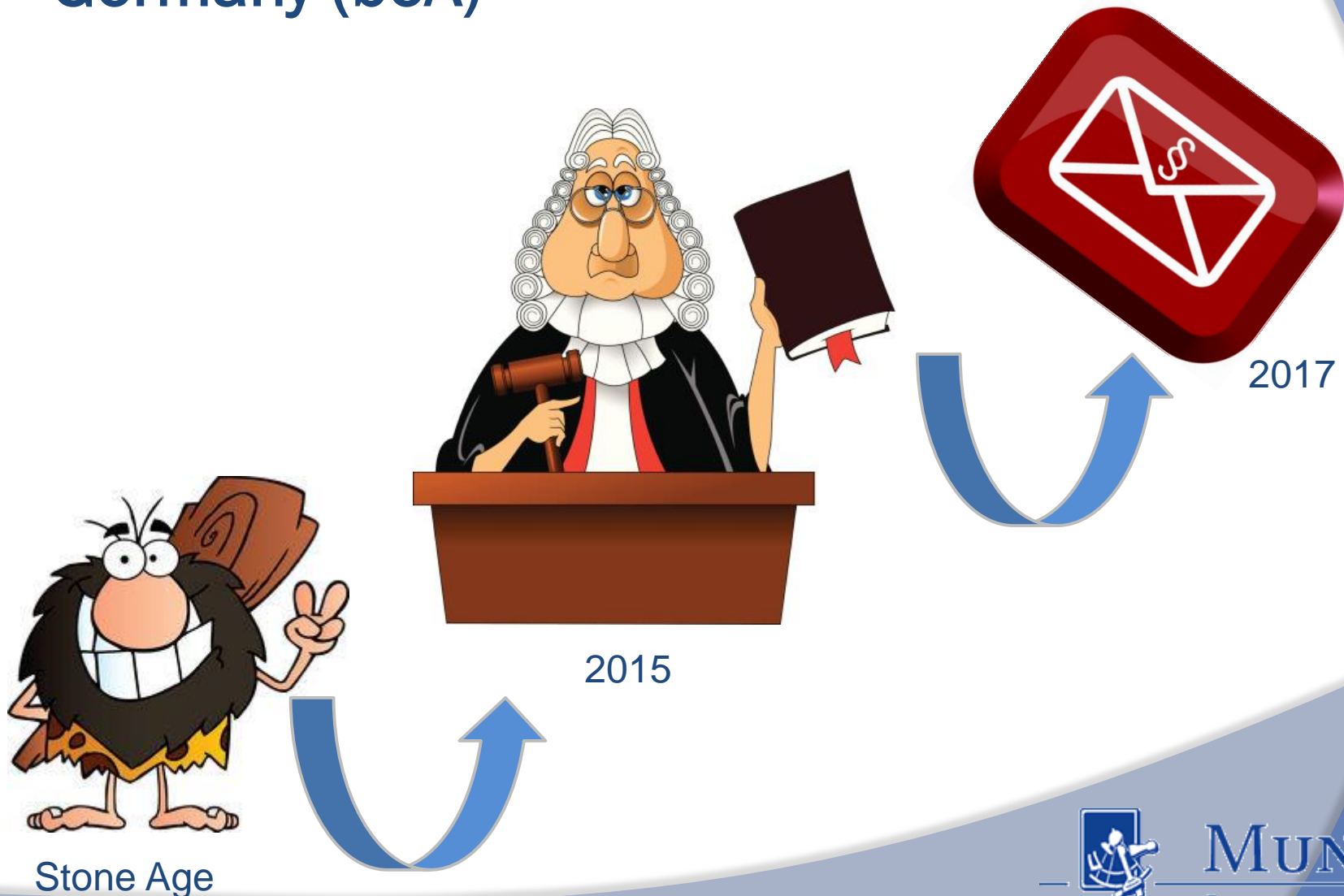


Software for law firms

- three providers share about 66 % of the market
- RA-Micro with a market share of 27,25 % (<https://www.ra-micro.de/>) followed by ReNoStar with 22.14% (<https://www.renostar.de/>) and ReNoFlex with 16, 71%
- the evolution is going towards web-based and mobile applications.



Special Electronic Mailbox for lawyers in Germany (beA)



Special Electronic Mailbox for lawyers

The law on the promotion of electronic legal transactions imposes an obligation on the Federal Bar Association to set up a special electronic mailbox for each lawyer.

§ 31 a BRAO

For each attorney, a special electronic mailbox is to be set up, which will be used for the electronic communication of attorneys, the so-called beA.

Time table

- ✓ Released since 28.11.2016
- ✓ Until 31.12.2017 voluntary use
- ✓ From January 1, 2018, passive use is obligatory
- ✓ From 01.01.2022 active use is mandatory



Special Electronic Mailbox for lawyers

- beA is compulsory (in contrast to the previous EGVP)!
- Communication between the electronic mailbox and the courts or other lawyers take place via the OSCI standard, which ensures an end-to-end encryption of the content of the E-Mails
- Use of the latest authentication and encryption technologies
- This ensures the confidentiality of communication between attorneys and the courts and authorities
- High security is major difference to conventional mail systems.
- Verifiability of message transmission by news journal
- The processing takes place via own servers of the BRAK
- Financing is provided by the lawyers, e.g. by means of an increase in the membership fee to the local Bar



Special Electronic Mailbox for lawyers

Communication

- Electronic legal transactions will initially be limited to
 - the Civil, family, labor, social and administrative courts
- Voluntary jurisdiction
- An exception has been made for the Constitutional and criminal courts due to their particular position and their highly sensitive data.



Special Electronic Mailbox for lawyers

- **beA is implemented for**
 - ✓ Lawyers
 - ✓ In-house lawyers (2 cards)
 - ✓ Bar Associations
 - ✓ Authorities, tax offices
 - ✓ Debt counselling institutions
 - ✓ Chambers of commerce

There is no beA for law firms!



MUNZ
RECHTSANWÄLTE

Special Electronic Mailbox for lawyers

technical requirements

- ✓ beA card
- ✓ Card reader
- ✓ SAFE ID



- The web application is available at www.bea-brak.de
- Interfaces to office software systems used by the lawyers are not developed yet.

Special Electronic Mailbox for lawyers

To whom messages may be addressed:

- Courts
 - Attention; The court must have opened the electronic mailbox system, which can be viewed at www.justiz.de
 - Special regulation for:
 - Protective letters
 - judicial dunning procedures
 - Public Registers
- Every lawyer registered in Germany
 - Effective access depends however until 31.12.2017 on a special declaration of each lawyer
- Clients



Special Electronic Mailbox for lawyers

Technical transformations

- ✓ Size of a single message: max. 30 MB
 - ✓ Number of attachments / files: max. 100 files
 - ✓ Restriction applies to lawyer / court
-
- An extension of the admissible message size and number of attachments is discussed and should be possible in the medium and longer term
 - When a message is received, the user gets an e-mail, informing him about the delivery of a message in his beA



Special Electronic Mailbox for lawyers

- **Further developments planned**
 - special electronic mailbox for Notaries (beN)
 - Electronic legal traffic in land register matters
 - Electronic archives for notaries
 - Special governmental mailbox (beBPo)
 - Interfaces to other systems, e.g. De-Mail



Many thanks for your attention!

Dr. Christoph Munz

MUNZ Rechtsanwälte

Louis-Braille-Str. 5

01099 Dresden

Tel 0351 46906-0

Fax 0351 46906-891

munz@munz-anwaelte.de

www.munz-anwaelte.de



MUNZ
RECHTSANWÄLTE